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1. Tables of the Trade and Navigation of the Dominion of Canada, for the fiscal year ended 30th June, 1885. Presented to the House of Commons, 1st March, 1886, by Hon. M. Bowell—
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CONTENTS OF VOLUME No. 2.

2. Public Accounts of Canada, for the fiscal year ended 30th June, 1885. Presented to the House of Commons, 1st March, 1886, by Hon. A. W. McLelan. Estimates of the sums required for the service of the Dominion, for the year ending 30th June, 1887; presented 24th March, 1886. Supplementary Estimates of Canada for the fiscal year ending 30th June, 1886; presented 26th May, 1886. Supplementary Estimates of Canada for the fiscal year ending 30th June, 1887; presented 28th May, 1886.....*Printed for both Distribution and Sessional Papers.*

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3. Annual Report of the Auditor-General on Appropriation Accounts, for the fiscal year ended 30th June, 1885. Presented to the House of Commons, 1st March, 1886, by Hon. A. W. McLelan.....*Printed for both Distribution and Sessional Papers.*

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4. Annual Report of the Department of Indian Affairs, for the year ended 31st December, 1885. Presented to the House of Commons, 3rd March, 1886, by Sir John A. Macdonald—
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5. Annual Report, Returns and Statistics of the Inland Revenues of the Dominion of Canada, for the fiscal year ended 30th June, 1885. Presented to the House of Commons, 1st March, 1886, by Hon. J. Costigan.....*Printed for both Distribution and Sessional Papers.*

5a. Canal Statistics for season of navigation, 1885, being Supplement No. 1 to the Inland Revenue Report, for the year ended 30th June, 1885. Presented to the House of Commons, 3rd May, 1886, by Hon. J. Costigan. Twelfth Report on Inspection of Weights, Measures and Gas, being Supplement No. 2 to the Report of the Department of Inland Revenue. Presented 2nd June, 1886.....*Printed for both Distribution and Sessional Papers.*

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- 6.** Annual Report of the Department of Militia and Defence of the Dominion of Canada, for the year ended 31st December, 1885. Presented to the House of Commons, 4th March, 1886, by Sir Adolphe Caron.....*Printed for both Distribution and Sessional Papers.*
- 6a.** Report upon the suppression of the rebellion in the North-West Territories, and matters in connection therewith, in 1885. Presented to the House of Commons, 20th May, 1886, by Sir Adolphe Caron.....*Printed for both Distribution and Sessional Papers.*

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- 7.** Annual Report of the Postmaster-General, for the year ended 30th June, 1885. Presented to the House of Commons, 5th March, 1886, by Sir Hector Langevin—
Printed for both Distribution and Sessional Papers.
- 8.** Annual Report of the Department of the Interior, for the year ended 31st December, 1885. Presented to the House of Commons, 8th March, 1886, by Hon. Thos. White—
Printed for both Distribution and Sessional Papers.
- 8a.** Annual Report of the Commissioner of the North-West Mounted Police Force, for the year 1885. Presented to the House of Commons, 24th March, 1886, by Sir Hector Langevin—
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- 8b.** Detailed Report upon all claims to land and right to participate in the North-West Half-breed grant by settlers along the South Saskatchewan and vicinity west of Range 26, West 2nd Meridian, being the settlements commonly known as St. Louis de Langevin, St. Laurent or Batoche and Duck Lake. Presented to the House of Commons, 15th April, 1886, by the Hon. Thos. White.....*Printed for both Distribution and Sessional Papers.*

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- 9.** Annual Report of the Secretary of State of Canada, for the year ended 31st December, 1885. Presented to the House of Commons, 12th March, 1886, by Hon. J. A. Chapleau—
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- 9a.** Synopsis of companies incorporated under the Canada Joint Stock Companies Act of 1869 and 1877, from 7th May, 1869, to 31st December, 1885. Presented to the House of Commons, 12th March, 1886, by Hon. J. A. Chapleau*Not printed.*
- 10.** Annual Report of the Minister of Agriculture for the Dominion of Canada, for the year ended 31st December, 1885. Presented to the House of Commons, 15th April, 1886, by Hon. J. Carling.....*Printed for both Distribution and Sessional Papers.*
- 10a.** Criminal Statistics for the year 1884.....*Printed for both Distribution and Sessional Papers.*

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- 10b.** Report on Canadian Archives, 1885. Presented to the House of Commons, 20th May, 1886, by Hon. J. Carling.....*Printed for both Distribution and Sessional Papers.*
- 10c.** Abstracts of the Returns of Mortuary Statistics for the year 1885—
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- 11.** Eighteenth Annual Report of the Department of Marine, for the fiscal year ended 30th June, 1885. Presented to the House of Commons, 1st March, 1886, by Hon. G. E. Foster—
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- 11a.** Report of the Chairman of the Board of Steamboat Inspection for the calendar year ended 31st December, 1885..... *Printed for both Distribution and Sessional Papers.*

- 11b.** Annual Report of the Department of Fisheries, Dominion of Canada, for the year 1885. Presented to the House of Commons, 27th May, 1886, by Hon. G. E. Foster—
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- 11c.** Report of the second Hudson Bay Exploration, under the command of Lieut. A. R. Gordon, R.N., 1885. Presented to the House of Commons, 10th May, 1886, by Hon. G. E. Foster—
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- 11d.** Charts showing the mean, monthly and annual temperatures of Hudson Bay region and eastern Canada, September, 1884, to October, 1885, by Andrew R. Gordon. Presented to the House of Commons, 10th May, 1886, by Hon. G. E. Foster..... *Not printed.*

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- 12.** Annual Report of the Minister of Public Works of Canada, for the fiscal year ended 30th June, 1885, on the works under his control. Presented to the House of Commons, 26th February, 1886, by Sir Hector Langevin.....*Printed for both Distribution and Sessional Papers.*
- 13.** Annual Report of the Minister of Railways and Canals for the past fiscal year, from 1st July, 1884, to 30th June, 1885, on the works under his control. Presented to the House of Commons, 8th March, 1886, by Hon. J. H. Pope.....*Printed for both Distribution and Sessional Papers.*
- 13a.** Reports and Railway Statistics of Canada, and capital, traffic and working expenditure of the railways of the Dominion, 1884-85. Presented to the House of Commons, 7th May, 1886, by Sir Hector Langevin..... *Printed for both Distribution and Sessional Papers.*
- 14.** Abstract of Statements of Fire and Inland Marine Insurance Companies in Canada, for the year 1885. Presented to the House of Commons, 2nd April, 1886, by Hon. A. W. McLellan—
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- 15.** Annual Report of the Ministers of Justice as to Penitentiaries in Canada, for the year ended 30th June, 1885. Presented to the House of Commons, 1st March, 1886, by Hon. J. S. D. Thompson.....*Printed for both Distribution and Sessional Papers.*
- 15a.** Correspondence, Reports of the Minister of Justice, and Orders in Council upon the subject of provincial legislation, 1867-84. Presented to the House of Commons, 1st April, 1886, by Hon. J. S. D. Thompson.....*Printed for Distribution only.*
- 16.** Report of the Joint Librarians of Parliament on the state of the Library of Parliament. Presented to the House of Commons, 25th February, 1886, by Hon. Mr. Speaker—
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- 17.** Shareholders in the Chartered Banks of the Dominion of Canada, as on the 31st December, 1885. Presented to the House of Commons, 17th March, 1886, by Hon. A. W. McLellan—
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- 18.** Accounts of the late Province of Canada and the Provinces of Ontario and Quebec with the Dominion of Canada, from 1st July, 1867, to 30th June, 1885. Presented to the House of Commons, 29th May, 1886, by Hon. A. W. McLellan—
Printed for both Distribution and Sessional Papers.
- 19.** Return to an Order of the House of Commons, dated 30th March, 1885, for a Return showing the date and hour of departure from Toronto and arrival at Brockville of all trains on the Grand Trunk Railway carrying Her Majesty's mails, from 1st February to the 30th April, in the years 1881, 1882, 1883, 1884, and in the present year up to the date of the Return; also the date and hour of departure from Brockville and Ottawa and of arrival at Ottawa and Brockville of all similar trains on that portion of the Canadian Pacific Railway between the two points last named during the same periods of time. Presented to the House of Commons, 1st March, 1886—*Mr. Cameron (Middlesex)*..... *Not printed.*

- 19a.** Supplementary Return to an Order of the House of Commons, dated 24th February, 1885, for copies of the Returns as required to be made under the Consolidated Railway Act of 1879 and the Acts in amendment thereof of 1881 and 1884, by the Grand Trunk Railway Company, for the fiscal year 1883-84, in each case separately; and 1st. The number of miles of main line of Grand Trunk, with statement of actual total cost of construction and equipment thereof. The separate cost per mile of construction thereof, without rolling stock. The total amount of capital account now standing against the said railway, including its equipment. 2nd. A statement in detail showing the several branches or side lines now owned by the said company, including the number of miles in each, with the amounts severally paid for each. How such amounts were paid; whether paid in cash or securities, and the statement and character thereof in detail. The amount for which each of such securities was sold, and the net amounts which were realized in each. 3rd. A statement in detail of any railway line or lines leased by the Grand Trunk Company or agreed to be worked by them on a percentage of earnings or other terms, with the length of each of such lines and the conditions in detail of the agreements in relation thereto. 4th. A statement in detail of any interest the Grand Trunk Railway may have in any other railway or railways, with the securities in detail that they may hold in relation thereto. 5th. A statement in detail of the net earnings of each of the railways mentioned in the four preceding clauses after the payment of working expenses for the past financial year of each of the said railways, with a statement in detail of the percentage that working expenses bear in each case to the gross earnings. 6th. Whether any and what amounts were paid by the Grand Trunk Company towards the construction of the Toronto and Ottawa Railway; and the amount thereof, with the statement of the gross as well as the net earnings of the said railway for the past financial year of the said railway; and a statement of where these funds came from; also a statement as to where they appear in the accounts of the Grand Trunk Company's accounts or returns. Presented to the House of Commons, 1st March, 1886.—*Mr. Mitchell*.....*Not printed.*
- 19b.** Return to an Order of the House of Commons, dated 24th February, 1885, for a list of the names, in detail, with the residence or business address of each of the several stockholders of the Grand Trunk Railway Company of Canada, on the first day of January, last. Presented to the House of Commons, 2nd March, 1886.—*Mr. Mitchell*.....*Not printed.*
- 20.** Return to an Address of the House of Commons to His Excellency the Governor General, dated 3rd March, 1884, for a statement showing the respective amounts of Dominion, Provincial and Municipal money paid, or grants of land given, either by way of bonus or otherwise, paid towards the construction or equipment of railways (other than the Canadian Pacific Railway) since Confederation, with dates of such payments and names of the respective railways so aided. Presented to the House of Commons, 1st March, 1886.—*Mr. Mulock*.....*Not printed.*
- 20a.** Return to an Order of the House of Commons, dated 1st March, 1886, for a Return showing all grants of land made to Mr. Valin, M.P., in the North-West Territories, with the date of the Letters Patent therefor, the quantity, location, price and payments; also all grants so made either to Mr. Valin alone, or to others jointly with him. Presented to the House of Commons, 16th March, 1886.—*Mr. Casgrain*.....*Not printed.*

CONTENTS OF VOLUME No. 12.

- 20b.** Return to an Order of the House of Commons, dated 29th March, 1886, for a Return showing:
1. The total number of acres of grazing land placed under lease up to 1st March, 1886.
 2. The names of grazing land lessees who have cattle upon their leaseholds, the number of acres in each leasehold, the date of the lease, the location of the land covered by the same, the number of lease, the number of cattle reported on each leasehold, the date when the leasehold was first stocked with cattle, and the aggregate area covered by such leases.
 3. The names of grazing lands lessees who have not placed cattle upon their leaseholds, the number of acres in each leasehold, the location of the land covered by the same, the number of the lease, and the aggregate area covered by such leases.
 4. The total revenue derived from pasture land leases.—All Returns asked for to be brought down to 1st March, 1886. Presented to the House of Commons, 22nd April, 1886.—*Mr. Charlton*.....*Printed for Sessional Papers only.*

- 20c.** A certified copy of a Report of a Committee of the Honorable the Privy Council, approved by the Honorable the Deputy Governor in Council on the 19th day of May, 1885, respecting the North-West Coal and Navigation Company. Presented to the House of Commons, 28th April, 1886, by Hon. Thos. White.....*Not printed.*
- 20d.** A certified copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 29th March, 1886, respecting the Winnipeg and Hudson Bay Railway and Steamship Company. Presented to the House of Commons, 28th April, 1886, by Hon. Thos. White.....*Not printed.*
- 20e.** Return to an Address of the Senate to His Excellency the Governor General, dated 4th May, 1886, for a list giving the names of all persons occupying, under annual leases, Government properties situated in the Seignior of Sorel. Presented to the Senate, 19th May, 1886.—*Hon. Mr. Guévremont*.....*Not printed.*
- 20f.** Copies of Orders in Council, correspondence, etc., relating to grants of Dominion Lands to the following railway companies: Wood Mountain and Qu'Appelle Railway Company; North-West Central Railway Company; and Manitoba and North-Western Railway Company. Presented to the House of Commons, 27th May, 1886, by Hon. Thos. White.....*Not printed.*
- 21.** Return to an Order of the House of Commons, dated 7th May, 1883, for copies of all correspondence, reports, accounts and other papers relating to any claim made by D. B. Woodworth and others, for compensation for gravel, said to have been taken from claimants' land for use on the Pembina Branch of the Canadian Pacific Railway; together with a copy of the evidence respecting such claim taken before the Board of Dominion Arbitrators, showing the amount claimed and the award, if any, made by said Arbitrators, and what sums have been paid thereunder. Presented to the House of Commons, 1st March, 1886.—*Mr. Casey*.....*Not printed.*
- 22.** Statement of all superannuations and retiring allowances in the Civil Service during the year ended 31st December, 1885, giving the name and rank of each person superannuated, or retired; his salary, age, length of service, allowance granted him on retirement, cause of his superannuation, and whether the vacancy has been subsequently filled, and, if so, whether by promotion or by new appointment, and the salary of the new appointee, under the Act 46 Victoria, chapter 8, section 15. Presented to the House of Commons, 1st March, 1886, by Hon. A. W. McLelan.....*Printed for Sessional Papers only.*
- 22a.** Return to an Order of the House of Commons, dated 2nd April, 1884, for copies of all correspondence, papers and telegrams between the Government or any member thereof, and any person or persons, relating to the superannuation of James Hearn, late Preventive Officer at Arichat, N.S.; and also all correspondence and telegrams relating to the appointment of his successor and the continuance of the latter in office. Presented to the House of Commons, 9th March, 1886.—*Mr. Kirk*.....*Not printed.*
- 22b.** Return to an Order of the House of Commons, dated 4th March, 1886, for a Return showing:
1st. The name of each person on the superannuation list on the first of January, A.D. 1886.
2nd. The date at which each of such persons was superannuated. 3rd. The amount paid into the superannuation fund by each person now on the list. 4th. The total amount paid to each person now on the superannuation list up to the first of January, 1886. Presented to the House of Commons, 20th April, 1886.—*Mr. McMullen*.....*Not printed.*
- 23.** Statement of payments charged to Unforeseen Expenses under Orders in Council, from 1st July, 1885, to date; in accordance with the Act 48 Victoria, chapter 41. Presented to the House of Commons, 1st March, 1886, by Hon. A. W. McLelan—
Printed for Sessional Papers only.
- 24.** Statement of Governor General's Warrants issued since last Session of Parliament, on account of fiscal years 1885-86; issued under the authority of 41 Victoria, chapter 7, section, 32, subsection 2. Presented to the House of Commons, 1st March, 1886, by Hon. A. W. McLelan—
Not printed.
- 25.** Return to an Order of the House of Commons, dated 16th February, 1885, for a Return showing the expenses, in detail, with dates, incurred by the several members of the Govern-

- ment and any other person or persons in the service of the Government, sent to England or elsewhere, on behalf of the Government, from 28th January, 1884, to date. Presented to the House of Commons, 3rd March, 1886.—*Mr. Somerville (Brant)*.....*Not printed.*
26. Return to an Address of the House of Commons to His Excellency the Governor General, dated 12th March, 1885, for copies of all correspondence between the Government of Prince Edward Island and the Government of the Dominion, since the last Session of Parliament, relating to the claim made by the former Government for moneys expended by them in the construction and maintenance of piers and wharves, from 1st July, 1873, to January, 1883; also of all reports made to the Minister of Public Works, or any of his officials, since last Session upon such claims, together with all Orders in Council made thereon. Presented to the House of Commons, 3rd March, 1886.—*Mr. Davies*.....*Printed for Distribution only.*
- 26a. Return to an Order of the House of Commons, dated 5th March, 1886, for copies of all correspondence with the Department of Public Works, the Minister of Railways and Canals, and the Minister of Marine and Fisheries, relative to repairs of the public wharf at Port Hastings, Inverness, N.S. Presented to the House of Commons, 31st March, 1886.—*Mr. Cameron (Inverness)*.....*Not printed.*
27. Return to an Order of the House of Commons, dated 27th April, 1885, for copies of correspondence and petitions on the subject of the cases of criminal libel against Saunders and Wood, tried in December, 1884, before a judicial functionary in the North-West Territories. Presented to the House of Commons, 3rd March, 1886.—*Mr. Blake*.....*Not printed.*
28. Return (*in part*) to an Address of the House of Commons to His Excellency the Governor General, dated 9th March, 1885, for a copy of the short-hand notes of the argument before the Privy Council in the late dispute between Manitoba and the Province of Ontario, as to the westerly boundary of the Province of Ontario; also copy of the claim as presented by the Attorney-General of Ontario before the Privy Council; also a statement of the reasons given by the Attorney-General of Ontario for abandoning his claim to that part of the territory lying between the Lake of the Woods and the Rocky Mountains; also a copy of all correspondence between the Government of the Dominion and the Government of Ontario in reference to the arbitration and award, and also in reference to the decision of the Privy Council not already moved for or brought down. Presented to the House of Commons, 3rd March, 1886.—*Mr. Rykert*.....*Printed for Sessional Papers only.*
- 28a. Return to an Address of the House of Commons to His Excellency the Governor General, dated 8th March, 1886, for copies of all correspondence between the Government of Canada and the Government of Ontario in reference to proposed Imperial legislation to confirm the decision of the Queen in Council upon the west and north-west boundaries of Ontario. Presented to the House of Commons, 1st April, 1886.—*Mr. Mills*—
Printed for Sessional Papers only.
29. Draft of the Revised Statutes of Canada, laid before Parliament on the 3rd February, 1885, with which have been incorporated the Acts passed in the Session held in the 48th and 49th years of Her Majesty's reign. Presented to the House of Commons, 3rd March, 1886, by Hon. J. S. D. Thompson.....*Not printed.*
- 29a. Return in conformity with the Act 31 Victoria, chapter 1, section 14, Distribution of the Statutes of Canada during the year 1885. Presented to the House of Commons, 8th March, 1886, by Hon. J. A. Chapleau.....*Not printed.*
30. Return to an Order of the House of Commons, dated 1st March, 1886, for a Return showing the names of all persons who tendered for the contract for carrying the mail from Calgary to Fort McLeod, the amount of each tender, to whom the contract was let, together with all papers and correspondence relating to said contract. Presented to the House of Commons, 4th March, 1886.—*Mr. Landerkin*.....*Not printed.*
- 30a. Return to an Order of the House of Commons, dated 3rd March, 1886, for a Return of the number of post offices established in the Muskoka, Parry Sound and Nipissing districts, with the cost and revenue of each office for each year respectively, since 1879. Presented to House of Commons, 22nd March, 1886.—*Mr. Cook*.....*Not printed.*

- 30b.** Return to an Order of the House of Commons, dated 5th March, 1886, for copies of all reports made by Inspector Sweetnam concerning alleged irregularities in connection with the management of Pickering post office, in the county of Ontario, and in particular of his report upon the investigation held by him at the village of Pickering in December, 1883; and copies of all correspondence between Inspector Sweetnam and the Post Office Department relating in any way to charges made against the management of said post office, and a copy of instructions to the inspector given upon such report. Presented to the House of Commons, 19th April, 1886.—*Mr. Edgar*.....*Not printed.*
- 31.** Return to an Order of the House of Commons, dated 1st March, 1886, for a Return of the receipt and expenditure, in detail, chargeable to the Consolidated Fund, from the 1st day of July, 1884, to the 1st day of March, 1885, and from the 1st day of July, 1885, to the 1st day of March, 1886. Presented to the House of Commons, 5th March, 1886.—*Sir Richard Cartwright.*
Printed for Distribution only.
- 32.** Return to an Address of the House of Commons to His Excellency the Governor General, dated 9th March, 1885, for copies of all papers, letters, correspondence and Minutes of Council relative to making Port Mulgrave, in the county of Guysboro', a sub-port of Port Hawkesbury, in the county of Inverness. Presented to the House of Commons, 5th March, 1886.—*Mr. Kirk.*
Not printed.
- 33.** Return to an Order of the House of Commons, dated 23rd April, 1883, for a Return of the number of children's carriages imported into Canada each and every year from the 1st July, 1878, to the 1st July, 1882, with the amount of duty collected in each year. Presented to the House of Commons, 5th March, 1886.—*Mr. McCraney*.....*Not printed.*
- 34.** Return to an Order of the House of Commons, dated 27th April, 1885, for copies of all papers, orders, letters, vouchers, correspondence or any other memoranda whatever in the possession or under the control of the Department of the Minister of Customs, or any of the members of the Government, or of any of the officials of the Government, relating to, or in any way connected with, the alleged violations of the Customs laws by swearing to false invoices, or in any other mode, by one John Leander McKenzie, of Canning, King's county, Nova Scotia, and of the firm of Sheffield & McKenzie, of the same place, with a copy of the decision of the Customs Department in such cases. Presented to the House of Commons, 5th March, 1886.—*Mr. Moffat*.....*Not printed.*
- 34a.** Supplementary Return to an Order of the House of Commons, dated 27th April, 1885, for copies of all papers, orders, letters, vouchers, correspondence or any other memoranda whatever in the possession or under the control of the Department of the Minister of Customs, or any of the members of the Government, or of any of the officials of the Government relating to, or in any way connected with, the alleged violations of the Customs laws by swearing to false invoices, or in any other mode, by one John Leander McKenzie, of Canning, King's county, Nova Scotia, and of the firm of Sheffield & McKenzie of the same place, with a copy of the decision of the Customs Department in such cases. Presented to the House of Commons, 27th April, 1886.—*Mr. Moffat*.....*Not printed.*
- 35.** Return (*in part*) under Resolution of the House of Commons, passed on the 20th February, 1882, on all subjects affecting the Canadian Pacific Railway, respecting details as to: 1. The selection of the route. 2. The progress of the work. 3. The selection or reservation of land. 4. The payment of moneys. 5. The laying out of branches. 6. The progress thereon. 7. The rates of tolls for passengers and freight. 8. The particulars required by the Consolidated Railway Act and amendments thereto, up to the end of the previous fiscal year. 9. Like particulars up to the latest practicable date before the presentation of the Return. 10. Copies of all Orders in Council and of all correspondence between the Government and the railway company, or any member or officer of either, relating to the affairs of the company. Presented to the House of Commons, 8th March, 1886, by Hon. A. W. McLellan—
Printed for Sessional Papers only.
- 35a.** Supplementary Return under Resolution of the House of Commons, passed on the 20th February, 1882, on all subjects affecting the Canadian Pacific Railway, respecting details as to: 1. The selection of the route. 2. The progress of the work. 3. The selection or reserva-

tion of land. 4. The payment of moneys. 5. The laying out of branches. 6. The progress thereon. 7. The rates of tolls for passengers and freight. 8. The particulars required by the Consolidated Railway Act and amendments thereto, up to the end of the previous fiscal year. 9. Like particulars up to the latest practicable date before the presentation of the Return. 10. Copies of all Orders in Council and of all correspondence between the Government and the railway company, or any member or officer of either, relating to the affairs of the company. Presented to the House of Commons, 11th March, 1886, by Hon. J. H. Pope—

Printed for Sessional Papers only.

35b. Return of correspondence between the Canadian Pacific Railway Company and the Department of the Interior, as required by Resolution of the House of Commons of the 20th February, 1882. Presented to the House of Commons, 11th March, 1886, by Hon. Thos. White—

Printed for Sessional Papers only.

35c. Articles of agreement entered into between Andrew Onderdonk and Her Majesty Queen Victoria, represented by the Minister of Railways and Canals of Canada, to erect and complete a combined passenger and freight building at North Bend; one at Chinaman's Ranche, and one at Pennie's, on the Canadian Pacific Railway, in British Columbia. Also between Wilson and McCrady and Her Majesty Queen Victoria, represented by the Minister of Railways and Canals of Canada, to erect a ten-stall engine house on the station ground of the Canadian Pacific Railway at North Bend, British Columbia. Also between Messrs. Head, Wrightson & Company and Her Majesty Queen Victoria, represented by the Minister of Railways and Canals of Canada, to supply iron piles, caps and points for the Canadian Pacific Railway Wharf at Port Moody, British Columbia. Presented to the House of Commons, 19th March, 1886, by Hon. J. H. Pope.....*Printed for Sessional Papers only.*

35d. Return to an Address of the House of Commons to His Excellency the Governor General, dated 5th March, 1886, for copies of all correspondence between the Government, or any member of the Government, with the Canadian Pacific Railway Company and the North Shore Railway Company, and between the two companies concerning the prolongation of the line of the Canadian Pacific Railway to the harbor of Quebec; of all contracts between the said two railway companies in reference to the same; of all Orders in Council passed in reference to the same; together with a statement of all moneys paid by the Government, and of the names of the persons to whom such payments were made, also in reference to the same, and in conformity with the Acts 47 Victoria, chapter 8, and 48-49 Victoria, chapter 58. Presented to the House of Commons, 15th April, 1886.—*Mr. Laurier*.....*Printed for Sessional Papers only.*

35e. Return to an Order of the House of Commons, dated 29th March, 1886, for copies of any agreements or contracts entered into between the Canadian Pacific Railway Company and the Northern Railway Company of Canada, and the Hamilton and North-Western Railway Company as lessees of the Northern and Pacific Junction line from Gravenhurst to Callander, providing for through rates and fares and proper traffic arrangements for freight and passengers over the line of the Canadian Pacific Railway, as stipulated in the agreement of 12th April, 1884, under which the Government granted the subsidy of \$12,000 per mile for the construction of the railway from Gravenhurst to Callander. Presented to the House of Commons, 15th April, 1886.—*Mr. Edgar*.....*Printed for Sessional Papers only.*

35f. Copies of letters from James A. Dickey, Office of Government Inspecting Engineer, summit of the Selkirks, enclosing extracts from diary, as to weather reports, snow-slides, etc. Presented to the House of Commons, 3rd May, 1886, by Hon. J. H. Pope—

Printed for both Distribution and Sessional Papers.

36. Return under Act 48-49 Victoria, chapter 3, intituled: "An Act to provide for the taking of the Census in the Province of Manitoba, the North-West Territories and the District of Keewatin." Presented to the House of Commons, 9th March, 1886, by Hon. J. Carling—

Printed for Sessional Papers only.

36a. Report of expenditure incurred on account of the Census of 1881, required by the "Census and Statistics Act, 1879." Also a report of all things done and expenditure made under the Act 48-49 Victoria, chapter 3, intituled: "An Act to provide for the taking of a Census in the Province of Manitoba, the North-West Territories and the District of Keewatin." Presented to the House of Commons, 15th March, 1886, by Hon. J. Carling.....*Not printed.*

- 36b.** Return to an Address of the House of Commons to His Excellency the Governor General, dated 31st March, 1886, for a copy of the appointment of Angus McDonald, of Upper Washabuck, Victoria county, N.S., as census enumerator in 1881; also copies of all correspondence between the Government, or any member thereof, and any other person relative to the cancellation thereof. Presented to the House of Commons, 29th April, 1886.—*Mr. Kirk.....Not printed.*
- 37.** Return to an Order of the House of Commons, dated 30th March, 1885, for a Return showing the number of persons who, on the 30th June, 1884, had deposits in the Post Office Savings Bank of the following amounts:—Number having sums not exceeding \$100; number having sums between \$100 and \$300; number having sums between \$300 and \$500; number having sums between \$500 and \$1,000; and (if any) number having sums exceeding \$1,000, and the amount (if any) of the several sums exceeding \$1,000, and in each class giving the number of males and females depositing, also the Province in which the deposit was made, and the same information in all respects regarding depositors in the Government Savings Banks. Presented to the House of Commons, 9th March, 1886.—*Mr. Fairbank.....Not printed.*
- 37a.** Return to an Order of the House of Commons, dated 31st March, 1886, for a Return showing the amount held by the Government, through the several savings banks and Post Office Savings Banks throughout the Dominion, on the 30th June last, giving the location of each savings bank or Post Office Savings Bank, and the sum held by the Government through each separately. Presented to the House of Commons, 7th May, 1886.—*Mr. McMullen.....Not printed.*
- 38.** Return to an Order of the House of Commons, dated 27th April, 1885, for a statement showing :
 1. The number of lots sold in the township of Viger, Témiscouata, belonging to the Indians, the amount of the sale and the name of the purchaser. 2. The payments made to the Department, to the agent, Mr. G. H. Deschêne, and to Mr. Antoine LeBel, showing in detail the date of such payments, when made and the amount of each payment. 3. A detailed statement of the amounts transmitted to the Department by Messrs. Deschêne and LeBel, out of all moneys received by them up to date, and the date of such transmission. 4. Copies of the report of Mr. Dingman, on the occasion of his visit to the Viger agency, in September, 1884. 5. Copies of correspondence with the Department in relation to the claims of Edouard Morin, and others, for lands purchased by them in the said Indian Reserve. Presented to the House of Commons, 9th March, 1886.—*Mr. De St. Georges.....Not printed.*
- 38a.** Return to an Order of the House of Commons, dated 4th March, 1886, for copies of minutes of the councils held by the Six Nation Indian chiefs during the month of December, 1885. Presented to the House of Commons, 22nd March, 1886.—*Mr. Paterson (Brant).....Not printed.*
- 38b.** Return to an Address of the House of Commons to His Excellency the Governor General, dated 4th March, 1886, for a Return showing the amounts of money paid to Chief Kah-ke-wa-quo-na-by (otherwise known as Chief Jones) editor of "The Indian Newspaper," during the past four years, with a statement of the services rendered for such payments, and all correspondence and Orders in Council in connection therewith. Presented to the House of Commons, 23rd March, 1886.—*Mr. Somerville (Brant).....Not printed.*
- 38c.** Return (*in part*) to an Address of the Senate to His Excellency the Governor General, dated 16th April, 1885, for copies of all correspondence between the Government of the United States and that of Canada, relative to the presence of American Indians on Canadian soil, all communications from officers of the Mounted Police upon that subject, and all Orders in Council or Departmental instructions relating thereto, which have not already been published in the Annual Report of the Indian Branch of the Department of the Interior. Also an estimate of the increase or decrease of the Indian population of the North-West, based upon the numbers who were paid at the various treaties made in 1871, and subsequent years, and the number now paid; such information regarding the number of Indians who have adopted agricultural pursuits not hitherto printed, and copies of complaints (if any) from the Aborigines Protection Society, the bishops and clergy of the various missionary bodies in the North-West, and from others, regarding the treatment of the Indians of the North-West. Also an approximate estimate of the cost of food supplies furnished to these Indians since Treaty No. 1, in 1871. Presented to the Senate, 23rd March, 1886.—*Hon. Mr. Schultz.....Not printed.*

- 38d.** Return to an Order of the House of Commons, dated 8th March, 1886, for reports made by persons not in the service of the Government to whom samples of flour for the Indians in the North-West were submitted for inspection during the years 1883, 1884, and 1885. Presented to the House of Commons, 12th April, 1886.—*Mr. Paterson (Bran)*.....*Not printed.*
- 38e.** Return to an Address of the House of Commons to His Excellency the Governor General, dated 31st March, 1886, for a copy of the Order in Council appointing certain persons as inspectors or commissioners of Indian Affairs in the North-West in the year 1878, together with the report, if any, of said inspectors or commissioners. Presented to the House of Commons, 14th April, 1886.—*Mr. Landerkin*.....*Not printed.*
- 38f.** Return to an Address of the House of Commons to His Excellency the Governor General, of the 4th March, 1886, for a Return showing copies of all reports, communications, letters or other papers from any Government agent or other person, to any member of the Government or to any Department of the Government, since the first of April, 1882, referring to the insufficiency of the food, either as to quality or quantity, supplied by the Government to any Indians in the North-West Territories, or referring to the case of any North-West Indians who may have suffered or died from starvation. Presented to the House of Commons, 14th April, 1886.—*Mr. Mulock*.....*Not printed.*
- 38g.** Return to an Order of the House of Commons, dated 1st April, 1886, for copies of all correspondence between the Superintendent-General of Indian Affairs, or any official of the Indian Department, or the revising officer for West Elgin, and Mr. Beattie, Indian Agent for the Indian Reserve in the township of Orford, in regard to his duties or action in connection with the registration of Indian voters, or as to the qualification of any Indian. Presented to the House of Commons, 21st April, 1886.—*Mr. Casey*.....*Not printed.*
- 38h.** Return to an Order of the House of Commons, dated 31st March, 1886, for a Return showing :
1. A copy of all contracts with I. G. Baker & Co. for supplies agreed to be furnished by them to the Indians for the years 1884 and 1885. 2. A copy of all accounts for such supplies for said years by said I. G. Baker & Co. Presented to the House of Commons, 28th April, 1886.—*Mr. Cameron (Huron)*.....*Not printed.*
- 38i.** Return to an Order of the House of Commons, dated 8th March, 1886, for a Return of all statements and estimates made by the Department of Indian Affairs, of moneys due to Indians under the Robinson Treaty ; also of all correspondence and documents whatever in relation to the same subject. Presented to the House of Commons, 4th May, 1886.—*Mr. Dawson*—
Not printed.
- 39.** Return to an Order of the House of Commons, dated 8th April, 1885, for a statement of all sums entered in the Public Accounts of Canada as having been expended for railways, canals and navigation in British Columbia, the North-West Territories, Keewatin, Manitoba, Ontario, Quebec, New Brunswick, Prince Edward Island, Nova Scotia proper, and Cape Breton Island, up to the 1st January, 1885 ; also the superficies and population of each of the said divisions of Canada respectively. Presented to the House of Commons, 9th March, 1886.—*Mr. Vanasse*—
Printed for Sessional Papers only.
- 40.** Return to an Order of the House of Commons, dated 27th April, 1885, for a Return of all moneys received by the Government as export duty levied on oak, pine and spruce logs since Confederation, up to 1st January, 1885, showing the amounts received from each shipping point where such duties were levied, giving in detail the amounts collected each year, and giving the names of each person from whom duties have been collected, and also the amounts he or she has paid each year. Presented to the House of Commons, 9th March, 1886.—*Mr. Edgar*.....*Not printed.*
- 41.** Return to an Address of the House of Commons to His Excellency the Governor General, dated 12th March, 1885, for copies of all reports, Orders in Council and correspondence, not already ordered, on the subject of the effect of the decision of the Supreme Court as to the License Act of 1883, and of the steps to be taken to review the same, and of the steps to be taken under the Act meanwhile, with copies of all letters or telegrams to the commissioners or inspectors giving them instructions as to their conduct or action, or information as to the intentions or action of the Government. Presented to the House of Commons, 9th March, 1886.—*Mr. Blake*.....*Printed for Sessional Papers only.*

- 41a.** Return to an Address of the House of Commons to His Excellency the Governor General, dated 2nd March, 1885, for the number and title of all causes entered for argument upon the docket of the Supreme Court of New Brunswick *in banco*, the date of each entry thereof, the date of the argument of each cause, and the date when judgment was given in each cause, the Return to include all causes from 1st May, 1879, to 31st December, 1884, and to specify the causes in which questions arising under the provisions of the Canada Temperance Act of 1878 or the Liquor License Act of 1883 were involved, and the cities or counties in which said actions were brought or such questions were first raised. Presented to the House of Commons, 31st March, 1886.—*Mr. Foster*.....*Not printed.*
- 41b.** Return to an Address of the House of Commons to His Excellency the Governor General, dated 19th April, 1886, for a statement of the names of all cases in which judgment has been given by the Supreme Court of Canada, the reports of which have not yet been published, together with the respective dates on which such judgments were delivered. Presented to the House of Commons, 11th May, 1886.—*Mr. Barker*.....*Not printed.*
- 42.** Return to an Order of the House of Commons, dated 1st March, 1886, for a Return in the form used in the statements usually published in the *Gazette*, of the exports and imports from the 1st day of July, 1884, to the 1st day of February, 1885, and from the 1st day of July, 1885, to the 1st day of February, 1886, distinguishing the products of Canada and those of other countries. Presented to the House of Commons, 9th March, 1886.—*Sir Richard Cartwright*—
Not printed.
- 43.** Return to an Address of the House of Commons to His Excellency the Governor General, dated 1st March, 1886, for a copy of the report of the medical men appointed by the Government to enquire into the mental condition of Louis Riel, after his conviction. Presented to the House of Commons, 9th March, 1886.—*Mr. Coursol*—
Printed for both Distribution and Sessional Papers.
- 43a.** Memorandum of Sir Alexander Campbell in the case of Louis Riel, convicted of treason and executed therefor. Presented to the House of Commons, 11th March, 1886, by Hon. J. A. Chapleau.....*Printed for both Distribution and Sessional Papers.*
- 43b.** Return to an Address of the House of Commons to His Excellency the Governor General, dated 5th March, 1886, for copies of all commissions, letters, telegrams or instructions whatsoever, given, furnished or sent by the Government, by any minister or ministers, or any officer of the Department of Justice, to His Honor Mr. Justice Hugh Richardson, in relation to the trial of Louis Riel at Regina. Also copies of any instructions given to any person whomsoever on the staff of the court presided over by the said judge, and to the counsel representing the Government at the said trial. Presented to the House of Commons, 12th March, 1886.—*Mr. Amyot*.....*Printed for both Distribution and Sessional Papers.*
- 43c.** Return to an Address of the House of Commons to His Excellency the Governor General, dated 3rd March, 1886, for copies of all documents forming the record in the case of Her Majesty against Louis Riel, tried at Regina, including the jury list, the names of the jurors challenged and by whom they were challenged, the list of the jurors empannelled, the motions and affidavits filed, the evidence, the incidents of the trial, the addresses of counsel and of the prisoner, the charge of the judge; the names of the judges or assistant judges who tried the case, the names of the counsel for the prosecution and for the defence; and, in short, of every document whatsoever relating to the trial, and also of the verdict and of the recommendation to the mercy of the court. Presented to the House of Commons, 15th March, 1886.—*Mr. Amyot*.....*Printed for both Distribution and Sessional Papers.*
- 43d.** Return to an Address of the House of Commons to His Excellency the Governor General, dated 4th March, 1886, for: 1. A copy of the shorthand notes of the application to postpone the trial of Louis Riel for one month from the 21st July, 1886; the arguments of prisoner's counsel in favor of and the arguments of the Crown counsel against such postponement, and the observations and decisions or rulings of the judge thereon. 2. The shorthand notes of that portion of Charles Nolin's cross-examination wherein Riel's counsel endeavored to establish Riel's insanity; Riel's protests against that line of defence and his desire to dispense with

- the services of his counsel; and the arguments of counsel and the observations and decisions or rulings of the judge thereon. Presented to the House of Commons, 15th March, 1886.—*Mr. Cameron (Huron)*.....*Printed for both Distribution and Sessional Papers.*
- 43e.** Petitions addressed to His Excellency the Governor General:—Of A. B. Dunnet, and others, of Regina, N.W.T., and of A. G. Hamilton, and others, of Moosomin, N.W.T., severally praying that the sentence passed upon Louis Riel be not disturbed in any way; that the law be permitted to take its course, and that Executive clemency be refused. A communication signed by James Boddy, district secretary, on behalf of the Loyal Orange Association of West Toronto, urging the carrying out of the sentence of death passed upon Louis Riel. Also a letter addressed to the Honorable the Privy Council, signed by Charles O'Hara, of Cranbourne, in the province of Quebec, laborer, setting forth the necessity of the carrying out of the sentence of death passed upon Louis Riel. Presented to the House of Commons, 18th March, 1886, by Hon. J. A. Chapleau.....*Printed for both Distribution and Sessional Papers.*
- 43f.** Return to an Address of the House of Commons to His Excellency the Governor General, dated 4th March, 1886, for copies of all petitions, communications and representations in favor of the commutation of the sentence of Louis Riel. Presented to the House of Commons, 23rd March, 1886.—*Mr. Laurier*.....*Printed for both Distribution and Sessional Papers.*
- 43g.** The Queen *versus* Louis Riel, accused and convicted of the crime of high treason. Report of the trial at Regina; Appeal to the Court of Queen's Bench, Manitoba; Appeal to the Privy Council, England; Petition for medical examination of the convict; List of petitions for commutation of sentence. Presented to the House of Commons, 11th March, 1886, by Hon. J. A. Chapleau.....*Printed for Distribution only.*
- 43h.** Return (*in part*) to an Order of the House of Commons, dated 4th March, 1886, for copies of all papers found in the council room of the insurgents, or elsewhere at Batoche, especially including: 1. The diary of Louis Riel. 2. The minute book and Orders in Council of the insurgent council. 3. The correspondence of Louis Riel. Presented to the House of Commons, 17th May, 1886.—*Mr. Laurier*.....*Printed for Sessional Papers only.*
- 43i.** Supplementary Return to an Order of the House of Commons, dated 4th March, 1886, for copies of all papers found in the council room of the insurgents, or elsewhere at Batoche, especially including: 1. The diary of Louis Riel. 2. The minute book and Orders in Council of the insurgent council. 3. The correspondence of Louis Riel. Presented to the House of Commons, 17th May, 1886.—*Mr. Laurier*.....*Printed for Sessional Papers only.*
- 44.** Report of the Commissioner, Dominion Police, in compliance with the Act 31 Victoria, chapter 73. Presented to the House of Commons, 11th March, 1886, by Hon. J. S. D. Thompson—
Not printed.
- 44a.** Return to an Order of the House of Commons, dated 19th April, 1886, for a Return showing the names and number of those who acted as police scouts during the North-West insurrection; also the names of those who have since applied for a land grant bounty for said services, the same as that given to the volunteers. Presented to the House of Commons, 11th May, 1886.—*Mr. Sproule*.....*Not printed.*
- 45.** Return to an Address of the House of Commons to His Excellency the Governor General, dated 5th March, 1886, for copies of all Orders in Council in relation to the Half-breed prisoners in the North-West, passed during the three months next preceding the 16th November, 1885. Presented to the House of Commons, 11th March, 1886.—*Mr. Desaulniers (Maskinongé)*—
Not printed.
- 45a.** Return to an Order of the House of Commons, dated 4th March, 1886, for a Return showing the number of Half-breeds of the North-West Territories who proved their claims before the Commission at Fort Qu'Appelle, Touchwood Hills, Qu'Appelle Valley, Regina, Maple Creek, Calgary, Fort McLeod, Pincher Creek, Edmonton, St. Albert, Fort Saskatchewan, Victoria, Fort Pitt, Battleford, Prince Albert, Batoche, Duck Lake, Forks of Saskatchewan, Fort à la Corne, Cumberland House, Moose Jaw and Willow Branch, in the North-West Territories; also at Grand Rapids, in Keewatin, and Winnipeg and Griswold, in Manitoba, giving in each

- case the number of heads of families and minors; also the number of males and females; also copies of all the petitions filed in the Department of the Interior praying that grievances be redressed, with the names of such petitioners, distinguishing those who had their claims already settled in Manitoba and those who had not; also the number of Manitoba Half-breeds who proved their claims prior to the 20th of April last on the supplementary list, and those who have proved their claims since that date. Presented to the House of Commons, 24th March, 1886.—*Mr. Ross*.....*Printed for both Distribution and Sessional Papers.*
- 45b. Supplementary Return to an Order of the House of Commons, dated 7th March, 1883, for copies of all correspondence and memorials relating to the claims of the inhabitants of Prince Albert, and the neighboring districts in the North-West Territories, in respect of the lands they occupy, and to other matters affecting their condition. Presented to the House of Commons, 5th April, 1886.—*Mr. Blake*.....*Printed for both Distribution and Sessional Papers.*
- 45c. Return to an Address of the House of Commons to His Excellency the Governor General, dated 14th April, 1886, for copies of all the depositions or other evidence submitted in favor of Half-breeds or Metis sentenced to imprisonment in the gaol at Regina and in the Provincial Penitentiary of Manitoba; and also all depositions submitted on behalf of André Nault and Abraham Monteur, Metis prisoners confined at Regina and Battleford. Presented to the House of Commons, 17th May, 1886.—*Mr. Mills*.....*Printed for Sessional Papers only.*
46. Return to an Order of the House of Commons, dated 4th March, 1886, for a Return showing, in detail, sums borrowed by way of temporary loan by the Government, on 1st March, 1886, from banks or other parties, in Canada or elsewhere. Presented to the House of Commons, 11th March, 1886.—*Sir Richard Cartwright*.....*Not printed.*
47. Return to an Address of the House of Commons to His Excellency the Governor General, dated 9th March, 1885, for copies of all memorials and papers presented to the Government, or any member thereof, relating to the Canada Temperance Act by deputations, on Thursday, the 19th February last. Presented to the House of Commons, 11th March, 1886.—*Mr. Kranz*—*Not printed.*
- 47a. Return to an Order of the House of Commons, dated 4th March, 1886, for a Return showing the amount paid P. M. Barker, of Orangeville, returning officer under the Canada Temperance Act for the county of Dufferin, Ontario, for the vote taken under the provisions of said Act on the 30th day of October, 1884, giving a detailed statement of his account and the amount paid him, giving each item separately. Presented to the House of Commons, 15th March, 1886.—*Mr. McMullen*.....*Not printed.*
- 47b. Return to an Order of the House of Commons, dated 29th March, 1886, for a Return showing the amount paid to P. R. Jarvis, Esq., of the city of Stratford, county of Perth, returning officer under the Temperance Act for the county of Perth, Ontario, for the vote taken under the provisions of the Act on the 18th day of June, 1885; a detailed statement of all monies paid to such returning officer, for what purpose, and to whom paid by him. Presented to the House of Commons, 15th April, 1886.—*Mr. Trow*.....*Not printed.*
- 47c. Return to an Order of the House of Commons, dated 28th April, 1886, for a Return showing the number of establishments now in operation in Canada in which liquors of all kinds are manufactured; the number of hands employed; the amount of capital invested, and wages paid to employees during the year ending 31st December, 1885. Presented to the House of Commons, 6th May, 1886.—*Mr. Robertson (Shelburne)*.....*Not printed.*
- 47d. Return to an Order of the House of Commons, dated 28th April, 1886, for a statement showing the amount of liquor of all kinds manufactured in Canada during the year 1885; the amount of same exported, and the estimated value of same. Presented to the House of Commons, 6th May, 1886.—*Mr. Robertson (Shelburne)*.....*Not printed.*
- 47e. Return to an Order of the House of Commons, dated 28th April, 1886, for a statement showing the amount of liquor of all kinds imported into Canada during the year 1885, and duties collected for same. Presented to the House of Commons, 11th May, 1886.—*Mr. Robertson (Shelburne)*.....*Not printed.*

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- 48.** The Civil Service List of Canada, on the 1st July, 1885, under the 59th section of the Civil Service Act. Presented to the House of Commons, 3rd May, 1886, by Hon. J. A. Chapleau—
Printed for both Distribution and Sessional Papers.
- 48a.** A Return of the names and salaries of all persons appointed to or promoted in the Civil Service during the year ending 1885, specifying the office to which each has been appointed or promoted. (Section 58, sub-section 2, "Civil Service Act.") Presented to the House of Commons, 15th March, 1886, by Hon. J. A. Chapleau..... *Printed for Sessional Papers only.*
- 49.** Detailed statement of all bonds and securities registered in the Department of the Secretary of State of Canada, in conformity with the Act 31 Victoria, chapter 37, section 15. Presented to the House of Commons, 12th March, 1886, by Hon. J. A. Chapleau..... *Not printed.*
- 50.** Return of expenditure under appropriation of \$2,300,000 to defray expenses and losses arising out of the troubles in the North-West Territories, from 1st July, 1885, to 15th March, 1886; and subsidiary statement, "Hudson Bay Company's Supplies." Presented to the House of Commons, 30th March, 1886, by Hon. A. W. McLelan—
Printed for both Distribution and Sessional Papers.
- 50a.** Report of the Board of Examiners for the Civil Service in Canada, for the year ended 31st December, 1885. Presented to the House of Commons, 19th April, 1886, by Hon. J. A. Chapleau..... *Printed for both Distribution and Sessional Papers.*
- 51.** Return to an Order of the House of Commons, dated 27th April, 1885, for copies of all correspondence, reports, recommendations and representations received at, and sent from, the Department of Customs since the year A.D. 1880 to this day, on the subject of the Richibucto harbor, the Customs business done thereat, and in any way relating to the Customs service thereat, including all claims made for extra services by or on behalf of any preventive officer of the ports of Richibucto and Kingston. Presented to the House of Commons, 15th March, 1886.—*Mr. Landry (Kent)*..... *Not printed.*
- 51a.** Return to an Order of the House of Commons, dated 5th March, 1886, for copies of all correspondence with the Department of Public Works relative to protection required to the north of Smith's Island to prevent the total destruction of Port Hood harbor, Inverness, N.S.; also a copy of the engineer's report thereon. Presented to the House of Commons, 31st March, 1886.—*Mr. Cameron (Inverness)*..... *Not printed.*
- 51b.** Return to an Order of the House of Commons, dated 29th March, 1886, for copies of all correspondence between the Municipal Council of Bayfield or other persons and the Department of Public Works, in reference to the repairs to the harbor of Bayfield. Presented to the House of Commons, 6th April, 1886.—*Sir Richard Cartwright*..... *Not printed.*
- 52.** Return to an Address of the House of Commons to His Excellency the Governor General, dated 5th March, 1886, for copies of all documents forming the record in the cases of Her Majesty against the different parties tried in connection with the late rebellion, including the jury lists, the names of the jurors, the lists of the jurors empannelled, the motions and affidavits filed, the evidence, the incidents of the trial, the charges of the judge, the names of the judges who tried the different cases, the names of the counsel for the prosecution and for the defence, the pleas entered, the verdicts and the sentences, and, in short, of every document whatever relating to the said trials. Presented to the House of Commons, 15th March, 1886.—*Mr. Laurier*..... *Printed for both Distribution and Sessional Papers.*
- 52a & b.** A Supplementary Return and a final Supplementary Return to an Address of the House of Commons to His Excellency the Governor General, dated 5th March, 1886, for copies of all documents forming the record in the cases of Her Majesty against the different parties tried in connection with the late rebellion, including the jury lists, the names of the jurors, the lists of the jurors empannelled, the motions and affidavits filed, the evidence, the incidents of the trial, the charges of the judge, the names of the judges who tried the different cases, the names of

the counsel for the prosecution and for the defence, the pleas entered, the verdicts and the sentences, and, in short, of every document whatever relating to the said trials. Presented to the House of Commons, 19th March, 1886.—*Mr. Laurier*—

Printed for both Distribution and Sessional Papers.

- 52c.** Message from His Excellency the Governor General, transmitting copies of certain letters of a confidential character respecting the rebellion in the North-West Territories during the year 1885. Presented to the House of Commons, 29th March, 1886, by Hon. Mr. Speaker—

Printed for both Distribution and Sessional Papers.

- 52d.** Return to an Order of the House of Commons, dated 29th March, 1886, for a Return showing all sums of money paid to any member or members of this House or the Senate, on account of services rendered in connection with the North-West rebellion, giving the names, the services performed and the respective sums paid each, the date at which the services commenced and terminated; also all sums paid on account of travelling expenses, outfit or otherwise, giving each name, amount paid, what for, and date of payment, separately. Presented to the House of Commons, 11th May, 1886.—*Mr. McMullen*. *Not printed.*

- 52e.** Return to an Address of the Senate to His Excellency the Governor General, dated 5th April, 1886, for a Return setting forth the total amount of the claims which have been already acknowledged by the Government for losses sustained by the Hudson Bay Company and private parties, arising out of the North-West rebellion, up to the 1st March, 1886, giving the names and amounts. Presented to the Senate, 20th May, 1886.—*Hon. Mr. Alexander*—

Not printed.

- 52f.** Return to an Address of the Senate to His Excellency the Governor General, dated 7th April, 1886, for copies of the commission or commissions, and instructions issued to the commissioners appointed to enquire into and report upon the losses sustained in the North-West Territories during the recent rebellion. Presented to the Senate, 20th May, 1886.—*Hon. Mr. Power*—

Printed for Sessional Papers only.

- 53.** The Governor General transmits to the House of Commons, copies of despatches and other papers with reference to the transfer of Cape Race lighthouse and steam fog-whistle from the Imperial Government to the Government of the Dominion of Canada. Presented to the House of Commons, 19th March, 1886, by Hon. G. E. Foster. *Not printed.*

- 53a.** Return to an Address of the House of Commons to His Excellency the Governor General, dated 19th April, 1886, for copies of all correspondence and telegrams between the Government of Canada, or any member thereof, and the late superintendent of Scatterie fog-whistle, and any other person or persons, and any Order or Orders in Council relative to the dismissal or resignation of the said superintendent and the appointment of his successor. Presented to the House of Commons, 2nd June, 1886.—*Mr. Kirk*. *Not printed.*

- 54.** Return to an Address of the House of Commons to His Excellency the Governor General, dated 4th March, 1886, for copies of instructions or circulars issued to revising officers in regard to the performance of their duties under the Electoral Franchise Act of 1885. Presented to the House of Commons, 22nd March, 1886.—*Mr. Casey*. *Not printed.*

- 55.** General statements and returns of baptisms, marriages and burials in the districts of Iberville, Montmagny and Quebec, for the year 1885. Presented to the House of Commons, 22nd March, 1886. General statements and returns of baptisms, marriages and burials in the districts of Arthabaska, Gaspé, Kamouraska, Saguenay and Terrebonne, for the year 1885. Presented to the House of Commons, 19th April, 1886, by Hon. Mr. Speaker. Returns for the district of St. Francis; presented 2nd June, 1886. *Not printed.*

- 56.** Statement of the affairs of the British Canadian Loan and Investment Company, on 31st December, 1885. Presented to the House of Commons, 22nd March, 1886, by Hon. Mr. Speaker.

Not printed.

57. Return to an Address of the House of Commons to His Excellency the Governor General, dated 28th March, 1884, for a statement showing the amount of bonuses that have been granted for railway purposes by the townships of Artemesia, Bentinck, Egremont, Glenelg, Normanby and the town of Durham; also for statement showing the amount expended by the Provincial Government in aid of railways within said townships. Presented to the House of Commons, 24th March, 1886.—*Mr. Thompson (Haldimand)*.....*Not printed.*
58. Return to an Order of the House of Commons, dated 8th March, 1886, for a Return of the expenditure made by the St. John Bridge and Railway Extension Company on their railway and bridge connecting the Intercolonial and New Brunswick Railway, together with a statement of the amounts advanced by the Government to the said company, and the dates of such advances. Presented to the House of Commons, 24th March, 1886.—*Mr. Weldon*.....*Not printed.*
59. Return to an Address of the House of Commons to His Excellency the Governor General, dated 1st March, 1886, for copies of all petitions or memorials received by the Government, since the 1st January, 1882, from riparian owners on the Richelieu river, complaining that the piers constructed in the said river near the towns of St. John and Iberville by the Stanstead, Shefford and Chambly Railway Company raise the waters of the said river, and that their lands are consequently flooded, and praying for relief. Presented to the House of Commons, 24th March, 1886.—*Mr. Béchard*.....*Not printed.*
60. Return to an Address of the House of Commons to His Excellency the Governor General, dated 30th March, 1885, for a copy of the report of the commissioners appointed to enquire into the claims of the merchants and fishermen of Prince Edward Island for a refund of duties paid by them in the years 1871 and 1872, on fish exported to the United States. Also all instructions furnished to said commissioner, and all correspondence between the commissioner and the Government, or any of the Departments, relating to the said refund, or the evidence or report of the said commissioner. Presented to the House of Commons, 24th March, 1886.—*Mr. Mills*.....*Not printed.*
61. Return to an Order of the House of Commons, dated 2nd February, 1885, for a Return showing: 1st. The total number of timber licenses or permits to cut timber granted since 1st February, 1883, and the total area covered by such licenses or permits. 2nd. The total amount of bonuses or premiums paid on such licenses or permits. 3rd. The name and residence of each grantee of a timber license or permit; the number of the license or permit; the area covered by each; the date of application for the same; the bonus or premium per square mile paid upon each; whether the survey of each berth or area covered by license or permit was made by the Government previous to granting the same, for the purpose of obtaining information as to its value; and the information, if any, in the possession of the Government as to the quantity, quality and kind of timber upon each; also the location of each berth or limit; also the names of all assignees of such licenses, and the consideration expressed in the assignment. 4th. The Crown dues or stumpage charged or chargeable on each license or permit. 5th. Whether in each case where a license or permit was granted the berth was first put up at public auction after public notice inviting tenders was given, and was sold to the highest bidder, or whether granted upon application from the grantee without public competition being invited. 6th. Copies of all petitions, remonstrances, claims or communications sent or made to the Government respecting such timber licenses or permits; and copies of all correspondence had with the Government respecting such lands, licenses or timber, and the action of the Government thereon. Presented to the House of Commons, 24th March, 1886.—*Mr. Charlton*.....*Not printed.*
- 61a. Return to an Order of the House of Commons, dated 27th April, 1885, for copies of correspondence between the Indians of the Fort William Reserve, or anyone on their behalf, and the Indian Department, and between the Indian Department and Indian agent, whether by telegraph or otherwise, on the subject of the action taken under the existing timber licenses. Presented to the House of Commons, 1st April, 1886.—*Mr. Blake*.....*Not printed.*
- 61b. Return to an Order of the House of Commons, dated 10th May, 1886, showing the names of the persons who respectively owe the arrears of \$43,860.95, on account of cullers' fees, which appear to be according to the Report of the Department of the Interior for the year 1885, at page 23. Presented to the House of Commons, 10th May, 1886.—*Mr. Casgrain*.....*Not printed.*

- 61c.** Return to an Address of the Senate to His Excellency the Governor General, dated 16th July, 1885, for copies of all memorials, letters or telegrams, addressed to the Department of the Interior or any member of the Privy Council, respecting the land and timber regulations affecting Dominion Lands in British Columbia. Presented to the Senate, 20th May, 1886.—*Hon. Mr. McInnes* *Not printed.*
- 62.** Reports of the Chief Engineer and General Manager, Government Railways; the Dominion Government Agent in British Columbia; and the Engineer who personally directed the Esquimalt and Nanaimo Railway. Presented to the House of Commons, 2nd April, 1886 by Hon. J. H. Pope..... *Printed for Sessional Papers only.*
- 62a.** Copies of telegraphic communications respecting the Esquimalt and Nanaimo Railway. Presented to the House of Commons, 5th April, 1886, by Hon. J. H. Pope—
Printed for Sessional Papers only.
- 63.** Return to an Order of the House of Commons, dated 29th March, 1886, for a copy of the report made F. N. Gisborne in February, 1885, on the application of the inhabitants of Bryer and Long Islands, Digby county, for telegraphic communication with the mainland. Presented to the House of Commons, 5th April, 1886.—*Mr. Vail*..... *Not printed.*
- 64.** Return to an Order of the House of Commons, dated 29th March, 1886, for a statement, in detail, of the several assets forming the sum of \$72,791,837, stated by the Minister of Finance to be available in reduction of the gross debt of the Dominion. Presented to the House of Commons, 5th April, 1886.—*Mr. Charlton*..... *Printed for both Distribution and Sessional Papers.*
- 65.** Return to an Address of the House of Commons to His Excellency the Governor General, dated 27th April, 1885, for copies of all memorials or papers relating to reciprocal trade between the United States and Canada, and of all correspondence between the Government of Canada and the British Government, the British Minister at Washington, or the Government of the United States, upon the subject of reciprocal trade relations with the United States; also copies of all reports, if any, made by agents of the Canadian Government upon the same subject. Presented to the House of Commons, 5th April, 1886.—*Mr. Charlton*—
Not printed.
- 66.** Return to an Order of the House of Commons, dated 4th March, 1886, for a Return of the rolling stock repaired at the Government workshops at Moncton for the Intercolonial Railway during the year ending 31st December, 1885; also of the rolling stock of the said railway repaired at other workshops during the same period, the places where such repairs were made, and the amounts paid. Presented to the House of Commons, 5th April, 1886.—*Mr. Weldon*—
Not printed.
- 66a.** Return to an Order of the House of Commons, dated 4th March, 1886, for a Return of the number of private or official cars built or purchased for the Intercolonial Railway since the year 1878, and the cost of each car. Presented to the House of Commons, 12th April, 1886.—
Mr. Weldon *Not printed.*
- 66b.** Return to an Order of the House of Commons, dated 4th March, 1886, for a Return showing the quantity of rolling stock purchased for the Intercolonial Railway during the last six months of the year ending 31st December, 1885, giving each kind of rolling stock, and whether purchased under contract or otherwise, the parties from whom bought and the cost of each kind. Also a statement showing what has been built in Government workshops of each kind. Presented to the House of Commons, 14th April, 1886. — *Mr. Weldon* *Not printed.*
- 66c.** Return to an Order of the House of Commons, dated 4th March, 1886, for a Return showing the cost and monies expended upon the railway station building in St. John, N.B., and of the furniture and fittings therein, the amount of the several contracts, names of contractors, and the place of manufacture of such furniture and fittings. Presented to the House of Commons, 15th April, 1886.—*Mr. Weldon*..... *Not printed.*

- 66d.** Return to an Order of the House of Commons, dated 27th April, 1885, for copies of a report made by Mr. Joseph Simard, Dominion Arbitrator, under date of 16th October, 1883, recommending that a sum of money should be paid to George Lavoie, of the parish of Ste. Cécile du Bic, for damages caused to his property by the Intercolonial Railway, or fixing the amount of such damages. Presented to the House of Commons, 3rd May, 1886.—*Mr. Langelier*—
Not printed.
- 66e.** Return to an Order of the House of Commons, dated 14th April, 1886, for copies of all documents addressed to the Honorable the Minister of Railways, praying, on the part of Jean Baptiste Plante, of St. Charles, that his claim for two horses killed on the Intercolonial Railway may be referred anew to the Dominion Arbitrators. Presented to the House of Commons, 6th May, 1886.—*Mr. Amyot*.....*Not printed.*
- 66f.** Return to an Order of the House of Commons, dated 28th April, 1886, for copies of the award or report of the Dominion Arbitrators, with the evidence and papers connected therewith, in the matter of claims in connection with section 16 of the Intercolonial Railway, on the part of the estate of the late John Bannon, Esq.; the late William Muirhead, Esq.; William Wilkinson, Esq., and the other claims investigated at the same time as those named above, and connected with the said report or award. Presented to the House of Commons, 31st May, 1886.—*Mr. Mitchell*.....*Printed for Sessional Papers only.*
- 66g.** Return to an Order of the House of Commons, dated 4th March, 1886, for a Return showing the quantity of stores purchased and taken into stock for the Intercolonial Railway during the last six months of the year ending 31st December, 1885, specifying what stores and of what kind purchased under contract, and the names of the several contractors, and the several amounts paid under such contracts. Presented to the House of Commons, 31st May, 1886.—*Mr. Weldon*.....*Not printed.*
- 66h.** Return to an Order of the House of Commons, dated 29th March, 1886, for a Return of the earnings and working expenses of the Intercolonial Railway for each month from 1st July, 1885, to 1st February, 1886, specifying the different sources of earnings and the amount (if any) in each month, credited from mechanical stores account to earnings. Presented to the House of Commons, 31st May, 1886.—*Mr. Weldon*.....*Printed for Sessional Papers only.*
- 66i.** Return to an Order of the House of Commons, dated 4th March, 1886, for a Return showing the number of men employed on the Intercolonial Railway between Campbellton and Halifax and between St. John and Shediac, including the men employed at the different stations, specifying the number at each station and the men employed on the machine shops at Moncton; the number and names of men dismissed or discharged from the employment of the railway since 1st October last, and the several causes of such dismissal or discharges; also any reduction of wages payable to the employees or any of them since the first day of October last. Presented to the House of Commons, 31st May, 1886.—*Mr. Weldon*.....*Not printed.*
- 67.** Return to an Address of the House of Commons to His Excellency the Governor General, dated 8th March, 1886, for copies of all Orders in Council passed for the granting of the subsidy authorized by the Acts 47 Victoria, chapter 8, and 48-49 Victoria, chapter 58, "for a line of railway connecting Montreal with the harbors of St. John and Halifax by the shortest and best practicable route;" of all reports of engineers upon which said Orders in Council may be based, together with a statement of all monies paid in connection with the same, and of all persons to whom such payments may have been made. Presented to the House of Commons, 5th April, 1886.—*Mr. Laurier*.....*Not printed.*
- 67a.** Return to an Address of the House of Commons to His Excellency the Governor General, dated 1st April, 1886, for copies of all correspondence between the Government of the Dominion of Canada and the Government of Nova Scotia, in reference to the Short Line Railway in Nova Scotia, and legislation affecting the same. Presented to the House of Commons, 28th April, 1886.—*Mr. Tupper*.....*Not printed.*
- 67b.** Report of the Chief Engineer of Government Railways, submitting the reports of Messrs. Donken and Hyndman on Cape Breton surveys, 1886. Presented to the House of Commons, 19th May, 1886, by Hon. J. S. D. Thompson—

68. Copy of an agreement between the Chignecto Marine Transport Railway Company (Limited) and Her Majesty Queen Victoria, represented by the Minister of Railways and Canals of Canada, dated 4th March, 1886. Presented to the House of Commons, 5th April, 1886, by Hon. J. H. Pope..... *Not printed.*
69. Return to an Address of the Senate to His Excellency the Governor General, dated 15th April, 1886, for a copy of all correspondence between the Department of Justice and any member of Parliament or others in relation to the investigation which took place last summer in regard to the administration of the penitentiary of St. Vincent de Paul, and the difficulties in the administration of the said institution. Presented to the Senate, 30th March, 1886.—*Hon. M. Bellerose*..... *Not printed.*
- 69a. Return to an Address of the Senate to His Excellency the Governor General, dated 1st March, 1886, for a copy of a protest of the deputy warden of St. Vincent de Paul Penitentiary, Téléphore Ouimet, objecting to the evidence of Hector Demers, summoned as a witness on the 14th July, 1884, being taken before the commission of enquiry named to enquire into the management of the aforesaid penitentiary in 1884. Presented to the Senate, 30th March, 1886.—*Hon. Mr. Bellerose*..... *Not printed.*
- 69b. Return to an Order of the House of Commons, dated 3rd March, 1886, for a Return showing the number of convicts in the Dominion penitentiaries for the years 1884-85, who were employed at work that competes with free labor; the kind of work employed at; the number employed at each kind of work; the number employed outside by contractors; and the amount received per day by the Government for each convict so employed; and where the goods so manufactured were disposed of. Presented to the House of Commons, 22nd April, 1886.—*Mr. Wilson*..... *Not printed.*
70. Message from His Excellency the Governor General, transmitting copies of the several despatches from the Imperial Government in reference to the engineers' certificates of competency in the British mercantile marine. Presented to the House of Commons, 9th April, 1886, by Sir Hector Langevin..... *Not printed.*
71. Return to an Order of the House of Commons, dated 31st March, 1886, for a Return showing the amount of notes of the several banks of the Dominion in circulation on the 1st March last; the amount of Dominion notes in circulation and in the hands of the banks on the same date; and the amount of gold held by the Government and the banks for the redemption of Dominion and bank notes at the same date. Presented to the House of Commons, 14th April, 1886.—*Mr. McMullen*..... *Not printed.*
72. Return to an Order of the House of Commons, dated 27th April, 1886, for copies of all correspondence, minutes of evidence taken, reports, memoranda or telegrams whatsoever, relating to or causing the dismissal of one Brenton H. Dodge, of Kentville, King's county, Nova Scotia, from the office of collector of the port of Kentville, Nova Scotia. Presented to the House of Commons, 15th April, 1886.—*Mr. Moffat*..... *Not printed.*
73. Return to an Order of the House of Commons, dated 29th March, 1886, for a Return showing seizures made at the port of Winnipeg, or any of its outports, by the Customs officers or officials, between 1st January, 1886, and the 11th March, 1886, in which fines were imposed, deposits forfeited, or goods sold after seizure; giving the names of the persons upon whom fines were imposed, who forfeited deposits, or whose goods were sold after seizure; giving the amount of each fine imposed, of each forfeit deposited, and of the amount obtained in each case in which goods were sold; and stating in detail the name, official position and salary of each officer to whom any part of the money so realized was paid, and the amount in each case thus paid to the said officer. Presented to the House of Commons, 15th April, 1886.—*Mr. Paterson (Brant)*..... *Not printed.*
74. Return to an Address of the House of Commons to His Excellency the Governor General, dated 29th March, 1886, for copies of all the evidence, together with the judge's charge, and all other papers relating to the trial of Loison Mongrain for the murder of David L. Cowan, a

- policeman, late of the county of Carleton. Also all petitions, correspondence and Orders in Council relating to the commutation of the death sentence of Loison Mongrain. Presented to the House of Commons, 19th April, 1886.—*Mr. Trow*..... *Not printed.*
75. Message from His Excellency the Governor General, transmitting copies of certain despatches from the Right Honorable the Secretary of State for the Colonies, and of other papers, with reference to the Aspy Bay affair. Presented to the House of Commons, 20th April, 1886, by Sir Hector Langevin.....*Printed for Sessional Papers only.*
76. Return to an Address of the House of Commons to His Excellency the Governor General, dated 19th April, 1886, for copies of all despatches from or correspondence with the Imperial Government, respecting the complaint of the Legislature or Government of Prince Edward Island that the terms of Union between that Island and the Dominion have not been carried out, or with respect to the mission of delegates to the Imperial Government from Prince Edward Island on the subject of such complaint. Presented to the House of Commons, 19th April, 1886.—*Mr. McIntyre*.....*Printed for both Distribution and Sessional Papers.*
- 76a. Supplementary Return to an Address of the House of Commons to His Excellency the Governor General, dated 19th April, 1886, for copies of all despatches from or correspondence with the Imperial Government, respecting the complaint of the Legislature or Government of Prince Edward Island that the terms of Union between that Island and the Dominion have not been carried out, or with respect to the mission of delegates to the Imperial Government from Prince Edward Island on the subject of such complaint. Presented to the House of Commons, 30th April, 1886.—*Mr. McIntyre*.....*Printed for both Distribution and Sessional Papers.*
77. Return to an Order of the House of Commons, dated 29th March, 1886, for a Return of names, tonnage, number of men and armament of steamers or sailing vessels forming the present Marine Police Force of Canada, the extension of which is referred to in the Speech from the Throne. Presented to the House of Commons, 22nd April, 1886.—*M. Mitchell*.....*Not printed.*
- 77a. Return to an Order of the House of Commons, dated 29th March, 1886, for a Return of the numbers and names of United States fishing vessels frequenting the inshores of Canada for fishing and kindred purposes, during each of the several years that the Treaty of Washington has been in operation; also the kinds and estimated quantities of fish taken yearly by each American vessel, and the probable period of each fishing voyage or voyages. Presented to the House of Commons, 22nd April, 1886.—*Mr. Mitchell*.....*Not printed.*
- 77b. Return to an Address of the House of Commons to His Excellency the Governor General, dated 29th March, 1886, for a copy of the Report of the Minister of Marine and Fisheries to the Privy Council under date of 15th December, 1869. Presented to the House of Commons, 22nd April, 1886.—*Mr. Mitchell*.....*Printed for Sessional Papers only.*
- 77c. Return to an Address of the House of Commons to His Excellency the Governor General, dated 1st April, 1886, for copies of all fishery regulations or official notices, and of instructions to fishery officers or other persons commanding the alleged Marine Police Force of Canada, under the Fishery Act of 1868, relative to fishing practices by United States citizens exercising privileges conceded by the Treaty of Washington in common with Canadian fishermen, the said copies to be accompanied by a description of the various instances and of the manner and effect of enforcing the said regulations or notices. Presented to the House of Commons, 28th April, 1886.—*Mr. Mitchell*.....*Not printed.*
- 77d. Return to an Address of the House of Commons to His Excellency the Governor General, dated 5th April, 1886, for copies of all correspondence between the Government of British Columbia, or any person, and the Dominion Government, with regard to the deep-water fisheries on the coast of British Columbia. Presented to the House of Commons, 29th April, 1886.—*Mr. Shakespeare*.....*Printed for Sessional Papers only.*
- 77e. Return to an Order of the House of Commons, dated 19th April, 1886, for a Return giving the number of whitefish fry at the various fish hatcheries of the Dominion for distribution next

spring; also the number of pickerel and black bass; also the instructions that have been given for their distribution. Presented to the House of Commons, 11th May, 1886.—*Mr. Go don—*
Not printed.

- 77f. Return to an Order of the House of Commons, dated 14th April, 1886, for copies of all claims for fishing bounties by Louis Pinault and Michel Pinault, of Ste. Cécile, Bic, fishermen; of all affidavits or declarations in support of the said claims; of all correspondence in relation to such claims between the Department of Fisheries or any other Department of the Government and the said Louis Pinault and Michel Pinault or other persons; also of all reports of fishery overseers in relation to the said claims. Presented to the House of Commons, 14th May, 1886.—*Mr. Langelier—*
Not printed.
78. Return to an Order of the House of Commons, dated 2nd March, 1885, for a Return of the names of the president, vice-president, directors (or provisional directors, as the case may be) and shareholders of the various railway companies for whose lines subsidies have been granted by the Parliament of Canada, and the amount of the stock held by each individual. Presented to the House of Commons, 28th April, 1886.—*Mr Lister—*
Not printed.
- 78a. Papers, correspondence, etc., respecting subsidies to certain railway companies, and towards the construction of certain railways, as follows: Moncton and Buctouche Railway Company; line of railway, Ingersoll to Chatham, Ontario; Northern and Western Railway Company; the Caraqueet Railway Company; Lake Erie, Essex and Detroit Railway Company; Thunder Bay Colonization Railway Company; Parry Sound Colonization Railway Company; railway from New Glasgow to Montcalm, Quebec; railway from Hereford to Eaton, Quebec; railway from St. Félix to Lake St. Gabriel, Quebec; railway from Glenannan to Wingham, Ontario; railway from McCann Station to Joggins, Nova Scotia; railway from L'Assomption to L'Épiphanie, Quebec; Montreal and Western Railway Company; railway from St. Andrews to Lachute, Quebec; Canada Atlantic Railway Company; railway from Truro to Newport, Nova Scotia; Quebec and Lake St. John Railway Company; Cap Rouge and St. Lawrence Railway Company; Long Sault to Lake Témiscamingue; Gananoque to Delta; line of railway along Stewiacke Valley; Perth Station to Plaister Rock Island, New Brunswick; Fredericton to Prince William, New Brunswick; Newcastle to Douglastown, New Brunswick; point on Canadian Pacific Railway to Eganville, Ontario; Napanee, Tamworth and Quebec Railway Company; and Albert Railway Company. Presented to the House of Commons, 27th May, 1886, by Sir Hector Langevin.
Not printed
- 78b. Return to an Address of the House of Commons to His Excellency the Governor General, dated 1st April, 1886, for copies of all petitions from the Legislature of Nova Scotia or any member thereof, and the Dominion Government or any member thereof; and all Orders in Council of either Government, respecting the re-adjustment or increase of the money subsidy paid, or to be paid, by the Dominion Government to the Government of Nova Scotia, not already brought down. Presented to the House of Commons, 31st May, 1886.—*Mr. Kirk—*
Printed for Sessional Papers only.
79. Return to an Address of the House of Commons to His Excellency the Governor General, dated 14th April, 1886, for a copy of the memorial of the North-West Council presented to the Government by Messrs. Wilson and Ross, members of said Council, and of any answer made to said memorial and of any correspondence between the Government and the Lieutenant-Governor of the North-West Territories or other parties in reference thereto. Presented to the House of Commons, 29th April, 1886.—*Mr. Watson—*
Printed for both Distribution and Sessional Papers.
80. Return to an Order of the House of Commons, dated 31st March, 1886, for Return of names, rank and corps of the officers composing the Military Claims Commission, while at Winnipeg; stating also any subsequent changes in the personnel of the Commission, with reasons for the same. Presented to the House of Commons, 3rd May, 1886.—*Mr. Trow—*
Not printed.
- 80a. Return to an Order of the House of Commons, dated 7th April, 1886, for copies of all correspondence between the Minister of Militia and Defence and any official of the Militia Department.

- ment, and any officers of volunteer corps, whether on active service or not, all officials of rifle associations, and other parties, in reference to the character of the ammunition made at the Quebec Cartridge Factory and supplied for use in the field, for practice, or at rifle matches; including reports of all tests of such ammunition made by any such officers or officials of rifle associations. Presented to the House of Commons, 3rd May, 1886.—*Mr. Casey*.....*Not printed.*
- 80b. Return to an Order of the House of Commons, dated 31st March, 1886, for a Return of names of the staff paymasters appointed, showing whether non-combatants or not, with rank and corps of such as were in the active militia; with rate of pay and length of services in all cases. Presented to the House of Commons, 7th May, 1886.—*Mr. Trow*.....*Not printed.*
- 80c. Supplementary Return to an Order of the House of Commons, dated 7th April, 1886, for copies of all correspondence between the Minister of Militia and Defence and any official of the Militia Department, and any officers of volunteer corps, whether on active service or not, all officials of rifle associations, and other parties, in reference to the character of the ammunition made at the Quebec Cartridge Factory and supplied for use in the field, for practice, or at rifle matches; including reports of all tests of such ammunition made by any such officers or officials of rifle associations. Presented to the House of Commons, 11th May, 1886.—*Mr. Casey*.....*Not printed.*
- 80d. Statement of militia pensions, awarded by Order in Council, consequent upon the rebellion of 1885, North-West Territories. Presented to the House of Commons, 13th May, 1886, by Sir Adolphe Caron.....*Printed for Sessional Papers only.*
- 80e. Copy of a Report of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 8th July, 1885, respecting regulations as to pensions and gratuities, rebellion, North-West Territories. Presented to the House of Commons, 13th May, 1886, by Sir Adolphe Caron.....*Printed for Sessional Papers only.*
- 80f. Return to an Order of the House of Commons, dated 31st March, 1886, for copies of instructions to Major Bell, Major-General Laurie, S. L. Bedson, and other non-combatants, employed during the North-West campaign, from the Minister of Militia, Major-General Middleton, or the Adjutant-General of Militia, and of correspondence between the last-named authorities and such non-combatants. Presented to the House of Commons, 13th May, 1886.—*Mr. Trow*—*Printed for Sessional Papers only.*
- 80g. Return to an Order of the House of Commons, dated 31st March, 1886, for a Return showing names of all militia officers and non-combatants appointed as transport and supply officers, giving rank and corps of militia officers, with dates of appointment, rates of pay, by whom appointed, and on whose recommendation, and total payments to each to date. Presented to the House of Commons, 14th May, 1886.—*Mr. Trow*.....*Printed for Sessional Papers only.*
- 80h. Return to an Order of the House of Commons, dated 31st March, 1886, for a Return of all horses, ponies, cattle, furs, waggons, carts and other property seized by the Mounted Police or Expeditionary Force, while on service in the North-West between 27th March and 1st August, with the disposition made of the same, the names of persons from whom such seizures were made, and the amounts (if any) paid, received, or now payable or receivable, on account of such property. Presented to the House of Commons, 14th May, 1886.—*Mr. Trow*—*Printed for Sessional Papers only.*
- 80i. Return to an Order of the House of Commons, dated 31st March, 1886, for a Return stating name, rank and corps of all officers composing the staff of Major-General Middleton, and the capacity in which each served. Presented to the House of Commons, 14th May, 1886.—*Mr. Trow*.....*Printed for Sessional Papers only.*
- 80j. Return to an Order of the House of Commons, dated 31st March, 1886, for copies of all correspondence between one James Anderson and the Minister of Militia, Major-General Middleton, and any member of the Government, with respect to the purchasing of supplies, cost of transport and other expenditure incurred during the North-West Rebellion. Presented to the House of Commons, 14th May, 1886.—*Mr. Trow*.....*Printed for Sessional Papers only.*

- 80k. Return to an Order of the House of Commons, dated 31st March, 1886, for a Return of names of all persons employed as purchasing agents, showing when, by whom, and on whose recommendation appointed, rate of pay, and length of employment. Presented to the House of Commons, 14th May, 1886.—*Mr. Trow*.....*Printed for Sessional Papers only.*
- 80l. Return to an Order of the House of Commons, dated 31st March, 1886, for a Return showing names of all contractors from whom teams were engaged for transport, number of teams engaged from each, with rate of pay per day per team, and the total amount paid to each of such contractors. Presented to the House of Commons, 25th May, 1886.—*Mr. Trow*—
Printed for Sessional Papers only.
- 80m. Return to an Address of the House of Commons to His Excellency the Governor General, dated 31st March, 1886, for copies of all correspondence between the Government of the United Kingdom and the Canadian Government, or any members, officers or employees thereof, respecting the medals to be given to the volunteers who served in the recent insurrection in the North-West. Presented to the House of Commons, 25th May, 1886.—*Mr. Amyot*—
Printed for Sessional Papers only.
81. Return to an Address of the House of Commons to His Excellency the Governor General, dated 19th April, 1886, for copies of all petitions, despatches and correspondence, reports to Council and Orders in Council touching upon and relating to the disallowance of railway charters in Manitoba, not already brought down. Presented to the House of Commons, 3rd May, 1886.—*Mr. Watson*.....*Printed for Sessional Papers only.*
82. Return to an Address of the House of Commons to His Excellency the Governor General, dated 19th April, 1886, for a copy of the report of Mr. Justice Hensley upon the trial of Alexander Gillis, for murder, at Charlottetown, in January last, together with a copy of the report of the Minister of Justice recommending a commutation of the sentence of death passed upon Gillis, and all telegrams and letters upon the subject. Presented to the House of Commons, 3rd May, 1886.—*Mr. Davies*.....*Not printed.*
83. Return to an Order of the House of Commons, dated 5th March, 1886, for copies of all correspondence relative to the dismissal of Isaac McLeod, Esq., Strathbone, Inverness, from the position of postmaster at that place, including the Post Office Inspector's report. Presented to the House of Commons, 3rd May, 1886.—*Mr. Cameron (Inverness)*.....*Not printed.*
84. Copy of an agreement between Her Majesty Queen Victoria, represented by the Minister of Railways and Canals, and the Baie des Chaleurs Railway Company, dated 7th November, 1885. Presented to the House of Commons, 6th May, 1886, by Sir Hector Langevin—
Not printed.
86. Return to an Order of the House of Commons, dated 29th March, 1886, for a Return giving :
1. The number of Chinese immigrants that have arrived in Canada from the 20th day of August, 1885, to the 31st day of January, 1886, specifying the ports at which such immigrants have arrived. 2. The number that have arrived direct from China. 3. The number that have arrived from other countries, specifying the countries. 4. The total amount of duty collected from such immigrants. 5. The number of Chinese that have entered as tourists, merchants, men of science or students. 6. Whether in either case (if any) certificates were presented from the Chinese Government endorsed by the chargé d'affaires, consul or consular agent, or other representative of Her Majesty, at the place where the same was granted, or at the port or place of departure. 7. The cost to the Department of Customs, in consequence of the administration by that Department of the Act restricting and regulating Chinese immigration into Canada. 8. Copies of all the correspondence (if any) between trades unions or other societies, corporate or incorporate, or persons and the Department of Customs, urging more strict supervision over Chinese immigration, together with complaints (if any) against any officer of Customs in connection with the administration of said Chinese Restriction Act. 9. The total number of Chinese persons that have left Canada during the same period. Presented to the House of Commons, 11th May, 1886.—*Mr. Gordon*....*Printed for Sessional Papers only.*

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87. Return to an Address of the House of Commons to His Excellency the Governor General, dated 4th March, 1886, for copies of: 1. All Orders in Council or Departmental Orders respecting the putting in operation "The Act respecting the Electoral Franchise." 2. All correspondence between the Government or any Department of it and said revising officers. Presented to the House of Commons, 25th May, 1886.—*Mr. Cameron (Huron)*.....*Not printed.*
- 87a. Return (*in part*) to an Order of the House of Commons, dated 1st April, 1886, for statements from all revising officers in regard to the arrangements made by them for the printing of the voters' lists in their respective electoral divisions, showing whether tenders were called for, for such printing, or written contracts entered into for its performance, with copies of such contracts; names of parties with whom agreements (written or verbal) were made for such printing, and number of times lists are to be printed; stating rates allowed, per name or otherwise, number of names on first list, whether first list is printed by polling sub-divisions or not, manner of making alterations and additions after first printing, and all other details of such arrangements, agreements and contracts for printing said lists. Presented to the House of Commons, 29th May, 1886.—*Mr. Casey*.....*Not printed.*
88. Memorandum as to whether it has come to the notice of the Government that American tow boats have been towing in British Columbia harbors and within the "three mile limit" in Dominion waters. Presented to the Senate, 19th May, 1886.—*Hon. Mr. Macdonald*...*Not printed.*
89. Return to an Order of the House of Commons, dated 19th April, 1886, for copies of correspondence, not already brought down, between the Government and the captain or any of the crew of the Life-Saving Service at Port Rowan, province of Ontario. Presented to the House of Commons, 27th May, 1886.—*Mr. Jackson*.....*Not printed.*
90. Correspondence, etc., in connection with the suit of *The Queen vs. the St. Catharines Milling and Lumbering Company*. Presented to the House of Commons, 29th May, 1886, by *Hon. Thomas White*.....*Not printed.*
91. Return to an Address of the House of Commons to His Excellency the Governor General, dated 29th March, 1886, for a Return of particulars of any claim made by *John Heney*, of *Ottawa*, for a refund of tolls paid by him upon vessels or wood passing through the Government canals, together with copies of all Orders in Council passed by the Government in relation to such claim, and copies of all correspondence between the Government and the said *John Heney*, or any other person, respecting such claims for refund. Presented to the House of Commons, 31st May, 1886.—*Mr. Trow*.....*Not printed.*

RETURN

(206)

To an ORDER of the HOUSE OF COMMONS, dated 29th March, 1886;—For a Return showing:

1. The total number of acres of grazing land placed under lease up to 1st March, 1886.
2. The names of grazing land lessees who have cattle upon their leaseholds, the number of acres in each leasehold, the date of the lease, the location of the land covered by the same, the number of lease, the number of cattle reported on each leasehold, the date when the leasehold was first stocked with cattle, and the aggregate area covered by such leases.
3. The names of grazing land lessees who have not placed cattle upon their leaseholds, the number of acres in each leasehold, the location of the land covered by the same, the number of the lease, and the aggregate area covered by such leases.
4. The total revenue derived from pasture land leases. All returns asked for to be brought down to 1st March, 1886.

By Command.

J. A. CHAPLEAU,

Secretary of State.

Department of the Secretary of State,
21st April, 1886.

RETURN re Grazing Lands.

| Names of Lessees who have Cattle upon their Leaseholds. | No. of Acres in each Leasehold. | Date of Lease. | Location of the Land covered by the same. | No. of Lease. | No. of Cattle reported upon each Leasehold. | Date when Leasehold was first stocked with Cattle. | Aggregate Area covered by each Lease. |
|--|---------------------------------|-----------------|--|---------------|---|--|---------------------------------------|
| A. Stavely Hill, Esq., Q. C., Assignee of the Collingwood Rancho Co. | 80,000 | 21st June, 1882 | Willow Creek, Alberta..... | 1 | See No. 40..... | ..... | ..... |
| Mount Royal Rancho Co., Assignee of A. P. Patrick. | 12,000 | 24th Aug, 1882 | Ghost and Bow Rivers, Alberta..... | 2 | 484..... | Nothing on record to show. | ..... |
| Moore & Martin..... } Assignees of North-West Cattle Co. } F.S. Stinson | 33,000 | 18th do 1883 | South of Sheep Creek do | 5 | See No. 8..... | Aug., 1884..... | ..... |
| | 55,000 | 18th do 1883 | High River and South of Mosquito Creek, Alberta. | 5 | do 9..... | ..... | ..... |
| Mount Head Rancho Co., Assignees of T. D. Milburne. | 44,000 | 29th do 1882 | South branch High River..... | 6 | 1,595..... | Nothing on record to show. | ..... |
| C. W. Martin, Assignee of C. S. Wilson and others. | 66,000 | 13th July, 1882 | Sheep Creek, Alberta..... | 8 | 2,434..... | do ..... | ..... |
| North-West Cattle Co..... | 59,000 | 21st Sept, 1882 | High River, Alberta..... | 9 | 5,105..... | Aug., 1882..... | ..... |
| Cochrane Rancho Co., Assignees of the Rocky Mountain Cattle Co. | 73,500 | 27th July, 1882 | Belly and Kootenay River, Alberta. | 11 | 6,800..... | Nothing on record to show. | ..... |
| British American Rancho Co., Assignees of Cochrane Rancho Co. | 100,000 | 2nd Aug, 1882 | Bow River, Alberta..... | 13 | 8,200 sheep... 609 horses.. | April, 1882..... | ..... |
| British American Rancho Co., Assignees of E. A. Baynes. | 55,000 | 21st Sept, 1882 | North of Bow River, Alberta..... | 14 | | | Sept., 1883..... |
| British American Rancho Co., Assignees of Hon. A. W. Ogilvy. | 34,000 | 2nd Aug, 1882 | Elbow River, Alberta..... | 15 | | Nothing on record to show. | ..... |
| Military Colonization Co., Assignees of Stewart Rancho Co., Assignees of John Stewart. | 92,000 | 30th Jan, 1883 | Bow River, Alberta..... | 16 | 2,747..... | May, 1882..... | ..... |
| Orrin F. Main, Assignee of Boswell & Esmonde. | 23,000 | 15th Oct, 1882 | Old Man River and Pincher Creek, Alberta. | 17 | 2,379..... | do 1882..... | ..... |
| Bell Bros..... | 22,000 | 18th Aug, 1882 | Old Man River..... | 19 | 300..... | Aug., 1882..... | ..... |
| Ives & Sharp..... | 5,000 | 21st Sept, 1882 | Pincher Creek..... | 24 | 243..... | Sept., 1882..... | ..... |
| Winder Rancho Co..... | 5,600 | 21st do 1882 | Old Man River..... | 25 | 143..... | Nothing on record to show. | ..... |
| Alfrey & Brooke, Assignees of Wm. Steed. | 50,000 | 14th June, 1883 | Willow Creek..... | 26 | 1,778..... | Jan., 1883..... | ..... |
| Garnet Bros..... | 10,000 | 18th Oct, 1882 | Indian Farm Creek..... | 27 | * Included in God-sal's | Nothing on record to show. | ..... |
| G. F. Wechter..... | 20,000 | 14th Nov., 1883 | Old Man River..... | 31 | 1,260..... | Sept., 1884..... | ..... |
| | 7,000 | 18th Oct., 1883 | Belly River..... | 33 | See No. 40..... | Nothing on record to show. | ..... |

| | | | | | | | |
|--|-----------|------------------|--|-----|------------|-------------|----------------------------|
| Ryan & Whitney | 3,000 | 8th Nov, 1882 | Willow Creek and Old Man River | 24 | 330 | Nov, 1883 | Nothing on record |
| Gallagher & Allison | 6,500 | 22nd Dec, 1882 | Fort Macleod | 36 | 363 | | do |
| Bell & Patterson | 6,000 | 10th Mar, 1883 | Belly River | 39 | 474 | | do |
| Oxley Rancho Co | 100,000 | 17th Jan, 1883 | Porcupine Hills, Alberta | 40 | | April, 1883 | |
| Cochrane Rancho Co., Assignees of J. A. Cochrane | 60,000 | 30th April, 1883 | East of and adjoining the Piegan Reserve | 47 | † 6,746 | Sept., 1883 | |
| Cochrane Rancho Co., Assignees of Eastern Townships Rancho Co. | 33,000 | 20th Mar, 1883 | Belly and Kootenay Rivers | 48 | See No. 11 | | |
| Brunskill & Geddes | 13,000 | 25th do | Pincher Creek | 49 | 518 | | Nothing on record to show. |
| W. S. Lee | 25,000 | 15th Aug, 1883 | Middle Branch of Old Man River | 50 | 659 | | do |
| E. H. Maunsell | 4,480 | 2nd Oct, 1883 | Southeast of Fort Macleod | 53 | 476 | | do |
| John Hollies | 29,000 | 1st do | 1883 North of Piegan Reserve | 55 | 23 | | do |
| F. B. H. Cochrane | 55,000 | 20th Dec, 1883 | Little Bow River | 57 | 872 | Sept., 1884 | |
| F. W. Godsal | 20,000 | 2nd Nov, 1883 | Old Man River | 58 | 1,569 | May, 1883 | |
| Sir John Walrond | 100,000 | 26th June, 1884 | North Fork Old Man River | 59 | See 66a | | |
| W. F. N. Scobie | 12,000 | 21st Feb, 1884 | Pincher Creek | 64 | 273 | Sept., 1883 | |
| Joseph McFarland | 13,000 | 24th do | Belly River | 65 | 513 | | Nothing on file to show. |
| Jones, Underwick & McCaul | 100,000 | — April, 1882 | Old Man River | 66 | 1,547 | Aug, 1882 | |
| Walrond Rancho Co., Assignees of Sir John Walrond | 100,000 | 5th do | 1883 North Fork of Old Man River | 66a | 9,788 | do | 1883 |
| Francis White | 12,780 | 21st Feb, 1885 | Bow and Ghost Rivers | 69 | 2,275 | | Nothing on file to show. |
| Alberta Rancho Co., Assignees of F. F. Mackenzie | 27,750 | 20th Dec, 1884 | Indian Farm Creek | 70 | 825 | | do |
| DeWinton & Williams | 15,000 | 20th do | Bow River | 71 | 1,454 | April, 1883 | |
| W. Bell Irving | 5,280 | 7th Aug, 1885 | North of Bow River, West of 5th Meridian | 72 | 151 | | Nothing on file to show. |
| D. McDougall | 6,000 | 21st Nov, 1885 | Ghost River | 74 | 613 | | do |
| | 1,592,290 | | | | | | |

1,592,290

* F. W. Godsal was a partner of Wm. Steed, the assignor.
 † Includes cattle on Wachter's & Collingwood Ranches.

Cattle all returned under Godsal.

RETURN re Grazing Lands—Concluded.

| Names of Lessees who have not placed Cattle upon their Leaseholds. | No. of Acres in each Leasehold. | Location of the Land covered by the same. | No. of Lease. | Aggregate Area covered by such Lease. | Remarks. |
|--|---------------------------------|---|---------------|---------------------------------------|--|
| Wm. Mitchell..... | 42,000 | Belly River..... | 10 | | This leasehold was for several years stocked by the Stewart Rancho Co., but at present they have no stock thereon. |
| Jacob Erratt..... | 5,000 | Willow Creek..... | 20 | | |
| Vowell & Eberts..... | 30,000 | Old-Man River..... | 16 | | |
| D. McEachran, Assignee of Vowell & Eberts..... | 30,000 | do..... | 16a | | |
| J. E. Chipman and others..... | 100,000 | Kootenay River..... | 29 | | It is believed that this ranche is stocked by the Waldron Rancho Co. |
| A. McLaren..... | 8,000 | Belly River..... | 42 | | Sold cattle to Military Colonization Co. in 1885. |
| Moore & Macdowall..... | 22,000 | Tp. 10, R. 23, W. of 4th Mer..... | 62 | | |
| W. F. Regan..... | 100,000 | Milk River..... | 67 | | |
| F. S. Bastow..... | 100,000 | do..... | 68 | | No return of stock received. It is believed that Mr. Ings has a small herd of cattle on his leasehold. |
| L. W. Ings..... | 1,920 | Tp. 18, R. 4, W. of 5th Mer..... | 73 | | |
| Thorpe & Bedells..... | 24,000 | Bow and High Rivers..... | 75 | | No return of stock received. It is believed that Mr. Staunton has a small herd of cattle on his ranche. |
| A. L. Staunton..... | 8,000 | Southwest of Pigan Reserve... | 76 | | |
| Union Ranching Co. | 100,000 | North of Rosebad River..... | 78 | | No return of stock received. Statement from Department of Customs shows that he has imported cattle into Alberta |
| Jos. Ick. Evans..... | 86,000 | do..... | 77 | | |
| Hand-in-Hand Ranching Co. | 100,000 | do..... | 79 | | |
| Michael Oxarat..... | 11,000 | South and west of Cypress Lake | 80 | | |
| S. E. St. Onge Chapleau..... | 100,000 | Big Muddy Creek, Assa..... | 81 | | No return of stock received. It is believed that lessee has a small stock of sheep upon his leasehold. |
| Alex. Begg..... | 2,400 | South of Bow River..... | 33a | | No return received. It is believed that lessee has a small herd of cattle upon his leasehold. |
| Lord Boyle, Assignee of Rivers & McOnlough..... | 5,000 | Old Man River..... | 43 | | |
| David Akers..... | 5,000 | St. Mary and Belly Rivers..... | 56 | | |
| | 860,320 | | | 860,320 | |

NOTE.—The total revenue for grazing lands up to the 1st March, 1886, is \$36,265.51. The total number of acres of grazing lands placed under lease up to 1st March, 1886, is 2,452,610.

STATEMENT

(22)
 Of all Superannuations and Retiring Allowances in the Civil Service during the year ended 31st December, 1885, giving the Name and Rank of each person superannuated or retired, his salary, his age, length of service, the allowance granted to him on retirement, the cause of his superannuation and whether the vacancy has been subsequently filled, and if so whether by promotion or by a new appointment and the salary of the new appointee, under 46 Vic., Cap. 8, Sec. 15.

| Name. | Rank. | Salary. | Age. | Length of Service. | Allowance. | Cause. | Vacancy filled by | Salary of New Appointee. | Remarks. |
|-------------------|---------------------|---------|------|--------------------|------------|-----------------------------------|-------------------|--------------------------|--|
| | | \$ | Yrs. | Years. | \$ | | | \$ | cts. |
| <i>Customs.</i> | | | | | | | | | |
| Gabler, Theo. | Assistant Appraiser | 1,400 | 66 | 26 | 650 00 | Ill-health | Not filled | | 5 years' service added, under 46 Vic., c. 8, sec. 3. |
| Harrison, A. | Clerk | 800 | 40 | 15 | 232 50 | do | do | | |
| Robinson, W. A. | Tide Waiter | 600 | 84 | 25 | 300 00 | do | do | | |
| Crowe, J. F. | Collector | 500 | 61 | 14 | 139 92 | Age, and to promote efficiency | New appointment | 750 00 | |
| Sutherland, Robt. | Tide Waiter | 350 | 77 | 50 | 244 92 | Age and ill-health | Not filled | | |
| Jessup, H. D. | Collector | 1,200 | 78 | 18 | 432 00 | Age | New appointment | 1,200 00 | |
| Peachy, J. W. | Chief Clerk | 2,400 | 58 | 30 | 1,440 00 | To promote efficiency and economy | New appointment | | |
| Wright, Robt. | Sub-collector | 300 | 73 | 13 | 78 00 | Age | Not filled | | |
| McHugh, H. | Sampler and Weigher | 600 | 66 | 45 | 420 00 | Age and ill-health | New appointment | | |
| Bowden, A. G. | do | 600 | 51 | 30 | 360 00 | Ill-health | Not filled | | |
| Weir, W. P. | Tide Surveyor | 1,000 | 53 | 24 | 480 00 | do | Promotion | | |
| Johnstone, G. R. | Messenger | 500 | 62 | 10 | 99 96 | Age | Not filled | | |
| Radsenburg, H. A. | Clerk | 1,200 | 67 | 17 | 408 00 | Ill-health | New appointment | 1,000 00 | |
| Radcliffe, K. | do | 700 | 47 | 30 | 420 00 | do | Not filled | | |
| Lowry, D. J. | Landing Waiter | 406 | 61 | 3 | 100 00 | do | New appointment | 400 00 | |
| Leggett, Wm. | Collector | 1,860 | 74 | 47 | 1,260 00 | Age | do | 1,500 00 | |
| Hay, H. O. | First Class Clerk | 1,700 | 54 | 29 | 967 00 | Ill-health | Not filled | | |
| Schurman, J. B. | Locker | 300 | 78 | 13 | 78 00 | Age | do | | |
| Gray, G. G. | do | 650 | 77 | 21 | 273 00 | do | do | | |
| Wolhampton, H. | Preventive Officer | 150 | 70 | 19 | 57 00 | do | do | | |
| | | 17,160 | | | 8,480 30 | | | 4,850 00 | |

STATEMENT of all Superannuations and Retiring Allowances in the Civil Service, &c. — *Concluded.*

| Name. | Rank. | Salary. | Age | Length of Service. | Allowance. | Cause. | Vacancy filled by | Salary of New Appointee. | Remarks. |
|-----------------------------|----------------------------------|---------|------|--------------------|------------|--------------------|-------------------|--------------------------|--------------------------------------|
| | | \$ | Yrs. | Years. | \$ cts | | | \$ cts | |
| <i>Post Office.</i> | | | | | | | | | |
| Adair, R. A. | Third Class Clerk | 480 | 25 | 4 1/2 | 170 00 | Ill-health | New appointment | 400 00 | Gratuity. |
| Biggs, B. | do | 500 | 34 | 2 1/2 | 114 58 | do | do | 400 00 | do |
| Osoorue, J. | Letter Carrier | 600 | 32 | 11 | 128 40 | do | do | 360 00 | |
| Letch, Jas | Supt. Letter Carrier | 600 | 71 | 31 | 372 00 | do | Not filled. | | |
| Villeneuve, W | Letter Carrier | 330 | 24 | 2 1/2 | 66 00 | do | New appointment | 360 00 | do |
| Simard, L. | do | 510 | 51 | 6 1/2 | 276 25 | do | do | 360 00 | do |
| Catchpole, J. | do | 580 | 28 | 10 | 118 00 | do | do | 360 00 | |
| Armstrong, G. H. | Second Class Clerk | 1,200 | 47 | 29 | 666 96 | do | Promotion | | |
| Gordon, Jas. | do | 1,200 | 47 | 19 | 437 00 | do | do | | |
| Beauregard, F. X. | do | 1,070 | 63 | 21 | 439 56 | Age | New appointment | 400 00 | |
| | | 7,080 | | | 2,782 75 | | | 2,640 00 | |
| <i>Railways and Canals.</i> | | | | | | | | | |
| Morrison, R. | Lock-tender | 627 | 49 | 29 | 363 66 | Ill-health | New appointment | 456 00 | Gratuity Received |
| Bruce, D. R. | Lock-master | 564 | 27 | 9 1/2 | 446 50 | do | do | 285 00 | \$17 per month. |
| Brady, P. | Lock-laborer | 229 | 71 | 40 | 160 30 | Age and ill-health | do | 234 00 | Received \$1 per diem |
| Ledue, G. | Laborer | 293 | 58 | 29 | 169 92 | Ill-health | do | 207 50 | during season of |
| Keeler, G. | do | 326 | 62 | 26 | 174 72 | Age and ill health | do | 286 25 | navigation. |
| Betcher, T. D. | Supt. Engineer Trent Canal Works | 1,600 | 37 | 12 | 361 00 | Ill-health | Not filled | | \$600 of salary was |
| Mellon, J. | Lock-laborer | 330 | 59 | 35 | 231 00 | do | do | | paid by the Public Works Department. |
| | | 3,979 | | | 1,980 10 | | | 1,458 75 | |
| <i>Marine.</i> | | | | | | | | | |
| Gillespie, R. | Light-keeper | 250 | 79 | 23 | 114 96 | Age | New appointment | 250 00 | To date from 1st Oct, |
| McLaughlin, H. | do | 400 | 62 | 11 | 88 00 | Ill-health | do | 500 00 | 1883. |
| Revely, F. | Agent | 1,800 | 48 | 6 | 900 00 | do | do | 1,600 00 | Gratuity. |
| Ross, A. | Light-keeper | 400 | 55 | 14 | 111 96 | Ill-health | do | 400 00 | |
| Love, W. | do | 480 | 64 | 16 | 144 00 | Age | do | 400 00 | |
| | | 8,300 | | | 1,368 92 | | | 3,150 00 | |

| Secretary of State. | 1,800 | 68 | 44 | 1,260 00 | Age and ill-health..... | Not filled | 500 00 | 500 00 | 3 years service added. |
|-----------------------|-------|----|----|----------|------------------------------------|---------------------|----------|--------|------------------------|
| Steele, H. E..... | 1,600 | 52 | 32 | 991 92 | To promote efficiency and economy. | do | 500 00 | 500 00 | do |
| Belanger, J. A..... | 3,400 | | | 2,251 92 | | | | | |
| <i>Library.</i> | | | | | | | | | |
| Laperrière, A..... | 1,800 | 56 | 35 | 1,260 00 | To promote efficiency..... | Promotion..... | 500 00 | 500 00 | Gratuity. |
| Ryan, J. W..... | 700 | 56 | 8½ | 500 76 | Ill-health..... | New appointment.... | | | |
| <i>Privy Council.</i> | | | | | | | | | |
| Grenier, B..... | 500 | 65 | 35 | 350 00 | Age..... | do | 365 00 | | |
| <i>Agriculture.</i> | | | | | | | | | |
| Anderson, A..... | 475 | 55 | 32 | 303 96 | Ill-health..... | Not filled..... | | | |
| <i>Finance.</i> | | | | | | | | | |
| Cherriman, J. B..... | 4,000 | 63 | 22 | 1,760 60 | do | New appointment.... | 2,800 00 | 10 | do |

RECAPITULATION.

| Departments. | Annual Allowances. | Gratuities. | Total Allowances. | Salaries. | Value of New Appointments. | Remarks. |
|--------------------------|--------------------|-------------|-------------------|-------------|----------------------------|----------|
| Customs..... | \$ 8,330 30 | cts. 100 00 | \$ 8,430 30 | \$ 1,150 00 | \$ cts. 4,850 00 | |
| Post Office..... | 2,161 92 | 620 83 | 2,782 75 | 7,080 00 | 2,640 00 | |
| Railways and Canals..... | 1,483 60 | 446 50 | 1,930 10 | 3,979 00 | 1,458 75 | |
| Marine..... | 458 92 | 900 00 | 1,358 92 | 3,300 00 | 3,150 00 | |
| Secretary of State..... | 2,251 92 | | 2,251 92 | 3,408 00 | | |
| Library..... | 1,260 00 | 500 70 | 1,760 70 | 2,500 00 | 500 00 | |
| Privy Council..... | 360 00 | | 360 00 | 500 00 | 365 00 | |
| Agriculture..... | 303 96 | | 303 96 | 475 00 | | |
| Finance..... | 1,760 00 | | 1,760 00 | 4,000 00 | 2,800 00 | |
| | 18,360 62 | 2,568 03 | 20,928 65 | 42,384 00 | 15,763 75 | |

STATEMENT

(23)

Of Payments charged to Unforeseen Expenses, under Orders in Council from 1st July, 1885, to date, in accordance with Act 48 Vic., cap. 41.

| Date of O.C. | To whom Paid. | Service. | Amount. |
|--------------|--|----------------------------|---------|
| 1885. | | | \$ cts. |
| July 13 | Widow of Cornelius Ulric, Superintendent Chambly Canal | Gratuity of 2 mos. salary. | 225 00 |
| do 31 | Widow of R. F. Roy, Letter Carrier, Ottawa Post Office | do ... | 81 66 |
| Sept. 5 | Mother of J. C. Dempsey, Clerk, Hamilton Post Office | do ... | 133 33 |
| Oct. 27 | Widow of H. A. Murphy, Railway Mail Clerk, Quebec Postal Division | do ... | 160 00 |
| 1886. | | | |
| Jan. 13 | Mother of Geo. Mercier, Letter Carrier, Quebec Post Office | do ... | 100 00 |
| do 26 | Widow of J. H. Deacon, Railway Mail Clerk, Toronto Division | do ... | 133 33 |
| Feb. 25 | Widow of Wm. Paisley, Clerk in P. O. Inspector's Office, St. John, N.B. | do ... | 233 33 |
| 1885 | | | |
| Sept. 3 | Widow of James McCarthy, Welland Canal | do ... | 90 00 |
| Oct. 6 | Widow of W. S. Williams, Collector of Customs, Coaticook, Que. | do ... | 233 31 |
| do 8 | Widow of Jas. Kerr, Landing Waiter, Halifax Custom House | do ... | 166 66 |
| do 8 | Widow of Edward Withers, Clerk, Halifax Custom House | do ... | 133 32 |
| Nov. 14 | Widow of F. W. Mandeville, Landing Waiter and Searcher in Her Majesty's Customs, Picton, Ont. | do ... | 41 67 |
| do 27 | Widow of Joseph Radford, Preventive Officer in Her Majesty's Customs, Tadoussac, Que. | do ... | 50 00 |
| do 27 | Widow of J. W. Cudlip, Inspector of Customs, New Brunswick | do ... | 333 32 |
| Dec. 1 | Widow of David Marshall, Outport Collector of Customs, Portage la Prairie, Man. | do ... | 200 00 |
| Oct. 16 | Widow of John Gray, Deputy Collector of Inland Revenue, Division of Stratford. | do ... | 200 00 |
| do 7 | Widow of R. A. Hartley, Deputy Collector of Inland Revenue, Toronto. | do ... | 183 33 |
| Dec. 9 | Widow of W. J. French, Square Timber Culler, Quebec | do ... | 116 66 |
| 1886. | | | |
| Jan. 13 | Widow of John Yuill, Assistant Inspector of Weights and Measures, Division of Pictou, N.S. | do ... | 83 32 |
| Feb. 11 | Widow of C. B. Chrysler, Inspector of Weights and Measures, Kingston Division | do ... | 166 66 |
| do 11 | Widow of O. Gauvreau, Culler, Quebec | do ... | 116 66 |
| 1885. | | | |
| Oct. 27 | Widow of J. A. Fraser, 3rd Class Clerk, Department of Agriculture | do ... | 150 00 |
| do 31 | Widow of Augustus Keefer, 1st Class Clerk, Department of Justice | do ... | 250 00 |
| Nov. 6 | Widow of Augustus Keefer, Commissioner of Dominion Police | do ... | 66 66 |
| July 2 | Widow of Thos. B. McMahon, Judge, County Court, Norfolk, Ontario | do ... | 400 00 |
| 1886. | | | |
| Jan. 13 | Jas. B. Morrison and Hon. A. L. Hardy, Executors of late Hon. J. C. Morrison | do ... | 833 34 |
| 1885. | | | |
| Dec. 1 | Widow of Henry Moser, Keeper of Moser Island Light, Lunenburg, N.S. | do ... | 75 00 |

STATEMENT of Payments charged to Unforeseen Expenses, &c.—*Concluded.*

| Date of O.C. | To whom Paid. | Service. | Amount. |
|--------------|--|--|------------------|
| 1885. | | | |
| Dec. 21 | Widow of John McKinnon, Light Keeper, Cape North. N.S. | Gratuity of 2 mos. salary. | \$ cts. 66 67 |
| do 23 | Widow of Wm. Barbour, Inspector of Lighthouses below Quebec. | do | 200 00 |
| 1884. | | | |
| Aug. 20 | Daughter of late A. O. Anderson, Inspector of Fish- eries, B.O. | do | 166 66 |
| 1885. | | | |
| Dec. 11 | Widow of John Robins, 1st Class Clerk, Department of Finance | do | 300 00 |
| Sept. 10 | Dr. F. X. Valade, Ottawa. | For medical attendance on Wm. King, of Dept. Public Works, injured in discharge of his duty | 40 00 |
| Oct. 3 | Dr. H. J. Saunders, Kingston, Ont. | For medical attendance on Mr. Townsend, in- jured while employed on works at Kingston Harbor | 60 00 |
| do 3 | Dr. D. Phalen, Kingston, Ont. | do do | 40 00 |
| do 27 | Mrs. Catherine Miller | Stock certificate No. 1716, \$300; interest at 5 p.c., \$194.26, amount of her stock certificate paid to another Catherine Mil- ler erroneously | 494 26 |
| do 6 | M. Houston | For investigating into charges against T. Har- rison, Lighthouse Keep- er at Rondeau | 94 59 |
| do 6 | Sundry Newspapers | London Library | 93 85 |
| do 6 | Fret Bourget | For 35 days' services as clerk to the Hon. the Secretary of State dur- ing his visit to Paris. | 105 00 |
| Dec. 5 | Bompas, Bischoff, Dodgson & Coxe, London, Eng. | For professional services in 1881 re incorporation of Emigrant Aid Society | 23 00 |
| 1884. | | | |
| Oct. 9 | Compagnie d'Imprimerie Générale. | For 25 copies of the work "Noces d'or de la St. Jean Baptiste," for Library exchanges. | 25 00 |
| do 9 | Hon. F. G. Marchand | For 25 copies of his work "Un bonheur en attire un autre," for Library exchanges | 12 50 |
| 1886. | | | |
| Jan. 26 | A. Lusignan | For 25 copies of the work "Coups d'œil et coups de plume," for Library exchanges | 18 75 |
| do 26 | Mrs. B. Chamberlin | For 20 copies of Mrs. C. P. Traill's work "Stud- ies of Plant Life in Canada" | 60 90 |
| do 26 | Arthur Buies | For 25 copies of his work "Le Saguenay et le lac St. Jean," for Library exchanges | 25 00 |
| | Total | | 6,781 85 |

FINANCE DEPARTMENT, 25th February, 1885.

J. M. COURTNEY,
Deputy Minister of Finance.
J. L. McDOUGALL,
Auditor-General

RETURN

(28)

(IN PART)

To AN ADDRESS of the HOUSE OF COMMONS, dated 9th March, 1885;—For a copy of the shorthand notes of the argument before the Privy Council in the late dispute between Manitoba and the Province of Ontario as to the Westerly Boundary of the Province of Ontario; also copy of the claim as presented by the Attorney-General of Ontario before the Privy Council; also a statement of the reasons given by the Attorney-General of Ontario for abandoning his claim to that part of the territory lying between the Lake of the Woods and the Rocky Mountains; also a copy of all correspondence between the Government of the Dominion and the Government of Ontario in reference to the arbitration and award, and also in reference to the decision of the Privy Council not already moved for or brought down.

By Command.

J. A. CHAPLEAU,
Secretary of State.

Department of the Secretary of State.
1st March, 1886.

DEPARTMENT OF STATE, OTTAWA, 16th March, 1885.

SIR,—In reference to the late dispute between Manitoba and the Province of Ontario as to the westerly boundary of the latter Province, I have the honor to request that your Government may be moved to furnish this Government with copy of the claim as presented by the Attorney-General of Ontario before the Privy Council, also a statement of the reasons given by the Attorney-General of Ontario for abandoning his claim to that part of the territory lying between the Lake of the Woods and the Rocky Mountains.

This information is required to complete a return to an Address of the House of Commons dated the 9th inst.

I have the honor to be, Sir, your obedient servant,
J. A. CHAPLEAU, *Secretary of State.*

His Honor the Lieutenant-Governor of Ontario, Toronto.

GOVERNMENT HOUSE, TORONTO, 25th March, 1885.

SIR,—With reference to your despatch of the 16th instant (No. 926 on 208 H. of C.) respecting the late dispute between Manitoba and the Province of Ontario, as to the westerly boundary of the latter Province and to your request for a copy of the claim as presented by my Attorney-General before the Privy Council, I have the honor to inform you that the claim presented by the Attorney-General of Ontario before the Privy Council, is set forth in the special case between the Province of

Ontario on the one part and the Province of Manitoba on the other part, of which the Federal Government is in possession of a copy. The claim is therein expressed as follows:—

“The Province of Ontario claims that the westerly boundary of that Province is either (1) the meridian of the most north-westerly angle of the Lake of the Woods, as described in a certain award made on the 3rd August, 1878, by the Honorable Chief Justice Harrison, Sir Edward Thornton and Sir Francis Hincks, or (2) is a line west of that point.”

With respect to your further request for a statement of the reasons given by my Attorney-General for abandoning his claim to that part of the territory lying between the Lake of the Woods and the Rocky Mountains, I may state that there is no official document giving the reasons for any such abandonment. It was perceived during the argument before the Judicial Committee of the Privy Council that their Lordships' strong opinion was against a more westerly line than the arbitrators had found, and the Attorney-General, in consequence, after conferring with the learned counsel associated with him, limited the claim of the Province to the most north-westerly angle of the Lake of the Woods.

In answering your despatch, I venture to express the hope that your Government will take such steps forthwith as may procure, without any further delay, the passing of an Act by the Imperial Parliament to give effect to the decision of Her Majesty in Council.

I have the honor to be, Sir, your obedient servant,
JOHN BEVERLY ROBINSON, *Lieutenant-Governor of Ontario.*

Secretary of State, Ottawa.

In the Privy Council.

COUNCIL CHAMBER, WHITEHALL, Wednesday, 16th June, 1884.

Present—The Right Honorable Lord Chancellor,
The Right Honorable the Lord President,
The Right Honorable Lord Aberdare,
The Right Honorable Sir Barnes Peacock,
The Right Honorable Sir Montague E. Smith,
The Right Honorable Sir Robert P. Collier.

SPECIAL CASE BETWEEN THE PROVINCES OF ONTARIO AND MANITOBA WITH REFERENCE
TO THE WESTERN BOUNDARY OF ONTARIO.

(Transcript from the Shorthand Notes of Messrs. Marten and Meredith.)

Counsel for Ontario, Mr. Mowat, Q.C., (Attorney-General for Ontario); the Honorable Mr. Mills, Mr. Haldane and Mr. Scoble, Q.C., counsel for Manitoba; J. A. Miller, Q.C., (Attorney-General for Manitoba), Mr. D. McCarthy, Q.C., of the Canadian Bar.

Mr. Christopher Robinson, Q.C., and Mr. Hugh McMahon, Q.C., watched the case on behalf of the Canadian Government.

Mr. Mowat.—May it please your Lordships. The point which is now before your Lordships in the second question in the special case which is expressed there in these words: “In case the award is held not to settle the boundary in question then what on the evidence is the true boundary between the said Province?” The position which the Province of Ontario has taken with reference to the award will show your Lordships that Ontario was satisfied on the whole with the boundaries which the award provided for her. So far as regards the western boundary of the award assigned as our western boundary, a line drawn from the north-west angle of the Lake of the Woods, northward to English River, so that that according to the award would have been the boundary between the two Provinces.

The Lord Chancellor.—Anything further north which is on a different color on the map is outside the boundary which the award has given you.

Sir Montague Smith.—The part shown by the diagonal lines.

The Lord President.—This red line is the award boundary.

Lord Aberdare.—May I ask a question before you go further? Canada consists of seven Provinces and I think of four districts?

Mr. Mowat.—Yes.

Lord Aberdare.—And then besides that there is a great country not provided for called the Dominion territory?

Mr. Mowat.—Yes.

Lord Aberdare.—By what authority were those districts formed?

Mr. Mowat.—They were formed by the authority of the Dominion itself. They are little more than names. They are not Provinces. They have not the power or jurisdiction of Provinces, but it was found convenient to give certain portions of the territory the names which your Lordships have been informed of.

Lord Aberdare.—I see them there, Assiniboine, Saskatchewan, Athabaska, and so forth. Were those constituted by an Order in Council or by an Act of Parliament?

Mr. Mowat.—By an Order in Council I am informed.

Lord Aberdare.—Then all this additional part that was not within the award of the arbitrator was carved as it were out of the Dominion? Indeed the whole of it may be supposed to be carved out of the Dominion and made part of the Province of Manitoba. Was that done by an Order in Council?

Mr. Mowat.—No, that was done by an Act of the Dominion.

Sir Montague Smith.—Under the British North America Act?

Sir Robert Collier.—In pursuance of a power given by the British North America Act?

Mr. Mowat.—It required that power.

Sir Barnes Peacock.—The boundary of Manitoba was first laid down by an Act of the Dominion?

Mr. Mowat.—At the very beginning.

Sir Barnes Peacock.—Then the Minister of Justice thought there was an objection to that Act and thought it was out of the powers and he recommended that an application should be made to Parliament to pass an Act of Parliament to make that Act valid?

Mr. Mowat.—That was so.

Sir Barnes Peacock.—That was done by the British North America Act of 1871?

Mr. Mowat.—That is so. There were discussions on the subject; I may mention that there was a discussion in the House with reference to whether the Dominion Parliament had a right to pass the first Act with reference to Manitoba; it was not merely a suggestion afterwards of the Minister of Justice but it was the result of discussions.

Sir Barnes Peacock.—He reported upon it that the Act had been passed and recommended that an application should be made to the Imperial Parliament to pass an Act to render that Act valid, and that was done by the British North America Act of 1871?

Mr. Mowat.—Yes; and then that Act further provided that additions might be made, or changes rather might be made, in any Province by the Dominion Parliament thereafter, with the consent of the particular Province.

Sir Barnes Peacock.—And not otherwise?

Mr. Mowat.—Yes. They have no power otherwise with reference to existing Provinces. Then the same Act gave the Dominion Parliament also power to constitute new provinces, and of the territory not yet formed into provinces. There are about 2,000,000 of square miles not yet formed into provinces.

Lord Aberdare.—So far they have only formed Manitoba?

Mr. Mowat.—That is the only one.

Lord Aberdare.—And carved out four districts which are awaiting adoption?

Mr. Mowat.—Yes, and which may or may not be made provinces. When they are made provinces their boundaries may or may not be the same. They have no Governor or separate organization as a province.

Sir Montague Smith.—When you get northward to the English River, then does the award boundary follow that river eastward?

Mr. Mowat.—Yes. What we say is, that that was always part of our province. I was hoping there is no harm perhaps in my saying that, that the whole question of the northern boundary might be presented now, but we could not arrange that with the Dominion, so that it was arranged that merely this western boundary should come before your Lordships.

Sir Robert Collier.—That is the boundary between the two provinces which, I suppose, is only the western boundary?

Mr. Mowat.—Our western boundary.

Sir Robert Collier.—By the Act of 1881 by which Manitoba was finally constituted, their eastern boundary is your western boundary?

Mr. Mowat.—That is it.

Lord Aberdare.—There is nothing about this limitation to the western boundary in the presence to us. "In case the award is held not to settle the boundary in question, then what, on the evidence, is the true boundary between the said Provinces?"

Mr. Mowat.—That means of course Ontario and Manitoba.

Sir Robert Collier.—But as they only come in contact on the western side, it only involves the western boundary.

Sir Montague Smith.—The Province of Ontario claims the western boundary.

Lord Aberdare.—That would extend beyond the limits of the award of the arbitrator.

Mr. Mowat.—The Dominion has given by its Act a territory to Manitoba beyond the awarded westerly boundary.

Lord Aberdare.—It has given the piece colored yellow—the portion north of the portion given by the award.

The Lord President.—The portion north of the red line and the English River?

Mr. Mowat.—It is given to Manitoba conditionally. (The learned counsel explained to their Lordships on the map.)

The Lord Chancellor.—If the Dominion has given that part which lies here (pointing on the map) to Manitoba, then the boundary between the two Provinces, supposing this belongs to Canada, must be traced here?

Mr. Mowat.—At some time.

The Lord Chancellor.—But on the face of this present reference, what is there to show that that part of the boundary is not now to be determined?

Mr. Mowat.—If your Lordship takes that view of it.

The Lord Chancellor.—I do not see what limitation there is?

Mr. Mowat.—I am not anxious that your Lordships should not decide that. All that I am saying this for now is that your Lordships may see what the question really is. It is not because I have any objection to the northern boundary being examined and adjudicated upon as well as the other. The first paragraph of the special case is this:—

"The Province of Ontario claims that the westerly boundary of that Province is either (1) the meridian of the most north-westerly angle of the Lake of the Woods as described in a certain award made on the 3rd August, 1878, by the Honorable Chief Justice Harrison, Sir Edward Thornton and Sir Francis Hincks, or (2) is a line next of that point." That paragraph, therefore, refers merely to the westerly boundary. Then the next paragraph is:—

"The Province of Manitoba claims that the boundary between that Province and the Province of Ontario is (1) the meridian of the confluence of the Ohio and Mississippi Rivers, or (e) is that portion of the height of land dividing the waters which flow into Hudson's Bay from those which empty into the valley of the Great

Lakes and lying to the west of the said meridian line." So that that was what was supposed your Lordships see to be the question, and the question has reference to that.

Sir Montague Smith.—The question refers to those two claims ?

Mr. Mowat.—Yes.

Lord Aberdare.—You are not prepared to limit your argument to the question as to whether the western boundary shall be the one taken from the Ohio or the line fixed by the arbitrators, that is through the north-west angle of the Lake of the Woods ?

Mr. Mowat.—If your Lordships were to say that it was one or other of those two lines, then I think I should be prepared to put it upon that.

Sir Montague Smith.—You claim the line from the Lake of the Woods up to the English River ?

Mr. Mowat.—Yes, that is where we claim according to the award.

Sir Montague Smith.—The other is to the eastward a great deal ?

Mr. Mowat.—Greatly to the eastward.

Sir Montague Smith.—That is what seems to be really in dispute.

Lord Aberdare.—It is for the counsel to decide. He does claim a great deal more.

Mr. Mowat.—I thought I was driven to claim all the arguments would entitle me to claim, but if your Lordship put it that it is between those two lines that makes a great difference.

The Lord Chancellor.—We cannot limit you to that except by your own consent.

Lord Aberdare.—If your argument prevails the whole Province of Manitoba would be abolished.

Mr. Mowat.—No, my Lord.

Sir R. Collier.—The principal part of it ?

Mr. Mowat.—The addition will be abolished.

Sir R. Collier.—The original part ?

Mr. Mowat.—No, because the original has been the subject of an Imperial Act and that would override any claim if we had any.

Lord Aberdare.—Up to the limits ?

Mr. Mowat.—The first limits of Manitoba.

Lord Aberdare.—Which is comprised within the orange line ?

Mr. Mowat.—Yes.

Lord Aberdare.—How would it be as to the remaining part colored yellow ?

Mr. Mowat.—That was the part that was added so far as the Dominion could add it to Manitoba by the subsequent Act of the Dominion.

Lord Aberdare.—You do not question that, or do you question that ?

Mr. Mowat.—There is one view of the matter in which it is questioned.

Lord Aberdare.—Then I mean if your argument entirely prevailed the Province of Manitoba would be limited to that very small portion of it which is contained within the yellow portion ?

Mr. Mowat.—Yes. Would your Lordships allow me a minute to consult with my associates on that point ? It is putting a point to me that I have not considered and I should like to consult with my associates if your Lordships would let me as to whether we should confine ourselves to that line.

Sir R. Collier.—Very well. You had better make up your mind whether you do that or not.

(The learned Counsel for Ontario consulted together for a short time.)

The Lord Chancellor.—Mr. Attorney-General what you have lately said has directed my attention to the Dominion Act of 1870 which did form the original Province of Manitoba and which was confirmed, as you say, by an Imperial Act ?

Mr. Mowat.—Yes.

The Lord Chancellor.—On the face of that it appears, as distinctly as words can express the thing, that even the small province, the original Manitoba, is carved out of Rupert's Land and was not part of Canada.

Mr. Mowat.—Yes ; but what the Dominion chooses to say in its statutes cannot take away the right of a Province or establish the right.

The Lord Chancellor.—I do not follow you. Stronger evidence of the fact can there be than two Acts, one of the Dominion and the other of the Imperial Parliament, that this territory was Rupert's Land and not Canada. I am only speaking of the small Manitoba.

Mr. Mowat.—I see the point, quite. There are two Acts, one is a Dominion Act in which this is called Rupert's Land.

The Lord Chancellor.—And plainly on the very face of it was called Rupert's Land as to show that in the view of the Legislature which passed that statute it was not previously part of the Union or Dominion of Canada.

The Lord President.—“With respect to such portion of Rupert's Land and the North-Western Territory as is not included in the Province of Manitoba.”

The Lord Chancellor.—Surely to argue against that confirmed by an Imperial Act is a bold undertaking.

Mr. Mowat.—I would submit one or two observations upon that to your Lordships. Take the two Acts separately if your Lordships please. In the first place, take the Dominion Act, which describes this territory in the way your Lordship mentions. Now, I submit, that if the matter had stood alone there without having the Imperial Act afterwards, that Act could not have affected the province.

The Lord Chancellor.—You may say it would have been *ultra vires* if the facts were otherwise.

Mr. Mowat.—That is it.

The Lord Chancellor.—But being confirmed by an Imperial Act, you can no longer say it is *ultra vires*.

Mr. Mowat.—Then, what I submit is this, that all the Imperial Act does is to confuse the effect of the Act.

The Lord Chancellor.—Surely that is special pleading.

Mr. Mowat.—I shall be sorry if your Lordship takes that view of it. The Province of Ontario at that time had not, and has not now, any objection to this forming a separate province.

The Lord Chancellor.—But what stronger evidence can there be of such a thing than these Acts of Parliament?

Mr. Mowat.—That is the view that occurred to us.

The Lord Chancellor.—This is a question of evidence.

Sir Montague Smith.—Have you come to any resolution with reference to the question suggested to you?

Mr. Mowat.—Yes, my Lord; I may say we are content with the awarded boundaries. But I should say that, in order to show we are entitled to the awarded boundaries, I may have to lay before the Committee an argument which would show we are entitled to more; but while the argument would show we are entitled to more, I claim no more.

Sir Montague Smith.—I quite understood that from the first, that your argument might lead to a larger claim than that, but you do not wish to be precluded from the argument, as far as it is good, on this narrower claim?

Mr. Mowat.—Yes; that is exactly the position I want to take.

Sir Montague Smith.—You do not want it to be objected to that it is bad altogether because it is too large?

Mr. Mowat.—Yes, my Lord.

Sir Montague Smith.—Now, about the westerly boundary. Was anything more intended to be referred to England? Your two claims are mentioned in the special case, which is the authority under which we are now acting, as far as consent goes to it, and then you say it has been agreed to refer the matter to the Judicial Committee. The only matter mentioned in the case is those two claims.

Lord Aberdare.—We must go beyond that. Supposing it should turn out that we took the same view that the arbitrators did, and considered this a portion of Upper Canada and Ontario, and at the same time we were of opinion that what remained of the Province of Manitoba to the north of this place should continue in the Province of Manitoba, we should then be dealing with other than the westerly boundary.

Sir Montague Smith.—The settling the westerly boundary may indirectly involve the northerly boundary.

Lord Aberdare.—Not the northerly boundary, but this portion of the Province of Manitoba to the north.

Mr. Mowat.—I do not make the slightest objection to that view.

The Lord President.—It would leave all this in the present legal condition, whatever it is.

Mr. Mowat.—Yes, my Lord.

Sir Montague Smith.—Of course, every word of this was very much studied and considered before it was settled?

Mr. Mowat.—Yes, my Lord; before, it was, no doubt, only that western boundary. The other may be incident to that, and necessarily involved in it when you are considering the other point. As I have said, I have not the least objection to that construction being put upon it. I want to get the matter decided.

Sir Robert Collier.—If you look at the claims of both sides, they are claims to and on a line. They assume the northern lines to be drawn, and the question is whether the boundary is to go to the one or to the other. That is practically the eastern and western boundary. If you look at the first and second paragraphs you see Manitoba claims that the boundary of that province is the meridian of the confluence of the Ohio and Mississippi Rivers. That is all it claims. It does not say anything about the northern boundary. It claims that that is the boundary and that that is where the province is to be taken to end.

Lord Aberdare.—And Manitoba claims to go down to the international boundary.

Sir Montague Smith.—They are two quite distinct claims, and they are both intelligible on the map. It looks as if it was intended we should decide between those two claims.

Mr. Mowat.—Well, my Lord, I am quite content with that construction, but we want to know what our boundaries are?

Lord Aberdare.—If we decide that this is the line, we do not hand this (pointing on the map) over to Ontario. We leave that to Manitoba.

Mr. Mowat.—Yes, that would be the effect of it; that would go to Manitoba. Then bearing upon that point, I would remind your Lordships of the commission to Lord Dorchester, which describes our southerly line up to that point of the north-west angle of the Lake of the Woods. It goes through the district from the height of lands and reaches the north-west angle of the Lake of the Woods.

Lord Aberdare.—What is the page you are on?

Mr. Mowat.—It is page 387, my Lord.

Lord Aberdare.—This is the first commission after the settlement with the United States.

Mr. Mowat.—Yes, my Lord. It describes the province then as comprehending "All our territories, islands and countries in North America, bounded on the south," and so on. One need not read the beginning of that until you get to Lake Superior, which is at line 10. "Thence through Lake Superior, northward of the Isles Royal and Phillippeaux, to the Long Lake; thence through the middle of said Long Lake, and the water communication between it and the Lake of the Woods, to the said Lake of the Woods; thence through the said lake to the most north-western point thereof, and from thence on a due course to the River Mississippi."

Lord Aberdare.—The Long Lake is a series of lakes.

Mr. Mowat.—Yes, it is a series of lakes. They do not run into one another. The height of lands has to be crossed in reaching Lake Superior from the Lake of the Woods. The height of lands run between them. Then, by the express terms of that commission, we get to the most north-western part of the Lake of the Woods, which is north of the height of lands. There will be no dispute that that is north of the height of lands. We have got that point ascertained then in that way.

The Lord President.—According to your present argument, you do not care about "on a due west course to the river Mississippi."

Mr. Mowat. — No, my Lord, it is not material. Except that I may argue that in order to show what territory I think, as a matter of strict law, the province may be said to be entitled to, though it shows a larger territory than is there. I do not claim a larger territory than is there. It is no doubt a matter of considerable difficulty to determine where the true boundaries are, having reference to the charter and to the various statutes and all that has taken place. There are considerations no doubt of considerable weight in favor of very different views. The charter itself is extremely vague. One can hardly imagine anything more so. It is just possible that it may be thought to be a matter which one cannot come to any conclusion upon; one of those matters which must be the subject of some arbitrary determination, either by a higher authority than the provinces themselves or by arbitration, but I assume that it can be made out what the legal boundaries are, and I wish to present a few considerations to your Lordships to show what the legal boundaries are. The great difficulty in the case is as to what is to be considered as territory granted to the Hudson's Bay Company. I think your Lordships would not find much difficulty in coming to the conclusion that all British Canada, south of the line which is described in the Act of 1774, was intended to be included if it were not for that reference to the territory granted to the Hudson's Bay Company, but we have that expression there—"the territory is only to go northwards to the territory of the Hudson's Bay Company," and therefore we have to find out what that territory was. Now what is to be considered as included in that expression "the territory granted to the Hudson's Bay Company;" and for my purpose I wish to limit the construction of those words as much as possible. I wish to make as limited as possible the territory which can be considered to have been granted to the Hudson's Bay Company, in order that it may not be so considered as to go down to the territory which I claim on behalf of the Province of Ontario. Now I urged yesterday that the construction of those words "the territory granted to the Hudson's Bay Company" should be the legal construction, because we are now engaged in a question of law; and that it should be effectually granted—not to refer to an instrument purporting to grant, merely, if there is a difference between purporting to grant and actually granting. What the Legislature was contemplating was the territory which had actually passed from His Majesty to the Hudson's Bay Company, and I pointed out the reason why that must have been the matter in view. Perhaps I use too strong an expression when I say "must have been," but what makes it almost certain, if not quite certain, to have been the object in view? The Hudson's Bay Company had powers of Government. It was not necessary, therefore, whatever territory was included in their charter, to provide any Government for them, because that was done already by the charter itself. What Parliament was doing was to provide a Government for portions which had no Government before—for the territory which formerly belonged to France, which had been ceded in 1763, which had been governed under French law and under a French Governor before and which now needed provision for Government under English law and by an English Governor. Now I do not think the Committee would hold that it was intended to leave out any part of North America from the Government. If it was reasonable, as of course it was, that whatever territory the Hudson's Bay Company had should be governed, namely, by itself, so also it was reasonable, right and necessary that the rest of the territory should be governed in that way. I submit, therefore, that that single consideration, if there was reasonable doubt about it, shows that the words ought to be construed as "effectually granted;" that they ought to be construed as meaning the territory belonging to the Hudson's Bay Company; the lands which they had the power of disposing of, and in which they had the jurisdiction to govern and legislate and so on in accordance with the terms of the charter. Then what territory of the Hudson's Bay Company stood in that position? The charter, I have said, is extremely vague and indefinite, and what I submit is that upon the reason of the thing; upon the practice with regard to all similar charters of that period and upon principles applicable also to other cases in construing this charter for the present purpose, in determining what ought to be

considered as having been effectually granted to the Hudson's Bay Company, we are to look at what was done under it and at what land was appropriated under it by the Hudson's Bay Company; and that the charter cannot be said to have granted any more than was so appropriated. There is a difficulty in saying exactly what was appropriated. I mean a difficulty in point of law. There is no difficulty with regard to the facts. There is no difficulty with regard to ascertaining how much territory they actually occupied, or how much territory they exercised control over as proprietors; but then how much additional territory that might give is a matter of more or less difficulty. I may mention one or two things here in connection with other charters of the same period and founded upon the same principle.

The Lord Chancellor.—Please do not. I do not see how it can have any bearing on the question which we have to determine. I cannot conceive how other charters, not relating to this territory, can have any bearing on the question which we have to determine.

Mr. Mowat.—Well, I do not mean that the words of them would have any bearing; but then would not the view that was taken of those other charters, so far as they are analogous to this one, be material?

The Lord Chancellor.—If you show that in any bounding words of description like those we have to deal with applicable to other charters, a particular construction has been put upon the bounding words of description. I do not say that may not be in point.

Mr. Mowat.—That is rather what I meant to say, my Lord.

The Lord Chancellor.—Very well, if you prove that a particular territory, being said to be bounded by lands granted to a certain company, has been held to be not applicable to the lands *de facto* granted, so as to introduce an enquiry as to how far it was a valid grant or not, perhaps it may have some bearing upon the case.

Mr. Mowat.—Well, it is something like that, my Lord.

The Lord Chancellor.—I cannot anticipate what you wanted to say.

Mr. Mowat.—No, my Lord.

The Lord Chancellor.—If you merely want to show that in a question as to the validity of a charter something may have depended upon what was done under it, I think that has nothing to do with the present question.

Mr. Mowat.—I am not arguing as to the validity of the charter. I am assuming that it was perfectly valid, and merely enquiring how far it extended, and how much it can be said to have included.

The Lord Chancellor.—That is a question of parcels upon the construction of the charter?

Mr. Mowat.—Yes, my Lord, it is; but it seems, my Lord, to be material here to know what the parcels were that can be considered to have passed under the charter.

The Lord Chancellor.—But how you can show that by showing that the parcels were under another charter I do not know.

Mr. Mowat.—I will not press it against your Lordship's impression about it. No doubt your Lordship is right, but it seems to me important that if we find charters as strongly expressed as this, and perhaps more strongly expressed than this with regard to the territory to be embraced in them, for instance, naming the particular latitudes in the definite way that this charter does; and, perhaps, naming the particular points between which the territory granted lay, if it was found that charters expressing that, with regard to the undiscovered parts of America, have been always treated as if they merely carried to the grantees, not the whole of the territory unconditionally between those latitudes, but so much of that territory only as they acquired the sovereignty of from England from whom the charters emanated, I think that might be material. It is only in that view that I wish to refer to these charters.

The Lord Chancellor.—For the present moment you may assume that the grant to the Hudson's Bay Company was *ab initio* entirely void, and that they had nothing whatever effectually granted. *De facto* various things were done on the footing of

this being a grant alleged to be valid, and amongst other things done is this description.

Sir Montague Smith.—If I understand, you want to show that the grant is only (I do not say whether it is right or wrong) effectual so far as they carried it into some operation by occupying the country and so on?

Mr. Mowat.—Yes, my Lord. This was not territory that was then English. It did not then belong to England. It was vacant territory—that is not a matter, I suppose, that can be disputed—which any nation might appropriate if they took the proper steps for the purpose, on the principles of international law which govern such matters, and territory of that sort, having been granted by this charter to the Hudson's Bay Company, is, I submit, limited in the way I mentioned.

The Lord Chancellor.—It may well be so as to the effect of the charters. That is a very important question, which, as we know, was for many years under discussion by various parties as to the Hudson's Bay Company and their rights. What I cannot understand is its bearing upon the bounding description which we have to deal with. It is not whether it was effectually granted or not, but whether it was *de facto* granted under a bounding description.

Mr. Mowat.—Of course, if your Lordships hold that, I cannot proceed with this part of the argument.

The Lord Chancellor.—What would be the use of bounding descriptions if they are to let people into indefinite inquiries as to various facts and law which can be no assistance whatever in ascertaining the boundary.

Mr. Mowat.—But your Lordship sees that even taking the other view as to the meaning of the charter, it then would be extremely difficult to make out—I suppose we should differ about it—as to how far the charter would grant anything. It grants all the lands and territories on the confines of the bay, and so on. What does that mean? There would be great doubt then, and you cannot get free of the doubt.

The Lord Chancellor.—You have got the Act of 1871 confirmed by an Act of Parliament, which seems to me entirely to relieve that doubt if there were any.

Mr. Mowat.—The Act of 1871?

The Lord Chancellor.—Yes, showing that Rupert's Land included the present Manitoba, and was recognized as doing so, both by the Dominion and by the Imperial Parliament.

Mr. Mowat.—Of course, if your Lordships hold that, I must bow to it. I am prepared to show, beyond any doubt I think, unless your Lordships hold it to be immaterial, that a large territory there. All that I care about, of course, you will bear in mind, is the territory I am really claiming, but I am prepared to show that a large territory beyond that, and necessarily including that, therefore, was French territory.

Sir M. E. Smith.—That would be an assistance if you showed that that would be excluded from the grant, because that is another matter altogether.

Mr. Mowat.—Very well, my Lord. I can show that I do not say that it is clear that the whole of this was French territory at the moment of the charter being granted in 1670, but it was French territory at the time it was ceded to England.

The Lord Chancellor.—If you prove it was French territory ceded to England in 1760 that may be material.

Mr. Mowat.—Very well, I will try to do so.

The Lord Chancellor.—At present there is not a trace of that?

Mr. Mowat.—I will try to do that.

Sir M. E. Smith.—That is the limit the charter itself gives?

Mr. Mowat.—Yes.

Sir M. E. Smith.—It is to include what belongs, say, to the French?

Mr. Mowat.—No, my lord.

Sir Barnes Peacock.—Would it not be important on that to show that Ontario has exercised jurisdiction over it as representing the French territory? For instance

there is a census to be taken every 10 years. Have you ever taken the census in that part which you now claim as belonging to Ontario?

Sir M. E. Smith.—Mr. Mowat is going back long before that.

The Lord Chancellor.—To make it out to be French territory, ceded after the war, you would have to prove first of all that there was not merely some French people within the territory who may have established forts, but that it was a part of the French dominion of Canada, and thus, secondly, if that be not clearly established, the question whatever has been so treated afterwards would be exceedingly material.

Mr. Mowat.—With regard to the matter of the census I may just as well say that the census to which Sir Barnes Peacock referred is taken by the Dominion.

Sir R. P. Collier.—That is at a later date.

Sir Barnes Peacock.—Has the census ever been taken for Ontario in this territory which you now claim?

Mr. Mowat.—We have no jurisdiction about taking the census. Under the British North America Act the provision is made that amongst the exclusive powers of the Executive is the power of taking the census.

Sir Barnes Peacock.—But have your judicial officials ever exercised jurisdiction for this part of the territory before the surrender by the Hudson's Bay Company?

Mr. Mowat.—Yes, I can show that.

Sir M. E. Smith.—I thought you were going to attempt to show that this was French territory?

Mr. Mowat.—Yes, that is the first point.

Lord Aberdare.—There was a decision of a criminal case, I think, by them.

Sir R. P. Collier.—We shall come to that. We are now on whether it was French territory in 1763. That is the present question.

Mr. Mowat.—There is a great deal of historical matter bearing upon that. I will not trouble your Lordships with more than a portion of it, but sufficient, I think, for the present purpose.

Now, perhaps I had better first refer to what Governor Carleton says on the subject in 1768, in one of his despatches. It is at page 609, my Lords, of the joint appendix. I will read a little from that despatch, commencing at the beginning of it. "I have received your Lordship's letter of the 14th November, and one since, wrote from the office by your directions, dated the 8th of October last." Your Lordships will observe this is a letter to the Earl of Shelburne. "The drawing hereto annexed is taken from different maps and the best memoirs and relations I have hitherto been able to procure. 'Tis intended chiefly to show the Western posts which the French formerly occupied and how far they extend beyond Michilimakinac. This end, I believe, it answers tolerably well, though their exact positions on the globe must be erroneous, as I have not met with any of those gentlemen who understand the use of any mathematical instrument, but they all agree that 'Pascoyat'—that is one of the forts on the Saskatchewan—'is two and a half or three months' journey beyond Michilimakinac, and reckon the distance about nine hundred leagues."

Lord Aberdare.—Where is Michilimakinac?

Mr. Mowat.—Your Lordship will see it marked on the map between Lake Huron and Lake Michigan.

Lord Aberdare.—It is the fact at the northern portion of that territory which runs between Lake Huron and Lake Michigan.

Mr. Mowat.—Then it says: "The river on which Pascoyat stands is said to be five hundred leagues long. A fort was erected one hundred leagues beyond Pascoyat, but I have not information enough to put either the fort or the full extent of the river in the map." He speaks, therefore, of two French posts there on the Saskatchewan. "The annexed return of the French posts, of the troops for the protection of trade, with the number of canoes sent up in the year 1754, shows, in some measure, the extent of their trade, and the system pursued by the French Government in Indian affairs." Your Lordships will observe that it is the Government here who managed all these matters, that they are not matters of private enterprise uncon-

nected with the Government, but throughout the Government takes an active part in them all, in the trading with the Indians, and in sanctioning the trades with the Indians, and in erecting posts, and so on." They did not depend on the number of troops but on the discretion of the officers who learned the language of the natives, acted as magistrates, compelled the traders to deal equitably, and distributed the King's presents." So there was Government; your Lordships see there were troops to whatever extent was found necessary, and then the officers at each post were authorized to act and did act as magistrates, and so on. "By this conduct they avoided giving jealousy and gained the affections of an ignorant, credulous and brave people, whose ruling passions are independence, gratitude and revenge." I do not know that I need read the remainder of that paragraph. The next paragraph is: "The country was divided into certain districts and the only restraints laid on the traders were, first, not to go beyond the bounds of that district they obtained passes for"—passes, that is, from the Governor of Canada—"and, secondly, not to carry more spirituous liquor than was necessary for their own use, nor sell any of that to the Indians; the King's posts, or rather the intendants were the only ones excepted from this general rule." There was a great advantage in dealing with the Indians if they brought liquor into use, and while private persons were not allowed that advantage it seems that at the King's posts the advantage was permitted. "Under these regulations the canoes went first to the post of the district, from whence they had full liberty to go among the Indians and accompany them to their hunting grounds; they likewise called on their return. If any were ill-treated they complained to the commandant, who assembled the chiefs and procured redress; the savages also made their complaints and obtained immediate satisfaction, an exact report of all which was sent to the Governor. This return may be depended on for so much as it contains." The particulars are given afterwards, "but as the King of France was greatly concerned in all this trade, a corrupt administration did not think it their interest that all these matters should appear in a full, clear and lasting manner. Your Lordship will be pleased to observe that the great inlets to the north-east from the Mississippi are by the Ohio, and from thence up the Onabach, which leads towards the sources of the River Miamis, and Lake Erie by the Illinois that leads to Fort St. Joseph, and Lake Michigan and the Oniscoing that leads to Fox River and Bay des Puans; besides these the different streams that run into the Mississippi carry them towards Lake Superior and the western lakes." Then what follows in the next paragraph has reference to the places on the east bank of the Mississippi which I suppose your Lordships would think was clear, and perhaps it is not worth while troubling your Lordships with that.

The Lord Chancellor.—The only observation which occurs to me on that passage is that the French or Spaniards were there, but, I suppose nobody contends that the Spaniards had any territorial dominion there. It plainly says that the settlements or posts spoken of are not necessarily such as to imply the assumption of territorial dominion.

Mr. Mowat.—I have not specially studied the position of the Spaniards there, my Lord.

The Lord Chancellor.—But as to the meaning of this description, you were referring to this document apparently to show that the French extended their territorial acquisitions so as to include Pascoyat or the Saskatchewan.

Mr. Mowat.—Yes.

The Lord Chancellor.—Then all I point out is that the contents show that settlements or posts of a kind not involving territorial dominion are apparently in contemplation.

The Lord President.—There is reference to the king's territory at the bottom of the page.

The Lord Chancellor.—That is of course important as distinguishing the king's territory, which probably would be Canada, from all these outlying places.

Lord Aberdare.—It seems to contemplate a connection between what is called generally Louisiana and all this district, rather than a connection between Canada and this district.

Mr. Mowat.—Louisiana being near the Mississippi, there of course is a question with regard to that, but I was not going to trouble your Lordships with a great deal of evidence about the settlement of the French there and Canada extending to the Mississippi.

Lord Aberdare.—If you are not going to insist on this part of it, I suppose you might pass very lightly indeed over it.

Mr. Mowat.—It was merely with the single purpose which I have spoken of already to show that the territory which may be excepted ought at all events to be considered as not extending so far as to exclude us from the points which the arbitrators thought we were entitled to.

The Lord Chancellor.—This certainly shows that in 1768, according to the information which the Government had obtained, the French had posts extending as far north as Pascoyat. More than that it does not seem to me to show. Those were posts apparently for the purposes of trade, where they had their factors and their factories and a certain amount of jurisdiction and authority.

Lord Aberdare.—They were for the boats which appear to have come up the Mississippi.

Mr. Mowat.—Yes, my Lord. I do not know of any other way of acquiring sovereignty over such territory. That is the only way in which it was done.

The Lord Chancellor.—That state of things is no proof whatever of the acquisition of territorial dominion.

Mr. Mowat.—The whole must be taken together.

The Lord Chancellor.—Yes, if you have other instances, that may be material.

Mr. Mowat.—I do not rely upon that solely, but it is one piece of evidence showing that in this North-West Territory there were French traders and French posts. It appears from their evidence that licenses to trade were necessary and that licenses to trade were granted by the Governor of Canada. The French King also sent troops to these various posts and appointed magistrates there.

The Lord Chancellor.—It does not appear that the magistrates were placed over anything but the factories and so on. I mean there is no reason at all to imagine that he treated the Indians as his subjects?

Mr. Mowat.—May I ask your Lordship to permit me to call your attention to the account given by another of the English Governors?

Sir Montague Smith.—Yes, you are going on, as I understand, with your evidence.

Mr. Mowat.—This is only one piece of my evidence—there is a great mass of it. I am merely picking out a few matters because it would take a great deal of time to give your Lordship the whole of the evidence, and I think it is only necessary to confirm what in substance I will read to your Lordships. I was going to read from the Report of Governor Pownall, which you will find at page 601—you will see the account he gives of this matter. He gives his account of what the French did in his territory, and I beg your Lordships' permission to observe that it was not a case of the English being there or of the Hudson's Bay Company being there and the French being there. The Hudson's Bay Company never went into this region at all until long after the cession, when there was no doubt of the right of the English to it. This is what Governor Pownall says: "The French, in their first attempt to settle themselves in these parts, endeavored to penetrate by force of arms—"

Sir Montague Smith.—All this was before the cession?

Mr. Mowat.—Yes, just shortly before the cession. There was no change in favor of the Hudson's Bay Company during the interval. The fact is, the French were increasing their occupation every year of the extent of the territory which they had taken possession of or acquired the sovereignty of for their monarch. He says: "The French, in their first attempts to settle themselves in these parts, endeavored to penetrate by force of arms to fix their possessions by military expeditions. But they fell afterwards into that only path in which the real spirit

and nature of the service led. The native inhabitants (the Indians) of this country are all hunters; all the laws of nations they know or acknowledge are the laws of sporting, and the chief idea which they have of landed possessions is that of a hunt. The French settlers of Canada universally commenced as hunters and so insinuated themselves into a connection with these natives. While the French thus kept themselves allied with the Indians as hunters and communicated with them in and strictly maintained all the laws and rights of sporting, the Indians did easily and readily admit them to a local landed possession, a grant, which, rightly acquired and applied, they are always ready to make, as none of the rights or interests of their nation are hurt by it. While on the contrary they experience and receive great use, benefits and profits from the commerce which the Europeans therein establish with them." Let me remark there that here is another piece of evidence to show the course of proceedings followed by the French in order to acquire and whereby I submit they did acquire the sovereignty of this country—no one else being in possession of it. What they did was this—after conciliating the Indians they obtained from them grants of a local landed possession. There is no other way by which they proceeded to acquire sovereignty.

The Lord Chancellor.—The context rather shows the contrary, because it says that the French possession interfered not with the rights of the Indians. And then he had said just before that the Indians were in the habit of making grants of this sort, "a grant which rightly acquired and applied they (that is the Indians) are always ready to make, as none of the rights or interests of their nation are hurt by it."

Lord Aberdare.—As long as they were lessees with the full power of hunting they did not care where the right to the territory rested.

Mr. Mowat.—That is quite so and they are willing to grant any rights beyond that which the European nations desired from time to time. It is the cumulative force of these things which makes the point clear that this territory had become French territory and was what was ceded to England in 1763. Now, my Lord, if you will allow me, on page 602, I will read a little more on this point.

Sir Montague Smith.—What is the meaning of this—"No Canadian is suffered to trade with the Indians, but by license from the Government."

Mr. Mowat.—"But by license"—that is the very point "No Canadian is suffered to trade with the Indians but by license from the Government and under such regulations as that license ordains." I think that is in my favor as showing that all this was done under Government action. I mean it was not the volunteer action of those who went in there to trade, but they were all acting under the Government and by the authority of the Government. "The main policy of which is this. The Government divides the Indian countries into so many hunts, according as they are divided by the Indians themselves. To these several limits there are licenses respectively adapted with regulations respecting the spirit of the nation whose limit it is; respecting the commerce and interest of that nation respecting the nature of that limit. The Canadian having such license ought not to trade and limit within the limits of such hunt but according to the above regulations; and he is hereby absolutely excluded under severe penalties to trade or hunt beyond these limits on any account whatever. It were needless to point out the many good and beneficial effects arising from this policy which gave thus a right attention to the interest of the Indians which observed the true spirit of the alliance in putting the trade upon a fair foundation and which maintained all the rights and laws of the hunt that the Indians most indispensably exact." Will your Lordships allow me to make here this observation, in view of which these different extracts should be read, that this governmental interference by the French constantly during all this period was never objected to by the Hudson's Bay Company as far as regards the territory in question, and it was not objected to by France to occupy this territory, and acquire the sovereignty of it in that way. "But the consequence of the most important services which arises out of this policy is a regular definite precise assured knowledge of the country. A man whose interest and commerce are circumscribed within a certain department will pry into and

scrutinize every hole and corner of that district. When such a _____ is by these means as full of these coureurs des bois as the commerce of it will bear, whoever applies for a license must betake himself to some new trade or _____ by which again begins an opening to new discoveries and fresh acquisitions. When the French have by these means established a _____ a commerce alliance and influence amongst the Indians of that tract, and have by these means acquired a knowledge of all the waters, passes, portages and posts, that may hold the command of that country—in short a military knowledge of the ground—then and not before they ask and obtain leave of the Indians to strengthen their trading house, to make it a fort, to put a garrison in it.” A garrison of course implies troops of the king. “In this manner by becoming hunters and creating alliances with the Indians as brother sportsmen, by founding that alliance upon and maintaining it (according to the true spirit of the Indian law of nations) in a right communication and exercise of the true interest of the _____ they have insinuated themselves into an influence over the Indians, have been admitted into a landed possession, and by locating and fixing those possessions in alliance with, and by the friendly guidance of the waters (of the St. Lawrence and Mississippi and of the Winnipeg system) whose influence extends throughout the whole, they are become possessed of a real interest in and real command over the country.”

The Lord Chancellor.—And you say that is annexation ?

Mr. Mowat.—I say it is the way in which desert country of this kind does become possessed by one nation rather than another.

The Lord Chancellor.—It may be a great step towards it, no doubt.

Lord Aberdare.—That is a curious expression if it is annexation, and a very roundabout way of saying that they had annexed a country, or that they considered it a portion of French territory.

The Lord Chancellor.—You might say we had annexed Borneo according to that.

Mr. Mowat.—All America was acquired in this way, it belonged to the Indians.

The Lord Chancellor.—It is impossible to deny that such a mode of proceeding might very easily terminate in annexation, but that it is annexation in itself is a different thing.

Mr. Mowat.—These are just some of the steps that are needed for that purpose ; that is the view at least we submit to your Lordships. A report of this kind is free from any doubt or suspicion as to its accuracy, because it is made by the English Governor and its purpose is to inform his superiors of what another nation is doing to acquire the sovereignty of the country.

Sir Montague Smith.—Line thirty seems to be a summary of it all : “They have thus throughout the country sixty or seventy forts.”

Mr. Mowat.—Yes, I was going to read that paragraph : “They have thus throughout the country sixty or seventy forts, and almost as many settlements which take the lead in the command of the country, not even one of which forts without the above true spirit of policy could they support with all the expense and force of Canada.” (It was from Canada that they were governed.) “Not all the power of France could ; it is the Indian interest alone, that does maintain these posts.” It is in consequence of always respecting these Indian customs that the English Government has always been so successful with the Indians, and contrasts so favorably in that respect with the United States where they are always at war with the Indians, and terrible disasters and atrocities are always occurring between them. “Having thus got possession in any certain tract and having one principal fort, they get leave to build other trading houses and entrepots, at length to strengthen such, and in fine to take possession of more advanced posts and to fortify and garrison them as little subordinate forts under the command of the principal one.”

Lord Aberdare.—Suppose the Hudson's Bay Company had pushed forward and come into collision with these posts, and they had been fighting, they probably would have been, that would have been considered a case of war ; do you say that the French would have considered it a violation of their territory ?

Mr. Scoble.—It was one ground of the war that led to the peace of Ryswick that the settlements of Hudson's Bay were attacked by the French.

Lord Aberdare.—That is quite another part of the territory. We are now speaking of places hundreds and hundreds of miles from Hudson's Bay.

Sir Robert Collier.—They speak of Canada in the next line.

Mr. Mowat.—Yes. "Although these principal forts have subordinate forts dependent of each other, and only under the command of the Governor General; there is a routine of duty settled for these, and the officers and commanders are removed to better and better commands. What the particulars of this are, and of the distribution of the troops, I have not yet learned as to Canada; but, in general, the present establishment for this service is 3,000 men, of which there are generally 2,300 or 2,400 effective." Then he says, "I have not been able to get an exact list of the forts in Canada."

Sir Robert Collier.—Then he gives a list of what he supposes to be the forts of Canada.

The Lord Chancellor.—Certainly, as far as I can follow the names, they do not seem to go beyond the undisputed limits of Canada.

Mr. Mowat.—Well, a good many of them are in the country along the Mississippi there, the others are in regard to the territory of which we have been speaking. For instance, about the middle of page 603, Fort Abitibi is mentioned, that is north of the height of land near James' Bay.

The Lord Chancellor.—That, I suppose, is within the undisputed limits of Canada?

Mr. Mowat.—Well, that is north of the height of land—Fort Abitibi.

Lord Aberdare.—That is within the territory which was conceded expressly to the Hudson's Bay Company by the Treaty of Utrecht, and before the document of which you speak?

Mr. Mowat.—It was in fact recognized as belonging to France by the Treaty of Utrecht.

Sir Robert Collier.—It appears to have been occupied by the French. They had had a fort at Abitibi.

Mr. Mowat.—Yes. It says, "French posts founded before 1703."

The Lord Chancellor.—In this list, at page 603, as far as the report of Governor Pownall is concerned, it might be important, because he says these particular forts are within what he understood to be Canada?

Mr. Mowat.—Yes.

The Lord Chancellor.—Now, I want to know whether there are any others which are outside the undisputed limits of Canada.

Mr. Mowat.—Will you mention what I am to consider as the undisputed limits of Canada?

The Lord Chancellor.—I mean Canada as it is or as it was, because part of it has been ceded to the United States.

Mr. Mowat.—Yes, all north of the lakes remained to Canada.

The Lord Chancellor.—These ten are mentioned. Can you point out on the map any others?

Mr. Mowat.—There is Fort Abitibi.

The Lord Chancellor.—Is the one you pointed out before between Lake Huron and Lake Ontario. Then Richard White says: "The French intercept the Indians coming down with their trade, as the witness believes, he having seen them with guns and clothing of French manufacture, and that an Indian told him there was a French settlement up Moose River, something to the southward of the west, at the distance, as the witness apprehends, of about 50 miles.

Mr. Mowat.—There is no question about that.

The Lord Chancellor.—That clearly was within the limits of Canada until it was ceded to the United States.

Mr. Mowat.—Yes.

The Lord Chancellor.—Then Duquesne—where is that?

Mr. Mowat.—At the junction of the Ohio and Alleghany Rivers. I may mention generally that the only names in the territory which are north of the height of land with which we have to do in this Abitibi—

Sir Robert Collier.—Are there any of them to the west?

Lord Aberdare.—None of these are to the west.

Mr. Mowat.—With regard to the others while the post is in one particular place, yet the territory which is supposed to be annexed to it extends much further. For instance, Michillimakinac and its dependencies is the first mentioned there and it is an historical fact, and there is evidence of it in this book, that the dependencies there extended north of the height of land, although the fort itself was south.

The Lord Chancellor.—Is it by Lake St. Joseph?

Mr. Mowat.—Yes, there is a fort at Lake St. Joseph.

The Lord Chancellor.—That seems to be exactly within the limits of what was given to Canada.

Sir Montague Smith.—North of the limits given by the award?

The Lord Chancellor.—No, it is not, it is within those limits. It is by the south bank of Lake St. Joseph.

Mr. Mowat.—Yes, my Lord. I think it is within the limits that the award gave to us. It is on a river which flows into Lake St. Joseph there and that river passes through the territories that the arbitrator gave us. Then there is also Fort Kaministiquia near Lake Superior.

The Lord Chancellor.—This list derives importance from this heading "Forts in Canada." Anything you can bring into that is certainly described at that time as being what was understood to be Canada, and I think although he says just before he has not been able to give an exact list of all the forts in Canada, yet one may infer that those are all that he had a list of.

Mr. Mowat.—Yes, I think he does not mention any others. I shall have to go to other testimony for the others.

Sir Robert Collier.—Fort St. Joseph—do I understand that to be west of the line from the confluence of the Ohio and the Mississippi—I suppose it was. Therefore I suppose that to be in your favor as excluding their boundary which is the line from the Ohio to the Mississippi.

Sir Montague Smith.—That would carry you to west of their boundary.

Mr. Mowat.—There are quite a number of forts west of the Mississippi between the Mississippi and the "due north line."

Sir Robert Collier.—Take Fort St. Joseph; that may be taken as carrying the boundary west of the line they contend for.

Mr. Mowat.—Yes, my Lord.

Sir Robert Collier.—Are there any others of that kind?

Mr. Mowat.—Fort Kaministiquia would be. It is also west of that "due north line." You will see Fort William there, and then the Indian name under it. The present name is Fort William.

Sir Robert Collier.—Yes, that is not in this list.

Mr. Mowat.—No, there is no other in the list I believe.

Sir Robert Collier.—The value of this is that there are all forts in Canada.

Mr. Mowat.—Yes, my Lord. There is another in this list which is on the upper Mississippi and west Fort Sioux.

Sir Robert Collier.—Where is that?

Mr. Mowat.—They are not marked with that name, but that is the general name which they received. Fort St. Croix, built before 1768, your Lordship will see that there (pointing).

Sir Robert Collier.—Is that in this list? A. It is included in the word Sioux. That embraces a number of others of which that is one.

The Lord Chancellor.—No doubt that was, I suppose, in Canada until the cession to the United States?

Mr. Mowat.—Yes, my Lord.

Sir Robert Collier.—To the west of Lake Superior, no doubt?

Sir Montague Smith.—There is a fort just to the north of the Pigeon River. There are a number of those forts which you say came within the general description of the Sioux.

Mr. Mowat.—Yes, my Lord, and Canada at that time was considered to extend over the Missis-ippi to the west bank of it, and some of the forts included under this name were on the west side of the Mississippi, and they were all considered as part of Canada, but of course that portion west of the Mississippi was not ceded to the English.

The Lord Chancellor.—Where is Miamis?

Mr. Mowat.—You will see that south-west of Lake Erie—a little below the most southerly part of it.

The Lord Chancellor.—Then it seems clear that the whole of those forts are within the district which it is not in conflict was Canadian or only in controversy in the sense of those who draw the line up to Ohio.

Mr. Mowat.—Your Lordship will find several named on the Mississippi. For instance, St. Antoine is mentioned; it is spoken of as being a fine one. That is in the region of which we have been speaking. I shall give your Lordships more particular information about these ports in the further evidence.

The Lord President.—We do not seem to be profiting at all by that limitation.

The Lord Chancellor.—It seems to be established that there were these forts reputed to be in Canada which we have at page 603, and that in the territories which were treated as Indian territories for some purposes; at all events the French had other forts acquired in the manner which is described in the documents.

Mr. Mowat.—Then I may assume for the present —

Sir Montague Smith.—You had better go on with any further evidence.

Mr. Mowat.—There was a Committee of the House of Commons in 1749, before which evidence was taken, and it is satisfactory because the Hudson's Bay Company was of course represented, and therefore whatever took place may be relied upon. It is at page 581. Joseph Robson is one of the witnesses there (some portions of the evidence of course is more striking than the others). He thinks that the beavers which are brought down to the company are refused by the French from their being a heavy commodity for the natives who come to trade with the company, dispose of their small valuable furs to the French and bring down their heavy goods to the company in summer when the rivers are open, which they sell and supply the French with European goods purchased from the company. The French deal in light furs, and take all they can get, and the Indians bring the heavy to us. He never knew any Indians who had met the French bring down any light furs. The French settlement on Moose River is on Abitibi Lake. The trade might be further extended by sending up Europeans to winter among the natives, which, though the company have not lately attempted, the French actually do." We have, however, evidence that there was this French fort there.

The Lord Chancellor.—Is that the Abitibi settlement that you were referring to just now?

Lord Aberdare.—Yes. I think so.

Mr. Mowat.—No. I think it was another one. There is the Moose River, that is another river which flows into Hudson's Bay, or rather into James' Bay, at the foot of Hudson's Bay, and it was upon that that this fort was built.

The Lord President.—There is Moose Fort I see here.

Lord Aberdare.—I think there can be no question that they did claim the territory at the south of James' Bay, because it was the subject of continuous discussion in various treaties.

Mr. Mowat.—Quite so, my Lord.

The Lord Chancellor.—That is the same fort which you describe as the Abitibi?

Sir Barnes Peacock.—I suppose so.

Mr. Mowat.—Then the witnesses go on to describe the course of proceeding, and show that the French really possessed the interior of the country at that time completely.

The Lord Chancellor.—Where do they show that? I see a good deal of evidence as to trading, but where is there anything about complete possession of the interior?

Mr. Mowat.—It was in that way that they did it.

The Lord Chancellor.—That is your argument.

Mr. Mowat.—Of course that is my argument; but that was the only way in which it was done.

The Lord Chancellor.—These witnesses are certainly speaking to trade, evidently.

Mr. Mowat.—Yes. That is all they are speaking to. They are telling you how the thing occurred and how the thing was managed, and showing that the whole of the interior trade was in the hands of the French. Now, Robert Griffen says:—"The French intercept the trade, to prevent which the company some time ago built Henly House, which did in some measure answer the purpose." That is the only one that they did build before the cession away from the bay.

Lord Aberdare.—That is to say up on the river?

Mr. Mowat.—Yes. But if they would build further in the country it would have better effect. "The French went there first and are better beloved, but if we would go up into the country the French Indians would trade with us." Alexander Brown: The French intercepting the Southern Indians, and by that means obtaining the valuable furs. Has been informed by the Indians that the French Canadian Indians come within six score miles of the English factories. The French Indians come to Albany to trade for their heavy goods. Has heard Mr. Norton (the Governor,) say that the French ran away with our trade. If the trade was opened the French would not intercept the Indians, since in that case the separate traders must have out factories in the same manner the French have, which the company have not, and being asked: "In case these out settlements were erected whether the same trade could be carried on at the present settlements, he said: "That it was impossible but the trade would be extended and by that means they would take it from the French. That if these settlements were near the French they must have garrisons to secure them against the French and the Indians who trade with and are in friendship with them (whom he distinguished by the name of French Indians). He heard the Indians tell Governor Norton in the year 1739 that the French had a settlement at about the distance of a hundred or six score miles from Churchill which had then been built about a year and contained 60 men with small arms." I think 80 was the number that was usual at the forts according to the evidence.

The Lord Chancellor.—Where is Churchill?

Mr. Mowat.—It is on the northern side of the map. Then there is a general account of the proceedings. I now beg to refer your Lordships to some historical evidence of that distant period, which you will find at page 64 of the Appendix of Ontario.

The Lord Chancellor.—That is a separate document is it not?

Mr. Mowat.—Yes, that is a separate document. It is the smaller document. I will read a little from the beginning of that. It shows the course of proceeding and confirms what I have said as to the French having occupied the territory in a way which, according to the rules of International Law gave them the sovereignty until the treaty ceded the territory to England. "The Indians therefore to procure the necessary supply were encouraged to penetrate into the country and were generally accompanied by some of the Canadians (this is telling the proceedings of the North-West Company—not of the Hudson's Bay Company) who found means to induce the remotest tribes to bring the skins which were most in demand to their settlements in the way of trade; at length military posts were established," that means by the French, "at the confluence of the different large lakes of Canada, which in a great measure check the evil consequences that followed from the improper conduct of these foresters and at the same protected the trade. Besides, a number of able and respectable men retired from the army, prosecuted the trade in person under their respective licenses with great order and regularity, and extended it to such a distance as in those days was considered to be an astonishing effort of

commercial enterprise." Then, speaking of missionaries, "they were during their mission of great service to the commanders who engaged in those distant expeditions."

Lord Aberdare.—From that would it not seem that all those expeditions were undertaken by the *coureurs des bois* from the basis of forts erected on the great lakes? All this shows that they are hunting and soon, from the basis of these forts and that the forts were there to keep them in order with the natives?

Mr. Mowat.—Is your Lordship referring to the forts at the south of the lake?

Lord Aberdare.—"At length military posts were established by the French at the confluence of the different large lakes"—I suppose those are great lakes?

Mr. Mowat.—Yes, they are.

Lord Aberdare.—"Which in a great measure checked the evil consequences that followed from the improper conduct of these foresters (*coureurs des bois*) and at the same time protected the trade." Then it was a sort of basis from which these men traded.

Mr. Mowat.—But they did this under the authority of the Government.

Lord Aberdare.—That is, only the forts that were erected; they were hunting into this open country. I do not think it shows any more than that.

Mr. Mowat.—Of course I shall have to show where these posts are. There is quite a large number of forts south of the great lakes; then, there is a number also north of the great lakes and in this North-West Territory, which I allude to for the purpose—

Sir Montague Smith.—Those on the great lakes are most important for us here.

Mr. Mowat.—But it is not merely those, as will appear as you read along. The very next paragraph shows it: "They (the missionaries) were, during their mission, of great service to the commanders who engaged in those distant expeditions, and spread the fur trade as far west as the banks of Saskatchewan River in 53° north latitude and longitude 102° west." He gives us the latitude there which shows us how far it went up. "Notwithstanding all the restrictions with which commerce was oppressed under the French Government, the fur trade was extended to the immense distance which has been already stated, and surmounted many most discouraging difficulties which will be hereafter noticed; while, at the same time, no exertions were made from Hudson Bay to obtain even a share of the trade of the country, which, according to the charter of that company, belonged to it, and from its proximity is so much more accessible to the mercantile adventurer."

The Lord Chancellor.—This is what the whole book seems to be—the history of the fur trade.

Mr. Mowat.—Yes; and the fur trade was the only trade prosecuted in the territory at that time.

The Lord Chancellor.—There is nothing specially about the possessions of the company.

Lord Aberdare.—That assumes, "according to the charter of the company," that this region, invaded by the French *chasseurs* or *coureurs des bois*, was, in fact, belonging to the Hudson Bay Company?

Mr. Mowat.—Perhaps I ought not to put it quite so strong as that. Your Lordship sees the words "which, according to the charter, belonged to them." That certainly does assume that in a sense, but—

Lord Aberdare.—Of course, if you quote it as an authority, you must take it all together.

The Lord Chancellor.—It would seem beyond all reasonable doubt that the French carried on trade, and erected, for the purpose of trade, certain forts. There seems no question about that, and apparently, that at the same time, the Hudson Bay Company were not competing in the same territory. If that is enough to establish territorial sovereignty, you have done it.

Sir Robert Collier.—They seem to have established forts, as shown here, as far west as the Saskatchewan River, which is a long way to the west. You will see at line 30, "One of these, Thomas Curry, with a spirit of enterprise superior to that of

his contemporaries, determined to penetrate to the furthest limits of the French discoveries in that country, or at least till the frost should stop him. For this purpose he procured guides and interpreters who were acquainted with the country, and with four canoes, arrived at Fort Bourbon, which was one of their posts, at the west end of Cedar Lake, on the waters of the Saskatchewan." That is a good way to the west, I suppose?

Mr. Mowat.—Yes; a great deal to the west.

Sir Robert Collier.—The Cedar Lake is the boundary of this map.

Mr. Mowat.—There are quite a number of them, I have not mentioned them all yet.

Sir Robert Collier.—I see several forts are marked.

Mr. Mowat.—Yes, all the important ones are marked.

Lord Aberdare.—Is your contention that all these existing places round Manitoba formed a portion of the district of Upper Canada?

Mr. Mowat.—Yes, my Lord, at least I am not claiming them now, so they may have formed a portion of it. They belonged to Upper Canada because they were ceded by France to England.

The Lord Chancellor.—It is quite clear that that is what Sir Alexander Mackenzie speaks of because he says in the passage just referred to: "For this purpose he procured guides and interpreters who were acquainted with the country, and with four canoes arrived at Fort Bourbon which was one of their posts at the west end of Cedar Lake on the waters of the Saskatchewan. His risk and toil were well recompensed, for he came back the following spring with his canoes filled with fine furs with which he proceeded to Canada and was satisfied never again to return to the Indian country."

Mr. Mowat.—Of course he referred there to the better settled and better known parts of Canada. If your Lordship would permit me I should now like to call your Lordship's attention to a few more passages bearing on this question, as it is a very important one, in ascertaining what is to establish our case. Sir Alexander Mackenzie goes on at page 65 in this way: "Hence it arose that it was so late as the year 1766, before which the trade I mean to consider commenced at Michillimakinac. The first who attempted it were satisfied to go the length of the River Kamistiquia."

Sir Robert Collier.—We have read the whole of that passage already.

Mr. Mowat.—I beg your Lordship's pardon. Then there is a report by Colonel de Bongainville on the French post of Canada, 1757, which is at page 25 of the Ontario Appendix. He deals with posts that are not material for our present purpose, I think, but I propose to call your Lordships' attention to what is said on page 27, commencing with line 30, where he does refer to posts that are material for our present purpose, "post of the Western Sea (*la mer de l'ouest*). The post of the Western Sea is the most advanced towards the north, it is situated amidst many, I mean tribes, with whom we trade, and who have intercourse also with the English towards Hudson Bay. We have there seven forts built of stockades, trusted generally to the care of one or two officers, seven or eight soldiers and eighty engagés; Canadians. We can push further the discoveries we have made in that country and communicate even with California." So he there states how many forts they then had in that quarter.

Sir Robert Collier.—How do you say this report is given, for whom?

Mr. Mowat.—I refer to this as a piece of historical evidence, it is the only way we can get at the facts relating to this distant period.

Sir Robert Collier.—But it is a statement by Colonel de Bongainville, to whom? It is made on what occasion?

Mr. Mowat.—It is taken from a "Memoir on the State of New France at the time of the Seven years' War (1757)." It is from that printed book that I took this extract.

Sir Robert Collier.—Was it addressed to his own Government, or what?

Mr. Mowat.—It was a book printed for general circulation.

The Lord Chancellor.—However, the passage you have read speaks of the particular post which I suppose is to the south of the territory we are talking about, because he speaks of communication with California.

Mr. Mowat.—“The post of the Western Sea” means all the North-West Territory. What follows shows that.

Lord Aberdare.—Why was this country called “La mer de l'Ouest?”

Mr. Mowat.—The Pacific Ocean was at that time called the Western Ocean, and it was supposed that this lay near there.

Lord Aberdare.—Although it was in the centre?

Mr. Mowat.—Although it was in the centre.

The Lord Chancellor.—Is this particular post marked anywhere?

Mr. Mowat.—The post includes a number of forts; a post did not mean one single building, but it meant a series of forts.

The Lord Chancellor.—It was a post consisting of several forts?

Mr. Mowat.—Yes, my Lord, you will see that by the paragraph beginning: “The post of La Mer d'Ouest includes the forts of St. Pierre, St. Charles, Bourbon, de la Reine, Dauphin, Poskvia and Des Prairies.”

The Lord Chancellor.—I wanted, if possible, to see them on the map.

Mr. Mowat.—Yes, they are all on the map.

Lord Aberdare.—This country is called “La Mer d'Ouest?”

Mr. Mowat.—All these are considered to be new and they are so marked: “Posts of the Western Sea.” It embraces the whole of the territory; the whole of the North-West under that name, in fact. It comes down right into Hudson Bay.

Lord Aberdare.—On this map, the letters “Western Sea” unfortunately go through Manitoba. It was so called because it was supposed to be on the shores of the Pacific, where also California was to be found.

Mr. Mowat.—I may mention here that one of my friends, who is with me here from Canada, has given attention for thirteen or fourteen years to this subject, and is an expert in all geographical matters connected with it. If Your Lordships would allow him to address the court, besides myself and my learned friend, Mr. Scobell, on that part of the matter simply, it would shorten the whole discussion.

The Lord Chancellor.—Oh, no; as we said yesterday, we cannot hear three counsel.

Mr. Mowat.—Then, my Lord, this goes on to describe all these posts and points out where they are situated. Your Lordship has looked at them on the map and I suppose I need not read them over, but at each of them there are officers, at each of them there are soldiers, at each of them there are men employed in very large numbers—eighty. In this respect, much more was done to acquire sovereignty for France than the Hudson Bay Company did to acquire sovereignty to England over whatever territories they had to deal with, although the forts were comparatively fewer and they were not named anything like so extensively. I think one of the things appearing in the evidence here shows that they had only 120 men altogether in all the other forts, instead of the very large number that the French had. Your Lordships were asking who he was, and I mentioned some things about him. I should have mentioned also that this number was submitted to General Montcalm, at the time it was written, and that officer testified to the correctness of the information which it contained.

At page 28, speaking of this post, Colonel De Bongainville says: “The post of La Mer d'Ouest merits special attention for two reasons; the first, that it is the nearest to the establishments of the English at Hudson Bay, and from which their movements can be watched; the second, that from the post, the discovery of the Western Sea may be accomplished, but to make this discovery it will be necessary that the voyageurs give up all views of personal interest.” Then he goes on to say, amongst other things, what steps were taken for the purpose of discovery. The French always had that matter in view, and were constantly making discoveries and extending their possessions. Then, at page 39, we have got the post of Tahtibi. “Tahtibi is a post dependent upon Temiscamingue, situated at 120 leagues from the

precedent fort. Towards Hudson Bay, each post may contain one hundred men; they subsist on game and fishing, they sow no grain and have no village. All this country is mountainous and not at all fertile. The post produces about 120 bundles of furs."

The Lord Chancellor.—Where does that lie?

Mr. Mowat.—It is a little south of St. James' Bay. We looked at that before. Then he describes a little lower down the method of proceeding. At line 30 he says: "We call congé the licenses or permits that are granted by the Governor General for a canoe laden with six thousand pounds of merchandize intended to be sold in one of the posts indicated, such a license costs fifty pistoles. The Governor General, who is at liberty to give more or less, applies these funds for the maintenance of poor families of officers. Account is given to the King of only twenty-two licenses. The Governor sometimes gives as many as forty, the half of the fifty pistoles goes to the King and the other half is at the disposal of the Governor for gratuities." Now, my Lord, I have collected the evidence here in regard to every one of these forts and posts. Some of it I have read and some of it I have not read. I do not know whether my learned friends on the other side are going to dispute any of these things.

The Lord Chancellor.—I should doubt whether they would dispute the historic account of these things given at the time, in 1777, by a well-known French writer, and, as you say (and I daresay correctly), approved by the Government of Quebec. I should think the effect of that probably would not be agreed upon between you, but the facts, I should think, would be agreed.

Lord Aberdare.—I suppose that all these various fortresses that are scattered over these various places were put there by Frenchmen, would not be disputed. The question is, as the Lord Chancellor has said, the effect of that.

Mr. Mowat.—Well, I think for the present I will not trouble your Lordships with putting together the vast amount of evidence that there is bearing upon all these forts. Then, as your Lordships have asked me what evidence there is as to how far this territory was ever claimed by Upper Canada as belonging to it, I will refer your Lordship to what appears upon that subject. First, they are necessarily historical documents to a considerable extent. The first I would mention is at page 412, where there is a petition set forth; it commences at page 410. It is a petition by the Earl of Selkirk in reference to an Act of Upper Canada, which is entitled: "An Act for extending the jurisdiction of the Courts to the trial and punishment of persons guilty of crimes and offences committed within certain parts of North America adjoining the said Provinces," and it was further enacted "that all offences committed within any of the Indian territories, or parts of America not within the limits of either of the said Provinces of Lower or Upper Canada, or of any civil government of the United States of America shall and be deemed to be offences of the same nature and shall be tried in the same manner and subject to the same punishment as if the same had been committed within the Provinces of Lower and Upper Canada." The Act itself is at page 409; the petition is at page 410. The petition is a long one, and the passages that I am going to read to your Lordships are the only ones probably that are material for our present purposes. The Earl of Selkirk complained of this Act and he wished to have it disallowed.

The Lord Chancellor.—I do not see that he complains of the Act. At page 410 there is a complaint against some legal proceedings in the Canadian courts.

Mr. Mowat.—Yes, but in connection with this Act, and I have a statement here which shows that Upper Canada was claiming jurisdiction. It is one piece of evidence to show how that Upper Canada actively claimed jurisdiction beyond the due north line.

Lord Aberdare.—Westward to an indefinite distance, he says.

Mr. Mowat.—Yes, my lord. At page 412, if you will allow me, I will read these two or three sentences which will show what I mean. He complains of the chief judge of Upper Canada, in defiance of the Act of Parliament which declares the western boundary of Canada to be a line drawn northward from the point of junction

of the rivers Ohio and Mississippi. Of course that was his point that that was our limit, and he says that there was an Act of Parliament saying so, and that the chief judge acted in defiance of that "and in opposition to the unanimous decision of the court at Quebec, asserts that the western district of Upper Canada extends westward to an indefinite distance." That is the expression that your Lordship read just now. So that there was the Earl of Selkirk pointing out what it was, which in his view, the chief justice of Upper Canada asserted on that subject. "That in consequence of this extraordinary doctrine your memorialist is apprehensive that under the provisions of this new provisional Act the chief justice will not hesitate to issue bench warrants for the purpose of arresting several persons now resident at the Red River Settlement," and so on. I cite that as an historical statement of what is said in regard to that distant period.

The Lord Chancellor.—You cite it as an historical statement, but is it in your favor?

Mr. Mowat.—I cannot press it beyond what it says.

The Lord Chancellor.—Because it says: "That the chief justice of Upper Canada in defiance of the Act of Parliament which declares the western boundary of Canada to be a line drawn northward from the point of junction of the rivers Ohio and Mississippi, and in opposition to the unanimous decision of the court of Quebec, asserts that the western district of Upper Canada extends westward to an indefinite distance."

Mr. Mowat.—Yes, but your Lordship will not take this construction of the Act of Parliament.

The Lord Chancellor.—If you use it as a statement for any purpose, you must use it for all. How can it be a statement with regard to the rights?

Mr. Mowat.—No, not with regard to the rights. I do not cite it for that purpose.

Sir Barnes Peacock.—You cite it as an historical statement only of the assertion of the chief justice?

Mr. Mowat.—Yes.

Lord Aberdare.—Were these acts committed in Upper Canada?

Mr. Mowat.—It was said to be in Lower Canada, not in Upper Canada; it was Lower Canada in the De Reinhard case.

Lord Aberdare.—As against the unanimous decision of the whole court and in defiance of the Act of Parliament, he made this assertion?

Mr. Mowat.—Yes. There was a trial in Lower Canada in 1818 of persons charged of murder away up in the disputed territory, and in that case the court held that our westerly limit was a due north line from the Mississippi. It had never been held before and never acted upon before whatever; and it appears from these papers in print that the question was referred to England as to whether that construction of the Act of Parliament was the correct one, and after a good deal of correspondence, no opinion of the law officers appears to have been obtained. At all events after very diligent enquiry and search in these papers we have not been able to find that there was, and ultimately the man was pardoned. That is a single case in which a decision of that kind was made, and there was a great mass of evidence which we have now, to show what the true construction of the statute was; for instance, there was a vast number of commissions there, and the judges had not the advantage of those commissions, and the great argument, and the conclusive argument was, that the Act of 1774 recites that its object was to give a Government to those colonies and settlements, namely, the Government of the British Crown. It was not brought before the court at all, nor a great variety of other matters. If reliance was placed on that I should show how very little material for judgment upon this point this court had; but, at all events, their judgment was never acted upon; it was never acted upon in that case, and it has not been acted upon by any court.

The Lord President.—Was it not acted upon in McLellan's case?

Mr. Mowat.—He was acquitted; and on the occasion I am mentioning, the Quebec court charged the jury, and they came to a conclusion on whatever cases were brought before them. No doubt there is that judgment, but this court would

not take their judgment as being correct unless it was right, and I argue it was wrong.

The Lord Chancellor.—I do not think you can make very much out of a statement of that kind.

Mr. Mowat.—I only put it as one piece of evidence. I am asked what is the position taken in Upper Canada with regard to this territory, and that is one of the pieces of evidence that I put forward, and it is only one.

Sir Barnes Peacock.—The prayer of the memorial is, that their Lordships "will take the Provincial Act into consideration as early as possible, and will advise the Prince Regent in Council to disallow the same."

The Lord Chancellor.—Which was done—it was disallowed?

Mr. Mowat.—No; it was allowed.

Sir Barnes Peacock.—What was the Act?

Mr. Mowat.—It is at page 409.

The Lord Chancellor.—However that seems to add very little light, because that seems to provide for a jurisdiction in parts of the province "which are not within the limits of the county or counties," but what the province is it does not say.

Mr. Mowat.—No; it does not.

Sir Montague Smith.—What does it say, that under these Acts they might go into these districts?

Mr. Mowat.—That they claimed the right to go, and would go.

Sir Barnes Peacock.—Had they ever done so before the Hudson Bay Territory was settled?

Mr. Mowat.—Yes. I will tell your Lordship what evidence there is. At page 413 the same thing is said by the Hudson Bay Company, your Lordship observes. They informed the Lords of the Committee of the Privy Council that by "the interpretation which has been put upon it by the chief justice and the law officers in that province, it has had the effect of operating as an *ex post facto* law with respect to several of your memorialists' officers and servants, contrary to the established principles of justice and to the law of England. For, in consequence of such interpretation, criminal prosecutions were immediately commenced and a bill of indictment preferred against certain of their officers and servants for a conspiracy to destroy the trade of the North-West Company in having committed certain acts alleged to have taken place at Fort William (a trading post of that company) two years prior to the passing of the said colonial law. Your memorialists further submit that Fort William, where the said acts were alleged to have been committed, is not Upper Canada"—that is carrying out his idea that it was a due north-west boundary—"being situated to the west of the boundary line of that province (as established by Act of Parliament, 14 George III, chap. 83) and, therefore, not within the jurisdiction or subject to the Legislature of that province." That was his construction.

Sir Barnes Peacock.—Fort William is within this part?

Mr. Mowat.—Yes, it is within this part. It is a little west of the due north line near the shore.

Sir Barnes Peacock.—This is what is included in Ontario by the award?

Mr. Mowat.—Yes, this is what is included in Ontario by the award.

Sir Robert Collier.—The object of this Act was to enable the Governor by proclamation to declare that any part of the territories was within the Province of Canada for the purpose of criminal jurisdiction.

The Lord Chancellor.—No; it assumed that there were certain tracts not part of any prescribed township or county, but which were within the limits of the province. It did not define any tracts. Assuming that it was within the province the Act extended there.

Sir Robert Collier.—"Any of the said tracts of country." It says: "All parts of wh sh province." I should read "tracts of country" as meaning tracts of country not being parts of the province, not being within the limits of any prescribed town-

ship or county for the purpose of trying prisoners. It is merely for the purpose of trying prisoners.

The Lord Chancellor.—No, it is not so. It is “An Act passed in the 38th year of His Majesty’s reign, intituled: “An Act for the better of this province, large tracts of country are comprehended in the several districts of this province which are not within the limits of any township or county therein.”

Sir Robert Collier.—“Which are not within any township or county?”

The Lord Chancellor.—Of course, with regard to that Act, we must see whether there was any such Act, and what was the effect of it.

Mr. Mowat.—It is printed immediately preceding.

Sir Montague Smith.—What you cite this for is to show that under this Act they did exercise jurisdiction within these districts, and that they were treated as being within the Act.

Mr. Mowat.—Treated as being within the Act.

Lord Aberdare.—Where is it?

Mr. Mowat.—What I have just read is at page 413, and before parting with it, I want also to read something from Chief Justice Powell’s report on this subject which is printed at page 416.

Sir Barnes Peacock.—Do you show that under that Act there was ever any trial by the Ontario judicial officers in that part which is now included in the award before the Hudson Bay Company’s settlement?

Mr. Mowat.—Yes, there is some evidence of that. I think I shall be able to show your Lordships, I do not know whether under that Act or not, but at all events whether it was under this Act or not there were trials.

Sir Barnes Peacock.—You say there were trials?

Mr. Mowat.—Yes.

Sir Barnes Peacock.—In the part included in the award before the Hudson Bay Company’s settlement?

Mr. Mowat.—Yes. I think I shall be able to show your Lordship that. Will your Lordships allow me to read what Chief Justice Powell says, in the paragraph commencing “The outrages,” at page 416. This is the statement that he makes: “The outrages at Fort William were presented in the western district of Upper Canada, that post”—that means Fort William—“having been ever considered part of that district by the proprietors of the Governments and the courts, yet the supreme courts of Lower Canada had adjudged that it was without the Province of Upper Canada.” He complains there of the adjudication in Lower Canada as being contrary to what it was always considered to be in Upper Canada.

The Lord Chancellor.—The Supreme Court of Lower Canada had adjudged that it was without the Province of Upper Canada.

Mr. Mowat.—Yes.

Sir Robert Collier.—What became of all this? Chief Justice Powell complains that “the Supreme Court of Lower Canada had adjudged that it was without the Province of Upper Canada.” What finally became of that? Was it finally treated as being within or without the province?

Mr. Mowat.—In that particular case in which the judgment was pronounced, and in which the prisoner was found guilty, it was disposed of in this way: The Government sent to the Imperial Government here the papers, the notes of the trial and the points, in order that an opinion of the law officers might be obtained as to whether the locality was or was not in Upper Canada, whether the judgment of the court on that point was correct. Well, it seems to have rested there for about two years. There was a correspondence about wanting the opinion, but if there was any opinion given we have no record of it, at all events we cannot find it.

Lord Aberdare.—Are you speaking of De Reinhard’s case.

Mr. Mowat.—Yes. The question was, whether the spot was situated in Upper Canada or in Lower Canada. My friend has not cited a case, or suggested that there was ever a case in which that view which the Lower Canada court held in the De Reinhard case was ever acted upon by anybody. It was acted upon by no Govern-

ment afterwards, it was acted upon by no court afterwards, either in Upper or Lower Canada, and whatever law there was required to be acted upon or put in force in this territory was the law of Upper Canada. The Province of Manitoba has printed an appendix setting forth a report of Judge Ramsay discussing this question of boundaries; and the report so printed has this memorandum added to it, which I may shorten the matter a little if I read it, because it really shows what was done and what was well known to have been done in this territory west of the due north line in Upper Canada. This is at page 71.

Mr. McCarthy.—If my friend would allow me, it might shorten the time if I admit, as I ought to admit as a matter of fact, that up to the height of land, that is between Lake Superior and the height of land, Upper Canada did exercise jurisdiction. I leave my friend to point out that which is beyond the height of land.

Lord Aberdare.—How far?

Mr. McCarthy.—It is about 40 or 50 miles. Your Lordship will see that marked on the map.

Lord Aberdare.—That land would not go so far as the Lake of the Woods.

Mr. McCarthy.—No.

Lord Aberdare.—There is only one particular map which shows it.

Sir Robert Collier.—What do you call the particular height of land? Is it up that way or down here? (Pointing on a map.)

Mr. McCarthy.—Your Lordship will see it is marked on this printed map. (Referring to another map.)

[Mr. McCarthy pointed out on the map the position of the particular territory.]

Mr. Mowat.—The due north lines are here.

Mr. McCarthy.—Yes; I admit that they exercised jurisdiction between the due north line which we now claim as the proper line, and the height of land.

Mr. Mowat.—And that you always did so, so far as the information goes.

Mr. McCarthy.—I cannot say at all.

The Lord Chancellor.—There is an Act in 1803 "For extending the jurisdiction of the Courts of Justice in the Provinces of Lower and Upper Canada to the trial and punishment of persons guilty of crimes and offences within certain parts of North America adjoining to the said provinces."

Mr. Mowat.—That is under commission.

The Lord Chancellor.—Therefore giving an extra territorial jurisdiction.

Mr. Mowat.—Yes, but not necessarily. The Governor might at his discretion authorize it.

Sir Robert Collier.—You do not say the right to the land was exercised under that Act.

Mr. Mowat.—No. The documents here show that with reference to that Act of 1803 that it was passed in consequence of murders committed in Athabaska. I am not quite sure how far my friend's submission extends. If he admits that that part west of the due north line up to the height of land is a territory in which Upper Canada always exercised jurisdiction, of course I have nothing more to say. That is all that is needful for me to make out.

Lord Aberdare.—Oh no, he does not, because that is a very small part indeed which was allotted to them.

Mr. Mowat.—Yes, I know that, but so far as regards that which is west of the due north line, and up to the height of land, I must ask my friend to give me some admission.

Lord Aberdare.—You made some case as to Fort William, and so forth, and he says, "Yes, as to Fort William; that is all very well," but beyond Fort William, he does not admit anything.

Sir Montague Smith.—He admits that which is beyond the due north line.

Mr. Mowat.—Yes, that we exercised the jurisdiction. There is no doubt at all that we exercised jurisdiction beyond the due north line.

Mr. McCarthy.—Oh, yes. I think they did continually. I think, so far as Upper Canada is concerned, different townships have been laid out there under the

municipal jurisdiction of Upper Canada. It is between the due north line and the height of land and Fort William, as your Lordship sees, is in that territory.

Sir Robert Collier.—Yes.

Mr. Mowat.—The jurisdiction is not only the equity jurisdiction of the courts, but also a jurisdiction as to granting land. Grants of land were from time to time made west of the due north line (there is evidence of that) by the Province of Canada, and I believe by the Dominion.

Mr. McCarthy.—Oh, no.

Mr. Mowat.—Not by the Dominion, but by the Province of Canada before the Confederation, of course when the only right of doing so was that this formed part of Canada; and very extensive mining grants were also made.

Sir Robert Collier.—Mining grants?

Mr. Mowat.—Yes.

Sir Robert Collier.—You are able to prove all that I suppose?

Mr. Mowat.—Yes. I had better show it at once.

Lord Aberdare.—If it is accepted up to the watershed, there is no use showing it. I think the learned counsel on the other side admitted that townships were also formed there?

Mr. McCarthy.—Yes.

Lord Aberdare.—And that would be exercising territorial jurisdiction also?

Mr. McCarthy.—Yes.

Lord Aberdare.—But then the argument, as I understand, was this: I gather, if you once show that this territory, beyond that particular territory, was a part of New Canada, that that would apply to the whole of the district included in the award; but this admission was limited to that portion of the district which is on the east.

Mr. McCarthy.—That is so. I think my friend will not be able to show any exercise of any jurisdiction beyond the height of land that was the limit.

Sir Montague Smith.—Then you say beyond that that there have been grants of lands?

Mr. McCarthy.—Yes, in that same territory.

Sir Montague Smith.—In that same territory, but that you carry grants beyond the territory with respect to which the submission has been made?

Mr. McCarthy.—I do not carry the grants beyond the heights of land.

Sir Montague Smith.—Perhaps that also will be admitted.

Mr. McCarthy.—Yes. That they exercised jurisdiction here as regards timber and so on.

The Lord Chancellor.—Up to the height of land?

Mr. McCarthy.—Yes.

Lord Aberdare.—On the western side?

Mr. Mowat.—No, I do not admit that.

Mr. McCarthy.—My friend does not admit it, so I shall have to prove it by and by.

Mr. Mowat.—Do you say on the west of the height of land?

Mr. McCarthy.—Yes.

Mr. Mowat.—Oh, that is another thing.

Sir Robert Collier.—You say jurisdiction is exercised up to the height of land. Is the height of land spoken of as the boundary of the jurisdiction, and so on?

Mr. McCarthy.—Yes. I think in several places it is, for instance, in the treaty, which my friend will admit—

Sir Robert Collier.—Is there any Act of Parliament in which what is called "the height of land" is mentioned?

Mr. McCarthy.—Yes. There was a treaty with the Indians in 1850, and that treaty took in all the land.

Sir Montague Smith.—No, you are asked whether in any of the documents relating to the criminal jurisdiction there is any Act of Parliament in which it is mentioned?

Mr. McCarthy.—No, not in any of the documents relating to the criminal jurisdiction. I am speaking of an official document, and this was an official document.

Sir Montague Smith.—That is another matter.

Mr. Mowat.—The jurisdiction is only exercised in all parts of Upper Canada according as the population gets into it. There is a large part of the undisputed Territory of Upper Canada which has not yet been surveyed, which is quite unoccupied. There is no population there; and, therefore, there is no occasion for the exercise of jurisdiction.

Sir Robert Collier.—You get from this due north line, you have got the jurisdiction beyond it, and you have got to the grants of land beyond it. You do not admit that the height of land is the boundary?

Mr. Mowat.—Oh, no.

Sir Robert Collier.—Then how far back do you go?

Mr. Mowat.—The commission to Lord Dorchester—the commission of 1786—especially carries the boundary to a point which is beyond the height of land.

Sir Montague Smith.—And the Quebec Act?

Mr. Mowat.—Yes. I rely on the Quebec Act and the purpose of the Quebec Act, and I rely on the Order in Council in 1791, which declared that all Upper Canada was to be included in Quebec, and then all the correspondence which is printed here shows that to be a contention.

Sir Robert Collier.—We have heard all that.

Mr. Mowat.—Yes, you have. Then there is an admission by the Dominion itself, which I think is of some value. At page 122 of the Supplemental Appendix there is printed the material parts of a Dominion statute to readjust the representation of the House of Commons and other purposes. It is a supplement to the Appendix. The Appendix is in two parts.

Mr. McCarthy.—We have not seen that.

Mr. Mowat.—I suppose that does not matter. The court will, I suppose, look at any papers that are material. That is so agreed even if the papers should not be printed. This is a statute under which the settlements in the awarded territory are made part of the Ontario District of Algoma for the purpose of representation.

The Lord Chancellor.—This is an Act of 1882?

Mr. Mowat.—Yes.

The Lord Chancellor.—How does that bear on the question?

Mr. Mowat.—Well, it is an admission by the Dominion.

The Lord Chancellor.—An admission of what?

Mr. Mowat.—It is an admission in effect that the territory in question is part of Ontario, because it is given as a part of Ontario.

The Lord Chancellor.—Where does that appear? Is it in the Act?

Mr. Mowat.—Yes, it is in the Act. The recital refers to the census which has just been taken and declare that the Province of Ontario requires to elect additional members in consequence of it, and so on. There is nothing more in the recital which is material for either of us. Then the first clause declares of how many members the House of Commons should consist, and the second clause recites, "that the said Province" &c., &c. (reading the clause down to the words) "as it now is, except so far as it may be altered in the following provisions of this Act." Then there are some provisions which are not material, but the material one is printed here, "in Ontario the settlements," &c., &c. (reading down to the word Algoma.)

Sir Robert Collier.—It is merely an adjustment of the territories?

Mr. Mowat.—Yes, but why should it be annexed to Ontario if it is not part of Ontario?

The Lord Chancellor.—What was the date of the award we had before us?

Mr. Mowat.—1878. We contended that if the Dominion asserted that the award was wrong that this territory was no part of Ontario, why should they state that it was?

Sir Montague Smith.—Pending the dispute, they rather adopt the award in the interval for this purpose.

Sir Barnes Peacock.—It says, "part of the Electoral District of Algoma." What is that?

Mr. Mowat.—That is the Ontario Electoral District.

Lord Aberdare.—What is the name by which this district principally went? It is not down in the map. Something beginning with a "K."

Mr. Mowat.—Keewatin. Keewatin was not a province.

Lord Aberdare.—It was merely a name.

Mr. Mowat.—Yes, it is a very narrow strip. Nothing turns upon it I suppose, but there is a very narrow strip called Keewatin in the territory. A strip between Manitoba and Ontario was included in Keewatin and it was a very narrow strip indeed, assuming the award to be correct and the original boundaries of Manitoba to remain what they were.

Further, as bearing upon this point of the English River not being territory of the Hudson Bay Company and being within the bounds of Upper Canada, I may refer for a moment to the maps. My learned friends rely upon the maps. Well, they are very varied. They are very inconsistent with one another, and whatever information existed about this territory was really obtainable only from the Hudson Bay Company. Therefore the maps are such information as is understood to be conveyed by those to whom inquiries were made by the map makers of the Hudson Bay Company, who alone had information on the subject. When the matter was before the arbitrators the Dominion applied to the Hudson Bay Company for any maps which would throw light upon the question of boundaries, and the Hudson Bay Company furnished four maps. Only two of those, I believe, were of any importance or helped to throw any light in any way whatever on the question in dispute, and unfortunately one of those two seems to be missing, but here is the other which is called Mitchell's map. It is the map stated in the evidence to have been before the Commissioners when the treaty of 1783 was made, and it is a map which is very much worn and appears to have been very much used. It comes, as I have said, from the custody of the Hudson Bay Company. Now, how does it lay down the boundary line? Now, in this map the boundary line is laid down north of the Lake of the Woods.

Sir Robert Collier.—Which line?

Mr. Mowat.—The line which is spoken of here as being the bounds of the Hudson Bay Company.

Sir Robert Collier.—That is the northern boundary?

Mr. Mowat.—Yes.

Sir Robert Collier.—How about the western boundary?

Mr. Mowat.—I do not think there is anything in this which would throw light upon that. I only refer to it for the other purpose. There are a number of maps in the same way, which give as the boundary a line north of the Lake of the Woods.

Sir Robert Collier.—But not as far west as the Lake of the Woods?

Mr. Mowat.—Yes, my Lord, and as far west as the Lake of the Woods.

Sir Robert Collier.—Then that is in your favor.

Mr. Mowat.—Yes, in that respect it is in my favor.

Sir Robert Collier.—Then let us see it.

(The map was shown and explained to their Lordships.)

Sir Robert Collier.—If they give a line as far west as the Lake of the Woods it is in your favor?

Mr. Mowat.—There is the line and there is the Lake of the Woods (pointing them out).

Sir Robert Collier.—According to that, Canada would go on here. Where do they say their own territory, the Hudson Bay, lies?

Mr. Mowat.—That is the line which marks it. It is differently colored. Then there is another height of land which runs away far north, and if you take that as the height of land it would give us the English River.

Sir Robert Collier.—This is the boundary of Canada, and there is the Lake of the Woods.

The Lord Chancellor.—It seems exactly so far to correspond with the boundary which has been laid down unless the introduction of the smaller map there destroys its value.

Sir Robert Collier.—At all events they treat Canada as going as far west as the Lake of the Woods—perhaps further. Then they claim to come down near to the Lake of the Woods. That is not very far from the line drawn by the arbitrators, is it?

The Lord Chancellor.—This surely shows it somewhat further south than the award does.

Sir Robert Collier.—Somewhat further.

Mr. Mowat.—The English River is not marked upon that.

Lord Aberdare.—The waters of the English River found their way into Hudson Bay.

Mr. Mowat.—Ultimately, after travelling a thousand miles.

Sir Robert Collier.—This would seem to represent the Lake St. Joseph and the other lake called the Long Lake pretty much as it is here.

Mr. McCarthy.—But the Lake of the Woods is too far north of that map.

Sir Robert Collier.—As far as I can understand, that would represent the Lake of St. Joseph. I suppose this would represent the English River?

The Lord Chancellor.—Which do you say is the Lake of the Woods?

(The lake was pointed out.)

The Lord Chancellor.—Then it is very inaccurately laid down. But there is no doubt this would correspond exactly with the awarded boundary.

Sir Robert Collier.—Thereabouts I think.

The Lord Chancellor.—Exactly this other part. The Lake of the Woods seems to be shown too far north.

Mr. Mowat.—Yes, and that would afford room for the English River and the north of it in Canada.

Sir Robert Collier.—The Hudson Bay Company treat all this pink as theirs. Then they treat the brown of Canada as theirs.

The Lord Chancellor.—That chain exactly corresponds with the northern boundary they award.

Sir Robert Collier.—The brown they put as Canada.

The Lord Chancellor.—There can be no doubt of the extreme accuracy of the proportions and distances.

Lord Aberdare.—Was that map before the arbitrators?

Mr. Mowat.—Yes, my Lord.

The Lord Chancellor.—Produced by which party?

Mr. Mowat.—They were procured and put in by the Dominion. The idea was, as it is here now, to put in everything.

The Lord Chancellor.—The Dominion will not deny, I suppose, then, that some weight is to be given to it.

Mr. Mowat.—Then there are other maps to the same effect. I have two of the original maps here—one is a new map of North America, from the latest discoveries. The date is 1763. That is the very year of the cession and there it gives the bounds of Hudson Bay by the Treaty of Utrecht. I shall show that it is a mistake, but that shows what was supposed to be the boundary.

Sir Montague Smith.—Where does this map come from?

The Lord Chancellor.—There is the Lake of the Woods, but the other lakes are not laid down at all.

Mr. Mowat.—It only shows it north of the Lake of the Woods. That is all I can argue for that.

Sir R. Collier.—They put themselves as above the Lake of the Woods in that direction, but they do not appear to come down here.

The Lord Chancellor.—They do not appear to claim to come down there. Is this a Hudson Bay map?

Mr. Mowat.—I do not know what it is.

The Lord Chancellor.—It is by some geographer?

Mr. Mowat.—Yes.

Mr. McCarthy.—It was not a Hudson Bay map?

Mr. Mowat.—No, but it was forwarded by the Hudson Bay Company to the Dominion for the purposes of the arbitration. Then I have pinned to it another old map, of about same period, and also showing the line north of the Lake of the Woods.

Sir R. Collier.—That is the same thing.

Mr. Mowat.—That is a different map by a different author, but it is really the same thing. There are a great number of maps which show the line in that way. I refer particularly to Mitchell's because it was the only map of any value which the Hudson Bay Company forwarded when they were asked for maps for the purpose of illustrating the question. There was another map furnished by the Hudson Bay Company, which has been mislaid since, but there is a statement here as to the effect of it. It was not disputed at the time, and, no doubt, will not be disputed here. It was a map dated 1748. The statement your Lordship will find at page 66 of the Joint Appendix. It bears the Royal Arms and the arms of the company and seems to have been prepared by the company in view of the Parliamentary enquiry of that period, and for the purpose of showing the limits which the Company then claimed.

Sir Robert Collier.—You are now reading from the proceedings before the arbitrators?

Mr. Mowat.—Yes, the map was mislaid for the moment. "The line which this map gives as the company's southern boundary is considerably north of the height of land, even as shown on this map, for the line is therein made to cut Frenchman's River."

Sir Robert Collier.—Who says this?

Mr. Mowat.—This is my statement. "And several other rivers shown on the map as flowing into Hudson Bay. The company does not, by the map, claim to the height of land even so far as these comparatively small rivers are concerned. Their southerly line on the map runs to the eastern shore of a lake called Nimigon, thence to and northerly along the eastern shore of Winnipeg, and thence northerly to Sir Thomas Smith's Sound in Baffin's Bay." Now there is a manuscript map coming from the custody of the Hudson Bay Company and not claiming any part of the territory which the arbitrators have given to us. That is a map sent by the company. It is one of the only two, perhaps, of any moment sent by the company to the Dominion for the purpose of throwing light upon this question. We have the one map (Mitchell's) upon which I have been commenting and here is the other one perhaps still more valuable because it is in manuscript and must be presumed to have been prepared for the company itself. I have mentioned here that it has the company's arms upon it and the date indicates that it is the map which was probably prepared for use by the Parliamentary Committee in 1748.

The Lord Chancellor.—It is unfortunate that it is not produced. Can we draw safe conclusions from a reported argument?

Mr. Mowat.—There is some difficulty there. I cannot do anything better. Both sides made search for these maps, and Mitchell's map was found, but this map has not yet been discovered. Then there are a number of other maps which show boundaries that would not include the territory in question.

Sir Montague Smith.—Boundaries of what?

Mr. Mowat.—Boundaries of the Hudson Bay Company. Some of these are in Albany, and I have not been able to produce them.

Sir Robert Collier.—Where do they come from?

Mr. Mowat.—I will tell your Lordship what they are. We made a list of notes on the maps which we had before the arbitrators, and which your Lordship will find in the separate Appendix of Ontario. Page 116 is what I am going to refer to.

The Lord Chancellor.—There seems to have been an immense number of maps?

Mr. Mowat.—Yes, my Lord, an immense number of maps. The turn the thing has taken has been a little different from what we expected or perhaps some of these

maps might have been procured. All I can do now is to refer to the notes in regard to them. This is a confirmation of the inference one would draw from Mitchell's map, namely, that the territory in the award was not claimed by the Hudson Bay Company at that time. The note is that it "shows a line exactly the same as that of Mitchell's map of 1755, already mentioned. It is engraved and colored, but has no inscription. The map extends further to the westward and to the eastward than Mitchell's, but the line stops, incomplete at either end, at the same points as on his."

The Lord Chancellor.—Mitchell's is the one we saw ?

Mr. Mowat.—Yes.

The Lord Chancellor.—Which seems to make the chain of lakes the boundary to the north ?

Mr. Mowat.—Yes, my Lord. This map, 120, is also a map which is at Albany. That is also following Mitchell, and, therefore, perhaps it is not worth my while to refer to that particularly. Then 132 is another, on page 121.

Lord Aberdare.—Were all these maps before the arbitrators ?

Mr. Mowat.—These notes were before the arbitrators, and a few maps. The notes were before them.

Sir Robert Collier.—Here you state "The western limit of the map is a little west of the Lake of the Woods."

Mr. Mowat.—"A line engraved and colored and marked Bounds of Hudson Bay by the Treaty of Utrecht" commences at the point in the western limit where the line on Mitchell's map of 1755 (hereinbefore mentioned) produced westerly would end. So that it confirms Mitchell's only it carries the line further west and runs easterly in about the same position as Mitchell's map to the eastern limit of the map." Then the following 133 confirms the same view. "A new map of North America, showing the advantages obtained therein to England by the peace, has a line corresponding to that on Mitchell's map of 1755 (hereinbefore mentioned) as far west as the terminal point of that line and running thence south-westerly to the western limit of the map in about longitude 103° and latitude 49° 12'. The name Canada on the face of the map applies westward to the same limit. The sources of the Mississippi are in about their true position—Lake of the Woods has no feeders." Then No. 144, my Lord, contains a line marked, "Boundaries of Hudson Bay by the Treaty of Utrecht." It follows substantially the height of land from a point west of Lake Mistassin to a point north of Lake Nepigon (crossing, however, a river) whence it runs westerly, passing the Lake of the Woods at a distance of about half a degree north of that lake.

Sir Montague Smith.—North of the lake ?

Mr. Mowat.—North of the Lake of the Woods.

Sir Robert Collier.—"Passing the Lake of the Woods at a distance of about half a degree north of that lake."

Mr. Mowat.—So it would give to Canada the whole Lake of the Woods and something more. It was not actually measured.

Lord Aberdare.—That would take it up about to English River ?

Mr. Mowat.—That is what I contend.

The Lord Chancellor.—Where is Lake Mistassin ?

Mr. Mowat.—It is east of St. James' Bay, my Lord. It is a lake of considerable size, east of St. James' Bay.

Lord Aberdare.—Not Lake Nepigon ?

Mr. Mowat.—No.

Lord Aberdare.—That is just east of the Ohio line. Just east of the eastern of the two ?

Mr. Mowat.—The northern part of Lake Mistassin is in a line with the northern part of St. James' Bay, and some distance to the east. There are also other maps which I will call your Lordships' attention to by-and-bye and which give as this line of the bounds of Hudson Bay the height of land to the east and running away up to Split Lake which would be north of the English River.

Lord Aberdare.—Split Lake is on the Nelson River ?

Mr. Mowat.—Yes. That line would be quite north of any part of the awarded territory. Split Lake is marked on the map on Nelson River. Your Lordship will see the line there.

Lord Aberdare.—The line appearing on the English maps of the 18th century?

Mr. Mowat.—Yes. It will not be disputed that line is also there and on some of these maps. It is north of the English River and is an authority therefore that it would be in English territory. In some of these maps, all that territory west of that line to Split Lake, is marked as French Canada. Then another point, as to the limit of Canada, is established by the negotiations in respect of the Treaty of Utrecht. It will just take me a minute or two to mention what I refer to. The negotiations will be found at page 490. At page 500 the particular memorials on which I rely for this purpose will be found. Your Lordship will find at the foot of page 500 a memorial from Monsieur de Torcy to Mr. Prior. He gives an account of what has been done upon these negotiations. This was before the Treaty of Utrecht, by which the Hudson Bay and Straits were given up to the English and Commissaries were to be appointed for the purpose of deciding how the territory was to be divided. By the previous Treaty of Ryswick the right of France was recognized to what was practically all the forts of the bay, with one single exception. Then England having recognized the right of France to all those forts, whatever territory should be considered as accompanying the forts of course went to France likewise. Then in consequence of the success of British arms the Treaty of Utrecht was much more favorable to England, and England insisted upon getting the whole bay and straits and insisted also upon France surrendering all the posts and forts that were on the bay, and as I have said the Commissaries were to be appointed for the purpose of determining exactly where the line should be. The English Government gives to the Hudson Bay Company authority to receive possession from France of these posts and forts on the bay. They were delivered accordingly, and there is a memorial from the Hudson Bay Company declaring (my learned friends, I presume, will not dispute) that the company were satisfied with regard to the forts which were to be delivered. They were the forts which the treaty provided for. But there was no agreement as to how much territory should go. It is clear, however, that the territory was very near the bay, and it is very important to observe this, because, whatever territory did not go to England under the Treaty of Utrecht, whatever territory remained to France after the Treaty of Utrecht, would be part of that Canada which was ceded to England in 1763. Whatever remained to France by the Treaty of Utrecht in 1713, went to England under the Treaty of 1763, and will not be claimed by the Hudson Bay Company. It certainly cannot be claimed successfully. Now, we know there was only a limited amount of territory claimed previous that treaty and for the purpose of the treaty by England. These papers show it. I refer, I have said, to the memoir from Monsieur de Torcy to Mr. Prior. "The plenipotentiaries of Great Britain insist that it shall be expressed that France shall restore not only what has been taken from the English, but also all that England has ever possessed in that quarter. This new clause differs from the plan, and would be a source of perpetual difficulties; but to avoid them, the King has sent to his plenipotentiaries the same map of North America as had been furnished by the plenipotentiaries of Great Britain."

The Lord Chancellor.—Have you that map?

Mr. Mowat.—We have not got the very map.

Lord Aberdare.—This is it, I suppose?

Mr. Mowat.—The lines are drawn, however, upon the map that we have.

The Lord Chancellor.—We saw Mitchell's map.

Mr. Mowat.—The map itself we have very diligently on both sides endeavored to get.

The Lord Chancellor.—This is of no value. It is 1763.

Mr. Mowat.—Probably for a hundred years the map has been lost. I shall be able to show to your Lordships that maps of that period on which there is a dotted line, which is copied upon the map which we bring here—

Sir Robert Collier.—Are you speaking of this map now?

Mr. Mowat.—Yes.

The Lord Chancellor.—I see upon the map in my hands a line colored, which is marked as the line alleged by the English, and that seems to go between Lake Nepigon and Lake Superior. It is impossible to make an exact comparison between these. It certainly would pass through the territory now given by the award to Ontario.

Mr. Mowat.—That is one of the English maps.

Lord Aberdare.—I see you have, on the map with which you have furnished us, a dotted line showing the boundaries of Hudson Bay by the Treaty of Utrecht. On what is that founded?

Mr. Mowat.—I put that in as showing that some of the maps have that statement upon them. There is no doubt the Treaty of Utrecht was never followed by any agreement. I observe my learned friends have put in a memorandum declaring that the question is disputed whether the bounds were ever settled under that treaty, and a sentence is copied from Mr. Phillimore's book on International Law, for the purpose of showing that. But I can show, beyond any sort of doubt, the bounds were never settled under the Treaty of Utrecht. That is a mistake which has got into a number of the maps.

[Adjourned for a short time.]

Sir Barnes Peacock.—I think that old map you produce has not got any date upon it.

Mr. McCarthy.—Yes, my Lord. It is dated the 13th of February, 1755.

Mr. Mowat.—My Lords, in several of these maps which have been looked at, and in a number of other maps, the statement is made that the boundaries were settled after the treaty of Utrecht. It is rather curious, in connection with those statements, that the lines laid down as the boundaries, being settled by the treaty of Utrecht, do not agree at all. On some of the maps, it is the line 49. In others it seems to follow the height of land; and in another set of maps, the line so described runs away north to Split Lake. That fact indicates that there must be some mistake in saying that the boundaries were settled by the Treaty of Utrecht. My learned friends think it important to make out that they were so settled.

The Lord Chancellor.—What is the clause of the treaty which relates to this matter? It is at page 504, is it not?

Mr. Mowat.—Yes, clause 10.

The Lord Chancellor.—“The said Most Christian King shall restore to the kingdom and Queen of Great Britain, to be possessed in full right power, the bay and straits of Hudson, together with all lands, seas, seacoasts, rivers and places situate in the said bay and straits, and which belong thereunto, no tracts of land or of sea being excepted, which are at present possessed by the subjects of France. All which, as well as any buildings there made, in the condition they now are, and likewise all fortresses there erected, either before or since the French seized the same, shall, within six months from the ratification of the present treaty, or sooner, if possible, be well and truly delivered to the British subjects.” Is there anything about boundaries there?

Mr. Scoble.—In the same article, a little further on.

Mr. Mowat.—It says that the commissaries should meet for the purpose of settling them.

The Lord Chancellor.—I suppose they did.

Mr. Mowat.—No, my Lord, they did not. They met, but they came to no conclusion, and it is very curious that we find on so many of these maps the statement made as to the boundary. It is a statement that we cannot admit, and it is curious, that in the Oregon matter, it was assumed that the commissaries had met, and had settled on the line 49. It is perfectly certain that the fact is otherwise. If that line had been settled, it would be an important element in deciding the present matter; but it is quite clear upon the documents that nothing of the kind has occurred. I have mentioned one thing that makes it clear, and that is that we find

the boundaries vary so much on the different maps. Another thing is this that it is not pretended you can find any such agreement. It is nowhere suggested that anybody has been able to find the agreement that the commissaries entered into. There is nothing but these maps on which this statement is to be found.

Sir Montague Smith.—Is the commission to the commissioners published?

Mr. Mowat.—Yes, the authority under which they were to act is published, and is amongst the papers. (It is at page 506.)

Sir Barnes Peacock.—The papers relating to the proceedings, under the Treaty of Utrecht?

Mr. Mowat.—There are also some further papers that we got at subsequently after the Joint Appendix was printed, and which are now printed in the Ontario Appendix, at page 34. I think the first in date is there. The title of it is given at page 33, "Memorial of the Hudson Bay Company to the Lords of Trade and Plantations, 3rd October, 1750."

The Lord Chancellor.—A long time after?

Mr. Mowat.—Yes, a long time after. My purpose is to show that up to that time it had never been settled. I suppose it may be assumed if it was not settled in 1750, inasmuch as the treaty was in 1713, it was not likely to have been settled at all, and it is only a few years after that the whole territory is ceded to England. Then at the top of page 34 it says:—"That in pursuance of the said treaty and the especial Commission of Her late Majesty, Queen Anne, dated 20th July, 1713, the said bay and lands were delivered up to, &c., and commissioners were appointed to settle the said limits and adjust the damages, &c., and commissaries were appointed to settle the said limits and adjust the damages, &c., and proceedings were had by the said commissaries towards settling the same, but they were never able to bring the settlement of the said limit to a final conclusion."

Nobody was so interested in this matter as the Hudson Bay Company themselves, and we have that statement of theirs in an official document addressed to the Lords of Trade and Plantations.

Then the next paragraph is:—"The boundary line then proposed by the Hudson Bay Company to be settled on the limits on the continent between them and the places belonging to the French at the south end of the said bay, as appears from the several memorials and a map or a plan then presented by the said Hudson Bay Company to the Lords Commissioners of Trade and still remaining in your Lordship's office, was the same as the line now proposed by your memorialists for the south-east and south boundaries, and so on." So there we have this statement that up to 1750 nothing of the kind had taken place.

Then again in 1759 we have got another memorial from the company, and that is at page 587 of the Joint Appendix.

The Lord Chancellor.—But the inference to be drawn seemingly is that when they refer to the map in the Treaty of Utrecht they refer to an English map of that date, because it is quite clear from the passage, at page 500, that there was such a map?

Mr. Mowat.—Yes, it is clear, but unfortunately we have not been able to find it.

The Lord Chancellor.—And inasmuch as there was a general undertaking in very large terms to restore what had been considered to have been taken by the French from this country in the absence of a settlement by the commissioners I should suppose that the British map is that which must be referred to?

Mr. Mowat.—Your Lordship will give it such weight as it is entitled to. We have not got the map at all. We have some indications of what the map contained, but we have not got either map.

The Lord Chancellor.—We know there was a British map, and we know there was this general undertaking to restore "the same map of North America as had been furnished by the plenipotentiaries of Great Britain. His Majesty has caused to be drawn upon this map a line which describes the boundaries in such a manner as he has reason to think they may easily agree upon this point on both sides. If, however, there should be any obstacle which the plenipotentiaries cannot remove

the decision must be referred to commissaries to be named for the adjustment of the boundaries of America." That is the passage. Then there never were any actual persons appointed commissaries to make the English maps referring to the map connected with the Treaty of Utrecht.

Mr. Mowat.—It would be hard to bind us by the maps of private parties on a point of that kind.

The Lord Chancellor.—Not at all. Secondary evidence is receivable in such a case where you cannot get direct evidence?

Mr. Mowat.—I think I may leave that to my learned friend.

The Lord Chancellor.—It is quite clear when Mitchell's map was published—the exact date appears. But the view of the Hudson Bay Company was that under the Treaty of Utrecht it was within the boundary there marked. Then there was the map of 1703, when I suppose the elements of dispute were already existing, showing a straight line which runs between Lake Superior and Lake Alemipigon. No doubt there are a great many things laid down with a certain amount of inaccuracy on that map, and in a matter of detail it would be comparatively of little use, but it shows that the then English pretensions were regarded by France as being to an apparently straight line parallel and running beyond the end of Hudson Bay, eastward.

Mr. Mowat.—Mr. Justice Draper's paper, which is printed with Appendix, and which was submitted on behalf of the province to the House of Commons' Committee, pointed out the variations in the position which the Hudson Bay Company took from time to time, and then on the maps, while there are some mentioning the line your Lordship referred, there are other maps which give another line.

The Lord Chancellor.—This is a French map which comes from the Government Survey of France, and is stated to be identical with that which is found in the Library of the Ministry of Marine of Paris. It is dated in 1703, 10 years before the Treaty of Utrecht, and it is a map of Canada, or New France, and is one from the French point of view, and it lays down this as the line of the English pretensions.

Mr. Mowat.—The Treaty of Utrecht is 1713.

The Lord Chancellor.—I say it is 10 years afterwards. Then this is before the treaty which shows what the French 10 years before the treaty understood to be English claim.

Mr. Mowat.—But, my Lord, it is quite impossible that can be the case, and you will see that when you see that by the Treaty of Ryswick the French had all the posts on the Bay, with the exception of one. That was in effect all but one—except Fort Nelson. In 1703 that was not the English claim.

The Lord Chancellor.—Is this your map? Unless the parties had put this yellow line on it, which is hardly likely, because the words are in the French language and are printed, it certainly represents what in 1703 the French understood to be the English claim of the boundary between the two countries, and as I say that corresponds with an irregular line now drawn no doubt, but it was a perfectly regular and straight line drawn south of the lakes between Lake Alemipigon and Lake Superior, to a point at the end of Hudson Bay, and then running off through Lake Mistassin to a place south of Davis' Straits and Baffin's Bay.

Mr. Mowat.—I think the fact is those lines were put on in 1719.

The Lord Chancellor.—It comes from your own clients.

Mr. Mowat.—It was put on for the purpose of showing the forts that are there.

The Lord Chancellor.—For whatever purpose it is put on, is or is not "La pretension des Anglais" part of it. If it has been put on for the purpose of this case, we most entirely disregard it, but if it belongs to that date it shows that the French Government thought what ten years before the Treaty of Utrecht was the English claim.

Mr. Mowat.—I will see what evidence there is upon that and my learned friend will mention it to your Lordships.

The Lord Chancellor.—This is a map of some importance with reference to the Treaty of Utrecht, because the French agreed to give up certain things described in very general words under the name of restitution not cession.

The Lord Chancellor.—And I think it was your observation that the success of the English in the war that preceded the peace of Utrecht led rather to an enlargement of their claim.

Mr. Mowat.—Yes. Ultimately the whole territory had to be ceded, England was so successful.

The Lord Chancellor.—You mean after the great war in Lord Chatham's time?

Mr. Mowat.—I will mention shortly the other evidence that there was no settlement. The memorial that I have just referred to states this, dated in 1759. "Commissaries were appointed to settle the said limits and adjust the damages the company had sustained, which, for the ships and goods of the company taken by the French appears by an account stated in the year 1713, and delivered to the then Lords Commissioners of Trade and Plantations, amounted to upwards of £100,000, besides the damages the company sustained by the enemies burning three of their forts and factories at Charlton Island, Moose River, and New Severn, and proceedings were had by the said commissaries towards settling the same, but they were never able to bring the settlement of the said limits to a final conclusion, nor did the said Hudson Bay Company ever receive any satisfaction for their said damages." This is what the company itself says:—

"That the papers which were laid before the said commissaries, and the Minutes of their proceedings, as also a memorial relative to this matter, which in the year 1750, after the conclusion of the last war, was presented to your Lordships, remaining, as your memorialists believe, in your Lordships' office, it is conceived from thence will appear the best state of the rights of both Crowns and of the territories and claims of the said company, that can be laid before your Lordships, whereto your memorialists beg leave to refer. Your memorialists therefore humbly hope, in case any treaty of peace shall be set on foot between this nation and France, that your Lordships will intercede with His Majesty to take the premises into his royal consideration, and that he will be graciously pleased to cause your memorialists to have full satisfaction made them pursuant to the said Treaty of Utrecht for the afore-said depredations they are thereby acknowledged to have sustained from the French in time of peace, and for which satisfaction is by the said treaty agreed to be made to the company, and that the limits of the said company's territory may be settled, as by the said treaty as also agreed."

Then the Dominion, for whom my learned friends are presumed to appear here, in one of their despatches to the Secretary of State for the Colonies, dated the 8th of February, 1869, which is to be found at page 287 of the Joint Appendix, make this statement. The particular statement I am going to read is at page 294, and it is a declaration of my learned friend's clients. As no definite boundary was established between the possessions of the French in the interior and the English at Hudson Bay down to the Treaty of Paris, 1763, when the whole of Canada was ceded to Great Britain, the extent of the actual possession by the two nations for some period, say from the Treaty of Utrecht to the Treaty of Paris, affords the only rational and true basis for ascertaining that boundary." That is the very thing I am contending before your Lordships now.

Then letters are published in the Appendix, showing the searches that have been actually made and the result of them, for any such division. For example, Mr. McDermott was employed by the Dominion Government for this purpose, and the result of his examination appears at pages 717 and 718 of the Joint Appendix. He says this: "The boundaries of the Hudson Bay Company, as defined by the Treaty of Utrecht, are shown on both editions of Mitchell's map as following the height of land which forms the watershed of rivers running southward to the lakes or northward to the bay. I do not find, however, in the records and correspondence of the Commissioners of Trade and Plantations (which consist of documents in French, Latin and English) any mention of a decision arrived at by the commissioners appointed to fix this boundary matter and other disputed questions." That is up to 1870.

The Lord Chancellor.—Those are recent documents?

Mr. Mowat.—Yes, they are the recent investigations as to whether there was a settlement or not. We have carried them up to a very late date, indeed, and we have been all searching in every possible way so that there is no doubt whatever that the boundaries were never settled. Mr. Justice Draper, in his paper put in on behalf of Canada before the Committee of the House of Commons, makes the same statement on page 196 of the Joint Appendix.

The Lord Chancellor.—I thought you described a passage you read at page 294 as emanating from the Hudson Bay Company. That seems to have been from their opponents when the question was being agitated as to whether they had any rights or none?

Mr. Mowat.—I did not read it as from the Hudson Bay Company. I read it as being from the Dominion Ministers.

The Lord Chancellor.—They were at that time endeavoring to persuade the English Government to treat the Hudson Bay Company as having no rights.

Mr. Mowat.—They are my opponents here.

The Lord Chancellor.—You cannot deduce any argument from that?

Mr. Mowat.—Your Lordships may very fairly make an inference from that.

The Lord Chancellor.—What I infer is that they were very anxious to get rid of the Hudson Bay Company altogether at that time?

Mr. Mowat.—No doubt but they would not say what was untrue. They have not been able to show since that those statements were incorrect. Then there is French evidence to the same effect from the Memoir of M. de la Galissonnière in the Joint Appendix, page 514.

The Lord Chancellor.—I think it may be assumed that if the effect was that the commissioners never settled anything, England continued to claim to pass under the restitution what they had claimed before at least, if not more.

Mr. Mowat.—But then would the Hudson Bay Company be entitled to it? It is one thing for the Crown of England to leave it and another thing for the Hudson Bay Company to have it.

Sir Robert Collier.—Still it does not seem to be a very accurate map so far as I can make out.

Lord Aberdare.—They did not know much about it at that time.

Sir Robert Collier.—I was only remarking that the map is clearly inaccurate. The Lake of the Woods does not seem to be marked on it.

Lord Aberdare.—I see that this very document which you have just now quoted assumes that the possessions of the Hudson Bay Company are very large, because they say "They are there, however, by at least a show of right. Being there, they obstruct the progress of Imperial and colonial policy, and put in jeopardy the sovereign rights of the Crown over one-third (and, as some think, even a larger portion) of the North American continent."

Mr. Mowat.—I do not know whether the reference there is to the Hudson Bay Company's territories or to the whole territories over which they had the exclusive right of trading, because there was an enormous territory over which they had the exclusive right of trading and which was not included in their charter.

Sir Barnes Peacock.—It seems to apply to Rupert's Land.

Mr. Mowat.—In 1750 there was an attempt to settle the question between France and England, and then M. de la Galissonnière was one of the commissioners appointed for that purpose, and at page 514 he expressly states that nothing was done. At the foot of that page the statement which I refer to is to be found. "The Treaty of Utrecht had provided for the appointment of commissioners to regulate the boundaries of Hudson Bay; but nothing has been done in that matter. The term restitution which has been used in the treaty conveys the idea clearly that the English can claim only what they have possessed."

The Lord Chancellor.—That is a French argument?

Mr. Mowat.—But we have French testimony, in addition to English testimony, that the matter had never been settled, and there can be no doubt about it at that time because he was one of those authorized to endeavor to come to a settlement.

He was himself one of the commissioners. We have an official French document a little later than that too, namely, the instructions to M. de Vaudreuil, dated Versailles, 1st April, 1755, which is to be found at page 515 of the Joint Appendix. That is five years later. "By Article 10, of the Treaty of Utrecht, it had been agreed that commissioners should be named on both sides to settle the boundaries between the French and British American colonies. On occasion of an expedition that the English fitted out in 1718, against the fishing ports which the French had in the Islands of Canso, the two courts did in fact nominate commissioners to decide the property of these islands. The commissioners met at Paris. At the very first conference, those of the King of England, who claimed that the Islands of Canso were dependent on Acadia, which was ceded to the English by the Treaty of Utrecht, were convinced, on inspecting the map which they presented themselves, that those islands were, on the contrary, included in the reserves expressed in the article of the Treaty of Utrecht containing the cession of Acadia, and that, consequently, France had retained the property thereof. They withdrew saying they required new instructions from their court and did not again make their appearance. Although there had been questions on different occasions that since presented themselves of naming other commissioners in execution of the treaty, the English had always eluded it until the last war; and Sieur de Vaudreuil is better informed than any person how they abused the moderation." Here he inveighs against the English a little. "Which had always governed His Majesty's proceedings and views since he has been a witness of their unceasing usurpations in the territory of Canada during the long peace which followed the Treaty of Utrecht." Then a little lower down there is this statement. "As yet the commissioners have not entered upon the limits of Canada."

The Lord Chancellor.—"They (the English) have not yet explained themselves respecting the extent they propose giving their Hudson Bay boundaries. But it is to be expected that they will wish to stretch them to the centre of the colony of Canada in order to enclose it on all sides." I do not know what value you ascribe to this document. It does not seem to me to have much.

Sir Montague Smith.—You use that simply to show that no map had been made or any boundaries settled?

Mr. Mowat.—Yes.

Sir Montague Smith.—You have shown that in various other documents. I do not know whether the other side deny it.

Sir Robert Collier.—You had better wait till the other side show there was a settlement.

Sir Montague Smith.—Because that is all you have been laboring.

Mr. Mowat.—That is all, but I found amongst their papers that they intended to set that up, and, therefore, I thought it worth while to select the evidence to show that there was nothing in it. Then there is just one matter more which I will speak of, and I will give place to my learned friend who is with me in the matter, to supply what I have omitted. I want to show your Lordships the position taken with regard to all the matters by the Province of Canada and by the Dominion. Your Lordships will see it is no new claim that we are setting up at all. It is merely continuing a claim that has been advanced for a considerable period. The territory which the arbitrators gave us was really only a small part of what had been insisted on as belonging to Canada in the strongest possible language. I do not say that Canada had invariably asserted her right to it. I do not say but that in some despatches expressions are found which imply that those who happened to be then members of the Government, or in charge of the particular departments, may not have been alive to the interests of Canada, but then the general scope of the position occupied is very plain from what I will call your Lordships' attention to. For instance, at page 289, your Lordships will find a despatch of the Canadian delegates to the Under Secretary of the 8th February, 1849.

The Lord Chancellor.—That is again I suppose part of the controversy as to the Hudson Bay?

Mr. Mowat.—Yes. I want to make out that the Hudson Bay Company are not entitled to any part of the territory which the arbitrators have given us; at all events not to that part which Manitoba and ourselves have a dispute about. That is all that I am reading this for. This is about the middle of the page.

Sir R. P. Collier.—The date of this is 1869?

Mr. Mowat.—Yes, my Lord, it is so recent as that. It is the Dominion itself setting these things up. "It will be observed that two things are assumed in these proposals to the company which the Canadian Government have always disputed. First, that the charter of Charles II is still valid, and grants the right of soil or freehold of Rupert's Land to the company. Second. That Rupert's Land includes the so-called fertile belt, extending from the Lake of the Woods to the Rocky Mountains. The law officers of the Crown in England have, on two or three occasions, given their opinion in favor of the first assumption, but never so far as we are aware in favor of the second. The report of the law officers in 1857 admits that the geographical extent of the territory granted must be determined by excluding the country that would have been rightfully claimed by the French authorities as falling within the boundaries of Canada (which the charter itself excludes by express words) and states that the assertion of ownership on important public occasions, as at the treaties of Ryswick and Utrecht should be considered, and also the effect of the Acts of 1774 and 1791. The most recent opinion of the law officers of the Crown which we have seen (6th January, 1868,) as to the rights of the Hudson Bay Company does not even by implication support their present claim to the fee simple of nearly one-third of the American continent. On the contrary, Sir John Harslake, and his colleagues conclude their report with the emphatic statement that it is very necessary, before any union of Rupert's Land with Canada is effected, that the true limits of the territory and possessions held under the charter should be accurately defined. An assumption therefore which covers so much ground and is unsupported by any competent legal authority, which ignores the repealed protests and claims of Canada and seeks to supply a basis upon which a surrender for valuable consideration may be made is, to say the least, a most favorable assumption for the company. We notice these points in Mr. Adderley's letter before remarking on Sir Stafford Northcote's reply to prevent the possible inference that we have acquiesced in them." Then they present this argument in the same paper at page 293, which I adopt and read to your Lordship as being a correct view of the matter, and it is the statement of the Dominion itself at the time. Take paragraphs 1, 2, 3 and 4. "The charter of Charles II (and for the present we raise no question as to its validity) could not and did not grant to the Hudson Bay Company any territory in America which was not then (1670) subject to the Crown of England. The charter expressly excluded all lands, &c., then possessed by the subjects of any other Christian prince or state. By the Treaty of St. Germaine-en-Laye (1632) the King of England resigned to the King of France the sovereignty of Acadia, New France and Canada generally, and without limits La Nouvelle France was then understood to include the whole region of Hudson Bay, as the maps and histories of the time, English and French, abundantly prove.

The Lord Chancellor.—That is not an allegation that Canada had claimed it?

Mr. Mowat.—That particular sentence is not, but this presents concisely the argument against the company having any territory that could come down to where we are now.

The Lord Chancellor.—No, it goes very much farther than that. It speaks of the whole territory of the Hudson Bay Company. It seems to me to have very little bearing indeed on the particular question before us.

Mr. Mowat.—In 1863, my Lord, all the maps really did show that, and in all the maps of that date the whole region of Hudson Bay is marked as if it belonged to New France or Canada, but of course when England got part of it that part ceased to belong to New France. Fifth. "At the Treaty of Ryswick (1697), twenty-seven years after the date of the charter, the right of the French to places situated in Hudson Bay was distinctly admitted and although commissioners were appointed

(but never came to any agreement) to examine and determine the pretensions which either of the said kings hath to the places situate in Hudson Bay and with authority for settling the limits and confines of the lards to be restored on either side, the places taken from the English (*i. e.* for the Hudson Bay Company) by the French previous to the war, and re-taken by the English during the war, shall be left to the French by virtue of the foregoing (the 7th) article. In other words the forts and factories of the Hudson Bay be established in the Hudson Bay under pretence of their charter and taken possession of by the French in time of peace on the ground that they were an invasion of French territory, were restored by the Treaty of Ryswick to the French and not to the company."

The Lord Chancellor.—Does this add anything whatever to what you have pointed out already?

Mr. Mowat.—Well, my Lord, I have been asked several times what position had been taken with reference to this territory and I showed that the old Province of Canada took this ground, and I show that the Dominion of Canada have taken it since.

The Lord Chancellor.—I cannot see in the passages here any suggestion that this was part of the Province of Canada?

Mr. Mowat.—But that was the object of this statement.

The Lord Chancellor.—No, it was rather that the Hudson Bay had no right to it?

Mr. Mowat.—I quite agree, but the inference to be drawn from that is that Canada had the right to it.

The Lord Chancellor.—I do not see that any such inference is to be drawn.

Mr. Mowat.—Well, I thought so, my Lord. Another view of the matter occurred to me which may be stated in a word or two. These territories were in dispute, at all events there was large territory in dispute from time to time between France and England, and France at one time was recognized as the owner of all the territory about Hudson Bay with the exception of one fort and whatever territory might be considered as connected with that fort which England reserved and the company possessed. Now, what is the effect upon legal ownership of a transaction of that kind when there is no meeting of commissaries, no agreement as to how much territory is to go with those different forts? It is important to notice that when we come to consider the effect of the Treaty of Utrecht very much more territory was to go to England under that treaty than under the Treaty of Ryswick, because under the Treaty of Ryswick nearly the whole of the territory went to France, under the treaty of Utrecht the bay, straits, and whatever territory that would command was given to England. Commissaries were to be appointed under that treaty likewise, but they never were appointed. Now, there was a large territory around Hudson Bay previous to that treaty belonging to France. How are we to determine now as to the effect of the treaty of Utrecht upon that? Where is the line to be drawn and upon what principle can it be drawn? It seems to me that you might regard it as unpartitioned property. The legal ownership of the property had been in France at the time of the treaty or the agreement. It was to be divided in some fashion between England and France, and I submit that the principles of partition would apply. I refer to that for this reason: I understand that when a court is called upon to partition property as to which there is a joint ownership, or when commissioners are called upon to partition a property as to which there is a joint ownership they consider all the circumstances and have a discretion in reference to what is fair and just to determine and where to draw the line. I ask your Lordships here, if that is a principle which applies to draw the line so as to give us such territory as under all the circumstances not more but less than the Province of Ontario might fairly claim? Upon these and other grounds, I hope your Lordships will see your way to come to that conclusion.

Sir Barnes Peacock.—Can you tell me whether Schedules A and B, which are annexed to the Order in Council are printed?

Mr. Mowat.—We have them printed but this book contains the same materials and therefore we did not file those

Sir Barnes Peacock.—Is the schedule printed anywhere? The Order in Council is here but not the schedule.

Sir Montague Smith.—Everything in the schedule is printed?

Mr. Mowat.—Yes; your Lordships will find in this book, in a different form and in a different order, but the materials are here.

Sir Barnes Peacock.—Are they here?

Mr. McCarthy.—Yes.

Sir Barnes Peacock.—What is the page? I have the Order in Council here.

Mr. Mowat.—Does your Lordship mean the Addresses of the Houses?

Sir Barnes Peacock.—Yes; the Addresses of the two Houses of the Dominion to the Queen as to the manner in which this land surrendered by the Hudson Bay Company was to be decided.

Mr. Mowat.—Yes, my Lord, that is printed.

Sir Barnes Peacock.—I dare say it is, but I could not find it.

Sir Robert Collier.—Will you give us the reference and that will do now?

Sir Barnes Peacock.—It is not annexed to the Order in Council as it is printed here.

Mr. Mowat.—I will give your Lordships the reference afterwards.

Sir Barnes Peacock.—Do you contend that if the Hudson Bay Company was in possession *de facto*, I will only say *de facto*, if this land which is included in the award before it was surrendered that can be now given up as an addition to Ontario?

Mr. Mowat.—Will your Lordships find it necessary to consider that, because they were certainly not in possession? It is perfectly certain that this territory—

Sir Barnes Peacock.—Is no part of what was surrendered.

Mr. Mowat.—I think the Hudson Bay Company were not in possession at the time of the surrender in 1763.

Sir Barnes Peacock.—I mean at the time of the surrender in 1869.

Lord Abderare.—At the time of the surrender by the Hudson Bay Company to Canada?

Sir Barnes Peacock.—Yes, at the time of the deed of surrender of the 10th November, 1869, on page 315.

Mr. Mowat.—I think they had a post there. They had some posts put in the undisputed part of Ontario.

Sir Barnes Peacock.—If they were then in possession, *de facto*, was not it a portion of the lands for which the £300,000 was paid by the Dominion?

Mr. Mowat.—Not if it already belonged to Ontario.

Sir Barnes Peacock.—The Rupert's Land Act is this: "For the purposes of this Act" (that is, the Rupert's Land Act, 1868) "the term Rupert's Land shall include the whole of the lands and territories held or claimed to be held by the said Governor and company," and then it authorizes this to be surrendered.

The Lord Chancellor.—What is the page?

Sir Barnes Peacock.—Page 445, and then there is a condition: "Provided, however, that such surrender shall not be accepted by Her Majesty until the terms and conditions upon which Rupert's Land shall be admitted into the said Dominion of Canada shall have been approved of by Her Majesty, and embodied in an Address to Her Majesty from both the Houses of Parliament of Canada."

Mr. Mowat.—Well, my Lord, the view that I take of that is this—

Sir Barnes Peacock.—I want to see those Addresses if I can.

Mr. McCarthy.—The first joint Address of both Houses of Parliament is at page 266, my Lord.

The Lord Chancellor.—That was in 1867. That also seems to me to be a document very strong to show that the notion of Rupert's Land and the North-Western Territory being part of Canada, was absolutely rejected by the Senate and House of Commons of Canada, in December, 1767.

Sir Barnes Peacock.—The Act says, at page 446, that Rupert's Land shall include all lands held or claimed to be held by the Hudson Bay Company—the lands which in fact they were selling for the £300,000.

Mr. Mowat.—Yes.

Sir Barnes Peacock.—Then, if you find by the Order in Council that those lands were to be legislated for by the Dominion of Canada, and equally to be legislated for by the Province; if they were put into the Province, then they would come to be legislated for by the Province.

The Lord Chancellor.—These passages do not provide for the boundary of Rupert's Land and Canada, but they show most conclusively that Rupert's Land extended into this region, and was in immediate proximity to this boundary of Canada.

Lord Aberdare.—But the claim was that Canada extended indefinitely to the west?

Mr. Mowat.—Yes; absolutely indefinitely.

Sir Robert Collier.—That I understood to be given up?

Mr. Mowat.—I do not think that anything will be taken from that expression, "the lands claimed by the company."

Sir Barnes Peacock.—If they were *de facto* in possession and Ontario was not in *de facto* possession, then were they not the lands which were sold for £300,000?

Mr. Mowat.—The land that was sold was just the interest of the Hudson Bay Company on the lands before they were surrendered. During the correspondence there was a dispute as to how much belonged to the Hudson Bay Company, and the Province on the whole, was willing to give £300,000 for a lease. It was only a fraction of the land.

Sir Robert Collier.—It was whatever they had?

Mr. Mowat.—Whatever they had; but it would never do to hold that the effect of this Act was to take from any province what really belonged to it, because it had been claimed at some time or other by the Hudson Bay Company. Your Lordships will further observe that they had made different claims at different times.

Sir Barnes Peacock.—Was not it intended that you were not to go back to 1763 to see what was a portion of Quebec at that time, if the Hudson Bay Company at recent dates had been in possession of these lands and Canada had not exercised any dominion over them?

Sir Robert Collier.—Their possession would not be proved by that Act.

Sir Montague Smith.—You deny their *de facto* possession?

Mr. Mowat.—Yes; I do not say they were not there at that recent date. I dare say they were there at that recent date.

Sir Montague Smith.—I daresay they may have had the forts there at that date.

Sir Barnes Peacock.—There is no parol evidence to show what was in possession of this company at the time of the surrender, or at the time of the passing of Rupert's Land Act, 1868?

Mr. Mowat.—They were in possession, but it was disputed.

Sir Robert Collier.—We shall hear the other side upon this.

Mr. Mowat.—Upon that Act I will add one word more, and then I will say nothing further. The 5th section, I think, shows that the intention of the Act was in that respect, namely, that it was not intended to take away from any province anything that would belong to that province if this Act had not passed, because the 5th section provides this: "It shall be competent to Her Majesty, by any such Order or Orders in Council as aforesaid, on address from the Houses of the Parliament of Canada, to declare that Rupert's Land shall, from a date to be therein mentioned, be admitted into and become part of the Dominion of Canada, and, thereupon, it shall be lawful for the Parliament of Canada, from the date aforesaid, to make, ordain and establish within the land and territory so admitted, as aforesaid, all such laws," and so on.

Now, whatever territory passed by this was territory in which the Parliament of Canada was to have the power of making the laws absolutely—not merely for provincial but for all purposes. Now, I submit that we cannot read the Act as meaning to take away from a province land which belonged to that province, even supposing the Hudson Bay Company happened to be there. For instance, the

Hudson Bay Company had posts in the settled parts of Ontario, with regard to which there is no dispute at all, where they traded with such Indians as they could get to trade there.

Mr. Scoble.—May it please your Lordships, in the observations which I shall address to your Lordships in following my learned friend, I shall endeavor to confine myself as much as possible to simply supplementing those portions of his argument, which, from the very voluminous character of the papers, he has not been, perhaps, able to state as completely as they may be stated, and to direct the argument, which I shall offer mainly to the point of supporting the award of the arbitrators, which of course may be supported by my showing that there is a greater line which may have been given us, but which was not in fact given to us, and as the learned Attorney-General has intimated his consent to this line, which I think must strike your Lordships as being a very convenient line to establish from one point to another, by natural boundaries; it will be only necessary for me to call your Lordships' attention to those facts which show that the award of the arbitrators is within the rights which Ontario is entitled to set before your Lordships in supporting their claim to a division of the territory.

Now, my Lords, I take it to be perfectly clear that the Province of Ontario succeeded by the British North America Act of 1867 to whatever formerly constituted the Province of Upper Canada. I take it to be quite clear that the Province of Upper Canada, as established by the Constitutional Act of 1791, had a perfectly defined and positive limit to the east, that the intention of the Constitutional Act was, as it is expressed, in the second section of the Act, simply to divide the Province of Quebec, which before this existed into two separate provinces, one of which was to be called the Province of Upper Canada and the other the Province of Lower Canada, and, with the purpose of making that division, by the Order in Council of the 4th of August, 1791, the limits were settled. The limit of the Province of Upper Canada was fixed to be (your Lordship will find the reference at the foot of page 399 of the Joint Appendix) "From a stone boundary on the north bank of Lake St. Francis at the cove west of Point au Baudet," and so forth, "running along the said limit in the direction of north, thirty-four degrees west to the westernmost angle of the said Seigneurie of New Longueuil; thence along the north-western boundary of the Seigneurie of Vaudreuil," and so on, to the last few words at the end of the page, "and from the head of the said lake up a line drawn due north, until it strikes the boundary line of Hudson Bay, including all the territory to the westward and southward of the said line to the utmost extent of the country commonly called or known by the name of Canada."

Now, my Lords, upon that there are two points. In the first place the northern termination of this eastern division line of Upper Canada was fixed to be the boundary line of Hudson Bay. It was not the boundary line of the Hudson Bay territory, it was the boundary line of the bay itself, and to that I apprehend no other interpretation can be given. The boundary line of Hudson Bay was the coast line of Hudson Bay; and that the limits of Upper Canada at that part of its extent went far over the height of land to which reference has been incidentally made in the course of my learned friend's argument of counsel on the other side—far over the height of land and directly away to the boundary of Hudson Bay. We there get the first starting point of the line fixed by the award of the three commissioners. They begin there and carry the line in a south-westerly direction down to the point above the Lake of the Woods where it touches the new Province of Manitoba.

Then the second point which arises upon this description of boundaries in the Order in Council—

The Lord Chancellor.—Which is the Order in Council?

Mr. Scoble.—This is the Order in Council of the 26th of August, 1791, at pages 399 and 400 of the Joint Appendix. I say that that fixes, beyond possibility of cavil, the eastern boundary from which the arbitrators, as I say, rightly made their new boundary line to depart. But the second point which arises, my Lords, upon this is

that Upper Canada was to consist of all the territory to the westward and southward of this line to the utmost extent of the country formerly known or called by the name of Canada. Now, we must ascertain what the meaning of that phrase is, and it is a phrase which occurs not only in the Order in Council but in the Commission which was issued to Lord Dorchester, the first Governor General appointed after the division was made. The commission will be found at page 400, and it follows exactly the words of the Order in Council. "The Province of Upper Canada to comprehend all such lands, territories and islands, lying to the westward of said line of division as were part of our said Province of Quebec, and the Province of Lower Canada to comprehend all such lands, territories and islands lying to the eastward of the said line of division as were part of our said Province of Quebec." We have, in that commission, a clear interpretation of what was intended to be conveyed by the use of the term Canada in the Order in Council. Canada and the Province of Quebec are, in these two documents, treated as interchangeable terms, and your Lordships will find that in all the subsidiary Acts of the Canadian Government which were entered upon in consequence of this division of the provinces into two parts, as for instance in the proclamation of Governor General Clarke in 1791, at page 401. The proclamation states that the country is to include all the territory to the westward and southward of the said line to the utmost extent of the country commonly called or known by the name of Canada. And Governor General Clarke noticing the variation between the words used in the Order in Council and the words used in Lord Dorchester's commission communicates with Mr. Dundas, then Secretary of State, upon the subject. His letter is at page 402, and he says: "I think it my duty to remark to you, Sir, that the terms in Lord Dorchester's commission describing the boundaries of Upper and Lower Canada, are not the same as those used in the Order in Council on the 24th of August. Mr. Dundas, in reply to that, writes, on the 10th of April, 1792 (at the top of page 403 your Lordships will find the passage to which I am referring) "upon examination I observe that Lord Dorchester's commission and the Order in Council, respecting the boundaries of the two provinces, are not precisely the same, but as the difference lies only in what is explanatory, it does not, I conceive, amount to a variance between them and is therefore perfectly immaterial." Therefore I think I may take it upon this part of the case that in 1791, when the Constitutional Act was passed, the Province of Quebec was considered to be identical with the country called or known by the name of Canada.

The Lord Chancellor.—You mean the Province which was divided ?

Mr. Scoble.—Yes, the Province of Quebec was precisely the same as the country known by the name of Canada and, as Mr. Dundas says, the words were practically interchangeable.

The Lord Chancellor.—But the proceedings of that date merely give you the time of division between the two provinces ?

Mr. Scoble.—Yes, my Lord, but they give to Upper Canada all that is to the west and south of that boundary line and the question is how much lying to the west and south of Ontario is entitled to claim under that description.

Sir R. P. Collier.—To the west and south. The boundary line came up to here [pointing on the map].

Mr. Scoble.—No, my Lord.

Lord Aberdare.—Which was the boundary line ?

Mr. Scoble.—I think you will find it further on still in this map.

The Lord Chancellor.—It is in point of fact far to the east.

Sir R. J. Collier.—It is this one (pointing).

Mr. Scoble.—Yes, that blue line.

Sir R. J. Collier.—You have all that is west of that ?

Mr. Scoble.—We have all that is west of that, but how much it is remains to be seen. The point I make upon that is that that boundary line fixed in 1791 took us up to the boundary of Hudson Bay and gave us all to the west and south of that, even on the confines of Hudson Bay. We go up to James' River at all events. Then it

order to ascertain what the Province of Quebec, which was thus divided in 1791, was, we must go back to the Quebec Act of 1774.

The Lord Chancellor.—We must break off here. It may be convenient to counsel to know that the Council will not sit on Friday.

Adjourned to to morrow at 10.30

THIRD DAY.

Mr. Scoble.—If your Lordships please. When your Lordships rose yesterday I was commenting upon the operation of the Constitutional Act of 1791 as continuing the Province of Upper Canada, constituted by that Act, with the same amount of territory as was given to the western portion of the Province of Quebec, under the old arrangement under the Quebec Act; and before I leave that part of the case there is one other document to which I wish to refer your Lordships, and that is the proclamation of Governor Simcoe, which was published, in 1792, in consequence of the promulgation of the Constitutional Act. Your Lordships will find that proclamation at page 403 of the Joint Appendix, and in that proclamation, after reciting the effect of the Act in dividing the province into two parts, Upper and Lower Canada, it proceeds "to divide the said Province of Upper Canada into districts, countries, circles or towns and townships for the purpose of effectuating the intent of the said Act of Parliament, and to declare and appoint the number of representatives to be chosen by each to serve in the assembly of the said province." The number of the counties, apparently constituted by that proclamation, was 19, the 19th of which is called the County of Kent. "That the nineteenth of the said counties be hereafter called by the name of the County of Kent, which county is to comprehend all the country not being territories of the Indians, not already included in the several countries hereinbefore described, extending northward to the boundary line of Hudson Bay, including all the territory to the westward and southward of the said line, to the utmost extent of the country commonly called or known by the name of Canada."

Now, my Lords, that constitution of the County of Kent appears to be important in two ways. In the first place, there appears to have been certain territories of the Indians—Indian reserves, which were not intended to be included in this county for electoral purposes, and the boundary of the county on the north was taken from Hudson Bay itself, and westward and southward to the utmost extent of the country commonly called or known by the name of Canada.

The Lord Chancellor.—You will observe that in the Act of 1818 at the bottom of page 409 there is a reference to an Act of Upper Canada passed in 1793—that is six years after this date—for the better division of the Province. I referred to it yesterday, and I find that that contains—it is 38th George III, cap. 5, a division into a great number of counties, and the last, section 40, is in these words: "That the Counties of Essex and Kent, together with so much of this province as is not included within any other District thereof, do constitute and form the Western District." Here is the proclamation you have been referring to, the 18th and 19th counties are those two counties of Essex and Kent.

Mr. Scoble.—Yes.

The Lord Chancellor.—Here nothing is said that indicates any boundary; but here there are very important words indeed: "To comprehend all the country not being territories of the Indians not already included in the several Counties hereinbefore described extending northward to the boundary line of Hudson Bay." You say that boundary line of Hudson Bay means the sea?

Mr. Scoble.—Means the bay itself, the coast of the bay.

The Lord Chancellor.—That appears to me to be a strong proposition from the words "boundary line."

Mr. Scoble.—I apprehend the boundary line of the bay can only be the coast line of that bay.

The Lord Chancellor.—It does not refer to a natural boundary, it means a territory called the Hudson Bay territory.

The Lord President.—It is an unheard of thing, and as a geographical expression, I venture to say, utterly unknown.

The Lord Chancellor.—Hudson Bay territory; of course the words are perfectly sensible as applied to it.

Sir Robert Collier.—You hardly require to take it so high as that.

Mr. Scoble.—I require to take it as high as Hudson Bay on the east.

Sir Robert Collier.—James' Bay.

Mr. Scoble.—That is a portion of Hudson Bay.

The Lord Chancellor.—That would have no place in the County of Kent. The Counties of Kent and Essex are the westernmost part of Canada.

Mr. Scoble.—It is quite sufficient for my purpose if your Lordships would take it in that way.

Lord Aberdare.—You still leave undefined what is the limit of Hudson Bay?

Mr. Scoble.—Yes, of course what I am most concerned about now is the western and southern portion of the district.

Sir Robert Collier.—In one respect it does go up to Hudson Bay, it reaches James' Bay, which is part of it.

Mr. Scoble.—Yes.

Then, my Lords, that is all I think I need trouble your Lordships with with regard to the arrangement of 1791, and I now must go back to the state of things established by the Quebec Act of 1774. The Quebec Act is printed at page 366 of the Joint Appendix and the preamble recites a Royal proclamation of the 7th of October in the third year of the reign of His Majesty King George III—that is 1763—whereby His Majesty thought fit to declare the provisions which had been made in respect of certain countries, territories and islands in America, ceded to his Majesty by the definite treaty of peace concluded at Paris on the 10th day of February, 1763. Your Lordships will see that the preamble goes on to state:—"And whereas, by the arrangements made by the said Royal proclamation, a very large extent of country, within which there were several colonies and settlements of the subjects of France, who claimed to remain therein under the faith of the said treaty, was left without any provision being made for the administration of civil government therein." I shall presently have to call your Lordships' attention to the districts which we there referred to. Then comes a recital as to sedentary fisheries which is unnecessary to be dwelt upon, and then the enacting part goes on to declare: "That all the territories, islands and countries in North America, belonging to the Crown of Great Britain, bounded on the south by a line from the Bay of Chaleurs, along the high lands which divide the rivers that empty themselves into the River St. Lawrence from those which fall into the sea, to a point in forty-five degrees of northern latitude, on the eastern bank of the River Connecticut, keeping the same latitude directly west through the Lake Champlain, until, in the same latitude, it meets the River St. Lawrence, from thence up the eastern bank of the said river to the Lake Ontario, thence through the Lake Ontario and the river commonly called Niagara; and thence along by the eastern and south-eastern bank of Lake Erie, following the said bank until the same shall be intersected by the northern boundary granted by the charter of the Province of Pennsylvania, in case the same shall be so intersected, and from thence along the said northern and western boundaries of the said province, until the said western boundary strike the Ohio; but in case the said bank of the said lake shall not be found to be so intersected then following the said bank until it shall arrive at that point of the said bank which shall be nearest to the north-western angle of the said Province of Pennsylvania, and thence by a right line to the said north-western angle of the said Province of Pennsylvania, and thence by a right line to the said north-western angle of the said province; and thence along the western boundary of the said province until it strikes the River Ohio; and along the bank of the said river westward to the banks of the Mississippi." Now, my Lords, until we come to the point where the boundary

strikes the River Ohio, the long description that I have read refers only to the southern boundary of the province. The western boundary is commenced to be described from the point at which the Mississippi and the Ohio meet, and then "along the bank of the said river westward to the banks of the Mississippi, and northward to the southern boundary of the territory granted to the merchants' adventurers of England, trading to Hudson Bay." Now, if your Lordships look at the map which you have before you you will find that the country between the Ohio and the Mississippi is a sort of triangular space which appears to have been known in those days by the name of the country of the Illinois, and my contention is, that is, that country of the Illinois was entirely ceded to Great Britain by the treaty of Paris, it must be taken to be dealt with by this Act. The boundary of it will be on the one side the banks of the Ohio, and on the other side the banks of the Mississippi, and I apprehend the banks of the Mississippi would have to be followed so far as they extended until they reached the sources of that river.

The Lord Chancellor.—That bank is expressed in the commission?

Mr. Scoble.—Yes, and it follows as a matter of necessary inference from the terms of the Treaty of Paris, which this Act of Parliament is intended to carry out. I will refer your Lordships now to the Treaty of Paris, and perhaps it will be convenient at this point, before coming to the northern boundary, to deal only with the Act and treaty so far as the western boundary is concerned. The Treaty of Paris is printed at page 530 of the Joint Appendix.

Lord Aberdare—It is a fact, I think, that at this time the sources of the Mississippi were not known?

Mr. Scoble.—I will give your Lordships authority for that in a moment. Article 4 of the treaty renounces all the pretensions of the French to Nova Scotia or Acadia, and at the top of page 531 your Lordships will find these words: "His Most Christian Majesty renounces all pretensions which he has heretofore formed or might form to Nova Scotia or Acadia in all its parts, and guarantees the whole of it, with all of it, with all its dependencies to the King of Great Britain; moreover His Most Christian Majesty cedes and guarantees to his said Britannic Majesty in full right Canada, with all its dependencies; as well as the Island of Cape Breton and all the other islands and coasts in the Gulf and River St. Lawrence and, in general, everything that depends on the said countries, lands, islands and coasts, with the sovereignty, property, possession and all rights acquired by treaty or otherwise, which the Most Christian King and the Crown of France have had till now over the said countries, islands, lands, places, coasts and their inhabitants, so that the Most Christian King cedes and makes over the whole to the said King, and to the Crown of Great Britain, and that in the most ample form without restriction, and without any liberty to depart from the said cession and guarantee under any pretence, or to disturb Great Britain in the possessions above mentioned." Then the 7th section, I think, becomes very important on the point I am now addressing myself to. "In order to re-establish peace on solid and durable foundations, and to remove for ever all subjects of dispute with regard to the limits of the British and French territories on the continent of America, it is agreed that for the future the confines between the dominions of his Britannic Majesty and those of his Most Christian Majesty in that part of the world shall be fixed irrevocably by a line drawn along the middle of the River Mississippi from its source to the River Iberville."

The Lord Chancellor.—Where is the River Iberville?

Mr. Scoble.—It is down near New Orleans—right down south—"and from thence by a line drawn along the middle of this river, and the lakes Maurepas and Pontchartrain to the sea."

Now, my Lords, the fixing of this line of boundary between the French and English possessions in America from the source of the Mississippi South, extended, I submit, the British possessions ceded by the treaty to the whole of the French possessions which were on the east side of the River Mississippi from its source southwards, and included, therefore, as your Lordships, I think, will not be

asked to doubt by my learned friends, this country of the Illinois—this triangular bit of country between the two rivers, the Ohio and Mississippi.

Sir Robert Collier.—Is it called Illinois on the map?

Lord Aberdare.—No, there is a bit called Illinois, but the fact is that the Illinois is a very large district.

Mr. McCarthy.—I think it is marked on the map.

Mr. Scoble.—I will see your Lordships presently the boundary of the Illinois as given at the time by the authorities—

Lord Aberdare.—Does anything turn upon it?

Mr. Scoble.—I do not think much turns upon it. I do not think it will be contested that the Illinois country was part of the country ceded to Great Britain by the Treaty of Paris.

Mr. McCarthy.—There is no doubt about that.

The Lord Chancellor.—Your argument is this, that the boundary line of Canada under the Quebec Act runs up the Mississippi, otherwise there would have been part of the British possessions omitted and not included either in Canada or in any of the States?

Mr. Scoble.—Yes, it would have been left entirely out.

The Lord Chancellor.—And that argument is supported by the express terms of Sir Guy Carleton's commission?

Mr. Scoble.—It is.

The Lord Chancellor.—And, as you say, it is perfectly consistent with a reasonable interpretation of the Quebec Act itself?

Mr. Scoble.—Quite so, that is my whole argument on the point. The proclamation, as your Lordships may remember that is printed at page 351 of the Joint Appendix, dealing with the whole territory ceded by this treaty, divides the newly acquired country into various provinces, the Government of Quebec, the Government of East Florida, the Government of West Florida, and the Government of Grenada. The Government of Quebec, the first of these four, is defined, at page 352, to be bounded in this way: "The Government of Quebec bounded on the Labrador river through the Lake St. John to the south end of the Lake Nipissim, from whence the said line crossing the River St. Lawrence and the Lake Champlain in forty-five degrees north latitude, passes along the high lands which divide the rivers that empty themselves into the said River St. Lawrence from those which fall into the sea and also along the north coast of the Bay des Chaleurs and the coast of the Gulf of St. Lawrence to Cape Roziers, and from thence crossing the mouth of the River St. Lawrence by the west end of the Island of Anticosti, terminating at the aforesaid River St. John.

The Lord Chancellor.—That tells us nothing about the western boundary?

Mr. Scoble.—No, it tells us nothing about the western boundary, and it was because the territory contained in the proclamation or ascribed by the proclamation to the Government of Quebec omitted a great deal of territory for which it was necessary to provide a civil government that the Quebec Act was passed, extending those boundaries and supplying the Civil Government for all the subjects of the French who had become our subjects in consequence of the treaty and who were residing in the district which is there called the District of Quebec, and that district then unquestionably included the Illinois country.

Sir Robert Collier.—And part of the Illinois country is to the west of the line?

Mr. Scoble.—Now, my Lords, if the contention of the other side be true that the western boundary is a line drawn due north from the confluence of the Ohio and Mississippi, you have the Illinois country cut in two. Those who were to the east got civil government, those to the west got no civil government at all. You have therefore the very mischief the Act intended to remove perpetuated by this construction of it, which I submit is neither a necessary construction nor a reasonable construction, nor one which is consistent in any way with the circumstances under which the Act was passed.

Now, my Lords, if I am right in this contention as to the western boundary, it carries me this far at least, that up to the source of the Mississippi the Province of Quebec at any rate extended on the west. As far as the source of the Mississippi at all events you have fixed by the treaty, and by the Act of Parliament a boundary which was the natural boundary furnished by that great river, and Governor Carleton's commission, as the Lord Chancellor has already pointed out, gives that effect to the Act. In fact every contemporary document gives that effect to the Act. Amongst the subsidiary commissions which were issued by Governor Carleton in pursuance of this general commission you have a commission given to the Lieutenant Governor of the Illinois country at page 303. It is the third commission on that page. It is dated the 7th April, 1775, and is addressed to Matthew Johnson, Esq., Lieutenant Governor and Superintendent at the Illinois: "We, reposing special trust and confidence in your loyalty, integrity and ability, do by these presents constitute and appoint you to be Lieutenant Governor and Superintendent of the Post and its dependencies established, or to be established within the Illinois district, in our Province of Quebec." I do not know whether it will be necessary for me to trouble Your Lordships with any evidence as to the position of the posts in the Illinois district, which were placed under the government of Mr. Johnson by this commission, but, if necessary, I can show to your Lordships that many of these posts were on the west side of this due north line for which my learned friend on the other side contends.

Sir Robert Collier.—There are some marked here I see?

Mr. Scoble.—There is no doubt about it. I do not think it will be contested by my opponents that there were posts and settlements in the Illinois country to the west of this due north line contended for on the other side, and therefore I do not think I need trouble your Lordships further with that.

Here we have it perfectly clear, as I submit, on the right construction of the statute, and having regard to the whole of the circumstances which attend the constitution of this Province of Quebec, the line of the Mississippi established as the western boundary of the Province of Quebec so far as it went.

Now, my Lords, with regard to the point as to what knowledge at that time was possessed with reference to the sources of the Mississippi, your Lordships yesterday noted upon Mitchell's map when it was produced.

Sir R. J. Collier.—Do you remember the date of it?

Mr. Scoble.—1755.

The Lord Chancellor.—That is a date which is different from the date which I have got on my notes.

Mr. Scoble.—My friend, Mr. Robinson, says it is 1755.

Mr. Robinson.—Yes, my Lord, that is correct.

Mr. Scoble.—I am sorry to say, my Lord, I have not seen that map and therefore I am speaking only from my recollection of the impression which your Lordship seemed to derive from it that the source of the Mississippi as shown on that map is to be the north of the north-western angle of the Lake of the Woods.

The Lord Chancellor.—I do not remember that. What I do remember is, that the northern boundary is shown to be the whole of the lakes and river which seems to me to be, though it may not be, laid down in exactly the same way, the north of the Lake of the Woods.

Sir R. Collier.—It lays down Canada, which is colored brown, as going as far as the Lake of the Woods?

Mr. Scoble.—Yes, my Lord.

The Lord Chancellor.—There is a point which at present we have heard nothing about and that is the drawing of the western line, which the award seems to have done from Lake Mississacagan, which seems to be one of the sources of the Mississippi, though not apparently the northernmost source?

Mr. Scoble.—That is a point to which I am coming, but I wish, first of all, to give your Lordships authority for the statement which I made just now in answer to Lord Aberdare, that at that time, in the then condition of geographical knowledge,

the source of the Mississippi was unknown, and that it was supposed to be very far more north than where it actually is. Now, in the Ontario Appendix, page 56, there is a report of a Mr. Thompson, who was an astronomer and surveyor to the North-West Company, and who seems to have travelled over this country, with a view of settling the boundary, in the year 1796, at the time when the question of the boundary between the British Dominion in America and the United States was under discussion. At line 20, the report states: "The services of Mr. Thompson was very acceptable to these gentlemen." That is to the agents of the North-West Company in those parts. "They desired to learn the position of their trading houses with respect to one another, and also to the 49° of north latitude become since the treaty of 1792" (that is the treaty between England and the United States) "the boundary line between Canada and the United States from the north-west corner of the Lake of the Woods to the Rocky Mountains, in lieu of a line from the former point to the head of the Mississippi, as designated by the treaty of 1783." That was the treaty of Versailles. "The source of the Mississippi was then known only to the Indians and a few fur-traders, and was supposed to be further north than the Lake of the Woods."

Lord Aberdare.—And it was supposed to be westward from it apparently from the description of it given in one of these documents which we have had?

Mr. Scoble.—Yes, my Lord, I have heard. I do not know of my own knowledge whether it is so; but I have heard, and I think one of your Lordships made the observation, that in that map of Mitchell's, which is really a very important map historically, because it was the only map before the English and American delegates when the Treaty of Versailles was negotiated that the source of the Mississippi is taken to be north of this north-west angle of the Lake of the Woods.

The Lord Chancellor.—How does the map appear to be dated 1755? It was supposed to be dated 1783 or earlier, from which I inferred that the date was uncertain?

Mr. Scoble.—My learned friend, Mr. Robinson, tells me that the date is on the map.

Mr. Robinson.—Yes, the date is on the map, I think.

Sir Robert Collier.—It is said to be 1755?

Mr. McCarthy (after referring at the map)—It is dated 1755.

The Lord Chancellor.—Then that becomes a very important map?

Mr. Scoble.—Yes, my Lord. Then at page 62 of the same report your Lordships will find in the last paragraph on that page a statement of the origin of the Mississippi River in Turtle Lake. Turtle Lake, the head of the Mississippi River, is about four miles square. Its small bays give it the shape of a turtle. This lake was supposed in 1783 to be further north than the north-west corner of the Lake of the Woods, and this supposition led to the error in the treaty of that year. The error arose from the fur-traders who ascended the Upper Mississippi counting every pipe and league, at the end of which it was the habit to take a rest. Mr. Thompson found these pipe distances to be as unsubstantial as the smoke itself, and that each instead of three only measured two miles, and the error was not to make due allowance for the sinuosities of the river. By this false method of reckoning, the notion had arisen that the head waters of the Mississippi was 128 geographical miles further north than Mr. Thompson's survey proved them to be. The north bank of the lake is in latitude 47°, and so on.

Lord Aberdare.—Where is Turtle Lake?

Mr. Scoble.—It is shown on the map.

The Lord Chancellor.—It is a very small lake.

Lord Aberdare.—Turtle Lake is the northernmost source of the Mississippi, as Paskoyoe is the furthest point from which it draws its supplies?

Mr. Scoble.—I think so, my Lord.

The Lord President.—It is the point furthest west.

Mr. Scoble.—The fact of the ignorance which prevailed as to the extent of the Mississippi River is, I think, somewhat important with regard to this enquiry, because, as the King of France ceded to England all the country west of the Missis-

issippi, from the source of that river down to the sea on the south, I apprehend that the boundary line of Canada at the time of the treaty and at the time of the Quebec Act was supposed to go very considerably north of the Lake of the Woods, and that when you got to the source of the Mississippi River, continuing the western boundary, you would have to take as that continued boundary whatever was the dividing line on the north between Louisiana, which remained to the French under the Treaty of Canada, which by the treaty was ceded to England; and that therefore the true western boundary of Canada, as defined by the treaty and the Act of Parliament, was a line which extended along the banks of the Mississippi to the source of that river, and there followed westerly whatever was at that time the dividing line between Canada and Louisiana. But before I leave this point on the due north line taken from the confluence of the Mississippi and Ohio Rivers up across the American boundary into Canada, I think I may here conveniently refer, although I shall not do so at any length, to the state of the judicial authorities on the subject in Canada. Your Lordships have already heard, I think, so much about Reinhardt's case that it is not necessary for me to go over the facts of that case again. I think my learned friends are entitled fully to the value of whatever the decision of the judge in that case may be, though I think I ought to mention here that that case has not been followed even by the courts of Lower Canada. There is in the appendix a judgment of Mr. Justice Monk in a case of *Connolly vs. Woolrich*, which is reported at page 687 of the Joint Appendix. Mr. Justice Monk was a Lower Canada judge. He was Chief Justice of the Superior Court of the Province of Quebec. It is a recent judgment, and was delivered on the 9th of July, 1867. The question was as to the legality of a marriage by a Lower Canadian at Rat River, in the Athabasca District (latitude 58° north and 111° west longitude). One of the points in the case was whether the place was within the territory of the Hudson Bay Company, and the learned judge, after going through a very careful investigation of the authorities upon the point, held that the Athabasca country was not included in the limits of the Hudson Bay Company, because he says: "It appears to me to be beyond controversy"——

Sir Montague Smith.—Where are you reading?

Mr. Scoble.—Page 691; at the foot of the page is the passage which I am reading. I do not propose to trouble Your Lordships with the whole of the judgment, but merely to give Your Lordships the effect of it. He says that this Athabasca is part of the North-West Territory beyond the limits given us by the award.

The Lord Chancellor.—Athabasca is a good deal to the north-west?

Mr. Scoble.—Yes.

Lord Aberdare.—And in another water system?

Mr. Scoble.—Yes, but still, according to the judgment, it was included within the limits of Canada, and not within the territories granted to the Hudson Bay Company.

The Lord Chancellor.—What do you say—that Athabasca is within the limits of Canada?

Mr. Scoble.—Yes, my Lord.

The Lord Chancellor.—That would be, so far as it goes, fatal to the minor argument which you were going to put forward to me?

Lord Aberdare.—That is to say within the territory of the Dominion, not necessarily within the territory of old Canada, but within the territory of the Dominion of Canada, out of which Athabasca has been carved as a district?

Mr. Scoble.—Yes, my Lord.

The Lord Chancellor.—It is impossible for it to have been in old Canada, for Rupert's Land comes between?

Lord Aberdare.—Yes; quite impossible.

Mr. Scoble.—But it is held to be within Canada, because it belonged to the Crown of France.

The Lord Chancellor.—Where is this place?

Mr. Scoble.—It would be somewhere about here (pointing on the map).

The Lord Chancellor.—Here the learned judge seems to have taken a view which is in accordance with the widest argument which you submit to us ?

Mr. Scoble.—Yes ; in accordance with the widest possible argument. I refer to that, not so much as being in any way conclusive upon the point, although the learned judge did not consider Reinhardt's case in delivering his judgment here, but as showing that there is no concensus of judicial opinion in Canada in favor of this due north line, but that there is a good deal of authority on the other side, giving the whole of this country to Canada under the Treaty of Paris and under the Quebec Act.

The Lord Chancellor.—What strikes me at present about this particular decision is, that Athabasca would not fall within the line in any conceivable construction of the limit in the Quebec Act. If you take the line from the conjunction of the Ohio and Mississippi of course that would be a great deal further to the west.

Mr. Scoble.—Yes, my Lord.

The Lord Chancellor.—If you take the line of the award, that would strike the Hudson Bay much to the east of the Athabasca country.

Mr. Scoble.—Yes, my Lord.

The Lord Chancellor.—And the consequence is, that on no possible hypothesis can such a notion be reconciled with the boundaries in the Quebec Act.

Mr. Scoble.—Except on the assumption that the intention of the Quebec Act was to include in the Province of Quebec the whole of the territory which is ceded by the Crown of France.

The Lord Chancellor.—How can you go against the express term of the Quebec Act, which, beyond all doubt, points out the boundaries, and even if you take the mention of the Hudson Bay territory as carrying you up to the shores of the Hudson Bay, that would still exclude this Athabasca territory ?

Lord Aberdare.—And all, I believe, that was claimed for the Hudson Bay Company were the sources of the river which flowed into Hudson Bay.

Mr. Scoble.—They went down to the 49th parallel at one time, my Lord, the boundary line between Canada and the United States.

The Lord Chancellor.—It is impossible to suppose that this judgment could have meant that ?

Lord Aberdare.—You mean that they passed over the dividing ridge ?

Mr. Scoble.—Yes, my Lord. They varied their claims at various times in order to suit the exigencies of their position, and at one time they went down as far as the 49th parallel. There is another opinion of an Upper Canada judge, which is perhaps not of much more value than either of Chief Justice Sewell's judgment in the Reinhardt case, or Mr. Justice Monk's judgment, which is the opinion of Mr. Justice Powell, at page 151 of the Ontario Appendix, the smaller book, in which in reference to the controversy which was pending in the year 1719, between Lord Selkirk's partizans and the Canadian authorities, he expresses his opinion in a letter to Lieutenant-Governor Maitland.

The Lord Chancellor.—This is not even a judicial opinion.

Mr. Scoble.—It is not a judgment, but he was called to account by Lord Selkirk in a letter to the English Governor as to certain expressions which Chief Justice Powell was alleged to have used, and then he was required to explain and he does explain. He says that the intention (your Lordship will find it about line 15) of the Government in separating the Province of Quebec was to extend the western limits, without difference to the limits of Quebec, in such terms as plainly indicate the intention to comprehend all the country conquered from France under the name of Canada, which had not been relinquished to the United States of America, or secured to the Hudson Bay Company or designated as Lower Canada.

The Lord Chancellor.—Do you mean to suggest that the opinion expressed in this letter of Chief Justice Powell is to weigh with us without our considering the grounds of it ?

Mr. Scoble.—I mean only this, that Reinhardt's case will no doubt be relied on by the other side in favor of the contention that the due north line ought to be varied from the confluence of the Ohio and Mississippi, and I only cite this as—

Sir M. E. Smith.—As a counterpoise.

Mr. Scoble.—As showing that there is no agreement of judicial authorities as to that contention.

The Lord Chancellor.—What strikes me is that this passage in the letter is a reference to a particular Order in Council, the terms of which, he says, plainly indicate a certain intention. I suppose we have got the Order in Council?

Mr. Scoble.—Yes, my Lord, I suppose we have.

The Lord Chancellor.—I think we should see whether the terms of it bear out that contention, and if so, how it bears on this controversy?

Mr. Scoble.—That, my Lord, would be the Order in Council which you have already had before you.

The Lord Chancellor.—We have seen that, and we have seen plainly that there is nothing whatever in it about the western boundary.

Mr. Scoble.—Nothing whatever definitely marking the western boundary. Of course, I do not suppose your Lordship would be influenced one way or another by these opinions. I cite them merely for the purpose of showing that there has been no consensus of judicial opinion in Canada on this point. Some of the judges have taken one view and some another view, and I submit as far as any judicial authority is concerned, the authority of Chief Justice Sewell's judgment in Reinhardt case is entirely done away with by a reference to the words of the Act and to the words of treaty, upon which the Act was passed, and that the Mississippi, as far as it goes, must be taken to be the line which fixes the western boundary of the Province of Canada. Well, my Lords, I think that that would be enough to support the award. If it is presumed and was presumed that the rise of the Mississippi was considerably north of the point at which it actually does take its rise—considerably north, that is of the Turtle and Missisquigan lakes, and considerably north also of the Lake of the Woods—that would carry us as far as the first natural boundary at all events is concerned, to the English River, which is the boundary given by the award.

The Lord Chancellor.—At present, the only evidence as to that boundary—the northern boundary of the award—which we have heard is Mitchell's map?

Mr. Scoble.—Yes, my Lord.

The Lord Chancellor.—There is other evidence, my Lord. There is a letter of Lord Shelburne in the supplementary Appendix of the Province of Ontario, printed at page 1, dated on the 14th November, 1767. "Instructions of the Imperial Government as to explorations of the territories to the westward of Lake Superior, and of certain northern territories, as distinguished from the territories comprised in the Hudson Bay Company's charter,"—which I think is of importance on this view of the western boundary. The last paragraph is "As an accurate knowledge of the interior parts of North America would contribute much towards enabling His Majesty's Ministers to judge soundly of the true interests of the different provinces, I cannot too strongly recommend to you the encouraging such adventurers as are willing to explore those parts which have not hitherto been much frequented, and consequently are scarcely, if at all, known, particularly towards the territories comprised in the charter of the Hudson Bay Company, north of the Hudson Bay Company northward."

The Lord Chancellor.—What is the meaning of that?

Mr. Scoble.—I do not know whether it is a misprint or not?

The Lord Chancellor.—"North of the Hudson Bay Company"—it cannot mean that?

Mr. Scoble.—I cannot understand it. If it is correctly printed I cannot understand what it means—"the territories comprised in the charter of the Hudson Bay north of Hudson Bay Company northward."

The Lord Chancellor.—What do you refer to the passage for?

Mr. Scoble.—I refer to it to show that as far as the English authorities were concerned it was *terra incognita*, though certainly not so far as the French were concerned. Then the words to which I particularly refer are, "and the country beyond Lake Superior westward." Now, my Lord, that country "beyond Lake Superior

westward" would certainly not be included within the territory granted to the Hudson Bay Company by charter. It was in the contemplation of the Government at that time, four years after the treaty, that there was territory beyond Lake Superior westward, which passed to England under that treaty, and which was not included within the territory of the Hudson Bay Company.

The Lord Chancellor.—How does that appear from the context? It may be so, but at present I cannot see how that is borne out.

Mr. Scoble.—Simply on these grounds, my Lord, that the Government did not know much about the country and wished to have it examined.

The Lord Chancellor.—There is nothing at all to show that it was not comprised in the charter of the Hudson Bay Company.

Mr. Scoble.—They draw a distinction, your Lordships see, between that country and the country which belonged to the Hudson Bay Company.

The Lord President.—Yes, it says, "and the country beyond Lake Superior westward."

The Lord Chancellor.—If the words had been "particularly towards the territories comprised in the Hudson Bay Company's charter and the country beyond the Lake Superior westward," you would be well founded in saying that the distinction was drawn, but there come in these words, so difficult to understand, which look as if not all the territories in the Hudson Bay Company's charter were intended to be described.

Mr. Scoble.—I would submit that there is a clear distinction drawn here between the Hudson Bay Company's territory and the country beyond Lake Superior westward.

The Lord Chancellor.—That is what I at present do not see. I should see it if the words "north of the Hudson Bay Company northwards" were not there, but there seems to be some error, either in the original letter or the print of it, but I should infer that Lord Shelburne pointed to some particular districts, whether all comprehended or not, all comprehended in the charter of the Hudson Bay Company, one of those districts being to the north, and certainly so comprised, and the other being westward, which might or might not be so.

Mr. Scoble.—Well, my Lord, I quite intend to take it on that ground. It was a matter of enquiry whether this country was or was not comprised in the territory of the Hudson Bay Company. There appears to have been some action taken upon this.

The Lord Chancellor.—It seems to me at present to be neutral in that respect. It merely shows that the country beyond Lake Superior was one not sufficiently explored.

Mr. Scoble.—Then I would ask your Lordship to consider what evidence there is as to this country which passed to the Crown under the Treaty of Paris which gave to the English King all the French possessions in Canada. Canada at that time was known by the name of Canada and sometimes by the name of "La Nouvelle France."

The Lord Chancellor.—Were those convertible terms?

Mr. Scoble.—Yes, Canada and La Nouvelle France; I think in all the maps you will find it is called Canada or La Nouvelle France.

The Lord Chancellor.—There was a document yesterday I think in which there seemed to be a distinction drawn between them.

Lord Aberdare.—I suppose the northern limits of Louisiana were very little known.

Mr. Scoble.—I apprehend very little known the way in which the boundary is defined. In the only book that I have come to on the subject is the very vague description "bounded on the north by Canada," I think that is at page 183.

Sir Robert Collier.—What was bounded on the north?

Mr. Scoble.—Louisiana. It is not at page 183, I will find your Lordship the reference in a moment.

Lord Aberdare.—Its importance is this, that it might be shown that that which is French was Louisiana but not Canada. It might be French. It might be shown Louisiana extended in a north-west direction.

Mr. Scoble.—I do not think that can be contended at all, I think that what is historically true is that whatever the boundary between Louisiana and Canada was, whatever was north of that boundary went to England under the Treaty of Paris, whatever was south of that line remained to France under the name of Louisiana.

The Lord President.—There is a partial boundary line on this map.

Mr. Scoble.—There is. This description of Louisiana to which I promised to refer is at page 47 of the Ontario Appendix. Mr. Jeffreys, who is described as geographer to His Majesty in a book published, in 1761, a description of New France or the French possessions in North America gives the boundaries in this way: "The Province of Louisiana or the southern part of New France extends, according to the French geographers, from the Gulf of Mexico, in about 29 degrees to near 45 degrees of north latitude on the western side."

The Lord Chancellor.—That at once proves you were too hasty in saying that New France was equivalent to Canada.

Mr. Scoble.—I ought to have said after the Treaty of 1763, but you will find that in another book published in that same year which is quoted at page 46, Canada as it is taken for one and the same Province with New France contains New France properly so called. "I have seen Canada or La Nouvelle France," occurs constantly on the old French maps, but with regard to this limit of Louisiana your Lordship will see, at page 35, after giving the degrees of latitude and longitude, the geographer goes on to say that it is bounded on the north by Canada.

Lord Aberdare.—But then what was Canada when you came to the North-West?

The Lord Chancellor.—Was Acadia?

Mr. Scoble.—No, Acadia is in Nova Scotia.

The Lord Chancellor.—It has been since we had it. It was not called Nova Scotia by the French. Was not it a part of New France at the time it was a French possession?

Mr. Scoble.—That I would not undertake to say. My impression is it was not, but I should be sorry to express any positive opinion on the subject. I think you will find in the old geographers a distinction taken between Acadia and Canada.

The Lord Chancellor.—That there is no doubt of, but my impression was and still is that New France was a general name for all the French possessions.

Lord Aberdare.—This map is an old French map and you find it there "Canada ou la Nouvelle France."

Mr. Scoble.—There appears to have been a good deal of looseness of description about the country in the 17th century. For instance in Ogilby on the boundaries of Canada, Labrador, &c., quoted at page 46, in describing Canada and New France, he says: "Canada as it is taken for one and the same province with New France contains New France, properly so called Nova Scotia, Norumbega and some adjoining islands." There is a considerable variety of description, but I think that I am right in saying that as a general rule "Canada ou la Nouvelle France" is the term used by French geographers.

The Lord Chancellor.—On the other hand, in this book of Jeffreys to which we have been referred (and the title of which is a description of New France on the French dominions of North America) Louisiana is included as a province?

Mr. Scoble.—Yes, that is so.

The Lord Chancellor.—I think probably the largest signification of La Nouvelle France included all the French possessions in North America and it became more commonly used for Canada.

Mr. Scoble.—This same geographer, Jeffreys, in the same book, in a passage which is quoted in a report of the Canadian Minister of Public Works, page 183, of the Joint Appendix, says, at line 21: "Canada according to the English account is bounded on the north by the high lands which separate it from the country about Hudson Bay, Labrador or New Britain and the country of the Eskimeaux and the

Christeneaux, on the east by the river St. Lawrence and on the south by the Outawais river, the country of the Six Nations and Louisiana, its limits towards the west extending over countries and nations hitherto undiscovered". I am quoting from the memorandum of the Commissioner of Crown Lands. I have not the book itself.

The Lord Chancellor.—It is an extract ?

Mr. Scoble.—It is an extract from the book published in 1760 or 1761—two or three years before the Treaty of Paris.

The Lord Chancellor.—That is quite indefinite—"over countries and nations hitherto undiscovered?"

Mr. Scoble.—Yes, very indefinite.

Lord Aberdare.—Its limits are unlimited.

Mr. Scoble.—Then he says at line 29 describing the country from Lake Superior westward "at the mouth of Les Trois Rivières, or the Three Rivers, is a little French fort called Camenistagouia and 25 leagues to the west of the said fort, the land begins to slope and the river to run towards the west."

Lord Aberdare.—This Fort Camenistagouia is what we call Fort Williams probably ?

Mr. Scoble.—Yes. One gets embarrassed with these curious names.

Lord Aberdare.—That is pretty well admitted now to be within the watershed and to be in a certain sense a portion of this territory ?

Mr. McCarthy.—Subject to the question of the due north line.

Mr. Scoble.—"At ninety-five leagues from this greatest height lies the second establishment of the French that way called Fort St. Pierre in the Lake des Pluies. The third is Fort St. Charles eighty leagues further on the Lake des Bois. The fourth is Fort Maurepas a hundred leagues distant from the last near the head of the Lake of Quinipigon." I suppose we must take that to be Lake Winnipeg. "Fort La Reine, which is the fifth, lies a hundred leagues further on the river of the Assiniboels."

The Lord Chancellor.—I think all these were the seven forts which are mentioned as the posts of the West Sea in one place ?

Mr. Scoble.—Yes, I think they may be taken to be the same. "Another fort had been built on the River Rouge, but was deserted on account of its vicinity to the two last. The sixth, Fort Dauphin, stands on the west side of Lac des Prairies or of the Meadows, and the seventh, which is called Fort Bourbon, stands on the shore of the Great Lake Bourbon. The chain ends with Fort Poskoyac at the bottom of a river of that name which falls into Lake Bourbon. The River Poskoyac is made by De Lisle and Buache to rise within twenty-five leagues of their west seas which they say communicates with the Pacific Ocean. All these forts are under the Governor of Canada."

Lord Aberdare.—Lake Bourbon I suppose was the French name for Lake Winnipeg ?

Mr. Scoble.—No, I think not.

Lord Aberdare.—What would have been the Great Lake Bourbon ?

Mr. Scoble.—The northern part of Lake Winnipeg. The lake of the Meadows or Prairies is the lake, I understand, which is now known as Lake Manitoba.

Lord Aberdare.—The Meadows Lake is the upper portion of this map near Fort Dauphin. Lake Manitoba and Swan's Lake is the upper part.

The Lord Chancellor.—It is clear one of the lakes was Lake Bourbon.

Mr. Scoble.—Now, my Lord, this book I suppose may be taken as showing the popular knowledge, or in fact I may say showing the scientific knowledge of the geography of this part of the world possessed in England at the time of the affairs of 1761, two or three years before the Treaty of Paris, and the British Government, I think, may be taken to have known of the existence of these forts and that they were, as the writer says, under the Governor of Canada—that is under the French Government. Now, my Lord, in connection with that I would ask to refer your Lordships to a passage in Governor Pownall's report.

Sir Robert Collier.—He goes on to say "The above it will be observed is the English account of what was still French Canada in 1760."

Mr. Scoble.—That was the argument of the Commissioner of Crown Lands, but I do not ask your Lordships to consider that. I only ask your Lordships to consider the authority which is cited. Then I would ask in connection with that your Lordships' attention to a part of Governor Pownall's report in 1756, which my learned friend Mr. Mowat did not read. The report is at page 601 of the Joint Appendix.

Sir Montague Smith.—What is the date ?

Mr. Scoble.—1756. I am very sorry to have to refer your Lordships in this way from book to book, but I am afraid it is inevitable. Now the report begins at page 601 and it is described as "Extracts from Governor Pownall's official account of the French posts and the French dominion in North America, 1756." It appears to have been drawn up by order of and presented to His Royal Highness the Duke of Cumberland.

Sir Montague Smith.—It has been referred to.

The Lord Chancellor.—I do not know whether the title is in any way part of the document, is it? Whoever drew up the title seems to have distinguished between French posts and French dominions?

Mr. Scoble.—Yes; my Lord. That apparently would be the original title, but I have not seen the book and cannot give your Lordship any definite information about it. It is "a memorial stating the nature of the service in North America and proposing a general plan of operations as founded thereon, drawn up by order of and presented to His Royal Highness the Duke of Cumberland, 1756." The Duke of Cumberland was Commander-in-Chief in 1756, and I suppose this was in regard to military action. My friend read extracts and gave your Lordship a great deal of information with regard to the forts in Canada, which are specified at page 603, and I would only further call your Lordship's attention to the Illinois forts, which are mentioned there later on. The Illinois has six companies (300). It states what the posts were in 1762—the Caskasias, Fort de Chartres, Village de St. Philip, Prairie de Rocher, Cotokias, Village de Ste. Jeune Vierge. Those were all posts in the Illinois country, which were ceded by the Treaty of Paris, and some of them I have already mentioned would be excluded from the operation of the Quebec Act, by which the north line was drawn. But your Lordships will find, a little further on, "as to the posts in the Illinois country I am not able to describe them particularly, but what appears to be of more consequence I collect from M. Vaudreuil's letters (from 1743 to 1752), the general idea upon which the fortifying and securing that country is founded." Then he gives the history of the forts, and at page 604, line 9, I think there is a very important paragraph. He says: "Thus the French do not only settle the country but also take possession of it, and by the form, site and police of such possessions (led on and established by the guidance of, and in alliance with, the waters) a natural foundation of a one command have they acquired and become possessed of the command of this country. By these means, I repeat it, have they created an alliance, an interest, with all the Indians on the continent; by these means have they acquired an influence, a command throughout the country.

Lord Aberdare.—That may be a moral command ?

Mr. Scoble.—Yes.

The Lord Chancellor.—It means a predominant influence, a practical power which undoubtedly may lead to possession ?

Sir Robert Collier.—An ascendancy, he goes on to say, with the Indians.

The Lord Chancellor.—Yes; the words which follow are certainly important. "They know too well the spirit of Indian politics to affect a superiority, a government over the Indians, yet they have, in reality, the truth of more solid effect, an influence, an ascendancy, in all the councils of all the Indians on the continent."

Mr. Scoble.—And lead and direct their measures, not even our own allies, the Five Nations, excepted.

The Lord Chancellor.—It is obvious he distinguishes that from territorial possession ?

Sir Montague Smith.—There is a classification of the different tribes of Indians and how they are effected ?

Mr. Scoble.—Yes,

The Lord Chancellor.—I see a number of tribes bracketed and marked “supposed to be in the British interests,” and there are some “wholly in the British interests,” and so on.

Mr. Scoble.—I think these passages which I have read are the most important passages as showing the condition of English knowledge at the time or immediately before the time of the treaty. There are other reports a little subsequent to the treaty which do not add very much to the information which is contained in Jeffrey's and in Governor Pownall, as for instance Deputy Superintendent Croghan's reports on the French settlements of the Wabash and Illinois in 1764-65 (page 107 of the Joint Appendix) and a report by Governor Carleton at page 609 as to the French posts of the Interior, 1768.

The Lord Chancellor.—That was read ?

Mr. Scoble.—That was read. Now my Lord, the French view of what they had and what they ceded was very much more in favor of actual possession than the English view contained in the documents which I have read. In fact the whole contention of the French from the time the French and British interests come into conflict in this part of the world appears to have been that they were in possession of the country, not only by right of prior discovery, but also by occupation and settlement.

Lord Aberdare.—This contention goes to show the original Province of Manitoba was wrongly constituted.

Mr. Scoble.—Well my Lord, if it were necessary to contend that, no doubt that might be contended upon these facts. At page 619 there is a report of the Sieur de St. Lussou, who was sub-delegate of the Intendant Talon in 1671, in which he gives an account of the way in which he proceeded. He says: “On the orders by us received on the third of September last from my Lord the Intendant of New France signed and paraphed Talon and underneath by my Lord Varnier with paraph to proceed forthwith to the countries of the Outaouais, Nespersez, Illinois and other nations discovered and to be discovered in North America, near Lake Superior or the Fresh Sea to make search and discovery there for all sorts of mines, particularly that of copper, commanding us moreover to take possession in the King's name of all the country inhabited and uninhabited wherever we should pass, planting in the first village at which we land the cross in order to produce there the fruits of Christianity and the escutcheon of France to confirm His Majesty's Authority and the French dominion over it.” He goes on to say that he has caused a number of tribes to assemble to the number of 14 nations, and he gives their names “To whom in the presence of the Reverend Fathers of the Company of Jesus and of all the French hereafter mentioned we have caused to be read our said commission, and had it interpreted in their language by Sieur Nicolas Perrot, His Majesty's Interpreter in that part, so that they may not be ignorant of it afterwards causing a cross to be prepared in order that the fruits of Christianity be produced there and near it a cedar pole to which we have affixed the Arms of France saying three times in a loud voice and with public outcry, that in the name of the Most High, Most Mighty and Most Redoubtable Monarch Louis XIV.—”

The Lord Chancellor.—They took possession of the whole continent ?

Mr. Scoble.—Yes ?

Lord Aberdare.—Discovered or to be discovered.

Mr. Scoble.—Yes. They acted in much the same way as every nation acted in those days. They afterwards occasioned disputes and came to wars in order to maintain their right to the territory they had in an exceedingly free and easy manner taken possession of, and, to a certain extent, according to international law as it was then understood, they were perfectly right in doing so. But here they profess to take possession of the whole of the continent. “As well discovered as to be discovered which are bounded on the one side by the Northern and Western Seas and on

the other side by the South Sea, including all its length or breadth." Then at page 261 there is another record of taking possession in the King's name of the countries of the Upper Mississippi: "Nicholas Perrot, commanding for the King at the post of the Nadouesioux, commissioned by the Marquis de Denouville, Governor and Lieutenant General of all New France."

And he takes possession of all the places where he has hitherto been, and whither he will go. Then he describes the places he has been to, and records that he has taken possession "for, and in the name of the king of the countries and rivers inhabited by the said tribes and of which they are proprietors." Then in regard to these matters of taking possession, I may call your Lordships' attention to page 623, line 20, where the pretension to Hudson Bay is set up in a letter from Louis XIV himself to M. de la Barre. It is dated Fontainebleau, 5th August, 1683: "I recommend you to prevent the English as much as possible from establishing themselves in Hudson Bay, possession whereof was taken in my name several years ago."

Lord Aberdare.—That was in the evil days of Charles II?

Mr. Scoble.—Yes. Then again at page 624, writing again to M. de la Barre on the 10th April, as to the affairs of the Nelson River, he says at line 11: "It would be well for you to have a proposal made to the commandant at Hudson Bay that neither the French nor the English should have power to make any new establishments." And then in regard to that same Nelson River at page 625, on an application for a grant of the Nelson River by Gaultier de Comporté, in 1684, it is recited that this Gaultier de Comporté has presented a memoir by which he requests the grant unto himself and his associates of the ownership of the River de Bourbon—the Nelson—in Hudson Bay, of which possession had been taken in the name of the king for as long a time as it should please, with the permission to establish three posts on the river." Then in a report made in 1685 by the Governor of Montreal, the Marquis de Seignelay, the origin of the French claim by settlement is stated to be: "As regards Hudson Bay, the French settled there in 1656 by virtue of an *arrêt* of the Sovereign Council of Quebec, authorizing Sieur Bourbon, its Attorney-General, to make the discovery thereof who went to the north of said bay and took possession thereof in His Majesty's name." The Attorney-General was a very active person in those days, and in these latter days I have read of an Attorney-General leading a force in the south of Africa for the purpose of repressing attacks by the hostile tribes in that part of the world. The Attorney-General of the Cape of Good Hope led a force most gallantly the other day, and I believe came off victorious in his encounters. I think, my Lord, all these documents and others with which the appendix abounds, show tolerably clearly that before the time of the Treaty of Paris the king of France laid claim, according to the fashion of those times, to the whole of the country to the west and south which constituted Canada as distinguished from Louisiana. I think it was so understood by the British Government at the time of the treaty and subsequently, because there is rather a curious thing in the Parliamentary debates of the year following, the year in which the Quebec Act was passed. No less a person than Lord Camden brought a Bill into the House of Lords for the repeal of the Quebec Act, and his objections to the Act were put on three grounds: The first ground was the extension of the limits of Canada. The other two grounds were the grounds upon which the Bill had been fought in both Houses in the previous year, namely: First, they objected to the establishment of Popery in this large region, and, in the second place, they objected to the establishment of a much more arbitrary Government than that which prevailed in the other North American Colonies. On the point of the first objection Lord Camden approved, there could be no good reason for extending the limits of Quebec as to make them comprehend a vast extent of country two thousand miles in length from north to south, and bounded on the west only by the South Sea.

The Lord Chancellor.—A distinguished person speaking in the House of Lords upon an idea which without proof is not to be accepted upon his authority, do you suppose Lord Camden knew more about it than we do?

Mr. Scoble.—I do not suppose he knew as much or at all events did not know so much as your Lordships will know when you come to the end of this case, but it shows that according to the means of knowledge he possessed at that time, and according to his construction of the Quebec Act, the Province of Quebec was made to include all the territory France purported to cede and England assumed to take.

The Lord Chancellor.—What are the words in the Quebec Act? It is an Act containing the boundaries. What are the bounds which show it extends to the Western Pacific? You do not make much progress by showing what Lord Camden said.

Lord Aberdare.—You seem in this argument to throw away all the instructions given to Governor Carleton and others to define these boundaries. You are going far beyond that?

Mr. Scoble.—No. I think Governor Carleton went far beyond that.

Sir Robert Collier.—If he went as far as that it is quite enough for you?

The Lord Chancellor.—What strikes me at present is that the Act speaks for itself, and shows distinctly that whether the point is that for which your opponents contend, or that stated by the award, westward towards the Mississippi, when you have got to that point you go northward to the southern boundary of the territory granted to the Hudson Bay Company, and if we accepted your learned leader's suggestion, that means northward of Hudson Bay, and nothing else. Still you cut off an enormous extent of territory, taking into consideration Lord Camden's view?

Mr. Scoble.—If your Lordships construe the word "northward" as referring to territory and not to boundary, that would give all that Lord Camden seemed to think it did.

The Lord Chancellor.—I do not follow you. This states what territories are included, and it gives you first of all the line of boundary as far as the junction of the Ohio and the Mississippi. Then you either take north from that point or from some point arrived at by going northward along the Mississippi the further boundary is struck northward until it meets the southern boundary of the Hudson Bay Company. How can that be? The thing is simply impossible?

Mr. Scoble.—The westward boundary does not carry it further than the banks of the Mississippi.

The Lord Chancellor.—And from that you strike northward until you reach either Hudson Bay or some territory which is described as granted to "the merchant adventurers trading to Hudson Bay."

Mr. Scoble.—I submit the Act may be read in this way: "All the territories, islands and countries in North America belonging to the Crown of Great Britain bounded on the south"——

The Lord Chancellor.—It is to give a southern boundary, an eastern boundary, a western boundary and a northern boundary, and how it can include anything which is not within any possible limits so described, seems to be beyond the power of imagination to conceive.

Lord Aberdare.—And it seems wholly unnecessary for what is your substantial contention?

Mr. Scoble.—Well, then, my Lord, I will leave that part of the case, and in obedience to your Lordship's view just expressed, I will address myself now to what is the northern boundary, established by the Quebec Act. That is stated to be "the southern boundary of the territory granted to the merchant adventurers trading to Hudson Bay." Now, no southern boundary of those territories had at that time or has to this day been ascertained. It is a historical error to suppose that any boundary was settled by or after the Treaty of Utrecht. At page 587 of the Joint Appendix, your Lordships will find the memorial of the Hudson Bay Company, dated the 6th December, 1759, in which in prospect of an approaching treaty of peace between this nation and France, that is in prospect of the Treaty of Paris of 1763, they make certain representations. They state what the French had been doing in Hudson Bay before the Treaty of Utrecht. They recite articles 10 and 11 of that treaty, and then at line 22 they go on to say this: "That in pursuance of the said

treaty and an especial commission of Her said Late Majesty Queen Anne, dated the 20th of July, 1713, the said bay and lands then in possession of the French were delivered up to Governor Knight and Kelsey, who took possession thereof for the English Hudson Bay Company and Commissaries were appointed to settle the said limits, and adjust the damages the company had sustained which for the ships and goods of the company taken by the French appears by an account stated in the year 1713, and delivered to the then Lords Commissioners of Trade and Plantations, amounted to upwards of £100,000, besides the damages the company sustained by the enemies burning three of their forts and factories at Charlton Island, Moose River, and New Severn. And proceedings were laid by the said commissaries towards settling the same, but they were never able to bring the settlement of the said limits to a final conclusion, nor did the said Hudson Bay Company ever receive any satisfaction for their said damages." It is perfectly clear then that these lines upon the various maps which point out the limits settled by the Treaty of Utrecht, are lines introduced into these maps without any historical foundation at all, because no limits were ever settled from the date of the Treaty of Utrecht, or from the date of the Treaty of Paris or since. If that is so your Lordships have now to determine what ought to be considered the southern boundary of the territory granted to the Hudson Bay Company at the time of the Treaty of Paris and the Quebec Act of 1774. I think the best evidence as to the condition of the Hudson Bay Company's settlements at the time of the treaty is to be found in a letter from the Right Honorable George G. Goschen, who was chairman of the company at the time the letter was written, which is printed at page 594 of the Joint Appendix. It is dated 12th December, 1876, and addressed by Mr. Goschen as Chairman of the Hudson Bay Company to the Secretary of State for Canada. He encloses, first of all, a map, then a statement prepared with reference to the parliamentary enquiry which took place in 1857. Then, in the fourth paragraph of his letter, he says this:—"At the time of the passing of the Quebec Act, 1774, the company had not extended their posts and operations far from the shores of Hudson Bay. Journals of the following trading stations have been preserved bearing that date, namely: Albany, Henley Moose, Eastmain, York, Severn, and Churchill. These journals give no information upon the subject of the boundaries between Canada and the territory of the company, nor was the question raised in 1748 when the House of Lords held an enquiry with reference to the company's affairs as at that time conducted. A map, No. 3, no doubt prepared for that occasion, and sent herewith shows the extent of the country to which these operations were then confined." I do not know whether my learned friends have that Act, but that map no doubt would show the Hudson Bay Company's views of its settlements at the time of the passing of the Quebec Act.

Lord Aberdare.—Yes, it would show historically what they occupied then. It would not show what was the limit of their actual claims now.

Mr. Scoble.—I apprehend that they could not extend their boundaries subsequent to the Quebec Act beyond the limits which those boundaries had at the time of the Quebec Act.

The Lord Chancellor.—The question is what is meant in the Quebec Act by the "territory granted to the Hudson Bay Company?"

Mr. Scoble.—Yes, and that makes it necessary that I should refer, and I shall do it very briefly, to the charter of the Hudson Bay Company.

The Lord Chancellor.—What is important as bearing upon that, is the use in that charter of the term "Rupert's Land," as distinguishing territory over which the grant was meant to extend.

Mr. Scoble.—The first observation I will make with regard to this charter, which is printed at page 341 of the Joint Appendix, is that the King, in granting it, does not set up any title to the lands that he is granting by right of prior discovery, but only such title as he might have by occupation and settlement.

The Lord Chancellor.—What are the words which subject appear to you to indicate that, whatever is actually possessed by the King's subjects or the subjects of any other State, is excluded?

Mr. Scoble.—Yes, and I say that excludes also any claim by right of prior discovery. He purports to grant whatever he has, that is, all the lands, countries and territories.

Lord Aberdare.—He assumes all to be his.

Mr. Scoble.—Then I apprehend if he were claiming by right of first discovery, he would claim to have the whole of it.

Lord Aberdare.—Then, surely, we come back to what is subsequently admitted to be Rupert's Land?

Mr. Scoble.—I do not think anything was subsequently admitted to be Rupert's Land, because in the Rupert's Land Act, in which the phrase "Rupert's Land" for the first time received legislative sanction, there is an express reservation of all rights in regard to it.

The Lord Chancellor.—There are some words, which indicate what is meant, are not there?

Mr. Scoble.—I will give your Lordship the exact words. They are at page 445: "For the purposes of this Act the term Rupert's Land shall include the whole of the lands and territories held or claimed to be held by the said Governor and Company."

The Lord Chancellor.—"Or claimed to be held." You see, the whole of the present relations of Canada and Rupert's Land are founded upon this.

Mr. Scoble.—But the surrender which was to be made was only of "the lands, territories, rights, privileges, and so forth, as far as the same had been lawfully granted to the said company."

The Lord Chancellor.—Where is that?

Mr. Scoble.—In the third paragraph of the preamble, at line thirty-four.

Lord Aberdare.—But practically, although not admitting and grumbling against the excessive claims of the Hudson Bay Company, for the purpose of annexation of those territories, they were admitted.

Sir Montague Smith.—They seem to me to be left undefined, but they wished to take a surrender of whatever they had and whatever they might claim.

Sir Barnes Peacock.—The Act speaks of Rupert's Land and the North-Western Territory, and then it defines what Rupert's Land means.

Mr. Scoble.—For the purposes of the Act, and not otherwise.

Sir Barnes Peacock.—The annexation was to be of Rupert's Land and the North-Western Territory belonging to the Hudson Bay Company.

The Lord Chancellor.—When you speak for "the purposes of the Act," the purposes of the Act are that this territory shall be part of the Dominion of Canada and the whole of the legislation takes place upon that footing?

Mr. Scoble.—Upon the footing of a compromise?

The Lord Chancellor.—No, upon the footing of its being treated by the Imperial Parliament as external to Canada.

Mr. Scoble.—Then on that presumption we do not get any further as to what Rupert's Land is?

The Lord Chancellor.—As to the actual limit; but that it was a large territory then claimed by the Hudson Bay Company, and seems to be so. You do get that.

Mr. Scoble.—They may have claimed under two rights. They may have claimed under their charter in regard to land immediately in the neighborhood of their settlement in Hudson Bay, and they may have claimed under the right derived from long occupation in regard to other portions of that territory.

Sir Barnes Peacock.—Is not that what was intended to be annexed to Canada, for which they were to pay £300,000?

Mr. Scoble.—It was a compromise arrived at between the Hudson Bay Company and the Dominion of Canada.

Sir Barnes Peacock.—They purchased from the Hudson Bay Company all those rights with certain exceptions, which were reserved to the Hudson Bay Company, and they paid £300,000 for that. Then there is a stipulation in the surrender as to the electric telegraph. Canada was to purchase from the Hudson

Bay Company their electric telegraph and that is in the surrender and in the Order in Council. Do you know how far that electric telegraph went?

Mr. Scoble.—I do not know, my Lord, my friends will supply your Lordship with that information by-and-bye.

The Lord Chancellor.—Can you point out where the Fort Garry mentioned at page 447 is?

Mr. Scoble.—Fort Garry is where the town of Winnipeg now stands.

The Lord Chancellor.—Then that is very important, because you see this Imperial Order in Council under that Act of Parliament, distinctly treats the Town of Winnipeg as adjoining the forts of the Hudson Bay Company. Then the company as part of the terms for which they stipulated, besides getting £300,000, were to select certain blocks adjoining each of their forts in the Red River limits; and one of those was a block of 500 acres at the "Upper Fort Garry and town of Winnipeg, including the enclosed park around shop, and ground at the entrance of the town," showing most distinctly that that was within their grants.

Sir Barnes Peacock.—On another page there is also a reference to "Upper Fort Garry and the town of Winnipeg."

Mr. Scoble.—There is no doubt that the Hudson Bay Company had settlement in this country at the time of the surrender. In construing the words in the Rupert's Land Act "the whole of the land or territories held or claimed," it must be taken in connection with the Order in Council. It is quite clear that this was land so held.

Mr. Scoble.—And they might hold that by right of occupation and not under their charter at all.

The Lord Chancellor.—Supposing they did; this Imperial Act is an instrument which treats that territory as external to Canada, and to be admitted into Canada if the Crown should think fit on certain terms.

Sir Barnes Peacock.—Canada was to purchase it for £300,000.

Mr. Scoble.—That was a compromise.

The Lord Chancellor.—And if it has been ascertained that that was part of Rupert's Land, how can you say that it is now to be treated a part of Canada? Of course your argument on the award does not require you to say so, but if you are going to claim the whole of North America, north of the United States, you must say so.

Lord Aberdare.—All this argument seems to me to strengthen your claim for the more limited territory which is substantially what you are going for.

Sir Robert Collier.—That does not in the least hurt you if you confine yourself to the contention which you were confined to some time ago.

The Lord Chancellor.—You told us yesterday that you meant to limit yourself to that, but I suppose further consideration leads you to take a different view?

Mr. Scoble.—It was rather in consequence of something which fell from one of Your Lordships, because I was going to address myself to the state of things on the shores of Hudson Bay at the time the Treaty of Utrecht was passed, and to show what the Hudson Bay Company had at that time, and that there was a claim on the part of the French King, known to and to a certain extent admitted by the English, to the land of what is called the bottom of Hudson Bay.

Lord Aberdare.—But that is not before us.

Mr. Scoble.—It is important incidentally in regard to the argument as to the height of land. If it is going to be contended that we are limited by the height of land, then every piece of evidence which shows that we have a right to go to the shores of Hudson Bay is of importance to our claim. If we are to be bounded by the height of land we do not get to Hudson Bay at all.

The Lord Chancellor.—I thought at present we had only to decide the boundaries between Manitoba and Canada, and nobody contends that Manitoba goes up to Hudson Bay.

Mr. Scoble.—But I understood your Lordship to consider, that to a certain extent, the question of the northern boundary was involved?

The Lord Chancellor.—The northern boundary between Manitoba and Canada certainly, but not the northern boundary of Canada with any place not adjoining Manitoba.

Mr. Scoble.—If that is so, of course it is unnecessary to say anything further with regard to that, but I understood that your Lordships, in considering the question of the award, would consider also whether the northern boundary given to Ontario by that award was one which was supported by the evidence.

The Lord Chancellor.—Certainly, but then that is the northern boundary between Ontario and Manitoba.

Sir Montague Smith.—Where you leave Manitoba eastward is not referred to.

Mr. Scoble.—Then it is not necessary for me to address myself to that. The point I understand your Lordships are going to determine is what is the proper boundary westward between Ontario and Manitoba?

Sir Montague Smith.—Yes. Is there anything else referred to us?

Mr. Scoble.—They do not adjoin on the north at all?

The Lord Chancellor.—Yes, they do. I understand that the whole of that tract colored with a pale yellowish tint and orange colored lines across it—single orange lines not double—had been given by the Dominion to Manitoba. Is not that so?

Sir Robert Collier.—Yes.

The Lord Chancellor.—Then, of course, if the Dominion could give that to Manitoba, and it was not part of Ontario, the boundary there marked by the English River, Lonely Lake and Lake St. Joseph is in it. Of course if it is admitted on both sides beyond all questions, then it will save trouble.

Sir Robert Collier.—Do you say it is necessary to consider the northern boundary?

Mr. McCarthy.—Yes, we say it is necessary to consider it.

Lord Aberdare.—If you will pardon me, it seems to me you should make up your mind whether you are going to insist on the portion of Manitoba which is north of that portion which was considered by the arbitrators?

Mr. Mowat.—We do not claim that.

Mr. Scoble.—No, not this cross-barred lattice part—the yellowish lines.

Sir Montague Smith.—I understood the Attorney-General of Ontario to limit his argument to what was within the red?

Mr. Mowat.—Yes; perhaps in a word or two I could explain about that piece of boundary about which an observation has been made just now. By the terms of the Dominion Act extended by the Manitoba Act, its eastern boundary is made to depend upon our western boundary, not merely for the distance between the two Provinces, but for a further considerable distance, so that whether Manitoba gets that from the Dominion or not depends on the present question, but we have no concern with it.

Sir Robert Collier.—You are satisfied with the boundary in the cross-barred lines.

Mr. Mowat.—Yes.

The Lord President.—With the award line?

Mr. Scoble.—Yes.

Lord Aberdare.—Then your argument may as well be addressed to that?

Mr. Scoble.—Quite so; I will not trouble your Lordship with the other. Now with regard to the boundary which lies between the due north line which is shown on the map here, and the western boundary which the award has given us in that portion which is north of the award line, there is not, so far as I am aware, any post of any kind there of the Hudson Bay Company, or of the North-Western Company to be found. But there were some posts within the portion of the territory which the award has given us, and these posts were not, as I am instructed, the Hudson Bay Company's posts at all. They were the North-West Company's posts; at all events, they did not become in any way Hudson Bay Company's posts until after the fusion of the North-Western Company and the Hudson Bay Company, in or about the year 1819. They were old French posts, and would be included within the ter-

ritory, which, under the Quebec Act, was intended to be afforded a civil government. They were not very important posts apparently.

Lord Aberdare.—Fort St. Joseph is one?

Mr. Scoble.—Yes, Fort St. Joseph is one.

Lord Aberdare.—There is a fort cited La Manne?

Mr. Scoble.—There is a River à la Manne mentioned in one of the French documents at page 624 of the Joint Appendix and I think that is the fort referred to. There is a letter from the Sieur du L'Hut to M. de la Barre, in relation to operations in the neighborhood of Hudson Bay. He says in part of his letter, at line 38, page 624, after pointing out the success he has had in interfering with the operations of the English at Hudson Bay, "The Klistinos, the Assenepolacs, the people from the Sapiniere, the Openers, Dachiling, the Outoubouhys and Tabitibis, which comprises all the nations which are to the west of the Northern Sea, have promised to be next spring at the fort which I have constructed near the River à la Manne, at the bottom of Lake Almpigon, and next summer I will construct one in the country of the Klistinos, which will be an effectual barrier." Now the country of the Klistinos, as it is called here, would be to the north. The Lake Almpigon is the same as Almpigon which your Lordship will see lies within the due north line; but the Fort à la Manne is north of this Lake Almpigon, and it is within the extended boundary which the award has given us. Then Rainy Lake, your Lordships will see, is within that same contested district, and a post was established there by the French also.

Lord Aberdare.—Fort St. Pierre in 1731?

Mr. Scoble.—Yes, in 1731.

Sir Robert Collier.—Is it on the map?

Mr. Scoble.—I will give your Lordship the reference in a moment.

Sir Robert Collier.—It is not mentioned in page 603. This one, Rainy Lake, is one of those mentioned in Jeffrey's book, which I have already referred your Lordships to, at page 183 I think it is. It is in that extract which I read from the memorandum of the Commissioner of Crown Lands, Canada, 1857. "At ninety-five leagues from this greatest height lies the second establishment of the French that way, called Fort St. Pierre, in the Lake des Pluies. The third is Fort St. Charles, eighty leagues further, on the Lake des Bois. The fourth is Fort Maurepas, a hundred leagues distant from the last, near the head of the Lake of Ounipigon." Then Fort La Reine is a little further on. We need not trouble anything about that. It is considerably further on. It is described as on the River of the Assiniboels. The only ones that I need trouble your Lordships with are Fort St. Pierre and Fort St. Charles on the Lake of the Woods.

Sir Robert Collier.—Is it here on the map?

Lord Aberdare.—Yes; it is on the lake to the westward; it appears to be just outside the district.

The Lord Chancellor.—Fort St. Charles is in Manitoba.

Lord Aberdare.—The line of award goes through the lake; it does not give the whole.

Sir Barnes Peacock.—The land reserved to the Hudson Bay Company is within the Rainy Lake district. At page 317 they retain certain "posts or stations now actually possessed and occupied by them."

Mr. Scoble.—The order for the erection of these posts in the territory in question, you will find at page 640 of the Joint Appendix. It appears to be a report of the Consul de Marine, dated 7th December, 1717. It says: "Messieurs de Vaudreuil and Begou having written last year that the discovery of the Western Sea would be advantageous to the colony, it was approved that to reach it M. de Vaudreuil should establish three posts, which he had proposed, and he was instructed at the same time to have the same established without any expense accruing to the King—as the person establishing them would be remunerated by trade, and to send a detailed schedule of the cost of continuing the discovery. In reply it is stated that M. de Vaudreuil, in the month of July last, caused the Sieur de la Noue, Lieutenant,

to set out with eight cannon to carry out this scheme of discovery. He gave him instructions to establish the first post at the River Kamanistiquia." That is just at the boundary.

Lord Aberdare.—Fort William ?

Mr. Scoble.—Fort William. "He gave him instructions to establish the first post at the River Kamanistiquia, to the north of Lake Superior, after which he is to go to Tamamigen," which is, as I understand, Rainy Lake.

Lord Aberdare.—I observe the word "Christmeaux" is printed in the north-west portion of the territory given by the award, as well as being one of the names by which Winnipeg is called.

Mr. Scoble.—Winnipeg Lake, I understand, is sometimes called the Lake of the Christmeaux—that is the northern part of it—the other part of it is called the Lake of the Assiniboels after the adjoining tribe.

The Lord Chancellor.—It seems to be printed to the north-west of the colored part and to the end of the uncolored part. This reservation is a tract of 50 acres. It seems to show, whether rightly or wrongly, they had claimed to extend their territory over a portion of what was awarded to Ontario. They claim it as part of the land of which they were in possession at the time the Act passed ?

Sir Barnes Peacock.—Yes.

Lord Aberdare.—The river which passes through Lake des Bois finds its way into Rainy Lake.

Sir Robert Collier.—What they claim to be entitled to under the second section of the deed of surrender is this: "The company to retain all the posts or stations now actually possessed and occupied by them or their officers or agents, whether in Rupert's Land or in any other part of British North America, and may within 12 months after the acceptance of the said surrender select a block of land adjoining each of their posts or stations within any part of British North America not comprised in Canada and British Columbia in conformity except as regards the Red River territory with a list made out by the company and communicated to the Canadian Ministers, being the list in the annexed schedule." Therefore it becomes a question whether some of the territory set out in the schedule is comprised in Canada.

Sir Barnes Peacock.—They specify that.

Sir Robert Collier.—But it does not follow necessarily that they are entitled to what they specify. Then they give a list of what they claim.

Lord Aberdare.—That is at page 319 ?

Sir Robert Collier.—Page 319, that is the schedule to their deed of surrender in which they state their claim.

Sir Barnes Peacock.—The British Crown were to take it, and then restore it after the surrender.

Sir Robert Collier.—This states all they claim, but it does not necessarily follow that they are entitled to all that they claim.

The Lord Chancellor.—There is something claimed in New Brunswick which admittedly is not within their territory.

Sir Robert Collier.—Yes; they make very extensive claims, indeed, here. They assert this as not belonging to the Dominion of Canada, but I think that is a subject to be enquired into.

Sir Montague Smith.—They agreed upon £300,000, and then the Government would take in everything, whether doubtful or not. It does not show that this was the Hudson Bay Company's territory at the time that the Government took to this province. As the Lord Chancellor points out they claimed to have New Brunswick.

Sir Robert Collier.—Yes, they claimed to have New Brunswick.

Mr. Scoble.—They have not claimed anything of this territory which we are now considering.

Sir Robert Collier.—Where is the Act enabling the Government to accept surrender ?

Mr. Scoble.—Page 445.

Sir Robert Collier.—I think this Act says: "Whereas a draft surrender has been submitted to the Government of Canada." I am not quite sure whether we have had before the draft surrender which was so submitted. Here is the Order of Council, and I do not see that the Order in Council gives them all that they claim in their schedule as at present advised. The size of the blocks which the company are to select adjoining each of their forts in the Red River limits shall be as follows: Then it mentions what they are entitled to, "Upper Fort Garry and town of Winnipeg, including the enclosed park around shop and ground at the entrance of the town, 500 acres Lower Fort Garry (including the farm the company now have under cultivation) 500 acres, White Horse plain, 500 acres." But I do not see that this Order of Council gives them all that they claim in their schedule.

Mr. Scoble.—In section 2, on page 448, the next page. "The company are to retain the posts they actually occupy in the North-Western Territory, and may, within twelve months from the surrender, select a block of land adjoining each of the posts within any part of British North America not comprised in Canada and British Columbia."

The Lord Chancellor.—It goes on "in conformity except as regards the Red River territory, with a list made out by the company and communicated to the Canadian Ministers, being the list in schedule of the aforesaid deed of surrender." The Order in Council says it is in conformity with a list made but by the Company.

Sir Robert Collier.—That is so.

Mr. Scoble.—As I understand under that clause of the surrender, they have not claimed any land whatever within the limits of the bit of territory now under discussion.

The Lord Chancellor.—The Order in Council says expressly they are to "select a block of land adjoining each of its posts within any part of British North America not comprised in Canada and British Columbia, in conformity (except as regards the Red River territory) with a list made out by the company and communicated to the Canadian Ministers, being the list in the aforesaid deed of Surrender to their lists, if not comprised in Canada and British Columbia in conformity (except as regards the Red River territory) with a list made out by the company.

Lord Aberdare.—If they did get a block on Fort Chaleur which is within the award, would that be an argument that that was considered as not being a portion of Upper Canada?

The Lord Chancellor.—If it was proved that they did actually get it, it might be an argument, but the learned counsel says they did not get it. I should like to know whether there is any difference about it. If independently of this we should find a grant to Upper Canada, and there is any evidence that they actually got it and it belonged to Upper Canada the fact that by deed of surrender they claimed it would not at all decide it.

Mr. Scoble.—I understood that the statement I made just now must not be taken by your Lordships. My friends contest the point.

The Lord Chancellor.—Very well.

Mr. Scoble.—I understood there had been no land taken in the particular regions under this agreement. My Lord, there is one matter which I may mention here, while we are upon this, which is a geographical question rather than anything else, that is with reference to that map which the Lord Chancellor had yesterday dated 1703. There were two lines marked on it, one line marked "*Signé selon la pretension des Anglais*," and the other line marked "*Ligne selon le memoire de M. d'Anteuil*." Those two lines appear to have been put on to the map at a date considerably subsequent to the date which the map bears, because, although the map is dated 1873, the lines "*Selon la pretension des Anglais*," and the line "*Selon le memoire de M. Anteuil*" did not come into existence till 1719. The lines on this map, so far as I can make out, do not appear to be lines on the original map, but lines drawn on the map at a subsequent period. I am told they appear on the face of the original map itself, and I think it must be so for this reason, that it refers to "*la pretension des Anglais*" of which there is no evidence whatever at the date on the map, but in 1719 your Lord-

ship will find in referred to at page 511 of the Joint Appendix under the head of "Boundaries claimed by the English Commissaries." The English Commissaries under the Treaty of peace set forth the line, and at page 512 your Lordships will find the memoir of d'Anteuil, combating the "*pretension des Anglais*," put forward by the Commissaries.

The Lord Chancellor.—This line was what at that time the British Government claimed?

Mr. Scoble.—Yes, my Lord, and what the French Government would not agree to, and so far it illustrates and may, perhaps, illustrate correctly, the statements to which I have just referred your Lordships, but as nothing whatever came of the reference I imagine neither party is bound.

The Lord Chancellor.—The line there laid down is a straight line; the boundaries, as actually ascertained, are irregular.

Mr. Scoble.—The French boundary, your Lordships will, perhaps, remember, runs close round the shore of Hudson Bay. M. D'Auteuil's memoir locates the boundary there.

The Lord Chancellor.—The British pretension brings it to the south of the lake.

Sir Robert Collier.—It does not claim any territory south of the line drawn.

The Lord Chancellor.—The lakes now called Winnipeg Lake and Manitoba Lake are treated as one large lake, and they also are to the north of the line marked as the boundary.

Mr. Scoble.—The line appears to have been drawn upon the face of the map by some one in the French Ministry of Marine, or whatever public office it is that the map proceeds from. They were not part of the map as originally drawn by the geographer. They must have been drawn in or after 1719.

The Lord Chancellor.—They, doubtless, were drawn for the purpose of that question.

Mr. Scoble.—Most likely to show clearly what the claims of the plans are. Then, my Lord, I submit with regard to the whole of this territory covered by the award, there is evidence to show that it was well within the line of what may be contended to have been ceded to England by France by the Treaty of Paris, and which having been so ceded is constituted by the Act of 1774 into the Province of Quebec. The position of the Hudson Bay Company in regard to this territory after the cession appears to have been precisely the same as that of any other person who chose to come into the country—in fact it does appear upon the evidence that after the treaty of 1763, other persons did come into that territory as squatters, and gradually, by a series of processes, established their rights, broke down the monopoly of trade which the Hudson Bay Company had, and established trade rights to be in this country carrying on business, and settling themselves down in their various districts. Eventually these traders formed themselves into a company called the North West Company, which, for a series of years, carried on, practically, a civil war in that region with the servants of the Hudson Bay Company, and in the disputes which arose between the North-West and the Hudson Bay Companies' servants, in those years, we find from the correspondence, to which I need not refer your Lordships at length, the British Government entirely declined to take any part whatever except so far as was necessary to the protection of British subjects in these parts against the Indians, and really against one another. The position of the Hudson Bay establishment in that part appears to have been precisely the same as those of any other adventurers who chose to come there, and they were not recognized in any way by the British Government at the time. There is a long correspondence upon that subject. Lord Bathurst was Secretary of State. Your Lordships will find it in the Ontario Appendix, beginning at page 142. On that page, at line 36, in a letter from Lord Bathurst to Sir Gordon Drummond, 18th March, 1815, in answer to an application for a military force to assist him in resisting an attack apprehended from the Indian nation in the neighborhood of the Red River, Lord Bathurst says:—"You will take a special care whatever measures you may adopt for this purpose, to abstain from doing any act or expressing any opinion which may

tend to affect the question in dispute between the Hudson Bay and North-West Companies; the sole object of the present instruction being to secure the lives and properties of Her Majesty's subjects, established on the Red River, from the predatory attacks of the Indian nation in the neighborhood, with which they state themselves to be threatened." Then in the next letter, one from Sir Gordon Drummond to Lord Bathurst:—"Castle Quebec, 16th August, 1815."—The last paragraph is the one to which I call your Lordship's attention. Sir Gordon says: "The question as to the invasion of rights of which the North-West and Hudson Bay Companies mutually complain, appears to me to be entirely one of law and one in fact on which the law can alone decide; it has, therefore, very properly been referred by the North-West Company to a legal tribunal." There is a good deal more correspondence, very much to the same effect, all treating the question of the right of settlement and occupation in this part of the country about the Red River, as open to everybody after the Quebec Act and the treaty with France. Then again in 1817 (page 146). Commissioners are appointed to investigate and report upon the subject of dispute between the Hudson Bay Company and the North-West Company.

The Lord Chancellor.—Are we not getting into an interminable quagmire?

Mr. Scoble.—I merely wished with reference to this particular part of the country to say it really was, as far as men chose to occupy it, no man's land. It was, under the Government of England, exercised through the Government of Canada, and anybody who chose to go and settle there and establish posts there, could do so. The North West Company was establishing positions there, quarrelling with the Hudson Bay Company, and the Canadian and British Governments prepared to leave them to settle their disputes in a court of law.

The Lord Chancellor.—All that ended in the Rupert's Land Act.

Lord Aberdare.—Your argument is to show that the mere occupation of certain hunting posts in this region, which occupation was in common with other hunting associations, is no proof that it belonged to them.

Mr. Scoble.—No proof that the territory belonged to them.

Lord Aberdare.—You are directing your argument to that particular point?

Mr. Scoble.—Yes. I do not think that there is any other matter that I have to bring to your Lordships' notice upon this case. I think the evidence amply shows that the arbitrators were perfectly justified by the evidence of law and fact in adopting the line which they did which has been admitted to be a convenient line and I ask your Lordships to confirm their award.

(Their Lordships consulted.)

The Lord Chancellor.—Their Lordships desire it to be understood that they will only hear two counsel and if counsel for the Dominion of Canada and the Province of Manitoba wish to be heard they will settle among themselves who are to be heard among the various counsel retained for those territories—but it is one case, and there will be only two counsel heard. Then, secondly, their Lordships do not desire that you should travel into the question of any or indefinite extension of the limits of Canada north or west. They consider the true question to be the present identification of the boundaries laid down in the Quebec Act.

Mr. McCarthy.—The point, my Lords, upon which the Province of Ontario must satisfy your Lordships in order to sustain the claim to which they have now limited, the demand of the Province is: First, that the true north line is not the proper line on the west—that proposition we deny. Secondly, if that be not the true north line but that the line taken by my learned friend is the proper line to follow on the west bank of the Mississippi, then, in order to get the determining point, it appears to me that the province is bound to show where the southern boundary of the Hudson Bay territory was and is, because, until you get to that southern boundary the line is not fixed. If, for instance, you follow up the eastern bank of the Mississippi, and you come to the height of land and that height of land was the southern boundary of the Hudson Bay territory, then the course in order to find the western boundary would be to follow that height of land. If that be not taken as the southern boundary of the Hudson Bay territories mentioned in the grant, then I am at a

loss to know where my learned friend would ask your Lordships to stop. The award of the arbitrators assumed that there was no Hudson Bay territory—they penetrated through this height of land of which I am now speaking; they went to the north-west angle of the Lake of the Woods and when they went north for a certain distance to that point of the English River due north—

The Lord Chancellor.—They adopted, apparently, the line really laid down on Mitchell's map?

Mr. McCarthy.—I think I shall be able to show your Lordships that that was not treated at any time as being properly or carefully voted in point of fact as to this part of the country; the geographers of that day were in great ignorance.

The Lord Chancellor.—Are you going to show us what took place before the award?

Mr. McCarthy.—I am going to show your Lordships that the only theory upon which the award can be supported is by penetrating this height of land to the north-west angle of the Lake of the Woods.

The Lord Chancellor.—We have not anything before us at present which points to that height of land at all?

Mr. McCarthy.—My contention, if your Lordships will allow me, is if that height of land be not taken, where is the line to stop? That is one of the difficulties that has always occurred to me.

The Lord Chancellor.—At present upon the evidence you have got certain limits laid down in certain documents, the Quebec Act, a most authoritative document, and to identify them a map is produced giving the line of those lakes and the English River as the southern boundary of that map of the Hudson Bay territory. Those seem, at all events, to lead to the conclusion which the award has arrived at and they have to be answered.

Mr. McCarthy.—Yes, my Lord, your Lordship will see the award first follows English River then up to Lac Seul and Lake St. Joseph, it then takes the Albany River and goes to Hudson Bay.

The Lord Chancellor.—You will observe that the rest of the territory further east is assumed to be correctly laid down, it is a consistent water boundary, the water boundary starts from Hudson Bay going up the Albany River to Lake St. Joseph, then on to the English River, and so out on Manitoba territory. If any natural boundary is to be regarded at all that seems to be a very feasible natural boundary.

Mr. McCarthy.—It entirely ignores any rights of the Hudson Bay Company. The line by the award is from Fort Rupert on the east, stretching to the Albany River on the west. Supposing that there be any part that the Hudson Bay Company were clearly entitled to road between these two points, it is where they first settled and where they continuously occupy, and yet the award takes from the company that part of their territory to which, beyond all question, they are most clearly entitled.

Lord Aberdare.—The award did not deal with this question of the addition to Ontario?

Mr. McCarthy.—Oh yes, my Lord, the award started on the east at Fort Rupert and then went along James Bay until it struck the Albany River.

The Lord Chancellor.—It is not that the arbitrators considered that to be the boundary in that direction, their office was to arbitrate between the Dominion?

Mr. McCarthy.—The Dominion were alone entitled at the date of the arbitration to both north and west. Since the award Manitoba has come in upon the west, but at the time of the award the Dominion was the owner both to the north and west. What I am pointing out is this, that if the due line is followed to the north, a plain consistent line, of course that would end your Lordships' labors, but if the due line be not followed and the Mississippi course be taken as is urged on the other side, then, in order to find out where the western line is, it is necessary to find where the Hudson Bay territory ended, if it ended as we contend, at the height of land; then your Lordships will see the effect that will have upon the western limit, where it appeared to me that my learned friend's arguments were inconclusive, was that they

gave your Lordships no data, assuming the Mississippi was the proper course to take where that should stop.

The Lord Chancellor.—This map is evidence.

Mr. McCarthy.—Excluding for the moment that that map is some evidence, and I think I shall be able to show that it is not, it may not be unimportant at the opening to point out what were the rival claims for the Dominion and the province when this reference was made. The Dominion claimed consistently all along for the due north line, relying upon the construction of the Quebec Act which we propose to contend for here before your Lordships. The province upon being appealed to say what boundary they mentioned fixed the limit which will be found at page 334 of the Joint Appendix. And it is useful in a twofold sense; it is useful in the first place as showing although, as I will point out, it was subject if not accepted to a greater claim being made—it is useful in a twofold sense, first as showing what the province then was content with, and, secondly, as indirecting that the Hudson Bay Company's rights were to the height of land. The boundary line of Ontario is the international boundary from the mouth of Pigeon River.

The Lord Chancellor.—What was the origin of this document?

Mr. McCarthy.—After Rupert's Land had been added to the Dominion the Dominion formulated their contention, which was, as I have said, the true north line. Then the province is called upon to name the boundary it wanted, and that is communicated to the Dominion by the letter on page 333.

The Lord Chancellor.—This is the Ontario claim stated by them in 1872?

Mr. McCarthy.—Yes. "The Committee of Council have had under consideration the despatch from the Secretary for the Provinces of the 18th instant, on the subject of the boundary line of Ontario and the copy of our approved Minute of the Privy Council of Canada enclosed." In this minute the Privy Council regrets "that the Government of Ontario, while expressing their difference of opinion from that of the Dominion, omitted to give their own views on the subject and did not state what their claim as to the location of the boundary was." The Committee would observe that the despatch, on which their Minute was founded, did not contain any invitation to the Government of Ontario to express its views or state its claim. The Government of Ontario is now invited to do so, and the Committee advise that the Government of Canada should be informed that his Government proposes the boundary contained in the annexed description. Now we come to the description: "The boundary line of Ontario is the international boundary from the mouth of the Pigeon River or Lake Superior to a point west of the Lake of the Woods, where the international boundary line would be intersected by a line drawn north from the source of the Mississippi River; thence the boundary line of Ontario runs north to the point of intersection of the southern boundaries of the Hudson Bay territory; thence the boundary line of Ontario is the southern boundary of those territories to the point where that boundary would be intersected by a line drawn north from the head of Lake Temiscamigue."

The Lord Chancellor.—Is that the one actually adopted by the award?

Mr. McCarthy.—No; they adopted the western limit at the Lake of the Woods. Instead of treating the Hudson Bay territory as existing in fact, if at all, they ignored the Hudson Bay territory having any claim.

The Lord Chancellor.—I am afraid I do not see the topography exactly. The Hudson Bay claim, in 1755, appears, so far as the question now in dispute, to have been limited to the water line—the water line to English River and the James' Lake. That is all we have at present upon it. Further east down the river we know nothing as to the boundary, but I want to know whether that is different in your view from what is here claimed?

Mr. McCarthy.—Oh, yes, my Lord. The claim, according to that map, would have been to the height of the land.

The Lord Chancellor.—There is not a word about it.

Mr. McCarthy.—It says the Hudson Bay territories.

The Lord Chancellor.—We have Mitchell's map laying down the southern limit of the Hudson Bay territory.

Mr. McCarthy.—Perhaps I may as well state that we propose to satisfy your Lordships that the Hudson Bay territories were either bounded by the 49th parallel or by the height of land.

The Lord Chancellor.—At present we know nothing about either the one or the other.

Sir Montague Smith.—The proposed boundary is what the Dominion proposed.

Mr. McCarthy.—No, that is what Ontario proposed. The Dominion proposed the due north line. Your Lordships will see by the next sentence of the letter.

(Adjourned for a short time.)

Mr. McCarthy.—It may perhaps be as well, my Lord, to look at this map of Mitchell's, which your Lordships think affords some evidence in favor of the view taken by the arbitrators. (Producing Mitchell's map to their Lordships.) Now this map, beyond a certain point, may be said to be, I think, so wholly wrong as to form no guide whatever, because the first thing which I find in the map is that the height of land is laid down and stated to be the boundary of the Hudson Bay territory. That is the first thing I point out to your Lordships. You see it says "Treaty of Utrecht."

The Lord Chancellor.—The height of land does not seem to be connected with the Treaty of Utrecht. Boundary of Hudson Bay by the Treaty of Utrecht. Then you may say that the thing is continued, no doubt?

Mr. McCarthy.—That is what I mean.

Lord Aberdare.—That is not the land's height?

Mr. McCarthy.—Yes, at that particular part that is the land's height. But what this geographer or mapper did not know or did not mark down was that this land height came down here.

Lord Aberdare.—Perhaps that is because the land's height at that particular part ceased to be the boundary, and that is perfectly consistent with the directions constantly given by the English commissioners to go up to the north-west point of the Lake of the Woods. Now the north-west point of the Lake of the Woods is certainly on the northern side of the watershed. There is the Lake of the Woods and here comes the height of land. (Pointing out same on Mitchell's map.)

Mr. McCarthy.—From this point here there is then another height of land, so to speak; not, properly speaking, what the Americans term very expressively "a divide," but a height of land that runs to Split Lake. These rivers here all drain round Split Lake into the Hudson Bay, but this is the separating range of hills.

The Lord Chancellor.—This also drains into Hudson Bay?

Mr. McCarthy.—Yes, but then this is the division, the true height of land comes down here.

Lord Aberdare.—That may be admitted, but it does not follow, because the general rule was that the Hudson Bay Company should have the height of land as their limit, that it was universal, when we find that the north portion of the Lake of the Woods, which clearly was inside the height of land, was claimed by the British Government as the proper boundary of Canada.

Mr. McCarthy.—I think I shall be able to explain that when I come to it.

Sir Robert Collier.—I understand the pink is the Hudson Bay territory, and that is Canada?

Mr. McCarthy.—Yes.

Lord Aberdare.—The directions to the commissioners seem to be perfectly consistent with this map, which is an older one than theirs.

Mr. McCarthy.—The commissioners of the Treaty of Utrecht, does your Lordship mean?

Lord Aberdare.—Carleton and Dorchester, and of the Treaty of Utrecht.

Sir Robert Collier.—According to this map it goes further west than the Lake of the Woods and a little to the north of it.

Mr. McCarthy.—There is Lake Christmeaux shown there, but Lake Christmeaux is here. (Pointing on the map.)

Lord Aberdare.—You will find that Christmeaux extends over a considerable district.

Mr. McCarthy.—But this is the Christmeaux Lake. There is no such lake as that which is shown here at all.

Lord Aberdare.—That is a minor matter.

Mr. McCarthy.—Then the Albany River they take as the boundary connecting with the Lake of the Woods, which your Lordships will see is hundreds of miles on that map from the Lake of the Woods.

Lord Aberdare.—The Albany River really represents the outflow of these lakes.

Mr. McCarthy.—There is James' Bay and there is the Albany River. This is the English River and this they call Seminopolis. That lake there is Lake Manitoba. This lake is west of that and there is no lake there at all corresponding to it in the correct map put in.

Sir Robert Collier.—It is an incorrect map, no doubt.

Lord Aberdare.—It does not follow because you may find mistakes here and there that its main broad lines may not be right.

Mr. McCarthy.—What I want to point out is that the arbitrators could not have followed that. Here is the Hudson Bay territory according to that.

Lord Aberdare.—Here where the English River is.

Mr. McCarthy.—But the arbitrators have followed this course. They have followed the Albany River. That is their award. They follow from the Lake of the Woods here and then they follow the chain of water and then they get to the Albany River, taking from the Hudson Bay territory from the French point Fort Rupert, which is this point here.

Lord Aberdare.—I thought the point referred to the arbitrators was the question as between Ontario and Manitoba.

Mr. McCarthy.—No, my Lord, the arbitrators were dealing with the Dominion. Manitoba was not in existence, and the arbitrators were finding the north and western boundaries of Ontario and what they did was to follow up this chain of lakes here, and go to James' Bay, taking from the Hudson Bay country and all that country which, undoubtedly, according to every contention was treated as the Hudson Bay territory, if the charter was good for anything at all. If I am correct in my contention that you must first find this boundary, that is, the southern boundary of Hudson Bay, in order to determine the western limit, then the arbitrators were all wrong.

Lord Aberdare.—Then, according to your argument, the arbitrators should have followed the line of the height of the ground?

Mr. McCarthy.—Yes.

Lord Aberdare.—That would have brought them down here? (Pointing on the map.)

Mr. McCarthy.—That would have brought them to the boundary between the States and Canada.

Lord Aberdare.—Then the whole of the Lake of the Woods would become a portion of the Hudson Bay claim?

Mr. McCarthy.—Yes.

Lord Aberdare.—Then how is that consistent with the instructions given to the commissioners?

Mr. McCarthy.—That I will point out when I come to them more clearly.

Sir Robert Collier.—This does determine the southern boundary if it is necessary.

Mr. McCarthy.—We do not admit the correctness of that map.

Sir Robert Collier.—But, taking that map, this is the southern boundary?

Mr. McCarthy.—Yes, but then the arbitrators have gone far north of that.

Sir Robert Collier.—That is another thing. I was only dealing with the necessity of determining the southern boundary.

The Lord Chancellor.—I find on this map, which we have been furnished with, the line on Mitchell's map is laid down just to the south of that chain of water and then it goes on eastward.

Lord Aberdare.—Were the arbitrators instructed to find the historical fact as to this boundary or entrusted with the power of laying out what they might think, having regard to the general historical facts, the most convenient boundary?

Mr. McCarthy.—There has always been a doubt on the construction of the Orders in Council. I suppose the proper construction of the Orders in Council was that they were to find the true limit, but the Ontario Government seems to have thought it was possible that a different construction might be open, because the Legislature of Ontario passed an Act saying whether it was the true limit or not, still they assented to it being made the boundary.

Sir Robert Collier.—That is they confirmed the award simply?

Mr. McCarthy.—Whether it was the true line or not?

Sir Robert Collier.—That is to say it could not be questioned.

Mr. McCarthy.—Now, one other preliminary point before I go into the argument which we propose to advance, and that was to the territory that my learned friend told you Ontario had if limited by the due north line and which Ontario would have if the arbitration line was accepted as the correct one. My learned friend has been quite right in stating to your Lordships the territory in one way and the other, but the territory has but very little to do in a question of this kind as between the different provinces of the Dominion. It is population by which, and properly so, the representation of the provinces in the Dominion Parliament is regulated, and already Ontario has, out of 211 members, 92, although the territory as my learned friend the Attorney-General for Ontario pointed out, was much less in dimension than the other provinces.

Lord Aberdare.—But it has much the larger population?

Mr. McCarthy.—In point of fact it may be called the garden of the Dominion and of this territory, as awarded, was given to Ontario, and if it was, which I have to say frankly it is not, included in the Province of Ontario, it would be impossible that the Confederation could hold together. As a matter of fact, between Lake Superior and Fort William or between the height of land and the north-west angle of the Lake of the Woods this is not arable land. This is not land that can be useful for settlement, there are minerals there, but it is chiefly valuable to the province I represent here on account of its timber wealth which Ontario does not require, but which Manitoba, being a prairie province does require for its purposes. That is all I need say about that, because I do not suppose that your Lordships will be influenced in the least degree by considerations as to the extent when the question really is and what the provinces in the Dominion are anxious to ascertain is, what is the true limit according to the proper line and according to the British North America Act by which all these provinces consented to come together.

Now, a word more about the geographical part of the southern country—southern so far as this question is concerned—before I go into the other considerations. I deny wholly that Canada, so called, ever extended to the Mississippi—that is French Canada. Between what was, properly speaking, called Canada and the Mississippi, there was the country subsequently called the Illinois country, so termed by the French, which the English, in the days of Mr. Pitt, utterly denied belonged to France. On the Mississippi, undoubtedly from 1670, the French had been penetrating through the Wisconsin River and by the Ohio River and had gone down to the mouth of the Mississippi and discovered the Mississippi mouth, and they then claimed having made that discovery, to appropriate out of this continent all the country that was drained by the Mississippi. When the settlement, after the cession of Montreal to General Amherst, came to be dealt with—and your Lordships will bear this fact in mind—when Montreal capitulated and General Amherst became entitled to Canada, the line marked down as the western limit of Canada was the

Illinois line on one side and the apex, which is this Red Lake where practically the Mississippi rises to the north-west. Then that left that great country between the lines, which I will point out more in detail in a moment, between that great country and the Mississippi, and both sides were insisting that that should be kept as a neutral belt. Perhaps I cannot make myself clearer than by saying it was pretty much as England and Russia are to-day claiming that there should be a neutral belt, as it were, between the two Empires in Asia. I will point out that correspondence, if it be at all disputed, in detail. That went on to 1761, the capitulation of Montreal being in 1759. In 1763 the treaty was made by which the French ceded Canada, in the first place, and its dependencies, and finally for the purpose of establishing a boundary, not merely for this north country between Canada, but your Lordships will find, down to the Gulf of Mexico, they fixed the Mississippi as the limit between the British possessions on the one side and the French on the other. It is not very difficult to understand why France, having now lost by the capitulation of Montreal what is properly called Canada, that only being claimed, were willing to give up to the Mississippi, because by a secret treaty made in 1762, a year before the treaty of Paris, they ceded Louisiana to Spain, although that treaty was kept secret. So that it becomes unimportant for the French to contend for having an intermediate territory which it would be utterly impossible for them to hold.

Now, my Lords, we contend that this view is important with reference to the construction which has to be placed upon the Quebec Act, and I will point out very briefly—because my learned friend, Mr. Robinson, who represents the Dominion, will deal with it more in detail—what, on that question, our contention is. Your Lordships have heard the Quebec Act of 1774 read, and your Lordships bear in mind that in 1763 a small province had been constituted by Order in Council or by proclamation speaking generally to the east of Lake Ontario. In 1774, eleven years afterwards, it was proposed to enlarge that province, and we do not dispute on our side that the recitals in that Act make it abundantly plain that the object of the enlargement was to take in French colonies and settlements; but what we do say is that the Act never intended to make, and for obvious reasons, it part of the Province of Quebec, as to which your Lordships remember the French were mainly interested, the Roman Catholic religion being made the religion of the country, they never proposed, we say, to include anything beyond what was properly called Canada.

The Lord Chancellor.—What do you mean by saying that the Roman Catholic religion was made the religion of the country? The existing Roman Catholic establishments were supported and maintained.

Mr. McCarthy.—It goes to this extent that it permitted representation of the Roman Catholics, and Roman Catholics to be representatives. It acknowledged the legality of their religion, which, at that time, was not acknowledged in this country.

The Lord Chancellor.—There being no rights established beyond what were found existing.

Mr. McCarthy.—They did do that, and there was a good deal of feeling at that time, judging by contemporaneous literature, with reference to the extension of that favor to the Roman Catholic faith.

Now, perhaps I may prove to your Lordships what I have said with reference to the correspondence, which shows what was the true limit of Canada. If your Lordships will look at page 518, your Lordships will see how the difficulty arose. It is a communication from Vaudreuil to the Minister complaining of a publication that had been made in England with reference to what he had ceded in Canada: "I was astonished to see by the historical account of the memorial of the negotiations between France and England what I am charged with by the English with regard to the limits of Canada, as it is entirely false and groundless. I shall give your Grace a true account of what passed between Mr. Amherst and me on that head. When I capitulated I traced no limits whatever, and in all the messages that passed between the English general and me, I made use of the word 'Canada' only. Eight or ten days after the surrender of the country, he sent an officer to me for maps to inform him of the extent of the colony. I returned for answer that I had none, my

maps having been taken away with my baggage at Quebec, in breach of the capitulation of that place, and the officer then showing me a map which he had in his hand, I told him the limits marked on it were not fact, and verbally mentioned others extending, Louisiana on one side to the carrying place of the Miamis, which is the height of the lands whose rivers run into the Wabache, and on the other to the head waters of the Illinois. What I have the honor to tell you, my Lord, is strictly true," and so on. Then, General Amherst writes to Colonel Haldimand, who is the officer referred to as having been sent to the French general, and that letter you will find on page 519. It is simply asking him to state in detail what did take place at this interview between the French officer and himself as representing General Amherst: "About five or six days after I had entered Montreal, I asked M. de Vaudreuil if he had no plans, memoirs or instructive maps concerning Canada." I need not read it all down, but he speaks about their being lost. Then, at line 40: "I found M. de Vaudreuil, with several members of his household, in the room that overlooks the street. After having paid my respects, I begged him, without any other preamble, to be kind enough to show me the limits (that separated) of Canada (from Louisiana), and conducting him towards the table that was at the end of the room, I opened the map, and after examining it a few moments, I reiterated my request. He appeared very much surprised, and as he did not answer me, I passed my finger along the Illinois River, saying: Here is the Illinois. Then he replied that the Illinois had been contested by the two Governors—that was, between the Governor of Louisiana and himself as Governor."

Lord Aberdare.—As to whether it belonged to Canada or Louisiana?

Mr. McCarthy.—Yes. "But that it had been decided they should belong to Louisiana, upon which I took a pencil out of my pocket, and resting my elbows on the Illinois, and showing him the north, I marked a spot at the source of the 'yes,' I asked him, showing him the north of the Mississippi, if the line passed that, and he having said 'yes,' I marked the points from the source of the Illinois, returning up the Mississippi, and asking him once again if I marked correctly, he answered me in these words (he, M. le Marquis de Vaudreuil, having his eyes fixed upon the map): 'Take all the north; take all the north.' Then I pointed to Red Lake, which seemed to me the natural limit."

Lord Aberdare.—Is that the Red Lake near the source of the Mississippi?

Mr. McCarthy.—Yes.

Lord Aberdare.—Are you sure of that?

Mr. McCarthy.—Yes, I think it is perfectly plain. I will show your Lordships a map we have—a tracing from a map at the War Office sent to us by Sir Michael Hicks-Beach. "Then I pointed to Red Lake, which seemed to me the natural limit, without his making the slightest objection, after which I returned on the other side of the Illinois, and not fancying that Lois could even be contested"—that as the Ohio, no doubt—"I said to him, there we undoubtedly take the mouth of the Wabache and putting my pencil on the confluence of the Lois and the Mississippi I traced a line again coming up this first river and the Wabache and pinning the point where I had [marked] commenced at the source of the Illinois. M. de Vaudreuil still stood beside me and looked at the map without making any objection whatsoever. This line through its different windings, though made off-hand (with a simple tracing of the pencil) still gave him plenty of time. But whether being occupied with his departure he said yes indifferently (or supposing that what I had been doing was of no consequence he was careless) and without giving it the necessary attention [and having said yes too lightly, the account] or that in giving a tacit approbation he sought to give me an erroneous impression—the account which I have related to you, Sir, is none the less [exact] the most exact truth."

The Lord Chancellor.—We shall follow this much better if you tell us for what purpose you quote this.

Mr. McCarthy.—I am showing for this purpose that this line which is afterwards insisted upon by the English as the western limit of Canada was far to

the east of the Mississippi. The French, in the negotiations which took place afterwards, contended that the lakes were the boundary of Canada, Lake Huron, Lake Michigan and Lake Superior. That, they said, was the true boundary of Canada, and the English indignantly repudiated that, Mr. Pitt saying that it was unbecoming conduct and that the tracing made at this interview of Colonel Haldimand and Vaudreuil should be the governing line, but that governing line was altogether as the description I have read, if your Lordships could follow, it would show, to the east of the Mississippi.

The Lord Chancellor.—Following the Mississippi up to the Red Lake you get to the head waters of the Mississippi.

Mr. McCarthy.—I will show your Lordships a sketch from the Foreign Office which we have on the subject. We cannot say positively this is right, but it is a record at the Foreign Office, and it shows the line which we say is the line marked down on that map. That is the sketch from the Foreign Office and that is the line we say was then traced, and your Lordships will see the difference (handing sketch to their Lordships).

Sir Robert Collier.—This goes as far as the Red Lake apparently—as far west as they are now contending for.

Mr. McCarthy.—Yes, but your Lordships will see the difference. We say it is limited to that. It starts at the Red Lake, then it goes south of Lake Superior, following the height of land between the Mississippi and the lakes.

Sir Robert Collier.—But it goes west as far as they contend for.

The Lord Chancellor.—This cannot possibly be what you are now referring to; at least when I say it cannot possibly be I will not undertake to say that, but it seems to be so from the dates. This letter of Colonel Haldimand was dated December, 1762, and what is written at the corner of this map is: "I hereby certify that this is a true and faithful copy made by me of the map enclosed to Mr. Pitt by General Amherst on the 4th of October, 1760." That is apparently more than two years before the writing of this letter.

Mr. McCarthy.—But Gen. Amherst stated what had been ceded to Canada in 1759.

Lord Aberdare.—This refers to the negotiations of 1759.

Mr. McCarthy.—Yes; the cession of Montreal whereby Canada alone was conceded. It is curious to look at the physical atlas because the line traced on that from the Red River as far as it goes corresponds exactly with the watershed. I am referring now to Johnson's physical atlas showing the water systems of North America. That line from Red Lake is, as far as it goes to the south of Lake Michigan, identical with the watershed of the River Mississippi system and the St. Lawrence system, and therefore was, according to the French contention of those days, the true boundary of Canada or New France.

The Lord Chancellor.—It seems to me to be absolutely impossible that this can be the tracing to which Col. Haldimand refers. Col. Haldimand speaks of this in this way: "I marked the points from the source of the Illinois, returning up the Mississippi." That would go down the Illinois to its junction with the Mississippi, would it not?

Mr. McCarthy.—No, my Lord. He took a turn to the mouth of the Illinois.

Lord Aberdare.—The source of the Illinois is near Lake Michigan.

Mr. McCarthy.—Yes.

The Lord Chancellor.—That appears to be his line up to that particular point so far as this southern portion of Canada which is now in the United States is concerned, but it does not seem to settle anything as to the north.

Mr. McCarthy.—No, I am only using it for the purpose of showing that the construction we place on the Quebec Act is the true one. My argument is this: that it never was contemplated to take any more than what had been French Canada to make a French Province of it by the Act of Quebec.

Lord Aberdare.—Then you carry French Canada as far as the Red Lake on the north-west.

Mr. McCarthy.—French Canada appears to me to have been at that date all the territory drained by the St. Lawrence.

Lord Aberdare.—North of that was on the Hudson Bay land or the Indian land.

Mr. McCarthy.—Yes, we say that draining into Hudson Bay was Hudson Bay land. That not draining into Hudson Bay was undiscovered land, and was afterwards known as Indian territory, but it is a striking confirmation of the theory that was then put forward that this line is, as far as it goes to the south of Lake Michigan, the water limit of the St. Lawrence system. Now, your Lordships will see the line goes, if I remember correctly, to the Ohio, and then follows the Ohio down till it meets the Mississippi, and it may be asked, and properly asked, what was the necessity of going as far south as the junction between these two rivers, and marking that out as Canada. The answer is this, and that is shown upon the map before your Lordships, that south of the Lakes, Lake Michigan and Lake Erie there was a disputed territory between the French and the English. They both claimed that territory. The settlements at that time had not passed the height of land; the Alleghany range and beyond the height of land and between that and the Ohio there was a disputed ground claimed both by the French and the English. Therefore at this time it was insisted that they should give up all the parts north of the English Settlement, the portion claimed by the English Settlement north of the Ohio, and it also explains the word “dependencies” which is afterwards mentioned in the treaty.

Lord Aberdare.—May not all this dispute have reference not so much to the discussion between Canada and to the Hudson Bay Company as between Canada and Louisiana?

Mr. McCarthy.—No, my Lord. I will point out further that it was not so by the correspondence that took place up to a certain date. Up to a certain date your Lordships will see the point that was settled after the cession was this: The French were claiming that the proper boundary was the lakes; the English were insisting that the line marked by Colonel Haldimand was the line, and it was not until a year before the treaty was signed that this question was apparently settled.

The Lord Chancellor.—That cannot possibly be the case. This is a controversy between the French and the English, and supposing that to signify the line of boundary at that time, the Marquis, having his eyes fixed upon the map, said “take all the north,” which must mean all to the north of that line, and it would not bring you to the waters of the Mississippi.

Mr. McCarthy.—Pardon me, if your Lordship reads what follows that is not the meaning of the words “then I pointed to Red Lake, which seemed to me the natural limit, without his making the slightest objection,” which would seem to include that in the expression “take all the north.”

The Lord Chancellor.—No, I think not.

Mr. McCarthy.—Yes, my Lord; that having been said to Colonel Haldimand, he puts his pen on Red Lake and says:—May I go as far as that “then I pointed to Red Lake, which seemed to me the natural limit, without his making the slightest objection.”

The Lord Chancellor.—We must understand what it is. The statement in the latter is that a certain tracing was made, and which I assume to have been that which you produce from the Foreign Office, and the Frenchman looking at it said: “Take all the north, take all the north,” at which time nothing had been said about Red Lake, and can it mean anything but what is north of that line?

Mr. McCarthy.—That line had not then been traced.

The Lord Chancellor.—Yes, it had up to the source of the Illinois and returning up the Mississippi. I thought you explained that that meant that he pointed towards the source of the Illinois and then he did not go back to the main current of the Mississippi, but he followed at a distance the course of the Mississippi along the watershed so as to draw his line on the watershed dividing the waters which fell into the St. Lawrence system from the waters which fell into the Mississippi system.

Mr. McCarthy.—That is what I cannot see now by-looking at the map. I do not mean that map, but the map which is before your Lordships.

The Lord Chancellor.—But I want to understand this to which you refer. To me it seems that “take all the north, take all the north,” means all that is north of that line beyond the Illinois so to go to England, and all that is south of it to France, and it is evident that the treaty did not proceed on that footing.

Mr. McCarthy.—Quite so. The treaty proceeded on quite different considerations. I am speaking now about Canada. Now, if your Lordships will look at the map before you you will find where the source of the Illinois is. It is the southern part of Lake Michigan. That is the first thing. He says: “Here is the Illinois.” Then he replied that the Illinois had been contested by the two Governors, but that it had been decided they should belong to Louisiana, upon which I took a pencil out of my pocket, and resting my elbow on the map, while M. de Vaudreuil stood beside me, (I marked a spot at the source of the Illinois—that is the first spot marked—showing him the north, I asked if the line passed that, and having said yes,) I asked him, showing him the north of the Mississippi, if the line passed that.” That is to say, does it pass the source of the Illinois. “And he having said yes, I marked the points from the source of the Illinois, returning up the Mississippi, and asking him once again if I marked correctly, he answered me in these words (he, M. de Marquis Vaudreuil, having his eyes fixed upon the map) ‘take all the north, take all the north.’ Then I pointed to Red Lake.” That is, having been told about the Red Lake, he points to the Red Lake, which is a tremendous distance north of the source of the Illinois, “which seemed to me the natural limit, without his making the slightest objection, after which I returned on the other side of the Illinois, and not fancying that Ohio could even be contested, I said to him, Here we undoubtedly take the mouth of the Wabache.”

The Lord Chancellor.—That means naturally to the west because the tracing is continued.

Mr. McCarthy.—No, my Lord, he is speaking of the Ohio, which he says could not even be contested. “After which I returned on the other side of the Illinois, and not fancying that Ohio could even be contested.” The Ohio is, of course, a long way to the south-west of the point that he was at—enormously to the south-west. Then he says: “I said to him, here we undoubtedly take the mouth of the Wabache, and putting my pencil on the confluence of the Ohio and the Mississippi”—up to this time he had made no tracing. He had put his pencil on the Illinois, then on the Red Lake, and now he takes his pencil and traces, and where does he start from? “and putting my pencil on the confluence of the Ohio and the Mississippi I traced a line again coming up this first river” (that is the Ohio) “and the Wabache.” He goes up the Ohio until he strikes the Wabache “and joining the point where I had [marked] commenced at the source of the Illinois.” If your Lordships will follow up the Ohio and Wabache, then the Wabache to its source, then joining the point at the Illinois between the two, you will have that line exactly as far as that goes. Then what follows afterwards shows quite clearly, as I venture to submit that that is so, “This line through its different windings though made off-hand (with a simple tracing of the pencil) still gave him plenty of time,” and so on. The rest I have read and I need not repeat it.

Then the subsequent correspondence I think plainly indicates that. If your Lordships will turn to page 521 you will find that that is the French view at line 26. “Thirdly, that the limits of Canada, with regard to Louisiana, shall be clearly and firmly established, as well as those of Louisiana and Virginia, in such a manner that after the execution of peace there may be no more difficulties between the two nations on the interpretation of the limits relative to Canada or the other possessions of England.”

Then if you will follow that to the next page, at the foot of the next page the Britannic answer is given: “His Britannic Majesty will never recede from the entire and total cession on the part of France without any new limits or any exception whatever of all Canada with its appurtenances, and His Majesty

will never relax with regard to the full and complete cession on the part of France of the Isle of Cape Breton," and so on. I need not follow that further. Then at page 523, "With regard to fixing the limits of Louisiana with regard to Canada or the English possessions situate on the Ohio, as also on the coast of Virginia, it never can be allowed that whatever does not belong to Canada shall appertain to Louisiana, nor that the boundaries of the last province shall extend to Virginia or to the British possessions on the borders of the Ohio, the nations and countries which be intermediate, and which form the true barriers between the aforesaid provinces not being proper on any account to be directly or by necessary consequence ceded to France, even admitting them to be included in the limits of Louisiana. To that statement the French replied in the next document, and if your Lordships will look at paragraph 1, you will see "the King consents to cede Canada to England, in the most extensive form as specified in the Memorial of Propositions; but His Majesty will not recede from the conditions which he has annexed to the said memorial, relative to the Catholic religion, and to the power, facility and liberty of emigration for the ancient subjects of the King," and so on. That is all appertaining to this point. Then paragraph 2 is: "The King has in no part of his Memorial of Propositions affirmed that all which did not belong to Canada appertained to Louisiana; it is even difficult to conceive such an assertion could be advanced. France, on the contrary, demands that the intermediate nations, between Canada and Louisiana, as also between Virginia and Louisiana, shall be considered as neutral nations, independent of the sovereignty of the two crowns, and serve as a barrier between them. If the English Minister would have attended to the instructions of M. Bussy on this subject, he would have seen that France agreed with England as to this proposition." Then Mr. Pitt gave an indignant answer about the interference between England and other nations, which need not be read with reference to this point. I go on then to page 524, where the British Minister delivers an ultimatum to France. "Article 1. The King will not desert his claim to the entire and total cession of all Canada and its dependencies, without any limits or exceptions whatever; and likewise insists on the complete cession of the Island of Cape Breton, and of other islands in the Gulf and River St. Lawrence. Canada, according to the lines of its limits traced by the Marquis de Vaudreuil himself, when that Governor surrendered the said Province by capitulation to the British General, Sir J. Amherst, comprehends on one side the Lakes Huron, Michigan and Superior, and the said line drawn to Red Lake"—that is, it takes in the watershed of those three lakes—taken in by a serpentine progress the River Wabache as far as its junction with the Ohio, and from thence extends itself along the latter river as far inclusively as its influx into the Mississippi."

The Lord Chancellor.—But then that cannot be the line here, because this line is prolonged to the confluence between the Ohio and the Mississippi.

Mr. McCarthy.—So it is, my Lord.

Lord Aberdare.—These are discussions in 1761, three years before the final treaty.

Mr. McCarthy.—Yes, my Lord.

The Lord Chancellor.—These documents represent some conferences which took place in 1759.

Mr. McCarthy.—Yes, or rather subsequent to 1759.

The Lord Chancellor.—I thought you said they were in 1759.

Mr. McCarthy.—The cession was in 1759, and then from 1759 to 1763 they were endeavoring to make the treaty.

The Lord Chancellor.—This document was sent by General Amherst to Mr. Pitt in October, 1760. You were, I thought, suggesting that it originated in conversations which were held in 1759. That may be possibly right.

Mr. McCarthy.—So I do, my Lord.

The Lord Chancellor.—Then that being so, I point out that the tracing referred to in this letter to Mr. Stanley, at page 524, cannot be the same because that represents the river Wabash as taken into what was to be ceded to Great Britain as far as its junction with the Ohio.

Mr. McCarthy.—So it does, my Lord, exactly. That is the course which is marked on that map.

The Lord Chancellor.—Yes, I see. The Wabash is a separate name and then the Ohio comes in ?

Mr. McCarthy.—Yes; then, my Lord, it follows down you see to the confluence of the Ohio and the Mississippi. Well, the only object of that was to settle this question as to what it was which is called upon the map, "territory claimed by both England and France" marked on the map before your Lordships, "prior to the surrender of Canada." It was in order to settle that dispute. Then article 2 is: "As to what respects the line to be drawn from Rio Perdido as contained in the note remitted by M. Bussy, of the 18th of this month, with regard to the limits of Louisiana, His Majesty is obliged to reject so unexpected a proposition as by no means admissible in two respects." Now I should like to point out that that proposition of the French itself has, as many of these things have, a two-fold bearing.

The Lord Chancellor.—At this time, as I understand it, it was not proposed to cede *ad medium flum* to the Mississippi ?

Mr. McCarthy.—No; If your Lordships will look at page 43 of the joint appendix you will see the proposition made to which the answer I am about to read is given, at line 33, or thereabouts.

Mr. Mowat.—That is in your case ?

Mr. McCarthy.—Yes it is, but it is a correct quotation. We have copied it into the case in full. This is the proposition to which the reply was made on the other page which I will read in a moment: "To fix the limits of Louisiana towards the English colonies and Canada, a line should be drawn which will extend from Rio Perdido, between the Bay of Ucobile and that of Pensacola, passing by Fort Toulouse in the Alibainous, and which, being prolonged by the western point of Lake Erie, will enclose the river of the Miamis, and by the eastern extremity of Lake Huron will go and meet the high lands on the side of Hudson Bay." This is the French proposition.

Sir Robert Collier.—That is the French proposition to go and meet the high lands on the side of Hudson Bay.

Mr. McCarthy.—Yes.

Sir Robert Collier.—Then you will observe that it is answered by us at page 524.

Mr. McCarthy.—Yes, I am going to read the answer in a moment. The French were claiming that that should be the limit of Canada.

The Lord Chancellor.—This is the same passage which you read just now.

Mr. McCarthy.—No, I have not read this before. It is not the same.

The Lord Chancellor.—It follows it, I think, exactly. It seems to be the same passage which you read just now on page 524.

Sir Robert Collier.—It is a little further down. "Because the said line," (that is the line now spoken of) "under color of fixing the limits of Louisiana, annexes vast countries to that province, which, with the commanding posts and forts, the Marquis de Vaudreuil has, by the most solemn capitulation, incontestably yielded into the possession of His Britannic Majesty under the description of Canada." We contended for all that came under the description of Canada.

Mr. McCarthy.—Yes, if I make myself clear to your Lordships we were then contending for the line marked on the sketch before your Lordships, and they were contending for a line passing through the lakes.

The Lord Chancellor.—A great deal to the east ?

Mr. McCarthy.—Yes, my Lord, between Lake Huron and Lake Superior, at what is known as Sant Stettarie, and then to the height of lands. I ask your Lordships to bear that in mind, because there the French, themselves, spoke of the height of land as the terminal point of the line which they decided at that date.

Sir Robert Collier.—They say that they wanted Louisiana as large as it could be and Canada as small as it could be, but we do not agree to their view.

Mr. McCarthy.—But we agreed to its definitely ending at Red Lake at that time no doubt. Then I will follow on the correspondence which shows plainly that up to a certain point—

Lord Aberdare.—You argue for all these contentions as a proof of what the actual limits were, whereas are not they rather a proof of what they wished to secure and what they wished not to cede?

Mr. McCarthy.—No, my Lord, for my part I am willing to concede that in this controversy the English claim was right and that the water line was the true limit of Canada. What the French were trying to do, as it appears to me very clearly, at that time, was exactly what the British Ministry accused them of attempting to do, namely, unfairly to cut down what had been ceded to Montreal.

The Lord Chancellor.—That was settled afterwards?

Mr. McCarthy. That was settled afterwards—after the cession to Spain.

The Lord Chancellor.—Then it strikes me that these previous communications can have but very little bearing upon the construction of the Quebec Act, because that was passed after the English Crown had acquired up to the Mississippi, which at the time of these communications it was contemplated that it would do.

Mr. McCarthy.—There is no doubt, my Lord, that I have to meet that point and I propose to do it. My only object so far is, with all deference to your Lordships, and it does appear to me to be important to show where New France ended, because it was never contended, it was not contended by either of my learned friends, that beyond New France the Province of Quebec went. It was to continue to the French people their French rights. I have to meet some of the points which, of course, naturally suggest themselves as to that on that point.

The Lord Chancellor.—It would seem pretty clear that Canada, as defined by this map, would have included the whole of the country which has been awarded to Ontario by the award so far as it is bounded to the south by the present United States territory.

Mr. McCarthy.—No, my Lord.

The Lord Chancellor.—Red Lake is to the west.

Mr. McCarthy.—Yes, my Lord, it goes as far north, but what we say is that Canada did not go further north than to Red Lake.

The Lord Chancellor.—There is nothing whatever in these letters or in these documents which suggest it—I should say rather the reverse. The word Canada is written there (pointing to the tracing), and I should imagine that everything to the north is Canada till you get to something beyond Canada.

Lord Aberdare.—That discussion seems to have been as to the line of limitation between Louisiana and Canada.

The Lord Chancellor.—Or, at all events, as between the territories of France and England as then contemplated.

The Lord Chancellor.—It appears to me evidently that this tracing is drawn on the principle of following the watershed, but it ascribes to Canada everything to the north, including anything that is now in dispute on the southern boundary.

Mr. McCarthy.—Perhaps if your Lordships would allow me to deal with a very celebrated gentleman's opinion at this stage of the case, it would assist your Lordships—I refer to Sir Travers Twiss, who has had a good deal to do with these matters and who speaks of that question.

Sir R. P. Collier.—I do not think you can read that usefully to us.

The Lord Chancellor.—You can only read it as part of your argument.

Mr. McCarthy.—Yes, that is all I propose to do, but he puts it far better than I can hope to do. It is at pages 210 and 211 of Sir T. Twiss's book on the "Oregon" question. "This last lake,"—he is speaking of Lake Travers, which is pretty much in the same neighborhood as the Red Lake.—"This last lake would have been the extreme southern limit in about 45°. 40'."

Lord Aberdare.—But the southern limits of what?

Mr. McCarthy.—He is now speaking of this particular part of Hudson Bay.

Sir R. P. Collier.—Is this an opinion?

Mr. McCarthy.—Yes, a discussion and opinion given on this question.

The Lord Chancellor.—I am not sure that we ought to allow it to be referred to, because it is only an argument.

Mr. McCarthy.—He gives his reasons for it.

The Lord Chancellor.—You may give your reasons for any conclusion which you wish to submit. I think, on the whole, we had better know nothing of Sir T. Twiss's opinions.

Sir M. Smith.—If they are good arguments, you may use them.

Mr. McCarthy.—I thought, perhaps, the argument would come with very much more force from a gentleman like Sir T. Twiss, who knows more about International questions than I do. But the effect of the contention is this, that this was the northern boundary of New France and the southern boundary of the Hudson Bay Territory, or what was English then. Certainly the claim made by the English in those days was to what was comprised in the charter granted to the Hudson Bay Company, and the effect of that would be to carry it to a line between the Hudson Bay water and the St. Lawrence system. Now, following that on, this discussion appears not to have ended in anything. When the discussion ends we do not find that the English obtained the consent of the French to the acceptance of their views, nor, on the other hand, do we find that the French induced the English to waive their claim. Then there is a certain lapse, and the negotiations cannot be procured. In the end we find the treaty ceding France and its dependencies, and for the purpose of fixing a limited line, not merely for this country, but for the whole continent, they take the line of the Mississippi. We do not say by that, nor did France say by that. Therefore the line of the Mississippi is the west of France. All we do say is that we give up all claim (having already ceded on the east side to Spain, and practically having no claim left) which we might have made to this intermediate country which was in dispute between us. Now comes the Quebec Act. Now the Quebec Act has been read already once or twice, but perhaps it will be convenient if I give your Lordship the page. Page 366 is where it is to be found. Now, the contention which I advance is, following to a certain extent the argument of my learned friends on the other side, that the intention was by this Quebec Act to take in what had been the province or country of New France or Canada, and I agree also with my learned friend who last addressed your Lordships, that those were equivalent or interchangeable terms. The boundary then goes down to the very point marked upon this sketch to the confluence of the Ohio and Mississippi rivers. That very point marked on the sketch which I handed up to your Lordships is the south-western extremity of the line marked down by the Act. The difficulty arises in finding out what the western limit was. My contention is that from that definite point the Act of Parliament says, "at line due north to the Hudson Bay Territories," not due north, but north-wards.

Lord Aberdare.—First of all it says, "Along the banks of the said river."

Mr. McCarthy.—Yes, first of all, "Along the banks of the Ohio."

Lord Aberdare.—"To the banks of the Mississippi?"

Mr. McCarthy.—"To the banks of the Mississippi."

Lord Aberdare.—"And northward along the banks of the Mississippi," we must take it to be.

Mr. McCarthy.—No; that's just where the difference comes in.

Lord Aberdare.—That is clear, I should think, beyond controversy, in the commission to Sir Hugh Carleton, which is a contemporaneous document and must show how this was acted upon.

Mr. McCarthy.—Undoubtedly.

The Lord Chancellor.—And surely if there were sufficient ambiguity about it to admit of that construction you cannot escape from the conclusion that they were rightly construed.

Lord Aberdare.—How was this construed immediately afterwards in the instructions given to the commissioners when everything was fresh?

Mr. McCarthy.—I will say a word about that presently. My present contention is this: That if the Act of Parliament is plain and unambiguous, having learned the geography of the country and having ascertained where these French settlements and colonies were, that is all that we are entitled to know in reading the Act of

Parliament. You are bound to know and to take judicial cognizance of the geographical position of and where all the colonies and settlements of New France referred to in the recital were. But having known that, then I take it that we have got to look within the four corners of the Act of Parliament, and if there is no ambiguity in the expression, then I submit that that Act of Parliament must govern the question.

The Lord Chancellor.—Of course you are quite right if there is no ambiguity in the expressions, nothing which can reasonably bear more than the sense which you seek to impose upon it. That is the general rule, undoubtedly, but can that possibly be maintained here?

Mr. McCarthy.—That is what I am going to endeavor to argue before your Lordships.

The Lord Chancellor.—You will observe it is not to the confluence of the two streams, but to the banks of the Mississippi.

Mr. McCarthy.—Now the first point which presents any ambiguity is that in the earlier part of the statute; it has been precise in following the bank of the Ohio.

The Lord Chancellor.—Yes, that is so in several places, and perhaps that has a bearing against you as it appears to me.

Mr. McCarthy.—I thought it was the other way. I submit with all deference it has the other bearing, because when they intended it to follow the bank of the stream, we have here the Legislature speaking in unmistakable language, but when they come to this point of the construction of the other side is the correct one, we see no explanation of why it should have said not following the western bank of the Mississippi.

Lord Aberdare.—It does not say bank of the Mississippi, but "banks of the Mississippi," as if it meant the whole of the entire bank of the river.

The Lord Chancellor.—You read "the bank" as if it was the point of confluence.

Mr. McCarthy.—Yes, your Lordships will see at that time it was only one bank that the English had.

Lord Aberdare.—It is only one bank of the Mississippi they claimed. They had only talked about the bank hitherto, but when they speak about the Mississippi they speak of the banks.

Mr. McCarthy.—They could not have meant the banks, because that would have involved crossing the stream, and they had no right to cross the stream.

Lord Aberdare.—No, they cannot have meant that, and therefore there must be another interpretation, and that interpretation is that it means the continuous bank of the whole river.

Mr. McCarthy.—The British Legislature is only legislating with regard to the British line, not with regard to the other bank which is the French line. That word "banks" is either a clerical error, or it can only be construed as being the bank.

Sir Montague Smith.—You mean that the insertion of the word is a clerical error?

Mr. McCarthy.—Yes, possibly.

Sir Montague Smith.—You construe "northward" to be "due north."

Mr. McCarthy.—Yes.

Sir Montague Smith.—Is it not capable of two meanings—due north or north-erly?

Sir Robert Collier.—The Chief Justice declared that "northward" meant the same as "due north."

Mr. McCarthy.—If the word was "due north" there would be no room for doubt.

Sir Montague Smith.—"Northward" may mean due north or in a northerly direction. Then, is there not an ambiguity to be got over?

Mr. McCarthy.—Not an ambiguity with regard to the meaning of the word, but with regard to the lie of the ground.

Sir Montague Smith.—There is a latent ambiguity.

Mr. McCarthy.—Supposing it had said “along the bank of the said river westward to the banks of the Mississippi, and from those banks northward to the southern boundary of the territory.” You can hardly deny that it is capable of being so read.

Mr. McCarthy.—That is my contention, and I will point out to your Lordship the difficulties which I see in applying the construction which your Lordship has just suggested. The sources of the Mississippi were not then known, but on this map of Mitchell's the source of the Mississippi is supposed to be in latitude 50, longitude 104. Now I will ask your Lordships to look at that on the map.

Sir Robert Collier.—That would take it above the Lake of the Woods.

Mr. McCarthy.—There is a note on the map which I will read: “The head of the Mississippi is not yet known. It is supposed to arise about 50 degrees of latitude and westward of the boundary of this map, beyond which North America extends nigh as far westward as it does to the eastward by all accounts.”

Sir Robert Collier.—It will take it to the Lake of the Woods.

Mr. McCarthy.—That is where they are supposed to be. I am going to point out that I doubt very much whether in those days that would be a reasonable construction. I am pointing out what appears to me to be the difficulties in following the Mississippi, because, of course, the Legislature did not stop short in its definition where the Mississippi was known. If that was the proper construction, the Mississippi must be followed up to its sources, and from those sources to the Hudson Bay Territory. On this map it is marked as on line 50 and as far west as 106.

Sir Robert Collier.—What map are you on now?

Mr. McCarthy.—I am on Mitchell's map. I have read that from Mitchell's map. If your Lordship will look on that you will see where that point is. What it says on Mitchell's map is this: “The head of the Mississippi is not known. It is supposed to rise about the 50th degree of latitude and western bounds of this map.” The western bounds of this map go to 105. That was in 1755; the Act of Parliament was in 1774.

The Lord Chancellor.—Very probably some such idea was in the minds of those who drew this Act of Parliament, because, if you are to go along the banks of the Mississippi northwards to the southern boundary, that would be perfectly accurate. The Mississippi rises within the Hudson Bay Territory.

Mr. McCarthy.—What strikes me, my Lord, if I may be permitted to say so, about that is this. If your Lordship will look at the map at that particular point, it is quite evident, I think, that at that date the Hudson Bay Territory could hardly be known to extend. Mitchell's map, which has been referred to for other matters would seem to show Hudson Bay did not go as far west as that territory under the charter. I think the line on Mitchell's map is the line that went to Split Lake, and if I went to Split Lake this is several degrees west of Split Lake. The height of land boundary on Mitchell's map is the height of land which goes to Split Lake.

Lord Aberdare.—You would argue that when they used the words, “the sources of the Mississippi,” they knew, at any rate, that the sources of the Mississippi must be on the other side of the height of land.

Mr. McCarthy.—Yes.

Lord Aberdare.—Then you find it rather more to the south than you expected?

Mr. McCarthy.—Yes; and a good deal more to the east.

Lord Aberdare.—According to you, you must not take it up to the fifth degree, where they supposed it to go.

Mr. McCarthy.—I have not made myself clear.

Lord Aberdare.—But you must take it to the watershed, and the watershed actually turns out to be very much to the south.

Mr. McCarthy.—Yes; I am now speaking only as to the construction of the Act. We must look in order to find the construction of the knowledge of that day, and we must deal with it in regard to that knowledge. At that day the source of the Mississippi was unknown, but the supposition was that it went as far to the west as 106 and as far to the north as 50.

Sir Montague Smith.—Where is 106?

Mr. McCarthy.—It is west of the whole thing altogether. It is within a very short distance of the Rocky Mountains. My argument is, that Parliament would hardly intend to carry the country of West Canada to that point. If we follow that line that is the conclusion, for two reasons: in the first place, it is going far west, as your Lordship will see, of Red Lake, which is supposed to be the limit of Canada.

Sir Robert Collier.—Very little to the west.

The Lord Chancellor.—You are reading the Act of Parliament by that map. That map is very useful for some purposes, but hardly for that. Though the map may be very useful for some purposes, it hardly can be read into the Act of Parliament.

Mr. McCarthy.—What I mean is, if we want to find out what was meant at the time we must see what the consequence, in the eye of Parliament, would be, in following that reading.

The Lord Chancellor.—If you were to follow the banks of the Mississippi, the framers of the Act believed they would be led along these banks till you reached the southern boundary of the Hudson Bay Territory. More than that, it seems to me, you cannot get from it.

Mr. McCarthy.—If that is so, it gives to the Hudson Bay Territory very great western extension, according to the view of that day. That was the difficulty which appeared to me in taking that construction. You Lordship will see that the Hudson Bay had not penetrated to that extent westward at that time; and although it may have been known there was a watershed to the Hudson Bay, still the other side can hardly blow hot and cold. They can hardly say the Mississippi was to be followed, and yet the Hudson Bay Territory could not have been reached by that north line. Your Lordship will see where the height of land to Split Lake is. I do not know about the English knowledge, but in the French maps the height of land is marked down and up, as far as Lake Superior, with marvellous correctness.

The Lord Chancellor.—As far as Lake Superior, likely enough.

Mr. McCarthy.—And other maps to which reference has been made also show that there was a height of land which I have spoken of already which went to Split Lake. It may be quite possible that was the height of land at the time which was supposed to bound the Hudson Bay Territory. If so, it would be absurd to follow the Mississippi up to its source, and north of the Hudson Bay Territory.

Sir Robert Collier.—Nothing at all is said in the Act about the north of the height of land.

Mr. McCarthy.—Now, my Lord I will point out very briefly what I have to say with regard to this question, which will be more fully dealt with by my learned friend. I will not go into it in great detail. The chief settlements, but three or four, were east of the due north line. The French colonies and settlements were at Detroit, Michillimackinac, Sault Ste. Marie, Fort Miannis, Vincennes, and others. Numbers and numbers of them, which will be pointed out more in detail, were all east of this due north line, except three or four settlements upon the Mississippi, planted there at the time LeSueur discovered the Mississippi. These, as the historical accounts of the day prove very naturally on the cession of the treaty being published, abandoned their homes and what had formerly been their country, and went to the west bank of the river and founded the present city of St. Louis.

Lord Aberdare.—What importance do you attach to those numerous forts which had been founded to the west of this line?

Mr. McCarthy.—That comes in with reference to another point. Those were not in any sense in which we should understand the term posts or forts. These gentlemen that are spoken of undoubtedly did go there and establish temporary posts, but there were no settlements. They were really intended to help in the discovery of the Western Sea. The mission of these men sent by France was to find the Western Sea. They started at Fort William. They would have a fort here and there, as steps on the journey they were making to the Western Sea. I will point that out, and prove it from the correspondence to which my learned friend has referred, but in the sense of their being settlements or colonies, the word could not be used. The

whole number of men in the posts of the Western Sea, included under one post, are stated as seven in the document referred to from the Governor of the State of New York.

Sir Robert Collier.—Seven for how many posts ?

Mr. McCarthy.—For all these seven or eight posts.

Sir Robert Collier.—One man at each post ?

Mr. McCarthy.—They had been abandoned. They were not posts. When the cession took place at Detroit, Sault Ste. Marie and Michillimakinac were all delivered up to the king, and after the treaty, the posts upon the Mississippi, but no one ever heard there ever was a surrender of these so-called posts and forts, what we now call the Hudson Bay territory. Therefore, if we want to give a meaning to the Act, which of course the recital is intitled to, and we want to find what colonies and settlements were to be brought in, and to which a civil government was to be given (and that a French one) we do find all the settlements belonged properly to France. The other alternative is, and of course it is not free from doubt, to leave these posts upon the Mississippi, such as Castrasias, Fort de Charles, Cohokias. These three posts and small settlements about them, you leave without any civil government. The answer which I make to that, with a good deal of confidence is, was it intended by the British Parliament that from the Wabash, where Vincennes is, all that intermediate country which now forms the great State of Illinois, and beyond the great State of Illinois, was to be brought in under the French law and made a French settlement ? Of course all these three or four small settlements which were being deserted by the people going to the French side of the river, because although ceded to Spain in 1762, that cession did not become known for three or four years afterwards. That is the proposition on the facts. Then, if your Lordship will look at the map I concede that what Sir Montague Smith has said is perfectly true, namely, that north-west is not the same as due north. We have to look at what had to be reached. The Hudson Bay territory had to be reached, and more especially looking at Mitchell's map it would be more reasonable to take Illinois as the north line than the Mississippi. To go to the Mississippi to the junction of the Illinois, and follow the Illinois, would be a far more reasonable construction in those days of the north line if the words "due north" do not except it. That would have equally reached the Hudson Bay Territory. It would have reached it in a much more natural course and would be much less to the north-east than to the Mississippi, as then understood, or even as it exists, would be to the next.

Sir Montague Smith.—Do you contend now for the due north line on this map ?

Mr. McCarthy.—Yes, my argument is this. The more difficulty you have as to whether you are to bend to the east or the west in order to get to the Hudson Bay Territory, the more certain it becomes that you must follow the due north line. I say that the map and its history and the circumstances I have mentioned indicate as I venture to say (with some clearness to your Lordships I trust) that it would be more in accordance with what we can assume to have been in the contemplation of the British Parliament at that time to have followed the course of the Illinois than it would be to bend to the north-west and follow the course of the north-west. What then is left ? Is there any other left except the line solemnly determined by the Court of Queen's Bench in 1818 as the proper boundary, that is the due north line. I suppose it would be hardly fair to commit the chief justice to the report of the case which may not be full. This would be a reasonable construction to put upon the language. If it would be a shorter line to take the north-west line to Hudson Bay that would be a proper reason for following it.

Sir Robert Collier.—The due north line would be the shortest ?

Mr. McCarthy.—That is what I contend. It depends upon whether the Hudson Bay is nearer that point than the other. You might reach the Hudson Bay on the west line quicker than upon the due north. But, for the present, I will leave that part of the subject and come to what I contend on the second point.

The Lord Chancellor. Your second proposition is that this line which is drawn direct to the confluence of the rivers simply depends on what is the necessary and right construction of the words of the Quebec Act ?

Mr. McCarthy.—Yes.

The Lord Chancellor.—You have nothing else in favor of it?

Mr. McCarthy.—All the circumstances I have endeavored to point out are in favor of it. That is my contention.

The Lord Chancellor.—I do not see it. But except those facts you have already referred to there is no fact to show an actual use or enjoyment or possession or occupation or government coinciding with that line at any time.

Mr. McCarthy.—I think there is nothing one way or the other, except that up to the height of land at Fort William, the Province of Upper Canada extends about 30 or 20 miles west of Illinois. Now, my second point is assuming the construction contended for on the other side is the proper one, and that the Mississippi has to be followed up, we will follow the course of the Mississippi up to Lake Attaska. Then if I am right in apprehending what has already occurred it seems to be conceded the only thing to do would be to go direct north to the Hudson Bay Territory.

The Lord Chancellor.—The Act of Parliament seems to be drawn on the supposition that by following the banks of the Mississippi you would get to the boundary line and probably cross it. That is a mistake in fact—I suppose on sound principle you would then take the next point?

Mr. McCarthy.—I understand there is no dispute upon that. Then it becomes a most important question in this view to determine where is the southern boundary of the Hudson Bay. Until we know that we do not know where to stop at the north line. In regard to Hudson Bay, the charter has been referred to and I need not read it again. Our reading of the charter is that the King, who had then we say unquestionably according to his been the discoverer of Hudson Bay and the adjoining territory, had what is known in international law as an inchoate right to prevent that by settlement. To the discoverer of this continent, or parts of it, followed by settlement the country according to the arrangement made by the European nations belonged. I will not trouble your Lordship with that, because I know that it is unnecessary. It is hardly necessary in an English court, or for an English counsel, to contend as to that point with all these facts before us, though the French did strenuously urge the other view. At that date what was the possession of the Crown? It had discovered, but it had not settled. The discovery gave it the right to perfect and complete its title, its acquisition of this new territory by settlement, but peradventure somebody else—France—might have settled, and so in granting the charter the King gives to the adventurers as they were called the Hudson Bay and all the territory draining into Hudson Straits and Bay, except such portion of that territory as is now actually possessed by any other Christian people, and the question is was there any actually possessed by any other Christian people at that time, upon that also the facts are hardly in dispute. The French claim that they had been there, but if they had been there, they had been there as discoverers, and as their so-called discovery was subsequent to the English they took nothing by that, they had not settled. Now, there is not a shred of pretence set up in any of the evidence and documents before your Lordship, that at that date the French were in possession of any portion of territory which we say was granted by that charter to the Hudson Bay Company. So that *prima facie* and at all events as far as the Crown and people of England are concerned, that charter of its own strength and force, although not binding upon foreign powers, did give I understand is the difference between the international view and the municipal view, so to speak. Municipally speaking that did give all it spoke of. It might be that as against a foreign country it only gave what it was in the power of the King to grant, but so far as the municipal law goes, so far as Great Britain is concerned, it did grant all which on its face it purports to grant. Now if I am right in that—that that was the effect of this grant—let us see what followed, and I propose to divide my statement into three or four different periods of time and to trouble your Lordships as little as possible with references, though I have them all here. My first period of time I have now brought to a close, and that is the date of the charter. The second period of time is from 1671 to 1686, and during that time, but only commencing after 1680,

the French were fighting (although peace at that time prevailed) with the English in Hudson Bay, and in point of fact had captured all their forts but one. They had actually driven the English out of these forts, having come over from Canada. They had succeeded in driving the English out of their forts, out of their positions, out of their settlements, and they had occupied them and were then in possession of some of them. But I should have mentioned that during the early part of this period (and it has always been made a strong point in favor of the Hudson Bay claims) the French acknowledged and acquiesced in the Hudson Bay possessions. They did not dispute it. To the claim has been put forward on behalf of the Hudson Bay on two grounds: first, discovery and settlement, and, secondly, acquiescence by the French was pretended to be equally entitled and undoubtedly for some years did not disturb, but rather were on good terms with the English (there is some correspondence to show that) during the time when Bailey was Governor of the Hudson Bay Company. Not to delay your Lordship I will put in that afterwards. There is a document from the French, a correspondence with the Governor of Hudson Bay, acquiescing in his possession. Between that period, I say, the English were very much disturbed, and then in 1686, we have the treaty of neutrality, which forms, as it seems to me, the first proper time to stop at. The treaty of neutrality is at page 544 of the Joint Appendix. The fourth clause, I think, is the important one. Then upon that treaty commissioners were appointed and an attempt was made to ascertain what was the proper line of demarcation between the French settlements in Canada and the Hudson Bay, and they extend over a period until 1697, or rather they did not go as far as that because war broke out before that. I think I can give your Lordship the date when that next war broke out. It was 1689. 1686 was the treaty of neutrality, 1689 was the date of the declaration of war. During this short period an attempt was made, as the correspondence which is put in as part of the case shows, to settle the dispute which then existed between the two countries. I will trace it up historically to your Lordships. I do not know that very much really attaches to it.

The Lord Chancellor.—Unless it tends to show the southern boundary?

Mr. McCarthy.—It shows duly the Hudson Bay people were claiming what they have all along claimed, namely, that they were entitled to all the territory drained by Hudson Bay. Then comes the Treaty of Ryswick following that. That was in 1697. They were left the only mourners by that peace. That did, to a certain extent, leave them in an uncomfortable position. That went to this extent. It has already been referred to by the other side. It specifically stated that the forts that had been taken by the French from the English, even although in time of peace, should be restored to the French. That part of it is at the top of page 489: "The Most Christian King shall restore to the said King of Great Britain all countries, islands, forts and colonies, wheresoever situated, which the English did possess before the declaration of this present war. And in like manner the King of Great Britain shall restore to the Most Christian King, all countries, islands, forts and colonies, wheresoever situated, which the French did possess before the declaration of war, and this restitution shall be made on both sides within the space of six months, or sooner if it can be done. And to that end, immediately after the ratification of this treaty, each of the said Kings shall deliver or cause to be delivered to the other, or to commissioners authorised in his name for that purpose, all acts of concession, instruments and necessary orders duly made, and in proper form, so that they may have their effect." Then, "commissioners shall be appointed on both sides to examine and determine the rights and pretensions which either of the said Kings hath to the places situated in Hudson Bay; but the possession of those places which were taken by the French during the peace that preceded this present war, and were retaken by the English during this war, shall be left to the French by virtue of the foregoing articles." That I think is all "the capitulation made by the English on the 5th September, 1695, shall be observed according to its form and tenor." That I do not think applies to this point. Then the Hudson Bay Company were exceedingly dissatisfied with this condition of affairs, but, fortunately for them, this treaty, I think, never was carried out. These forts never were actually

delivered up, they continued in that way; the Hudson Bay Company representing to their Government that almost, at all events, all that was intended to be given up were the places that it did not affect the country—that if the country was theirs that drained into Hudson Bay this article of the treaty and the treaty itself did not affect it. That was the English contention, but the most that was to be conceded were the identical parts and places which had been taken by the French preceding the peace and had been recaptured by the English during the war.

Then follows the next war which was in 1702, there being about five years between the two, and during the five years there was an opportunity for the Hudson Bay people to state their claim and there was also an opportunity for the English authorities to set forth the view that I have spoken of, hinting it down, whether rightly or wrongly, I do not stop to consider, because I do not think it is of very much importance.

Now the Hudson Bay reply to the French claims arising out of this Treaty of Ryswick. If your Lordship desires to look at it you will find at page 555 of the joint appendix. I have stated, I think, the effect of it and it is not very important, at all events in the view that I contend, for I will not trouble your Lordship with it except simply just giving you the reference to it.

Then comes the war of 1702, followed by the peace and Treaty of Utrecht—the all important treaty in the view that we contend for as firmly establishing the Hudson Bay Company's claim; and, first, perhaps, your Lordship will look at the negotiations which led up to that peace, at pages 490 to 494, so far as it concerns the Hudson Bay: "The plan of peace 1712," in page 494. The proposition that commissioners should be appointed, in order to settle the disputes, is found at page 495, where the articles are marked O. 6, O. 7, and so on. At the top of page 495, it says: "The King will give up the Province of Acadia, with the town of Port Royal and its dependencies to Great Britain, as also the Straits of Hudson Bay." Then upon that "England demands that the town of Placentia remain in its present state. That the cannon and warlike stores in Hudson Bay remain for England. His Majesty offers to let the fortifications of Placentia remain as they are, upon giving up that place to England, to consent to the demand made of the cannon in Hudson Bay, and besides to cede the Island of St. Bartholomew," and so on. And then article O. 6 says: "After the peace commissioners shall be appointed on both sides to ascertain whether within the compass of a year the boundaries of Canada or New France on one side, and those of Acadia and the lands of Hudson Bay on the other, and to settle in a friendly manner all just and reasonable recompenses," and so on.

Sir Robert Collier.—That I understand they never did?

Mr. McCarthy.—That I shall have to say a word or two about by-and-bye. It is not settled definitely whether they did or did not. There is a good deal to be said on both sides, that is certain. Then at page 498, there is this, which is from the report of the French plenipotentiaries to the King, 18th April, 1712. "We have made every possible effort to regain Acadia, or at least to retain Newfoundland, but it has been impossible for us to conclude the matter. They (the English plenipotentiaries) have protested a hundred times that they had express orders to break off the negotiations, rather to give way on either point, or upon that of Hudson Bay, where they claim even the Common. We should not have taken their word for this if the Sieur Gaultier had not confirmed what they said." Then at page 500 comes the correspondence with regard to the use of the words "restore" and "cede." The English were claiming that the word "restore" should be used, and the French that the word "cede" should be used. "In the name of God, Sir, order your plenipotentiaries to be less excellent grammarians. Ours who also understand the force of Latin expressions," and so on. Then "The 9th (10th) article of the plan imports that the King shall give up to the Queen of Great Britain Hudson Bay, &c., in the manner they are now possessed by the King and the French." Mark that, my Lords, "in the manner they are now possessed by the King and the French," that is by both parties. "The plenipotentiaries of Great Britain insist that it shall be expressed that France shall restore, not only what has been taken from the

English, but also that England ever possessed in that quarter. This new clause differs from the plan, and would be a source of perpetual difficulties; but to avoid them the King has sent to his plenipotentiaries the same map of North America as had been furnished by the plenipotentiaries of Great Britain. His Majesty has caused to be drawn upon this map a line which describes the boundaries in such a manner as he has reason to think they easily agree upon this point on both sides. If, however, there should be any obstacle which the plenipotentiaries cannot remove the decision must be referred to commissaries to be named for the adjustment of the boundaries of America." Then passing on to 504 we have the treaty; and the 10th article of the treaty is the one in question with regard to this: "The said Most Christian King shall restore to the Kingdom and Queen of Great Britain to be possessed in full right for ever the bay and straits of Hudson together with all lands and seas, sea coasts, rivers, and places situate in the said bay and straits and which belong thereunto." Your Lordship will see in the note what the words were: It says, "there were two originals of this treaty one in Latin and the other in French. This translation is that published by authority of the English Government at the time. The expression here rendered, 'and which belong thereunto' is in the Latin copy, *spectantibus* and *eadem*, looking in that direction." They first speak of all the lands, then follows "looking in that direction," looking that way. In other words it would mean the height of land, no tracts of land or of sea being excepted which are at present possessed by the subjects of France. All which as well as any buildings there made in the condition they now are and otherwise all fortresses there erected either before or since the French seized the same shall, within six months from the ratification of the present treaty or sooner, if possible, be well and truly delivered to the British subjects having commission from the Queen of Great Britain to demand and receive the same entire and undemolished together with all the cannon and cannon ball which are therein, as, also, with a quantity of powder, if it be there, and found in proportion to the cannon ball, and with the other provisions of war usually belong to cannon. It is, however, provided that it may be entirely free for the Company Quebec, and all other subjects of the Most Christian King whatsoever to go by land or by sea whithersoever they please out of the lands of the said bay.' I call your Lordships' attention, to that out of the lands of the said bay, together with all their goods, merchandises, arms and effects of what nature and condition soever, except such things as are above referred to in this article. But, it is agreed on both sides to determine within a year by commissaries to be forthwith named by each party, the limits which are to be fixed between the said Bay of Hudson and the places appertaining to the French. Now, with deference, I beg to submit to Your Lordships that the proper construction of that article in the Treaty is that the true boundary was ascertained, that is, the limits were fixed not upon the ground, but that the rule for fixing these limits were fixed in the language of the treaty, and that what the commissaries were to do was to go upon the land, and, as it were, to mark out and settle where that particular point was; so that after the Treaty of Utrecht it was not left to the commissaries to say "you shall have the height of land" or "you shall have a point parallel" or "you shall have" anything else. I venture to say, with deference to Your Lordships, that the duty of the commissaries was to settle the height of land and to fix it.

The Lord Chancellor.—Which are the words you rely upon?

Mr. McCarthy.—"The said Most Christian King shall restore to the Kingdom and Queen of Great Britain, to be possessed in full right for ever, the Bay and Straits of Hudson, together with all lands, seas, sea-coasts, rivers and places situate in the said bay and straits and which belong thereunto."

The Lord Chancellor.—Supposing these words of description had occurred anywhere else would you have said that it included the water-shed?

Mr. McCarthy.—What other line is there? If I may venture to put it in that way.

The Lord Chancellor.—I am putting a question for you to answer. Your opponents answered it by saying there was a certain territory known by a certain

denomination which had been considered or claimed as falling in that description. No one can possibly say that, of necessity, it included every stream that ran into Hudson Bay.

Mr. McCarthy.—Your Lordship will see, on looking again at the map, what the position of the parties was at that time. It certainly required that the French should surrender to the English all the land they possessed on that bay.

The Lord Chancellor.—Let me take this as an illustration. In the map before us there is colored pink or rose color the country immediately to the north and east of Lake Superior. There runs through that country just east of Lake Winnipeg a river which is marked "English River," taking its source in a lake well within that pink or rose colored country. I do not know whether your contention is that the whole of that lake was within the Hudson Bay territory?

Mr. McCarthy.—Yes.

The Lord Chancellor.—Because it drained into Hudson Bay?

Mr. McCarthy.—Yes.

The Lord Chancellor.—Then it was Hudson Bay territory within a very short distance of Lake Superior?

Mr. McCarthy.—Yes.

The Lord Chancellor.—Practically up to Fort Nepigon?

Mr. McCarthy.—Oh, much to the east.

Lord Aberdare.—And east of Lake Nepigon there is a lake from which this English River proceeds?

Mr. McCarthy.—All from English River was north of what was conceded to be Canada.

The Lord Chancellor.—There are two English Rivers on the map. The English River of which I have been speaking is to the east of Lake Winnipeg. It seems to have taken its source close to Fort Nepigon. Your argument is that because that runs into Hudson Bay that it is within Hudson Bay Territory?

Mr. McCarthy.—Yes.

The Lord Chancellor.—And not within Canada?

Mr. McCarthy.—Not within Canada.

The Lord Chancellor.—Extending up to that there is a narrow peninsula, or a narrow isthmus I should rather say?

Mr. McCarthy.—Yes, owing to the peculiar formation of the height of land at that place.

The Lord Chancellor.—That is your argument?

Mr. McCarthy.—That is my argument. Then your Lordships will see at that time the forts which had been actually settled by the Hudson Bay Company and some of which had been taken by the French, all of them, this treaty says, both French and English, are to be restored to the English. Fort Rupert, which is at the top of that blue line at the south-east corner was settled in 1667. That was then built. Then there is a fort called Moose Fort.

The Lord Chancellor.—I will not speak of that because, perhaps, that was not built till afterwards. I did not before know that you claimed as any part of the Hudson Bay territory any part of that which is colored rose.

Mr. McCarthy.—Perhaps your Lordship will allow me to hand to you this map, as it shows the height of land were clearly marked upon it. In the map that your Lordship has the height of land is colored but it is not so clearly defined as it is in this one.

(The learned counsel handed a map to the Lord Chancellor.)

The Lord Chancellor.—The argument is that the rose colored part in the interior belonged to the Hudson Bay Company. What map is this?

Mr. McCarthy.—That is the Ontario map on which the height of land is more clearly marked.

The Lord Chancellor.—The height of land and the water-shed?

Mr. McCarthy.—Yes; it is more clearly marked, that is all. I will satisfy your Lordship that my claim in that respect is right.

The Lord Chancellor.—You say so, but your opponent did not concede that.

Mr. McCarthy.—I do not know that he did concede that. I do not know where he put, exactly, the Hudson Bay territory. I listened to his argument and I could not make out where he put the line of the Hudson Bay.

Lord Aberdare.—It appears to me that the Dominion in their concession of this Manitoba Province violated their own original grant?

Mr. McCarthy.—No.

Lord Aberdare.—Did they not?

Mr. McCarthy.—No.

Lord Aberdare.—They gave you a certain portion of the south side of the height of land?

Mr. McCarthy.—No.

The Lord President.—Yes, that south-eastern corner.

Lord Aberdare.—Yes.

Mr. McCarthy.—Your Lordship sees in the northern corner instead of going up to the height of land they took the Pigeon River and Long Lake, and all the rest of them as being the more convenient boundary.

Lord Aberdare.—Then, starting from the Pigeon River up to the north, there is a portion of the territory assigned to Manitoba?

Mr. McCarthy.—If the due north line prevails between the height of land and the due north line. That is what I spoke of yesterday.

The Lord Chancellor.—However, you have nothing to found the argument upon about the height of land except this Treaty of Utrecht?

Mr. McCarthy.—That is all, and the claim which was more clearly and distinctly made afterwards I will come to in due course. Now your Lordship will see that at that time the Hudson Bay Company had forts at Fort Rupert, at the mouth of this very Albany River, at the mouth of the Churchill River much further to the north, and on the Severn River, which is between the Churchill and the Albany, so that the line of forts and posts extended on the Hudson Bay from (I need not trouble your Lordship with the east) this point north of this blue line, which is called Fort Rupert, to the Churchill, or Danish River as it is called; and in point of fact I think substantially they had the mouths of all the important rivers which drain into the Hudson Bay even at that date. Also a fort at Fort Bourbon, or York, or Nelson, at the mouth of the Nelson. There is one at the mouth of the Churchill, one at the mouth of the Nelson, and one at the mouths of the Severn and the Albany, and Fort Rupert, all which forts had been taken and retaken and were then occupied either by the French or the English and were to be restored, according to this treaty, with "all the lands appertaining thereto"—"belonging thereto," to use the English translation of the treaty—to the English Government. I submit upon that, these facts being stated with the interpretation of the treaty, the result is that that gave, at all events to that extent, to the Hudson Bay Company all that was drained into the Hudson Bay, the territories which were embraced by these particular limits; and that all that was left by the same articles of the treaty for the commissaries to do was to mark out the liminary line, not to determine the principle upon which that liminary line was to be fixed, but to mark out that liminary line so that it should afterwards appear that the French should not come north of it, and that the English should not go south of it. What both parties were struggling for at that time should not be lost sight of. What they were struggling for was the Indian trade. What the English complained of was that the French came north here on the upper part of the river and the Indians who brought the furs down to our forts and factories at Hudson Bay are intercepted by the French and that the trade is by that means got by the French. The same sort of thing was said by the French: "You got the Indians that come to Montreal and Quebec," and I think this correspondence, which I will refer to presently, proves that the only duty of the commissaries was to make that line, so that north of that line the French would not come and on the south of it the English should not trespass. But the boundary, I submit, is to be found in the four corners of the treaty itself and we are not required to go further.

(Adjourned till Saturday next at 10.30.)

COUNCIL CHAMBER, WHITEHALL, Tuesday, 15th July, 1884.

Mr. Mowat.—My Lords, I appear in this case for the Province of Ontario.

Mr. McCarthy.—I do not know whether your Lordships have considered who has the right to begin in this case. I appear for the Province of Manitoba.

The Lord Chancellor.—Substantially the first question submitted is whether a certain award is or is not under all the circumstances binding? Who denies its validity?

Mr. Mowat.—The Province of Manitoba.

The Lord Chancellor.—You affirm its validity?

Mr. Mowat.—Yes.

The Lord Chancellor.—I suppose you would say it *prima facie* is binding?

Mr. Mowat.—Yes.

The Lord Chancellor.—If so, would it not bear upon the person who disputes its validity to begin?

Mr. Mowat.—If your Lordships think right.

The Lord Chancellor.—Of course, if both of you agreed it was not binding, that would be a different thing.

Mr. McCarthy.—May it please your Lordships: The first matter probably in order is the validity of the award. I would just state, as shortly as I can, the history of the case and the circumstances under which the reference was made to arbitration, and the award was afterwards made by the arbitrators. In 1867 the Confederation Act was passed, by which the then Province of Canada was brought into the Dominion and became part of the Dominion, as the Province of Ontario as to one part and the Province of Quebec as to the other. The Provinces of New Brunswick and Nova Scotia were also made a part of the Dominion, and provision was made, by the British North America Act, for bringing in at a subsequent date the Province of Prince Edward Island, the Province of British Columbia and what was known as Rupert's Land and the North-West Territory. These Provinces or Colonies were to be brought in and to become part of Canada, as confederated, upon the joint petition of both Houses of the Canadian Parliament, and subject to the sanction of Her Majesty in Council. Immediately after 1867 an agitation sprung up in Canada, in point of fact it is wrong to say it sprung up in Canada, because it had been initiated before Confederation, with a view of doing away with the right of the Hudson Bay Company, who claimed to be the owners, and I suppose, in point of fact, were the owners of what is known as Rupert's Land. A controversy was entered into, on behalf of the Canadian Government, continuing the controversy that had been initiated before Confederation, in which it was attempted to be shown that the charter to the Hudson Bay Company, which was made, as perhaps your Lordships will remember, as early as 1670, was invalid, and, at all events, disputing the geographical limit which the Hudson Bay Company claimed for the territory granted to them by that charter. Then the Rupert's Land Act was passed in 1868. By that Act provision was made for settling the dispute between the Hudson Bay Company and Canada, so to speak. An arrangement was provided by which the Hudson Bay claims could be settled, and upon their settlement it was arranged and provided that Rupert's Land should, upon the joint address of both Houses of the Canadian Parliament, be added to the Dominion. That was done in the year 1870. Shortly after that, the Province of Ontario set up or desired, at all events, that the boundary upon the west, which had been in dispute, I may say since 1818, if not earlier, the boundary of Ontario extended to the point, and, perhaps, beyond the point which the arbitrators have since determined as being the limit of Ontario on the west. The Dominion denied that. The Dominion asserted that the Rupert's Land Act settled the question, and defined the boundaries of Rupert's Land for the purposes of Confederation, and that whether that Act did or did not settle and determine that question, at all events it was determined by the Quebec Act of 1774, by which the limits of the Province of Quebec were fixed. That Province, afterwards, was divided into two Provinces, called Upper and Lower Canada, in 1791. In 1840

these two Provinces of Upper and Lower Canada were again united, and became the Province of Canada, to be disunited at the time of Confederation, and to be the Provinces of Ontario and Quebec. Thereupon certain Orders in Council of the Dominion of Canada on the one side, and by the Council of the Province of Ontario on the other, it was proposed to refer the question of the dispute, as to the boundaries, to the award of two gentlemen, who were named, and who were to have power to select a third.

Sir Robert Collier.—At this time had Manitoba been taken with the Confederation?

Mr. McCarthy.—Manitoba was carved out of the new territory.

Sir Robert Collier.—You said it was provided that it should be taken into the Confederation on the address of the two Houses. Had the address of the two Houses been presented?

Mr. McCarthy.—Yes; but not as Manitoba. Rupert's Land is a much larger country than Manitoba.

Sir Robert Collier.—That is my question, whether the address had been actually presented?

Mr. McCarthy.—Yes, that was in 1870, and it was in 1874, after these differences had arisen between the Dominion and the Province of Ontario, orders were made referring the point. What the Dominion contends for is this, the Dominion says the award is not binding.

The Lord Chancellor.—I thought you said you appeared for Manitoba?

Mr. McCarthy.—I should have explained. Manitoba, as originally formed, did not come as far east as it does now. It did not touch the Province of Ontario as the Dominion claims the Province of Ontario is. There was a considerable space, some 200 or 300 miles between the western part of Ontario and the eastern part of Manitoba as Manitoba was formed. In 1880 Manitoba was enlarged so that the eastern boundary of Manitoba goes to the western boundary of Ontario.

Sir Robert Collier.—When was it first called Manitoba in Acts of Parliament?

Mr. McCarthy.—When it was created in 1871.

Sir Robert Collier.—You said it was called Rupert's Land in the Act of 1870?

Mr. McCarthy.—No, the whole territory is Rupert's Land belonging to the Hudson Bay Company.

Sir Robert Collier.—Was it then called Manitoba?

Mr. McCarthy.—No, it was called Rupert's Land.

Sir Montague Smith.—First of all Rupert's Land annexed to the Dominion and then Manitoba carved out of it?

Mr. McCarthy.—Yes. Manitoba, as originally constructed, was west of the north-west angle of the Lake of the Woods which is the determining point. It was west of that as originally constructed and did not approach on the eastward of what Manitoba now claims to be the western boundary of Ontario. In 1880 Manitoba was enlarged and the boundary given to Manitoba by the enlarging statute was that Manitoba upon the east should meet Ontario. Therefore the question now becomes between these two Provinces, Ontario and Manitoba, although the question as it was originally fought was between the Dominion and Ontario.

Sir Montague Smith.—When Orders in Council were made referring it had Manitoba been enlarged?

Mr. McCarthy.—No. It was after the award was made that Manitoba was enlarged and came to the western limit of Ontario.

The Lord Chancellor.—Which boundary line does the question relate to?

Mr. McCarthy.—The boundary line between Manitoba and Ontario—that is the western limit of Ontario and the eastern limit of Manitoba.

The Lord Chancellor.—Then at the time the award was made Manitoba had no interest in that question?

Mr. McCarthy.—No.

The Lord Chancellor.—But the Dominion had?

Mr. McCarthy.—The Dominion had. Perhaps if your Lordships will look at one of these maps it will assist you (producing map). All this that is marked in

blue is what is claimed as Rupert's Land. This is Hudson Bay, and this is what is claimed as being Rupert's Land. The boundary on this side is the Hudson Bay, and it was bounded on the south by the Province of Ontario.

Lord Aberdare.—That is in fact what was English territory at the time that the French held Canada ?

Mr. McCarthy.—That will be a good deal in dispute here. My learned friends on the other side contend for the French view of the case. We are contending for the English view of the case, and the dispute was between France and England as to the Hudson Bay rights.

Sir Montague Smith.—That I suppose was fought out before the arbitrators ?

Mr. McCarthy.—It was, and it is again before your Lordships.

The Lord Chancellor.—I have a map which may not perhaps be exactly the same as yours. Here is a square block which is colored yellow and within which there is a smaller block with an orange margin on which Manitoba is marked.

Mr. McCarthy.—That was the original Manitoba, the small block.

The Lord Chancellor.—Then comes a block to the east with two lakes in it, Lake St. Joseph and another lake.

Lord Aberdare.—What was done with the territory north of that which was assigned to Manitoba and Hudson Bay ?

Mr. McCarthy.—Divided between the Provinces. Your Lordships see it on Johnston's map; it shows that very plainly. The Manitoba shown there is the enlarged Manitoba.

Sir Montague Smith.—According to what boundaries is Manitoba shown here ?

Mr. McCarthy.—According to my claim, the Manitoba claim.

Lord Aberdare.—Did the award line carry the Ontario Province up to the Lake of the Woods ?

Mr. McCarthy.—Yes, the north-west angle of the Lake of the Woods.

Lord Aberdare.—Then the Dominion, under its assumed power of re-opening the question, assigned a considerable tract of country beyond that which was given by the award of the arbitrators.

Mr. McCarthy.—That is to say if the Dominion view was right. They did not actually set it out by metes and bounds; they merely said Manitoba on the east shall be where Manitoba on the west ends. They left that point to be determined.

Lord Aberdare.—The Dominion drew no line as to the east ?

Mr. McCarthy.—No, they had originally drawn a line as to the east, but they did not draw a line to the east as regards that.

The Lord Chancellor.—I understand you to admit that the disputed district was not within the limit of Manitoba until the year 1880 ?

Mr. McCarthy.—Yes.

The Lord Chancellor.—That at that time, according to your view, it was again the Dominion and not within Ontario ?

Mr. McCarthy.—That is so.

Sir Robert Collier.—Where was the line of the award ?

Mr. McCarthy.—The north-west line of the Lake of the Woods. (The learned counsel explained upon the map.)

Sir Montague Smith.—What does the boundary mean ?

Mr. McCarthy.—That is the original Manitoba. We claim now to this and the arbitrators have given this line. They have taken the north-west angle of the Lake of the Woods and then followed down here.

Sir Montague Smith.—What do you claim as belonging to Manitoba ?

Mr. McCarthy.—We claim this line here (pointing).

Sir Montague Smith.—This bit which is colored ?

Mr. McCarthy.—This would be the District of Keewatin, it was originally Keewatin. It would now be Manitoba. The matter in dispute really goes from that line to this. That part Ontario is not claiming and did not claim by the award.

Sir Montague Smith.—Then this dotted line is the award line, is it ?

Mr. McCarthy.—No, that is the railway communication I suppose. It is the water line. It is the English River and the Albany River.

Now it may be as well, perhaps, at this moment, to point out the heights of land, because it will have a good deal to do with the discussion which we are about entering upon. This is the northern height of land which forms the line of the water-shed between the Hudson Bay and the St. Lawrence system. It goes round Lake Superior. This map shows the whole heights of land, and this is another so-called heights of land in this direction which was at one time claimed to be the limits of the Hudson Bay Territory. This then is the other water-shed line which marks the limits of the basin that drains into the Hudson Bay. The basin of the Hudson Bay was drained by the Albany River, the Churchill River and the Nelson River. Then when you go west of that the Mackenzie River goes into the Arctic Ocean and then the St. Lawrence system takes its rise here and falls into those large lakes, Lake Superior and so on, and rolls away to the Gulf of St. Lawrence, that is the St. Lawrence system. Then below that there is the Mississippi system. Those are important natural land marks to be borne in mind, because they were referred to continually in disputes which arose between the English and the French at the earliest times.

Now, your Lordships will see the effect of the award was to completely ignore the rights of the Hudson Bay Company to any territory whatever.

Sir Robert Collier.—We had better see what the award is.

The Lord Chancellor.—We had better first see under what authority the award was made and what the award is?

Mr. McCarthy.—I will just point that out to your Lordships before I come to the contentions we make upon it. In the Joint Appendix, page 7, your Lordships will see how the matter was referred. Mr. Crooks, who was then a member of the Government of Ontario, reports to the Executive of that Province in the letter which is set out on page 7, reciting the Acts of Parliament and going on down to about line 20 where the important matter comes in. "In view of these objects the undersigned, before his late visit to Ottawa on other public business, was authorized, by the other members of your Excellency's Council, to propose (subject to Your Excellency's approval) to the Government of the Dominion that the question, concerning the northern and western boundaries of the Province of Ontario, should be determined by a reference to arbitration, to be mutually agreed upon and whose standing and ability might readily be expected to secure for their decision the confidence alike of the people of Ontario and the people of the Dominion. Your Excellency's Council were of opinion that a decision by such arbitrators is likely to be more prompt, and, perhaps, more satisfactory than any other mode of decision which is attainable. The undersigned was also authorized to suggest the name of the Hon. Wm. Buell Richards, Chief Justice of Ontario, as one of the arbitrators, subject to Your Excellency's approval. Accordingly, the undersigned, while at Ottawa conferred with the Premier and other members of the Dominion Government on the subject of the said matters and made the above suggestions to them. The Government of the Dominion concurred in the views expressed on the part of the Government of Ontario, and proposed, on behalf of the Dominion, the name of the Hon. Lemuel Allan Wilmot, late Lieutenant-Governor of New Brunswick, to act in conjunction with the said chief justice, and that authority be given to the said Hon. William Buell Richards and the Hon. Lemuel Allan Wilmot, to agree upon a third person to be associated with them, such third person not being a resident of Canada; and that the determination of a majority of such referees should be final and conclusive upon the limits to be taken as and for such boundaries as aforesaid respectively. The undersigned recommends that the Province agree to concurrent action with the Dominion." I draw attention to that particularly. "The undersigned recommends that the Province agree to concurrent action with the Dominion in obtaining such legislation as may be necessary for giving binding effect to the conclusion which may be arrived at for establishing the northern and western boundaries of the Province of Ontario in accordance therewith."

The Lord Chancellor.—That is in 1874?

Mr. McCarthy.—In November, 1874. Then on p. 8 there is the formal order of Committee of Council of the Province of Ontario acceding to Mr. Crooks' view, and following that is the report of a Committee of the Privy Council of Canada: "On a memorandum dated the 12th November, 1874, from Hon. Mr. Mackenzie stating that he recommends concurrence in the proposition of the Government of Ontario to determine by means of a reference the northern and western boundaries of that Province relatively to the rest of the Dominion. The Ontario Government having named the Hon. William Buell Richards, Chief Justice of Ontario, as one of the referees he submits the name of the Hon. Lemuel Allan Wilmot, formerly Lieutenant Governor of the Province of New Brunswick, to act in conjunction with him, and advises that authority be given to them to agree upon a third person not being a resident of Canada;" following the words I have already read. "He further recommends that the Dominion agree to concurrent action with the Province of Ontario in obtaining such legislation as may be necessary for giving binding effect to the conclusions arrived at, and for establishing the northern and western limits of the Province of Ontario in accordance therewith." That was the Minute of Council, and I fancy from the next document which appears in the case that that was confirmed by the Governor General. It says: "Appointed by the Governor-General." Then, "I am directed to transmit to you, for the information of your Government"—that was from Ottawa to Toronto—"the information that an order has been passed and naming the gentleman who has been appointed arbitrator for the Dominion." Then on the 21st November the Secretary of State for Canada writes to Mr. Wilmot informing him of his appointment, and at the top of page 9 Your Lordships will see what he informs Mr. Wilmot was the matter remitted to him. "The question of the northern and western boundaries of that Province relatively to the rest of the Dominion be determined by means of three referees, of whom one is to be named by the Government of the Dominion, and one by the Government of Ontario—these two to have authority to agree upon a third not being a resident of Canada," and so on. Then at line 10: "I am to add that the Dominion Government agree to concurrent action with the Province of Ontario in obtaining such legislation as may be necessary for giving effect to the conclusions arrived at and for establishing the northern and western limits of the Province of Ontario in accordance therewith." Nothing, I think, happens now until at the foot of the page. Your Lordships will find the Act passed in Ontario in 1874. It recites: "Whereas, by chapter 28 of the Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the Session held in the 34th and 35th years of Her Majesty's reign, and intitled: 'An Act respecting the establishment of Provinces in the Dominion of Canada,' it is enacted that the Parliament of Canada may, from time to time, with the consent of the Legislature of any Province of the said Dominion, increase, diminish or otherwise alter the limits of such Province, upon such terms and conditions as may be agreed to by the said Legislature, and may, with the like consent, make provision respecting the effect and operation of any such increase or diminution or alteration of territory in relation to any province affected thereby." Apparently showing that the arbitrators were appointed to fix a boundary, which both the legislative bodies were afterwards to sanction, whether increased or decreased or altered, the true and proper line of the western boundary of the province. "And whereas the northerly and westerly boundaries of the Province of Ontario have never been determined; and whereas, subject to the approval of the Parliament of Canada and the Legislature of Ontario, it has been agreed by the Governments of the Dominion of Canada and the Province of Ontario," and it goes on to set out the agreement, which I need not read. Then the first clause of the Act is: "The Legislature of the Province of Ontario consents that the Parliament of Canada may declare that the boundaries, which by the award of the arbitrators aforesaid, or of any two of the arbitrators aforesaid, may be decided to be the northerly and westerly boundaries respectively of the Province, shall be declared to be the northerly and westerly boundaries thereof, or in case the award shall be as to the westerly boundary alone, the same may be, in like manner declared by the Parliament

of Canada as aforesaid, and that the Parliament of Canada may thereby increase, diminish or otherwise alter the northerly or westerly limits of the Province of Ontario, so that the same may be in accordance with the award." Then there is provision made for the death or resignation of the arbitrator, which is not important. This Act was not to come into effect until proclaimed, and, as a matter of fact, it never was proclaimed, because the Dominion Government and the Dominion Parliament never passed a corresponding Act. Although they had agreed, as your Lordships will see by the Orders in Council, to which I have already referred, to concurrent legislation, which would give effect to the decision or opinion of the arbitrators, and that in point of fact was the basis of the whole proceeding, the whole reference to arbitration, yet the Dominion Parliament were never called upon by the Government, and never did pass an Act. So that the Province of Ontario, although it passed this Act, stipulated in the last clause that it was not to come into effect until the Lieutenant-Governor in Council should issue his proclamation, and he never did issue his proclamation, because the other Parliament had not passed the concurrent legislation, which had been agreed to.

The Lord Chancellor.—The legislation of Canada was to be an effective and practical legislation, but it only could take place with the consent of the provincial legislation?

Mr. McCarthy.—Yes, that is in pursuance of the statute of 1861. Then from 1874 until 1878, nothing appears to have been done, but in July, 1878, an Order in Council is passed by Ontario, which your Lordships will find at the foot of page 10, which recites, upon the report of the Attorney-General, that Chief Justice Harrison had been appointed in lieu of Chief Justice Richards. Chief Justice Richards had become the Judge of the Supreme Court in Canada, and then he resigned his position of arbitrator for Ontario, and Chief Justice Harrison became arbitrator in his place. It also recited the fact that Mr. Wilmot had died in the interim, and suggested that Sir Francis Hincks should be appointed as arbitrator for the Government of the Dominion, and Sir Edward Thornton, the Ambassador at Washington, as the third arbitrator, to that extent departing from the original terms of the agreement, which were that the two arbitrators appointed by the respective Provinces, should themselves have selected the third, but nothing turns upon that. Then it further goes on at the foot of the page, "and also that the Province of Ontario agree, boundaries respectively be taken as final and conclusive, and also that the Province of Ontario agree to concurrent action with the Government of the Dominion in obtaining such legislation as might be necessary for giving effect to the conclusion arrived at by the said arbitrators, and for establishing the northern and western limits of the Province of Ontario in connection therewith." That, your Lordships will see, is dated the 31st day of July.

Sir Robert Collier.—The Committee of Council advised the foregoing?

Mr. McCarthy.—Yes, that is on the 31st July, 1878. On the same day, at Ottawa, the Privy Council of Canada adopt a corresponding Order. The arbitrators thereupon proceeded to hear the matter, and on the 3rd August the award was made.

Now, your Lordships have the history of the reference and the award which followed upon that reference. The first point that we make is this: We say, as a matter of fact, all these papers show that it never was intended that the award should be binding or effective until concurred in by both legislative bodies.

The Lord Chancellor.—Was it possible?

Mr. McCarthy.—We say not; we say it was not possible as a matter of law, and we say as a matter of fact, it was never contemplated that it should be effective until concurred in by both Legislatures.

I will, in pursuance of this branch of the proposition, point out the different passages which I think establish the fact for which I contend, in addition to those to which I have already referred. The intermediate pages merely state the case for the respective parties and the argument before the arbitrators, to which I think I need not refer at present. Then we come to page 103 following the award. The Province of Ontario, by an Act passed in 1879, the succeeding Session of Parliament,

recites: "Whereas the northerly and westerly boundaries of the Province of Ontario were not determined until lately; and whereas pending the determination thereof, certain provisional lines, which for certain purposes were to be regarded as such boundary lines were agreed to by the Governments of the Dominion and the Province." I may just explain that pending this dispute, and in order that the timber might be guarded and regulated, a provisional line was agreed to between the parties, separating the disputed territory. To the east of the line the Province of Ontario managed the timber, and to the west of the line the Dominion managed it. "And whereas, it was agreed by the Governments of the Dominion of Canada and the Province of Ontario that the true boundaries should be determined by reference to arbitration; and whereas, one of the arbitrators named in the Revised Statutes of Ontario, Chapter 4, died," then it goes on to recite that; then it sets out the award. At page 109 it says: "And whereas the effect of the said award is to give to this Province less territory than had been claimed on behalf of the Province, and more territory than the Government of Canada had contended to be written, the limits of the Province or than was contained within the provisional boundary lines aforesaid," then it again refers to the Imperial Act passed in 1871, which gives the Parliament of Canada power to alter the boundaries with the consent of the Legislature of any Province.

Sir Robert Collier.—It recites: "And whereas it is proper that the boundaries determined by the said award be adopted and confirmed."

Mr. McCarthy.—Yes; and then the enacting clause is:—"The Legislature of the Province of Ontario consents that the Parliament of Canada may declare that the boundaries, which by the award of the arbitrators aforesaid were decided to be the northerly and westerly boundaries respectively of the Province, shall be, and are, the northerly and westerly boundaries thereof, whether the same increase, diminish, or otherwise alter the true northerly and westerly limits of the Province." The Province of Canada never did confirm these boundaries. I was proposing to refer to what I think, without doubt, indicates that the intention was, speaking now of it as a matter of fact, that unless Parliament did confirm the boundaries the award should not be operative. The following document is a lecture delivered by Sir Francis Hincks, explanatory of the award.

The Lord Chancellor.—I think that can hardly be evidence of anything, can it?

Mr. McCarthy.—There is a good deal I am afraid in this joint appendix which is not evidence of anything.

The Lord Chancellor.—The opinion of an individual, though he was one of the arbitrators, can neither interpret the award nor settle the question independently.

Mr. McCarthy.—It was thought perhaps to be useful in this way: Sir Francis Hincks admitted to some extent that the award did not follow the true line, it was to some extent a conventional boundary.

The Lord Chancellor.—It ought not to be brought in if it is not evidence. That can only be referred to for prejudice?

Mr. McCarthy.—Then I pass on to page 125.

Sir Montague Smith.—You say the Dominion Parliament has never confirmed it. Has it ever been asked to confirm it?

Mr. McCarthy.—Yes, repeatedly; I am coming to that now. At page 125 your Lordships will find that on the 31st of December, 1878, the Provincial Government in Toronto write to the Secretary of State for Canada. At line twenty-five he says: "I am further directed respectfully to remind the Government of Canada that the territory which was in dispute before the award was made, extends on the easterly side of Ontario from, say, the Rocky Mountains to a line drawn due north from the confluence of the Ohio and Mississippi, and extends on the northerly side from, say, the height of land to the most northerly limit of Canada, that the award assigns part of this territory to the Dominion and part to Ontario, and that the administration of justice will continue to be surrounded with difficulties and uncertainties, especially in the matter of jurisdiction, until the award is confirmed by express legislation at Ottawa and here, and that the subject assume unusual importance in view of the con-

struction of public works within the territory and the consequent influx of an unsettled and migratory population. His Honor the Lieutenant-Governor will be glad to learn that such legislation as may be necessary to give effect to the award will be had at Ottawa at the next Session of the Parliament of Canada, as the legislation should, it is respectfully submitted, be as nearly as possible simultaneous and identical."

Sir Robert Collier.—That was written before the Act was passed?

Mr. McCarthy.—Yes; it promises that an Act shall be passed in the Province of Ontario, and it is an appeal to the Dominion authorities to pass a concurrent Act. Then we come to page 127, when on the 23rd September, 1879, nothing having been done in the meantime by the Dominion, the Government of the Province again brings the matter to the notice of the Government at Ottawa. At the end of the page, which is all I need refer to for this matter, for the rest is merely a repetition of what your Lordships already know, it says: "The Government of Ontario does not doubt that the Government and Parliament of Canada will ultimately take the same view, and I have respectfully to represent that the delay in announcing the acquiescence of the Dominion authorities, and in giving full effect otherwise to the award has been embarrassing and injurious." Then the gentleman who wrote this goes on at great length to discuss the merits of the award, and to show that the conclusion arrived at by the arbitrators was a proper conclusion. That, however, is beside the present question. Then at page 130, in a part of the same despatch, he says: "In view of these considerations the Government of Ontario trusts that the Government of Canada will recognize the propriety of announcing, without further delay, their intention to submit to Parliament next Session, a Bill declaring the boundary, established by the arbitrators, to be the true northerly and westerly boundaries of Ontario, and to use the influence of the Government to have the measure accepted by both Houses, and assented to by His Excellency the Governor General." That met with but bare acknowledgment. No statement at that time was made by the Government at Ottawa as to the course proposed to be taken, or the advice proposed to be offered to the Parliament of Canada.

Sir Robert Collier.—When did the Act of Ontario come into force?

Mr. McCarthy.—At once.

Sir Robert P. Collier.—At what date? It does not give the date here.

Mr. McCarthy.—It merely gives the year. I think nothing turns on the date.

Sir Robert Collier.—It was before this?

Mr. McCarthy.—Yes; the early part of 1879.

The Lord Chancellor.—There is nothing done by the Act except that the Parliament of Canada may legislate on the subject. If the Parliament never did legislate, of course the Act would not have any effect.

Mr. McCarthy.—That is what I submit. Then following out the matter still further, your Lordship will find, at page 131, that certain resolutions were passed by the Legislative Assembly of Ontario, on the 3rd March, 1880. These resolutions are going over the well-beaten ground; it is again an appeal as it were to the Parliament of Canada to legislate, and at page 132, line 27, your Lordships will find these words: "That this House regrets that, notwithstanding the joint and concurrent action of the respective Governments in the premises, and the unanimous award of the arbitrators, the Government of Canada has hitherto failed to recognize the validity of the said award, and that no legislation has been submitted to Parliament by the Government of Canada for the purpose of confirming the said award." Then here is a legislative declaration, passed in 1880 by the Dominion Parliament that the award is disputed. Your Lordships will find it in the Act 43 Victoria, cap. 36, page 133: "Whereas certain territory on the western and northern boundary of Ontario is claimed by the Government of Ontario as being within the said Province, and whereas such claim is disputed, and whereas the Parliament of Canada is desirous of making suitable provision for the administration of criminal justice, within the said territory, until the dispute is determined." The award was made in 1878. These numerous appeals had been made to Parliament, on the part of the Government of

Canada, and in 1880 an Act is passed declaring that the award is disputed in point of fact.

The Lord Chancellor.—Is there any reference to the award in that Act?

Mr. McCarthy.—No, except in the part I have read.

The Lord Chancellor.—That does not refer to the award at all?

Mr. McCarthy.—Not in terms. But that was the matter then in dispute; it was to provide for the administration of criminal justice in this disputed territory pending the settlement of that dispute. Then, on the 1st February, 1881 (page 134), the Attorney-General of the Province again appeals to the Dominion. "I hope that the present Session of the Dominion Parliament will not be allowed to come to an end without the necessary Act being passed adopting and confirming the boundary award. If, however, we are again to be disappointed, some additional legislation is absolutely required." Then comes 44 Victoria, cap. 1, providing for the extension of the boundaries of the Province of Manitoba, that I read here, and giving the boundaries of Manitoba on the east the western limit of the Province of Ontario.

The Lord Chancellor.—That is headed: "Act of the Province of Manitoba."

Mr. McCarthy.—Yes, the two must be taken together. That is the Act of Manitoba allowing the Province to be enlarged, and then follows the Act of the Dominion, 44 Victoria, cap. 14, to provide for the extension of boundaries for the Province of Manitoba. The two must be taken together.

Sir Barnes Peacock.—In those Acts the boundaries are defined, are they?

Mr. McCarthy.—No, my Lord, not at this disputed place; it just says wherever Ontario ends Manitoba commences.

Sir Montague Smith.—It leaves it just where it was.

Mr. McCarthy.—Yes, it is the third line from the bottom. "On the twelfth base line would be intersected by a line drawn due north from where the westerly boundary of the Province of Ontario intersects the aforesaid international boundary line dividing Canada from the United States of America." That is the last three lines, page 136.

The Lord Chancellor.—That seems to refer to some definable point; "to a point where the said centre of the road allowance on the twelfth base line would be intersected by a line drawn due north."

Mr. McCarthy.—The line has to be intersected "by a line drawn due north from where the westerly boundary of the Province of Ontario intersects." You have to find out where that point is. That is just what we are troubled about.

The Lord Chancellor.—One hardly sees how it is to be worked, either in one view or the other.

Mr. McCarthy.—The United States bounds the country on the south. Whether the north-western angle of the Lake of the Woods is taken as the line or the line I contend for is taken as the line, along that lies Ontario. The point that intersects where it first meets the boundary of the United States is the point of intersection.

Sir Montague Smith.—You must find out the entire boundary.

Mr. McCarthy.—Yes.

The Lord Chancellor.—I want to understand what is "the twelfth base line."

Mr. McCarthy.—The base line runs east and west.

The Lord Chancellor.—What is the twelfth base line?

Mr. McCarthy.—That is one of the lines laid out. In laying out the new country it was laid out in meridian lines, north and south, and base lines east and west.

The Lord Chancellor.—That is one particular line.

Mr. McCarthy.—No. 12. Then there is the southern boundary of the Province.

Sir Robert Collier.—Does it appear here?

Mr. McCarthy.—It is difficult to make out.

Sir Robert Collier.—Are they marked?

Mr. McCarthy.—This is the twelfth base line.

The Lord Chancellor.—Does it cover the whole of the disputed territory?

Mr. McCarthy.—Yes, as far as it can go. Then you follow that base line until you strike this line.

Sir Robert Collier.—You say that point is not found.

Mr. McCarthy.—They found it over here on the Lake of the Woods.

Sir Montague Smith.—If that award had been binding by legislation, there would be no difficulty in finding this line ?

Mr. McCarthy.—Of course not. That would have determined it. Whether it would have determined the true line or not is another question.

Sir Montague Smith.—Assuming that to be binding, the difficulty vanishes ?

Mr. McCarthy.—Yes.

Sir Robert Collier.—This line should be produced.

Mr. McCarthy.—Yes.

Sir Robert Collier.—Here is the line of the Lake of the Woods.

The Lord Chancellor.—The twelfth base line commences here and covers the whole of the disputed territory. Then what are the other eleven base lines ? I misunderstood you before. I thought you said the twelfth base line was the whole of this.

Mr. McCarthy.—So it is, it goes as far as the country goes, east to west.

Sir Montague Smith.—The twelfth line, if produced, goes just as far as Manitoba goes ?

Sir Robert Collier.—And there would be a tenth and so on ?

Mr. McCarthy.—Yes.

Sir Montague Smith.—Where is the award line on this map ?

Mr. McCarthy.—There is the base line.

Sir Montague Smith.—I suppose that intersects this ?

Mr. McCarthy.—Yes, my Lord, it intersects this line. Suppose this line were produced, then it is produced to what point ? It is produced to such a point that a line drawn from the intersecting point here will meet it. This is left to depend upon that line.

Sir Montague Smith.—This is the starting point of the award line ?

Mr. McCarthy.—Yes, my Lord, the north-west angle, it goes this way.

Sir Montague Smith.—And running northerly, that intersects this base line ?

Mr. McCarthy.—Yes.

Sir Barnes Peacock.—But then the arbitrators did not take it due north ?

Mr. McCarthy.—No, they followed the two rivers.

Sir Montague Smith.—It goes in this direction ?

Mr. McCarthy.—Yes.

Sir Montague Smith.—Then, it does not signify whether they take it due north or not ?

Mr. McCarthy.—No, they were bound to give it to Manitoba. It would either answer the description in the award or not.

The Lord Chancellor.—There is no ambiguity about the description in the award ?

Mr. McCarthy.—No, none at all.

The Lord Chancellor.—If the place of the award line is right, then the rest is evident ?

Mr. McCarthy.—Then, my Lord, there are two more despatches to which I think I ought to draw your Lordships' attention. The first is dated 31st December, 1881, and it is a very long document from the Attorney General, or rather from the Lieutenant-Governor of the Province to the Dominion authorities, going over the whole subject again. It commences on page 137, and at page 141 the Lieutenant-Governor says: "I have called the Ontario Legislature to meet for the despatch of business on the 12th January. I perceive that the Parliament of Canada is to meet in the following month, and I would respectfully urge the great importance of my being officially informed before the meeting of our Legislature whether the Dominion Government is now willing, with the concurrence of the Legislature of Manitoba, so far as such concurrence is necessary, to agree to the arrangements which have been suggested, and to obtain from Parliament at its approaching Session the Dominion legislation necessary to give effect to such arrangements."

There is next a despatch of the 27th January, 1882, which your Lordships will find at page 142. Here we have the first response from the Dominion, and that presents the view entertained by the Dominion Government, who were still to some extent interested in the matter, and to whom the Lieutenant-Governor of the Province of Ontario had appealed. I refer especially to page 143, paragraph 8: "The proposal of 1874, referred to in your despatch, that the question in dispute should be referred to arbitration, does not seem to have been treated by either Government as a mode of seeking an authoritative decision upon the question involved as a matter of law, but rather as a means of establishing a conventional line without first ascertaining the true boundary. In corroboration of this view, it is to be noted, that of the three gentlemen referred to in your despatch, under the reference of 1872, two were laymen and only one of the profession of the law. His Excellency's advisers are of opinion, that in advance of Parliamentary sanction, it was not only highly inexpedient, but transcended the power of the Government of the day to refer to arbitration the question of the extent of the North-West Territories acquired by the Dominion by purchase from the Hudson Bay Company. That territory had been acquired on behalf of, and was, in fact, held for, all the Provinces comprised in the Dominion, and the extent of it was a question in regard to which, if a dispute arose, Parliament only could have absolved the Government of the day from the duty of seeking an authoritative determination by the legal tribunals of the country. Such a decision having been once obtained, if it had been found that it promised to be to the convenience of Ontario and the adjoining Province that a conventional boundary should be established in lieu of the legal boundary, authority might have been sought from the Legislatures of those Provinces, and from the Parliament of the Dominion, for the adoption of such a conventional line. That the course pursued was not intended as a means of seeking a legal boundary, is further shown by the course pursued by the Legislature of Ontario, who, under the provision contained in the Imperial Act, 34 and 35 Vic., chapter 38, enabling the Parliament of Canada to increase, diminish or otherwise alter the limits of a Province, with the assent of its Legislature, passed an Act giving their assent to the limits of their Province being changed by Parliament to meet the award, whatever it might be. The passage of such an Act shows that it was not sought that the true boundary line should be ascertained, but that a conventional one should be laid down."

The Lord Chancellor.—Very bad reasoning.

Mr. McCarthy.—It must further be observed that a Committee of the House of Commons has reported as follows: Then it gives the report of the Committee of the House of Commons. "In reference to the award made by the arbitrators on the 3rd day of August, 1878, a copy of which is appended, your committee are of opinion that it does not describe the true boundaries of Ontario. It seems to your committee to be inconsistent with any boundary line ever suggested or proposed subsequent to the treaty of Utrecht (1713). It makes the provincial boundaries run into territory granted by royal charter in 1670 to the merchants' adventurers of England trading into Hudson Bay, and it cuts through Indian territories which, according to the Act 43, George III, cap. 138, and 1 and 2 George IV, cap. 66, formed no part of the Provinces of Lower Canada or Upper Canada, or either of them."

The Lord Chancellor.—All that it comes to is simply an intimation that they are disposed to throw over the award?

Mr. McCarthy.—That is all. I am only reading it with that view. I do not think I need trouble your Lordship with any other observations upon it.

The Lord Chancellor.—If there is anything turns upon it it does not seem to me that it comes to anything more than that they did not intend to make the award, except on the actual boundaries which there ought to be as between the parties. From that it seems very clear that, *primâ facie*, they had no authority to do it without legislation and did not contemplate doing it without legislation.

Mr. McCarthy.—Then, my Lord, that being so (and that is my contention), the next question to which I propose to direct your Lordships' attention is what the true line is the award being out of the way being treated as so much waste paper.

Sir Barnes Peacock.—It might not perhaps be inconvenient upon this point first of all to hear whether there is really anything to be said on the other side?

The Lord Chancellor.—The award may or may not be amongst other circumstances material to the consideration of what the true line is, but you have certainly made a *prima facie* case that the award should not, as a matter of law, bind you without legislation, and we should like to hear whether that is seriously contested.

Mr. McCarthy.—I might mention to your Lordship, before I withdraw from the bar, that my friend Mr. Robinson appears for the Dominion. The Dominion claims to be heard on the question, as the Dominion is interested almost, if not quite as much, as the Provinces. By the Act to which reference has been repeatedly made already no alteration in the limits of a Province can be made without the consent of the Dominion Parliament. In point of fact it is the Dominion which makes it without the consent of the Province, and you can well understand how the enlargement of one Province might disturb the whole scheme of Federation. The different Provinces came into Federation having certain representation in the Commons and a certain representation in the Senate, beside other certain territorial limits.

Mr. Mowat.—My Lords, I think I might shorten this if I say that I agree that the Dominion has an interest in this question, and I am perfectly willing, so far as I am concerned, that they should be heard if your Lordships think they should.

The Lord Chancellor.—We can hear one counsel, if it is desired, for Manitoba and another for the Dominion, but I suppose they are practically on the same side.

Sir Barnes Peacock.—As I understand the only question is as between Manitoba and Ontario, and I think it is provided somewhere or other that our decision shall not affect any question between Ontario and the Dominion.

The Lord President.—That is provided in the agreement. They reserve their rights.

Sir Montague Smith.—So that it cannot affect the relations of Ontario with the Dominion. The question before us is simply between the two Provinces.

Mr. McCarthy.—I do not so understand it. If your Lordships fix the boundary, it does fix the boundary of Ontario for the purposes of the Dominion as well as for the purposes of the Province.

Sir Montague Smith.—I did not understand that.

Mr. McCarthy.—Oh, yes, my Lord, we are all agreed about that, I think.

Mr. Mowat.—Oh, yes.

Sir Barnes Peacock.—I think it is stated somewhere that no question between Ontario and the Dominion shall be affected by our decision here.

Mr. McCarthy.—That is in the agreement between the two Provinces. The two Provinces came to a certain arrangement, and in order to prevent there being any question about it, we put in a clause stating that it was not to be presumed that any agreement between us was to be affected by this.

The Lord Chancellor.—Then is it agreed between you both that both are to be bound by our decision?

Mr. Mowat.—Yes; they have agreed to be bound by your Lordships' decision. Is it your Lordships' wish that I should now address myself to the point whether —

Sir Barnes Peacock.—Whether the award is conclusive.

Mr. Mowat.—If your Lordship pleases.

The Lord Chancellor.—But is it convenient at this point to hear the learned Counsel for the Dominion?

Mr. Mowat.—One question put to your Lordship is whether the award is valid.

The Lord Chancellor.—Quite so; but if the Counsel for the Dominion wants to add anything, of course this is the right time. We have intimated, however, that until we hear something on the other side, there is a *prima facie* case made out to show that legislation was necessary in order to make the award binding.

Mr. Robinson.—I do not know that I have anything to add. I think it will be waste of time, after the intimation your Lordships have given.

Mr. Mowat.—It seems to me, my Lords, that there is a good deal to be said in favor of an opposite view.

The Lord Chancellor.—Then we will now hear it, because if we are still against you, it will shorten the argument; if not, we shall know where we are.

Mr. Mowat.—Very well, my Lord; I think I can satisfy your Lordship independently of any statutory enactment that Provinces situated as these Provinces are have a right to enter into an agreement for settling boundaries between them, and that such an agreement is binding without any legislative action.

The Lord Chancellor.—But here, first of all, it is not independent of any statutory enactment; and, secondly, in determining whether the award, as it has been made, binds them, we must see what the agreement was.

Mr. Mowat.—Of course. Then, my Lord, perhaps I may address myself to that point first of all. As to what the agreement really was—whether the agreement really was that this award should be binding if the Government had the power to make it so without legislative sanction, or whether it was to require legislative sanction. First of all, then, addressing myself to that point, I ask your Lordships' attention to the terms of the Orders in Council. The two Orders in Council, the Order in Council passed in the Dominion, and the Order in Council passed in the Province, are identical. Now what is it that they agree to?

The Lord Chancellor.—What page are you on?

Mr. Mowat.—First of all at page 7. Now, what is it that they agree to? I assume at present that they have the power of referring this matter to arbitration—they have the legal power to refer it to arbitration, if they choose to do so. I will say something upon that point subsequently, if your Lordship will permit me to do so. Assuming, however, that they have a power to bind both Governments, to bind the Dominion on the one hand, and to bind the Province on the other, by a reference to arbitration, I say that that is the effect of what they have actually done. Now, what is the agreement between them, as it is expressed in these Orders in Council, as it is expressed first of all in the Order in Council at page 7, and expressed also in the subsequent orders?

The Lord President.—The one at page 7 is in the report?

Mr. Mowat.—Yes, but that is the form in which our Orders in Council are always drawn. I do not know whether it differs in form from the Orders in Council here or not, but our Orders in Council are always drawn in that way.

Lord Aberdare.—There is an Order in Council given on the next page—page 8.

Sir Montague Smith.—That at page 7 is on the report.

Mr. Mowat.—Your Lordships may take it in this way. First, there is the report, and then there is the Order in Council adopting the report. In effect, therefore, when a report of this kind is made, and it is adopted by an Order in Council, then the recommendation so adopted becomes the Order in Council. What is it then that the Province and the Dominion agree to? It is that the determination—that is the word used—the determination of a majority of such referees should be final and conclusive upon the limits to be taken.

The Lord Chancellor.—Where are you reading from now?

Mr. Mowat.—I am reading now at line 38, on page 7. The agreement is, I say, that the determination of the majority shall be final and conclusive. Now, my Lords, I say that on the interpretation that my learned friends place upon this, it is not final and conclusive at all, it is no "determination," it is not a "determination" in the slightest degree, according to the argument of my learned friends. But the Council has said that it shall be a final determination and a conclusive determination upon the boundaries to be taken.

The Lord Chancellor.—But you must read that with the next sentence.

Mr. Mowat.—I quite agree my Lord, and I was coming to that. What the next sentence was really intended to determine was this, and I submit the language, when it is examined, does express that. This is something in addition to what has been agreed to before. The award is to be final and conclusive, and any legislation that is necessary to give it binding effect is to take place. Observe the language: "The undersigned recommends that the Province agree"—"the Province agree." Now, "the Province" means the whole people through its representatives in the

Legislature. And the agreement I submit to the court to have been that there was to be a binding obligation on the Province to concurrent legislation with the Dominion, and on the other hand, according to the Orders in Council of the Dominion, there was a binding obligation on the Dominion to concurrent legislation with the Province.

The Lord Chancellor.—But what are the words “for giving binding effect to the conclusion?”

Mr. Mowat.—There is that expression, but it was a matter of dispute whether the Governments had the power or not, and all I think I have to satisfy your Lordships of is that the Governments intended it should be final, if they could make it so, that it should be conclusive, if they could make it so. The question was whether they could make it so or not, or whether the award might be binding upon the Governments, and yet, perhaps, not binding for some purposes; whether the award was one that might be binding for some purposes and not for others, whether it might require legislation by the Dominion Parliament or might require legislation by the Imperial Government. When there was a controversy between the Province of Canada and the Province of New Brunswick, many years ago, there was an Imperial Act there to give effect to the award that has been made, so that it was a question as to what, in point of law, was necessary; there being that question, both Governments did all they could to make this final. It would have been a perfectly idle thing in a great controversy like this to leave the question to arbitrators, if there was to be in binding character, so far as the Governments could give a binding character to the award. It would have been perfectly nugatory. We would not have advanced one single step towards a settlement; what has taken place since demonstrates that—that unless the award is to have effect, that we are discussing here to-day, we do not advance one single step by this means; everybody saw that; everybody knew it, and everybody must see it now.

The Lord Chancellor.—The reasonable intention of this clause about legislation, was that the legislation should take place before the award was known, was it not?

Mr. Mowat.—My own notion, of course, is that that would have been better. I manifest that by getting an Act passed by the Provincial Legislature in advance.

The Lord Chancellor.—Could not attempts have been made to get legislation passed before the award was made?

Mr. Mowat.—But the Dominion did not take the same view on that point.

The Lord Chancellor.—Nor did Ontario. Have you evidence that attempts were made to get legislation when it might have been a matter of common consent?

Mr. Mowat.—The quantity of territory which was in question was very large. The Dominion had been claiming before the settlement of the Hudson Bay Company nearly one million square miles instead of 100,000, which the arbitrators have given us.

The Lord Chancellor.—Both seem to have been willing to take their chance, and when that happens it is very natural that each should be willing to use his power to recede from the agreement if he could.

Mr. Mowat.—That, I hope, is not the real effect of the language employed, for it certainly was not what was intended by the two Governments themselves. Of course there has been a change of Government since, and there are different views entertained by the present Government to the views which were entertained by the Government of the Dominion in power at that time, but we did not at all suppose that the effect of that was anything more than to make it as obligatory as the Government should possibly make it, that the award should be conclusive. In the first place, they agree that it shall be final and conclusive. They do not say that any legislation shall be necessary, there is no provision for any legislation beyond what is absolutely necessary. Whatever could be shown to be necessary was to be done. The language is this: “In obtaining such legislation as may be necessary for giving binding effect,” but if no legislation was necessary for giving that binding effect then we could not ask for legislation. It was only, if upon a disputed question of that sort, it should appear that legislation was necessary, that legislation should be had,

the Province was to be bound, not merely the Government, so far as the Government could bind the Province, the Province was to be bound, and so far as the Province could bind the Dominion the Dominion was to be bound. What I urge upon your Lordships is that that is a conditional stipulation.

Sir Montague Smith.—Do you agree that legislation was not necessary?

Mr. Mowat.—I am going to contend that it was not necessary.

The Lord Chancellor.—It is difficult to separate the two arguments as to what they intended to do and what they could do. Your proposition is that the Governor in Council could alienate the territory of Ontario or Canada.

Mr. Mowat.—No, my Lord, I do not go so far as that.

The Lord Chancellor.—Surely it is necessary for you to say so.

Mr. Mowat.—Well, my Lord, that is the way the Dominion put it.

The Lord Chancellor.—Without even an Act of the Provincial Legislature.

Mr. Mowat.—But I think I have authority against that view, if your Lordship will permit me to say so. I think I have direct authority that a settlement of boundaries between the Provinces is not to be regarded as an alienating by the one to the other; and if two Provincial Governments profess to enter into an agreement for settling boundaries it is no answer to the binding character of that agreement that it may involve an alienating of part of the land from the one to the other.

The Lord Chancellor.—How does the Governor in Council get his power?

Mr. Mowat.—Perhaps I had better go into that before proceeding further upon this point of what they meant to do. I will cite my authority in the first place. It is the case of *Penn vs. Lord Baltimore*.

The Lord Chancellor.—I know the case. There were two individual proprietors under grant from the Crown of two Provinces in North America, and they made a private contract between themselves as to boundaries, and there the English Court of Chancery did have jurisdiction.

Mr. Mowat.—Yes, my Lord; we have printed the charters under which Lord Baltimore and Mr. Penn and their associates acted and entered into that agreement.

The Lord Chancellor.—But there it was a mere question of private rights. The whole of the territory was under charter.

Mr. Mowat.—It was not a mere question of the ownership of land; it was a question whether the land belonged to one Province or the other. It was not a mere question of the ownership of land.

The Lord Chancellor.—How could the English Court of Chancery have any jurisdiction as to the matter except upon the footing of private rights? Is it not quite clear that it was only on that footing that the Court assumed that jurisdiction?

Mr. Mowat.—They assumed jurisdiction in a matter that involved government and legislation.

The Lord Chancellor.—You may say that that was the consequence of what they did, but if you cite this as an authority you must take it as you find it. Lord Hardwicke as Lord Chancellor of England, in a suit in the Court of Chancery, treated it as a contract between private persons to be enforced by the Court of Chancery on the principle of compelling people to act conscientiously in the fulfilment of their contracts, upon the principle that the court acted *in persona* and not *in rem*.

Mr. Mowat.—Yes, and it was in that way the court was able to give effect to the agreement, but the first thing that had to be done was to consider whether the agreement was a binding agreement or not.

The Lord Chancellor.—But you cannot take this as a public authority.

Mr. Mowat.—A proprietary Government, I submit, bears a very strong analogy to what was before the court in that case.

Lord Aberdare.—You say you are going to prove that two Provinces can settle their own disputes without the interference of the Dominion Parliament?

Mr. Mowat.—Yes, my Lord.

Lord Aberdare.—But is that the question here? Is not the question here whether these two Provinces can appropriate certain territory that belongs to the Dominion and does not belong to either of them?

Mr. Mowat.—No, my Lord, we claim that this territory is ours. That was the question for the arbitrator.

Lord Aberdare.—The Dominion claims that it is its own. How can you deal with territory claimed by the Dominion on the plea that two Provinces with recognized boundaries and recognized existences are dealing with each others' territory?

Mr. Mowat.—I spoke of Provinces in a general way. The question before the arbitrators was not between Manitoba and Ontario but between the Dominion and Ontario.

Sir Montague Smith.—That makes it still more difficult, supposing it is an alienation.

Mr. Mowat.—But, my Lord, it is not alienation. What the Province is seeking is not to alienate from the Dominion. It is not as to who shall have Provincial jurisdiction, whether it shall belong to Ontario or to any other Province, but the Dominion may itself assign this territory away for that purpose.

The Lord Chancellor.—I have been until this moment under the impression that the Council of Canada was the Dominion Council, and not the Council for the Province of Ontario.

Mr. Mowat.—That is quite correct; it was the Dominion of Canada.

The Lord Chancellor.—But it seems to me that you are an immense way from your point. That case of Lord Baltimore's, I have always understood to rest upon private rights, and it is plainly inapplicable to anything of this kind. The Court of Chancery of England would never have dreamt of assuming jurisdiction to enforce an award of this kind, whether it be properly made or not, and you have to press not merely that the Provinces could settle among themselves their boundaries and so on, but that the Executive Government of a particular Province and the Executive Government of the Dominion could do it.

Mr. Mowat.—I have to press that, no doubt, and I certainly think that upon that point *Penn vs. Lord Baltimore* went a great way towards doing so.

The Lord Chancellor.—And you have to do that in the face of an Imperial Act constituting the Dominion and the Province and expressly saying that they had to do this thing by legislation.

Mr. Mowat.—That is going to another point, my Lord. I thought that that Dominion Act made no difficulty in my way, for this reason: It provides for only one case. If a Province wants to change its boundaries, or is willing to change its boundaries, either by diminution or by increase, and the Dominion is willing, then certain provision for that purpose is made; but it does not provide for the case of any difference between them. It does not touch that question at all; but if a Province is willing or desirous that its boundaries shall be changed, and if the Dominion is willing too, then they can carry that out. I submit, my Lord, that whatever jurisdiction existed before to settle this matter on the part of the Governments cannot be affected by that Act, because the Act does not cover that ground. There are two cases which may arise, one where the parties are agreed and one where they are not agreed. If they are agreed then that Act applies, and renders it unnecessary to go to the Imperial Parliament for the purpose of giving effect to the changed desire; but if they are not agreed, that Act does not meet the difficulty. I submit humbly to your Lordships that it might be said properly that the Dominion itself and the Province constitute two parties who in some respects ought to be treated as having this power *à fortiori* as in the case of *Penn vs. Lord Baltimore*. The whole principle now is that all local matters should be settled locally as far as possible without coming to the Imperial Parliament. That is the principle of all recent legislation on that subject. Then we have in the British North America Act an express declaration that the form of Government and the principle of Government are to be those of the British constitution. A question of this kind between Provinces, Lord Hardwicke points out in his judgment, is a question which the King in Council might decide and would be a proper tribunal for deciding.

The Lord Chancellor.—Where there was no Parliamentary Government. You do not mean to say that if the question arose as to the limits between England and Scotland, it would be decided by the King in Council?

Mr. Mowat.—I do not know how it may be there, but I thought it followed from what I have been reading. Your Lordships will observe further that there is nothing in the Act of 1867 and nothing in any Imperial legislation which contains anything as to a settlement of boundary between a Province and the Dominion. It does not fall within any of the powers that are given to the Dominion Parliament by the general Act. Now, if it had done so, it might be said that from that time it was intended that the matter might be dealt with by the Parliament of Canada, or in any other way that might be provided, but we do not find it so. Then if I am fortunate enough to be able to satisfy your Lordships that as a general rule Provinces may, through their executive, settle a matter of this kind in a binding way, there does not seem to me to be anything in the British North America Act which would make the Dominion of Canada an exception to that.

Sir R. P. Collier.—Where is the authority?

Mr. Mowat.—This case of Penn vs. Lord Baltimore is the only one I have found. That is in 1 Vesey, Senior, page 143. It is stated there that the objection for the defendant was "that the Court has not jurisdiction nor ought to take cognizance of it, for that the jurisdiction is in the King in Council." I ought to mention here that there was a legislative body both in Pennsylvania and Baltimore, just as there is in the Dominion and the Provinces. Then the executive was hereditary. The executive authority was given to Lord Baltimore in the one case, his heirs and assigns, and to William Penn in the other case, his heirs and assigns, and the executive which had entered into the agreement there was not the original grantee but their heirs. That seemed to me to be one of the circumstances that brought the case very closely as a precedent for the present one. Each of those was the case of a colony with both an executive and a legislature just as is the case here, and there was no express provision in the charter of either of them under which a question of boundaries can be said to be determinable. So I understand Lord Hardwicke as deciding that in such a case the power was incident to the office of executive.

The Lord Chancellor.—Did he decide it upon any ground connected with public rights at all?

Mr. Mowat.—It is a very important point. Will your Lordship give me a little longer? I did not take that view of it. The second objection was "that if there is not an absolute effective jurisdiction in this court, yet being a proprietary Government and feudal seigniority." (The learned counsel read down to the words) "for that is dismemberment." That was the second objection. The third objection was that the agreement could not be carried into effect by this court. This is the way in which Lord Hardwicke dealt with those objections. First he says, "the point of jurisdiction might, in order first to be considered, and though it comes late, I am not unwilling to consider it." (The learned counsel read down to the words) "partial in this case." He seems to treat it as a thing common to Provinces generally.

The Lord Chancellor.—It is perfectly clear on what grounds if you take it as a whole.

Mr. Mowat.—Will your Lordship allow me to read a sentence or two to show the way in which his Lordship deals with the objection: "If it was so it would be most unfortunate," &c. (The learned counsel read down to the words) "without making any other persons therein parties except themselves." This was the passage that I spoke about a moment ago on the subject of the effect of an agreement as amounting to a possible alienation. The Lord Chancellor said he thought "such a statement of boundaries as amounts to an alienation is not the true idea," &c. (Reading to the words) "the boundaries so settled are presumed to be the true and ancient boundaries." I do not know that upon that point I can add anything, that is to say, on the point of the power of the executive of the two Provinces to make a binding agreement of this kind, I do not know that I have anything further to add upon that. It will be observed that the executive in a case of this kind is in some respects in a stronger position than the executive in that case. Here the Governor General is the representative of the Crown, appointed by the Crown, and only holds office during the pleasure of the Crown. By the system now prevailing he has therefore the

confidence of the Crown, and also of the representatives of the people, the confidence of Parliament. Your Lordship, I take it for granted, will take cognizance of the system of Government prevailing there, and the agreement I hold I submit is a binding and legal one, and is an agreement therefore entered into by parties having the confidence on the one hand of the Crown here and having on the other the confidence of the Parliament and Legislature in the locality. If a proprietor, situated as Lord Baltimore and Sir William Penn were situated, has a right of this kind, I do not see on what ground it ought to be withheld from Executive Governments, or ought to be considered as not possessed by Executive Governments in such a case as the one before your Lordships now. Perhaps your Lordships will allow some of my friends who are with me to add anything they may desire upon that point. I was prepared also to show, looking at the whole of the correspondence together, that there was nothing in it inconsistent with the view which I am now urging, but, of course, the first point I quite understand to be whether the power to agree so as to make an award binding is one which exists or not.

Sir Barnes Peacock.—Would not it be contrary to the British North America Act of 1871, section 3, for the Executive Government of the Dominion and the Executive Government of the Province to alter the boundaries of the Province?

Mr. Mowat.—I say they have not altered them. We thought that under that agreement of 1871 if an Act were passed declaring the awarded boundaries to be the boundaries, no objection afterwards could be taken by anybody because either they were the true boundaries or they were not. If they were the true boundaries no person could take any objection. If they were not the true boundaries it would be said, here is an Act of Parliament, which would be valid. Therefore we thought use could be made of that for the purpose of giving it such effect that no person afterwards could take the objection.

The Lord Chancellor.—The arrangement there is this—that persons who have not authority to part with an acre of territory may nevertheless make an award which they agree to, conclusive evidence of the true boundary so as to exclude any enquiry as to whether it was a true boundary or not.

Mr. Mowat.—Of course it implies that they have that agreement, and as Lord Hardwicke says, if it is done in good faith it will be assumed the boundaries so agreed upon were the true boundaries, and he would not assume there was any alienation contained in that case.

The Lord Chancellor.—By what is this award made evidence if it would alienate the smallest part?

Mr. Mowat.—I just put the point as Lord Hardwicke did. Where two parties—

The Lord Chancellor.—Two proprietors.

Mr. Mowat.—Yes, they were two proprietors, but the principle seems precisely the same. His Lordship put it upon the ground that you were not to assume it was an alienation. He assumed that the parties could not alienate. Your Lordship will bear in mind that Lord Hardwicke assumed the parties could not alienate, and if the agreement between them had involved an alienation it would be void, but he said he could not assume it involved any alienation. The thing being done in good faith (and the contrary he said was not to be presumed) his position was, it must be assumed, therefore, that the agreement did state the true boundaries and involved no alienation. That is the way he answered the very difficulty your Lordship suggests.

Sir Barnes Peacock.—Suppose the Province of Ontario were to legislate for land within the new boundary, and anyone objected to it, could they say that reference of the Dominion and the Ontario Province would make their acts or legislation or administration of justice binding?

Mr. Mowat.—That would be involved, of course.

Sir Barnes Peacock.—It is not merely the disposal of the lands, but it is the fixing the place within which the Province of Ontario is to administer justice, and for which it is to legislate.

Mr. Mowat.—Yes, some person must fix that. There must be some authority for fixing that, and if Parliament and the Province will not agree how is it to be

done? They do not agree now, unfortunately. Then how is it to be done? It so happens that, so far as our westerly boundary is concerned, the parties have at length agreed that it should be referred here. That required an agreement, and we have not been able to get that extended to any portion except the westerly boundary. Then how is it to be settled? I do not know, if it cannot be settled by the parties agreeing in good faith as to what the true boundary is.

Mr. Scoble.—I appear with the Attorney General for Ontario and I desire to add a few observations only to the argument which he has addressed to your Lordships, and I will, first of all, take the opportunity of addressing myself to the remark which fell from his Lordship the Lord Chancellor just now as to the question of alienation as involved in this submission to arbitration. My Lords, if the arbitrators had assumed in any way to diminish or to increase the territory of Ontario by their award they would have been acting beyond the limits of the reference, and any order that they might have given on that point would have been *ultra vires*.

The Lord Chancellor.—Do you mean it would be *ultra vires* if in point of fact they made the admission?

Mr. Scoble.—No, because there I pray in aid the dictum of Lord Hardwicke that if a boundary is referred to arbitration and the limits are fixed by the arbitrators, that boundary becomes by the action of the arbitrators the old and true limit.

The Lord Chancellor.—It depends on whether the arbitrator has authority to do it. That is at the bottom of the question.

Mr. Scoble.—I submit that, as a matter of fact, there might be an alteration of the limit of the Province; but, as a matter of law, there would be none, because the award of the arbitrators would fix the legal boundary. Your Lordships will see that at page 7 of the joint appendix the object of the arbitration is fixed.

Sir Montague Smith.—The difficulty is, has the Government any power at all to do that, because the boundaries are fixed somewhere; the difficulty is to ascertain them.

Mr. Scoble.—Yes.

Sir Montague Smith.—Courts of law might ascertain them, perhaps incidentally, if any question arose; but could any extraneous authority, short of an Act of Parliament, do it?

Mr. Scoble.—I apprehend that, as far as the case has gone at present, legislative action of either the Province or the Dominion of Canada.

Sir Montague Smith.—Of course, the whole dispute assumes that there is a true boundary somewhere between these two. It is to be neither increased nor diminished, as regards either Province, but it is to be ascertained.

Mr. Scoble.—In the view I take of the point which this discussion has reached, legislation is not yet necessary, according to the terms of the agreement between the Province and Dominion. Legislation was not contemplated for the purpose of enabling the arbitrators to act. Legislation was only contemplated for the purpose of giving effect to the award the arbitrators might make. In point of fact, it was an agreement that if legislation was necessary—

Sir Montague Smith.—Then the difficulty is, until legislation, how is the award authoritative, so as to have the force of law?

Mr. Scoble.—It is binding in conscience.

The Lord Chancellor.—I should like to ask you whether it does not necessarily result, from your proposition, that if the counsel for the Dominion and the counsel for Ontario had themselves drawn a line upon the map, it would have been within their power to do so, without any reference to arbitration or any other proceeding whatever?

Mr. Scoble.—I apprehend it would. It would have been an act of the executive authority of the Dominion, concurred in by the Province affected by it.

The Lord Chancellor.—Concurred in by the Province? You seem to me, in this argument, to confound the counsel with the Province.

Sir R. P. Collier.—You see it is a Province with representative institutions. That makes all the difference.

Mr. Scoble.—True; but the executive power of the Government is reserved by the Act which constitutes the Dominion and the Province.

Sir Barnes Peacock.—Suppose this award included a part of Rupert's Land which was not formerly part of Quebec, which was given up to the British Government; then, would that be binding? It would be contrary to an Act of Parliament to say that should be binding, because the 6th section of the British North America Act of 1867 says that the part which formerly constituted the Province of Upper Canada shall constitute the Province of Ontario. Well, if they put anything in by the award which was not part of what constituted Upper Canada, it would be invalid and contrary to this Act.

Mr. Scoble.—That may be so, my Lord, but the contention here before the arbitrator and the contention here to-day is, that no portion of the country which was formerly Canada has been dealt with by the award.

The Lord Chancellor.—That is what will hereafter follow if we do not admit this award is to be a binding rule. Of course, then we shall have to consider, to the best of our power, what the real boundary is.

Mr. Scoble.—Yes, my Lord, but the Rupert's Land Act, if I remember rightly, does not provide boundaries for the territory of Rupert's Land which at all conflict either with the legislation establishing the Province of Quebec or with the legislation under which the Province of Ontario was finally established, and, therefore, if the arbitrators had as a matter of fact included in their award any portion of the land which is described generally as Rupert's Land, that would not have been in contravention of any Imperial statute, but would have been a proceeding entirely unfettered by Parliamentary enactment.

Sir Barnes Peacock.—My view is that if the award included in it any part of Rupert's Land, that part not being part of original Canada, then it was not a part which formed part of Upper Canada.

Mr. Scoble.—No, that would be so.

Sir Barnes Peacock.—Then it is adding to Ontario something which did not belong to Upper Canada and that would have been contrary to the 6th section of the British North America Act.

Mr. Scoble.—Yes, my Lord, that would be. That is at page 445, and there is no reference there to boundaries whatever.

Sir Barnes Peacock.—I think it is: "All the lands and rights which belong to the Hudson Bay Company."

Mr. Scoble.—Yes, my Lord, all the lands granted under the charter or purported to be granted to the Government and Company of Hudson Bay. But my argument upon this question of the power to refer (for I think it is perfectly clear upon the correspondence and upon the Orders in Council that there was no legislative action contemplated necessarily by either party except a declaratory Act after the award had been made) leads me to this point which has already been referred to by one of your Lordships, namely, as to the power of the Executive Government of the Dominion and of the Province to deal with a question of this kind which I submit, according to Lord Hardwicke's decision or rather dictum, in the case of *Penn vs Lord Baltimore* is not a dismembering or alienation of any existing Province but a mere ascertaining of the two boundaries of two coterminous Provinces. The 9th section of the British North America Act provides that "The Executive Government and authority of and over Canada is hereby declared to continue and be vested in the Queen." I apprehend, my Lord, that entirely saved the Royal Prerogative in regard to matters of this kind and left the Royal Prerogative to be exercised by the Governor General in Council.

Sir Barnes Peacock.—But could the Royal Prerogative give anything to Ontario which did not belong to Upper Canada?

Mr. Scoble.—No.

The Lord Chancellor.—Could you exercise the Royal Prerogative to settle boundaries if it included something which did not belong to the Province?

Mr. Scoble.—The contention is that the Province includes the whole of North America, up to the Rocky Mountains, and therefore it could not possibly give anything which was not contained within the limits of the Province as it stood.

The Lord Chancellor.—That may be right or wrong, but it is an answer.

Mr. Scoble.—I apprehend that so far as there was no legislation affecting the powers of the Executive, the Executive could deal with the whole lands comprised in the Dominion of Canada, whatever they might be. If there were a legislative enactment fixing the limit of any Province, then I admit the executive power could not operate over the lands contained within the Province constituted by that legislative enactment, but otherwise I admit the power of the Executive is free over the whole of the lands included in the Dominion not specifically appropriated.

The Lord Chancellor.—This is the legislative enactment: "The part of the Province of Canada as it exists at the passing of this Act, which formerly constituted the Province of Upper and Lower Canada, shall be settled," and so on. It says, "at the passing of this Act."

Mr. Scoble.—That is, your Lordships will see as far as the two old Provinces of Upper and Lower Canada were concerned, and nothing more. It says that old Upper Canada shall be Ontario, and old Lower Canada shall be Quebec. That is the whole effect of that section.

The Lord Chancellor.—The words as it exists at the passing of this Act have reference to a certain state of boundary, and with reference to that, the Province of Ontario is constituted.

Mr. Scoble.—And that Province includes the whole of Upper Canada, and it is to ascertain the boundaries of Upper Canada, now called Ontario, that the reference to arbitration was made, and I submit that was well within the powers of the executive authority.

Sir Montague Smith.—Supposing the arbitrators had taken another view, and manifestly straightened the boundary so that it would not be the whole of the Province of Upper Canada, would not that have been in the teeth of this Act of Parliament? I mean it is doubtful.

Mr. Scoble.—Except upon Lord Hardwicke's opinion. I perhaps only ought to call it Lord Hardwicke's opinion, because it was not necessary to the determination of the question of jurisdiction, which was the main question.

Sir Montague Smith.—If the arbitrators had authority, no one could assert that that was not the true authority.

Mr. Scoble.—The authority to settle it must be somewhere. Wherever a country is occupied or claimed by a Government, I apprehend the power to deal with the lands contained within that Government must reside somewhere. It must reside either in the executive or legislative authority.

Sir Montague Smith.—Suppose the boundaries of two counties in England were in dispute?

Mr. Scoble.—They would be settled by an action of ejectment in an ordinary court of law.

The Lord Chancellor.—Of course the legislature can do anything so long as it is a competent legislature.

Mr. Scoble.—I submit that according to the dictum of Lord Hardwicke there is authority residing in the Executive Government.

The Lord Chancellor.—Those two persons who were the only parties before Lord Hardwicke could bind themselves.

Mr. Scoble.—I think Lord Hardwicke goes rather beyond that, my Lord, with great submission in the general principle he lays down. He says there it is certain that the original jurisdiction in cases of this kind relating to boundaries between Provinces of the Dominion and proprietary government is in the King in Council; where before the King in Council, the King is the judge.

The Lord Chancellor.—That would relate to the Crown colonies, of course, where the legislative power resides in the King.

Mr. Scoble.—I apprehend in a case of boundaries between States, the proper course would be a reference to arbitration. At all events, a legal course would be a reference to arbitration without appeal to the authority of Parliament. I will give your Lordship a recent instance, owing in this very district of British North America, the question submitted under the Treaty of Washington to the Emperor of Germany, to determine the boundary between British Columbia, Vancouver Island and the United States of America, in which the question of the right of—

The Lord Chancellor.—That was between independent States. There is no common Legislature between independent States. It can therefore be determined by international compact.

Mr. Scoble.—Is not this in the nature of a compact between independent States, depending, no doubt, upon one Government, but still as regards their rights and Legislatures independent, only controllable by the Dominion in certain respects, but otherwise perfectly free and unfettered in matters relating to their own domestic government and organization. I think the analogy must be taken to exist between two large Provinces having independent rights, and the case of two independent States, rather than the case between two private individuals. In the case which is, no doubt, familiar to your Lordships, though it was not a question of boundary—the case of the Nawab of the Carnatic *vs.* the East India Company, although the East India Company was then a private company, and subject to the Crown, yet it was held that in its position in India it was entitled to enter into agreements with independent States in India, and it is put upon that ground by, I think, Lord Commissioner Eyre, in giving his judgment, that in a matter of this kind—a matter of treaty, as he calls it, although it was not a treaty, because it was more of an agreement, but he uses the old word agreement—in a matter of treaty of this kind the East India Company must be considered in the light of an independent State treating with another independent State. So I apprehend here. Of course it may be that an action of ejection may be tried to settle this question, but surely this is a more convenient way of settling the question, once for all, by some inter-provincial agreement, which will prevent harassing and troublesome litigation of this kind; and I submit, my Lords, that unless it can be shewn that it was *ultra vires* of the Executive Government to refer this matter to arbitration, the whole question falls. I submit, that as a matter of convenience and as a matter of right, it was *intra vires* of the Executive to refer this matter to arbitration, and that in the preliminary agreement which occurred before the reference, nothing more was done in the way of contemplating legislation than the contemplation of a declaratory Act, which should give effect to the award of the arbitrators, thereby making it perfectly certain to all persons interested that the award had become law. It is only since the award that the objection has been taken that there was no power to refer, and I submit that the executive authority being in the Governor in Council of Canada, the Governor in Council of Canada having agreed to refer, the Province of Ontario, through its constituted authorities, having also agreed to refer, and the arbitrators having proceeded—

Sir Montague Smith.—Your argument goes to this, that it has the effect of law before it is confirmed by the Legislature.

Mr. Scoble.—I say it is binding on the two Governments.

Sir Montague Smith.—It is binding on the two Governments, but the people are not bound and the courts of justice are not bound by it.

Sir Robert Collier.—You may say it is binding on everybody.

Mr. Scoble.—It is binding on everybody. The Government merely represented the people for that purpose.

Sir Montague Smith.—What you say amounts to this, that the courts of justice must be bound, when it came incidentally before them.

Mr. Scoble.—Yes, my Lord, and the curious thing is this, that the courts of Ontario would be bound. I am much obliged to your Lordship for suggesting that point, because the Dominion, it is true, has not passed an Act, but the Ontario Legislature has passed an Act.

The Lord Chancellor.—The Ontario Legislature has merely given its consent to an Act to be passed by the Dominion Legislature, which never was passed.

Sir Robert Collier.—You will find it to be so.

Mr. Scoble.—Yes; they passed the Act and carried out the contract on their part.

Sir Robert Collier.—But subject to legislation by the Dominion.

Sir Barnes Peacock.—That would not make the award binding on the courts of justice of Ontario.

Mr. Scoble.—No, my Lord, that would not.

The Lord Chancellor.—It is rather the reverse, because it shows that the Legislature of Ontario did not take your view of the matter.

Mr. Scoble.—Then surely there is something to be gathered from this, that the Dominion of Canada, which has the power to disallow Ontario Acts, did not disallow this Act.

The Lord Chancellor.—Why should it have disallowed it, seeing that it had no operation whatever, unless the Dominion Parliament should think fit so to legislate.

Mr. Scoble.—Then, my Lord, I submit that the duty of the Government of the Dominion was, this award having been made and, according to the original terms of the agreements, only requiring a declaratory Act to bring it into effect—

Sir Montague Smith.—Nobody can enforce on the Legislature a duty. Supposing it is a moral duty that they should pass such an Act, nobody can enforce their performance of the duty.

Sir Barnes Peacock.—The Executive Government could not do more than recommend it to the Legislature.

Mr. Scoble.—They have never done that.

Sir Barnes Peacock.—They could not do more than that, and if they did recommend it, and the Act was not passed, the recommendation would not have any effect.

Mr. Scoble.—But they never submitted to the judgment of the Dominion Legislature the validity of this award. They have never brought forward any Act at all, or taken any proceeding of a legislative character, as far as I am able to find in these papers submitting the question to the decision of the Dominion Legislature; and I would submit that that not having been done, we are still in the dark as to whether or not this award will be accepted by the Dominion. We have no means of judging. We say that under the agreement between the parties the Dominion and the Province both agreed to take the necessary steps to procure the passing of the declaratory Acts; and the Dominion not having taken any such step up to this time, and the award not having been rejected by the Legislature of the Dominion, it cannot be said that they have carried out their agreement, and I submit that they cannot be heard to impeach the award. If the Dominion Legislature had had the question submitted to it, as it was submitted to the Ontario Legislature, by an Act brought forward by the Executive Government, then they might have passed an Act which probably would have prevented this, or possibly, I may say, for I do not know what the condition of parties in that part of the world is sufficiently to say what the chances of passing Dominion Legislature are, but possibly they might have passed an Act which would have saved this reference to your Lordships. I say that they cannot be heard to impeach the award now, they not having done what they consented to do under the terms of the reference to arbitration, namely, take steps to get a declaratory Act passed.

Sir Barnes Peacock.—Cannot Manitoba dispute it?

Mr. Scoble.—No, my Lord.

Sir Barnes Peacock.—You say the Dominion cannot dispute, cannot Manitoba dispute it?

Mr. Scoble.—No, my Lord, Manitoba is not affected by this question at all. The Act of the Dominion and the Act of the Manitoba Legislature which purport to alter the boundaries of Manitoba by enlarging them, and which purport to be proceedings under the British North America Act of 1871, are not operative for this reason, that the preliminary consent of Ontario, which is necessary under the Act, has never

been obtained, and therefore the whole question is at large as far as Manitoba and Ontario are concerned. The award so far as it binds the Dominion binds Manitoba, which was carved out of the North-West Territory under the Imperial Act before the award was made, and which the award therefore does not touch. As far as any legislation affecting the disputed territory is concerned, either Imperial or Dominion, there is no Imperial legislation at all, and the Dominion legislation is incomplete because it is not founded on the consent of the Province of Ontario.

My Lord, I shortly submit that this is really a question which must be looked upon not as a simple question between the private individuals, but a question affecting large and important communities, and it is a question which ought to be settled, I will say not upon mere technicalities, but upon a question of what is the right and proper course to be adopted under the circumstances. Looking at it in that view, I think your Lordships cannot have the slightest difficulty in holding that in proceeding to a reference on this question of disputed boundary, both the Dominion and the Province were taking what was the best course to be taken under the circumstances, and that it was within their powers as the executives of the Dominion and the Province respectively, to agree to arbitration. No preliminary consent of the Legislatures either of the Dominion or the Province, was stipulated for in that submission; all the legislative action which was contemplated was subsequent declaratory Acts giving effect to the award, or rather carrying out the award so far as declaratory Acts might be necessary. If that be so, if there was this competency to refer, the award is still binding—binding on the Province of Ontario—because it admits it to be binding, and because it has taken the steps which it was required to take under the submission to make it legally effective throughout the country assigned to it, and binding on the Dominion, as yet, because if it was one of the conditions that a declaratory Act should be obtained, the Dominion is in default in never having submitted to its Legislature any proposition that a declaratory Act of that nature should be passed, and this court is, therefore, in the position of not knowing whether or not such an Act, if submitted, would not be passed and the whole question set at rest.

Mr. Mowat.—As the case is a very important one, I wish to ask whether your Lordships would allow Mr. Haldane who is with me to make a few observations upon this point, as the whole thing turns upon this point.

The Lord Chancellor.—Three Counsel?

Mr. Mowat.—Of course it is a matter of grace and favor if he is heard.

The Lord Chancellor.—We cannot make a precedent of hearing three Counsel. I have no doubt Mr. Haldane would give us useful and great assistance, but it would be a dangerous precedent.

The room was cleared and their Lordships deliberated. After some time Counsel and parties were readmitted.

The Lord Chancellor.—Their Lordships are of opinion that the argument must proceed upon the footing that this award has not in itself the force of law.

Mr. Mowat.—That being so, should I go on now on behalf of the Province of Ontario?

The Lord Chancellor.—Of course it is very difficult indeed to lay down any principle which should give priority. I think if you could arrange it among yourselves that would be a good thing. If you cannot we must do so.

Mr. Mowat.—The Province of Ontario is first on the record.

The Lord Chancellor.—Then that gives you a *prima facie* right if you wish it to go on.

Mr. McCarthy.—To that I may just say, my Lord, that the Province of Ontario claims that they have been in possession of a large portion of this territory before the British North America Act, and undoubtedly they were up to what is called the Height of Lands.

The Lord Chancellor.—The Province of Ontario?

Mr. McCarthy.—Yes, the Province of Ontario.

The Lord Chancellor.—Then there may be several reasons why they should wish to be heard in defence of their possession.

Lord Aberdare.—Are you going to contend that the Province of Ontario, or Upper Canada, consisted of that which the arbitration gave them, or do you contend for the full contention?

Mr. Mowat.—Of course I am contending for as large an area as I can establish.

Lord Aberdare.—That opens the whole question.

Mr. Mowat.—Yes, my Lord.

Lord Aberdare.—You do not limit it to the question whether or not the finding of the arbitrators was a correct one?

Mr. Mowat.—No, my Lord, we have a stronger case perhaps on one side, at least according to the view of the arbitrators, and probably it is the correct one; there is a more conclusive case with regard to the west than with regard to the north, and if we are not to have just the very area that the arbitrators gave us, and do not succeed in getting the northern boundary that they gave us, we want a larger area in another direction.

Lord Aberdare.—You wish to swallow up the whole of this State?

Mr. Mowat.—I do not say the whole, but a further portion. I submit, my Lords, that there is a very strong case indeed in favor of the position that we are entitled to a much larger area than the arbitrators gave us, but the area that they gave us was no doubt extremely convenient. It was giving us a compact Province; it was giving us the watershed on the north for a northern boundary, James Bay, English River, and Albany River, and we were quite content, and on the whole are contented now with that. It may be a question whether a larger area is an expedient thing for the Province to have. With regard to that there may be a difference of opinion. If the award is not to be regarded as final, of course I must lay before your Lordships what there is to be said in favor of much more extensive boundaries. The area actually in dispute now—the area which the arbitrators gave us and which the Dominion disputes our right to, consists of something less than 100,000 square miles. There is a memorandum of the exact quantities on this map, 95,000 odd square miles is the difference, but the portion of that in which Manitoba is interested is only 39,000 square miles, being the western portion of that quantity, but the territory which was always claimed as part of Ontario by the old Province of Upper Canada, and then claimed as part of Upper Canada by the old Province of Canada, and again claimed by the Dominion itself as part of Upper Canada, embraces very nearly 1,000,000 square miles—962,000 square miles. Now, it may not be even for the interest of the Province to have so large a territory as that, but if the legal boundaries are to be insisted upon, of course your Lordships have to find, and will find, how much of that really must be considered as part of Ontario; and if it happens to give us inconvenient boundaries, the result will involve the necessity of negotiation, and so on.

Sir R. P. Collier.—You would hardly wish to obtain an inconvenient boundary.

Mr. Mowat.—We do not want to obtain it, but we must be content with such boundaries as your Lordships hold to be legal boundaries, and if this happens to be inconvenient we must try to negotiate terms for the purpose of compromising the matter. The area of the Province, as limited by the contention of Manitoba, the grounds for which, and the answer to them, I will mention to your Lordships, is a little over 100,000 square miles, making the Province the smallest of all the large Provinces. The Province of Ontario, if we are to be limited in the way in which Manitoba and the Dominion desire, becomes the smallest of the large Provinces of the Dominion. Our area is 101,000 square miles, while Quebec is 188,000 square miles, or very nearly double, and that is without taking into account any territory to which Quebec may be entitled to the north of the Height of Lands. British Columbia is 340,000 square miles, making it between three and four times the area of Ontario. Even Manitoba, as now constituted under the Dominion Act, if they had power to give it the boundary which the Dominion Act does give it, is 123,000 square miles, so that we are considerably smaller than even Manitoba. On the other hand, if we succeed in establishing some such boundaries as the arbitrators gave us we

shall still not be much more than half the Province of British Columbia, and only very little more than the Province of Quebec.

Sir R. P. Collier.—What will it be?

Mr. Mowat.—If we were to succeed in getting the arbitration boundaries we should be about 196,000 square miles. In that case, however, Quebec would have far more than 188,000 miles, because, if we make out a title, as I think we can, to territory north of the Height of Lands, Quebec is also entitled to territory north of the Height of Lands, so that their 188,000 miles would be considerably enlarged. I do not know how much; I have no estimate as to that, but it would be very considerable indeed. Then what are our true boundaries? Ontario has the same boundaries as the old Province of Upper Canada had. Upon that point there is no dispute. The British North America Act united these Provinces into the Dominion of Canada, Nova Scotia and New Brunswick. The Province of Canada was created by the Union Act of 1840, and by that Act the two old Provinces of Lower Canada and Upper Canada were constituted into the new Province of Canada, so that whatever territory the Province of Canada had was part of either Lower Canada or Upper Canada. Then what was the area and what the extent of the old Province of Upper Canada? That Province was created under the Act of 1791, which contains a recital that His Majesty was desirous of dividing the Province of Quebec into the two Provinces, but the Act did not make the division, but provided that if His Majesty carried out that intention the constitution of each of the two Provinces should be the constitution set forth in that Act. Under that Act His Majesty accordingly did divide the old Province of Quebec, enlarging it, as we say, at the same time that His Majesty was dividing it into the two Provinces of Upper and Lower Canada.

Now, I have said that by the Act of 1791 and the action of the Crown the old Province of Quebec was divided into the Provinces of Upper and Lower Canada, with a probability of enlargement. That renders it necessary, therefore, for us to enquire on the present question what the limits were of the old Province of Canada. That Province was constituted by a previous Act of the Imperial Parliament, passed in 1774, which is commonly referred to as "The Quebec Act." It was passed some eleven years after the cession of all French Canada to England. The cession took place under the Treaty of Paris, as it is called, in 1763, and immediately after the cession a Royal proclamation was issued constituting the Province of Quebec, but with very narrow boundaries. Nothing turns upon that now; but, as a matter of evidence, your Lordships will find the first extent of Quebec marked upon the map which we have put in, but it is a very small part, indeed, of what was Quebec by the Act of 1774.

Now, the first question, then, is as to the Act of 1774, and the limits which it assigned to the Province of Quebec. Your Lordship will find that at page 366 of the Joint Appendix. I shall have to refer to the language in which that Act is expressed at page 366. As to the recital. It is: "Whereas His Majesty by his Royal Proclamation, bearing date this 7th day of October, in the third year of his reign, thought fit to declare the provisions which had been made in respect to certain countries, territories and islands in America, ceded to His Majesty by the definitive treaty of peace concluded at Paris on the 10th day of February, 1763." Your Lordship will observe that proclamation only referred to a very small portion of the ceded territory, as I will show directly. "And whereas by the arrangements made by the said Royal Proclamation a very large extent of country, within which there were several colonies and settlements of the subjects of France, who claimed to remain therein under the faith of the said treaty, was left without any provision being made for the administration of civil government therein; and certain parts of the territory of Canada." That is not material, I think, for our present purpose. We know, therefore, from the recital of the Act, why it was passed. It was passed in view of the cession of Canada to the British Crown, and for the purpose of providing a Government for a much more extensive territory than the proclamation provided. This was deemed to be necessary, because outside the territory embraced in the proclamation there was a very large extent of country within which there were seve-

ral colonies and settlements of the subjects of France, who claimed to remain within the Province. Now, that demonstrates that the purpose of the Act was to include in the extended Province of Quebec so much territory that it would embrace all the territory within which there were colonies and settlements of the subjects of France.

The Lord Chancellor.—Settlements in the Province of Canada?

Mr. Mowat.—Yes. It is called there "the Province of Canada," although really there was no other Province of Canada. I suppose the reference, therefore, was to French Canada, which this Act calls "a province," although I do not think it had that name under France.

Lord Aberdare.—The French themselves reserved a portion of what was anciently called Canada and threw it into Louisiana.

Mr. Mowat.—Yes, my Lord; I shall have to refer to the treaty in a moment. By the treaty of the Mississippi was made the line of division between British and French possessions, and that part of Canada which was on the west of the Mississippi Great Britain did not possess. As your Lordship sees in effect that was thrown into Louisiana, and was thenceforth, so long as France governed Louisiana, part of it. That recital I say is conclusive with regard to the object of the Act, and we know as a matter of fact, which if it is disputed at all, I am prepared to establish beyond any sort of doubt upon the papers which are printed, and the maps and so on, that there were those colonies and settlements all along the east bank of the Mississippi, and then there were further colonies and settlements covering the whole of the north-west territory of the Rocky Mountains, and to a considerable degree to the Saskatchewan, and so on. All through this territory I say there were these colonies and settlements of the French. They had taken possession of them, they had traded there and were in exclusive possession of them, and had been so for a good number of years. The Hudson Bay Company's rights I shall have to speak of by-and-bye, but I shall have to say here that neither any English subjects nor the Hudson Bay Company had gone into that territory until after this period, until after 1774, with a single exception perhaps, not very far from Hudson Bay. Up to this period, and up to some time afterwards, the company had confined itself to the margin of the bay and had traded with the Indians found down there, while the French took possession and spread themselves all over it.

Now, the Court will place on the Act a construction which will include all that territory, the construction which we claim, and I will show other grounds for that, namely, that it assigned to the Province of Quebec the whole of French Canada north of the line which is described in this Act. I may state this proposition clearly, because your Lordships will, I dare say, bear it in mind throughout the whole discussion, that what we claim the Quebec Act assigned to the Province of Quebec is all British Canada, north of the southerly line, which this Act sets forth.

Mr. McCarthy.—All of French Canada?

Mr. Mowat.—All of old French Canada. I ought to have said all of French Canada which had been ceded that I concede, but all of French Canada which had been ceded to Great Britain north of the prescribed line. Now, what would that include? It would include the territory along the Mississippi up to its source, because by the treaty of 1763, the treaty of cession, the Mississippi was made the boundary between the British and French possessions, and then at that time it was not known how far north the Mississippi had its source, nor was the exact position of its source well known, so that the effect of the treaty was, that as all Canada was ceded to England, all Canada that lay north of the south of the Mississippi of course would pass to England. That would be the fair construction of the treaty, and that was the construction which it had always received.

The Lord Chancellor.—But the southern line on this seems to be along the course of the River St. Lawrence. It says, "bounded on the south from the Bay of Chaleurs along the highlands which divide the rivers that empty themselves into the River St. Lawrence from those which fall into the sea to a point in forty-five degrees of northern latitude on the eastern bank of the River Connecticut, keeping the same latitude directly west through the Lake Champlain, until, in the same lati-

tude, it meets the River St. Lawrence; from thence up the eastern bank of the said river to the Lake Ontario, thence through the Lake Ontario, and the river commonly called Niagara, and thence along by the eastern and south-eastern bank of Lake Erie, following the said bank until the same shall be intersected by the northern boundary, granted by the charter of the Province of Pennsylvania, in case the same shall be so intersected, and from thence along the said northern and western boundaries of the said Province until the said western boundary strikes the Ohio; but in case the said lake shall not be found to be so intersected, then following the said bank until it shall arrive at that point of the bank which shall be nearest to the north-western angle of the said Province of Pennsylvania, and thence by a right line to the said north-western angle of the said Province until it strikes the River Ohio, and along the bank of the said river westward to the banks of the Mississippi, and northward to the southern boundary of the territory granted to the Merchants Adventurers of England trading to Hudson Bay.

Mr. Mowat.—Yes; I was going to remark upon that if your Lordship will allow me. Your Lordship will observe that in the beginning of that paragraph the enactment is this: "That all the territories, islands, and countries in North America belong to the Crown of Great Britain, bounded on the south by a line." Now, the opening expression of that indicates the purpose which the Government had in view. The only line which is described is the south line. There is no other line described. It is colored blue on the map (if your Lordship has the same map) in order to show the line.

Now, my Lord, what I contend is, and I contend this upon the language of the statute certainly, but I contend it also upon a mass of evidence which I think is admissible for the purpose of showing the meaning of the Act, and which really seems to me to place the matter beyond any sort of doubt, but in the meantime I am referring for the moment to the Act only, and what I say is, that the word "northward" there does not refer to a line at all. It refers to the whole territory that Parliament has described, the south line minutely, and how it came to describe the south line in the way in which it is described there, I will point out to your Lordship directly, but I submit to your Lordship that the true construction is that having described the south line, the "northward" refers to the whole territory to the northward of the Hudson Bay Company. The word "northward" does not necessarily mean due north. We have heard the description of the "west" as not meaning due west but in a westerly direction. We have the expression "due west" where due west is intended. Therefore, there is no presumption that "northward" means due north, and the effect of it would be this, if you construe the word "northward" as referring not to the whole territory north of the described line, but as referring to a line merely, and assume that it means "due north" it cuts away a very large and considerable French population in a number of French colonies and French settlements along the Mississippi as well as the whole of the French colonies and French settlements in the country north of the Mississippi. There is no necessity for that construction, and I submit it is not the one which the Court would arrive at without any extrinsic evidence and perhaps without any extrinsic evidence at all, but certainly without any evidence beyond the evidence that there were these colonies and settlements and places which I have mentioned, grammatically we cannot say that the word "northward" refers to a line. Look at the language once more: "That all the territories, islands and countries in North America belonging to the Crown of Great Britain, bounded on the south by a line from the Bay of Chaleurs," and so on. Now, what are the words which precede "northward?" Is it "bounded northward?" Are we to put in the word "bounded" there? That cannot be "bounded by a line northward," you would have to put in this and "bounded on the west."

Sir Barnes Peacock.—Where is the word "northward" to be found?

Mr. Mowat.—It is in the 13th line on page 367. Now, even the northern boundary, according to the construction put by the other side, is not found there.

The Lord Chancellor.—That boundary carries you to the banks of the Mississippi. There is a certain boundary “along the bank of the said river westward to the banks of the Mississippi,” and then it strikes “northward to the southern boundary of the territory granted to the Merchants Adventurers of England trading to Hudson Bay.”

Mr. Mowat.—Now, I may put the point in this way: You may say that that admits *prima facie* one of two constructions, that it meant a line running northward from that point to the Hudson Bay territory, that would be one construction; and another construction would be, that it meant the territory northward from this south line to the Hudson Bay territory.

Now, the second being the construction which I will show your Lordship was intended and which, I think, this statute, looking at the evidence of the intention, sufficiently shows—considering the Act does not go beyond a northern boundary at all in any view of the language.

The Lord Chancellor.—No, it goes “northward to the southern boundary.” There is a statement to that effect here, that it goes “northward to the southern boundary of the territory granted to the Merchants Adventurers of England trading to Hudson Bay.”

Mr. Mowat.—Yes, we cannot go further than that. But if you treat the word “northward” as a line you merely get to a point on the territory of the Hudson Bay Company, and you have nothing in the Act as to that to show how the rest of our boundary is to run.

Sir Montague Smith.—Do you say it follows the Mississippi bank northerly?

Mr. Mowat.—Yes; that is our construction.

Lord Aberdare.—That would give you the territory which the arbitrators give you?

Mr. Mowat.—Yes, that is our construction. The construction always in times past was that northward would embrace, to use the language of this very Act, “all the territories, islands and countries in North America belonging to the Crown of Great Britain, bounded on the south,” by that line which is described. And if so, when you have got to the source of the Mississippi the whole of the British territory north of that formed part of Quebec.

Now, there are several things which establish that view. One is, that if you draw a due north line—because that is all I want in order to sustain the arbitrators’ award on the merits, but if you assume this to be the meaning of this Act, that when you get to the source of the Mississippi you are to draw a due north line—then you will leave out the French colonies and settlements in the North-West. Now the statute did not mean to leave them out. It meant expressly to take them in. That was the very object of the statute. There is no distinction between the French colonies and settlements in one part of Canada and the French colonies and settlements in another part of Canada. Wherever it was situated it was intended to bring them in. Now, if it was intended to bring them in, the only way of constructing the Act is that which I contend for, that the “northward” means the whole territory north up to the territory of the Hudson Bay Company. That would embrace them all.

The Lord Chancellor.—Do you read it thus: “Along the western boundary of the said province, until it strike the River Ohio, and along the bank of the said river westward to the banks of the Mississippi, and along those banks northward to the southern boundary of the territory granted to the Merchants Adventurers of England trading to Hudson Bay.”

Mr. Mowat.—Well, that is one reading of it, which would be sufficient to give me an area as large as the arbitrators have given me, but, in fact, it is clear, from other evidence which I speak of, that Parliament did not even intend it to be in that way.

Lord Aberdare.—Your contention is, that whenever you get up to the point of the Mississippi, everything directly northward of that, or northwards of a line drawn

northwards of the Mississippi, which was English territory and was not included in the Hudson Bay territory, was a part of it.

Mr. Mowat.—That is exactly it.

The Lord Chancellor.—Do you say the Hudson Bay territory, extended from what is called “northward of the Mississippi?”

Mr. Mowat.—Yes, I am speaking of that strictly.

The Lord Chancellor.—Is that contended?

Mr. Mowat.—Yes, that is contended.

The Lord Chancellor.—So this would be intelligible if you follow the banks of the Mississippi until you come to its source, and then, according to the argument on the other side there you meet with the southern boundary of the Hudson Bay territory?

Mr. Mowat.—They are not content, my Lord, with that construction, judging from the observations of my friend, Mr. McCarthy, in opening. What he said was that we are limited by a north line from the junction of the Ohio and the Mississippi, leaving a space from the junction of the Ohio and the Mississippi.

The Lord Chancellor.—The source of the Mississippi seems to be a line which is nearly due north and nearly coincides with the yellow.

Mr. Mowat.—The arbitrators appear to have taken that view of it, deciding that point against the old contention.

The Lord Chancellor.—If the territory of the Hudson Bay Company can be brought down to Turtle Lake, then there could be no difficulty in considering the Act of 1774 in that way.

Mr. Mowat.—No there would not.

Lord Aberdare.—Unless the southernmost boundary of the Hudson Bay Company were brought down also farther west.

The Lord Chancellor.—According to this preamble, you would stop at the point you reached when you got to the end of the Mississippi, and for that point to coincide with the southern boundary of the Hudson Bay territory the words “northward to the southern boundary” would mean “northward along the banks of the Mississippi until you come to the southern boundary of the Hudson Bay Company’s territory,” and then you stop, and then your southern line stops. You are presumed to have met with the boundary of the Hudson Bay Company, because it says “northward to the southward boundary” of the Hudson Bay territory.

Mr. Mowat.—We must consider for a moment what the treaty of cession says with respect to that, and what it cedes. I apprehend it to be this clearly: As all Canada is ceded, and as the Mississippi is to be the division between French territory and English territory, then you would draw a line due east and due west from the Mississippi, and south of that would be France and north of that would be England, whether it belonged to the Hudson Bay Company or not. Now, further. I have said that unless that construction is adopted you exclude French colonies and settlements. Further, what alone is sufficient, I submit, to demonstrate that this territory is to be included is this: there was no other Government provided for the British territory which is said by this construction to be excluded from the operation of the Act. While this gives a Government to the Province of Quebec, with the description contained here, neither this Act, nor any other Act, nor any executive Act, gave any Government whatever to the territory said to be excluded.

The Lord Chancellor.—Are you still on the Hudson Bay territory?

Mr. Mowat.—I am dealing with the territory to which the Hudson Bay Company were not entitled.

The Lord Chancellor.—There had been nobody settled there.

Mr. Mowat.—Perhaps your Lordship would like me to go into that question now?

The Lord Chancellor.—Oh, no; I do not wish to interfere with your argument.

Mr. Mowat.—I see the force of what your Lordship says on that point. Then, the most important thing for me to prove is that it is not a due north line from the confluence of the Ohio and the Mississippi which is contemplated here—that that

“northward” does not mean that, because, if it does, it cuts off a considerable part of the Province which the arbitrators have given us. If the word “northward” there means a due line from the confluence of the Ohio and the Mississippi, then you cut off 9,000 miles, I think it is, of territory south of the height of land of which that Upper Canada and the Province of Canada and the Dominion of Canada before this settlement of the Hudson Bay Company, and before they may have been said to have been in undisturbed possession, granting lands in it and exercising jurisdiction over it. It is marked on one of our maps with striped lines, in order to show what the territory is.

Sir Montague Smith.—Is this other plan which I have here wrong?

Mr. Mowat.—Yes. It is marked pink there. I got this made for the purpose of making the argument a little more easy.

Sir Montague Smith.—Where is the confluence of the two rivers?

Sir Robert Collier.—Down at the bottom of the purple line.

The Lord Chancellor.—If you strike due north from the confluence, it seems to coincide exactly with the lines colored pink, from the yellow and the striped.

Mr. Mowat.—Yes, and they have been striped in order to make that clear.

Lord Aberdare.—Was this portion which was granted by the award ever claimed as a portion of the Hudson Bay territory down to the Rainy River—down to the United States boundary?

Mr. Mowat.—They did claim a portion of it. They never claimed that portion which was south and east of the height of land here on the western portion of the Province.

Lord Aberdare.—Is that marked here?

Mr. McCarthy.—It is on the map which I handed in first.

Lord Aberdare.—In this colored portion, did the Hudson Bay Company claim this as hunting grounds included in their grant of 1670?

The Lord Chancellor.—Was Winnipeg included?

Mr. Mowat.—Yes, my Lord, Winnipeg was included, no doubt.

Lord Aberdare.—Is that colored portion a part of the territory which has since been granted to the Hudson Bay?

Mr. McCarthy.—Part was, and part was not.

Lord Aberdare.—Your contention is, that the whole of that which was northward of the Mississippi belonged to the Hudson Bay Company?

Mr. Mowat.—Part of it, and part of it only. It is only later in the century that the Hudson Bay Company made the claim to run down so far as this. I want, in the meantime, first to show that Government was not confined within these narrow limits of the due north line from the confluence of the Ohio and the Mississippi, and I have mentioned some things which show this, but there are others also. Immediately after the passing of this Act a commission was issued to the Governor General, Sir Guy Carleton, and that describes the Province of Quebec, which was to be under his government, as being bounded by the bank of the Mississippi to its source. It is at page 375, and it appears to have gone, in the usual course, to the law officers of the Crown, to see whether it corresponded with the provisions of the Act, and so on, and the officers at that time were very eminent men, Mr. Thurlow (afterwards Lord Thurlow), and Lord Loughborough. Now, in the 4th line of the description as given there, your Lordships will find that the language is, that Sir Guy Carleton was appointed “Governor-in-Chief in and over our Province of Quebec, in America, comprehending all our territories, islands and countries in North America, bounded on the south,” and so on. Then follows a description precisely the same as that in the Act, with this difference: At the foot of the page there the language is, “and along the bank of the said river westward to the banks of Mississippi, and northward along the eastern bank of the said river to the southern boundary of the territory granted to the Merchants Adventurers of England trading to Hudson’s Bay.” So there the commission is expressly that the western boundary was along the northern bank of the river, and it was to include, your Lordship will observe, the territory placed under it. The Province of Quebec is expressly declared to comprehend “all our territo-

ries, islands and countries in North America," bounded in the way described. It does not except any portion of it, but wherever they were to be found.

Now, there was a commission issued immediately afterwards. It shows the mind of the Government and Parliament at that time, and negatives any such construction, such as that which the other side endeavor to place upon the Act. I presume, too, there is no ground whatever for suggesting that that evidence is not admissible.

Still, further, this being a very old Act, you are called upon to construe an Act a hundred years old. I submit it would be in accordance with authorities to look at the debates in Parliament for example, which are not usually looked at for the purpose of construing an Act of Parliament, but which I say has been done in a large number of cases.

The Lord Chancellor.—I want to get the dates right. I see the date of Sir Guy Carleton's commission is 27th December, 1774. We do not know when the Act received the Royal assent, but I see the session of Parliament in which it was passed ended upon the 13th January, 1774, at least it seems to be so stated. If so, the Act must have been passed before Sir Guy Carleton's commission. It is very possible that the Act may have passed before.

Mr. Mowat.—It is before.

The Lord Chancellor.—Yes, I see it is nearly twelve months before.

Mr. Mowat.—The exact date of the passing of the Act of 1774 was on the 13th January, 1774.

Adjourned for a short time.

Mr. Mowat.—My Lords, I have urged the construction of the Act to be that Quebec was to include all territory north of the prescribed south line upon several grounds, and that that sufficiently appears from the language of the Act without any extraneous evidence. Secondly, that it appears when construed in connection with the fact, that any other construction would exclude the French colonies and settlements on the east bank of the Mississippi, and also in the North-West Territory. Then I have urged that that construction is confirmed by the terms of the commission issued immediately afterwards to the Governor General, and I was going to refer them to the proceedings upon the Bill, contending especially in the case of so old an Act as this, that it was proper enough and consistent with the authorities to refer to those proceedings. The reference will be a very short one, and the proceedings make very clear that the construction intended was the one which I put upon this Act.

The Lord Chancellor.—We must pause before we allow you to travel into that line of argument. What authority have you for the proposition that what was said by one gentleman in Parliament is to be admissible as construing an Act of Parliament? If the opinion of Sir Francis Hincks is not admissible to construe an award made by arbitrators of whom he is one, how can the opinion expressed when a Bill is before Parliament by any particular member be admissible to construe the Act?

Mr. Mowat.—What I was going to show was the terms of the Act as understood, mentioning the changes that had occurred which create the difficulty, and showing why that change had been made, and that it has nothing to do with any limitation of the extent of territory which the Province was to have on the west and on the north.

The Lord Chancellor.—You must give us some authority for the use of such matters as evidence. At least they can only express the views of particular members as to what they supposed was in controversy.

Mr. Mowat.—Then for the present I will pass that point, and I may refer to it again because I have not at hand the authorities.

Sir Robert Collier.—We never allow that.

The Lord Chancellor.—In those days there were very few speakers, but if the principle was applied 100 years hence to what goes on now it would be a very serious thing.

Mr. Mowat.—Then I have pointed out that no other provision was made for any other part of French Canada north of that line by means of this Act. I may further mention, in connection with that observation, that was before the cession and while the territory was French, and when this territory was under the Governor of Canada, which is a circumstance, perhaps, to indicate that the same course would have been followed by the English. No reason has, up to this moment, been suggested from any source whatever only any portion of French Canada should not have been included in the Province of Quebec. Whatever reason there was for putting any portion in applies beyond any sort of doubt to the whole of French Canada—to the whole of Canada that belongs now to Great Britain, and which was not owned by the Hudson Bay Company.

My Lords, those are the principal grounds on which, if we have to rest entirely on the Act of 1774 without anything further, I submit it appears that the whole of British Canada, not including anything that was owned by the Hudson Bay Company, was included in the Province of Quebec.

But the argument does not rest there. There are other grounds that establish the same thing. In 1783 the treaty between Great Britain and the United States was entered into by which a very large part of Canada was conceded to the United States. The treaty is to be found at pages 533 and 534 of the Joint Appendix. This treaty described what should be the southern boundary of British territory in this quarter, and at the sixth or seventh line at page 534 you will find it. It describes the communications from Lake Ontario to Lake Erie, and then through Lake Huron. "France, along the middle of said water communication into the Lake Huron, thence through the middle of said lake to the water communication between that lake and Lake Superior, thence through Lake Superior northward of the Isles Royal and Philippeaux to the Long Lake, thence through the middle of said Long Lake and the water communication between it and the Lake of the Woods to the said Lake of the Woods, thence through the said lake to the most north-western point thereof, and from thence on a due west course to the river Mississippi." Now, that was the treaty. A difficulty has occurred because it was subsequently discovered that a due west course from the north-west angle of the Lake of the Woods would not strike the Mississippi; that the principal source of the Mississippi was at Lake Athabasca or Lake Turtle, and that lay south of the point which was mentioned there.

The Lord Chancellor.—It is further south?

Mr. Mowat.—Yes.

Sir Robert Collier.—Then the west line would not go near it?

Mr. Mowat.—No; but then I may mention that there are tributaries of the Mississippi—the White Ash River, which a line due west from the point would strike. The White Ash River is near the Rocky Mountains.

Lord Aberdare.—May not the Missouri have been in their minds as the larger?

Mr. Mowat.—That is one view of the matter. White Ash river is marked on the map; the longitude is 107½.

The Lord Chancellor.—Was that settled by the Oregon Treaty, or earlier?

Mr. Mowat.—I think that was the treaty that settled it. It was in 1818 that the Convention took place settling the 47th parallel of north latitude as the boundary from the Lake of the Woods west to the Rocky Mountains.

Then, in 1842 was the treaty as to the boundary line east of the Lake of the Woods, and the Oregon Treaty was in 1846. The settlement with the United States was an arbitrary one. They did not attempt to do anything more than agree on what a conventional boundary should be. I refer to this for the purpose of calling your Lordship's attention to the fact that a large part of Canada is contained under the Act of 1774, and is set forth in the commission of Lord Dorchester, issued in 1783, to be British territory, and then a new commission was issued to Lord Dorchester. The fresh commission to Lord Dorchester describes his jurisdiction in the same terms as the treaty.

Lord Aberdare.—What is the reference to the commission to Lord Dorchester?

Mr. Mowat.—Page 387. That commission appoints Sir Guy Carleton “to be our Captain-General and Governor-in-Chief in and over our Province of Quebec, in America, comprehending all our territories, islands and countries in North America, bounded,” and so on precisely in the same way as the treaty; so that there we have a commission to the Governor General expressly up to the north-western angle of the Lake of the Woods, and then so far west as should be included in a line due west from that point to the Mississippi, whatever construction that expression should receive under the circumstances. That is, again, further evidence that there was no intention of stopping at a due north line from the Ohio to the Mississippi. That is one of the governmental acts negating the notion of that being intended. In fact, I may say this: There is not one tittle of evidence in any despatch, in any map, in any governmental act or in any legislation in favor of this due north line. The sole thing on which the whole argument rests is what you may gather from the Act of 1774. Everything else that was done, so far as this point was concerned—every bit of legislation we have, every official paper, every despatch, every map, and all governmental action, both in England and in the colonies, is against the due north line as being the western boundary of the Province of Quebec, or the Provinces which have constituted it—Canada, Upper Canada and Ontario. This is one of the commissions which negatives any such thing, because it expressly gives to Lord Dorchester, as Governor General of Quebec, a jurisdiction, at all events, to the north-western angle of the Lake of the Woods, and so much further.

Lord Aberdare.—The description in Lord Dorchester's commission was just as unintelligible as in the other one, because, after describing the line to Lake Superior, it says this: “Thence through the middle of said Long Lake and water communication between it and the Lake of the Woods to the said Lake of the Woods; thence through the said lake to the most north-western point thereof, and from thence on a due west course to the River Mississippi,” which never would have reached there.

Mr. Mowat.—But it removes any doubt, if any existed, as to the due north line from the Ohio to the Mississippi.

Sir Robert Collier.—It showed a great ignorance of geography.

Mr. Mowat.—Yes. Then it would have to be considered what effect had to be given to the expression “due west.” It seems to me on that point, since what is called the Mississippi is not to be found due west of that line, that there is no reason why the description should cease until you reach the Rocky Mountains. The object evidently was to include all British territory there.

The Lord Chancellor.—One would also connect that with the original commission to Sir Guy Carleton, which evidently supposed that it was drawn northward to the junction of the Mississippi and the Ohio to a point which probably they supposed to lie to the west of the Lake of the Woods. They were wrong in their notion on the point you have agreed. Is it not in substance probable that they meant as much of the old boundary as remained after the cession to the United States?

Mr. Mowat.—I think that is what they do mean.

The Lord Chancellor.—Such territory, bounded in the old way, as remained after the cession?

Mr. Mowat.—I agree to that view, though I submit that what was intended to be given was the whole of the British territory, with the exception of what was owned by the Hudson Bay Company.

My Lord, I was coming then to the Act of 1791 and to certain matters which passed immediately afterwards, which afforded further very strong confirmation indeed of the construction for which I contend. I have already mentioned that the Act of 1791 did not give the boundaries of the Province. It provided for a Government in Upper and Lower Canada in case His Majesty should carry out his intention of dividing the Province into two, but did not give the line of division. When the matter was before Parliament, His Majesty communicated to Parliament the line which he contemplated, and we have got the effectual evidence of what that line was, and it contains what is material to our present purpose. I refer your Lordship to

page 393 ; you will find it at the foot of that page, and it describes the line in this way : " To commence at a stone boundary." I need not read the first part because nothing turns on it. But then, after giving a description up to Lake Temiscamingue at the top of 394, the paper goes on to describe the line intended in this way : " And from the head of the said lake by a line drawn due north until it strikes the boundary line of Hudson Bay, including all the territory to the westward and southward of the said line, to the utmost extent of the country called, or known by the name of Canada."

Now we find several documents in which that expression occurs at that period, and I refer to it for two reasons. I submit, my Lord, in the first place, we do not show what the Province of Quebec was understood to include, and meant to include.

The Lord Chancellor.—Where is Lake Temiscamingue ?

Lord Aberdare.—It is due south of the easternmost point of James' Bay.

The Lord Chancellor.—That would include the greater part if not the whole of Upper Canada. It will not help you as to the western boundary.

Mr. Mowat.—It does not help us with the western boundary, {but I am referring to it there for the purpose of calling attention to the territory of the Crown, intended to be included in the Province of Quebec, in the concluding line : " Including all the territory to the westward and southward of the said line, to the utmost extent of the country commonly called, or known by the name of Canada."

The Lord Chancellor.—That means the whole of Upper Canada, whatever Upper Canada means ?

Mr. Mowat.—Yes, I want to find out what it means.

The Lord Chancellor.—The particular boundary divides Upper from Lower Canada, does it not ?

Mr. Mowat.—We have the same expression in the Order in Council afterwards made. I must prove to your Lordships that the territory I want to include was part of Canada, and proving it was part of Canada, this expression shows it was to be included in Upper Canada. Then this paper was the subject of correspondence also with the officials in this country after the passing of the Act. Your Lordships will find that at page 397 there is a despatch of the Right Honorable Henry Dundas to the Lord President of the Department of Trade and Plantations. It is transmitted to him. In the second paragraph, line 17, your Lordships will see this language : " I transmit to your Lordship herewith, by His Majesty's command, a printed copy of the said Act, together with a copy of a paper presented to Parliament previous to the passing of the said Act, describing the line proposed to be drawn for separating the Province of Upper Canada and the Province of Lower Canada." Then the enclosure follows and we have there that same expression as to what Upper Canada was to include in the concluding line of the paragraph marked " enclosure in the preceding letter."

The Lord Chancellor.—It is all Canada west of a certain line ?

Mr. Mowat.—Yes, so that as I said I must show your Lordships what Canada did include. But it is important for me that your Lordships should recognize that we are entitled to all of Canada west of that line. After the Act of 1791, and the previous Act, and the interpretation which was put upon it by the Governments, I think I am entitled to use what I find there in that respect, the description as to what the country is to include, as explaining what the Province of Quebec had included under the Act of 1774, and if it does not show that, and if it is not fair to use it for that purpose, then it shows that it was intended thenceforward that all should be included. There is nothing in the language that would prevent us from placing on it that construction, so that if Quebec, previous to this treaty, did not embrace all of Canada or west of that line by means of the Orders in Council, and so on, which are referred to here, the Orders in Council particularly, an increase was given to the country to include all that which was formerly Canada. The Orders in Council will be found at pages 399 and 400. Then this paper is received and carried into effect.

Lord Aberdare.—Is this contested by anybody ?

Mr. Mowat.—Yes, if this is correct then the due north line from the confluence of the Ohio and the Mississippi is put out of the question, and that fact makes the great difficulty here, because it is on the west side of the awarded territory that the land is most valuable. That on the north side is not valuable now, but it will be some day. It is not a very fertile country, but still it is a country that may be inhabited.

Lord Aberdare.—What I meant was this: They would of course accept that it was Upper Canada, all that was west of that line. Then the question comes: What is Canada?

Mr. Mowat.—Then I shall have to show that.

The Lord Chancellor.—All that can be inferred from this is that there is a line fixed between Upper and Lower Canada to the east, about which there is no dispute. It was also inferred that the northern boundary of Canada was the Hudson Bay territory, but where exactly the western boundary of Canada is, there is nothing whatever to help you.

Mr. Mowat.—No, that would not show it. The expression there is that Quebec includes all that is commonly called and known by the name of Canada. I do not think there is any room here for doubt with all the proofs we have here, that all north of the prescribed line which did not belong to the Hudson Bay Company was commonly called or known by the name of Canada.

Lord Aberdare.—All north?

Mr. Mowat.—Yes, all north of the prescribed line—that it was all commonly called and known by the name of Canada.

The Lord Chancellor.—I should doubt it as a matter of fact and we have not had anything at present leading to that conclusion. There is nothing to show that Canada extended further north and south than the land of the Hudson Bay Company. Did they go to the north pole?

Mr. Mowat.—No, I do not think, I contend that they went further. I think the Arctic slope was the boundary.

The Lord Chancellor.—I am not saying that information is to be derived from the physical configuration when possibly the physical configuration on these points was totally unknown.

Mr. Mowat.—There is a difficulty from the geography being unknown.

The Lord Chancellor.—If it had been known such and such boundaries would have been convenient. As it was not known, there is no presumption whatever that the boundaries were fixed with reference to any such considerations.

Lord Aberdare.—You have the Lake of the Woods constantly mentioned, but you decline to confine yourself to that.

Mr. Mowat.—Since the award is not to be recognized I want to go further if I can get it.

Sir Robert Collier.—You will be satisfied with that?

Mr. Mowat.—If I also get the north boundary which the arbitrators gave us.

Sir Barnes Peacock.—It is only the western boundary?

Mr. Mowat.—Yes, and all I have to make out with reference to the Hudson Bay Company is this, that its boundary is this, that its boundary does not extend to the territory now claimed by Manitoba.

Lord Aberdare.—That is not so, because, according to you, this portion was a portion of old Canada and not a portion of the Hudson Bay Company, which is a portion of Ontario. If it is not a mere question of the western boundary but a question of the northern boundary.

Mr. Mowat.—In due respect that this case has not submitted the point. The Dominion has not concurred in anything being decided now, except our western boundary, and therefore, though part of the argument goes beyond that, that has not to be decided now.

Lord Aberdare.—The question as to the western boundary is how far north it extends?

Mr. Mowat.—Yes, and, therefore, I have to prove that the Hudson Bay Territory did not come down to the most northern part that is in dispute between Manitoba and Ontario.

The Lord Chancellor.—Until we have direct evidence bearing on it, it is uncertain that the Hudson Bay Territory included Winnipeg Lake.

Mr. Mowat.—I think it is certain it did not include the Winnipeg Lake.

Sir Robert Collier.—What you want to determine is the boundary between the two Provinces, whether north-east or south, it is the boundary between the two Provinces. That you say in effect only makes it necessary to draw the western line. That is what we have to determine the boundary line between the two Provinces?

Mr. Mowat.—Yes, and if I make out that the Hudson Bay Company's Territory did not extend to the old Manitoba, that is all I have to make out. I want to call your Lordships' attention to the fact first of all that it is 700 miles from the bay, so that unless it can be made out against me that the Hudson Bay Company's Territory came down so far as that—

Lord Aberdare—Old Manitoba is the Province included within this line?

Mr. Mowat.—No, that is Manitoba as the Dominion proposes to increase it.

Lord Aberdare.—I mean the inner one?

Mr. Mowat.—Yes. In regard to that part there can be no difficulty, because the Dominion Act after it was passed was confirmed by Imperial Legislature, and that settles it, of course.

The Lord Chancellor.—Of course, in due order you must show us whether light is to be obtained from the boundary of the Hudson Bay grant?

Mr. Mowat.—Yes; perhaps I had better go into that now. The Hudson Bay charter is to be found at page 341. Your Lordships know that the validity of that statute has been very often questioned, but it has never been adjudicated upon.

The Lord Chancellor.—I think on this occasion you can have nothing to do with its validity.

Mr. Mowat.—I will assume it is valid, and the only question is how far it extends. The object of the charter was trade. The grant of the lands appears from the face of the Act to have been merely incident to the intended operations of the company in the way of trade. It provides, however, for the towns and villages and colonies and so on, on the lands that were granted to them. The language of the grant, of course, is very large. It is to be found at page 341. The paragraph at line 29 commences in this way: "And to the end the said Governor and Company of Adventurers of England trading into Hudson Bay may be encouraged to undertake and effectually to prosecute the said design"—that is searching for a north-west passage—"of our more especial grace, certain knowledge and mere motion. We have given, granted and confirmed, and by these presents for us, our heirs and successors, do give, grant and confirm unto the said Governor and company and their successors, the sole trade and commerce of all the seas, straits, bays, rivers, lakes, creeks and sounds in whatsoever latitude they shall be that lie within the entrance of the straits commonly called Hudson Straits." So far the grant is of the sole trade and commerce, and I believe it is now a well recognized thing that to that extent the charter was void, but not in regard to what follows: "together with all the lands and territories upon the countries, coasts, and confines of the seas, bays, lakes, rivers, creeks and sounds aforesaid that are not already actually possessed by or granted to, any of our subjects, or possessed by the subjects of any other Christian Prince or State," with the right of fishing, and so on.

Lord Aberdare.—And the right of mines?

Mr. Mowat.—Yes.

The Lord Chancellor.—"And that the said land be from henceforth reckoned and reputed as one of our plantations or colonies in America called 'Rupert's Land?'"

Mr. Mowat.—Yes, and then it goes on "and further we do by these presents for us, our heirs and successors make, create, and constitute the said Governor and company for the time being, and their successors the true and absolute lords and proprietors of the same territory, limits and places, and of all other premises, saving always the faith, allegiance and sovereign dominion due to us, our heirs and successors, for the same to have, hold, possess and enjoy the said territory, limits and places and all and singular other the premises hereby granted as aforesaid, with their and every of their

rights, members, jurisdictions, prerogatives, royalties and appurtenances whatsoever, to them the said Governor and company and their successors for ever. To be holden of us, our heirs and successors, and so on." That is the grant.

The Lord Chancellor.—It is a grant of all unsettled lands distinctly described as being upon the countries, coasts and confines of certain seas.

Lord Aberdare.—And rivers too?

The Lord Chancellor.—Yes.

Mr. Mowat.—Your Lordships know that a great many charters were issued about this period of land in North America, then newly discovered and in the possession of savages. The land was unknown and the charters were very large in the powers which they give and in the extent of land which they purport to grant. Every one of them, I think, was more definite than this charter is, and the construction which has been placed upon them is that they entitled the grantee to whatever lands they should discover and appropriate by those means which are recognized in international law as sufficient for that purpose in the case of a desert country. It is not mere discovery which gives property in a territory of this kind, but it is clearly settled now that more than discovery is required; possession, occupation and other things are necessary as well.

The Lord Chancellor.—That may or may not be material in an international question, but is it material for our present purposes. We want to know what is to be settled between these two provinces. Take Sir Guy Carleton's instructions, there the expression is "territories granted."

Mr. Mowat.—Yes, My Lord, that is the expression. Will I submit that that means effectually granted?

The Lord Chancellor.—But it does not contemplate any international question.

Lord Aberdare.—Besides the "occupation" would be occupation of the hunters who went all round taking beavers and elks.

Mr. Mowat.—But they did not do that. I can show your Lordship beyond any sort of doubt that until after the cession of 1763, until a considerable time after the cession of 1763, the Hudson Bay Company never did that.

Lord Aberdare.—They did not occupy all at once.

Mr. Mowat.—They occupied no part of it. They erected what were called forts, trading posts made sufficiently strong to resent attacks by the Indians of Hudson Bay. They had a few posts on Hudson Bay and they traded only with those Indians who came there, they did not go into the country at all.

The Lord Chancellor.—But your proposition is that the words of the Act which speaks of territories granted to certain merchant adventurers of England trading to Hudson Bay really relate to nothing except a few forts upon the Hudson Bay, is that it?

Mr. Mowat.—I think at that time these forts were not built, they were built afterwards.

The Lord Chancellor.—But what is the subject which these words, according to the ordinary principles of construction, are intended to describe?

Mr. Mowat.—What I say is that under these words no interest passed which did not belong to the Crown.

The Lord Chancellor.—But the words are: "From the conflux of the Mississippi and Ohio rivers to the southern boundary of the territories granted." Where do you mean that the southern boundary to be?

Mr. Mowat.—Well, my Lord, I think it is the territory that they have appropriated under the powers which that charter gives to them.

The Lord Chancellor.—How it is possible that such construction can be put upon it I cannot conceive.

Lord Aberdare.—That would be limiting them as much, too much as the other construction would perhaps be too little.

Mr. Mowat.—In any way there is a difficulty in seeing where it is.

The Lord Chancellor.—But you must point out something definite that is there, describing it. Supposing you can ascertain the boundary which had been granted, that would be one thing.

The Lord President.—Do you mean that they lost their grant by not acting upon it?

Mr. Mowat.—Yes, I do mean that.

The Lord Chancellor.—But then, if that were sound in law, it would not have anything to do with us here. This is a boundary dispute.

Lord Aberdare.—Surely, when they leave off at this point of the Mississippi and then speak of going north to the Hudson Bay Territories they mean something within reasonable limits, not traversing over hundreds of miles.

Mr. Mowat.—Which are the words your Lordship refers to?

Lord Aberdare.—I mean the various definitions which you have given to us in order to make out that they went from beyond a line drawn north of the confluence of the Mississippi and the Ohio, from a certain point west of the Lake of the Woods and from thence to the point of intersection with the southern boundary of the Hudson Bay Territory. Now, the southern boundary of the Hudson Bay Territory would be close to the Hudson Bay itself, probably.

Mr. Mowat.—Quite so, my Lord.

Lord Aberdare.—Well, surely they must have had in their contemplation some other territory than that.

Mr. Mowat.—But that expression was used because it was not known how far the Hudson Bay Territory extended. It was always a matter of question. The Hudson Bay Company had never taken possession there.

Sir Montague Smith.—This is as indefinite as it can be.

Mr. Mowat.—It is extremely indefinite, and, my Lord, it must be made definite, I submit, by knowing to what extent the Hudson Bay Company were entitled to that territory.

The Lord Chancellor.—But if it was a grant of everything which had not been ceded to some other European countries it is material whether it was disputed by France or Portugal, or any other nation. Is that question material here?

Lord Aberdare.—It was disputed by France.

Mr. Mowat.—Yes, my Lord, it was disputed by France, and I can show you that France actually became the owner of all this territory.

Lord Aberdare.—And the Treaty of Utrecht speaks, I think, of special things “restored to the English Government, and not ceded,” showing that the English Government claimed all the things that France had been claiming.

Mr. Mowat.—But those were not the words which were ultimately adopted. The despatches on both sides show that they did not attach any special meaning to the use of the one word rather than the other, and it seems to have been rather a matter of sentiment and prejudice in introducing it than anything else. The correspondence shows that clearly. There are several considerations which, I think, warrant us in the view we take of that. I think I can show your Lordship that all the country, except some of the territory around Hudson Bay, did belong to France; that they did occupy it, and did possess it, and did own it, and did claim it; and that their right to it was not a matter of dispute between England and France. Then I would submit that the words to which your Lordship refers “territories granted,” plainly were intended by Parliament to be confined to territory which the Hudson Bay Company owned for this reason. Why was the territory excluded from Quebec? It was because the Hudson Bay Company had authorities of Government within the territories which belonged to them, and, therefore, there was no necessity for including such territory in Quebec; but if the terms of their grant had given them a larger territory than they had appropriated or become owners of, if the terms of the grant were such that it might cover territory which belonged to France and which was ceded to England in 1763, by France, the title to which came to England through France, that territory would certainly not have been excluded from Quebec and the reason for excluding it would not have applied. There was a reason for excluding territory in which there was Government under the Hudson Bay Company, but there was no reason for excluding territory which the Hudson Bay Company under the circumstances had no jurisdiction over; and, therefore, I say

that the words should be construed as meaning territory owned by the Hudson Bay Company, territory to which they had perfected their title, territory which was theirs and which, therefore, would not come within the cession of territory made in 1763 by France to England. Whatever was ceded by France to England, whatever was in such a position to the title to it arose from that cession, was not to be regarded as territory which was to be excluded under those words from the new Province of Quebec.

Lord Aberdare.—You contend that everything that was not actually occupied, in the sense in which you limit the word occupation, by the Hudson Bay Company, was a portion of French territory?

Mr. Mowat.—I hardly say that, my Lord. I do not say it was a portion of it, because they did not occupy it, but there was this desert country unoccupied, and by the laws applicable to such cases, as recognized by European nations, it could be appropriated to any nation. The discoverer is entitled to a moderate time for the purpose of making his title good by occupation and so on, but in this case the Hudson Bay Company were not the discoverers of any territory which Manitoba now touches. The Hudson Bay Company, through none of their agents, penetrated this territory which is now in dispute.

Lord Aberdare.—Up to what time do you go on to say they never penetrated?

Mr. Mowat.—They never penetrated until long after 1774. In fact, they never penetrated for many years after 1774. What took place was this: After the cession of 1763, the French abandoned the country. It had been ceded to England. The French posts were under the command of French officers generally, and they gave up those posts, some of them when they were demanded, and with regard to others they abandoned them. Then the English people from Canada and the other Provinces went into this territory and began trading with the Indians, and re-established some of the French forts, built others, and occupied it even in a fuller way than ever the French themselves had done, and it was not until the effect of all this was very much felt by the Hudson Bay Company that they entered into this territory at all, or sent any of their servants or employes into this territory. The English began to form companies. There was also trading by individuals. Ultimately they were all united into a company called the North-West Company, whose operations were very extensive, and then the Hudson Bay Company followed these. After a time they began to erect posts where this company had erected them. They went on without quarrelling between the two companies until the Earl of Selkirk took an interest in the Hudson Bay Company, somewhere about the early part of this century. The disturbances then became more formidable, but not until the latter part of the last century and until after all these Acts were passed, after the cession of territory to England, after England became the proprietor of the territory, through France and not through the Hudson Bay Company at all, and the Hudson Bay Company had not gone into the interior. They have admitted that. We have got the proofs from themselves that they have never gone into the territory at all, that they had made use of their posts along the bay for the purpose of trading there with such Indians as they could get to come there. Now the French and the English after cession went into the territory; they settled there, they established themselves there in various ways and traded with the Indians there. There were two purposes to be served by the charter. One was the purpose of trading and the other was the purpose of forming settlements. What I submit is that the Hudson Company never made use of the charter for the purpose of settlement at all. They do not appear to have sold a single ha'porth of land, or pretended to have sold it, or pretended to have occupied it for the purpose of colonization or settlement from 1670 when their charter was formed until a large grant was made in 1811 to the Earl of Selkirk, nearly 150 years after this charter was made.

Now, my Lords, what is it that they do contend for? They contend that under the words of this charter the whole of this territory, washed by the rivers that fall into Hudson Bay, becomes theirs, consisting of about one and a-half million square miles; that they were entitled to keep out of it everybody else; that the effect of the charter

entitled them to keep it in the condition in which it then was, without settlement at all; they did not want it settled; it was not their interest to have it settled. I am not blaming them for this, they had a right to pursue their own interests in the way best fitted to promote them, but the fact is that it was against their interest to have the country settled, and they made no attempt, and pretended to make no attempt to settle it until difference arose quite recently during the present century. So that for 150 years they had made no use of their charter for the purpose of settlement. They did not possess themselves of any of those lands. Now, this long course of proceeding on their part is sufficient, I submit, under the authorities to show that this land did not belong to them, and that this land is not treated now as belonging to them.

The Lord Chancellor.—Surely that does not bear upon the question. The question we have to consider here is what is the meaning of the boundary of Canada as defined by the Act of Parliament and the cession of 1775.

Mr. Mowat.—What I submit is that when the charter says and when the Act of Parliament says that the boundary of Quebec is to extend to the territory granted by the Hudson Bay Company, that means effectually granted by the Hudson Bay Company—territory which the charter under the circumstances had the effect of resting in the Hudson Bay Company, I cannot conceive that any other way of construing the statute is possible. It is not what loose general words may have been used—more vague than are to be found in any other charter, but what the effect of those words is: Was the grant effectual? did the interest pass? what territory is there the interest in which passed under the charter? All these considerations bear upon that point, that under this charter no territory passed except what the company chose to appropriate and acquire the sovereignty of for the nation. There has been no case that I have been able to discover. I have heard of no case in which to any of these old charters an effect was given beyond territory which the grantees themselves acquired by those means. It was never considered in dealing with the territory embraced in them that lands or territory were included which the company did not appropriate and make their own in that way. So far from its being considered that those charters granted any territory, we find English monarchs from time to time granting new charters covering the same territory, the general effect ascribed to them being that notwithstanding the general words contained in them they were not to be considered as really conveying anything beyond what the companies would appropriate in the way of international law requires for the purpose of giving a title.

I submit that when we speak of an instrument granting the necessary meaning of that must be effectually granting; and if I can make out that this charter did not effectually grant any of this territory, I can make out all that is necessary for the purpose of limiting the territory of the Hudson Bay Company to what was effectually granted.

Sir Montague Smith.—It expressly excludes territories occupied by any other Christian princes—meaning France; but have you any means of showing to what extent the French did occupy?

Lord Aberdare.—The French constantly occupied, you will see that if you look at this map.

The Lord Chancellor.—(After examining the map.) From this map it appears that Rupert's Land was the known denomination of a large district in North America, the same denomination as we have in the Hudson Bay charter.

Mr. Mowat.—But are we to be bound by these maps? How are these maps produced? Whose are they? Where was the information got?

The Lord Chancellor.—I do not say that I look upon this map as proving the absolute boundary, but it does seem legitimate to refer to it as against the extraordinary idea you are suggesting that we should limit what is described in the bounding words by considering what might or might not have been the legal rights of the Hudson Bay Company if they had been contested.

Mr. Mowat.—But your Lordship will find a great many more maps which treat the territory which is Manitoba now as being Canada. You will find perhaps ten maps describing it in that way for one in which it is called Rupert's Land.

The Lord Chancellor.—If we have any map of any antiquity, I do not see why we should not look at it. I do not say now what decision we might come to upon it, but for you to contend that Rupert's Land means nothing at all, is most extraordinary.

Mr. Mowat.—I do not say that, but I say it does not come down to this.

The Lord Chancellor.—If you can make that out well and good, but your general proposition that you can use only maps which show something which was actually settled and in colonization by the Hudson Bay Company is absurd almost on the face of it.

Mr. Mowat.—Probably that may be stating the case too strongly; all I meant to put was that that did not come down to the dispute about Ontario and Quebec.

The Lord Chancellor.—That is another proposition.

Mr. Mowat.—Then, my Lords, I think it will be convenient if your Lordships will allow me to show your Lordships what the evidence is as to this matter. These old charters are always governed I apprehend by the consideration of what was done under them. These charters referring to the newly discovered America, peculiarly require a construction of that kind, but I understand that that is the general rule in regard to all the old grants—that what was possessed under them is extremely material in determining what they are to be considered as covering. Now, I wish to show your Lordships what the Hudson Bay Company possessed under this charter, and then your Lordships will consider how far they had the effect of entitling them to say that the land and territories in question were effectually granted or not under those words. I think on consideration your Lordships will say that no territory will be excluded from Quebec as belonging to the Hudson Bay Company or included in their charter, if the Hudson Bay Company had not so acted as to entitle themselves to that territory and to govern it, otherwise Parliament would be leaving that territory without any government, and it is perfectly certain that they did not intend to do that.

The Lord Chancellor.—But if it was inhabited only by savages?

Mr. Mowat.—It was inhabited only by these French colonists. I will go at once into that if your Lordships will allow me, in order to show what the Hudson Bay Company did, and what the French were in possession of. First, it would be convenient, if your Lordships would allow me to show the position of the Hudson Bay Company, and then I will follow that up by showing what the French had been doing all the time. Upon this point there is a great deal of evidence, but the result of it all is to make the point very clear, so clear that I think your Lordships will assume it in the remainder of the discussion. There are proofs of all kinds. There are proofs from the English standpoint; there are proofs in French documents, and there are proofs also to be found in the documents of the old Province of Canada now represented by the Dominion of Canada, and by the Dominion of Canada itself.

In the first place take the Hudson Bay Company's own statement. That is clear enough. Your Lordships will find that at page 560 of the joint appendix line 23. This is from the Hudson Bay Company's statement of their title under the Treaty of Ryswick in 1700. "It was, then, after the happy restoration of King Charles the Second, that trade and commerce began to revive, and in particular that noblemen, and other public spirited Englishmen, not unmindful of the discovery and right of the Crown of England to those parts in America, designed, at their own charge, to adventure the establishing of a regular and constant trade to Hudson Bay, and to settle forts and factories, whereby to invite the Indian nations (who live like savages, many hundred leagues up the country) down to their factories, for a constant and yearly intercourse of trade, which was never attempted by such settlements, and to reside in that inhospitable country, before the aforesaid English adventurers undertook the same." Then, my Lords, at page 580 in this communication from Captain Middleton to Mr. Dobbs, of January 1742-3, he says: "I have seriously considered your proposition of laying open the Hudson Bay trade and settling the country higher

up upon those great rivers which run into the bay, and though I may agree with you in the great advantage the public would receive from such a settlement (could it be made) both as to their trade and the cutting off communication with the Mississippis, yet I must declare my opinion that it is altogether impracticable upon many accounts, for I cannot see where we could find people enough that would be willing or able to undergo the fatigue of travelling in those frozen climates or what encouragements would be sufficient to make them attempt it with such dangerous enemies on every side—no Europeans could undergo such hardships as those French that intercept the English trade who are inured to it and are called by us wood-runners (or *coureurs des bois*) for they endure fatigues just the same as the native Indians with whom they have been mixed and intermarried for two or three or more generations. As to the rivers you mention, none of them are navigable with anything but canoes, so small that they carry but two men, and they are forced to make use of land carriages nearly the fourth part of the way, by reason of water-falls during that little summer they enjoy. Out of 120 men and officers the company have in the bay not five are capable of venturing in one of these canoes, they are so apt to overturn and drown them. Many of our people have been twenty years and upwards there, and yet are not dexterous enough to manage a canoe, so there would be no transporting people that way."

Sir Montague Smith.—But after all what is this?

Sir Robert Collier.—It is a statement by Middleton "who was a Commander in the Royal Navy and who had served his master in the employ of the Hudson Bay Company and for many voyages."

Mr. Mowat.—It is an historical statement.

Sir Robert Collier.—Mr. Dobbs had written a book, that was all.

Mr. Mowat.—Yes, it is an historical statement.

The Lord Chancellor.—The general fact is not in dispute, that the manner in which the Hudson Bay Company acted under their grant was to send hunters to get furs into the interior holding certain communications and relations with the natives and having certain forts in positions which they found convenient. I suppose that is so very well known that it is not likely to be brought into dispute. The bearing of the contest is what I do not understand.

Mr. Mowat.—They did not send men into the interior in the way your Lordship suggests.

The Lord Chancellor.—To such places as they thought convenient whether in the interior or not.

Mr. Mowat.—Yes.

Lord Aberdare.—Some two or three hundred miles further up I see a fort erected by them before 1842.

Mr. Mowat.—Yes, Fort Henry, I think. That is the only one. It is perfectly clear, I submit, that it was not intended to give the grantees any power of interfering with other nations. It was not intended by this charter to grant them any territory which would interfere with other nations.

The Lord Chancellor.—What was already settled is expressly excluded.

Mr. Mowat.—Am I limited to that view of the matter, that it was only what was then possessed by any European nations?

The Lord Chancellor.—As far as the construction of the charter is concerned you certainly are. You are at liberty to say if afterwards any European nations settled and acquired certain territory and it was recognized, the charter might not stand in the way of that. That is another matter.

Mr. Mowat.—Would you say of any instrument that it granted what it did not effectually grant?

The Lord Chancellor.—What is an effectual grant?

Mr. Mowat.—A grant so as to convey a title.

The Lord Chancellor.—There is nothing about title. It is a grant of land within certain bounds. I think you are travelling into a question which has little relevancy

to the matter in hand, namely, whether or not they did those things which were necessary to give them a good title to the whole territory which they claimed.

Mr. Mowat.—We have been considering those words as meaning effectually granted.

The Lord Chancellor.—They cannot mean that when used as boundary words. That would be raising all sorts of law and fact which would make them perfectly useless.

Mr. Mowat.—Take the other view. It is extremely uncertain how far the territory extended.

The Lord Chancellor.—The questions of fact investigate, by all means, but we are not assisted to my thinking in the investigation of the question of fact by entering into questions of law and whether they were guilty of default or not in not doing things which would be necessary to complete their title.

Mr. Mowat.—Nothing could be more uncertain than to say that all territory is conveyed upon the confines of a country. What does that mean? Does it mean ten miles, fifty miles, or 100 miles? or what does it mean?

Lord Aberdare.—I suppose in later days the Hudson Bay Company entered their territory from the south. First I suppose they entered it through Hudson Bay but afterwards from various parts of Canada.

Mr. Mowat.—Yes, later in the century, but after the territory had become British territory through the cession of France. They always entered it from the north at that time and for more than half a century afterwards.

Lord Aberdare.—Is there any reason to suppose that which they in later years occupied as their Hudson Bay Territory and which extended farther to the south much more than you would admit, ought not to be considered as Hudson Bay Territory now for the purpose of this argument?

Mr. Mowat.—It was always a matter of dispute, my Lord. After the cession of 1793, the English people going there from the Province of Canada and the other Provinces always claimed a right to go there as English territory. The claim of the Hudson Bay Company was never acquiesced in. The reason why, after a time, there was no dispute, was that the Hudson Bay Company took in as partners all other persons who were engaged in the trade, and since they united their interests all in one, there was no longer any occasion for some time for any active dispute in regard to the matter.

Lord Aberdare.—Taking your own argument, the land granted by the Hudson Bay Company comes to the bend of the Red River, south of Manitoba. We find in 1814 the land granted by the Hudson Bay Company to Lord Selkirk is south of Manitoba?

Mr. Mowat.—Yes, at that time they were claiming the whole, no doubt. After uniting with the North-West Company, and after the North-West Company had begun to occupy the territory, the Hudson Bay Company began to follow them and erect their forts and in that way they did have a number of forts throughout that territory, and they had these at the time they made that supposed grant.

Lord Aberdare.—Is it supposed they would have made grants to Lord Selkirk and held this country as their own if the limits of Canada extended to the Lake of the Woods?

Mr. Mowat.—It was in dispute.

Lord Aberdare.—Was the dispute followed up and enforced?

Mr. Mowat.—Yes, so far that Lord Selkirk had to release to the company any claim he had under his grant. He could make no use of it.

The Lord Chancellor.—To what company? To the Hudson Bay Company?

Mr. Mowat.—Yes.

Lord Aberdare.—Can it possibly be supposed, when that state of things was taking place, that that is considered Canada at that time?

Mr. Mowat.—I think I can show your Lordship it was so.

Sir Robert Collier.—That this was a grant not acquiesced in but disputed?

Mr. Mowat.—Yes, disputed from the moment it was known, disputed actively.

The Lord Chancellor.—By whom ?

Mr. Mowat.—By people from Canada and others.

The Lord Chancellor.—Do not say “people from Canada and others.” Was it disputed by the Government of Canada ?

Mr. Mowat.—Yes. I will show your Lordship that it was disputed.

Sir Robert Collier.—Was it disputed by the Government of Canada ?

Mr. Mowat.—Yes; by the Government of British Canada, Lower Canada was not interested. It was by the Province of Upper Canada. I will show your Lordship that.

The Lord Chancellor.—Where is that ?

Mr. Mowat.—For example, I might refer your Lordship to page 207 of the Joint Appendix. I have lost my note for the present where I had an exact reference to it. This is from the Adjutant General's office. It is one of a number of documents which show that the Earl of Selkirk's claim was anything but acquiesced in on the part of the Government. Some of them go further than others on the subject, but they all show that clearly enough. “Sir, the Earl of Selkirk, having represented to the Administrator in Chief and Commanding General of the forces that he has reason to apprehend that attempts may be made upon his life, in the course of the journey through the Indian country which he is about to undertake, His Excellency has, in consequence, been pleased to grant his Lordship a military guard for his personal protection against assassination. This party, which is to consist of two sergeants and twelve rank and file of the regiment de Meuron, is placed under your command, and I am commanded to convey to you the positive prohibition of His Excellency the Lieutenant-General commanding the forces, against the employment of this force for any other purpose than the personal protection of the Earl of Selkirk. You are particularly ordered not to engage yourself or the party under your command in any disputes which may occur betwixt the Earl of Selkirk and his engagés and employés and those of the North-West Company, or to take any part or share in any affray which may arise out of such disputes.” The North-West Company was insisting that the territory belonged to the British Crown for the general benefit of British subjects and that the Hudson Bay Company had no particular rights in it. The Earl of Selkirk was contending they were exclusive owners.

The Lord Chancellor.—What we want to know is whether when this arose, and those disputes existed, the Government of Canada alleged that this territory belonged to them ? I can see no trace of that.

Mr. Mowat.—I think I can show your Lordship that.

The Lord Chancellor.—You may, but you have not done.

Mr. Mowat.—I have not, but I think I can do so.

The Lord Chancellor.—So far as it has any bearing it has a bearing the other way.

Lord Aberdare.—As I understand, your argument is that these southern territories were acquired by the union of the company with the North-West Company, and therefore could have formed no part of the territory such as is referred to in the definition of the boundaries of Canada in the Act of 1874.

Mr. Mowat.—I do not know that it is quite that. The North-West Company were not entitled to the territory except as all British subjects were. They were merely claiming the common right of all British subjects. When they united with the Hudson Bay Company it was their common interest to exclude all except those who had united—all important traders did unite ultimately. They found it was their common interest to do so, and they did unite. For a time there was no question raised as to jurisdiction, or as to territory, but by-and-bye it arose again.

Sir Robert P. Collier.—This point is sprung upon you. Perhaps you may be able to find us the authorities on the subject to-morrow, and it might be convenient to go on with your general argument now. I only suggest that.

Mr. Mowat.—Yes, my Lord.

Sir Montague Smith.—You do not seem prepared to put your hand upon the document which you suppose exists.

Mr. Mowat.—If your Lordship will allow me to close here without going on with the rest of my argument, I know now where your Lordship's difficulties are, and it would be a much briefer thing to-morrow.

Sir Robert P. Collier.—I do not suggest that. I think you should go on with the rest of your argument.

Mr. Mowat.—If it is to be assumed as made out (whatever importance may appear to be attached to it from the authorities that I may present to-morrow) that the Hudson Bay Company had not gone beyond the shores of the bay, and that they had not gone into the interior at all, then I need not trouble your Lordships with anything more upon that point, but I think it should be well understood to be so, whatever the effect of it may be. I think certainly the effect would be great if I establish that the Hudson Bay Company had not interpreted their charter so far as their own acts would enable them to show how they had interpreted.

Lord Aberdare.—Up to 1774 ?

Mr. Mowat.—Yes, up to 1774.

Lord Aberdare.—But surely it is a fair argument to say they permitted continued occupation of territory after 1774, and that was pretty good evidence of what was originally granted to them by the charter and understood to be granted to them by the charter.

Mr. Mowat.—Anyone might go in that way after 1774. All Her Majesty's subjects did go in.

Lord Aberdare.—That is no proof they had a right to go in.

Mr. Mowat.—Your Lordship is referring to the mere fact of possession and what it might show. It was not by virtue of the charter they went in. The Hudson Bay Company were not interfered with at all. They having gone there in common with other of Her Majesty's subjects, exercising no more rights than the other subjects of Her Majesty exercised, would not be held—

Lord Aberdare.—It was the exercise of a right, and a very strong exercise when rightly or wrongly they granted the large territory to the Earl of Selkirk in 1814.

Mr. Mowat.—Yes, they did that.

Lord Aberdare.—They must have taken them because they were generally presided over by men of a high position.

Mr. Mowat.—No doubt. Latterly the extent to which they made their claim was that they were entitled under a principle of international law. There is no other ground for it that I know of but that they were entitled under principles of international law, that having the mouths of rivers and their banks they were entitled to the whole territory they watered.

Lord Aberdare.—More especially as those rivers and their banks were occupied only by wild Indians.

Mr. Mowat.—Yes, that is the claim they made and there is no other ground I know of on which they pretended they could claim this territory. The expressions in the charter might mean anything or nothing, they were so extremely vague, but they latterly endeavored to give definiteness to them by taking that ground, and, of course, the waters of this territory we are now speaking of do flow, after running a long distance, into Hudson Bay. Charters, too, are to be taken most strongly in favor of the Crown always, and against the grantees, and a construction which claims (through the use of indefinite words of a very general kind, of which the courts have expressed their suspicion, and which they have limited very much in cases I may cite) that they were entitled to one million and a-half of square miles of territory which they had never entered or gone upon or used, and which other nations were occupying, and other nations having the advantage of, and which they were excluded from—

Sir Montague Smith.—If you show that the grant is limited to land that other Christian people were not occupying there may be something in your argument.

Mr. Mowat.—Yes, this possession by the French did not extend to the whole territory at the date of the charter, but it extended to the whole territory for half a century and more before the Hudson Bay Company pretended to have got any sort

of possession or to have gone into the territory for any purpose whatever. It was between a century and a half a century after the French occupation began before the Hudson Bay Company sent their men into this territory; some of these things were established clearly and by witnesses so long ago as 1749. A committee was appointed in that year for the purpose of investigating the whole question in regard to the Hudson Bay Company. Not much seems to have been the result, but witnesses were examined on all these points and we have got their testimony now.

Lord Aberdare.—I have opened your book upon a letter of Mr. Merivale's to the Governor of the Hudson Bay Company, written in 1858, where he says, in dealing with their territory, some limitation must be placed, and Vancouver's Island must be excluded from their territory. Does it not seem almost unnecessarily to imply that their territory extended enormously to the west, when he thinks it necessary to exclude Vancouver Island, Vancouver Island is to be exempted from the license as already constituted into a colony. That is in 1858.

Mr. Mowat.—I shall be content with what has been awarded to us. I do not want to contend for anything more, if we get what is awarded on the west as well as the north. It is very important that we should have the water line on the north, because an astronomical line is extremely inconvenient. The Hudson Bay Company itself, in some discussions, declared it an impracticable thing to have an astronomical line on such large territory. It is a very costly thing to survey too. Alaska, which is divided from Canada by an astronomical line, after it passed into the hands of the Americans, it was proposed should be surveyed, and it was found it would cost £3,000 or £4,000 to do it. In consequence of that, a temporary arrangement had to be made. So that it is important we should have the territory which the award gives us there, and then we could establish, to the satisfaction of the committee, that we are entitled to that or more. With reference to your Lordship's observation about Vancouver Island, perhaps I ought to mention that that was not claimed by the Hudson Bay Company under their charter, but under a license to trade, which in fact gave them all the territory in North America beyond what the charter had given them.

Sir Robert P. Collier.—Have they a license to trade independent of their charter?

Mr. Mowat.—Yes.

Sir Robert Collier.—When was the license to trade?

Mr. Mowat.—In 1821.

Lord Aberdare.—That was no portion of the territory. That was a portion of the English dominion over which they had an exclusive license.

Mr. Mowat.—Yes; this matter has been before the court. Your Lordship may wish to refer to that. It is at page 421. That license is there set forth. It was granted on the 5th of December, 1821, when all the companies united in a general body, it being a powerful one, and no opposition was made to their getting an exclusive right to trade over the whole territory, so that no question of jurisdiction arose for a considerable time after that.

Lord Aberdare.—Suppose that to be the case, turn to page 223 where you will see an answer to that letter. He indicates what they are ready to give up, and it is giving up, not a license, but actual territory, because he says: "In communicating this assent on the part of the Hudson Bay Company, it is, however, right to notice that the territories mentioned as those that may probably be first desired by the Government of Canada, namely, the Red River and Saskatchewan districts, are not only valuable to the Hudson Bay Company as stations for carrying on the fur trade, but that they are also of peculiar value to the company as being the only source from which the company's annual stock of provisions is drawn." All that shows they claimed a territorial right over these regions, and attached importance to their surrender. The Red River and Saskatchewan districts are both far beyond that region.

Mr. Mowat.—My observation referred to Vancouver Island.

Lord Aberdare.—I admit that I was surprised to find Vancouver Island need not be mentioned; but we come now to the Red River and the Saskatchewan districts,

which are far west of Manitoba, and from the letter of Mr. Merivale, one sees the Hudson Bay Company treat that as part of their territory.

Mr. Mowat.—Yes.

Lord Aberdare.—That is enough for me, but that goes far beyond the territory granted to Lord Selkirk.

Sir Robert Collier.—It goes further to the west.

Lord Aberdare.—Therefore the Colonial Office at that time must have admitted that they had territorial rights to this country.

Mr. Mowat.—But this is a letter from the company to the Colonial Secretary.

Lord Aberdare.—To the Colonial Secretary, in answer to his letter, in which he suggests that there should be certain surrenders.

The Lord Chancellor.—What is of more importance is Mr. Merivale's own letter, to which this is a reply, at page 222, in which he says, in the 7th paragraph, it is stated in the report—the report that is referred to as that of a Select Committee of the House of Commons—it is stated in the report that the districts likely to be required for early occupation are those on the Red River and Saskatchewan. If that should be the case, the portion of territory thus generally indicated should be rendered free for annexation to Canada.

Lord Aberdare.—Canada is there being treated as external to this country.

The Lord Chancellor.—That is a report of a Committee of the House of Commons, specially appointed to enquire into this matter, and certainly not in the special interests of the Hudson Bay Company.

Mr. Mowat.—But, my Lords, would that mean anything more than that that was part of what was claimed?

The Lord Chancellor.—It was certainly not at that time part of Canada.

Lord Aberdare.—It is treated as being external to Canada altogether.

Mr. Mowat.—That would seem to be treated as being external to Canada, but still it is an observation which may be made if it was understood that it was a part, even in dispute, but whether in dispute or not that it should be annexed to Canada. Then if your Lordships take other passages you will find that made clear. For instance, take the letter of the Colonial Secretary to the Governor General, which, I believe, includes the correspondence at page 224, and which was written for fear of any inference being drawn from other portions of the letter or correspondence.

We find him stating this: "I do not propose to discuss the question of the validity of the claims of the company, in virtue of their charter, over the whole territory known as Rupert's Land."

Lord Aberdare.—Over the whole territory?

Mr. Mowat.—Yes. "Her Majesty's Government have come to the conclusion that it would be impossible for them to institute proceedings with a view to raise this question before a legal tribunal without departing from those principles of equity by which their conduct ought to be guided. If, therefore, it is to be raised at all, it must be by other parties on their own responsibility."

Lord Aberdare.—But the very expression, "the whole territory," assumes that a very large portion of the territory at any rate was their due. It would be very difficult to hold that that was to restrict them to a very small portion indeed, the immediate neighborhood of their own trading forts.

Mr. Mowat.—That I have to dispute, that the correspondence did not go down to what is in dispute between Manitoba and ourselves, which is 700 miles from the bay.

The Lord Chancellor.—It is very important, because the Red River, actually flows through Manitoba into Lake Winnipeg, does not it?

Mr. Mowat.—Yes.

Lord Aberdare.—And the Saskatchewan runs still further?

The Lord Chancellor.—Yes; if at that time the Red River territory was not part of Canada, the inference of law is *prima facie* that Manitoba was not.

Mr. Mowat.—I think your Lordship will find that looking at the whole of the correspondence, which was not intended on the part of the British Government to

admit the right of the Hudson Bay Company, although sometimes expressions may be found to imply that if you look at them alone, but looking at the whole of the correspondence, I think your Lordships will come to a different conclusion.

The Lord Chancellor.—Does not it show that they were no parts of Canada?

Mr. Mowat.—No; I do not know that it does. I think, my Lord, that it is pretty clear and I think I can satisfy your Lordship of that to-morrow morning, if not this afternoon, that whatever was not Hudson Bay territory was not Canada.

The Lord Chancellor.—At present I do not think you have made a single step in that direction. On the contrary, you seem to have taken many steps in the contrary direction. If this part was not occupied by them, and, therefore, not to be deemed Hudson Bay territory, still it seems pretty clear that even as late as 1858 they were not parts of Canada.

Mr. Mowat.—There are expressions which imply that, but there are also other expressions in the correspondence against that assumption.

Lord Aberdare.—Expressions which imply it, which were made after the whole controversy had been fully raised, and with the view of procuring the cession of lands not required by the Hudson Bay Company from England to Canada. Therefore they were expressions made with the whole view of the case fully before them, but I think you may use the time between this and to-morrow, not by fortifying arguments in favor of a possible extension of Canada into these remote regions, but by narrowing the question in some practicable way.

Mr. Mowat.—If your Lordship pleases.

Sir Robert Collier.—It would save a good deal of time and a good deal of trouble to yourself if you did that.

Mr. Mowat.—I will read a sentence or two more from that very same despatch. The whole paragraph is this: "With regard to the question of boundary as distinguished from that of the validity of the charter, Her Majesty's Government are anxious to afford every facility towards its solution, a mode of accomplishing which is indicated in the correspondence if such should be the desire of Canada," and so on. At that very time Canada was claiming all this territory.

Lord Aberdare.—No, no; I do not understand Canada as claiming these territories. The Canadian settlers wished to go on the country which was said to be very rich, and from which they were excluded by the Hudson Bay Company. I do not understand that they claimed it as a portion of Canada, but as a portion of the continent which it was convenient and, perhaps, right that Canadian subjects should colonize.

Mr. Mowat.—It was claimed on that ground I agree, but it was also claimed on the ground of right at the same time. Both grounds are put forward. The facts with regard to the position of Canada in the matter were shortly these: The Hudson Bay Company desired a renewal of its exclusive right of trading. Their existing license would expire in about a couple of years and they wished to know beforehand whether there was likely to be a renewal of this license and if over territory which did not belong to them. So that having an exclusive right to territory which was theirs prevented any dispute arising as to what was not theirs, because the only value of the territory at that time was the trade. About two years before the expiration of the license they applied for its renewal. Then the Government here wrote out a despatch to the Governor General, informing him of this and stating that the Government here intended to bring the whole question before a committee of the House of Commons in order that the position of the company and all matters connected with it might be investigated at the same time, and inviting the Government of Canada to take such course as they might think proper. Then what position did the Government take upon that? I will refer your Lordships to-morrow to a report of the Executive Council, approved of by the Governor General, in which it was declared that they claimed as part of Canada all the territory that was occupied by the French at the time of the cession of 1763. Then in another despatch from this country, or in another official document, at least, you find at the same time. I think that is the first one. The claim is stated in this

form that the public opinion in this country is that Canada is entitled to the whole country to the Rocky Mountains.

Lord Aberdare.—Yes, it is entitled no doubt, but that does not mean that they were entitled to claim that to be a part of Canada which was ceded to England in 1763.

Mr. Mowat.—Perhaps that particular expression would not carry it farther but the whole tenor of the correspondence I think shows it. Now, amongst other things, the Commissioner of Crown Lands, in whose Department the matter was as long ago as 1796, and before this despatch was received by the Governor General telling him of the application to renew the license, had treated this territory as part of Canada and therefore as part of Ontario. I think his report is at page 192.

Lord Aberdare.—Here is this expression again on the same page 223 with reference to the cessions of the Red River and Saskatchewan districts: "I trust that the ready acquiescence of the Hudson Bay Company in the plan proposed for meeting the requirements of the Canadian Government will be accepted as an earnest of their desire to be on terms of harmony and friendship with their countrymen in Canada." That does not look like giving up Canadian territory so much as giving up land which was not wanted for other purposes.

Mr. Mowat.—That is the way they choose to put it. The Hudson Bay Company choose to put it in that way.

The Lord Chancellor.—In the long report, which begins at page 213, there is a recital at page 216 of a minute from the Governor in Council that the view then taken by Canada was not then formed, but they wanted certain things to be determined and then that in the meantime the Chief Justice who seems to have been accredited to England should see first "that Canada should be secured the reversion of such territory north and west of Lake Superior as experience may show to be fit for settlement contingent on the opening of such communication from Canada as may prove sufficient to allow their future union with the Province. 2nd. That immediate steps should be taken by Her Majesty's Government to prevent the absorption of the territory west of Lake Superior by unauthorized immigration from the United States. 3rd. That every facility should be secured for enabling Canada to explore and survey the territory between Lake Superior and the Rocky Mountains." Then the Parliamentary Committee reported, at the bottom of page 219 and at the top of page 220, this: "The recommendation of the report was in affect: 1st. That the Province should be free to annex to her territory such portions of the land in her neighborhood as may be available to her for the purposes of settlement, with which lands she is willing to open and maintain communication, and for which she will provide the means of local administration. The districts on the Red River and the Saskatchewan are those particularly referred to," and so on.

Mr. Mowat.—There is no doubt you find expressions of that sort.

The Lord Chancellor.—It looks very much as if this claim was an afterthought instead of this territory being already part of Canada.

Mr. Mowat.—I think I can prove the reverse of that. I can do so to some extent now in the correspondence which we have been speaking about. Looking at the joint appendix, page 255, and some following pages which I have marked for another purpose, there is there the report of the Hon. George Brown, President of the Executive Council, at the time, this is in 1865. The first paragraph is: "I have the honor to report that while recently in England, in compliance with your Excellency's instructions, I placed myself in communication with Her Majesty's Secretary of State for the Colonies, on the subject of opening up to settlement the North-Western Territories." Would your Lordships allow me to mention that there were two things constantly kept in mind. It was thought that it was a desirable thing that this territory or portions of it should be added to Canada if it did not belong to Canada, and then the other ground was that it did belong to Canada, and that the Hudson Bay Company had no right to keep it back. The passage which I wish to refer to at page 255 is this: "In discussing with Mr. Cardwell these demands of the Hudson Bay Company I pointed out what appeared to me the utterly untenable

character of their pretensions. I endeavored to show that they were seeking to sell to Her Majesty's Government for an enormous sum territory to which they had no title under their charter, and I contended that if the solution of the question was to be sought in the purchase of a portion of the company's territorial claims, the first step was clearly to ascertain what validity there was in those claims, what land the company really had to sell." Those and one or two other passages which I ask your Lordships permission to read should be remembered in connection with the fact that the Commissioner of Crown lands in the Province of Canada, in 1856, I think it was, made an elaborate report arguing from first to last that the whole of that territory was part of Canada.

The Lord Chancellor.—This passage does not say so or suggest it.

Mr. Mowat.—The passage which I have just read?

The Lord Chancellor.—The passage which you have just been commenting upon. It suggests very strongly that the whole of the charter and the claim of the Hudson Bay Company should be set aside but not on the ground that the territory belonged to Canada.

Mr. Mowat.—Is your Lordship referring to the passage which I read from Mr. Brown's report?

The Lord Chancellor.—Yes; the passage you were just now reading.

Mr. Mowat.—Well, my Lord, this is general, but the foundation of the whole thing, the first step which was taken in this country was Mr. Cauchon's report as Commissioner of Crown Lands, and he argues the thing from beginning to end, and that is the point in the case that the Hudson Bay Company had not any part of this territory. He takes as strong a ground as anybody could take, as your Lordship will find.

Lord Aberdare.—But first look at what occurs after that which you just now quoted which is a statement on behalf of Canada, at page 257. Mr. Cardwell sums it up. It is a communication from the Colonial Secretary to the Governor General. He refers to a conference which took place between your Canadian Ministers deputed to proceed to England to confer with Her Majesty's Government, on the part of Canada, and the Duke of Somerset, Earl De Grey, Mr. Gladstone, and himself on the part of Her Majesty's Government, and he says: "On the fourth point the subject of the North-West Territory, the Canadian Ministers desire that that territory should be made over to Canada, and undertook to negotiate with the Hudson Bay Company for the termination of their rights on condition that the indemnity if any should be paid by a loan to be raised by Canada under the Imperial guarantee. With the sanction of the Cabinet we assented to this proposal." All that does not look as if it was an admission of the rights of Canada. It looks rather like an admission of the rights, qualified, perhaps, of the Hudson Bay Company under which they were to make over to Canada a country external to themselves.

Mr. Mowat.—But if your Lordship finds at the very start and as the foundation of the whole thing, that the Government of Canada had a report prepared by their Commissioner, which is set forth and which is a very long document—

Lord Aberdare.—Look again at this, the report of the Canadian delegates to England on the same page, 257. These delegates, that is to say, Sir John Macdonald, Sir George Cartier, Hon. George Brown and Mr. Galt (I think he was afterwards knighted) say: "The important question of opening up to settlement and cultivation the vast British Territories on the north-west borders of Canada, and obtained the attention of the conference."

Mr. Mowat.—There are expressions of that kind, no doubt.

Lord Aberdare.—It is their own expression.

Mr. Mowat.—But then if you go on to observe, towards the foot it says: "The claim of Canada was asserted to all that portion of Central British America which can be shown to have been in the possession of the French at the period of that cession in 1763.

The Lord Chancellor.—That is another matter quite. At the present we have not that before us. It is not even evidence which you can offer on that subject.

If it was so in the possession of the French as to be part of the territory admitted to be theirs, and ceded to the Crown after the war, then a strong argument could be founded, but that is not the ground, and I observe that in this same report of the Canadian delegates, at page 258, it says that the Minute of the Council, approved by the Governor, was referred to, which speaks of the Government of Canada being ready to co-operate with the Imperial Government for the annexation to Canada of such portions of the territory as might be available for settlement.

Mr. Mowat.—Yes, my Lord.

The Lord Chancellor.—That is the tone of the correspondence at that time.

Mr. Mowat.—Well, it is the tone of a portion of it, my Lord, but simultaneously with all that, there is the claim to ownership.

The Lord Chancellor.—Has claim to ownership of that which was in the recognized and lawful possession of the French, I suppose at the time of the cession in 1763.

Mr. Mowat.—If I could satisfy your Lordship that we are entitled to all that was in the possession of the French in 1763, I should be going a long way.

The Lord Chancellor.—There are various sorts of possession. If the French possessed it as part of that territory which was acknowledged to be theirs, and which they conceded in 1763, then I think your argument would be strong upon that, but if they had gone merely as squatters into a territory not occupied by France, that would be quite a different thing.

Mr. Mowat.—Since your Lordships are looking at expressions on one side will you allow me to point out some on the other. At page 259, for instance, which is the report of the Committee of Council. The paragraph commences: "In the first place the committee do not admit that the company have a legal title to that portion of the north-western territory which is fit for cultivation and settlement." Then your Lordship will read the other expressions connected with that.

Lord Aberdare.—Just so, "even if it be admitted that the charter of 1670, recognized as it has been by several Imperial statutes, gives to the company a freehold right in the soil in Rupert's Land. Canada contends that the cultivable tract in question forms no part of that land." Does not it carry it far beyond what you have limited it to? Even if you take it as excluding, in my opinion, the right of the Hudson Bay Company to the Saskatchewan and the Red River districts it leaves their claim far greater than this which you have been arguing about.

Mr. Mowat.—Perhaps I am arguing for a larger extent of territory than I should have presented to the committee, but this exception which is referred to here would embrace all that is important for my present purpose, because the cultivable portion—

Sir R. P. Collier.—We had better confine ourselves to what is important for your present purpose I think.

Mr. Mowat.—I propose doing that; I will not go beyond that.

Lord Aberdare.—That again goes to the Red River and the Saskatchewan, and they would both be outside that portion of the country which was given to Ontario by the arbitrators.

Mr. Mowat.—Yes, that is beyond it. Therefore, it cannot cover this portion and include this portion which is given. I do not know whether your Lordship read that expression "even if it be admitted that the charter of 1670"—

Lord Aberdare.—I have just read that. I think that goes strongly against you.

Mr. Mowat.—It meets the suggestion that the claim was admitted because the contrary is asserted so far as regards that portion.

Lord Aberdare.—No, it only says that they do not admit it to be Hudson Bay Territory, but it does not necessarily admit that it was a portion of Canada ceded in 1763.

The Lord Chancellor.—They say of the Hudson Bay Company, first of all they are entitled to nothing, that their whole charter and privileges ought to be swept away, but at all events they say they have not got a good title to this;

Lord Aberdare.—And that it ought to be annexed to Canada and made over to Canada, all which seems to show that it was not part of Canada.

Mr. Mowat.—The Act of 1774 gave us all the territory bounded on the north by the Hudson Bay Territory. It does not exclude any portion of the territory of Great Britain.

Lord Aberdare.—That evidently means up to the line of the Lake of the Woods. They do not go beyond the Lake of the Woods. It was unknown to them. It is the headwaters of the Mississippi. We must take that line and that strengthens your argument very much in my opinion in favor of the line which is against the Mississippi and Ohio.

Mr. Mowat.—Yes, I see the force of that, my Lord.

COUNCIL CHAMBER, WHITEHALL, Saturday, 19th July, 1884.

Mr. McCarthy.—I now produce another map.

Lord Aberdare.—That map is colored so as to show the claims of the Hudson Bay Company, that it infringes on the entire territory more than it otherwise would have done.

Mr. McCarthy.—Yes.

The Lord Chancellor.—The part colored dark purple is that part which I suppose is disputed?

Mr. McCarthy.—Yes.

The Lord Chancellor.—You admit this to be Ontario?

Mr. McCarthy.—Yes.

The Lord Chancellor.—That seems to depend on the theory of the watershed?

Mr. McCarthy.—Yes.

Sir Robert Collier.—You say Canada has exercised jurisdiction up to what is called the height of land?

Mr. McCarthy.—Yes.

The Lord Chancellor.—We have nothing to do with anything that goes further east than the boundary of the yellow land claimed by Manitoba.

Mr. McCarthy.—No. The only object, of course, is to find out the west line. Now, my Lords, when your Lordships adjourned on Thursday afternoon I had reached the point in the historical narrative that I was endeavoring to present to you of the Treaty of Utrecht and the bearing upon that treaty had upon the question as to the limits of the Hudson Bay lands, so far, at all events, as that was determined by the dealings between the French and English. I had made some reference to matters which I had not at the moment, perhaps, given your Lordships proof of, and I propose, in the first place, to give your Lordships the proof, as briefly as I possibly can, of the more important events up to that date. I had divided my statement, as I thought, in a manner which would make more easily understood what I desired to say with reference to those periods of time. In the first place, up to the time of the charter, 1670, I think it is very evident, and I was willing to take it for granted at all events, that the English had been the discoverers of the Hudson Bay, and I would just now present to your Lordships a map called Sanson's map, a very early map prepared by the French. It is dated 1656. This is a photograph of the map [producing same]. It is important in this view: It shows that what was regarded in those days as New France or Canada was in point of fact south of a line which, I take it for granted and I think it appears fairly enough on the map, was assumed to be the watershed line.

The Lord Chancellor.—The words "Canada ou Nouvelle France" are written almost up to Hudson Bay.

Lord Aberdare.—The rivers are all made to flow into the St. Lawrence.

Mr. McCarthy.—Except those going into Hudson Bay. The copy, I think, is much easier to follow, and I am told it is correct. It has been colored, showing more distinctly the difference between the two. The coloring is mine.

Sir Robert Collier.—This map is obviously very incorrect.

Mr. McCarthy.—At that time nothing was known west. All I am showing is this, that at that date, 1656, the French acknowledged that the English owned or were possessed of all the north country by the Hudson Bay.

The Lord Chancellor.—What strikes me at present is this, that they carry the dotted line, which seems to be the northern boundary to Canada as here laid down, close up to if not in actual contact with the waters of Hudson Bay.

Mr. McCarthy.—Yes. I do not pretend to say that that accurately lays down the line.

Lord Aberdare.—It is intended to be a watershed line up to the western extremity of Hudson Bay. Further than that we know nothing.

Mr. McCarthy.—No.

Sir Robert Collier.—Does it appear on the face of it to be a watershed line?

Mr. McCarthy.—I think so.

Lord Aberdare.—It really is much more a map defining the limits of Labrador on one side and Canada on the other.

Mr. McCarthy.—I do not say it is accurate as a map. My object in citing it is to show that at that date the French seem to have confined their New France or Canada to the watershed of the St. Lawrence. In confirmation of that, if your Lordships will look at the boundary description in the commission of that date from the French King to the Governor of France that view is very much confirmed.

The Lord Chancellor.—That is, they laid down their Canada as including the watershed of the St. Lawrence, and they make all the streams within their limits flow into the St. Lawrence.

Lord Aberdare.—They acquired a great deal of land with that.

Mr. McCarthy.—I think, with deference, they did not beyond Louisiana. In this country I do not think they acquired anything.

Lord Aberdare.—Not in the hundred years?

Mr. McCarthy.—No, not beyond the watershed. In point of fact the country between the watershed of the St. Lawrence and the north was the Hudson Bay country, the country on the west was the Mississippi country, which they called Illinois and Louisiana, and granted that they had Louisiana and Illinois, which undoubtedly they did up to that line (shown on the copy produced on Thursday), still there was nothing to the north but Canada and the Hudson Bay.

Sir Robert Collier.—They go very near, indeed, to Hudson Bay.

Mr. McCarthy.—Yes; that was intended to be the water line. If that was incorrectly laid down, we have to find which the true water line is, and about that there is no dispute.

The Lord Chancellor.—That is an ingenious way of putting it. You treat, as the cardinal point here, the water line. It is not said on the other side that they mean to relinquish their claim to any territory here put down as French.

Mr. McCarthy.—I do not know, as a matter of fact, that they represented any river on this map as flowing into the St. Lawrence, which does not, as a matter of fact, flow into the St. Lawrence. It is correct as far as that goes.

Lord Aberdare.—This map does not touch that portion of Canada which is west of Lake Superior.

Mr. McCarthy.—It is the foundation of the claim. We must start at the commencement.

Lord Aberdare.—I think this may be assumed to be a map showing the limits between La Nouvelle Bretagne and La Nouvelle France.

Mr. McCarthy.—If you look at page 649 of the Joint Appendix, you will find the commissions that were granted by the French King. It is a commission to Montmagny. The Hudson Bay rights began in 1670. Then the question is, what had the English a right then to claim as theirs, and what had the French a right to claim? I find that, in 1645, 1651, 1657, and down to 1663, the French limited their claim to the territory watered or drained by the St. Lawrence. Then the English take possession of the Hudson Bay. They claim, that having taken possession of the Hudson Bay, and having discovered it prior to that, gave them the right to take

all the watershed of the Hudson Bay. The effect would be, if on the one hand, the French had a right to the watershed of the St. Lawrence, and the English, in 1670, became entitled to the watershed of the Hudson Bay, then that watershed, being ascertained the proper boundary between the two countries, would be defined. Now, these commissions go to show what the French in those days were claiming, was, as I say, the watershed of the St. Lawrence. That brings it up to 1670. Then your Lordships will recollect language of the charter. The first commission gives the words more fully. It is the one to Montmagny, "and in the Provinces watered by the St. Lawrence, and the rivers which discharge into it, and the places that depend thereon in New France."

The Lord Chancellor.—"The places that depend thereon" goes further.

Mr. McCarthy.—I submit that means the places that depend on the rivers. It means the land drained by those rivers.

The Lord Chancellor.—I take it the words "in the Provinces watered by the St. Lawrence, and the rivers which discharge into it," do *prima facie* relate to the district so watered; but then the words, "and the places that depend thereon," mean the places that depend upon those Provinces whether watered or not.

Mr. McCarthy.—The effect of that would be to take in the whole continent, because every place bordered on the Provinces—

The Lord Chancellor.—No; if the French had annexed something which was not, strictly speaking, watered by the St. Lawrence or the rivers which discharged into it, it would become a dependency of Canada.

Mr. McCarthy.—Their claim was confined to the St. Lawrence at that date.

The Lord Chancellor.—This particular commission strikes me as indicating something more.

Sir Robert Collier.—There is a commission of 1665 which says nothing about watershed that I can see.

Mr. McCarthy.—No. Will your Lordship look at the second commission in 1651?

Sir Robert Collier.—I was looking at the more recent one.

Mr. McCarthy.—From time to time the French were increasing in their encroachments. Of course it is not everything the French claim that is to be taken as belonging to them.

The Lord Chancellor.—Nor on the other hand is much to be founded on the argument which says that at a certain earlier date they do not appear to have claimed as much as they did afterwards.

Mr. McCarthy.—No. We traced it historically and endeavor to show the relative position of the countries at the time.

Lord Aberdare.—They treated a large part of the country within that watershed as theirs.

Mr. McCarthy.—No. I think they really did not.

Lord Aberdare.—Here is the boundary claimed by the French. There are various French fortresses there.

Mr. McCarthy.—No doubt they are encroaching on the Hudson Bay, and it was complained of by the English that they were doing so and that was forbidden to them.

Sir Robert Collier.—Look at the next commission of 1651 on the same page, 649. It says: "Over the whole extent of the River St. Lawrence, in New France, the isles and lands adjacent on both sides of the river and the other rivers that discharge therein, as far as its mouth, taking ten leagues near to Miscou on the south and on the north as far as the lands of the said country extend."

Mr. McCarthy.—It says: "In the same manner that it was held and exercised by Sieur Daillebout." It is limited, but I do not think we have the limitation. Then your Lordships will see that in 1670, when the French began to be pressed with the encroachments upon their trade, so to speak, of the Hudson Bay adventurers, they put forward claims to the whole of the continent, and that gave rise to disputes which they attempted to settle by the Treaty of Neutrality. Now, one important

document, as it seems to me as showing the view then entertained by the English Government, is to be found at pages 480 and 481 of the joint appendix. This was in the correspondence between the French and English after the Treaty of Neutrality, and with a view of settling their disputes upon this part of the continent, the English in point of fact claiming all that the Hudson Bay Company were entitled to, and the French endeavoring to confine the Hudson Bay Company to the bay and to the forts they had; in point of fact, to drive them from the bay.

The Lord Chancellor.—This seems to be in 1687.

Mr. McCarthy.—Yes; at about line 36 it says:—"And it will be sufficient answer to the greatest part of the French paper to assert that the country of Canada and that of Hudson Bay are two different Provinces, and have no relation but that of neighborhood as may appear by ancient and modern maps, nor did the English, when they were possessed of Canada itself, esteem the country of Hudson Bay as appertaining to it, and it is to be hoped that it will not now be reputed a dependence of Canada, which would be a pretension not to be advanced between two Crowns that entertain so good a correspondence together, and which would quite destroy the end of the late Treaty of Neutrality, since instead of preserving peace in time of war it will be looked upon as the occasion of the worst effects of war in the time of peace, if so notorious an invasion should remain unpunished or satisfaction refused for the losses that have been sustained." That is in 1687, after the Treaty of Neutrality. There are great numbers of papers here between French and English commissioners upon this disputed question as to the Hudson Bay.

Lord Aberdare.—What is the meaning of the expression: "Nor did the English when they were possessed of Canada itself esteem the country of Hudson Bay as appertaining to it"?

Mr. McCarthy.—The English claimed to be the discoverers of Canada and afterwards to have ceded it for some consideration which they alleged the French had not paid and they were talking of reviving that old claim. This particular part seems to me to be good as showing that the claim put forward by the English at that early date was that the Hudson Bay was a Province.

The Lord Chancellor.—The claim was first made by Sir William Alexander, Earl of Stirling and Viscount Canada.

Mr. McCarthy.—Now it is a fact, which is not perhaps unimportant with reference to these encroachments, that it was charged in this correspondence or negotiation between the English and French that the French King had rather disapproved of what his Canadian subjects had been doing in the neighborhood of Hudson Bay. He professed at all events to repudiate it. That your Lordships will see stated at page 484 of the case, and not in any place denied that I have been able to find.

Sir Robert Collier.—That is the answer of the Hudson Bay Company.

Mr. McCarthy.—Yes. "But the said English company cannot hope better from the justice of His Most Christian Majesty, who, having declared his disapproval of his subjects' proceedings in this affair in so plain a case, will not infringe the good correspondence that is between the two Crowns." All through your Lordships will find the Hudson Bay Company and the English Government are interchanging correspondence. The English Government applies to the Hudson Bay Company to know what they are to say and the Hudson Bay Company replied and one thing is dovetailed into another.

Sir Robert Collier.—What they represent to His Majesty is, that in case the French be suffered to be sharers in the bay and straits of Hudson, or be permitted to trade therein, the company cannot any longer subsist." What they protested against was the French claiming the trade or to be possessed of land in the bay or straits of Hudson.

The Lord Chancellor.—That would include Fort Nelson, a long way to the north.

Mr. McCarthy.—At that time the French had captured many of the forts on the bay, and the English were claiming restitution for this outrage as they called it, and the French King, in answer to the English, stated that he did not endorse the conduct of his subjects. Now at page 484 is a report of the English commissioners to

the King, finally upon the result of all this. Whereupon their Lordships agree to report their opinions to His Majesty as follows: We, your Majesty's commissioners, appointed to treat with the ambassador and envoy extraordinary of His Most Christian Majesty concerning the differences that have happened between your Majesty and the French in America, have had frequent conferences with the said ambassador and envoy extraordinary, in order to obtain satisfaction for the damages your Majesty's subjects have lately sustained from the French in Hudson Bay, with restitution of the three forts, which, by surprise, were seized on by them, as also touching several other differences depending between the two crowns, and as to the business of the Hudson Bay having already acquainted your Majesty with our proceedings therein. Now here is the opinion: We do further add our humble opinion, that as it plainly appears your Majesty and your subjects have a right to the whole bay and straits of Hudson, and to the sole trade thereof, so it may be fit for your Majesty to support the company of Hudson Bay in the recovery and maintenance of their right, since otherwise that trade will be totally lost, and fall into the hands of the French, if they be permitted to continue in the possession of those forts, or of any fort or place of trade within the said bay or straits.

Sir Robert Collier.—Within the said bay or straits? That seemed to be their pretension at the time.

Mr. McCarthy.—It goes further: "the whole bay and straits of Hudson." Of course, the important thing was the trade. That is to say, the trade of the Indians which was brought down by the different rivers to Hudson Bay.

The Lord Chancellor.—Then there is a proposal for settlement of the boundary?

The Lord President.—Those words there are given more fully at page 484, and in the same terms as those found in the Hudson Bay Company's charter: "With the rivers, lakes and creeks therein, and the lands and territories thereto adjoining." That is at line 9. Those are nearly identical with the terms of the charter?

Mr. McCarthy.—Yes.

Sir Robert Collier.—You say it comprehended Fort Nelson?

Mr. McCarthy.—Yes, as part of the whole. Now we have His Majesty's sanction for that.

Sir Robert Collier.—It is a long way to the north.

Mr. McCarthy.—There is no doubt part of this was Hudson Bay in the part that has been awarded. That part, which beyond all doubt the Hudson Bay Company had a right to claim, is the part ceded by the award as not being Hudson Bay Territory. Now the memorandum is page 485. "His Majesty's commissioners and the commissioners of France appointed to treat concerning differences in America being met, their Lordships delivered to the French commissioners a general memorial, declaring His Majesty's pleasure, touching the several matters in difference, and that His Majesty had empowered them to treat concerning the settling of limits in America, whereupon the French commissioners do promise to return an answer to such points wherein they are enabled so to do, and to receive the direction of the King, their master, concerning the others, and do likewise propose that the subjects of both Kings be restrained from all acts of hostility." Now we find the King's resolutions at line 20: "His Majesty's commissioners, appointed to treat with the commissioners of the Most Christian King for the execution of the Treaty of Neutrality in America, have received His Majesty's orders to acquaint the said commissioners that having maturely considered his own right and the right of his subjects to the whole bay and straits of Hudson and having been also informed of the reasons alleged on the part of the French to justify their late proceedings in seizing three forts which for many years past have been possessed by the English, and in committing several other acts of hostility to the very great damage of the English company well founded in their demands and hath therefore ordered us to insist upon his own right and the right of his subjects to the whole bay and straits of Hudson and the sole trade thereof as also upon the demand of full satisfaction for the damages they have received and restitution of the three forts surprised by the French. We are also ordered to declare to the French commissioners that His Majesty had

given us powers and directions to enter into a treaty with the said commissioners for the adjusting of limits between the Dominions of both Crowns in America and doing everything else that may conduce to the removing all occasion of differences between the two nations."

The Lord Chancellor.—Which, I suppose, they never did settle?

Mr. McCarthy.—No, my Lord. Nothing came of this attempt to settle these boundaries. This was before the Treaty of Ryswick and still earlier before the Treaty of Utrecht.

Now, the next matter, and it is not unimportant as I understand Your Lordships' view of this question as the Act of Second William and Mary, 1690, page 348 of the joint appendix. It is only important as showing the recognition of the Hudson Bay claim by the Act of Parliament. I do not know that your Lordships require me to address you upon that?

The Lord Chancellor.—We have already indicated that you may conduct your argument on the supposition that you need not go into any question as to the validity of the Hudson Bay charter.

Mr. McCarthy.—The Act does confirm in the clearest way for a limited time the charter of the Hudson Bay Company in every respect. That is in the year 1690.

Sir Robert Collier.—No; it only takes the very words of the charter and recites it.

Then, at page 635, I refer to the statement as to Port Nelson being one of the most important ports. Port Nelson is to the north. One of the early discoverers died there in the winter and it was called Port Nelson. It is a little below the Churchill River, your Lordship will see. I give your Lordships the reference where it is spoken of as being the most important point in the Hudson Bay at page 635. Then the Treaty of Ryswick, I think I mentioned to your Lordship on Thursday, and I need not trouble your Lordships to take a note of it. The next reference is to page 555 of the joint appendix, and it is a very full and clear account of the right of the Hudson Bay Company and as to all the discoveries and so on, at the foot of the page. It is an answer of the Hudson Bay Company. Again at pages 559 to 562 is another statement which is very precise as to dates, places and events. I do not propose to trouble your Lordships with reading them, but I will first give you the references. That is in 1700. Then comes the paper at page 562 which I ought to refer to.

Lord Aberdare.—Which is Rupert's River?

Mr. McCarthy.—It is to the east. It is just north of the blue line. It is the north-east corner of the awarded territory, practically.

Lord Aberdare.—I see that that was their contention, that under the Treaty of Ryswick the French had no right to any points eastwards.

Mr. McCarthy.—I am coming to that because that is the only document from first to last that gives even the slightest color or foundation for the award.

Lord Aberdare.—Just tell me this if that is so. The map we have here is the Ontario map?

Mr. McCarthy.—Yes.

Lord Aberdare.—And therefore you do not accept it, of course?

Mr. McCarthy.—Yes, my Lord, I do, but I do not accept all the statements on it.

Lord Aberdare.—It is with reference to a statement on it that I wanted to ask you. If you look to the north portion along the line of the Albany you will see written there and across St. James' Bay, "southern boundaries." That is the Albany being the southern boundary, "proposed by the Hudson Bay Company, 29th January, 1707."

Mr. McCarthy.—That is the very document we are now at.

The Lord Chancellor.—You are now reading from a document in 1700?

Lord Aberdare.—But you proceeded to say that neither then nor afterwards was there anything to justify the award.

Mr. McCarthy.—I say this is the only document.

The Lord President.—This document carries the French up to the Albany River.

Mr. McCarthy.—All south of that the Hudson Bay Company proposed as a line for the French. They said, we do not want the French to come north of it and we will not go south. What I say is that that is the only document, first to last.

The Lord Chancellor.—That may be the only document first or last, but we should like to understand what this document is.

Mr. McCarthy.—It is on page 562, "The Company's claims after the Treaty of Ryswick." "The limits which the Hudson Bay Company conceive to be necessary as boundaries between the French and them in case of an exchange of places and that the company cannot obtain the whole straits and bay, which of right belong to them. It is a document without prejudice, viz, that the French be limited not to trade by wood-runners or otherwise, nor build any house, factory or fort beyond the bounds of 53 degrees or Albany River, vulgarly called Chechewan, to the northward on the west or main coast."

The Lord Chancellor.—I should have thought that that name was the name of the fort built in 1684, at the mouth of the Albany River.

Mr. McCarthy.—The first forts built there were by the English, then the French took them, then the English retook them, then the Treaty of Ryswick was passed, which said that notwithstanding the English had captured them, nevertheless they ought to be returned to the French, although they had been taken from the English by the French during the peace, and therefore the Hudson Bay Company said they were the only mourners by the peace. Then the second paragraph says: "That the French be likewise limited not to trade by wood-runners or otherwise, nor build any house, factory or fort beyond Rupert's River to the northward on the east or main coast. On the contrary, the English shall be obliged not to trade by wood-runners or otherwise, nor build any house, factory or fort beyond the aforesaid latitude of 53 degrees, or Albany River, vulgarly called Chechewan, south-east towards Canada on any land which belongs to the Hudson Bay Company," treating it still as their land. "As also the English be likewise obliged not to trade by wood-runners or otherwise, nor build any house, factory or fort beyond Rupert's River to the south-east towards Canada on any land which belongs to the Hudson Bay Company." "It is only regulating trade after there is no surrender of territory."

Sir Robert Collier.—"As likewise that neither the French nor English shall at any time hereafter extend their bounds contrary to the aforesaid limitations."

Mr. McCarthy.—Yes, "Nor instigate the natives to make war or join with either in any acts of hostility to the disturbance or detriment of the trade of either nation which the French may very reasonably comply with, for that they, by such limitations, will have all the country south-eastward between Albany Fort and Canada to themselves, which is not only the best and most fertile part but also a much larger tract of land than can be supposed to be to the northward."

The Lord President.—I see these are the limits which the Hudson Bay Company conceived to be necessary as boundaries in case of an exchange of places.

Mr. McCarthy.—Yes. "And unless the company can be secured according to these propositions they think it will be impossible for them to continue long at York Fort (should they exchange with the French), nor will the trade answer their charge, and therefore if your Lordships cannot obtain these so reasonable propositions from the French"—Your Lordships see it was to the Commissioners of Trade and Plantations—"but that they insist to have the limits settled between (Albany and) York and Albany Fort as in the latitude of 55 degrees, or thereabouts, the company can by no means agree thereto, for they by such an agreement will be the instruments of their own ruin never to be retrieved."

The Lord Chancellor.—I see it is Fort York or Fort Nelson.

Mr. McCarthy.—Yes. I omitted to read the last part of paragraph 5. Your Lordships will observe in the first place that this is a proposition made to the Lords Commissioners of Trade and Plantations.

Sir Robert Collier.—There we have the precise boundary which they claimed at this particular time, 10th July, 1700.

Mr. McCarthy.—Not what they were claiming, but what they were willing for the sake of peace and settlement to accept.

Sir Robert Collier.—It is called "Proposed southern boundary by the Hudson Bay Company, 10th July, 1700. Then, a few years later, they go a little higher and there is "Line proposed on 29th January, 1707."

Mr. McCarthy.—I find no authority for that line on the map.

Sir Robert Collier.—The southern boundary proposed by them.

Mr. McCarthy.—If you look at paragraph 5 you will see what the company say as to that—line 31—“which is not only the best and most fertile part, but also a much larger tract of land than can be supposed to be to the northward, and the company deprived of that which was always their undoubted right.” Now they speak of their right and make a proposition for settlement to their own Government and not to the French.

Sir Montague Smith.—They wanted their own Government to get that boundary settled.

Mr. McCarthy.—I say this never was communicated to the French.

The Lord Chancellor.—What does that signify?

Mr. McCarthy.—Perhaps not, I only stated the fact.

The Lord Chancellor.—There have been many documents which do not seem to have been communicated which have been referred to as showing what the claims or pretensions of particular parties were at different times.

Mr. McCarthy.—I thought I had read the part which made it very clear that they claimed all, but were willing to make concessions for the sake of peace.

The Lord Chancellor.—You have read enough to show that they do not necessarily admit by this that they are conceding something to which they made no claim. It does not go further than that.

Mr. McCarthy.—They do say “and the company deprived of that which was always their undoubted right.” They speak of their right and make a proposition for settlement to their own Government and not to the French. I do not know what stronger words could be used.

Sir Robert Collier.—And they also say that they claim the whole straits and bay.

The Lord Chancellor.—They seem to admit by this that looking to the actual state of occupation and possession that would be a limitation of boundaries in which they would acquiesce.

Mr. McCarthy.—If that settlement had been carried out at that time they would be willing to acquiesce. That came to nothing. It was a proposition made by them not communicated to the French, and which, if it was communicated to the French, was never agreed to, and, therefore, it was like a proposition made without prejudice and, of course, is not to be used against them in any sense.

Then if your Lordships care to follow this further I may state I have gone carefully through it and I think I can state the effect of it, that nothing came of all this correspondence. I merely referred to this because I thought it ought to be explained to your Lordships and it would hardly have been candid to your Lordships if I had passed it over. The Treaty of Ryswick was followed rapidly by the outbreak of war between France and England, which ended at the Treaty of Utrecht. By that treaty the Treaty of Ryswick was wiped out and the English and the Hudson Bay Company restored to all their rights.

The Lord Chancellor.—This is the paragraph at the bottom of page 564, showing exactly the state of things, right or wrong, where the Hudson Bay Company state “that the only settlement the company have now left in Hudson Bay (of seven they formerly possessed) is Albany Fort, vulgarly called Chechewan, on the bottom of the said bay where they are surrounded by the French on every side, viz., by their settlements on the lakes and rivers from Canada to the northward towards Hudson Bay as also from Fort Nelson (Old York Fort) to the southward.”

Mr. McCarthy.—I do not know to what extent that statement is right, but they had a settlement on the Albany River and they had that settlement on Lake Abbittibi, which is to the north of Lake Temiscamingue. When they say settlement it does not mean a settlement of cultivated land, but a post from which they traded and where they had fortifications. I think they had posts at both those places on the Albany River and at Lake Abbittibi.

Lord Aberdare.—Your argument would be that their settlement there would no more entitle them to the territory than their settlement to the north would entitle them to the land to the north.

Mr. McCarthy.—The English insisted on having the canon and a good deal of discussion took place as to the words “restitution” and cede, and one of the points was that if it had been a cession the French would have right to withdraw their ordinance and their public property. If, on the other hand, it was restitution the canon and the public property went to the conqueror. Then in view of the Treaty of Utrecht, the war having occurred in 1700 and 1702 and having continued to 1713, I think, if your Lordships will look at page 572 in view of the negotiations then pending for peace the Hudson Bay Company presented their claim to the Queen, and that states “that the French, in a time of perfect amity between the two Kingdoms, viz., Anno 1682, did arbitrarily invade the company’s territory at Port Nelson, burn their houses and seize their effects. That in the years 1684 and 1685 they continued their depredations. That in the year 1686 they forcibly took from the company three factories, viz., Albany, Fort Rupert and Moose River Fort; which violent proceedings they continued the years 1687 and 1688, the whole damages done by the French to the company in times of peace amounting to £108,514 19s. 8d., as your petitioners are ready to make appear, beside interest for the same. That in the year 1685 they supplicated his then Majesty King James the Second, to interpose on their behalf, and by his ambassadors at the French court to demand reparation for the damages done to the company and restitution.” That is a repetition of what your Lordships have heard. Then they talk, on page 573, about the peace of Utrecht. “But so it is, may it please Your Most Excellent Majesty, that the company found their interest not comprehended in the Treaty of Ryswick, which they are far from attributing to any want of care in that gracious Prince of this Kingdom’s honor and trade, and rather think their rights and claims were there overweighed by matters of higher consequence depending in that juncture, for by the said treaty they found their condition much worse than it was before, by the 8th article whereof the French were left in possession of such places situated in Hudson Bay as had been taken by them during the peace which had preceded that war. That at a meeting of commissioners on both sides (as directed by the said treaty to adjust these differences) the company did again set forth the undoubted right of the Crown of England to the whole bay and straights of Hudson, against which nothing but sophistry and cavils were offered on the French side, and the matter remained undetermined.”

Sir Montague Smith.—The whole bay and straights?

Mr. McCarthy.—That is used shortly to indicate as I submit or imply their right to the whole country “that the only settlement now remaining to the company in those parts (of seven they formerly had) is Albany fort, on the Chechewan, where they are surrounded by the French on every side, viz., by their settlements on the lakes and rivers from Canada to the northward towards Hudson Bay, as also from Fort Nelson (at York Fort) to the southward.” They then speak of the former treaty and your Lordships have heard that, then “the promises considered when your high wisdom shall think fit to give peace to those enemies whom your victorious arms have so reduced and humbled, and when Your Majesty shall judge it for your people’s good to enter into a treaty of peace with the French King, your petitioners pray that the said Prince be obliged by such treaty to renounce all right and pretensions to the bay and straights of Hudson, to quit and surrender all posts and settlements erected by the French or which are now in their possession, as likewise not to sail any ships or vessels within the limits of the company’s charter, and to make restitution of the £108,514 19s. 8d., of which they robbed and despoiled your petitioners in times of perfect amity between the two Kingdoms.” And virtually that prayer was acceded to.

Sir Montague Smith.—The bay and straights of Hudson again—

Mr. McCarthy.—Yes. They never set out the words of the charter in full, but it does appear from the Ryswick treaty, which was referred to a moment ago, that

they meant the land, because they speak of their land, and they speak of more valuable land being given to the French by that proposition they then propose to make than they were retaining.

The Lord Chancellor.—Then this is a new proposition in 1712. What is the bearing of that?

Mr. McCarthy.—I do not know that that varies anything that I have read. This is the proposition now as to limits.

The Lord Chancellor.—Where is Grimington's Island?

Mr. McCarthy.—To the north-east of the coast of Labrador.

The Lord President.—That would be taking the French out of the bay altogether.

Mr. McCarthy.—They proposed before the Treaty of Utrecht to suggest a line of demarcation between the two Provinces, and your Lordships will find that on the map marked substantially in accordance with the height of land "that the said limits begin from the island called Grimington's Island or Cape Perdrix, in the latitude of 58½ north."

Sir Robert Collier.—That is very far north.

Mr. McCarthy.—On the coast of Labrador.

The Lord Chancellor.—Nobody could possibly say that that would coincide with the height of land.

Mr. McCarthy.—I was wrong in saying that it corresponded, it is a line down below.

The Lord Chancellor.—This line is quite on a different part of hills.

Mr. McCarthy.—The height of land in this part runs up north-easterly. It is not at all in the same direction.

Sir Robert Collier.—Do you mean this yellow line?

Mr. McCarthy.—Yes, that is the height of land.

The Lord Chancellor.—I have the boundary proposed by the Hudson Bay Company in 1712, about the middle of its course there is some large river running into Kugara Bay which is also lately inconsistent with the height of land or the watershed having anything to do with that territory. It may be immaterial for our present purpose.

Mr. McCarthy.—It is in this sense. I made a mistake in supposing it was the height of land. It is the line below that which goes to Davis' Inlet.

The Lord Chancellor.—That seems to cross the water not far from the sources of the River Canuse.

Mr. McCarthy.—That is virtually the height of land line, it is not a straight line.

The Lord Chancellor.—Not only not a straight line but this on the face of the map goes across the water.

Mr. McCarthy.—If your Lordship looks at the height of land you will find it is as near a straight line as can be.

Sir Robert Collier.—The height of land would not be straight.

Mr. McCarthy.—No, but the line proposed by the second document, I mean.

The Lord Chancellor.—That is exactly the same line as the boundary proposed by the English commissioners under the Treaty of Utrecht of 1719. The general tendency of the line seems, no doubt, to be much in accordance with your view, but at that particular part of it I do not think it is, and that is not an unimportant thing. If this is relevant to the present controversy it shows that they are not to take too little.

Mr. McCarthy.—The answer to that is this, that they did not exactly know where the water line was. What I say to that, my Lord, whether rightly or wrongly, is this, that they did not pretend to survey the water line.

Lord Aberdare.—They go to the Lake Miscosinke, which is pretty nearly the water line.

Mr. McCarthy.—Of course, I do not mean to say that they found out exactly the line of the water line, but they adopt the general course of the water line in the subsequent correspondence although not in this.

The Lord President.—I think in this memorandum the Hudson Bay Company call attention to the fact of their charter.

Mr. McCarthy.—Yes, that is at page 574.

The Lord President.—Page 575.

Mr. McCarthy.—It commences at page 574: "That the said limits begin from the island called Grimington's Island or Cape Perdrix in the latitude of 58½ north, which they desire may be the boundary between the English and French on the coast of Labrador, towards Rupert's Land on the Eastmain and Nova Britannia on the French side, and that no French ship, bark, boat or vessel whatsoever shall pass to the northward of Cape Perdrix or Grimington's Island towards or into the Straights or Bay of Hudson, on any pretence whatever. That a line be supposed to pass is the way they put it."

Lord Aberdare.—From that point it goes down to Lake Miscosinke.

Sir Robert Collier.—It takes you down to that?

Mr. McCarthy.—Yes, my Lord.

Lord Aberdare.—And then it goes on further?

Mr. McCarthy.—Yes; "dividing the same into two parts (as in the map now delivered)."

The Lord Chancellor.—I suppose you have not got that map?

Mr. McCarthy.—No, my Lord, although afterwards, however, this becomes important. I think it is proper to refer to it; but afterwards the line is laid down on the 49th parallel. That is where we get the 49th parallel afterwards.

Sir Robert Collier.—Then they say that the French boats shall not come to the north or north-westward of the said lake or supposed line. That is to say, that the French are not to go northward of this Lake Miscosinke.

Mr. McCarthy.—That comes afterwards, after the Treaty of Utrecht.

Sir Robert Collier.—What they say is, that the French boats shall not come to the northward or north-westward of the said Lake Miscosinke.

Mr. McCarthy.—That is the proposition. That is the memorandum prepared by the company and suggested to the Lords Commissioners of Trade and Plantations.

Lord Aberdare.—These are intermediate negotiations?

Mr. McCarthy.—These are before the peace. These are not negotiations at all, strictly so called while negotiations for the peace were going on, the Hudson Bay people proposed to the English negotiators to have that line established.

Sir Robert Collier.—That is the line that they claimed at that time?

Mr. McCarthy.—That is the line they claimed on that side. "These limits being first settled and adjusted, the company are willing to refer their losses and damages formerly sustained by the French in time of peace to the consideration of commissioners to be appointed for that purpose." Then they go on: "The said company are, by their charter, constituted lords proprietors of all those lands, territories, seas, straits, bays, rivers, lakes and sounds, within the entrance of the straits, to hold the same as of Her Majesty's Manor of East Greenwich, in the county of Kent." That means, I take, that they take the whole from the entrance of the Strait of Hudson and all the lands drained by the tributaries to that. That is their claim. Your Lordships will find that pretty plain when we go on step by step. Of course, the land was not of so much importance then as the trade.

The Lord Chancellor.—You are going through the detail of these negotiations, and it may be that it is necessary that you should do so; but as far as I can make out, the result of it seems to be this, that from time to time various boundaries were proposed, none of which exactly refer to or coincide with the watershed, and that no boundary was finally settled. Is not that it?

Mr. McCarthy.—That is just what I am coming to, but I think it is only fair to point out these negotiations, because they are rather against the view which I am contending for, and I shall have no opportunity of replying in case any statement may be made by my learned friends on the other side, if they advance anything upon them. Then there follows what I was very nearly omitting, the report of the Lords of Trade to the Earl of Dartmouth, at page 575: "In obedience to Her

Majesty's commands, signified to us, we have considered the enclosed petition from the Hudson Bay Company to Her Majesty, and are humbly of opinion that the said company have a good right and just title to the whole Bay and Straits of Hudson."

Sir M. E. Smith.—That seems to be the phrase adopted at that time all the way through the bay or straits.

Mr. McCarthy.—Yes; in point of fact I am inclined to think that the clearer view of international law, as it is now understood, was on the French side—as to the watershed I mean—as far as I can gather from the correspondence.

The Lord Chancellor.—Surely there is no international law involved in the subject.

Mr. McCarthy.—I propose, my Lord, to cite authorities from writers on international law, in support of that view, such as Sir John Phillimore.

The Lord Chancellor.—It may be that the French had no abstract right to the possession of these territories.

Mr. McCarthy.—But I mean with reference to how these matters with regard, more especially to the American continent, were settled because they required to be settled.

The Lord Chancellor.—That is a matter of history rather than international law.

Mr. McCarthy.—These pretensions were advanced at one time by the Spanish in the cession of their territories; they were advanced at another time in disputes between France and England, between England and the United States; and I should submit that there is now a rule of international law derivable from what was done on those occasions, and in that sense it is that I say that questions of international law are involved.

The Lord Chancellor.—If you mean that every treaty and convention may be said to enter into international law, of course I follow what you mean.

Lord Aberdare.—Will you go on to what was the result of all this?

Mr. McCarthy.—The result of all this was the Treaty of Utrecht, in which no lines were fixed, but your Lordships will remember my argument on the subject.

Now, then, coming to that point again, if your Lordships will pardon me for recurring to it, I say, looking at what your Lordships now know more accurately than you could from my statement, what is the fair meaning of that treaty? Two things are proved, as I say, first a rule of division, a rule by which the commissioners were to divide the Provinces, for I will so continue to call them, of Hudson Bay and French Canada. The rule provided for their division was that the commissioners were not to meet and settle that great question, which no doubt caused a good deal of trouble, but that that was already determined under the 10th article of the treaty, and how was it determined? Now, it requires a great deal of hardihood after the way my argument was received by your Lordships the other day to repeat it; but I ask your Lordships again, what is the fair meaning of the words, when you speak of land and territory looking to water?

Lord Aberdare.—"Looking to" is the translation of the original words of the treaty *spectantibus*.

Mr. McCarthy.—That is what I say.

Sir Robert Collier.—Then in the French copy, the word is "dependent" or "appurtenances."

The Lord Chancellor.—Everybody knows that the Latin word is capable of that sense.

Mr. McCarthy.—Is not that the fair meaning of that word when you speak with regard to land looking towards the water? What does it mean if you speak of the land looking to the Thames? Would not anyone say that that was the part of the property that sloped towards the Thames?

Lord Aberdare.—That is the primary meaning of the word *spectantibus*. Suppose the ordinary meaning of *spectantibus* is "relating to."

The Lord President.—The French version is the original one.

Mr. McCarthy.—No, my Lord.

The Lord President.—Well, it is stated that there were two originals.

Mr. McCarthy.—But the English Government directed their commissioners to be guided by the Latin, and not by the French version.

The Lord Chancellor.—Where is the treaty to be found?

Mr. McCarthy.—At page 504 is the treaty.

Sir Montague Smith.—The note says that there were two originals?

Mr. McCarthy.—Your Lordship is quite right. Now what say the instructions to the commissioners at page 509, if your Lordship will turn to that for a moment?

The Lord Chancellor.—Before we pass from that, let me say—

Mr. McCarthy.—I am coming back to it, my Lord, but I want just to refer to this page 509, because there you will find the instructions to Commissioner Bladen, in 1719, about this Treaty. If the French commissary or commissaries should pretend to ground a more extensive claim upon the French treaty than does appertain to them by the Latin one, you are to insist upon it that the Latin treaty is to be your guide in all cases, though even by the French treaty they can have no title to any islands lying in the Bay or Gut of Canceau.

The Lord Chancellor.—You see here you want to impose on the Latin word a sense which it does not necessarily bear, and which in the contemporaneous translation both of the English Government and of the French Government was not given to it.

Mr. McCarthy.—I just wasn't, if your Lordships will pardon me for perhaps undue persistence upon this point—

The Lord Chancellor.—Both the contracting parties agreed to it in the sense in which the word will be used in the Latin.

Mr. McCarthy.—That is not signed in English, but the English is a translation.

The Lord Chancellor.—The English is a contemporaneous translation, accepted by the Government, and made by the authority of the English Government at the time.

Mr. McCarthy.—But what can possibly be the meaning of these words as applied to lands which you speak of, looking to certain rivers. Your Lordships will see what he says: "together with all lands, seas, seacoasts, rivers and places situate in the said bay and straits, looking towards the said bay and straits." Now what can that mean?

The Lord Chancellor.—But you insist on imposing on the word that literal construction which both the contracting parties at the time rejected.

Mr. McCarthy.—Then, my Lord, let me take the other words: "and which belong thereunto."

The Lord Chancellor.—It may be either those words or the French words.

Mr. McCarthy.—But, my Lord, have not I a right to quote the Latin, when I have the English commission saying, if there is a difference between the French and the Latin, you are to take the Latin?

The Lord Chancellor.—We know the English interpretation as well as the French does not give the meaning you seek to impose on the words.

Mr. McCarthy.—It was a translation not signed by the parties.

The Lord Chancellor.—The note says, which note I suppose you agreed upon: "This translation is that published by authority of the English Government at the time."

Mr. McCarthy.—Then I will take the words of the treaty: "and which belong thereunto." What can that mean? According, as I understand, land is never said to belong to streams or rivers. If you are speaking of a river belonging to a country it is because the river flows through a country, and the land is owned by that State. You do not, as a usual thing, speak of land appertaining to a river or belonging to a river. Rivers, on the contrary (and I am quoting from a high authority), are spoken of as being dependent on the ownership of the soil, so that when you say, "which belong thereunto," I do not know that there is any great difference in the meaning.

The Lord President.—There is no question about belonging to a river but it is "belonging to the said bay."

Mr. McCarthy.—But the same thing applies. How would you define that? Supposing a person called upon you to fix the limits of land “which belong to the Hudson Bay,” how can you define it, and should you go ten miles or fifty miles or 200 miles back, or should you go back to a defined line, or what are you to do? Does not the Latin supply the answer that you are to go to that line which is looking or sloping towards this bay or river?”

Lord Aberdare.—That is not the ordinary use of the word *spectantibus*.

Mr. McCarthy.—No, but “looking toward” would be one use.

Sir M. E. Smith.—But rivers wind and the land looks towards rivers in all sorts of ways, and that therefore can hardly be the proper meaning of *spectantibus*.

The Lord President.—My impression is that the English words mean that and that there is no need to argue about the meaning of *spectantibus*.

Mr. McCarthy.—Very well, my Lord. Now, then, what follows? The company's petition for an Act of cession follows this treaty.

Mr. Mowat.—It would be convenient, perhaps, to mention that the meaning of this word *spectantibus*, as given in Rolls' Abridgement, 95 E., is identical to appurtenant or appertaining. That is in a grant to the Duchy of Cornwall.

Mr. McCarthy.—The Latin dictionary I have looked at gave the meaning of the word when used with regard to land as being “looking to.”

Mr. Scoble.—The primary meaning of the word is to “appertain to” or to “relate to.”

The Lord Chancellor.—Every school boy knows that.

Mr. McCarthy.—Then, if we go to page 575, your Lordship will find the company's petition for an act of cession. My learned friend advanced an argument the other day that although this land was restored by the Treaty of Utrecht and this territory was the same that was restored to the Crown that did not enure to the benefit of the company.

The Lord Chancellor.—You need not trouble yourself about that.

Mr. McCarthy.—That is all that that shows that it was so, and the following pages make that out. They pray that the land be restored to them. Now, we come to the negotiations under the treaty and I may state briefly to your Lordships what I think those show so far as it is necessary for the purposes of this case.

Lord Aberdare.—What treaty do you mean?

Mr. McCarthy.—Under the Treaty of Utrecht of 1719. Your Lordships will remember that now there was a long peace, from 1719 up to 1746, and in 1719 commissaries were appointed under this treaty to mark out this line provided by the treaty. But before I pass from the treaty, I want just to draw your Lordships' attention to this. I stated this as a fact, but I thought perhaps your Lordships might have thought it was my argument and not the statement of the treaty itself. It says: “But it is agreed on both sides to determine within a year by commissaries to be forthwith named by each party, the limits which are to be fixed between the said Bay of Hudson and the places appertaining to the French, which limits both the English and French subjects shall be wholly forbid to pass over or thereby to go to each other by sea or by land. The same commissioners shall also have orders to describe and settle in like manner the boundaries between the other British and French colonies in those parts.” That appears to me to strengthen the argument that it was not intended to leave the commissioners to do more than just mark down some line, the principle on which that line was to be marked being already determined. And the object is also apparent. It is to present an absolute wall, a sort of Chinese wall, over which the French were not to go and below which the English were not to go, and the purpose is obvious when we have regard to the trade which was carried on. By coming up and interfering with one another's rivers, they were interfering with the trade which went on one side to Montreal and on the other side to Hudson Bay.

The Lord Chancellor.—They are “to determine within a year by commissaries, to be forthwith named by each party, the limits which were to be fixed between the said Bay of Hudson and the places appertaining to the French.” Your argument is

that nature had determined and that they were only to go along the line of the hills or where they found the water divided by hills.

Mr. McCarthy.—No, my Lord, that is not quite so. I have not made myself understood. My argument was that as a matter of public law, even as understood in those days, the Hudson Bay province was bounded by that watershed on the one side, and equally so was the French province bounded by it on the other, and that that principle which had been disputed up to that time by the two Governments was practically adopted by the Treaty of Utrecht; and then it would be an impossible thing—when I say impossible I mean relatively with reference to the expense—to have gone and traced the line of this watershed all through this great continent which was a savage wilderness, therefore they were to determine some convenient line which was to be the line of demarcation between them. That is what I think the treaty day—

Sir M. E. Smith.—Which line need not be the watershed?

Mr. McCarthy.—It need not be the watershed.

Lord Aberdare.—Then to avoid all the trouble and expense what really was proposed as the exact line of demarcation was that they should take a straight line beginning at one point and ending at the other in its place?

Mr. McCarthy.—Yes; my Lord.

The Lord Chancellor.—Then that may have been a perfectly rational proceeding, but at present I see no words which indicate one thing or the other.

Mr. McCarthy.—I need not repeat the argument if your Lordship understands me, I cannot put it better than I have done.

The Lord Chancellor.—That would seem to be somewhat important if you could make it out, because although these people did not do that which according to your view it was contemplated that they might do, yet in the absence of a decision by these commissioners, the thing might have practically settled itself on the same footing.

Mr. McCarthy.—Yes; and I think it did, I think your Lordship will find that it was practically settled on the line of the 49th parallel.

Lord Aberdare.—The proposition they put forward in 1701 is again renewed at page 578. in 1714, but you say that they ultimately settled the line of the 49th parallel?

Mr. McCarthy.—Yes. May I state briefly what I mean, because it will make the correspondence a good deal easier to understand?

The Lord President.—Do I understand that your contention, that the water line or height of land was the original boundary of the Hudson Bay Company's Territories, is entirely derived from the words of the charter, namely: "The lands upon the rivers running into or belonging to Hudson Bay?"

Mr. McCarthy.—Yes, my Lord.

The Lord President.—It all depends upon them?

Mr. McCarthy.—Yes.

The President.—Absolutely, does it?

Mr. McCarthy.—I think so. What I think is this: that all that the English owned their Hudson Bay Company were entitled to as I stated on Thursday in my first observation. The English being their first discoverers were entitled to settle.

The Lord President.—But the whole contention that there was a water line boundary—a boundary depending upon the height of the land—rests upon the words of the charter—"the lands upon the rivers flowing into Hudson Bay."

Mr. McCarthy.—Practically it does, but this ought to be added to qualify that—

Sir Robert Collier.—What page is the charter?

Mr. McCarthy.—Page 341 it commences. Now, then, what took place was this, commissioners were appointed on both sides to fix this line. On the side of England a line was put forward starting from Grimington Island or Davis' Inlet, I am not sure which, perhaps Davis' Inlet, which more corresponds to the height of this land, down to the Lake Wisconsin, and from there down to the 49th parallel, and then westward along the 49th parallel.

The Lord Chancellor.—That will not have any reference whatever to the watershed.

Mr. McCarthy.—Pardon me, of course it is not the watershed which is an irregular line and for the reason I have already advanced would not be a line at all suitable to the state and condition of the country, but looking at that line on the map, Johnson's map, it would go and take all the watershed.

Lord Aberdare.—How far westward did that go?

Mr. McCarthy.—I will point out afterwards that they went as they claimed in those days to the very sea. That was the claim advanced. The first territorial claim that the Hudson Bay made before they knew where the height of land ended was to the Pacific Ocean.

The Lord Chancellor.—I only want to see the bearing of it. I should think it is as clear as the daylight that it has nothing whatever to do with the watershed line. It takes in as the Hudson Bay Company all the western side of the Rocky Mountains.

Mr. McCarthy.—The Rocky Mountains had not been discovered then.

The Lord Chancellor.—That is very true and, therefore, I say that any such line in the nature of things could have nothing to do with the watershed line.

Mr. McCarthy.—What I say is this, that supposing they knew where the water line was, as the maps show they did, and assuming still further, as another factor of the argument, that they agreed it would be impossible to follow that irregular water-line, that the 49th parallel is a fixed line, and I think as fair a line as could be assumed. That is all I mean to say; not that it was the water-line by any means, but looking at that 49th line, and looking at what we know to have been the supposed height of land in those days, because they did know there was a height of land, and they did mark it down on their maps, and the French maps put in by my friends drawn before the charter was granted show the height of land.

Lord Aberdare.—Was this 49th line ever accepted?

Mr. McCarthy.—There is a good deal to be said about that.

Sir Robert Collier.—Yes.

The Lord President.—Where is the Treaty of Utrecht printed?

Mr. McCarthy.—At page 504.

The Lord Chancellor.—Where are the proposals of the company?

Mr. McCarthy.—I am just coming to them, my Lord. The first is in 1719. That is at page 579. "That at the Treaty of Utrecht it was agreed between the Crowns of Great Britain"—

Sir Robert Collier.—This is the memorandum of the company.

Mr. McCarthy.—The memorandum of the corporation to the Lords Commissioners of Trade and Plantations. "It was agreed between the Crowns of Great Britain and France that the Straits and Bay of Hudson should be delivered up to the British subjects, and that the limits should be settled between the said Bay of Hudson and the places appertaining to the French, and also that satisfaction should be given to the company for all depredations committed against them by the French in a time of peace, according to an estimate thereof to be made at the requisition of the several parties. Now, may it please your Lordships, the first of these articles, the surrender of the straits and bay aforesaid, has been made, according to the tenor of the treaty at least, in such a manner that the company acquiesce therein and have nothing to object or desire further on that head. The other two, viz., the running of a line between the English and French territories and the making reparations to the company for their losses and damages yet remain to be done. Whereupon the Governor and company most humbly present to your Lordships that they conceive it absolutely necessary that the limits between the two nations be settled without delay, for that the French have since the conclusion of peace, viz., in 1715, made a settlement at the head of Albany River, upon which very river our principal factory is settled."

Lord Aberdare.—You mean the mouth?

Mr. McCarthy.—No, the source or head of the river. "At the head of Albany River, upon which very river our principal factory is settled." That is Fort St.

Germain, your Lordship will see. It is not at the mouth. It was spoken of by them as being at the head.

Lord Aberdare.—Do you think that is what they meant, Fort St. Germain?

Mr. McCarthy.—Yes.

Sir Robert Collier.—Where is that? That is not the head of the river.

The Lord Chancellor.—This says: "Since the conclusion of peace, namely, in 1715."

Lord Aberdare.—It may have been pulled down and rebuilt.

Mr. McCarthy.—It may have been. I do not remember any evidence that it was built in 1664. It is not at the mouth of the river.

Sir Robert Collier.—Nor is it at the source. It is neither one nor the other.

Mr. McCarthy.—I thought for the moment it was at the head.

Sir Robert Collier.—It is not at the head.

Mr. McCarthy.—What I meant was it was not at the mouth.

Lord Aberdare.—What is the head?

Mr. McCarthy.—One cannot say where the head is properly. It is the head of Albany River—"Whereby they intercept the Indian trade from coming to the company's factories and will in time utterly ruin the trade if not prevented. It is, therefore proposed and desired that a boundary or dividend may be drawn so as to exclude the French from coming anywhere to the northward of the latitude of 49, except on the coast of Labrador. Unless this be done the company's factories at the bottom of Hudson Bay cannot be secure nor their trade preserved." The 49th line would be practically the line we are contending for here. That was, as I pointed out to your Lordships, found within the last 20 years. A committee of the United States Senate or House said, notwithstanding all that has been alleged against the adoption of the 49th parallel, they are still of opinion it was adopted by the commissioners, but I will not anticipate my argument upon that point—but it is the basis of everything that has happened on the continent, it is the basis of the north-westerly angle of the Lake of the Woods, it is the basis of all the treaties between England and the United States. Of course I am only speaking of that part of the country. Now we come to page 507, "Representation of the Lords of Trade respecting the powers and instructions of the English commissaries"—your Lordships will see the date of the last document I read from the Hudson Bay Company was 1719—I am not quite sure the exact date of it is given. We have the exact date of this, viz., 26th August, 1719. This is a representation of the Lords of Trade respecting the powers and instructions of the English commissaries, 26th August, 1719 to their excellencies the lords justices." They speak of the instructions. It was not in our power to give more dispatch to this matter by reason of the multiplicity of books and papers which were necessary to be read and well considered upon this subject, besides that we were obliged to consult with several persons and to wait for such lights as the company of British merchants trading to Hudson Bay, the African Company and several other parties concerned in the success of this negotiation could give us touching their respective interests and demands for which we have made the most effectual provision we could think of in Mr. Bladen's instructions. We have perused and considered the several charters granted by His Majesty's royal predecessors to the respective British colonies on the Continent of America from Hudson Bay and Nova Scotia as far as the Bay of Mexico, of which many are very extensive, stretching from sea to sea, but as the French would not perhaps be determined by these authorities only, and since we have not hitherto been able to get such maps of the said plantations as may be depended on or to obtain such further information as might be required to support the right and title of His Majesty or any of his subjects have to places which the French possess or pretend to, either on the back of the British plantations or westward from New England down to the Gulf of Mexico, we thought it proper to leave out of Mr. Bladen's full powers that part of the tenth article which relates to a general settlement of the boundaries between the colonies of the two nations in America and to restrain his commission to the

boundaries of Hudson Bay and Nova Scotia, only where we have proofs and authorities against which we think no exception can ever reasonably be made."

Then it goes on to say what else the instructions were. The instructions are at page 508, line 29: "It being provided by the tenth article of the Treaty of Utrecht that the limits and boundaries between Hudson Bay and the places appertaining to the French be settled by commissaries on each part, which limits both the British and French subjects shall be wholly forbid to pass over, or thereby go to each other by sea or by land. You are to endeavor to get the said limits settled in the following manner, that is to say" (these are the instructions), "That the same begin from the island called Grimington's Island, or Cape Perdrix, in the latitude of $58\frac{1}{2}$ north, which the company desire may be the boundary between the British and the French subjects, on the coast of Labrador, towards Rupert's Land on the east main and Nova Britannia on the French side, and that no French ships, barque, boat or vessel, whatsoever shall pass to the north-westward of Cape Perdrix or Grimington's Island, towards or into the Straits or Bay of Hudson, on any pretence whatsoever. And further, that a line be drawn from the south-westward of the Island of Grimington or Cape Perdrix (so as to include the same within the limits of the bay) to the great Lake Micosinke, *alias* Mistoveny, dividing the said lake into parts (as in the map to be delivered to you) and that where the said line shall cut the 49th degree of northern latitude another line shall begin and be extended westward from the said lake upon the 49th degree of northern latitude, over which said line, so as to be described as above mentioned, the French, and all persons by them employed, shall be prohibited to pass to the northward of the said 49th degree of latitude, and to the north or north-westward of the said lake or supposed line by land or water, on or through any rivers, lakes, or countries to trade, or erect any forts or settlements," and so on. Then follow the instructions about the Latin Treaty.

Mr. Scoble.—Will you read the next paragraph?

Mr. McCarthy.—"But you are to take especial care in wording such articles as shall be agreed upon with the commissary of His Most Christian Majesty, upon this head, that the said boundaries be understood to regard the trade of Hudson Bay Company only; that His Majesty does not thereby recede from the right to any lands in America not comprised within the said boundaries, and that no pretension be thereby given to the French to claim any tracts of land in America, southward or south-west of the said boundaries."

Lord Aberdare.—Those are references to what we call the United States Colonies now.

Mr. McCarthy.—I thought it was perfectly understood that this was only determining the limits on the north. My friend's point is that it speaks of the trade of the Hudson Bay, but I do not think that was the intention of it.

The Lord Chancellor.—I think it is probably intended to guard against ceding to the French everything to the south of this line.

Mr. McCarthy.—That is what I thought. The next is very important: "And whereas it hath been represented by the said company that the French have since the Peace of Utrecht, *viz.*, in 1715, made at a settlement the head of the Albany River, upon which river the company's principal factory is settled, whereby the French may intercept the Indian trade from coming to the said factory, and may in time utterly ruin the trade of the company if not prevented, you are to insist that the said fort be given up or demolished by the French, and their subjects be withdrawn from that settlement."

The Lord Chancellor.—I observe that what I should call the head of Albany River is very near the dividing line between the two forts now in dispute and within that part of the territory which is admitted to be north of Manitoba.

Mr. McCarthy.—Of course, the Albany River, your Lordship will see, is the line taken by the arbitrators.

The Lord Chancellor.—I mean the head of Albany River, properly so-called, seems to be a small lake below this lake and another lake.

Mr. McCarthy.—There is first English River.

The Lord Chancellor.—English River appears to be near the principal head of Albany River, seems to be to the north.

Mr. McCarthy.—That is Lake St. Joseph.

The Lord Chancellor.—No, nearer the line drawn straight from the confluence.

Lord Aberdare.—Of that they probably knew nothing whatever at that time.

The Lord Chancellor.—It is well within that portion of the territory which is admitted to be Dominion land.

Mr. McCarthy.—I think it is not disputed that the point they had settled on was this point marked in the map "Settlement of 1744." That is the point marked near the 85th meridian degree of longitude.

Sir Robert Collier.—The Albany River, if it does not come from that lake which the Lord Chancellor has pointed, comes from Lake St. Joseph I should say.

The Lord Chancellor.—You might possibly treat the river as commencing at the foot of Lake St. Joseph.

Mr. McCarthy.—That is the way it is spoken of now. That is what is called Albany River now, from Lake St. Joseph down. I do not know that it was in those days.

Sir Robert Collier.—That is called Albany River from Lake St. Joseph.

The Lord Chancellor.—The Fort La Mose was built before 1684, and therefore cannot be the one which is here referred to.

Mr. McCarthy.—I think that it may be taken for granted that the fort spoken of is that one midway up the river.

The Lord Chancellor.—You may think so; but it is not the natural conclusion to be drawn from this.

Mr. McCarthy.—I think, perhaps, we can satisfy your Lordships upon that. Then if your Lordship will come to page 510 we find that Mr. Bladen communicates with the French, claiming what he had been instructed to claim. Then on page 511 we have the boundaries claimed by the English commissaries, 1719.

The Lord Chancellor.—That is the 49th parallel.

Mr. McCarthy.—Yes, that is all I have been able to show your Lordship. They never claimed anything but the 49th. There is not a word in this correspondence about that. I have only said looking at the map and looking at the knowledge the French had and, I suppose, the knowledge the English had at that time, if a straight line were taken that would be a fair line.

The Lord Chancellor.—You do not imagine that both the French and English supposed that every river from the Pacific side flowed into Hudson Bay. They may not have known the geography of the Rocky Mountains or the country at the west side of them, but it would be a very extraordinary thing to suppose they imagined there was no river between the two seas which did not flow into Hudson Bay.

Lord Aberdare.—I suppose they dealt practically with this 49th line as dealing with the countries they knew of.

Mr. McCarthy.—That is what I was going to say. If you look at page 511 there is something to support the English point of view about this contention about the rivers. That is the latter part of the boundaries claimed by the English commissaries. "The said commissaries further demand that the subjects of His Most Christian Majesty shall not build forts, or found settlements upon any of the rivers which empty into Hudson Bay, under any pretext whatsoever, and that the stream and the entire navigation of all the said rivers shall be left free to the Company of English Merchants trading into Hudson Bay and to such Indians as shall wish to traffic with them." The instructions to Mr. Bladen are that he is authorized to agree to that line, and your Lordship will see that had already been provided by the Treaty of Utrecht. That treaty provided that was to be the boundary line between both sides, which neither were to cross. Then we come to the declaration of war. 1740 or 1741 seems to have been the date of the declaration of war. All I can say up to this stage is that was the claim made by the English. That claim, so far as the evidence shows, was not acceded to, though it does not say up to this date particularly that it was not. I have not been able to prove to your

Lordship that it was. There is one statement which has been cited by my learned friend.

The Lord Chancellor.—More than one—several statements.

Mr. McCarthy.—Your Lordship has not heard me out. There is one statement showing line between the two was two degrees, and the French were claiming it should be fifty-one instead of forty-nine.

The Lord Chancellor.—I do not recollect that.

Mr. McCarthy.—I can refer to that statement. It is mentioned in Chief Justice Draper's memorandum.

Mr. Mowat.—The reference is to the maps differing two degrees.

Mr. McCarthy.—I thought it was that the French commissioners insisted at this time on two degrees further north. That is my recollection of it.

The Lord Chancellor.—Let us see.

Mr. McCarthy.—It is page 213.

The Lord Chancellor.—This is in 1857?

Mr. McCarthy.—Yes. It was the report sent by Chief Justice Draper. It is put most strongly against the company, of course.

The Lord Chancellor.—Which is the passage?

Mr. McCarthy.—I had better not detain your Lordship as I cannot lay my hand upon it at this moment.

Lord Aberdare.—He says at the bottom of page 215: "That at various periods, subsequently to 1670 and to 1750, the Hudson Bay Company had been called upon to point out the extent of their territorial claims under the charter and to define the boundary which they claimed, and that on no one occasion, during all that period, had they advanced the claim they now insisted upon, namely, that the charter gave them the ownership of the lands, the water from which flows into the Hudson Bay or Straits, and therefore extending so far as the head waters of the Red River, and east and west of that stream to the sources of its tributaries, though the Ashburton treaty has, of course, disposed of so much of that claim as lies south of the 49th parallel of latitude."

The Lord Chancellor.—I have no note of any such statement.

Mr. McCarthy. We have not come to that yet. Your Lordship will find they did claim that and a little more.

Sir Robert Collier.—Subsequently they claimed a grant to Earl Selkirk.

Mr. McCarthy.—Yes.

Lord Aberdare.—Lord Selkirk did not go beyond the watershed.

Mr. McCarthy.—No, he was bounded by the watershed. I think I shall be able to find that. I must pass it by for the present. Then the war occurs, and during the war the next thing that we have with regard to the company it is a claim by rival adventurers setting forth pretty much the same that has been set forth by my learned friends on the other side, namely, that the Hudson Bay Company had not fulfilled their mission and they prayed that a new charter be granted to them, they undertaking to do what the Hudson Bay Company it was alleged had undertaken by their charter to do and in consideration of that all the property not actually possessed by the Hudson Bay Company should be granted. I refer your Lordship to that petition for the purpose of showing what followed upon it.

Sir Montague Smith.—You are going back in date.

Lord Aberdare.—I thought we had got to 541.

Mr. McCarthy.—The documents are all scattered unfortunately. It has been impossible to keep them in any kind of sequence.

The Lord Chancellor.—Who did Chief Justice Draper represent?

Mr. McCarthy.—He represented old Province of Canada before Confederation.

The Lord Chancellor.—Not the Dominion?

Mr. McCarthy.—The Dominion is a much larger body. It includes that.

The Lord Chancellor.—It is larger than either of the contending parties now.

Mr. McCarthy.—No, not old Canada. Old Canada was Upper and Lower Canada, Quebec and Ontario, two of the Provinces. What I propose to refer to is the claim.

made at this date on page 580 and 581. The Hudson Bay Company were complained of in the sense I have put. It commences at the foot of page 581 "Captain Middleton to A. Dobbs, Esq." It is more clearly shown on documents contained at page 598. The result of it appears to have been this that it was referred to the Attorney-General and the Solicitor-General for their joint opinion. They not only took the complaint into consideration but they heard counsel, and I think they had deposition evidence before them upon the question and it seems to be a quasi-judicial determination of the very matters which, at this late day, raised again by my learned friends. This is the report of the learned Attorney-General and the Solicitor: "To the Right Honorable the Lords of Committee of His Majesty's Most Honorable Privy Council. May it please your Lordships in humble obedience to your Lordships' Order in Council of the 4th of February last, representing that by an Order in Council bearing date 26th February last, referred to your Lordships the humble petition of Arthur Dobbs, Esq., and the rest of the committee appointed by the subscribers for finding out a passage to the Western and Southern Ocean of America for themselves and the other adventurers, and that your Lordships have taken the said petition into consideration were pleased to refer the same to us to consider thereof and to report our opinion thereupon to your Lordships. Which petition set forth that the petitioners in the year 1746 did, at their own costs and charges, fit out two ships upon an expedition in search of the north-west passage to the Western and Southern Oceans of America, in order to extend the trade and increase the wealth and power of Great Britain by finding out new countries and nations to trade with us, as well in the great north-western continent of America, beyond Hudson Bay, as in countries still further distant and hitherto unknown to the Europeans, and also to many large and populous islands in the great Western Ocean. That the petitioners, by means of the said expedition, have made several discoveries of bays, inlets and coasts, before unknown, and have a reasonable prospect of finding a passage to the Southern Ocean by sea, although the discovery may not be perfected without repeated trials, upon account of the difficulties and dangers of sea-chasing different unknown inlets and straits; and sailing through new seas, and of procuring men of resolution, capacity and integrity to pursue it effectually. That the petitioners find that the reward of £20,000 given by Parliament is not adequate to the expense the adventurers must be at to perfect the discovery, they having already expended above that sum in their late expedition. That the petitioners find that upon a former attempt His Majesty's predecessor King Charles the 2nd, as a suitable encouragement, granted a Royal Charter to the Governor and company of adventurers of England trading to Hudson Bay, making them a body corporate for ever upon their petition setting forth that they had, at their own proper costs and charges, made an expedition to discover a new passage into the South Sea, and for finding some trade of furs, mines and other commodities, and gave them the sole property of all the lands they should discover, together with an exclusive trade to all the countries within Hudson Straits, not in possession of any of his subjects or of any other Christian power with the royalties of mines, minerals, gems and royal fish, to enable them to find out the passage, extend the trade, and to plant the countries they should discover, paying two elks and two black beavers whenever and as often as His Majesty and his successors should enter their territories, granting to them the greatest privileges as Lord proprietors, saving only their faith and allegiance to the Crown of Great Britain. The petitioners beg leave to observe that the said company have not since effectually, or in earnest, searched for the said passage, but have rather endeavored to conceal the same and to obstruct the discovery thereof by others, nor have they made any new discovery either upon the coast or in the inland countries adjoining to Hudson Bay since the grant of their charter, nor have they taken possession of or occupied any of the lands granted to them or extended their trade into the inland parts of the adjoining continent, nor made any plantations or settlements except four factories and one small trading house, in all which they have maintained in time of peace about one hundred and twenty persons, servants of the company, nor have they allowed any other of His Majesty's subjects to plant, settle or trade in any of the countries adjoining to the bay granted to them by their

charter, yet have convinced at, or connived at, or allowed the French to encroach, settle and trade within their limits on the south side of the bay, to the great detriment and loss of Great Britain."

The Lord Chancellor.—They want to be incorporated.

Mr. McCarthy.—They want to be incorporated. Their prayer is set out at page 599, and it is this: "That His Majesty would be graciously pleased to incorporate the petitioners and the other subscribers for finding out the said passage, or such of them, and such other persons as they shall engage in the said undertaking, and their successors for ever, and grant to them the property of all the lands which they shall discover." The Attorney-General and Solicitor-General were counsel on both sides, and I venture to say their decision amounts to a quasi-judicial decision.

Sir Robert Collier.—It amounts to a decision that the Hudson Bay Company had not forfeited their charter, that is all.

The Lord Chancellor.—The Solicitor-General hears and decides on applications in patent cases, but one never understood that his decisions were judicial decisions.

Mr. McCarthy.—I say a quasi-judicial decision.

The Lord Chancellor.—It can hardly be regarded as having any greater authority than that which appears on the face of it. He had no original jurisdiction to determine this matter. It is a reference by the Crown. They advise the Crown, and to assist them in that advice they hear what both parties have to say, and the parties employ Counsel.

Mr. McCarthy.—I submit it is different from the opinion of counsel obtained by the company.

The Lord Chancellor.—Yes, it is the opinion of two law officers of the Crown, men of great reputation, and I daresay quite as valuable as a very large proportion of the documents in this book.

Sir Robert Collier.—It seems to me to have very little bearing upon the question. If you read the last paragraph you will see exactly what they did.

Mr. McCarthy.—We must see what the claim was. "The petitioners insisted on two general things: That the company's charter was either void in its original creation, or became forfeited by the company's conduct under it." The first part is not question.

Sir Montague Smith.—What do you say it shows?

Mr. McCarthy.—I say it shows that the question of the occupation, as my learned friend Mr. Mowat opened to your Lordship by the company, or non-occupation by the company of all the territory, did not work a forfeiture of any part of the land granted.

Sir Robert Collier.—Nobody contends it did.

Mr. McCarthy.—Oh, yes.

Sir Robert Collier.—You may as well read it. "But as the grant proposed is not necessary in order to prosecute any future attempt of the like kind, and the charter of the Hudson Bay Company does not prohibit the petitioners from the use of any of the ports, rivers or seas included in their charter," they are inclined to think the charter of the Hudson Bay Company did not give them an exclusive right of trade.

Lord Aberdare.—The whole question is about a grant of £20,000 to find the north-west passage to the Pacific. I think what was meant was that the granting of the charter did not prohibit these men from passing to their discoveries that way.

Mr. McCarthy.—I suppose that is one thing they mean. Here is a distinct indictment against the company set. It was followed then by an argument on behalf of the petitioners which the company opposed by their counsel, and finally the law officers say, with respect to both these, what? What is the first? The first is that the company's charter was void.

Sir Montague Smith.—They give no opinion. They say it is not expedient to advise the Crown to declare the charter void. With respect to both these, considering how long the company have enjoyed and acted under this charter without interruption or encroachment, we cannot think it advisable for His Majesty to make any express or implied declaration against the validity of it till there has been some

judgment of a court of justice to warrant it; and the rather because if the charter is void in either respect there is nothing to hinder the petitioners from exercising the same trade, and so on.

Sir Robert Collier.—Yes; that is they had not the exclusive right of using those rivers. This really has no bearing upon the question.

Sir Montague Smith. No, I do not think it is of any use at all.

Mr. McCarthy. This, I think, is very important. I will state what it is. Your Lordship will see whether it is important or not. From a certain period during the war the Hudson Bay Company were giving directions to their servants how to defend themselves. Then in 1748 is the treaty Aix la Chapelle. The effect of it was to restore, so far as this question is concerned, the Treaty of Utrecht. It is spoken of in the documents.

Sir Robert Collier.—It really restored the Treaty of Utrecht?

Mr. McCarthy.—Yes.

The Lord Chancellor.—It merely restored what had been taken in war, so far as I can see.

Mr. McCarthy.—The effect of it was to restore the treaty. It left things as they were before.

The Lord Chancellor.—There is nothing whatever about restoring. "All the conquests that have been made since the commencement of the present war, or which, since the conclusion of the preliminary articles, signed the 30th April last, may have been or shall be made, either in Europe or the East and West Indies, or in any part of the world whatsoever, being to be restored," that is all.

Mr. McCarthy.—I take it the effect of that is, (there being no war between the Treaty of Utrecht and that) if everything taken during the war was to be restored, it leaves matters as they were at the Treaty of Utrecht.

The Lord Chancellor.—If something of which the British had been in possession under the Treaty of Utrecht had been taken by conquest from them by the French during the war, that is to be restored. If nothing had been taken by conquest it does not seem to affect the question one way or the other.

Mr. McCarthy.—That is what I mean. It does not seem to affect the question one way or the other, except that the parties upon that immediately proceeded to appoint commissaries to fix these limits. The Hudson Bay Company were called upon then to put in their claim. That you will find in the Manitoba Appendix, page 24.

This is the memorial first continuing the narrative, and that sets out: "The said Governor and company, in obedience to your Lordship's orders of the 25th July last, requiring them to bar before your Lordship's an account of the limits and boundaries of the territory granted to them, represent to your Lordships." This contains the first claim made by the Hudson Bay Company as between themselves and the Crown, defining limits. Before that, they were proposing to the Crown, that between France and England the 49th parallel should be the limit under the Treaty of Utrecht. Now they set out what they claim the charter means. "The said straights and bay, commonly called Hudson Straights and Bay, are now so well known that it is apprehended they stand in no need of any particular description than by the chart or map herewith delivered to your Lordships; and the limits or boundaries of the lands or countries lying round the same, comprised, as your memorialists conceive, in the said grant, are as follows, that is to say: All the land lying on the east side or coast of the said bay, and extending from the bay eastward to the Atlantic Ocean and Davis' Straights and the line hereinafter mentioned as the east and south-eastward boundaries of the said company's territories, and toward the north all the lands that lie at the north end, or on the north side or coast of the said bay."

The Lord Chancellor.—Then, it is quite clear that the watershed is not passing there?

Mr. McCarthy.—No, they do not speak of the watershed at that date.

The Lord Chancellor.—No; they not only do not speak of it, but they make a claim which is absolutely inconsistent with it, because they claim the waters which flow into the two oceans, and the waters which flow into the Arctic Ocean. They

must have known by experience that there were waters which went into the sea and not into Hudson Bay.

Mr. McCarthy.—They must have gone far away to the west of that.

The Lord Chancellor.—They might have gone to the north, the east and the west of that.

Mr. McCarthy.—There was no law of nature which absolutely precluded the waters from flowing into Hudson Bay.

The Lord Chancellor.—We cannot exclude all that which was known to geographers by experience.

Mr. McCarthy.—However, I will read this. In the first place, it includes more than the Hudson Bay included. Your Lordship remembers the language of the Rupert's Land Act; it is all they ever claimed.

The Lord Chancellor.—It is the whole of North America north of the French possessions. That is the long and the short of it.

Sir Montague Smith.—And the Great West Sea.

Mr. McCarthy.—No doubt it is wide enough and large enough to cover all. Then I will go to the correspondence which follows on that between the Governments, which your Lordship will find at page 27.

The Lord Chancellor.—I see the southern boundary there referred to is exactly the 49th degree.

Mr. McCarthy.—Yes; some of this correspondence which is stated here at page 27 becomes important. I will read the first statement at line 20. This is the French view. They lay down certain points which it is necessary to refer to. "It is necessary to establish, as a base of negotiation relative to this 'Article,' that the River St. Lawrence is the centre of Canada. This truth is justified by all titles, by all authors and by possession. All that France will be able to admit, after having established this principle, which cannot be reasonably contradicted, is to examine, in regard to this object, whether the reciprocal convenience of the two nations can exact some particular arrangement thereto in order to fix invariably the respective boundaries."

Then the answer of the English to that is found at page 29, at the foot of the page. "In whatever manner one interprets the Treaty of Utrecht with respect to the trade which will be permitted the French and English to carry on indiscriminately with the savage nations, it is nevertheless very certain that such a general trade is by no means forbidden by this treaty. It is an ordinary and natural right to transact business with one's own subjects, allies or friends; but to come in force into the territories"—I draw your Lordships' particular attention to this—"belonging to the subjects or allies of another Crown, to build forts there, to deprive them of their territories, and to appropriate them is not and will not be authorized by any pretension, not even by the most uncertain of all, viz., convenience." Then it goes on to say: "However, such are the forts of Frederick, Niagara, Presqu' Isle, Riviere-aux-Bœufs, and all those that have been built on the Oyo and in the adjacent countries. Whatever pretext France can allege for regarding these countries as dependencies of Canada, it is certainly true that they have belonged to and (inasmuch as they have not been ceded or transferred to the English) belong still to the same Indian nations that France has agreed by the 15th article of the Treaty of Utrecht not to molest.

The Lord Chancellor.—South of the Great Lakes?

Mr. McCarthy.—Yes. All I state it for is for the purpose of showing that that is the contention. The importance I attach to it is this. Your Lordship will remember that my friends have contended that the occupation of the French, which took place between 1719 and the final cession in 1760, or thereabouts, of this western country, deprived the Crown of it, and, of course, also the Hudson Bay Company. That has been the argument used. Now, what I say is, that the English, from the Treaty of Utrecht, were endeavoring to get this line fixed. The line either was or was not fixed. If it was fixed, we contend it was placed to the 49th parallel. If it was not fixed, then, at all events, the French were trespassing or poaching on the ground of the Hudson Bay without color of right, and the English,

in 1750, before the outbreak of the war, speak of it in that way: "It is an ordinary and natural right to transact business with one's own subjects, allies or friends; but to come in force into the territories belonging to the subjects or allies of another Crown, to build forts there"—that is supposing they did build up forts in this country—"to deprive them of their territories, and to appropriate them is not and will not be authorized by any pretensions, not even by the most uncertain of all, viz., convenience." No doubt that is referring to other forts specifically.

The Lord Chancellor.—Yes, but that tends to show that the complaint was in respect of some of the forts and some of the districts which were part of Canada.

Mr. McCarthy.—No. The forts they are now speaking of are forts south of the lake.

The Lord Chancellor.—They are now on the territory of the United States.

Mr. McCarthy.—Yes.

The Lord Chancellor.—Are they treated as in Canada in the Treaty of Utrecht?

Mr. McCarthy.—Yes.

The Lord Chancellor.—Then I think I am right in what I said, that this passage includes some districts which were part of Canada.

Mr. McCarthy. No. That was not so in reality. Your Lordship remembers that south of the lake there is no boundary at all between the two countries. In the Treaty of Paris they do not speak of any boundary at all. They take the Mississippi as the dividing line; and there is no attempt on the part of the French to say that anything south of the lakes belonged to the French.

The Lord Chancellor.—Certainly there were certain settlements before that treaty which were not affected in any way by that, and between the settlements and the lakes there were certain French territories.

Mr. McCarthy.—Your Lordship will see on the map that there were French posts; but the English say, "you having erected posts there, we do not think it is right and proper. It is an ordinary and natural right to transact business with one's own subjects or allies of another Crown; to build forts there, to deprive them of their territories and to appropriate them, is not and will not be authorized by any pretension, not even by the most uncertain of all, viz., convenience." I say that not only applies to those forts south of these lakes, but it applies to the posts and forts to the west, which are on the map more immediately before your Lordships on this discussion.

Now, I go back to the Joint Appendix, page 586. It is headed "Memorandum of 1752," and it is a mere repetition of what has already occurred; claiming the same limitory line, and still the same amount of damages. Then in 1759—

The Lord Chancellor.—Before you entirely depart from that; the limits of the Province of Quebec are here accurately defined in the commission at the end of page 375.

Mr. McCarthy.—It is long after that.

The Lord Chancellor.—I do not say it is contemporaneous exactly with the cession. I want to know whether it is the fact that within those limits are these places which are south of the lakes?

Mr. McCarthy.—Yes, undoubtedly. I have said so. These posts are there.

The Lord Chancellor.—Within the Province of Quebec, as constituted under the commission of 1774?

Mr. McCarthy.—Yes, undoubtedly. Then in 1759 the Hudson Bay Company again memorialize. This is at page 587. This is "To the Right Honourable the Lords Commissioners of Trade and Plantations," and it sets out a good deal that we have had over and over again; and then it says: "In pursuance of the said treaty and an especial commission of Her said late Majesty, Queen Anne, dated the 20th of July, 1713, the said bay and lands then in possession of the French, were delivered up to Governor Knight and Kelsey, who took possession thereof for the English Hudson Bay Company, and commissarys were appointed to settle the said limits, and adjust the damages the Company had sustained which for the ships and goods of the Company taken by the French appears by

an account stated in the year 1713 and delivered to the then Lords Commissioners of Trade and Plantations amounted to upwards of £100,000, besides the damages the country sustained by the enemy's burning three of their forts and factories at Charlton Island, Moose River and New Severn, and proceedings were had by the said commissaries towards settling the same, but they were never able to bring the settlement of the said limits to a final conclusion, nor did the Hudson Bay Company ever receive any satisfaction for their said damages." Then, "That the papers which were laid before the said commissaries, and the minutes of their proceedings, as also a memorial relative to this matter, which in the year 1750, after the conclusion of the last war, was presented to your Lordships, remaining as your memorialists believe in your Lordships' office, it is conceived from thence will appear the best state of the rights of both Crowns and of the territories and claims of the said company that can be laid before your Lordships, whereto your memorialists beg leave to refer." Then the prayer is: "In case any treaty of peace shall be set on foot between this nation and France that your Lordships will intercede His Majesty to take the premises into His Royal consideration, and that he will be graciously pleased to cause your memorialists to have full satisfaction made them, pursuant to the Treaty of Utrecht, for the aforesaid deputations they are hereby acknowledged to have sustained from the French in time of peace, and for which satisfaction is by the said treaty agreed to be made to the company, and that the limits of the said Company's territory may be settled as by the said treaty is also agreed." There is no doubt at all that that is very strong evidence indeed, if not conclusive, one would say (although I do not concede it) that the limits had not been defined. But my purpose for reading it is this, that up to that, as late as this date—1759—we find the English Hudson Bay Company still claiming this 49th parallel, and that the English Government acknowledged the 49th parallel, and took the view of it that they were contending for. Now, let us see practically what follows after that; nothing comes after that, I think, until we get the treaty. Then the whole country—the northern part of it—became British territory. Now, what is the effect? If the 49th parallel is established, the position of the Hudson Bay Company is perfectly clear. If the 49th parallel is not taken as clearly fixed between the rival states, my position is, that the English Government having adopted that as the line, and having taken that as the country, they were then bound by the 49th parallel, they never having repudiated it. As long as that was claimed as French territory they say that is the Hudson Bay Company's land. Then they become the joint owners and possessors of all, and it has never been disclaimed in any document that I have seen that that was the limit fixed and conceded as between them and the Hudson Bay Company. My contention is that they said the 49th parallel was the line which they were willing to accept for the purpose of the Utrecht Treaty. They were willing to accept that, because they believed generally it was the height of land.

The Lord Chancellor.—That is your theory.

Mr. McCarthy.—I meant that I am putting it forward as my theory.

The Lord Chancellor.—They do not say so.

Mr. McCarthy.—They do not say so, but that is my theory and that is the view on which the 49th parallel was taken.

The Lord Chancellor.—It is quite clear to me that there are other large claims north, east and west which are inconsistent with any such theory.

Mr. McCarthy.—With great respect to your Lordships, not within that part of the country where it was known where the height of land was. Now the position of the Hudson Bay Company would naturally be this, "we know where the height of land is in the eastern part of the continent, we say that is about the 49th line."

The Lord Chancellor.—It is a most singular thing if that was all along in their minds that they never should once have said so.

Mr. McCarthy.—It is no use my repeating what I have said, of course, but they took the 49th instead of the 50th line, that is what I say.

The Lord President.—With respect to what the Hudson Bay Company were entitled to claim, just look at page 512. "French memoirs of 1719-20, relating

to the limits of Hudson Bay under the Treaty of Utrecht," No. 2. "They cannot say that any land or river, or lake belongs to Hudson Bay; because if all the rivers which enter into this bay or which communicates with it belongs to it, it might be said that all New France belonged to them." I suppose that was the French answer.

Mr. McCarthy.—Yes, that was the French answer.

The Lord President.—It shows what the French understand the company to mean.

The Lord Chancellor.—I confess I do not quite agree with that. It seems to me that the French are putting that which is a *reductio ad absurdum* not as the actual claim. They say that they cannot say that, and then they give a reason which I do not follow, I confess.

The Lord President.—It seems to me that the French understood the company to claim all the rivers which entered into the bay.

The Lord Chancellor.—I do not think so. The French say they cannot claim that as a matter of fact. In no single document that I have seen have they ever put forward that claim, a great deal more than they expected to get.

Mr. McCarthy.—It is hardly so; in this particular country which they know all about. What could be more natural than not knowing where the height of land is for them to say: "We are a company, we have a charter," and knowing that in 1750 there were people opposing their charter, that they should put forward their claim in the way in which I submit they did? At all events my argument is that the Crown of England were, in good faith, as against this company, precluded from contending as against the company, that the line did not go so far south as 49°.

The Lord Chancellor.—That there had been an endeavor in France to fix that line which failed is true, but it did not bind the parties.

Mr. McCarthy.—It is not contended that the English had any other land there belonging to the company than that which went down to the 49th parallel.

The Lord Chancellor.—Do you put that by interpretation of the Charter, or by actual possession that it would be a give and take line? That would be your view.

Mr. McCarthy.—

Sir Robert Collier.—If the English commissaries had been appointed, they might have taken some line intermediate, between 49 and 51.

The Lord Chancellor.—Your argument is not prejudiced by your having been willing to accept that line.

Mr. McCarthy.—At all events, I am entitled to take this position. I suppose that nothing had happened to destroy the effect of the Hudson Bay Company's grant. We have to go back to the Hudson Bay Company's grant to see what that was. If the Hudson Bay Company's grant means anything, it must mean all the country drained into the Hudson Bay, of which they, at all events, took possession. Where else is the line to be drawn? It is either void by reason of uncertainty, as not giving any limity, or it must go to the countries drained into the Hudson Bay. I submit that is the effect of the grant from the treaty upwards. Let us see what has been done. It has been urged before your Lordships that there was no possession actually taken by the Hudson Bay Company in the interior of the country until after the cession. Well, there were posts on the mouths of the rivers some leagues up—it is not very important how far up. These posts are set out on page 588 of the Joint Appendix, but perhaps they are not so clearly set out there as at a subsequent place; but I will deal with those separately, if your Lordship will permit me, as it is a matter which can be dealt with better separately than if taken at this point of my argument. But what I want to point out now is this: We now come to 1774. It is not denied, but rather admitted, that the Hudson Bay Company did establish Cumberland Post, or Cumberland Fort, the very year after the Act was passed after the cession.

The Lord Chancellor.—Where is that?

Mr. McCarthy.—That is on the Saskatchewan. It is between 50 and 55 degrees on the Saskatchewan. It is spoken of in Mr. Henry's travels, which is cited from the Ontario Appendix. He visited the country. He was a trader from Montreal, and he speaks of this particular fort being there at 1774. It is on page 51.

The Lord Chancellor.—Are you referring to that to show that wherever the French had forts the Hudson Bay Company had forts also ?

Mr. McCarthy.—Yes. I am leading up to show what the Hudson Bay Company had in that way. It is at the foot of page 51. “On the twenty-sixth October we reached Cumberland House, one of the factories of Hudson’s Bay Company, seated on Sturgeon Lake, in about 54° north latitude, and 102° longitude west from Greenwich. This house had been built the year before by Mr. Hearne, who was now absent on his well-known journey of discovery. We found it garrisoned by Highlanders from the Orkney Islands, and under the command of a Mr. Cockings, by whom, though unwelcome guests, we were treated with much civility.” This Mr. Henry was one of those who were trading through the territory much against the will of the Hudson Bay Company at this time. “The design in building this house was to prevent the Indians dealing with the Canadian merchants and to induce them to go to Hudson Bay.”

The Lord Chancellor.—I do not quite see the bearing of this on the dispute which is before us.

Mr. McCarthy.—It is not a part of the territory now in dispute before your Lordships, but my friend’s argument was that between 1719 and the time of the cession the French occupied that country, and he goes to this very point as one of the places—commencing at Fort William, going to the Rainy Lake, the Lake of the Woods, and so on—French posts were established, and your Lordships will recollect my friend’s contention was that the effect of that was to cut down the Hudson Bay charter and to limit them—to drive them back—to confine their limits closer to Hudson Bay. I am answering by saying that is not so, because from this very date the English were endeavoring to get the line fixed, the French were trespassing, and the Hudson Bay Company were as far as it was necessary for the purpose of their occupation—because after all it was a trading occupation—so far as it was necessary the Hudson Bay Company were occupying too, and I propose to go on and show what next they did.

The Lord Chancellor.—It is impossible that the Cumberland House should be within the limits of the commission.

Mr. McCarthy.—No, it was not.

The Lord Chancellor.—Then that being so it is outside this altogether.

Mr. McCarthy.—If your Lordship so rules it.

The Lord Chancellor.—It is not a question of ruling, it must be so.

Mr. McCarthy.—I am contented to take it that it must be so.

Sir Barnes Peacock.—It is not in that territory.

Mr. McCarthy.—The argument is that in 1719 the French sent an officer there to the western sea. In 1730 that was followed up by other officers of the French Commission appointed by the King to find the western sea, and they were told by the King: “We are not going to pay you anything; you will pay yourselves by the trade you will get in passing through the country.” Then this gentleman, Verendeyes, established posts from point to point and my friend argued that that had the effect of taking away the territory from the Hudson Bay Company.

Mr. Mowat.—My argument was that they never had it.

Mr. McCarthy.—If they had not got it then they got it afterwards. Now, I meet that argument by saying that the Hudson Bay Company were in possession of the mouths of the river, and as it became necessary for the preservation of their trade and as their strength permitted, they passed on from time to time until eventually in 1790 we find them down in Red Lake.

The Lord President.—They claimed the Saskatchewan, I presume, because it was a river which drained into Hudson Bay.

Mr. McCarthy.—Yes, and they got to Red River, which by some accident was ceded down to the United States, down to the very Red Lake which is spoken of by Colonel Haldimand and his correspondents.

Lord Aberdare.—Near the source of the Mississippi ?

Mr. McCarthy.—Near the source of the Mississippi. I do not know that I need weary your Lordships by going through all these forts and the details of them. That is the result of it, that in 1790 we find them down in Red Lake.

The Lord Chancellor.—That was long after the cession.

Mr. McCarthy.—Yes.

Lord Aberdare.—I think it might be taken that the Mississippi went a little northward.

Mr. McCarthy.—They took it at that time that the Pigeon River and all those rivers that went up drained into the St. Lawrence, according to these maps, but as a matter of fact they do not. Instead of taking the 49th line, they followed that which was a convenient boundary until they got to the Lake of the Woods. I am coming to what the subsequent treaty and correspondence demonstrate. They followed that which was a convenient boundary, and that is the reason why the boundary of the Lake of the Woods was assumed, and then the next commission of Dorchester followed that, and said the Mississippi was northward of the territories granted to the Hudson Bay Company. You will find that the commissions neutralise one another.

Lord Aberdare.—It is good so far as the Lake of the Woods goes, and covers a very considerable territory.

Mr. McCarthy.—I will go to it now if your Lordships like, but I think it will be more convenient to treat of that by itself. The beginning of the present century, 1800, comes. The first thing that we know is done is this. This is very important, and to my mind it seems to put an end to the claim made by the other side. Lord Selkirk, in 1808, or thereabouts, proposed to found a colony on the Red River, and in 1814 a grant was made to him by the Hudson Bay Company. Now, will your Lordships look at the limits of that grant? The map I handed in this morning shows the limits of the grant to Lord Selkirk. It follows the height of land as the southern boundary until it comes to the height of land upon the west. It is all placed on the map. It goes considerably west of the present Province of Manitoba, then it goes southerly to the height of land, then it takes the height of land as its boundary until it comes to the western height of land near Pigeon River.

Sir Robert Collier.—How does it appear that it is bounded by the height of land?

Mr. McCarthy.—It is stated so in this grant to Lord Selkirk. Macdonald's proclamation sets it out.

The Lord Chancellor.—That is to the United States boundary.

Mr. McCarthy.—At that date it went beyond the United States boundary.

The Lord Chancellor.—Is that the boundary settled by the Ashburton Treaty?

Mr. McCarthy.—Yes, your Lordship will find it at page 589.

Sir Robert Collier.—It is 52° north latitude.

Mr. McCarthy.—Hence running due west to Lake Winnipeg.

Lord Aberdare.—It seems to go right through Lake Winnipeg.

Mr. McCarthy.—Then in a southerly direction through the said lake, so as to strike its western shore in latitude 52 degrees; then due west to the place where the parallel of 52 degrees north latitude intersects the western branch of Red River, otherwise called Assiniboine; then due south from that point of intersection to the height of land which separate the waters running into Hudson Bay from those of the Missouri and Mississippi Rivers; then in an easterly direction along the height of land to the source of the River Winnipic (meaning by such last-named river, the principal branch of the waters which unite in the Lake Saginigas). That brings us down to the point marked on the map, the westerly limits of the height of land. "Which territory is called Assiniboia, and of which I, the undersigned, have been duly appointed Governor." Then it follows up the stream which was the line of separation between the United States and Canada, until it gets to the point of commencement, taking in, acknowledging and treating the height of land up to that point as if the property of the Hudson Bay, and relying on the height of land as the boundary.

The Lord Chancellor.—Where is there mention made of the boundary between that and the United States ?

Mr. McCarthy.—It was not known then. That took in a large part of the United States territory.

Lord Aberdare.—It conveys the district of Louisiana.

Sir Robert Collier.—It goes below the boundary of 1653.

Mr. McCarthy.—We do not at all acknowledge that line. These lines are not yet proved to your Lordships.

The Lord Chancellor.—It is to be regretted, if there is anything disputed as to this map, that it has not been before us all the time.

Mr. McCarthy.—All we admit is that the general lines of the country are correct, the rivers, the latitude and longitude.

Lord Aberdare.—You do not admit that particular line ?

Mr. McCarthy.—No. This is a map which shows what we say was the Treaty of 1653.

Lord Aberdare.—You inserted no maps on account of the difficulty of doing so ?

Mr. McCarthy.—We could not do it. We agreed about the maps that each side should put in such maps as they thought tended to prove their case. In 1814 they bounded it on the south by the height of land, they carried that as far as where Pigeon River takes its rise, and then they pursued the watercourse along into Lake Winnipeg to the place of commencement, adopting this water line as the actual southern boundary of their territory.

The Lord Chancellor.—It is all to the west of the land now in question ?

Mr. McCarthy.—No, it is south of the disputed territory. Your Lordships will see it very clearly in Keith Johnstone's Physical Atlas. It shows the height and water system very plainly.

The Lord Chancellor.—Something is assumed with regard to it in 1814. The claim certainly includes part of that which, in the Quebec Act, is confined to the Province of Quebec.

Mr. McCarthy.—We submit not.

The Lord Chancellor.—Beyond all question a line drawn from its source would cut off a part of that.

Mr. McCarthy.—It goes straight to the territory. The Act says following the western bank of the Mississippi to its source, and then northward to Hudson Bay territory. If the Hudson Bay territory is bounded by the height of land, it strikes the height of land and that ends it.

Lord Aberdare.—This map of Johnston's shows the river system.

Mr. McCarthy.—The Mississippi goes up to Lake Alaska. Lake Alaska is south of the height of land, then from that you go due north to the Hudson Bay territory. That, as we contend, is the height of land. Now we offered this as evidence, that in 1814 this was treated by the Hudson Bay Company as their land and granted, I submit, it is some evidence. Your Lordships will see also it was up to that height of land that Upper Canada exercised jurisdiction. Upper Canada never claimed to exercise jurisdiction beyond the height of land.

The Lord Chancellor.—We have at present no evidence whatever of this.

Mr. McCarthy.—My learned friend, Mr. Mowat, contended for that. Johnston's Physical Atlas seems to me to show it very nicely, at plate 17. It shows the river systems. Afterwards it was made into a formal colony. The Hudson Bay Company exercised the power of life and death. They appointed a judge, the present Judge Johnstone, of the Province of Quebec. They called him recorder, but he was a judge there. He is still living. That is the place called Assiniboia. The headquarters were Fort Garry. The colony, as they called it, was that limit confined on the south by the United States line. Within those limits was the colony. He actually continued there until it was taken possession of under the Dominion Act, after the Rupert's Land Act was passed, and after the country was taken over by Canada.

The Lord Chancellor.—Where is Fort Garry ?

Mr. McCarthy.—Fort Garry is now Winnipeg. Then, the history of Lord Selkirk's colony is this: He commenced to colonize in 1808. The grant was made in 1814. He brought a number of people out from Scotland. Very shortly after that, or about that same period, the traders from Montreal, the individual men who had been trading, and who had been operating as rivals to one another, combined, and they became an incorporated company.

Mr. Mowat.—It was long before that—half a century before.

Mr. McCarthy.—I will give you the exact date.

The Lord Chancellor.—Is it not the fact that the respective claims of those companies were in controversy for a long time, and that the then Governor of Canada did not very much favor Lord Selkirk's pretensions?

Mr. McCarthy.—No, they were in controversy to that extent. I accept your Lordship's statement, but all the Governor did was to accept neutrality. Your Lordship will see that at that time it was very much doubted whether the charter of the Hudson Bay Company gave them a right to exclude others from trading there. Every opinion I have seen concedes that the Hudson Bay Company's grant of land was good. The contention they put forward, that they had the exclusive right to treat, was in practice opposed by those men who afterwards joined together and became the North-West Company, and the English authorities, the Governor General or his subordinates, were directed not to interfere in that dispute. That was not a dispute about the territory. The North-West Company had no grant of land. They were a company incorporated in the city of Montreal, simply for trading purposes, and they went into the North-West and traded. The Hudson Bay Company said: You have no business to trade here; we are not merely the owners of the soil, but we have the exclusive right to treat, and you are all trespassers. And civil war ensued. Those disputes went on from day to day, and in one battle Governor Temple and 29 men were killed. There was another fight at Dalles, which afterwards gave rise to the trial of De Reinhardt for murder in the Province of Quebec. All that the correspondence shows is that the Governor was not to interfere to recognize Lord Selkirk's rights, nor the Hudson Bay rights, nor the North-West Company's rights. He was to observe neutrality, because it was a proper question of law, and it was stated that the North-West Company were bringing the matter to the test of legal decision. Then what followed? The North-West Company became a part of the Hudson Bay Company; the Crown recognizes them in that position, actually recites it in an Act of Parliament that they had joined together, then recognizes the Hudson Bay charter and gives a power to the Government to give an exclusive license to trade to the Hudson Bay Company, thus embracing all who were trading up to that time, not merely on their own territory—that was the position of it—that was renewed in 1838. It was in 1821 it was first granted, after the statute of that year, to the Hudson Bay Company and to three gentlemen who represented the other company. In 1838 that license was renewed to the Hudson Bay Company alone—because the others had become shareholders in the Hudson Bay Company. That continued until 1857, and then it was becoming obvious that this country could not be closed up by the Hudson Bay Company against the advancing tide of settlement coming from Canada on the east. Communications were opened up between the British and Canadian Governments, which finally led to the passage of the Rupert's Land Act, which distinctly recognises and incorporates for the purposes of that Act and of that transfer all that the Hudson Bay Company then possessed or claimed for the very purpose of settling this dispute as to boundary. So here we find that the Hudson Bay Company were *de facto* in possession. We find that, at all events, they claimed it, as I pointed out, in the most solemn documents recognized by the authorities, and then the Act of Parliament was passed saying that Rupert's Land shall, for the purposes of this Act, mean all that the company held or claimed at any time. I think the words are as large as possible—and the colony of Rupert's Land was added to the confederated provinces of Canada. That is generally the outline of the position we take with regard to that. I am reaching that point gradually. What I was going to refer to

was the Acts of Parliament of 1803 and 1821. The Act of 1803 is to be found at page 406 of the Joint Appendix.

Adjourned for a short time.

The Lord Chancellor.—I have been endeavoring to follow the limits of the Hudson Bay grant to Lord Selkirk, as stated at page 589, and I cannot make it out that it includes any country to the east of Red River.

Mr. McCarthy.—Has your Lordship got down to the height of land?

The Lord Chancellor.—Yes, it begins at a point on the western shore of Lake Winnipeg.

Mr. McCarthy.—Perhaps my learned friend would admit it. (To Mr. Mowat.) Do you not admit that the grant to Lord Selkirk goes down to Pigeon River—the height of land past Pigeon River?

The Lord Chancellor.—Following the boundary as here described it seems clear that it is not.

Mr. McCarthy.—It goes down to the source of Lake Winnipeg. That is what it says.

The Lord Chancellor.—The source of the Winnipeg River it means.

Mr. McCarthy.—It says: "Meaning by such last-named river the principal branch of the waters which unite in the Lake Saginagas." That is the point, that is close to Pigeon River.

Lord Aberdare.—That is exactly where the height of land comes in.

The Lord Chancellor.—I cannot follow the limits. The limits as they are laid down are first of all, "beginning on the western shore of Lake Winnipeg," at a certain point. Then running due west to Lake Winnepegosis, then in a southerly direction through the lake.

Mr. McCarthy.—No, that is not the course. You still go westward, only a little bit south.

The Lord Chancellor.—"Then in a southerly direction through the said lake, so as to strike its western shore in latitude 52 degrees, then due west to the place where the parallel of 52 degrees north latitude intersects the western branch of Red River, otherwise called Assiniboine." I see that by the dotted line: "Then due south from that point of intersection to the height of land which separates the waters running into Hudson Bay from those of the Missouri and Mississippi Rivers," I find the height of land laid down. "Then in an easterly direction along the height of land to the source of the River Winnipeg, (meaning by such named river the principal branch of the waters which unite in the Lake Saginagas)." Now, the River Winnipeg, I should have supposed, would have been the river which ran into the Lake Winnipeg, but supposing it does not, where is the river that is mentioned?

Lord Aberdare.—The river Winnipeg flows into Lake Winnipeg immediately above the Red River, and then comes out in Lake Assiniboine which lake itself is connected by what flows through a series of lakes with Lake Saginagas.

The Lord Chancellor.—You are brought to the source of the River Winnipeg, which means, as I understand, in substance, the easterly branch of the Red River.

Mr. McCarthy.—No.

Sir Robert Collier.—The River Winnipeg seems to rise in a very small lake. (Their Lordships referred to the maps.)

The Lord President.—It would look as if the whole of that water communication from Saginagas was included under that head. It all runs into it.

The Lord Chancellor.—It was suggested that certain waters did unite in that Lake Saginagas, and the principal branch of it is close to Pigeon River.

Mr. McCarthy.—The Ontario map marks it down. The line we put is only to show it more distinctly.

Mr. Mowat.—We have marked it correctly on our map.

Lord Aberdare.—These rivers often have a variety of names.

Mr. McCarthy.—It is not open to controversy so far as the other side are concerned. They have marked it on their own map.

Then, my Lord, I will recur again to the position of the Hudson Bay Company, but I now wish to draw your Lordships' attention to the Acts which appear to me to have some little bearing with reference to the disputes at that time.

The Lord Chancellor.—What Acts?

Mr. McCarthy.—First the Act of 1803.

The Lord Chancellor.—You referred to that before.

Mr. McCarthy.—It was under that Act that the De Reinhardt trial took place, and the question in the De Reinhardt trial, your Lordship will see, was merely as to the due north line.

The Lord Chancellor.—That turns on the adoption by the learned Judge of the line from the confluence of the Rivers Mississippi and Ohio. If that is not right that decision ceases to be any authority.

Mr. McCarthy.—As far as this goes. The only way it becomes important, of course, is that there was a trial in Quebec of this offence committed under that Act, assuming, of course, if it was outside the jurisdiction. Of course, Quebec did not reach there. It is either Upper Canada or the Indian Territory, and it was on the assumption that it was not in Upper Canada. A similar trial took place in Upper Canada which resulted in a verdict of not guilty, and therefore there was no point in it beyond the one I am going to speak of. That will be found at page 685 of the joint case.

The Lord Chancellor.—Was this a trial under the Act of 1803?

Mr. McCarthy.—Yes, this was the case of *Brown vs. Boucher* in 1818. It commences at the foot of page 685, and the only importance of that case—and it is important in that view—is that if this was Upper, then the Crown Officer should not have prosecuted the case under the Act of 1803.

The Lord Chancellor.—Was the precise spot where that question arose fixed?

Mr. McCarthy.—It was a trial for the murder of Governor Semple, which took place at the battle of Frog Plains.

The Lord Chancellor.—Was the spot decided where the murder took place?

Mr. McCarthy.—It is close to what is now Winnipeg.

The Lord Chancellor.—That would not affect it.

Mr. McCarthy.—Not if the award is taken as being anything, but your Lordships, if I may say so, were dealing with it as if the award were of some validity.

The Lord Chancellor.—Not the least in the world. The question is what is the true boundary. It is immaterial, but we get any assistance from the award we can.

Mr. McCarthy.—What I am pointing out is that, if not, it makes no difference in our contention whether the statutable offence took place east or west of the awarded line.

The Lord Chancellor.—That is to say, if you have established the fact that the boundary is what you allege, whatever that may be, then it may be perfectly indifferent; but the question we have to determine here is whether or no the boundary is one which gives to Ontario the whole or only part of what has been given to Ontario. Then the place where this alleged murder took place is, as I understand it, in what is admitted to be Manitoba.

Mr. McCarthy.—Your Lordship will pardon me. The question, as I understand it, now is, if the award be invalid, what is the true boundary?

The Lord Chancellor.—True. We have practically decided in your favor the attempt to push the boundary of Canada indefinitely to the west, and you may assume, I think, at least it is my impression, and I think the view of their Lordships, that we shall not carry it further to the west than the award has carried it. Whether we shall carry it so far must depend on the effect of the argument.

Mr. McCarthy.—Perhaps your Lordship will allow me to state my position. If the height of land is not the true line then I fail to see, and I state on my part that I fail to see, any evidence of where the true line is.

The Lord Chancellor.—We have got—and your attention was called to this at the beginning—certain boundaries mentioned in the Quebec Act and in the contemporaneous, or nearly contemporaneous, documents. We are in search of those boundaries.

Mr. McCarthy.—If I may go back to the Quebec Act again, and assuming, in the view I am arguing for, that the true construction is to follow the Mississippi River, then it ends at the territory granted to the Hudson Bay.

The Lord Chancellor.—Very likely, and I quite follow the argument that, having got to the head of the Mississippi River, striking north from that you reach the boundary which you call the height of land. I quite understand that argument, and will consider the weight to be attached to it, but any way that would exclude the alleged site of this particular murder.

Mr. McCarthy.—Between the place of the alleged murder and the line of the north-west angle there is nothing in all the papers, that is what I venture to assert, to show any distinction, because the first Commission does not speak of the north-west angle at all. It follows the construction which for the present I am conceiving your Lordships are holding to be the proper wording of the Act—that is, up to the Hudson Bay territory; so that there is no difference whether it happened east or west of that particular line.

The Lord Chancellor.—If it stopped there then you might say that that is true. I do not follow it, because it is quite clear, at least it seems to me at present, that that would draw a line to the north wherever that line stops which would be east of Manitoba.

Mr. McCarthy.—What I mean to say is that there is no suggestion of the southern boundary of the Hudson Bay territory being at any point or place where a line from the north of the Mississippi would strike or make any difference as to this particular offence.

The Lord Chancellor.—I cannot agree with you. Whether the line drawn north from the head waters of the Mississippi strikes what you call the height of land or whether it continues further north, any way it would cut off this particular spot to the west.

Mr. McCarthy.—If it goes north, of course.

The Lord Chancellor.—Either way this particular spot would be to the west.

Mr. McCarthy.—But what I said, and I think your Lordship agreed in that contention, is, that it was the southern boundary of the Hudson Bay land that we are endeavoring to be paid. I say there is no suggestion of any southern boundary of the Hudson Bay land which makes any difference whether the offence was committed to the east or west of the north-west angle of the Lake of the Woods.

The Vice Chancellor.—We are endeavoring to find the point where the line mentioned in the Quebec Act would strike the southern boundary.

Mr. McCarthy.—We have to find that to get the point. There is nothing to show there is any point of the Hudson Bay territory that could be struck if it be not the height of land where it would make any difference whether this offence was committed east or west of the north-west angle, and, therefore, I submit it is an authority where we find a Court of Upper Canada trying an offence committed there at that date, not upon their own law, but under the Act of 1803. It did not require to be decided.

The Lord Chancellor.—That is begging the whole question.

Mr. McCarthy.—No, my Lord. Perhaps I do not make myself clear. What I mean is this. Is that in Upper Canada?

The Lord Chancellor.—The thing is that you assume that it was not Upper Canada, if that is in your favor—that what was then Manitoba is not Upper Canada.

Mr. McCarthy.—What I am endeavoring to point out to your Lordships is that in point of principle there was no distinction between the land admitted to be Manitoba and the land immediately to the east of that.

The Lord Chancellor.—You cannot make it out because upon the Manitoba territory a certain murder is committed, it is held not to be within Ontario.

Mr. McCarthy.—It is only a further fact.

Now, my Lords, I have gone over the whole history and what I submit is that there is nothing anywhere which would enable our Surveyor to draw a line that

would strike the north-west angle of the Lake of the Woods and join that which is the southern boundary of the Hudson Bay.

Sir Montague Smith.—Can you have it much more than the whole of what is admitted to be Manitoba is admitted not to be Canada.

Mr. McCarthy.—I only want it as the principle. It is not the territory. The point I desire to make was this—

Sir Montague Smith.—I quite understand you. You say it proves that this part of it was not Canada, and proving that that is out of Canada we should come to the conclusion that that is not, because the line must be taken as the watershed. It goes no further than that.

Mr. McCarthy.—I do not contend that it does. Then I come to the Act of 1821 which your Lordships will see at page 417 of the case. That was an Act having a two-fold object. When the Act of 1803 was passed it was intended to give jurisdiction to the courts of Canada over all offences outside the limit of either of the Provinces apparently; also to include the Hudson Bay Territory. Between 1803 and 1821 this difficulty suggested itself. By the charter to the Hudson Bay Company they had courts and power to constitute courts, and they had constituted courts, and the difficulty that suggested itself was that this Act of 1803 sufficiently and explicitly declared that the intention of Parliament was that the Canadian courts should have jurisdiction over offences arising in that territory. For that purpose the doubt was cured and then it in point of fact acknowledges, which I need not trouble your Lordships with after what your Lordship has said—the Hudson Bay Company's rights in a certain sense, and finally it goes on to say that even though offences may be committed within the jurisdiction of the Hudson Bay Company's lands, that nevertheless they shall be triable under the Act of 1803, and it also deals with the fur trade. The recital there is not unimportant. "Whereas the competition in the fur trade between the Governor and the company of Adventurers of England trading into Hudson Bay and certain associations of persons trading under the name of 'The North-West Company of Montreal,' has been found for some years past to be productive of great inconvenience and loss," and then it goes on to describe that and the feuds that took place between them. "And whereas many breaches of the peace and violence extending to the loss of lives and the destruction of considerable property have continually occurred therein. And whereas for remedy of such evils it is expedient and necessary that some more effectual regulations should be established for the apprehending, securing and bringing to justice all persons committing such offences, and so on. Then it recites the Act of 1803, and then the enacting clause is that "it shall be lawful for His Majesty, his heirs or successors, to make grants or give his Royal license under the hand and seal of one of His Majesty's principal Secretaries of State, to any body corporate or company, or person or persons of, or for the exclusive privilege of trading with the Indians in all such parts of North America as shall be specified in any such grants or licenses respectively, not being part of the lands or territories heretofore granted to the said Governor and company of Adventurers of England trading to Hudson Bay, and not being part of any of His Majesty's Provinces in North America, or of any lands or territories belonging to the United States of America, and all such grants and licenses shall be good, valid and effectual," and so on. Then "Provided always, and be it further enacted, that no such grant or license made or given by His Majesty, his heirs or successors, of any such exclusive privileges of trading with the Indians in such parts of North America as aforesaid, shall be made or given for any longer period than 21 years, and no rent shall be required or demanded for or in respect of any such grant or license or any privileges given thereby under the provisions of this act for the first period of twenty-one years," and then there is something more with reference to rents. Then the 3rd section says: "That from and after the passing of this act the Governor and Company of Adventurers trading to Hudson Bay, and every body corporate and company and person to whom every such grant or license shall be made or given as aforesaid shall respectively keep accurate registers of all persons in their employ in any part of North America, and shall once in each year return to His Majesty's

Secretary of State, accurate duplicates of such register and shall also enter into such security as shall be required by His Majesty for the due execution of all processes criminal and civil as well within the territories included in any such grant as within those granted by charter to the Governor and Company of Adventurers trading to Hudson's Bay, and for the producing or delivering into safe custody for purposes of trial of all persons in their employ or acting under their authority, who shall be charged with any criminal offence." Then it speaks of the convention between His Majesty and the United States, which does not appear to me to be important, and of the other Acts with regard to that which were passed for the trial of offenders. The first Act of 1803 gave power to issue commissions, and under that Act one of the Justices of the Peace was Lord Selkirk. That is they had power to grant commissions under the Act of 1803 for the purpose of apprehending offenders in order to permit of their trial under that Act in the courts of Canada, and under that Act Lord Selkirk and all the principal men of the Hudson Bay Company were appointed Magistrates and Justices of the Peace. Now follows the license at page 421, and it recites the Act which I have just partly read to your Lordships, and the powers of the Act at page 422, line 22, it says: "And whereas the said Governor and Company of Adventurers of England trading into Hudson Bay, and certain associations of persons trading under the name of the North-West Company of Montreal, have respectively extended the fur trade over many parts of North America which had not been before explored. And whereas the competition in the said trade has been found for some years past to be productive of great inconvenience and loss not only to the said company and associations, but to the said trade in general, and also of great injury to the native Indians and of other persons our subjects. And whereas the said Governor and Company of Adventurers of England trading into Hudson Bay, and William M'Gillivray, of Montreal, in the Province of Lower Canada, Esq.," and so on naming them, "have represented to us that they have entered into an agreement on the 26th day of March last, for putting an end to the said competition and carrying on the said trade for twenty-one years, commencing with the outfit of 1821 and ending with the returns of 1841, to be carried on in the name of the said Governor and company exclusively. And whereas the said Governor and company and William M'Gillivray, Simon M'Gillivray and Edward Ellice, have humbly brought us to make a grant and give our royal license of them jointly of and for the exclusive privilege of trading with the Indians in North America under the restrictions and upon the terms and conditions specified in the said recited act. Now, know ye, that we being desirous of encouraging the said trade and remedying the evils which have arisen from the competition which has heretofore existed therein, do grant and give our royal license under the hand and seal of one of our principal Secretaries of State to the said Governor and company and William M'Gillivray, Simon M'Gillivray and Edward Ellice, for the exclusive privilege of trading with the Indians in all such parts of North America to the northward and westward of the lands and territories belonging to the United States of America as shall not form part of any of our Provinces in North America, or of any lands or territories belonging to the said United States of America, or to any European Government, state, or power, and we do by these presents give, grant and secure to the said Governor and company, William M'Gillivray, Simon M'Gillivray, Edward Ellice, jointly, the sole and exclusive privilege for the full period of twenty-one years from the date of this our grant of trading with the Indians in all such parts of North America as aforesaid."

The Lord Chancellor.—What is it you rely upon there ?

Mr. McCarthy.—I rely upon that as an adoption by Parliament and the Government of the agreement, an end to competition between the Hudson Bay Company and the North-West Company, who were the only persons disputing the right of the Hudson Bay Company to the country which they claimed under their charter, and a license is granted thereupon to the united bodies.

The Lord Chancellor.—That is for the exclusive privilege of trading with the Indians in all such parts of North America to the northward and westward of the lands and territories belonging to the United States of America as shall not form part of

any of our Provinces in North America. How that tends to determine whether the particular part in dispute does, or does not form part, I do not see.

Mr. McCarthy.—It goes perhaps more to the other part as to the rights of the Hudson Bay Company. That was renewed in 1838, as your Lordships will find on the next page, 423, to the Hudson Bay Company alone for twenty-one years.

Sir Robert Collier.—If that goes no further than this, it is not necessary to read it.

Mr. McCarthy.—I am not going to read it. It is to the company instead of to the company and others. Then the covenant by the Hudson Bay Company to perform their part is on the following page.

Now, my Lords, pausing here for a moment in the history of the Hudson Bay Company, I come back to endeavor to answer the arguments advanced by my learned friend, your Lordships being satisfied as to the legality of the company's Act, as to which I have several authorities, and the recognition of the Hudson Bay Company's charter, even in one case in a treaty between them and the United States.

Sir Robert Collier.—You may assume that for the purpose of the argument.

Mr. McCarthy.—Then the only point that it appears to me I have to answer is this up to this stage, and that is the contention advanced by my learned friend Mr. Mowat, and repeated by the learned counsel who followed him, that the trespassing, as we call it, the going upon this intermediate country from Fort William westward by the French from 1719 upwards, had the effect of limiting and contracting what otherwise would be the measure of the lands granted to the Hudson Bay Company. I deny, as a proposition of law, that that would be the proper conclusion to draw. There was the grant in 1670, which for the purpose of the British territory, so far as the Crown of Great Britain and the subjects of Great Britain are concerned, is of its own strength sufficient to grant all that is therein contained. Although it may not have been of binding efficacy, as far as foreign powers are concerned, for the purposes of the subjects of Great Britain, it is of binding effect, and, therefore, when the Act of 1774 speaks of going to the territories granted to the Hudson Bay Company—

Sir Montague Smith.—The way the argument was put is this: That it does not limit the grant, but the grant itself puts that as a limit—countries not possessed by the subject of a foreign power. It is not put as a limitation of the grant, but as part of the exception in the grant itself.

Mr. McCarthy.—That is not the way I understood my learned friend's argument. The way I understood it was this: Assuming, for the sake of the argument, that it does take in all the territory claimed by the Hudson Bay, nevertheless my learned friend argued, if we find the Hudson Bay Company had occupied only 200 miles from the shore, and that French people had come up to that 200 miles from the shore, that circumstance had changed and limited the grant. I say that that is not a good argument in law, because the charter of it does—and I am assuming now, for this part of the argument, that it does—grant to the heights of land surrounding Hudson Bay, it is a good charter—no matter whether it is good as to foreigners or not—as to British subjects; and when afterwards, in 1774, the Parliament, which had again and again referred to the Hudson Bay Company, and on one occasion had expressly ratified the charter, speaks of the grant in this way, the Province of Quebec being limited on the north by the land granted to the Hudson Bay Adventurers, I should submit that nothing that happened between the French and the Hudson Bay people could limit or affect the grant.

The Lord Chancellor.—Is your proposition that if it was ever so clear that French Canada had included the *locus in quo*, and had been recognized as having done so by the British Crown, and the British Crown accepted it as part of the cession of French Canada, yet because you would argue from the charter given by Charles II to the Hudson Bay Company that it included the rivers up to their sources, therefore we are not to regard the boundary mentioned in the Quebec Act according to the facts, but according to the theory.

Mr. McCarthy.—Yes; my argument goes that far on two grounds: first, as a matter of law; and secondly, as a matter of fact.

The Lord Chancellor.—It cannot be a matter of law.

Mr. McCarthy.—I mean a matter of law in this sense: If we find a grant in 1670 defining certain limits.

The Lord Chancellor.—It does not.

Sir Montague Smith.—Not already actually possessed by other people. Then, if in fact, it was actually possessed.

Mr. McCarthy.—It was not at that time.

Sir Montague Smith.—I do not say it; but if you find it was actually possessed then the fact is doubtful.

The Lord Chancellor.—If you find that for years afterwards it was recognized as a French possession, and so treated by the British Crown, would not legal principles justify the presumption that it was a French possession?

Mr. McCarthy.—No, my Lord, I submit not, and I will tell you my reasons for it. The grant at that time was of all that territory. I am assuming now, as I must assume something for the sake of the argument, the limitation to which your Lordship has just referred, the grant was a grant of all the territory into Hudson Bay. Then what is the meaning of the grant in 1670, the day it was signed and sealed? It says all that territory, except such as was then in the possession of any other Christian power, not such as might, a hundred years after, pass into the possession of any other Christian power.

The Lord Chancellor.—Do not the courts of law draw such inferences, even when individual minds are satisfied that the fact was otherwise? Has it not been the practice for courts of law to draw from a hundred years, or very long possession, an inference of earlier possession, even when the probability of fact was not so?

Mr. McCarthy.—Yes; I am endeavoring to shorten my argument as much as I can, but as a matter of fact this is perfectly plain, and I will go on and prove it, if your Lordships doubt it, that in 1670 the French were not in possession of an inch of that territory.

The Lord Chancellor.—You cannot prove a negative.

Mr. McCarthy.—I can only prove it historically. I think there was no pretence that they had penetrated at that date, or gone beyond the limits of the St. Lawrence watershed at that date.

The Lord Chancellor.—No facts that I am aware of are in anyway proved which include the legal presumption from long possession.

Mr. McCarthy.—Unless the definite proof of when that possession commenced.

The Lord Chancellor.—There is no such proof.

Mr. McCarthy.—With all deference to your Lordship, I think there is.

The Lord Chancellor.—But you deny the fact of possession altogether.

Mr. McCarthy.—Yes, my Lord, I say there is no proof of that there was any possession of any country which was not drained by a part of the St. Lawrence prior to 1670. I start with that. Now, if it be necessary, I will go back and prove that to your Lordships, so far as we can trace it from the historical documents which are left to us. What were the French pretensions? The French pretension was that they had discovered Hudson Bay, and by virtue of that discovery they claimed that they had a better right than the English. The English said that they had discovered it; and I assumed on Thursday, and I think it was an expedient and a fair and proper assumption, that the English were right in that view, but whether they are right or wrong the English undoubtedly first took possession of it under their discoverer, and then it is a question of law to what extent of territory that gives the English a right, internationally speaking, as between them and the French by virtue of their prior discovery and their after occupation. That question of law I propose to discuss still later on. As I understand, the result of the authorities—speaking of them in that sense, the recognized rules which govern all the treaties dealing with this part of the North American continent—and I submit they must be accepted as the international law on the subject—it is this, that the discovery of

a coast line and the occupation of that coast line gives to the discoverer an entire right to all the territory that is drained there. Now, the American Ministers put forward a much wider claim. They put forward this claim. They said that the discovery of the mouth of a river gave to the discoverer and occupier of that river or of the mouth of that stream, a right to all the territory that was drained by the stream, and that is discussed in Sir Robert Phillimore's work and afterwards in Sir Travers Twiss', and settled now on this basis that the American view put forward by Mr. Galton was too broad, that merely the discovery of the mouth of a river did not give a right to all the territory which it drained, but that the discovery of the coast line and the occupation of course in either case did give to that discoverer and occupier a right, internationally speaking, to all the country that was drained into the coast line.

Sir Robert Collier:—You must not assume that to be so.

The Lord Chancellor.—If Sir Travers Twiss said so it cannot be taken to be the law.

Lord Aberdare.—You must show that the occupation followed on the discovery.

Mr. McCarthy.—Of course, my Lord, that would be so.

Lord Aberdare.—I suppose the first occupation was under the charter?

Mr. McCarthy.—Yes.

Lord Aberdare.—And the discovery was in 1610?

Mr. McCarthy.—Yes, that is also dealt with. If the discovery is not followed by the occupation and anybody else intervenes, then it is also a question of whether there has been an abandonment.

Lord Aberdare.—Yes, the French claim to have intervened.

Mr. McCarthy.—Yes; but as a fact they did not. There is no pretension that they had gone into Hudson Bay until after the Hudson Bay people had gone there. The Hudson Bay people went into Hudson Bay first in 1657. Then they came back and got their charter. A man of the name of Zachariah Gehan was sent from Bristol on behalf of the Hudson Bay Adventurers, and then took possession, and then came back and represented it to the King and got the charter.

Lord Aberdare.—What was the earliest date of the claim of the French?

Mr. McCarthy.—They pretend that a man of the name of Bourdan—

Lord Aberdare.—The Attorney General?

Mr. McCarthy.—Yes, Bourdan, the Attorney General of the Province of Quebec. They pretend that he went there and took possession in 1650 or 1660.

The Lord Chancellor.—I see that various forts are said to have been built in 1684?

Mr. McCarthy.—Yes, my Lord, that we deny, and I have on the evidence, if it becomes necessary to go into the evidence, I shall be able to satisfy your Lordship that Bourdan did not go there. Bourdan was despatched from Quebec and directed to go there, and he is said to have gone there in 1656, but, as a matter of fact, it appears that he started and went a distance, but did not succeed in getting there on account of the difficulties, and then returned. Then in 1657 the Hudson Bay people are there and they continue in occupation until 1672, and in 1672 Father Albanie is sent out from Quebec and he goes through the form of putting up a pole and putting up the French arms, and takes possession in the name of the King of France, doing it all secretly. But in 1660 the French Governor at Quebec corresponded on friendly terms with the Governor of Hudson Bay, and it has always been put forward as another claim that the French in the first place acquiesced in the possession of the Hudson Bay Company, but from that time to 1672 or 1673 the French were conspiring to drive out the Hudson Bay Adventurers, and in 1682 they sent out a military expedition and did drive them out and took possession of their forts, or six or seven forts, which they had erected. Your Lordships have heard the history of that which followed in the subsequent treaties. Now, the proposition of international law I will state, and I do not think anything can be found to the contrary, and I submit it is in accordance with reason and law. If this continued, how was the country set-

bled? The English settled on the Atlantic coast; they claimed, as the map shows, that that settlement gave them a right as far as the Pacific Ocean. They claimed that Virginia stretched to the Pacific Ocean. The English claim was wider than the French, because the French claimed the watershed of the system up to the height of land, if your Lordships remember (and I will give the reference to it). When Lesieur discovered the Mississippi he came from the north. He started from Quebec and came down by the Wisconsin and penetrated down the Mississippi to the mouth, and it was not till he got to the mouth of the Mississippi that he claimed to be the discoverer. Then he erected a pole and made a proclamation in the name of the King of France that the whole of the territory drained into the Mississippi was taken possession of in the name of the Crown of France. Now everything in these matters relating to the continent were treated on that basis and the only dispute was as between the American Minister setting up that the mere discovery of a river gave a right to the watershed of a river, and the other claim contended for by the British Minister and the Spanish Minister was that that was not so unless there was a discovery of the coast line as well.

The Lord Chancellor.—In a direct reason there seems to be about as much foundation for the one idea as for the other. If you say that because you take possession of a few miles of the coast of Africa you take possession of all the country which is drained by a river which goes three thousand miles, it is so absurd that I cannot conceive it to be laid down by any writer on international law. However, it has very little bearing upon this question.

Sir R. P. Collier.—Whether it is so or not is of very little consequence.

The Lord President.—What do you conceive to be the bearing of all this?

Mr. McCarthy.—The bearing of all this is that the charter did give to the Hudson Bay certain definite limits. If it did not give to Hudson Bay certain definite limits the charter was void for uncertainty. Now, what were those limits?

Sir R. P. Collier.—Then we go back to the charter.

Mr. McCarthy.—I am speaking about that charter which was the only possession that the English had in all this north country. The Hudson Bay Company represented the Crown of England and the charter purported to give them all the lands which drained into. Now, either it was void for uncertainty and a piece of waste paper, and I am not required to argue that, or it did give to Hudson Bay certain definite limits. Where are those definite limits? Can my learned friends on the other side suggest any definite limits to the Hudson Bay grant?

Sir R. P. Collier.—I thought you were trying to suggest some title that they had independently of the charter.

Mr. McCarthy.—No, my Lord.

Sir R. P. Collier.—Then we come back to the charter and we have heard your views on that subject.

Lord Aberdare.—Would you argue that although the French may have possessed themselves of the portion of the territory draining into the Hudson Bay most distant from Hudson Bay and held possession of it for a considerable time, that claim would have availed as against England itself when it once became possessed of Canada?

Mr. McCarthy.—Precisely.

Lord Aberdare.—You argue that even although the evidence showed, for instance, just as an example, that a portion of this territory granted by the Arbitrators within the watershed towards Hudson Bay had been occupied by the French, that occupation for 50, 80, or 100 years would not avail against the claim of the Hudson Bay Company.

Mr. McCarthy.—Yes, my Lord, that is my proposition.

The Lord Chancellor.—It is really a proposition which, if it is anything, is the most extraordinary imaginable. The French got access to this country which is drained at a certain point by the St. Lawrence, they push their settlements into the interior and do not meet there with any other settlements of any other nation whatever. According to your argument they might organize these settlements in the

most civilized way and build towns and villages and cultivate the land, but because King Charles II had granted, 100 or 50 years before, a charter to some of his subjects which in the terms of it as you say construed upon certain principles, would include part of the territory which the French had so settled, therefore, internationally, the adventurers, the grantees of Charles II, have a right to turn out the French settlers?

Mr. McCarthy.—Yes.

The Lord Chancellor.—It is perfectly absurd.

Mr. McCarthy.—May I put it in this way. It seems for the moment that it is part of the Hudson Bay, and supposing that the Crown of England had sent there directly, not by the Merchant Adventurers, but directly taken possession of this coast line on the Hudson Bay.

The Lord Chancellor.—That is exactly the same thing.

Mr. McCarthy.—Then assuming that the French got into possession of the source or the head waters of the rivers, not by their consent or acquiescence.

The Lord Chancellor.—Assume that they push their settlements back from the point at which they had *bona fide* settled.

Mr. McCarthy.—Yes, my Lord, then I say the French claims would not have availed. That is what has been denied in all these matters.

The Lord Chancellor.—Even though acquiesced in?

Mr. McCarthy.—No, not even though acquiesced in. Of course that is a different thing. If it is acquiesced in that would be equivalent to abandonment, and there is no pretence of any acquiescence at all.

Sir Robert Collier.—You mean by the Crown?

Mr. McCarthy.—Yes.

The Lord President.—I understand that you admit that the boundaries mentioned in the Quebec Act as the boundaries of Canada are conclusive for our purpose?

Mr. McCarthy.—Yes, my Lord.

The Lord Chancellor.—And that what we have to do is to ascertain what those boundaries mean?

Mr. McCarthy.—Yes, my Lord.

The Lord Chancellor.—You go on to say that the boundary of the Hudson Bay is to be obtained by theory and not by fact.

Mr. McCarthy.—By both together. I am putting forward the theory first, and I come now to the fact. I say that, even assuming what my friend said to be the fact, and your Lordship exaggerated the argument in order to put it to the test, there is no pretence that there was any settlement.

Lord Aberdare.—That is the question of fact.

Mr. McCarthy.—Yes, my Lord. In the way that the Lord Chancellor put it, it was put as if the French had built cities and towns.

The Lord Chancellor.—That was to try the principle.

Mr. McCarthy.—I understand that, my Lord, but all that they did was to go and take possession of forts against the will of the Hudson Bay Company and against the will of the Crown of England.

Lord Aberdare.—When they first put up these forts the Hudson Bay people were so remote and distant from them that they could not have known what they were doing.

Mr. McCarthy.—I think they soon became alive to it.

Lord Aberdare.—They probably could have made very little progress for a long time towards the interior, and you do not suppose that in the early time when these forts were placed by the French along the immediate northern line of the height of land the Hudson Bay Company would have known anything about it.

Mr. McCarthy.—No. I think, my Lord, they were ephemeral. They were not put there permanently. The first fort is spoken of in 1619. That was, no doubt, immediately abandoned. It was not a permanent fort. It was not occupation by the King. The King said to certain gentlemen and adventurers—but I had better give your Lordships the evidence on that point.

Lord Aberdare.—The first French forts seems to have been built in 1684.

Mr. McCarthy.—There is in evidence of that the first evidence which has been cited from the Appendix, because the statements on the map were not accepted; the first evidence that we have of the occupation consists of the building of a fort by a man of the name of Newhay.

The Lord President.—Do I understand you to hold that the words of the charter, “not now actually possessed by any other Christian Prince or State,” had no effect?

Mr. McCarthy.—Practically.

The Lord President.—I mean from the state of facts existing?

Mr. McCarthy.—Yes, my Lord.

Sir Montague Smith.—If you find that there was a subsequent time still, although a very distant time, when they had occupied—I do not say that the evidence proves it, but supposing they had—

The Lord President.—The words are not actually possessed.

Sir Montague Smith.—But supposing you find for a long distance of time they had it and that they were in Canada at an early period, you would infer, in the absence of all evidence, that they were putting their forts where they had a right to put them.

Mr. McCarthy.—There is evidence that the occupation of Canada was limited to what was properly Canada, that is to say, the watershed of the St. Lawrence.

Sir Montague Smith.—But supposing they had put their posts or forts further beyond the watershed.

Sir Robert Collier.—They did not think of going to the south of the extent to which you put their boundary; they were quite satisfied in 1800 to take a boundary different from the boundary of the watershed. This contention that they were entitled to all the waters of rivers flowing into Canada never occurred to them.

Mr. McCarthy.—For the purpose of my argument the 49th parallel is as good as the height of land. I do not suppose my friend would like to accept for Ontario the 49th parallel.

Lord Aberdare.—Because that goes through a part of admitted Ontario.

Sir Robert Collier.—They give up the watershed of this land. They do not claim that. There are a number of rivers which drain into James' Lake, which, according to their own showing on the system of the boundary, being the watershed, they ought to claim.

Mr. McCarthy.—The only evidence that I have, and which has been referred to, about the French possession, is this. Perhaps we had better have the facts first and discuss the law afterwards. Your Lordships will find it at page 640 of the Joint Appendix, and it is not unimportant to observe in reading this that the French were not intending to take possession of this country, but were intending to find stepping stones to get to the western sea. All these they called, as your Lordships will remember, posts of the western sea.

Lord Aberdare.—That would accord with the intention of keeping all the land that lay between Canada and the sea.

Mr. McCarthy.—No, my Lord, as I understand they had to get stepping stones or resting places on their journey. I think that will appear. They started at Fort William and go to another point and so on, and not only that, but the French Government said you must pay your expenses by the fur trade that you get in your journey. That is the way it was.

Lord Aberdare.—When did this expenditure begin?

Mr. McCarthy.—In 1715.

Lord Aberdare.—Then that observation would not apply to forts built before 1715?

Mr. McCarthy.—There are no forts except those in the neighborhood of Hudson Bay which were given up by the Treaty of Utrecht. They were given up.

Sir Montague Smith.—That may be so, but then they existed. I do not see what is the effect of it.

Lord Aberdare.—These forts given up by the Treaty of Utrecht were generally along the coast?

Mr. McCarthy.—There were no others.

Lord Aberdare.—I find on this map a fort to the north of Lake Almepigon.

Mr. McCarthy.—That is south of the height of land.

Lord Aberdare.—That is in French Canada.

Mr. McCarthy.—There is no fort that I can find in the evidence, and I can only speak of that, and my friends on the other side have not given any evidence of a fort until this one I am speaking of in 1715.

Mr. Scoble.—I call your Lordships' attention to the foundation of Fort à la Manne, which is in this despatch of the Sieur Du L'Hut, at page 684 of the Joint Appendix.

Lord Aberdare.—That is the one which I was mentioning before near Lake St. Joseph. That is the exception.

Mr. McCarthy.—If so it was erected. May I go back to see what the evidence is about it?

The Lord Chancellor.—It is extremely important in connection with this present controversy, if it is the fact that there was at that time a fort on the eastern angle of Lake St. Joseph constructed by the French.

Mr. Scoble.—It is mentioned in the last paragraph on page 624, in the paragraph which begins, "It remains for me." He says: "The Klistinos, the Assenepolacs, and so on, which comprises all the nations which are to the west of the northern sea have promised to be next spring at the fort, which I have constructed near the River à la Manne, at the bottom of Lake Almepigon and next summer I will construct one in the country of the Klistinos, which will be an effectual barrier."

Mr. McCarthy.—The beginning of Lake Almepigon is in Ontario, not in the disputed territory.

Lord Aberdare.—Where is that Fort à la Manne?

Mr. Scoble.—Your Lordship will find it shown on the map near Lake St. Joseph. Your Lordship will find it at page 624 of the Joint Appendix in the paragraph which begins, "It remains for me."

Mr. McCarthy.—The Klistinos, the Assenepolacs, the people from the Sapinière, the Openeno, Dachiling, the Outowboughys and Fabitibis, which comprises all the nations which are to the west of the Northern Sea, have promised to be next spring at the fort which I have constructed near the River à la Manne, at the bottom of Lake Almepigon, and next summer I will construct one in the country of the Klistinos, which will be an effectual barrier.

Mr. Scoble.—Your Lordship will find it shown on the map near the Lake of St. Joseph.

Mr. McCarthy.—This is not evidence of that, "Have promised to be next spring at the fort which I have constructed near the River à la Manne, at the bottom of Lake Almepigon." Well, the whole of Lake Almepigon is south of the height of land. I object to putting anything down when there is no evidence in support of any such forts.

Lord Aberdare.—Where is the River à la Manne?

Mr. McCarthy.—There is no such river. There may have been a river so called at the date. The list of forts did not include any fort north of the height of land except the one I was about to mention.

Sir Montague Smith.—Where is the list of forts given?

Mr. McCarthy.—At page 603, Joint Appendix. My friends talk of Fort St. Joseph. But Fort St. Joseph is on the River St. Clair, quite a different place altogether. We can make that clear to your Lordships' although my friends deny it. That fort is on the River St. Clair near Detroit. There is another called St. Joseph at the head of the water of the Wabash, at a different place, but there is no Fort St. Joseph on Lake Joseph, nor does the place my friend refers to speak of a fort except the Lake Almepigon.

Lord Aberdare.—It says it is on this River à la Manne.

Mr. Mowat.—But this gentleman asserts it does run into the river.

Lord Aberdare.—We have not been supplied with any evidence that this fort near Lake Joseph really existed.

Mr. McCarthy.—No, my Lord, except the statement that it is at the bottom of this Lake Almepigon. I perfectly understand that they had forts there, and I do not attempt to investigate it because I am confining my attention to forts within the height of land and not outside the height of land.

The Lord Chancellor.—And you say that of these forts marked 1684 on the map there is no evidence?

Mr. McCarthy.—Oh, yes, my Lord, you will find on their map they have marked these on the south of Lake Nipogong. They have Fort Almepigon, built at that very time, put on their own map between Lake Almepigon and Lake Superior.

Mr. Mowat.—Not there; it is Fort à la Manne.

Mr. McCarthy.—Where is that?

Mr. Mowat.—On Lake St. Joseph.

Mr. McCarthy.—So you say, but where is the evidence of it?

Lord Aberdare.—Where is the evidence of it other than what is written on that map?

Mr. Mowat.—I will have it looked up.

Mr. McCarthy.—Our attention was not drawn to it in my learned friend's opening, nor was there anything to indicate that, and it is very important that we should know about it if there is any evidence of it.

The Lord Chancellor.—Very well, then; you say we are to discharge from our mind everything relating to that?

Mr. McCarthy.—Yes, my Lord, we relying on the evidence here in the Joint Appendix which we have agreed to be evidence for what it is worth. Then the evidence is at page 640, and it is with regard to the planting of posts.

The Lord Chancellor.—It is rather to be regretted that this map should be in our hands all this time if it is not to be trusted. Who puts it in?

Mr. McCarthy.—Ontario puts it in. It has been engraved specially for this hearing.

Sir Montague Smith.—I understood that you agreed that it might be used subsequently, not relying on those dates unless proved from the general Appendix. I admit that the coast line and the general configuration of the country is correctly laid down.

Sir Montague Smith.—But you say the statements upon it are disputable.

Mr. McCarthy.—Oh, yes. They have to be proved from the Joint Appendix. That map has been prepared within the last week, and we did not see it even until the first day of the hearing; and then, in order to prevent confusion, we put lines upon it so as to enable your Lordships to understand our arguments, and have used it in that sense throughout. You will find at page 640 directions were given by the French Governor with regard to it. Messrs. de Vaudreuil and Begon having written last year that the discovery of the Western Sea would be advantageous to the colony, it was approved that to reach it M. de Vaudreuil (I do not know whether that is the Governor or some officer) "should establish three posts, which he had proposed, and he was instructed at the same time to have the same established without any expense accruing to the King, as the person establishing them would be remunerated by trade, and to send a detailed schedule of the cost of continuing the discovery. In reply it is stated that M. de Vaudreuil, in the month of July last, caused the Sieur de la Noüe, Lieutenant, to set out with eight cannon to carry out this scheme of discovery. He gave him instructions to establish the first post at the River Ramanistiquoya," (that is Fort William) to the north of Lake Superior, (after which he was to go to another lake, with an Indian name, which I take it was either the Lake of the Woods or one of the Winnipegs—Winnipeg was at that time thought to be two lakes), near the lake of the Christineaux, to establish a second, and to acquire through the Indians the information necessary for the establishment of the third at the Lake of Assimpoelles (Winnipeg). "This journey costs the King nothing, because those engaged in it will be remunerated for their outlay by the trade which they will engage in, but to follow up the discovery it is absolutely necessary that His Majesty should bear the expense, because the persons

employed in it will have to give up all idea of trade." Then there is the estimate of the cost of following up the establishment of these three posts. Then you will find on the following page, 641, a letter dated from Quebec, December 11th, 1718, which is a report as to these posts:—"Le Sieur de Vaudreuil has been informed by the letters of Sieur de la Nouë that, having arrived very late at Raministiquoya, where he found but few Indians, he was unable to send any of the canoes to Ramisanionen, and that he will send them after the return of those which he sent this spring to Michilonsainac in search of provisions; he adds that the Indians of his post were well satisfied with this establishment, and promised to bring there all those who have been accustomed to trade at Hudson Bay; that he wrote through a Frenchman who was at Point Chagowamigon to a chief of the Sioux Nation, and he hopes to succeed in making peace between this Nation and that of the Christineaux, the accomplishment of which would put him in a condition to pursue with less risk the execution of his orders for the discovery of the Western Ocean."

Then the next letter is also bearing upon the same subject. It states that no letter had been received from these gentlemen, and at page 642 it is continued; and there again I think the account of that expedition ends.

Well, now there is not a word that that fort was kept up and maintained. We have not a word about that fort again until we come to the history of the forts given at page 643. Mr. Bellin seems to have pursued the same ground, and re-established the posts which had been put here in 1770, an attempt to discover the Western Sea which was practically abandoned. Then we will come to see what these gentlemen did.

Then we come to the Colonel's account in 1757, upon which so much reliance was placed by my learned friends, and while I do not in one sense dispute the general statements made by this officer, I am not at all prepared to accede to the proposition that they are to be taken with literal exactness, because it was written after the war, after the cession, and purported to be a statement of the French occupation of the French forts during the cession or prior to the cession, but he speaks of them as "the posts of the western sea." He says: "The post of the western sea is the most advanced towards the north. It is situated amidst many Indian tribes, with whom we trade, and who have intercourse also with the English towards Hudson Bay. We have there seven forts built of stockades, trusted generally to the care of one or two officers, seven or eight soldiers and eighty *engagés Canadiens*. We can push further the discoveries we have made in that country, and communicate even with California." The language here is extraordinary, to say the least of it. It is written after the cession.

Mr. Mowat.—In 1757.

Mr. McCarthy.—It is an account of 1757, but it was not written in 1757, as I understand.

Lord Aberdare.—Yes, it was published in 1757.

Mr. McCarthy.—Your Lordship will find at page 41 it was published in 1857.

Mr. Mowat.—No; that is a French book giving an account of these things was published in that year.

Lord Aberdare.—It does not say it was published then. It says it was given in this particular book.

Mr. McCarthy.—We will see how that is.

Lord Aberdare.—These posts seem to have been established for other than mere purposes of geographical discovery. They seem to have been established for trading purposes.

Mr. McCarthy.—They had licenses, not to take the territory, but to trade with the Indians. These Governors of the forts had power to give licenses to people who chose to trade with the Indians, for which certain royalties were exacted, and it was upon these licenses that some of these matters took place; not licenses to discover and take possession, but licenses to trade with the Indians. What they were doing was attempting to tap the Hudson Bay trade by getting at the Indians at the sources of the rivers instead of letting them come down to Hudson Bay. But I think I can point that out more fully in the Ontario Appendix. Your Lordship will find this set out

at pp. 25 to 30, and the note is, "Memoir on the State of New France at the time of the Seven Years' War (1757)." Louis Aloine de Bouganville, author of this memoir on Canada, was one of the most distinguished French officers in the war which resulted in the conquest of Canada. His memoir was submitted to General Montcalm at the time it was written, and that officer testified to the correctness of the information it contained. Then the French original is given in the relations and memoirs published by Pierre Margry, in Paris, in the year 1867. So that your Lordships see they are first published in Paris in 1867, and they consist of the statement given by this gentleman after the war was over.

I will follow now, with your Lordships' permission, the statement in the Ontario Appendix, page 27, because it is stated to be given more fully than the other, and the statement with regard to the western posts is treated of. Now it is important to observe that what this gentleman is speaking of was the expedition of Vaudreuil.

Lord Aberdare.—This must have been written about the year 1757, because it was submitted to General Montcalm, who was killed in 1789.

Mr. McCarthy.—Yes, if that is true that must be so.

If your Lordship will look at the list of forts given, commencing at p. 28, that have any bearing upon this question, the first is Kaministiquia, which is Fort William. That was farmed out to a French gentleman. Then comes Michipicoton, which is on the other side of Lake Superior. Then Sault Ste. Marie and Temiscamingue, which is on the other side also.

Lord Aberdare.—Kaministiquia is within this territory, on the south side of the height of land.

Mr. McCarthy.—Yes, my Lord. Then he says: "There are posts where the fur trade goes on for the benefit of the King, such as Toronto, Frontenac, Niagara, Petit Portage, Presqu'isle, Hurcrean Bœuf, Fort Machault, Fort Duquesne. The traffic in these posts is not a profitable one for the King," and then it speaks of the trading posts. If your Lordships desire to have a more detailed account of how these posts were established, and why, I will give you the reference. I do not know whether you have heard that read.

Lord Aberdare.—I think we have.

Mr. McCarthy.—Then, beyond a general statement, I will not trouble your Lordships by reading it.

On page 11 of the Ontario appendix you will find the explorations and discoveries of the Verendryes, 1728-1750. I think I am not incorrect in saying that purports to be this, and nothing more, that he was directed to find the western sea at his own expense, and that he went and did establish what he called forts in these different places; that he went as far as the Rocky Mountains; that he then returned to Quebec without having got as far as the Pacific Ocean, there being no pretence that these forts were kept up in any sense. He returned to Quebec and again he was sent out later, and then the war broke out and it really came to nothing. It goes over several pages. I have summarized what I think your Lordship will find (if it becomes necessary to read them) is the result of all that statement, and I think I have fairly stated it.

Now we have Lord Dorchester's statement upon this subject, which was referred to by the other side, and we will see how that agrees; it commences at page 609.

Lord Aberdare.—That is Carleton's official report.

Mr. McCarthy.—Yes; in 1768. He is speaking, of course, of the past. The French had then gone and he is speaking of the method of the French in dealing with the Indians. There is no doubt the French had been able to obtain the sympathy of the Indians better than the English had, and Governor Carleton (Lord Dorchester, as he afterwards became) is drawing attention to that in this statement. The part I allude to is his statement at page 611 of these forts of the west. At line 40 he tells us about these forts. Your Lordship will recollect what he says about them is this. "The annexed return of the French posts of the troops for the protection of trade, with the number of canoes sent up in the year 1754 shows in some measure the extent of their trade, and the system pursued by the French Government in

Indian affairs." When you come to Gamanastigonia and Michipicoton there is one commandant and five canoes, these forts to the west and all these different posts mentioned going on to Lake Winnipeg, and even beyond that, I think, if I remember rightly, the farthest post was Athabasca. These posts are said to have officers one, sergeants two, soldiers four, canoes nine. Is it not manifestly absurd to speak of these as forts in that sense? Then I need not refer again to what I called attention to this morning, that the Hudson Bay people complained of this, and the position taken by the British Government (and it seems to me to be a proper position), was that it was an unfriendly act, which could not be justified, for the French to be going into the territory of the English during a time of peace, building what they called forts, and interfering with the trade which rightly belonged to Hudson Bay. I think Mr. Pownall's report was also referred to, and its only importance, as I take it (and it is important in that view), is that it establishes that these were not expeditions in the view of discovering and taking possession of and appropriating to the French Crown, but they were licenses which were issued, and indeed there is good reason to suppose (if I take Mr. Portman's history, and he is the best historian of the period), that many of these expeditions were undertaken without any authority at all, but contrary to express edicts issued from time to time by the French. The wood rangers infested the whole country, and the complaint at that time was, that the young men of Canada were leaving their proper employment and becoming a species of outlaw, and disobeying the edict of their King and interfering with the legitimate trade which otherwise would have come to the cities of Montreal and Quebec.

Now, that is all there is of this so-called French occupation. There was no settlement. The most that can be said about it is that gentlemen commissioned by the King for a different purpose crossed over to the territory of the Hudson Bay, and from time to time erected what they pleased to call forts or posts, abandoned, so far as the statements show, immediately afterwards, given up and not prosecuted in any sense as being a possession of the country adverse or hostile to the rightful owners, assuming the Hudson Bay Company were the rightful owners of the territory at that date. But whether that be so or not, what forts here would justify this award? There being none at Lake Joseph, as I think I may say after the statements we have heard here, there being one at Fort William, within the line, what particular post or posts, or possession or occupation, would have entitled the French to say that that particular tract of land belonged and pertained to the colony or Province of Canada, and belonged to it as against the Crown of England?

The Lord Chancellor.—There is a fort here which seems to me to be within the disputed territory.

Mr. McCarthy.—That was on the Rainy Lake, I believe.

The Lord Chancellor.—Yes.

Mr. McCarthy.—There is no line taken at Rainy Lake in that sense.

Lord Aberdare.—The only point which seems to me of weight is that, apart from Indian names, nearly all the names of these places are French.

Mr. McCarthy.—Where does your Lordship mean?

Lord Aberdare.—Everywhere.

Mr. McCarthy.—I do not understand that that is so. They named their own forts.

Lord Aberdare.—For instance, Portage des Rats, River St. Pierre, Fort Rouge. You see they either take the Indian name or the French, which subsequently were altered to English.

Mr. McCarthy.—The French on their maps call them by French names, but the English never adopted them.

Sir Robert Collier.—On this map they are called by French names, just as the forts are called by French names. I daresay this is a correct transcript from French maps, but they are not so denominated by any English maps of the period. I will put them in. I do not understand they are so called on the English maps even at the earliest period we have, relating to that country.

The Lord Chancellor.—What is the earliest map we have?

Mr. McCarthy.—Mitchell's map of 1755. I mean of the English maps. There are some French maps of an earlier date. I do not think Mitchell's map goes practically further than Lake Superior. It has the Christianeaux on it.

Lord Aberdare.—The Lake of the Woods is a translation of the French Lac des Bois, and Lac Seul must have been the name before it was called Lonely Lake. These names all appear to have been French and then translated by the English.

Mr. McCarthy.—Or else they were English and translated by the French.

Lord Aberdare.—It appears to me to be otherwise.

Mr. McCarthy.—I do not remember for the moment how that is. I dare say I shall be able to find that date before the argument is closed. My learned friend has just reminded me of a fact which must not be lost sight of, that the North-West Company's people who traded from the time of the cession were all French from Montreal, and many of the names may have been given at that time: We shall have to look at the map to see if anything turns upon that. Now, are the Hudson Bay Company to be deprived of their land, or is the English Crown to be deprived of it by this occupation? It may be looked upon, I suppose, as the English Crown more than the Hudson Bay Company. Can it be asserted as a proposition of international law that if the question had then been referred to a judicial tribunal between the French and the English, anything your Lordships have heard here would have deprived the English Crown of its property in that country? Because that is really what my learned friends have to contend.

Now, my Lord, I come to the maps, which I may just as well refer to now; and the first observation I make with regard to them is this, I am going to refer to the maps put in and also to deal with those we put in bearing upon this question. It was stated (and I ask your Lordship to adopt it as my argument if I cannot read it) by those who have been concerned in investigations of this kind that there is nothing more deceptive than a map. Nothing has given rise to greater trouble in the settlement of international boundaries than reliance being placed upon maps. Of course it is a different thing if a map is referred to in a treaty and incorporated in a treaty or Act of Parliament or any document of that kind, but maps published independently or under royal authority, as many of these are said to be, are apt to be and have been proved by experience to be the most deceptive possible kind of evidence to be guided by, so that whilst I put in maps which may or may not be useful, I disclaim relying very much upon them, and at the same time I argue before your Lordship that very little reliance is to be placed upon maps put in by either side. If your Lordship will first look at the map they put in, one thing at all events can be derived from it. Your Lordships will find that the French write Louisiana (which is admitted afterwards to be confined to the Mississippi) right across the whole map from east to west.

The Lord Chancellor.—Which map are you referring to now?

Mr. McCarthy.—These which are done up in brown.

Sir Robert Collier.—Is that before us?

Mr. McCarthy.—Yes, it was put. It is not before you, but it has been put in by the Ontario side.

The Lord Chancellor.—The map of 1703?

Mr. McCarthy.—Yes, my Lord, the map numbered thirty-three in the corner. The first thing I say about that is that it is strongly in favor of the contention as to the 49th line. That is the only observation I have to make upon that map. The other maps, so far as the Hudson Bay is concerned, are principally important as showing these places had English names, as Fort Rupert, Rupert Bay, New South Wales, and so on. Will your Lordships look at the map No. 71?

The Lord Chancellor.—Is the date of the map 1744?

Mr. McCarthy.—Yes. Your Lordship will see there Louisiana is placed as crossing the Mississippi, just as in other maps referred to Canada is placed by them as stretching across the northern part of the continent.

Lord Aberdare.—If that was not French what was it? The French did claim Canada on that side of the river. What was it if not French?

Mr. McCarthy.—The English called it Virginia, Carolina, and so on, as the other maps will show going right through and ignoring the French.

Lord Aberdare.—That was an extravagant claim in the same, was as the French claim what was east of English boundaries at Louisiana.

Mr. McCarthy.—The maps are not to be relied upon at all. You cannot take a map and say because Canada is written across the head of it that was substantially claimed as French territory any more than you can take it that because the English wrote Virginia from the Atlantic to the Pacific that was English territory, though I think the English did insist that was the proper measure of their title. Then, the last map, No. 76, is important as showing the height of land.

The Lord Chancellor.—This is 1746?

Mr. McCarthy.—Yes, my Lord. If your Lordship will look at the longitudinal line 45, you will see the commencement of what is marked as the height of land, showing that even in that early time the French geographers, at all events, pretended to mark out the limits of the height of land.

Lord Aberdare.—Is that map No. 76?

Mr. McCarthy.—Yes, you will find what I have said near meridian line 45. You will see a thin dotted line indicating the height of land. It is up at the north part of the map very near the longitudinal line 45. Your Lordship will see it just above the lake.

The Lord Chancellor.—Which lake?

Mr. McCarthy.—A lake I cannot make out the name of. Near line 45 your Lordship will see the commencement of a thin dotted line which I take it is the height of land. It is marked so I think, my Lord.

Lord Chancellor.—I see a dotted line, certainly.

Mr. McCarthy.—There is something written upon that, and I think it is intended to be the height of land.

Lord Aberdare.—Is that north of Lake Superior?

Mr. McCarthy.—Oh, no, my Lord, much further to the east.

Lord Aberdare.—North of what, then?

Mr. McCarthy.—North of a lake, the name of which I cannot make out.

The Lord Chancellor.—Is it south of St. Lawrence?

Mr. McCarthy.—No, that is another line your Lordship is looking at. That is another height of land. I mean at the very top of the map.

The Lord Chancellor.—Yes, now I see it.

Mr. McCarthy.—That seems to run, if my sight serves me, as far as the south of Hudson Bay.

Lord Aberdare.—That is pretty near what you have been speaking of and this is the great lake we heard of.

Mr. McCarthy.—Then there is another line to the west. I am not sure whether that is intended for a river or a height of land. It is not very easy to tell. I do not know whether there is a river there. It is a line further north of what is known now as the Lake of the Woods longitudinal line.

Lord Aberdare.—That is a river?

Mr. McCarthy.—It may be a river.

Lord Aberdare.—It is not marked as the other is.

Mr. McCarthy.—No, it is not marked as the other is.

Sir Montague Smith.—It is difficult to follow.

Mr. McCarthy.—It is very difficult to follow without a magnifying glass. I think it empties itself into Hudson Bay. The Jesuits seem to have made very good maps. This is one made by them I think. We have very large maps made by the Jesuits and afterwards copied and now in the Parliament at Ottawa which have been sent over here for the purposes of this case which are apparently marvellously correct. Then I refer to Mr. Bourne's map of 1772.

The Lord Chancellor.—That is not one of the set.

Mr. McCarthy.—No, that is not one of the set. We have got the original but we have also got copies of it here. This your Lordship will see marks the southern boundaries of Hudson Bay as bounded by the 49th line. Perhaps your Lordship will look at the centre portion which is enlarged. That is very small. It is a map made by Mr. Bourne, just as Mitchell's map was made in 1772.

Lord Aberdare.—It is after 1763?

Mr. McCarthy.—Yes, because it has the original Province of Quebec marked upon it. I can give your Lordships the exact date. We agree upon it.

Sir Robert Collier.—Hudson Bay Territory goes to the north of the Lake of the Woods?

Mr. McCarthy.—Yes, that is the 49th parallel. This is quite correct. There was a mistake made on this map which has led to all the treaties made on the continent. It appears from the thorough investigation the case has had it was a mistake. I have a dozen maps here in which it was made. One bit of this map is in the British Museum I think.

Sir Robert Collier.—Is it another map?

Mr. McCarthy.—No, it is the same, only it is the centre of it. The centre of it is photographed to make it larger and plainer.

Lord Aberdare.—What is this map you are putting in?

Mr. McCarthy.—Mr. Bohn's map.

Lord Aberdare.—What do you rely on it for?

Mr. McCarthy.—The original speaks for itself. I see it is dated 1763.

Lord Aberdare.—It is after the cession.

Mr. McCarthy.—Yes, it is after the cession. This says: An accurate map of North America, describing and distinguishing the British and Spanish Dominions on this great continent according to the definitive treaty concluded at Paris, 10th February, 1763.

The Lord Chancellor.—Was this the original Province of Quebec?

Mr. McCarthy.—Yes, that was the original Province of Quebec by proclamation. The king proclaimed that into a Province. It defines the lines of the original Province of Quebec. Then your Lordship sees that it gives the southern bounds of the Hudson Bay territory marked and defined by this treaty, and that is stated in the notes to be as late as 1775, or somewhere about that.

The Lord Chancellor.—Where does it carry the dividing line, as far as this map goes, so far as the map itself extends, that is as far as the meridian line eighty-five?

The Lord Chancellor.—To two small points on the other part of the Lake of the Woods.

Mr. McCarthy.—I should think in that respect it is not quite accurate. The 49th line goes to the south of the Lake of the Woods.

The Lord Chancellor.—Yes, I should think so. Nearly the whole of the Lake of the Woods would be about the 49th line.

Mr. McCarthy.—Yes, but it is much more accurate than Mitchell's map in 1785, which gives the Lake of the Woods hundreds of miles out of its place. Then Bell's map is the next map, that is in 1772, and the difference between that and the last map is, that the height of land of the Hudson Bay Company is given. It gives a wavy line there in that respect according with Mitchell's map, that the true boundary was the height of land, but both those mappers, so far, either place the line at the height of land, or at 49.

Lord Aberdare.—No, it is north of the Lake Nepigon.

Mr. McCarthy.—Yes, that is right; the height of land is north of the Lake Nepigon.

Lord Aberdare.—Yes, but it does not come down. It rather passes to the north of the Lake of the Woods.

Mr. McCarthy.—That is the way they assumed it to go, it was pretty much a straight line. I will show when I come to the treaties that that was the cause of the mistake between Great Britain and the United States in taking this Pigeon River as the point of departure for the boundary line. It was on the assumption

that all these lakes as well as the Lake of the Woods drained into the St. Lawrence system, but as a matter of fact they do not.

The Lord President.—I see by the petition of the Hudson Bay Company in 1819, page 413, that they even thought that Fort William was not in Upper Canada.

Mr. McCarthy.—That was also said by Lord Selkirk in his petition. That was not according to the due north line and it could not be according to the due north line. The due north line had been established as the governing point, and Lord Selkirk said: "According to the decision of the Quebec court you are trying in Sandwich us for an offence committed at Fort William which is really outside your jurisdiction."

The Lord President.—Your memorialist submits that Fort William, a trading post occupied by the said North-West Company, and the place where the alleged offences charged against him are stated to have been committed, is not situated within the jurisdiction of the courts of Upper Canada, as settled by the Act of 14 George III, cap. 83.

Mr. McCarthy.—And it is so defined by the decision in De Reinhardt's case.

Lord Aberdare.—This map shows the course of the Mississippi more to the westward than it really was.

Mr. McCarthy.—Yes. Mitchell's map also does the same thing. The Mississippi is supposed to rise between 60 and 106 degrees west.

The Lord Chancellor.—I do not think it is possible that it can be contended that this map was intended to lay down the height of land.

Mr. McCarthy.—It does practically correspond with Mitchell's map, except that the Lake of the Woods is better placed.

Sir Montague Smith.—It goes to the north of the Lake of the Woods and goes across the height of land.

Mr. McCarthy.—Yes. The height of land was not intended to go round there at that date.

The Lord Chancellor.—It crosses streams.

Mr. McCarthy.—The scale is so small that it is difficult to follow it.

Sir Montague Smith.—There is "Canada" written just at the south of it.

Mr. McCarthy.—Mitchell's, my Lord, was intended, I think, for the height of it.

Sir Robert Collier.—No, I think not.

Mr. McCarthy.—Here is another copy of Mitchell's map (handing it in).

The Lord Chancellor.—A reduced copy or a full copy?

Mr. McCarthy.—No, it is in sections.

The Lord Chancellor.—It is the Hudson Bay Company who lay down the lines themselves?

Mr. McCarthy.—No.

The Lord Chancellor.—I thought it was so?

Mr. McCarthy.—No. After the cession the Hudson Bay Company endeavored to get all the evidence they could and they were asked to send some maps, and they sent four maps, amongst them Mitchell's.

Sir Montague Smith.—It was one of their maps?

Mr. McCarthy.—Yes, but I mean it was not compiled by them at all. That map does lay down the height of land. Your Lordship will see distinctly that it is the height of land.

The Lord Chancellor.—We cannot find it. Perhaps you will have it marked on the map?

Mr. McCarthy.—I will do that my Lord. There is also a map there very shortly after of Mr. Roppert's. (Their Lordships referred to the maps.)

The Lord Chancellor.—The material thing is, that the line is certainly south of the line of the award—not so very far from it, and I suppose it may be taken to be roughly laid down here, because it is north of the Lake of the Woods. Then the next thing is: Does it appear on the face of this map for whom it was made?

Mr. McCarthy.—That was made for the Board of Trade and Plantations.

The Lord Chancellor.—Made for the Board of Trade here?

Mr. McCarthy.—Yes.

The Lord Chancellor.—I see it is described by Mitchell to be for the Board of Trade and Plantations. The date is 1755.

Mr. McCarthy.—Yes, 1755 is the date there. In those three colored columns is where the date is.

The Lord Chancellor.—“This map is undertaken with the approbation and at the request of the Lords Commissioners of Trade and Plantations, and is chiefly composed,” &c., &c., (reading down to the words) “February 13th, 1755.” So you could not have a higher authority, whatever its value.

Mr. McCarthy.—Just see how they mark Virginia—the two parallel lines of Virginia running right over the continent. On the other side of the Mississippi it is colored in same way. Your Lordships will see there is one straight line drawn there.

The Lord Chancellor.—Oh no. Virginia does not extend *this* side of the Mississippi; certainly not. There is North Carolina, South Carolina, Georgia, Mexico, Florida, Arkansas—

Mr. McCarthy.—The river.

The Lord Chancellor.—There is no name here at all. Then Le Sage; then the Western Sea, and then an Indian Tribe.

The Lord President.—It seems that this map published after the Treaty of 1763 has the same bounds.

The Lord Chancellor.—I think so.

Mr. McCarthy.—If your Lordship will roll up Mitchell's map I think you will see it has written on it “The height of land.”

The Lord Chancellor.—Yes.

Sir Robert Collier.—Here it is, “Height of land.” Do you say that goes everywhere?

Mr. McCarthy.—Yes, I take that to be a statement of the land's height and the boundary of the Hudson Bay Company by the Treaty of Utrecht.

The Lord Chancellor.—“The bounds of the Hudson Bay Company by the Treaty of Utrecht.” I see that, but you must not take it quite for granted that that relates to the whole of that red line. I do not see it marked to the west of the red line. I should doubt extremely whether your extensions of the land's height is beyond here (pointing on the map).

Mr. McCarthy.—Perhaps the other map would show that. It did not occur to me that there was any difficulty about that thing; that it was a description of the whole line.

The Lord Chancellor.—It is not at all evident to me on the face of the map.

Mr. McCarthy.—Perhaps the other Mitchell's map will throw a light upon it. There is one there before the president.

Lord Aberdare.—The place of the land's height is written where mountains are figured.

Sir Montague Smith.—The Northern Mountains?

Lord Aberdare.—The Northern Mountains and the land's height go below this line.

Sir Robert Collier.—There are no indications of mountains here at all.

Mr. McCarthy.—This seems to be a better guess at the real land's height than any of them (referring to a map).

Adjourned till Monday morning next, at 10.30.

COUNCIL CHAMBER, WHITEHALL, MONDAY, 21st July, 1884.

The Lord Chancellor.—Before the argument proceeds, their Lordships desire to say something with reference to the course which it has taken and which hereafter is to be taken. Their Lordships of course feel it their duty to sit as long as necessary to hear arguments that may be relevant to the real question, but they wish to put it to learned counsel whether travelling over vague and indefinite ground does conduce at all to the settlement of the real question, which is as to the actual

boundaries due north, and if you please to the west also. There have been a great many things referred to which really have no bearing at all on that question, but a vague and general bearing upon the claims of the Hudson Bay Company, and so on. Their Lordships wish that the arguments should come a little to closer quarters, and whilst they must hear all details which the learned counsel in the exercise of their discretion think really material for the determination of the true question, yet they sincerely hope that having heard those details, the learned counsel who have to follow will, at all events, think it not necessary to repeat them.

Mr. McCarthy.—May it please your Lordships, I will endeavor, my Lords, as far as I possibly can to comply with the wishes of your Lordships, and I have not willingly, at all events, referred to that which is immaterial.

The Lord Chancellor.—No, we quite follow that. It is not very easy in a boundary case to draw the line which, nevertheless, their Lordships are very desirous to have drawn if possible.

Mr. McCarthy.—I will compress the few observations that have to be made about the maps, and the references which I propose to make upon the maps which have been put in on both sides. The maps that have been already referred to and which have been put in by Ontario, show these things so far as it is important to consider them in this case. The contention, as I understand it, on the part of the Province of Ontario, is that the French had certain forts or posts on this disputed territory, and coming to close quarters on that particular point, the forts that I understand they claim are: first, this fort upon the Albany River, called Fort St. Germain; secondly, the series of forts that were built by Le Verendrye in 1738 or thereabouts; and thirdly, the disputed fort they speak of which had been put up by a man whose name is now called Deluth, north of the height of land. I think probably I satisfied your Lordships on Saturday that that old fort put up by Deluth was south of Lake Nipigon. Then the fort on Albany River, I admit, was there, and your Lordships recollect the Hudson Bay Company complained of it in 1715, and that the British Government afterwards insisted that the French should withdraw from that. I say that these maps put in by the other side show that that fort was not there earlier, and that is the first point I draw from the maps. The maps they put in are one of 1703, which is the first map on this point which does not refer to that fort, though it does to the other forts and the French mission houses. The map your Lordship has before you is the photograph which we rely upon.

The Lord Chancellor.—Whether you rely upon it or not it is of use to their Lordships, and it is practically taken from Mitchell's map.

Mr. McCarthy.—What I am speaking about now is forts, and I say that the absence of any statement on the maps of 1703, the three maps of 1744, and the map of 1746, that were put in about this part that they speak of, indicates the two things which I contend for.

Lord Aberdare.—Before what date?

Mr. McCarthy.—Before 1703. Their contention is that this fort on the Albany River was put up in 1686 or thereabouts.

Lord Aberdare.—I thought this Fort St. Anne was the same one.

Mr. McCarthy.—But there is no fort mentioned on that map.

Lord Aberdare.—I thought Fort St. Anne was mentioned, not exactly on the Albany River, but close to it. The river is called the St. Anne's River.

Mr. McCarthy.—That is the Hudson Bay port.

Lord Aberdare.—This is the French map.

Mr. McCarthy.—But it is the Hudson Bay port.

The Lord Chancellor.—How does that appear?

Mr. McCarthy.—That appears from the statement made of the names of their ports.

The Lord Chancellor.—Surely one may not lay too much stress upon names, but is it very likely that after the date of the Hudson Bay Company the name of St. Anne would have been given by the English Adventurers to one of their forts?

Mr. McCarthy.—That is on James' Bay—the bay itself, as I understand that fort indicated there is on the bay and not on the river.

The Lord Chancellor.—That is a matter of measurement, but to me seems that it is rather in the angle of land between the estuary of the river, if I may use that expression, and the bay—that upon either the one or the other.

Mr. McCarthy.—There is no contention that there was any port there. The claim is that there was a fort on what is called Perray River, which is the Albany River. Then there was a fort upon the bay.

The Lord Chancellor.—One wants really to see what the map represents. The name St. Anne I should have thought much more likely to be a French name than an English.

Mr. McCarthy.—Perhaps it is a French fort, but we must remember the history of it at that date. The French, between 1680 and the close of that century, had forts and occupations upon the bay. There is no dispute about that.

The Lord Chancellor.—There is an exceedingly important circumstance which we shall have to consider, which is this, that the Hudson Bay Company themselves, in 1701, I think, proposed or assented to as a boundary consistent with the actual occupation, the line of the Albany River. That is one of the most important facts in the case.

Mr. McCarthy.—Yes; but what I ask your Lordship's attention to now is—and there is no dispute about it—that the French did occupy the bay, and took six out of the seven forts erected there by the Hudson Bay Company, and, as a matter of fact, gave their own names to them. The fort marked there is a fort upon the bay itself, James' Bay, and is not claimed to be a fort on the Albany River.

Lord Aberdare.—On this map, Fort Albany, Fort St. Anne and Fort Chechouan are all thought to be identical.

Mr. McCarthy.—Yes; they are identical forts called by the French St. Anne, and by us Fort Albany, but on the bay and not on the river. The claim set up is that there was a fort on the river before the commencement of 1700.

The Lord Chancellor.—As marked on this map of 1703, it seems nearer to the river than to the bay, and I should say rather on the river than the bay.

Lord Aberdare.—If you follow the words, "Fort St. Anne on Quichichone," you will find that will be on the bay rather than on the river. But the real question is whether these maps are sufficiently precise, and whether it is likely there were two forts, one called Albany and this one.

Mr. McCarthy.—The name of Albany is not given to that fort. They do not claim that as Fort St. Anne on the Albany.

Lord Aberdare.—So far as the French or possession is concerned, surely it is indifferent whether it was a few miles below the entrance of the Albany, or whether actually on the Albany itself.

Mr. McCarthy.—I do not mean to say so, but there are two or three forts there are disputes and two or three are not disputes about. It must be understood, my Lords, that I freely admit, that after 1684, when the French invaded Hudson Bay, and captured these forts, they had posts on Hudson Bay which they continued to have until the English recaptured them after 1701, and then that matter was brought to a close by the Treaty of Utrecht, in 1713.

The Lord Chancellor.—Is there any evidence of the subsequent possession by the English of those forts?

Mr. McCarthy.—Yes; that is equally as clear as the statement I make. All the correspondence I read with regard to the Treaty of Utrecht shows that the English recaptured those forts.

The Lord Chancellor.—There is a statement, in 1755, at page 643, that "Albany River, when the French settled upon it, was called Quitchide Choneu by the Indians, but we gave the name of St. Anne to the fort and river. That name long existed, and it is to be found in old maps. The river flows out of a lake of the same name on the shores, of which we had a post called St. Germain. The English built a factory there, and called it Henley, but it amounted to very little.

Mr. McCarthy.—Now, to make myself clear to your Lordships on that point about the forts, I should like to say that at that time, about the commencement of the eighteenth century, the French and English were in possession of the bay, and shortly before that the French had taken all but one of the seven posts which the Hudson Bay Company had erected. Then the war broke out, which ended in the Treaty of Utrecht. During that war the English recaptured some of those posts, but not all. At the Treaty of Utrecht it was insisted that the French should withdraw from those and leave their cannon, and that was agreed to. There is no doubt about that. Then in the year 1715, following the Treaty of Utrecht, the Hudson Bay Company were put in possession of those posts and forts, and they were always acknowledged that that was done to their satisfaction. All that I read to your Lordships on Saturday, and I need not refer to it again.

The Lord Chancellor.—If you say that there is evidence that this Fort St. Anne *de facto* passed, I should like you to refer to it.

Mr. McCarthy.—I will give you that evidence.

Lord Aberdare.—I think what you stated was that that part of the arrangement was really completed, but what was not finally completed was the final ratification of the boundaries.

The Lord Chancellor.—I should like to see the specific statement as to these particular forts which are past the boundary line of the award.

Mr. McCarthy.—In the first place, if your Lordships look at page 498 of the Joint Appendix, you will see what was insisted upon was not merely the forts, but the cannon. That is before the treaty. Then, if your Lordships will look at page 576, there is a letter from Lord Dartmouth. I cannot give that fort separately because it was not dealt separately with.

Lord Aberdare.—That is very important, because the French took a fort far to the north of that by a ship of war in 1706 during the war.

The Lord Chancellor.—If you can show nothing specific then the question will remain in this position, that forts were to be given up and forts were given up—what forts?

Mr. McCarthy.—All the forts.

The Lord Chancellor.—“All” is a very large expression. There being certain territories in dispute as to whether they were French or English property, and the boundaries never being settled, it would be very useful if we could have it shown that on one of the sides south of the disputed boundary certain forts were taken.

Lord Aberdare.—The order of the French King for the surrender of forts on the Hudson Bay, which is at page 576, would seem to include all the forts. “M. Jérémie, commander of the forts and straits of Hudson Bay, is commanded to deliver up to the bearer of the Queen of Great Britain’s order, the bay and straits, together with all buildings and forts there erected.” Would they necessarily have included in the Bay of Hudson, James’ Bay?

Mr. McCarthy.—Yes.

The Lord Chancellor.—At all events, you must not yet assume that, and if this is the fort upon the river rather than upon the bay, might it not have been retained?

Mr. McCarthy.—If your Lordships desire me on that, I will go over it step by step, but I can prove it without that. All I say is that the correspondence proves it clearly and pointedly. Your Lordships will see the French line laid down on that very map before you. They never claimed north of that French line.

The Lord Chancellor.—There are two claims put down there. You yourself have admitted in 1701 something a little to the north of that line.

Mr. McCarthy.—No, my Lord, pardon me.

The Lord Chancellor.—When I say you yourself, I mean the Hudson Bay Company.

Mr. McCarthy.—No, we never admitted it to be French. We denied it to be French, but said, for the sake of peace, we would accept it.

The Lord Chancellor.—As a matter of fact, it was a boundary which the Hudson Bay Company were willing to have accepted.

Mr. McCarthy.—Your Lordships will see all that was changed between 1701, the war following immediately and the Treaty of Utrecht.

The Lord Chancellor.—It would be extremely important if we could see that the particular places which are now in dispute were treated as being English and not as being French. If you cannot show that, but rely only on the general words, we follow the argument, but it is not necessary to enlarge it in detail.

Mr. McCarthy.—The reference I gave your Lordships on Saturday does not make any distinction between one point and the other.

The Lord Chancellor.—If that is so we must consider the force of general words in connection with other things.

Mr. McCarthy.—Yes; and then I would add to that, that your Lordships will see on the map before you, that where the French desired the line to be drawn was south of James' Bay and south of the watershed by a very considerable distance.

The Lord Chancellor.—Not a very considerable distance; something very far short, indeed, of what you allege to be Hudson Bay territory.

Mr. McCarthy.—But far south of these posts at that date.

Lord Aberdare.—You mean the line 49?

Mr. McCarthy.—No; that is our claim.

The Lord Chancellor.—It would cut off the mouth of the Albany River and retain a considerable part of these forts.

Mr. McCarthy.—But I say all the forts were north of that point. That is made plain by this, and I did not think there was any question about it. If your Lordships will look at the words used in 1744, at page 583, "Extracts from the orders given by the Hudson Bay Company to their chief factors in the bay in anticipation of an attack overland from Canada."

The Lord Chancellor.—What is the material part of it?

Mr. McCarthy.—It is addressed to Mr. Joseph Isbister and council at Albany Fort. Albany Fort was St. Anne Fort, one was the English and the other the French name.

Lord Aberdare.—There was a fort on the Moose River.

Mr. McCarthy.—And they had put up a factory at Henley, on the Albany River.

The Lord Chancellor.—Henley is on the north side.

Mr. McCarthy.—No, my Lord, on the south.

The Lord Chancellor.—Surely not?

Mr. McCarthy.—We afterwards put the Henley Fort on the Albany River, 140 miles from its mouth.

The Lord Chancellor.—I asked whether on its north or south side?

Mr. McCarthy.—I answer the south.

The Lord Chancellor.—I want to know from the map where it is?

Mr. McCarthy.—If your Lordship looks at Mitchell's map it shows it very plainly.

The Lord Chancellor.—There it is marked on the south side. This photo, which is taken from Mitchell's map, shows it below, and the map we have been using marks it above the river and not below.

Mr. McCarthy.—Then it is incorrect, because all the early maps mark it below the river.

Sir Robert Collier.—You say the original Mitchell's map shows it.

Mr. McCarthy.—Yes, and I have another original map here which shows it. Henley Factory, on the Albany River.

Lord Aberdare.—Would that be on the south side?

Mr. McCarthy.—Yes, and there are other maps where it is marked on the south side too.

Lord Aberdare.—Where do you suppose Fort St. Germain was?

Mr. McCarthy.—About the same place. In fact, I have a statement that it was in the same place. The French say it was the same place, and that the Henley Fort did not amount to much. But the fort we are speaking of that date was at the mouth of the river, sometimes called the Albany Fort and sometimes Fort St. Anne.

Now, my Lords, the result would appear to have been that though in 1701 the Hudson Bay Company proposed limitations on the Albany River on one side, and at Fort Rupert on the other as their southern boundary; nevertheless, the changes made by the war that immediately followed has completely altered the complexion of affairs, that they insisted then on getting the whole of the Bay and Straits of Hudson. The French acceded to that and surrendered all the forts on the Bay and Straits, giving up even the cannon.

Sir Robert Collier.—“The bay and straits of Hudson” is exceedingly indefinite.

Mr. McCarthy.—The bay and straits certainly meant all the forts on the bay and straits. How far back it went is another question.

Sir Robert Collier.—On the bay and straits would not take you far.

Mr. McCarthy.—There were no inland forts there then at all. There is no pretence that there were any inland forts at all. Now we come to the treaty of 1713-14, when the Hudson Bay Company were put in possession under the order of the King. The French King gave the order. The King transferred the order to the Hudson Bay Company to take possession, and they acknowledged the fact, and that is the last time the French ever occupied on the bay. The next occupation that we hear of the French is on the Albany River, at the place where Fort Henley now is. That was complained of by the Hudson Bay Company in 1715. In 1719 that complaint was represented by the British Ministers to the French, and we do not hear anything more about the French fort which they call St. Germain subsequent to that period. But I rely on the maps which are put in of 1744, and I rely on the statements read, of 1756, to show that at the time of the cession, this Fort St. Germain had been practically abandoned. It does not appear in the list of forts given by Governor Pownall, nor in the list given by the two French officers to which reference was made by the other side, and to which I referred on Saturday. So that we may assume that that Fort St. Germain was abandoned in obedience to the English demands. Then what happened with regard to that? In the documents in which the Hudson Bay Company state the facts in 1748, after the Treaty of Aix-la-Chapelle, they state distinctly, and I draw particular attention to that—

The Lord Chancellor.—Where is it to be found?

Mr. McCarthy.—I will give your Lordship the reference to that. It is at page 587, and it is 1759, I see. That is a later one. I must get the earlier one in a moment. The one of 1719 may be read. That is at page 578. Then there is one of 1748, which I shall be able to give your Lordships in a moment.

The Lord Chancellor.—At page 587! What is there there? I do not see anything there bearing upon the question, of any importance at all.

Mr. McCarthy.—I will give it to your Lordship, because it is of importance with reference to the French posts.

Lord Aberdare.—The French go on claiming steadily from time to time, up to 1750, and past that.

Mr. McCarthy.—No, my Lord.

Lord Aberdare.—They go on steadily claiming their right to possession and their legal possession, at one time or other, of part of Hudson Bay.

Mr. McCarthy.—No, my Lord, I think not. When I say they do not, I want to be correctly understood. After 1719, when Lord Stair and Mr. Blayden, on behalf of the English, endeavored to have this line fixed between the French and the English, nothing appears to have been said more than that Lord Stair was unable to get the Commissioners to meet. He speaks of two meetings. At the first meeting the commission was read, and then at the second the Hudson Bay claims were presented. Then they never met again. Lord Stair writes to say that he had seen the Regent, and the Regent promised that he would name a definite period for the Commissioners to meet, but he never did so.

Lord Aberdare.—What I refer to is this, that in 1720—

Mr. McCarthy.—That is the time when the negotiations were going on under the Treaty of Utrecht. At that time they were trying to settle this limiting line.

Lord Aberdare.—“The fact is, that at the time of the said Treaty of Utrecht the French possessed one part of the Strait and Bay of Hudson, and the English possessed the other. It is very true that the King of France had sometime before conquered the English part, and it is of this, that it has been understood that restitution is to be made, that is to say, to trouble them no more in their enjoyment; but with regard to the said lands possessed by the French in the said bay, if they have previously belonged to the English, the King will bind himself in the same manner to make restitution to them. But there must be a real and incontestible proof of proprietorship.” That is at the top of page 514. Then you have extracts from M. de la Galissonnières' Memoir in 1750, where the same claim was kept up, where they say again that they only restored that which the English could show that they had before, and nothing else. “The Treaty of Utrecht had provided for the appointment of Commissioners to regulate the boundaries of Hudson's Bay, but nothing has been done in the matter. The term ‘restitution,’ which has been used in the treaty, conveys the idea clearly that the English can claim only what they have possessed, and as they never had but a few establishments on the sea coast, it is evident that the interior of the country is considered as belonging to France.” That is in 1750, and appears at the bottom of page 514. Again, in 1755, the same claim was put forward that the English had never got more than the lower part and mouth of the rivers, and it was to that portion that the restitution to be made was to be limited. “There are no indications that the English Commissaries who have been named to receive this restitution have demanded or required that the French should abandon the upper part of the rivers and the lakes.”

The Lord Chancellor.—It is clear that there were disputes.

Lord Aberdare.—Yes, up to 1755.

The Lord Chancellor.—Restitution, they said, we ought to make to you according to your previous title and position. We admit that if you can show a previous title to it we are to restore, but we are not to restore what was always ours. That is the principle upon which they were conducting the negotiations.

Lord Aberdare.—In the instructions to M. De Vaudreuil, on the next page, they say, “they (the English) have not yet explained themselves respecting the — they propose giving their Hudson Bay boundaries. But it is to be expected that they will wish to stretch them to the centre of the colony of Canada, in order to enclose it on all sides.”

Sir Robert Collier.—“However that may be, his Majesty is firmly resolved to maintain his rights and his possessions,” and so on.

Mr. McCarthy.—Those were secret instructions, and they do not appear to have ever been communicated. In point of fact your Lordship will find that they never were communicated. They did not meet or present to the English Commissioners their claims at all. These were secret instructions from the King to the officers, but they were never communicated to them.

The Lord Chancellor.—The probability is, that they must have in some way or other transpired.

Mr. McCarthy.—No, I think not.

The Lord Chancellor.—Where do you get them from then?

Mr. McCarthy.—They were got from the French documents—the public records of France, or some of them, and also from Quebec. We have got possession of plenty of papers there.

The Lord Chancellor.—However, it does not seem to be of much importance.

Mr. McCarthy.—We put before your Lordship the statement of how it occurred.

The Lord Chancellor.—These papers will be evidence to show what view the French took, pending the negotiations for the settlement of the boundaries under the Treaty of Utrecht, but not of course any evidence that their views were right.

Mr. McCarthy.—Then, my Lord, here is the Hudson Bay statement of it at page 572. This is before the treaty.

The Lord Chancellor.—That is in 1711?

Mr. McCarthy.—Then in 1714, at page 577, the representation of the Hudson Bay Company is: “That pursuant to the 10th article of the Treaty of Utrecht they did, the beginning of June last, send a ship for Hudson Bay, and therein a Governor, one Captain Knight and his Deputy, one Mr. Kelsey, to take possession of the whole bay and straits of Hudson, together with all other places relating thereto as mentioned in the said articles, they having not only Her late Majesty (of blessed memory), her commission for the same purpose, together with one from the company, but likewise the most Christian King’s order under his hand and seal with a power from the Canada Company to deliver up the same according to the said treaty, which ship, at the request of the said Canada Company, is not only to bring away the French settled in Hudson Bay, but likewise their effects, pursuant to the aforesaid treaty, they paying freight for the same, which ship may be expected the latter end of September or the beginning of October next.”

The Lord Chancellor.—It was not necessary to read this passage.

Mr. McCarthy.—I think that is a passage which supports me.

The Lord Chancellor.—That shows nothing whatever as to what particular forts were delivered up.

Mr. McCarthy.—Except that it says, all of them.

The Lord Chancellor.—It does not say all of them even.

Mr. McCarthy.—Doesn’t it, my Lord?

The Lord Chancellor.—Well, which are the words which show that, I cannot see it. They want somebody to receive that which was to be delivered. It does not show anything whatever.

The Lord President.—The French only intend to deliver up that which they had before.

The Lord Chancellor.—It is clear that that was the principle that they went on, whether it was right or wrong. That was the principle which they meant to insist on in the settlement of the disputes.

Mr. McCarthy.—Your Lordship wanted me to point out the statement of what took place under the treaty at the time of the negotiations.

The Lord Chancellor.—Surely you went at length through those negotiations.

Mr. McCarthy.—I thought I had gone through the whole of them.

Sir R. P. Collier.—I do not think we wish you to go over the same ground again. I do not think we want that.

Mr. McCarthy.—Then if your Lordships will look at page 510 there you will find the statement I have made as to what took place with the negotiations from Mr. Bladen. It is dated the 7th of November, 1719, and it is at line 30, commencing with that paragraph.

The Lord Chancellor.—What has that to do with it except that their time was wasted?

Mr. McCarthy.—A little more, my Lord, I think: “Our time was spent in preparatory discourses concerning the intent of the 10th article of the Treaty of Utrecht, relating to the boundaries of Hudson Bay; and at our next meeting, which will be to-morrow, at my Lord Stair’s house, we design to give in the claim of the Hudson Bay Company in writing, with some few additions, pretty material for their service, in case the Abbé Dubois his health will allow him to be there, which I fear it will not, for he is confined at present to his bed. But I confess, I cannot help thinking it will be to very little purpose to puzzle ourselves about settling boundaries, by treaty, in the north of America, if the French have so concise a way of fixing theirs in the south without asking our concurrence; it is to be hoped they will have the modesty to recede from this new acquisition.” Then follows a further letter—

The Lord Chancellor.—Now, I really wish to remonstrate with you against reading letters so absolutely useless. It does not go to any point whatever.

Mr. McCarthy.—Perhaps your Lordship will pardon me for referring to the next letter. There is a great mass of matter, and I will endeavor not to read more than is necessary. At the foot of page 511 your Lordship will see: “My Lord Stair has spoke to the Regent, who said immediately that the conference shall be renewed

whenever we please. His Excellency then desired his Royal Highness would appoint a day, which he promised to do. This is what the Regent has promised my Lord Stair once every week, for four or five months past, without any effect, and His Excellency does not expect any more from the promise now, though possibly a conference may be appointed for form sake. I have been here near six months, and have seen only one conference, which was appointed by my Lord Stanhope's desire. I think there had been two conferences before I came; at the first of them the commissions were read, and at the second my Lord Stair and Mr. Bladen gave in a memorial about the limits of the Hudson Bay Company, to which no answer has been made." That is what I desired to point out, and that is the reference we have to it.

The Lord Chancellor.—What possible bearing has that upon any question which we have before us?

Mr. McCarthy.—Your Lordships were urging a moment ago that it was important to know what the statement of the French claim was.

The Lord Chancellor.—We have got it.

Mr. McCarthy.—I want to point out that the French never presented that claim to the English.

The Lord Chancellor.—You say so, and you are entitled to assume it, but the document is before us in which the statement of the claims of the French is put out of question, and the principle upon which it is to be construed is expressed in the clearest and plainest terms. Whether that other document was presented or not can make not the slightest difference.

Mr. McCarthy.—I think it does make a difference, and therefore I read that passage to your Lordship.

The Lord Chancellor.—If you could show that any negotiations proceeded to the point at which they waived that and took up other ground, that might be important.

Mr. McCarthy.—All I can show is, and I believe it to be the fact, that they did not make any pretensions of that kind to the English. Now, will your Lordships look at what I have been trying to find for some time, namely, the Hudson Bay Company's memorial in 1750. It is in the Manitoba Appendix, page 24.

Sir Robert Collier.—We have had this before us, and I have marked it.

Mr. McCarthy.—I am going to refer to the passage which your Lordships seemed to require, at the foot of page 25: "That your memorialists have used the best endeavours in their power to prevent the French making any encroachments on the British territory in those parts, and particularly at the south end of the said bay, where, by the neighbourhood of the French, there is most to be apprehended. Your memorialists have made a settlement, many years since, upon the principal river there, called Moose River, which runs at a great distance south into the bay, and have also erected a fort mounted with cannon for the defence of the settlement, and preventing the French entering the bay by any navigation down that river; and your memorialists, on another principal river, called Albany River, that likewise falls into the bay towards the southward thereof, and comes a great way from the west, erected another fort called Henley, at the distance of 120 miles up that river. Your memorialists, therefore, endeavouring to guard their territories both to the south and west against the French frontier, and which forts and settlements of your memorialists are maintained and supported by them at considerable expense. And your memorialists have in like manner for their further defence toward the west"—That I do not think I need read.

The Lord Chancellor.—Of course this is a document which is to the purpose, and it certainly refers to the ports on the Moose and Albany Rivers. The words which you have just read seem to deserve attention. "Your memorialists thereby endeavoring to guard their territories both to the south and west against the French frontier."

Mr. McCarthy.—Yes, my Lord, it shows, at all events, that there was no acquiescence on the part of the Hudson Bay Company, and also shows that at this point Fort Henry they had withdrawn from.

Lord Aberdare.—It shows that the frontier must have come up uncommonly close to the Hudson Bay.

Mr. McCarthy.—So it did, my Lord.

Lord Aberdare.—They were at Fort Abbittibi, which is immediately south of the bay, and you will see that there is very little distance between the fort which they erected at Fort Moose and Fort Abbittibi, which is immediately to the north of the height of land and south of St. James' Bay.

Mr. McCarthy.—The distance I will give your Lordship exactly, but that was the fort, that was the place they speak of, and that was the danger they apprehended of the French from the contiguity of Canada.

Lord Aberdare.—The French claim, in the various papers which they put in, that they have occupied all this country coming from the south; that they have come up almost to the borders of Hudson Bay, and that all that the Hudson Bay Company could claim would be the borders of the bay.

Mr. McCarthy.—That is what the French were claiming, and the English claimed that the Hudson Bay went down to the 49th line. That was the difference between them, and, as a matter of fact, the Hudson Bay Company were in possession and went into the interior as far as the Moose River, a distance of 150 or 120 miles, or whatever it is.

The Lord Chancellor.—What is the distance between the fort at Moose River and Fort Abbittibi; as far as I can guess, it must be over 100 miles.

Mr. McCarthy.—I think we can give your Lordships the exact distance if it becomes material.

Lord Aberdare.—It is about 3 degrees.

Mr. McCarthy.—It is about 3 degrees between the two forts. And the French proposition, if I can find it, I think is important.

The Lord Chancellor.—It is not possible to describe the Moose River Fort as a frontier fort.

Lord Aberdare.—No; and there is Fort St. Louis, which is said to have been built in this map since 1646.

The Lord Chancellor.—That is the fort I say there is no evidence of being a frontier fort.

Lord Aberdare.—Nor Fort St. Jacques or Fort Charles.

Mr. McCarthy.—That I say there is evidence about. There is a fort at Abbittibi, which is a frontier fort.

The Lord Chancellor.—You cannot seriously contend that Moose Fort is a frontier fort. It is a considerable distance at the extreme north of Fort Abbittibi.

Mr. McCarthy.—I say so. It was not a frontier fort, but a fort upon the river for the purpose of meeting the attacks of the French.

The Lord Chancellor.—No, they have altered their expression, because at page 26 they say, "your memorialists thereby," that is by the erection of these Albany and Henry Forts, "endeavored to guard their territories both to the south and west against the French frontier."

Mr. McCarthy.—Yes, my Lord.

The Lord Chancellor.—Does not that imply that they were frontier forts?

Mr. McCarthy.—I do not think so, my Lord.

Lord Aberdare.—It implies that they must have come very close up to them.

Mr. McCarthy.—It implies this, my Lord. We say all the trade was done by these rivers and what they dreaded was that the French might penetrate down by these streams, and they erected these forts for the protection of their business on the Hudson Bay. That is how I understand it. In one of the papers put in by the other side there is a clear explanation of all that, and your Lordships will understand that readily on a moment's reflection. Those who were at the source of the rivers could congregate their forces and prepare for an attack, because it was a very simple and easy thing to do, to go down the stream and attack the people at the mouth of the stream, and that was one of the reasons why in early times they said that it was necessary to give the boundary limited by the watershed, because if an

enemy or another power was allowed to come in at the source of the stream they could gather their forces together before any preparations could be made to meet them, whereas if they had to come over the height of land, the time required for the preparation and the time of the passage would give notice of their approach and enable a defence to be made. That is stated by one of the French gentlemen whose memoirs have been put in by my learned friend on the other side, and it is a good and plain reason why the line of the height of land should be accepted as the line of limitation between powers in this savage wilderness.

This fort at Lake Abbittibi I propose to say a word about by-and-bye. All I think we have is this, that the French fort at Fort St. Germain was not there till 1714 or 1715. There is no evidence of its being there before that. Then that fort seems to have been withdrawn, and in its place Fort Henry was substituted by the Hudson Bay people. Then the only other fort to the north of the height of land was Fort Abbittibi, and let me tell your Lordships when that was built.

Sir R. P. Collier.—Fort Henry was substituted for Fort St. Germain?

Mr. McCarthy.—Yes, my Lord; it is the same place, and consequently Fort St. Germain was withdrawn. The French withdrew from that place, and we find no mention of it or any mention of their forts at a later place. Then the other fort which they had in the country north of the height of land was Fort Abbittibi. Now, that fort was erected at the time that the invasion of the Hudson Bay was made in 1682 by a man of the name of Trouyes. He went there to attack the Hudson Bay party, and his party erected Fort Abbittibi, and that remained in the possession of the French until the line of the settlement. That was the reason probably why the Hudson Bay people suggested that the 49th parallel should be their boundary, because their Lordships will see it is immediately north of Fort Abbittibi.

Lord Aberdare.—If this map is to be any guide at all, the country both in Lower Canada and the portion of Canada called Quebec, and on the other side the portions awarded to Ontario by the arbitrators, is covered by French forts.

Mr. McCarthy.—I have again to say that until your Lordships find proof of that—and no proof is to be found or offered in the books before you—I ask your Lordships not to accept it. There is no pretence for it on the evidence. My friend has given no reference to it, and I have looked carefully to see, and I can find no reference except to these forts which I mention. I think probably the reason why the Hudson Bay people proposed the 49th line as the line of demarcation is because it gives to the French this Fort Abbittibi. Then, with reference to Fort Germain, I have spoken of that, and I have said all that I wish to say about that. I need not weary your Lordships by repeating it. Then, if your Lordships are satisfied about that, we will come to the next series of parts which they claimed, and those parts are shown upon a map, which has been put in.

The Lord Chancellor.—What is Fort St. Louis mentioned in this map of 1703?

Mr. McCarthy.—Where is that?

Lord Aberdare.—Fort St. Louis, it is down in the south of St. James' Bay.

Mr. McCarthy.—That was one of the forts of the Hudson Bay Company that had been taken. Your Lordships will remember that up to that time the French were in possession actually of six out of seven of the forts of the Hudson Bay.

Lord Aberdare.—Did they give it a new name, because, I suppose, the Hudson Bay people would not call it Fort St. Louis?

Mr. McCarthy.—No, they gave a new name; they called these forts by different names.

The Lord Chancellor.—It is the Moose Fort?

Lord Aberdare.—It is called Fort St. Louis.

Mr. McCarthy.—Everything they called by French names, for instance York Fort they called Fort Bourbon, and Fort Albany they called Fort St. Anne. I am not quite sure that they changed the name of Fort Rupert, but they gave different names to these forts generally. These forts on the bay, as I have said over and over again, were, undoubtedly, in the possession of the French, captured by them from the English, and were restored by the Treaty of Utrecht, so that I think your Lord-

ships will find that I am correct when I say that all the forts on the bay which they did occupy were given up by the Treaty of Utrecht. The other fort was built on the River Albany in 1714, and with the exception of that fort and Fort Abbitibbi and the forts erected by Verendrye subsequent to that in 1738, there are no forts which have any bearing on the question which your Lordships have to decide. I am desirous of confining my observations as much as possible to those matters which appear now to me to be important. Now, if your Lordships will follow me and look at Map No. 48 coming down to the other forts, your Lordships will see exactly where they are. I have never denied that there were forts. It is a small map in the brown-colored collection.

Lord Aberdare.—That is a map of 1750.

Mr. McCarthy.—A map of 1750, and that is said to be a map marking the forts to the west by M. Verendrye.

Lord Aberdare.—Is this an English or a French map?

Mr. McCarthy.—A French map.

Sir Robert Collier.—From whose custody does it come—the Hudson Bay Company?

Mr. McCarthy.—No, my Lord.

Lord Aberdare.—It is from the Depot de la Marine?

Mr. McCarthy.—Yes, from the Marine Department. Now, your Lordships will see on the right hand side is all that is shown on the map of Lake Superior. Then following a chain of waters your Lordship will see the forts.

The Lord Chancellor.—That is not what I have got. I have got one which is a chart of the new discoveries in the west of Canada.

Mr. McCarthy.—That is the one, that No. 84, my Lord.

The Lord Chancellor.—I do not see Lake Superior at that point.

Mr. McCarthy.—I am pointing out what is Lake Superior, but it is not marked. On the right hand side your Lordship will find Lake Superior.

The Lord Chancellor.—Do you mean where the map ends?

Mr. McCarthy.—Yes.

Lord Aberdare.—For instance, it is called "Partie du Lac Superior."

Mr. McCarthy.—Yes, it is, as a fact.

The Lord Chancellor.—Then that makes Lake Winnipeg discharge itself into Lake Superior?

Mr. McCarthy.—No, my Lord, the height of land is marked immediately afterwards.

The Lord President.—It does look as if the watercourse was continuous.

The Lord Chancellor.—It looks as if these lakes met and discharged themselves into the Bay of Hudson and also into Lake Superior.

Lord Aberdare.—In all the maps it is difficult to make out the different systems.

Mr. McCarthy.—That is really the height of land there, which is marked, but up to that time it was hardly known. I think this is the first map in which we find any mention of the height of land. All the other maps show this water system draining into the lake and being a part of the St. Lawrence system. Now, if your Lordship will follow that up to the lake called Rainy Lake—

Lord Aberdare.—There is no doubt that the source of the river which flows into Lake Superior is very close to the source of the river that flows into Lake Winnipeg. It is like the Severn and the Wye, which take their rise within a very few miles of each other.

The Lord Chancellor.—Whether you can or cannot divide the waters at this point may be a question, but here on this map it is not, of course, very important.

Lord Aberdare.—What is the map supposed to show?

Mr. McCarthy.—It is supposed to show the forts or posts which were founded or erected by Verendrye, and if your Lordships will follow it you will find that it puts that down exactly.

Mr. McCarthy.—Your Lordship will see at Rainy Lake, Fort St. Pierre. That is the first fort. Then, if your Lordship will follow on to the next lake, which is

the Lake of the Woods, you will find south of that Fort St. Charles. Then, if you will go to Lake Winnipeg, you will find another fort on the east side of that, and if you will still follow on to the west you will find, at what is called the Lake of the Prairies, Fort Dauphin, and also Fort La Reine. These are the forts which that gentleman erected, and this is the map showing where he erected them.

The Lord Chancellor.—These are all forts of the Western Sea.

Mr. McCarthy.—Yes, these are the forts he erected. What I draw attention to is that this line of forts is on the boundary line between Canada and the United States and south of the awarded territory. It is on the very line which is the southern boundary of the awarded territory.

The Lord Chancellor.—Some of them are in the awarded territory.

Mr. McCarthy.—Speaking generally they are on the line. One is to the north, Fort St. Pierre. Fort St. Charles is to the south. This line of forts is on the line which is southward of the territory.

The Lord Chancellor.—There is a Fort Caministiquia.

Mr. McCarthy.—That is further north. I understand that Pigeon River is south of that. There is no doubt that Fort Caministiquia is not on this chain.

Sir Robert Collier.—This map is altogether wrong. The Rainy Lake is put as to the north when it is to the south.

Mr. McCarthy.—Still it is accurate enough so far as the forts are concerned. I rely upon them.

Sir Robert Collier.—It is an inaccuracy which is material.

Mr. McCarthy.—It is not my evidence. It is their evidence. They have put it in and I must accept something. It is the only evidence which your Lordships have of where these were.

Sir Robert Collier.—It is altogether wrong. The Rainy Lake is put as to the north, but it is to the south, and the Hudson Bay is wrong.

Mr. McCarthy.—That is out of place.

Sir Robert Collier.—It is as wrong as possible.

Mr. McCarthy.—All the maps are. He puts them down on this water communication. We find it was the water communication he took. At that date he could not have got into this country except by water communication. Up Pigeon River, Long Lake, and the Lake of the Woods, was the only means of communication in those days. There is no doubt that is where he erected the forts. That is, at all events, the proof which is offered to us. The result of what I have said, so far as it appears to me, that there is not one fort that goes to justify in any sense the claim which is made here by the Province of Ontario after the Treaty of Utrecht. The only possible fort they could rely upon was the Fort St. Germain, and that fort was withdrawn, as I think I have offered sufficient proof to show. The other forts are south of the line, and cannot justify the northern boundary assumed or taken by the arbitrators. Here is a map which is the same as theirs, only different in color. Now, as to the forts the Hudson Bay Company occupied. That, I take it, is the next question which properly comes up.

The Lord Chancellor.—There does not seem any evidence that there was any fort of the Hudson Bay Company before the cession further inland than this.

Mr. McCarthy.—Ten years afterwards we have the Cumberland Fort.

The Lord Chancellor.—That is in 1774.

Mr. McCarthy.—Yes. The next fort we have is in 1790. That is called Red Lake.

The Lord Chancellor.—Anything done to that lake cannot affect the limit between the Provinces.

Mr. McCarthy.—But it does affect the territory as between the Crown and the Hudson Bay Company.

The Lord Chancellor.—There is no question as to that part of the territory.

Mr. McCarthy.—Your Lordship will see Fort Red Lake was down south of all,

The Lord Chancellor.—Where is that?

Mr. McCarthy.—That is south, in the portion that was awarded afterwards to the United States.

The Lord Chancellor.—I see Red Lake. I do not see the fort.

Mr. McCarthy.—That is where it is put.

Mr. Mowat.—There are two or three Red Lakes. The fort was on the northern Red Lake.

Mr. McCarthy.—I will give your Lordship the evidence about it.

Lord Aberdare.—What is the date?

Mr. McCarthy.—1790.

Lord Aberdare.—That was included in the cession afterwards to Lord Selkirk?

Mr. McCarthy.—Yes.

The Lord Chancellor.—It strikes me it may possibly be important. I should like to know where the references are. It is apparently just outside the western boundary. It may possibly be material.

Mr. McCarthy.—Yes.

Mr. Mowat.—Before 1790 Red Lake was ceded to the United States.

The Lord Chancellor.—It strikes me at present that this may be important.

Mr. McCarthy.—Will your Lordship allow me to hand that in later? I cannot detain your Lordship for that. I cannot find the reference at the moment.

The Lord Chancellor.—I am a little surprised considering the position of Red Lake, that you should not have it in the front of your artillery.

Mr. McCarthy.—I have it marked, but I have not the place where it is referred to. I know it is mentioned in two or three places, but I cannot lay my hand upon it at the moment.

The Lord Chancellor.—Then we will postpone it.

Mr. McCarthy.—If your Lordship will kindly do that, I think I can find it. Then there was another fort.

Lord Aberdare.—Will you look at page 590.

Mr. McCarthy.—It is at page 716 of the joint appendix, if your Lordship will pardon me. It is a letter from Messrs. Bischoff, Bompas & Bischoff, Agents for the Dominion, "the following are the dates of the establishment of the earlier posts of the Hudson Bay Company in this district." It is a document from the agents of the Dominion which is admitted to be correct. It is put in by both parties. It is from searches they made. "The following are the dates of the establishment of the earlier posts of the Hudson Bay Company in this district: Cumberland House, 1774, Red Lake, 1790."

The Lord Chancellor.—And Lac la Pluie, 1790.

Mr. McCarthy.—That is the next I am coming to.

Mr. Mowat.—That is away in the north.

Mr. McCarthy.—No.

The Lord Chancellor.—Either that statement is admitted to be correct or it is not. If it is, we can take it on the admission of both sides.

Mr. McCarthy.—I will state to your Lordship what we have agreed to. All in the joint appendix we submit to your Lordship.

Sir Robert Collier.—For what it is worth?

Mr. McCarthy.—Yes.

The Lord Chancellor.—You agree that whatever is stated in this letter from Messrs. Bischoff, Bompas & Bischoff is matter of fact?

Mr. McCarthy.—Yes, I understand it is agreed; as a matter of fact it is correct. What value is to be attached to it is another question. Is not that so, Mr. Mowat?

The Lord Chancellor.—If your opponent says so, we shall know where we are.

Mr. Mowat.—We admit they are substantially correct. There are little errors of detail.

The Lord Chancellor.—Do you admit it?

Mr. Mowat.—With regard to Red Lake there are several Red Lakes. My learned friend chooses to put this Red Lake away to the south but that is not the Red Lake referred to here at all.

Mr. McCarthy.—That is an arguable point, but it is a fact that a fort is established at a Red Lake.

Mr. Mowat.—It is marked on the map north of Cumberland House. Your Lordship will find it there as Lac la Rouge.

Mr. McCarthy.—That is what we dispute.

The Lord Chancellor.—If that is in dispute this statement of Messrs. Bischoff, Bompas & Bischoff will not relieve you of the necessity of identifying it.

Mr. McCarthy.—No. All it says is a fort was erected at Red Lake. We have now to prove where that Red Lake is. We say it was in the south.

Mr. Mowat.—My learned friend overlooks that Red Lake is in the United States. It is part of the ceded territories.

Mr. McCarthy.—I do not overlook that at all. I perfectly well understand it is ceded territory, but as late as 1811 the Hudson Bay Company granted that ceded territory to Lord Selkirk and were treating it as their own. I perfectly understand it was ceded. Lord Selkirk's grant included this very territory in 1811.

The Lord Chancellor.—So we have understood.

Sir Montague Smith.—That is the date of the earlier posts?

Mr. McCarthy.—Yes.

Sir Montague Smith.—And this is 1790.

The Lord Chancellor.—Let us follow it if we can.

Mr. McCarthy.—The proof we adduce is this: Will your Lordship look at page 590. That is a list in 1821 of the posts of the Hudson Bay Company, and in the southern department your Lordship will find Red Lake. This is only evidence of where this lake was.

Lord Aberdare.—And there is a Red River in the northern department?

Mr. McCarthy.—There is a Red River in the northern department. No doubt there were two forts at different times but the only important one is this one.

The Lord Chancellor.—You say the Hudson Bay Company, in 1820, had a station at Red Lake in the United States Territory?

Mr. McCarthy.—Yes, my Lord. And we also say that is evidence that this Red Lake fort referred to in Messrs. Bischoff, Bompas & Bischoff's letter is the same.

Lord Aberdare.—Is the southern department what you are referring to?

Mr. McCarthy.—Yes.

Lord Aberdare.—There are Albany, Henley and various other places.

Mr. McCarthy.—Your Lordship will see Michipicooton.

Lord Aberdare.—All these places seem to be north.

Mr. McCarthy.—My learned friend says that is north of Cumberland House. Cumberland House is reckoned in the northern department, No. 15. It is called the northern department. It cannot be that Red Lake, it is the Red River.

The Lord President.—Cumberland House is reckoned in the northern department.

The Lord Chancellor.—Red river is in the northern department.

Mr. McCarthy.—Yes. It is next to Cumberland House and is marked there as having a fort.

Lord Aberdare.—Where are Albany and Henley, in the southern department?

Mr. McCarthy.—That is the way they classify them. There is Moose and New Brunswick directly south of St. James Bay. They classify this as the southern department. Churchill and the others went much further north.

The Lord Chancellor.—It may be a point of great importance. Can we take this as identifying the position.

Mr. McCarthy.—I know of no other Red Lake. If my learned friends can point it out it will be a different thing.

The Lord Chancellor.—Have you any map showing your forts about that time?

Mr. McCarthy.—No, we have no such map at all. The only map we had was a map of an earlier date and it has been mislaid; I know of no other Red Lake.

The Lord President.—I do not know what Lac la Rouge means. I do not know that it does mean Red Lake.

The Lord Chancellor.—Can you show us the position in the same neighborhood of any of these forts? Can you identify any others? I observe that the Rainy Lake is put into the northern department.

Mr. McCarthy.—So it is. Your Lordship will see if you look at the map where the department extends to. It is not perhaps a very correct geographical demarcation.

The Lord Chancellor.—Where is there an ancient map showing the northern and southern department?

Mr. McCarthy.—I do not think there is any map to be found. We can only trace it out from the forts. Henley is put in the southern department.

The Lord Chancellor.—Everything we know is there. Everything we really know is there and then you ask us to take this word which may very likely occur in several places as referring to this particular position. Take another example to show how very difficult it is to go by these names only. In the southern department I see New Brunswick and Michipicoton. Michipicoton is put down as a part of Lake Superior within the unquestionable territory of Canada.

Mr. McCarthy.—Yes, but undoubtedly it was in the southern department of the Hudson Bay Company all the same. They had forts north of Lake Superior.

The Lord Chancellor.—If you admit the Hudson Bay Company had forts not in their own territory this does not go very far to show this was in their own territory.

Mr. McCarthy.—They had forts admittedly in what is now Ontario, Michipicoton, for example.

The Lord Chancellor.—This map does not help you, then. It seems that as in the undisputed territory of Ontario or Canada, as it was, they had this fort of Michipicoton, so in what is now the undisputed territory of the United States they had this fort of the Red Lake.

Sir Robert Collier.—I observe Red Lake and South Branch ditto. There are two forts, one the Red Lake and the other the South Branch at page 716.

Mr. McCarthy.—I am told, my Lord, (and shall be able to put in a document if it is denied) that the distinction between the northern and southern departments was that the forts supplied by one of the factories were in the northern and all supplied by Moose Factory were in the southern. I shall put in a document of the Hudson Bay Company to show that.

The Lord Chancellor.—That may be so, but the moment we see this includes Michipicoton we see it has not necessarily much bearing.

Mr. McCarthy.—It has not as much force as if it had not included Michipicoton, but I think it has some bearing and I use it as it occurs. The next series of forts it is important to look at.

The Lord Chancellor.—What is New Brunswick? Is that within the limits of the territory we now call New Brunswick?

Mr. McCarthy.—It is marked on this map. It is in the awarded territory south of James' Bay. It is marked nearly at the head of the Moose River.

Lord Aberdare.—That was that North-West Company's post?

Mr. McCarthy.—That is what they say. There were posts, I fancy, of both parties there.

The Lord Chancellor.—It may be in both.

Mr. McCarthy.—I think probably it was both.

Lord Aberdare.—You will see New Brunswick in this map we have before us.

Mr. McCarthy. Both parties had forts at that date. The North-West Company had a fort there as well. There were rivals forts.

The Lord Chancellor. It being admitted that Michipicoton was in Ontario, it does not prove that New Brunswick—

Mr. McCarthy. No, my Lord, of course not, not conclusively. Now, if your Lordships will come to page 590 your Lordships will find the forts the Hudson Bay Company had at that date. It is at the time of the union between the companies. Your Lordships will find the Hudson Bay Company's posts are in the northern and southern departments, 22 in one and 14 in the other.

Sir Robert Collier.—I observe among the North-West Company's stations *Lac la Rouge* (32).

Lord Aberdare.—*Lac la Rouge* is the Red Lake.

Sir Robert Collier. No; it is called *Lac la Rouge* in the North-West stations, and very probably it would be that station north of Cumberland House.

Mr. McCarthy. Now, I think I have done with the different posts on both sides and I come now to the position in which the company stood at a little later date. The next thing in point of time which I ought to refer to I think is the formation of the Red River colony, or the colony of Assinibia, as it was variously termed. There are two pieces of evidence which I offer for that, first, the evidence of Judge Johnson, who was the recorder there as I said —

The Lord Chancellor.—What is the date?

Mr. McCarthy.—1838, I think it is, my Lord.

Sir M. Smith.—Is that the date of the foundation of the colony?

Mr. McCarthy.—Yes, my Lord.

The Lord Chancellor.—That is the date of Lord Durham's commission.

Mr. McCarthy.—Yes, about that. I propose to say a word about that.

Mr. Mowat.—I do not admit the propriety of looking at Judge Johnson's evidence. It is in the Manitoba Appendix, and it is *ex parte* evidence given before a Committee of the House of Commons quite recently.

The Lord Chancellor.—Yes, but there is so much that would not, according to the strict rules of evidence, be admissible, and the nature of the enquiry is one which cannot be limited by strict rules of evidence.

Mr. Mowat.—No, I quite admit that.

The Lord Chancellor.—It would hardly be of equal importance with a public document if one should be found tending in the opposite direction.

Mr. McCarthy.—They do not—they quite agree.

The Lord Chancellor.—We shall see.

Mr. McCarthy.—I will first point out this if your Lordship will allow me.

Lord Aberdare.—Where is Judge Johnson's evidence to be found?

Mr. Mowat.—It is in the Manitoba Appendix, page 92.

Mr. McCarthy.—His evidence commences at page 72.

The Lord Chancellor.—What was Judge Johnson's position.

Mr. McCarthy.—He was a recorder but now is a judge in Lower Canada. If your Lordships will look at page 73 you will see this: "It was in the year 1839, on the 13th of March, at a general court held in the Hudson Bay House, London, that the district of Assiniboia was erected and was declared co-extensive with such portions of the territory (these are the words of the Order) granted to the late Thomas, Earl of Selkirk, on the 12th of January, 1811, as is now within the domains of Her Britannic Majesty. That is what constituted the district of Assiniboia, and it is constituted *de facto*, whatever its precise extent it has certainly been recognized by a series of Acts by the British Government.

The Lord Chancellor.—As far as the Hudson Bay Company's claim is concerned, if that is correct, they claim to be entitled to make this district in 1839.

Mr. McCarthy.—Yes.

Lord Aberdare.—That did not touch the territory that was settled by the award.

Mr. McCarthy.—No, but it goes up to the boundary line. It recognizes the Lord Selkirk grant.

The Lord Chancellor.—Of course, as it came from the authority which made that grant, there is no wonder it recognized it.

Mr. McCarthy.—Then we find this colony was recognized on several occasions by the British Government. They sent out troops, as Judge Johnson tells us, and he gives the history of this.

The Lord Chancellor.—You admit Assiniboia, whatever the authority that made it, is to the west of the disputed territory?

Mr. McCarthy.—Yes, my Lord; because south of the disputed territory was then the United States.

Lord Aberdare.—It is not the present district of Assiniboia?

Mr. McCarthy.—No; it is south of the water communication which forms the boundary and it takes in a little to the east of the line at the north-west angle. It does not take in all at the west. The line at the north-west angle is the arbitrators' grant, and to the east of that there is some little portion which is part of Lord Selkirk's grant which took the water communication up to the centre of the Lake of the Woods, so to that extent it did encroach and pass over the important point of departure; and I look at it as a document with reference to all that happened us, of the very greatest consequence. Now, I will go to question 303.

The Lord Chancellor.—You say it included a small part of the Lake of the Woods?

Mr. McCarthy.—More than that. Where does your Lordship mean?

Lord Aberdare.—Just at that little black line going through the upper part of the Lake of the Woods. That is the eastern part of the grant to Lord Selkirk and therefore that does come within this district of Assiniboia.

Mr. McCarthy.—It is an irregular piece of land, but the importance of it is that at all events to the east, and many miles to the east of the line of the north-west angle of the Lake of the Woods.

The Lord Chancellor.—I suppose you do not say that anything took place about this Assiniboia which made it part of Canada?

Mr. McCarthy.—No; but I say it was not Canada. Your Lordship will see at that time Canada was making no pretensions. Your Lordship will understand that.

The Lord Chancellor.—Oh! yes.

Mr. McCarthy.—They recognized the Colony of Assiniboia. Now, I will read question 303, page 72: "Was the Colony of Assiniboia recognized by the Imperial Government, and in what way? The existence *de facto* of the Colony of Assiniboia was certainly recognized in a variety of ways and in the most authoritative manner by the Crown of England in a series of Acts that admit of no doubt whatever. They sent the 6th Regiment there in 1846 or 1847, under Colonel Crofton. They were sent by orders of the Duke of Wellington to occupy that place, so that in view of any trouble in respect of the Oregon question they might be made available on the other side of the mountains. However that was, they were sent there. After that, when I was sworn in as Governor, in 1855, after the retirement of Colonel Crofton and the troops, I made a demand for troops for the purpose of keeping order, and I got troops commanded by Major Seaton. They sent out a company of a hundred men of the Canadian Rifles—British troops in the pay of the British Government, and they were quartered there some years."

The Lord Chancellor.—At present it seems to me that your object is to show that the limits of the Colony of Assiniboia, as laid down by the company, were recognized by the Government as the limits of the colony.

Mr. McCarthy.—Of course, I cannot say that absolutely. All I say is that the Hudson Bay Company claiming this part of Rupert's Land formed a colony, appointed the governor to administer the laws, and so on, and was in this way acknowledged by the Imperial Government.

The Lord Chancellor.—Supposing the Hudson Bay Company laid down the boundaries of Assiniboia, what evidence have we that the Imperial Government recognized it?

Mr. McCarthy.—If the Hudson Bay Company claimed this part of Rupert's Land, formed a colony, appointed a governor, appointed judges and executed their laws, so far as to execute a man, and the British Government recognized that, I think it is very good evidence indeed.

The Lord Chancellor.—This is evidence of nothing else than that the Imperial Government recognized a colony under that name properly formed, but not that it acknowledged it within certain boundaries. I think you have shown enough to satisfy us that the Hudson Bay Company took upon themselves to make a grant to Lord Selkirk and to make that grant coterminous with this Assiniboia. It is clear

that if the Hudson Bay Company did that and that it was recognized, it goes a good way to establish your contention.

Mr. McCarthy.—If your Lordship will pardon me, it is a question of finding out from what took place at the time what were the facts?

The Lord Chancellor.—You have not shown that the Government recognized the boundaries, or that any commission was appointed to consider these boundaries.

Mr. McCarthy.—I should have thought that if the Government had recognised the governor of the colony they had recognized the colony.

The Lord Chancellor.—It is sufficient evidence of recognition of a certain jurisdiction, but is not evidence that it extends to other jurisdictions. If it does not include the United States territory why should it include Canada?

Mr. McCarthy.—Because it did specially exclude the United States territory.

The Lord Chancellor.—There is nothing whatever in the charter mentioning it as a boundary.

Mr. McCarthy.—I can only offer it with all deference to your Lordships. I submit it does. If I cannot convince your Lordships, of course it is my misfortune.

Lord Aberdare.—This portion was an infinitesimally small portion of the whole colony.

Mr. McCarthy.—But at that time there was no pretence that Ontario went up to the Lake of the Woods.

The Lord Chancellor.—This matter was not present to the mind of anybody at the time. The next question is 347.

Lord Aberdare.—It is as well to have in our minds that this territory was not granted by the Hudson Bay Company to Lord Selkirk, but by the Old Canada Company.

Mr. McCarthy.—No, my Lord.

Lord Aberdare.—Yes, you will find it is so stated by the judge, whose evidence you referred to just now. Mr. Justice Johnson, in answer to question 319: "How did Lord Selkirk come into the possession of that vast territory called Assiniboia, and how did it pass afterwards into the hands of the Hudson Bay Company? The Old Canada Company, called the North-West Company, gave certain rights in the first instance."

Mr. McCarthy.—I will prove that by the evidence, before the House of Commons, which I have here, Lord Selkirk made a settlement in 1808 before the grant was made, and in 1818 the grant was made. The settlement of that colony proved a disastrous failure, involving a great amount of expense, and although they had made a grant to Lord Selkirk to enable him to carry out his intention of settling that colony, they afterwards bought it back and gave him £100,000 for it, and then they established the colony of Assiniboia.

Sir Robert Collier.—In 1836 they bought it back?

Mr. McCarthy.—Yes.

The Lord Chancellor.—I think you are quite right. Lord Selkirk held under both companies, and, at all events, he held under the Hudson Bay Company, because you have referred to the grant. This witness of yours says that Lord Selkirk was a usurper, and had no authority at all. I am very much under the same impression. I think it was the United States territory. I think that is quite clear.

Sir Robert Collier.—He says it was established as a colony in 1839.

Mr. McCarthy.—That is what he says. I will give your Lordships a piece of evidence from the report from the Select Committee of the House of Commons on the Hudson Bay Company in 1857. Your Lordships will see the way I put it is this: In the first place, I say the Hudson Bay Company claimed the height of land. That is the first point. If they had the right to claim the height of land, it is clear that Ontario did not go further than the height of land. Then we find they are continuing that up to 1836, so far as that grant to Lord Selkirk was concerned. There is no doubt about that, and if that be so, and there is no departing point, that the award can be sustained on the territory granted by the law.

Now, I propose to show that there was no settlement of the country. At page 77 he is asked about the settlement made on Rainy Lake and the Lake of the Woods. It must not be forgotten that there was no settlement of any kind, not at Fort William, not between the height of land and Lake Winnipeg. There is no question of that. There is one thing which I wish to correct, and to remove an erroneous impression from your Lordships' minds. I made a concession the other day rather too widely, and I want to take that back. I said that Upper Canada laid out this part in townships. That is not so.

The Lord Chancellor.—In 1798 an Act was passed to lay out townships and districts, and then there are two laid out?

Mr. McCarthy.—That is not the point I am upon. I made a concession the other day that Upper Canada laid out this part in townships. That is not so. My friends will bear me out that I am right in that. Before the Confederation, it is quite true that Upper Canada had been making mining leases, but there were no settlements or townships there.

Mr. Mowat.—There were small settlements, but no townships.

Mr. McCarthy.—No townships. Since that date Ontario has laid out a portion of this height of land in townships.

Mr. Mowat.—The whole of it?

Mr. McCarthy.—My friend says the whole of it, and I have no doubt he is right, but not beyond the height of land. Now, I showed that there are no settlements here between Rainy Lake and the Lake of the Woods. My friend, Mr. Mowat, is not quite accurate in saying that the census was never taken. At that time the census was taken by Canada, which at that time was Upper and Lower Canada combined. But at that time there were no people to be reckoned, so it would not throw much light on the matter one way or the other. Now, let us refer to the evidence before the House of Commons Committee, which I have here.

The Lord Chancellor.—There is a passage at question 347 which I do not think you have referred to.

Mr. McCarthy.—That is the one I just read.

The Lord Chancellor.—He says in answer to that question: "About the Rat Portage and Fort Frances there were several French half-breed families settled." That is, at the Lake of the Woods.

Mr. McCarthy.—That is at the head of Rainy Lake, he says. The particular portion which he speaks of, he says in answer to the next (question 348) is at the head of Rainy Lake.

The Lord Chancellor.—But there is nothing on this map to show that. You see the question is: Were any settlements made on Rainy River or Lake of the Woods? and the answer is, you cannot call them settlements. I have known eccentric individuals who settled there, one of whom was a Mr. McLeod, but there were no settlements of any importance. About the Rat Portage and Fort Frances, there were several half-breed families settled.

Mr. McCarthy.—I am told there is only Rat Portage and that is not of much consequence whether it is at the Rainy Lake or the Lake of the Woods.

The Lord Chancellor.—This gentleman speaks of several French half-breed families settled there, almost on this part of Assiniboia.

Mr. McCarthy.—I will now go to the evidence before the House of Commons, 1857. This is not printed among the documents before your Lordships, and we shall either have to print it or perhaps your Lordship can refer to this copy. It is the evidence given before a Select Committee of the House of Commons in the year 1857, on the Hudson Bay Company's claims. It goes into the whole of the claims of the Hudson Bay Company, in point of fact into the whole of their claim, rights and privileges. Chief Justice Draper, the Chief Justice of Canada, was present and was examined as a witness.

Sir Montague Smith.—What have you there, a manuscript?

Mr. McCarthy.—No; the original document itself. It is the report of the Committee on the Hudson Bay claims with all the questions, answers and appendices

and so on, and it is in the year 1857. I will refer your Lordships to the evidence of the Right Honorable Edward Ellice, I think he was then the Chairman of the Hudson Bay Company. He speaks about the grant to Lord Selkirk and describes it.

Sir Montague Smith.—Was he not connected with the North-West Company?

Mr. McCarthy.—I think that either he or some one of his name was connected with the North-West Company.

Sir Montague Smith.—Was he the Chairman of the Hudson Bay Company?

Mr. McCarthy.—Yes.

Mr. Mowat.—My friends referring to this places me at a great disadvantage. I have not had the opportunity of following this report.

The Lord Chancellor.—Probably you will be able to follow it as we go on?

Mr. McCarthy.—At page 340, or rather, more strictly speaking, it is about 341, question 5,931, they speak of purchasing it back from Lord Selkirk and at question 5,985, page 347, they speak of the price they paid. In the same statement which has been laid before this committee, I observe an item of £84,111 paid to Lord Selkirk for the Red River settlement. I stated just now that it was £100,000. I thought it was £100,000, but I find it is £84,000 odd. The answer is: That is the money actually paid to Lord Selkirk with interest added to it. The honorable gentleman is aware that when merchants make a purchase they open an account and they debit to that account the money which the estate cost them and they add the interest and deduct any revenue or receipt which they have had from it since, and the £84,000 is the balance of such an account. Then, in one of the appendices is a statement from Judge Johnson giving a report as to the courts, and so on.

The Lord Chancellor.—That has no direct bearing on the question.

Mr. McCarthy.—No; the only reason I am referring to it is for the statistical account of Red River Colony, taken on the 20th and 24th May, 1856, and it is signed, F. G. Johnson, Governor of Assiniboia; Wm. R. Smith, Secretary.

The Lord Chancellor.—It is not in the appendices before us, and it has no bearing on the case.

Mr. McCarthy.—It speaks of the courts, the general quarterly courts and the petty local courts, and gives the statistics and the number of causes tried, and so on.

The Lord Chancellor.—That only goes to show that there were some disputes in the courts.

Mr. McCarthy.—That is what it is I suppose. Now I will return to the Joint Appendices, and your Lordships will see the statement of the Hudson Bay Company's rights, pages 591 and 592, and which summarizes what they claim to be their rights.

Sir M. E. Smith.—That is in 1850?

Mr. McCarthy.—That is in 1850, and it becomes very important as leading up to the Rupert's Land Act. It is more fully set out, perhaps, with all its details, in this document addressed to the House of Commons which I have in my hands. It gives the Hudson Bay Company's statement of right as submitted to the Attorney and Solicitor Generals. At page 616 is the opinion, and that opinion cites all the documents that had reference to it, and amongst the documents is the map and plan of the Hudson Bay claim which I have before me. The map was the foundation of the Rupert's Land Act, and which ended in the annexation of it to the Dominion. Here it is, annexed to the statement, and that was referred to the Attorney and Solicitor Generals with that statement of claim and they gave their opinion that the claim of the Hudson Bay Company was well founded.

Lord Aberdare.—Yes, but that opinion also embodies some words which you cannot ignore. At page 618, line 20, there is this: "In the case of grants of considerable age, such as this charter, when the words, as is often the case, are indefinite or ambiguous, the rule is that they are construed by usage and enjoyment, including in these latter terms the assertion of ownership by the company on important public occasions, such as the Treaties of Ryswick and Utrecht, and again in 1756."

Sir Robert Collier.—The opinion they gave is that the important question of boundaries might be the subject of a *quasi* judicial enquiry.

Mr. McCarthy.—Yes.

The Lord Chancellor.—You conceded just now, did you not, that this map showed that it was French territory?

Mr. McCarthy.—No.

The Lord Chancellor.—You referred to it as the nearest post to Moose River.

Mr. McCarthy.—Yes; but I never conceded that it was French territory. What I endeavored to state was, that that was taken possession of as an act of war.

The Lord Chancellor.—I thought that you conceded that it was French territory.

Mr. McCarthy.—No; the French never lost possession of it. It was one of those which they ought to have given up, but they never gave it up. It was taken possession of as an act of war.

The Lord Chancellor.—Well, but with regard to this map, at all events, whatever else appears about it, one thing is clear, that the colored portion included the Hudson Bay Company's territories.

Mr. McCarthy.—All the awarded territory is in there.

The Lord Chancellor.—Apparently all the awarded territory is in there, as you say, and a good deal more.

Mr. McCarthy.—Yes, a good deal more to the west, which is not disputed at all. Will your Lordship kindly tell me whose opinion is attached to the House of Commons document that you have in your hand?

The Lord Chancellor.—There is an opinion of Sir John Jervis and Sir John Romilly.

Mr. McCarthy.—That is the one I am looking for. I think it is with reference to the extent of the territory and the boundaries. It is on that map, your Lordship sees, that the opinion is given, and that is the extent of their claims.

Lord Aberdare.—Is that opinion given in the Joint Appendix?

Mr. McCarthy.—It is; page 26. That is merely an extract. The Lord Chancellor has the opinion in full.

The Lord Chancellor.—I do not see that this has any reference to the boundaries?

Mr. McCarthy.—If your Lordship will hand it to me I think I shall be able to find it for you.

The Lord Chancellor.—The only words that refer to the boundaries of the companies' territories are these: "Under this grant the company have always claimed and exercised dominion as absolute proprietors of the soil in the territories understood to be embraced by the terms of the grant, and which are more particularly defined in the accompanying map; and they have also claimed and enjoyed the exclusive right of trading in those territories." That is all that is said.

Mr. McCarthy.—No. If your Lordship will look a little earlier you will see this: "We were honored with your Lordship's commands."

The Lord Chancellor.—I was referring to the statement.

Mr. McCarthy.—I was referring to the opinion.

The Lord Chancellor.—Yes; the opinion proceeds on the statement and the papers sent. There was the passage which I mentioned just now, and there is nothing whatever bearing on any question of boundaries afterwards; and it looks to me as obvious, as anything can be, that it did not refer to the Attorney and Solicitor Generals the question of the extent of the rights and claims and boundaries.

Mr. McCarthy.—I think I can point it out to your Lordship, with deference.

The Lord Chancellor.—The real question was whether they had or had not their charter rights, and it is with reference to that question only that the opinion was asked.

Sir Robert Collier.—It is not a question about laying down the boundary line.

Mr. McCarthy.—Your Lordships will see this at page 26: "Mr. Hawes then stated that he was to enclose a copy of a letter from a chairman to the Hudson Bay Company together with a statement and map prepared under his direction of the territories claimed by the company in virtue of the charter granted to them by King Charles the 2nd." That is plain enough. "Mr. Hawes also sent the copy of a

letter dated the 30th September last, from Mr. A. K. Isbister"—that is the gentleman who was opposing the Hudson Bay Company—"enquiring on what mode Her Majesty's Government intend to give effect to the resolution of the House of Commons, and whether, in the event of any reference to a judicial tribunal, it will be necessary for the parties interested to appear by counsel or otherwise or to furnish evidence, and if so, of what nature. Mr. Hawes concluded by stating that your Lordship requested that we would take these papers into our early consideration, and inform you whether we are of opinion that the rights claimed by the company do properly belong to them." I take it that it means the territories claimed.

The Lord Chancellor.—No; it does not.

Mr. McCarthy.—If your Lordship will allow me to go on, I think you will see it does.

The Lord Chancellor.—"Having regard to the powers in respect to territory, trade, taxation and government, claimed by the Hudson Bay Company," that is what the law officers gave their opinion upon.

Mr. McCarthy.—Your Lordship sees it says Mr. Hawes concluded by stating that your Lordship requested that we would take these papers into our early consideration and inform you whether we are of opinion that the rights claimed by the company do properly belong to them. Accompanying that was a statement of the territories claimed. Now, let me read the following: "In the event of our entertaining a doubt on any point raised in these papers, Mr. Hawes was to request that we would advise your Lordship in what manner the opinion of a competent tribunal can be obtained on the subject. In obedience to your Lordship's command we have taken these papers into our consideration." Now, what are the papers? The paper marking the territorial claim was one of them. "We have taken these papers into our consideration and have the honor to report that having regard to the powers in respect to territory, trade, taxation and government, claimed by the Hudson Bay Company in the statements furnished to your Lordships by the chairman of that company, we are of opinion that the rights so claimed by the company do properly belong to them."

The Lord Chancellor.—Did anybody ever hear that a court of justice was taken to express an opinion on that which was not before it? And in the opinion of the law officers there is not a trace that the question of the extent of the rights, claims and boundaries was before them. There is a large general question whether they have or have not their charter rights.

Mr. McCarthy.—There is more than that.

The Lord Chancellor.—The question of what the powers in respect of territory, trade, taxation and government were the Attorney and Solicitor Generals could form an opinion upon, and they had the means of doing that, but what means had they for judging of the extent of the boundaries? There is nothing.

Mr. McCarthy.—They had the map; they had the limits of the watershed. At that date two questions were submitted to the law officers of the Crown for their opinion: 1st. Was the charter invalid? Chief Justice Draper did not contend that representing the people here. And then, 2ndly, What were the limits up to a particular point? Then the law officers' opinion was taken and the company was asked to make a statement, and if your Lordship will pardon me for apparently persisting in this, it seems to me one of the questions submitted to the law officers, not as the trade merely, but as to the extent of territory was considered by them well founded.

The Lord Chancellor.—I have no idea of any such question being submitted to the law officers. It seems to me perfectly clear that it was not.

Sir M. Smith.—Then, subsequently the opinion of the law officers was taken as to whether these questions could be put into a separate enquiry treating them entirely as in doubt, the law officers giving reasons for thinking they could be construed into a question of boundaries, and the law officers said that that question might be made the subject of a *quasi* judicial enquiry.

Mr. McCarthy.—Yes; but Canada declined to do so.

Mr. McCarthy.—I began by saying that it was the opinion subsequently taken of the law officers. If it had been supposed that any opinion of the law officers had settled the matter, that would have been another thing.

The Lord Chancellor.—If you really attend to what passed in 1849, it is really too clear for controversy. Mr. Isbister in 1849 writes that an address to the Crown had been agreed to by the House of Commons to institute an enquiry into the legality of certain powers claimed and exercised by the Hudson Bay Company under their charter. Then he asks how that enquiry is to be made. Mr. Hawes, the under-secretary, replies on the 22nd October: "With reference to your letter requesting to be informed in what manner Her Majesty's Government propose to carry into effect the enquiry into the legality of certain powers claimed and exercised by the Hudson Bay Company, I am directed by Earl Grey to acquaint you that the subject is at present under consideration." Then what is sent to the law officers by the colonial secretary is the copy of the resolution of the House of Commons, "That an address be presented to Her Majesty, praying that measures be taken for ascertaining the legality of the powers which are claimed or exercised by the Hudson Bay Company," and he sends all the papers. The "rights claimed by the Company" meant the right to exercise those powers, and there is nothing in the letter upon the subject of a dispute concerning boundaries. They send a copy of a resolution which shows that they claim, but as to there being a dispute as to boundaries there is not the least trace of it.

Lord Aberdare.—But how can that be assumed to have any weight in that controversy, when you find what has been submitted to the consideration of the law officers.

Sir Robert Collier.—I can speak as an ex-law officer and I say that it is perfectly absurd to suppose that the law officers would go into such a question.

The Lord Chancellor.—Of course, if they had understood that the boundaries were involved they would have sent the papers back.

Mr. McCarthy.—Of course, if your Lordships do not wish to hear me I do not wish to be persistent, but as counsel here I represent the Province of Manitoba.

The Lord Chancellor.—We shall be glad to hear your argument, of course.

Mr. McCarthy.—All I propose to do now is to read to your Lordships the letter from Governor Pelley. Your letter has been handed to the directors of the Hudson Bay Company (that is the letter from the Under-Secretary of State) and in compliance with your request, &c., &c. The learned counsel read an extract down to the words "Russian Yellow." That was a pretty clear statement that they understood that they were to furnish a statement of their territory.

Sir Montague Smith.—But the law officers were not considering the way in which that affected the boundary.

The Lord Chancellor.—And the controversy as to whether they claimed the disputed land, that is another thing altogether.

Mr. McCarthy.—Your Lordships will see that I think it comes pretty much to that. The Rupert's Land was cut out. Now I will refer to page 610 of the joint appendix as shortly as possible, just to trace the history of this subject, showing what they were claiming, at all events, and I want to show that it was perfectly well understood by the Ministers of Canada. Then at the joint appendix, page 168—

Sir Barnes Peacock.—For what do you refer to page 168?

Mr. McCarthy.—That was for the opinion as to the geographical opinion. They did not give any opinion as to the boundaries at all. Then at page 273 there is a letter from the Duke of Buckingham (who was then Colonial Secretary) to the Governor General. He says: "Her Majesty's Government will be willing to recommend a compliance with the prayer of the address so soon as they shall be empowered to do so with a just regard to the rights and interests of Her Majesty's subjects interested in those territories. They are advised, however, that the requisite powers of government and legislation cannot consistently, with the existing charter of the Hudson Bay Company be transferred to Canada without an Act of Parliament. Before such an Act can be obtained it is necessary to consider the position of the

Hudson Bay Company. The company have held their charter and exercised privileges conferred by it for 200 years, including rights of government and legislation, together with the property of all the lands and precious metals, and various eminent law officers consulted in succession have all declared that the validity of this charter cannot be justly disputed by the Crown." Then at page 274 the Duke of Buckingham's secretary writes that "the Duke of Buckingham and Chandos has had under his consideration the address from the Parliament of Canada to Her Majesty, praying that Rupert's Land and the North-West Territory may be united with the Dominion of Canada, and placed under the authority of the Canadian Parliament, and the letter from the Governor of the Hudson Bay Company, dated the 25th day of January, on that subject. Her Majesty's Government think that it will be right to comply, under proper conditions, with the wish expressed by the Parliament of Canada, and they propose to introduce a Bill for the purpose into the Imperial Parliament. They desire, however, to pay due regard to the interest of Her Majesty's subjects already concerned in the territory, and with that view they will be prepared to make provision for any reasonable terms which may be agreed upon with the Hudson Bay Company. I am directed to call your attention to the negotiations which took place in 1864 between the Secretary of State and the company as recorded in the correspondence referred to in the margin (setting out several letters) and I am to request that you will state what are the terms which the company would be prepared to accept, proceeding on the principles then adopted, namely, that the compensation should be derived from the future proceeds of the lands, and if any gold which may be discovered in Rupert's Land complied with reservations of defined portions of land to the company." Then at page 594 there is a letter from Mr. Goschen to the Secretary of State. "I have the honor to acknowledge your letters."

Sir Robert Collier.—We have had this letter.

Mr. McCarthy.—I beg your Lordship's pardon, that was not the letter I had intended to read. Now, if your Lordship goes back to look at the Act of Confederation, on page 433, section 6, there are two things which I take it are of importance in this Act.

Sir Robert Collier.—That is the British Columbia Act.

Mr. McCarthy.—No, the British North America Act. It is the Act of Confederation. I refer to the 6th section for this purpose, it may be important otherwise with reference to Lord Durham's commission. "The parts of the Province of Canada (as it exists at the passing of this Act) which formerly constituted respectively the Provinces of Upper Canada and Lower Canada shall be deemed to be served, and shall form two separate Provinces." The question there is what weight is to be attached to the words "as it exists at the passing of this Act?" Then section 146 says: "It shall be lawful for the Queen, by and with the advice of Her Majesty's Most Honorable Privy Council, on addresses from the Houses of Parliament of Canada, and from the Houses of the respective Legislatures of the colonies or provinces of Newfoundland, Prince Edward Island and British Columbia, to admit those colonies or provinces, or any of them, into the union, and, on address from the Houses of Parliament in Canada to admit Rupert's Land and the North-Western Territory, or either of them, into the union on such terms and conditions in such case as are in the addresses expressed and as the Queen thinks fit to approve, subject to the provisions of this Act." Provision is thus made for the inclusion of Rupert's Land. Then we come to the Rupert's Land Act, which is at page 445, and which has a very important bearing upon the question here. It says: "Whereas, by certain letters patent granted by His late Majesty King Charles the Second, in the twenty-second year of his reign, certain persons therein named were incorporated by the name of 'The Governor and Company of Adventurers of England,' trading into Hudson Bay and certain lands and territories, rights of government and other rights, privileges, liberties, franchises, powers and authorities were thereby granted or purported to be granted to the said governor and company in His Majesty's dominions in North America. And whereas, by the British North America Act, 1867, it was (amongst other things) enacted that it should be lawful for Her Majesty, by and with the advice

and consent of Her Majesty's Most Honorable Privy Council, an address from the Houses of Parliament of Canada to admit Rupert's Land and the North-West Territory, or either of them, into the union, on such terms and conditions as are in the address expressed, and as Her Majesty thinks fit to approve, are subject to the provisions of the said Act. And whereas, for the purpose of carrying into effect the provisions of the said British North America Act, 1867, and of admitting Rupert's Land into the said Dominion as aforesaid, upon such terms as Her Majesty thinks fit to approve, it is expedient that the said lands, territories, rights, privileges, liberties, franchises, powers and authorities, so far as the same have been lawfully granted to the said company, should be surrendered to Her Majesty, Her heirs and successors, upon such terms and conditions as may be agreed upon by and between Her Majesty and the said governor and company as hereinafter mentioned; be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled, and by the authority of the same, as follows:—1. This Act may be cited as Rupert's Land Act, 1868. 2. For the purposes of this Act the term 'Rupert's Land' shall include the whole of the lands and territories held, or claimed to be held, by the said governor and company." Now, whether they were rightfully held or not, it is quite plain that with regard to the documents which I produce and which I will show in a moment, was communicated to Canada, they did claim to hold the watershed.

The Lord Chancellor.—I see the word "held" is included as well as the word "claimed."

Mr. McCarthy.—Yes.

The Lord Chancellor.—Do you say that that would imply the title you claim?

Mr. McCarthy.—Yes; "for the purposes of the Act."

The Lord Chancellor.—That raises an important question of construction. You will certainly have something to do to satisfy us that the merely putting territory in a map of this kind was sufficient to show that it was meant to be transferred, although it was *de facto* held by the Province.

Mr. McCarthy.—I would say first it was not *de facto* held by the Province. Then, I say it was *de facto* held by the company, and thirdly, I say whether it was *de facto* held or not, it was claimed by the company. We must look and see what the object of it was. It was known when Canada was confederated that so far as Ontario was confederated it was taken in as it then was, and I will point out by-and-bye, that according to Lord Durham's commission it did not go further than the height of land, if it went as far.

The Lord Chancellor.—Lord Durham's commission, if I remember rightly, carried the Ontario boundary beyond their blue land.

Mr. McCarthy.—I was speaking of the western part.

The Lord Chancellor.—But it is important to know that.

Mr. McCarthy.—I understand that my friends, when addressing you on that point, contended that the true meaning of that was not to the shore, but rather to the Hudson Bay Territory.

The Lord Chancellor.—No; that was an earlier document which, if it stood by itself, perhaps, would suggest that view, but Lord Durham's commission is express "to shores." That is an extremely important point, and no doubt you will not overlook it.

Mr. McCarthy.—No, my Lord, I shall not. Now, I am going to contend, and I think your Lordship will at once accede to the reasonableness of my proposition, that it was a very important matter indeed for the welfare of the confederacy that Rupert's Land should be defined before it was transferred. Nothing could be more unfortunate than that a question of this kind should be permitted to arise, and I say that care was taken, that for the purposes of the Act and for the purposes of the transfer, Rupert's Land was defined. It was a well-known claim put forward by the Hudson Bay Company. They claimed to go to the height of land. Their claim was disputed, but what does Parliament say? We say that Parliament says that for the

purpose of this Act which was to be the basis of the transfer, this colony is a colony and is a new Province under the Dominion, who will define it. Now, how is it defined? "For the purposes of this Act, whether it be Rupert's Land, or whether it be not Rupert's Land, all that the Hudson Bay Company hold or all that the Hudson Bay Company claimed is Rupert's Land."

Sir Montague Smith.—This was a purchase, in fact.

Mr. McCarthy.—That is one view; but if you like to hear my argument upon it, my Lord, I hope to be able to show you that it has another bearing.

Sir Montague Smith.—But they would only purchase what was claimed.

Mr. McCarthy.—It was more than a purchase; it was a surrender to Her Majesty, in the first place.

Sir Montague Smith.—It was a purchase by the colony; it was not made a separate colony.

Mr. McCarthy.—It was made a separate Province. The Dominion is made up of several Provinces. Amongst the new Provinces was Rupert's Land.

The Lord Chancellor.—You are contending that the Act speaks of territory which was not at that time under the Dominion of Canada.

Mr. McCarthy.—What I submit with all deference to your Lordship is this: It was important, when this new colony was to be brought into the Dominion, that there should be no dispute as to boundaries. Canada at that time perfectly understood its position. Its attention was drawn to it, and although they have proceeded as though this Act had not been passed, still upon the whole they accepted it. Are we to suppose that Parliament would throw this as a bone of contention into Canada without saying: We will define the boundaries, and we will define them just as the Hudson Bay Company has laid them down and claimed it will not hurt Canada, and they will go into Canada, whichever way it is?

Sir Barnes Peacock.—When you speak of Canada do you speak of Ontario?

Mr. McCarthy.—No; Ontario was bound by it.

Lord Aberdare.—I was going to ask that. Had Canada then power to bind Ontario?

Mr. McCarthy.—Yes; we submit in fact they had. Canada was composed of representatives of the whole of the Dominion, including Ontario. There was not any protest on the part of Ontario, they never objected to; they never entered a protest of any kind whatever.

Sir Barnes Peacock.—This was addressed to the two Houses of Parliament, not of Ontario, and, therefore, Ontario was not necessarily bound by it, except it was legislation, and it takes away their rights.

Mr. McCarthy.—It has the force of legislation in this sense. The petition addressed to the two Houses asks that this colony shall be transferred. Now, what was the colony? Surely it was for the British Imperial Parliament to say what the colony was, and they did declare what the colony was. It is a colony within the limits described by that map, about which there can be no dispute. On page 445, your Lordship will see in the Rupert's Land Act, this passage:—"It shall be competent for the said governor and company to surrender to Her Majesty, and for Her Majesty, by any instrument under her sign manual and signet, to accept a surrender of all or any of the lands, territory, rights, privileges, liberties, franchises, powers and authorities whatsoever, granted or purported to be granted by the said letters patent to the said governor and company within Rupert's Land, upon such terms and conditions as shall be agreed upon, by and between Her Majesty and the said governor and company."

Sir Barnes Peacock.—That says "Rupert's Land."

Mr. McCarthy.—Yes; but Rupert's Land for the purposes of this Act means all that they claim. And it goes on: "Provided, however, that such surrender shall not be accepted by Her Majesty until the terms and conditions upon which Rupert's Land shall be admitted into the said Dominion of Canada shall have been approved of by Her Majesty, and embodied in an address to Her Majesty from both the Houses of Parliament of Canada in pursuance of the one hundred and forty-

sixth section of the British North America Act, 1867, and that the said surrender and acceptance thereof shall be null and void unless within a month from the date of such acceptance, Her Majesty does, by Order in Council under the provisions of the said last recited Act, admit Rupert's Land into the Dominion; provided further that no charge shall be imposed by such terms upon the consolidated fund of the United Kingdom. Upon the acceptance, by Her Majesty, of such surrender, all rights of government and proprietary rights and all other privileges, liberties, franchises, powers, authorities, whatsoever granted, or purported to be granted, by the said letters patent to the said governor and company within Rupert's Land and which shall have been so surrendered, shall be absolutely extinguished, provided that nothing herein shall prevent the said governor and company from continuing to carry on, in Rupert's Land or elsewhere, trade and commerce. It shall be competent to Her Majesty, by any Order or Orders in Council as aforesaid, on address from the Houses of the Parliament of Canada, to declare that Rupert's Land shall, from a date to be herein mentioned, be admitted into and become part of the Dominion of Canada; and thereupon it shall be lawful for the Parliament of Canada, from the date aforesaid, to make, ordain and establish, within the land and territory so admitted as aforesaid, all such laws, institutions and ordinances, and to constitute such courts and officers as may be necessary for the peace, order and good government of Her Majesty's subjects, and others therein; provided, that until otherwise enacted by the said Parliament of Canada, all the powers, authorities and jurisdiction of the several courts of justice now established in Rupert's Land and of the several officers thereof, and of all magistrates and justices, now acting within the said limits, shall continue in full force and effect therein."

Now, if your Lordship will allow me, I will refer to the first address at this stage, which is to be found at page 266 of the joint appendix. This is the one passed immediately after confederation, and it is important upon this part of the case. Having recited the 146th section to which I have referred, they say: "We do therefore most humbly pray that your Majesty will be most graciously pleased, by and with the advice of your most Honorable Privy Council, to unite Rupert's Land and the North-Western Territory with the Dominion, and to grant to the Parliament of Canada authority to legislate for their future welfare and good government, and we most humbly beg to express to your Majesty that we are willing to assume the duties and obligations of government and legislation as regards these territories." That was the earlier address that gave to the correspondence which passed between the governments at great length and which culminated in the further legislation to which I am about to refer. Now at page 275—

Sir Robert Collier.—We do not require that correspondence.

Mr. McCarthy.—No, my Lord, I am not going to give you more than is absolutely necessary, at least so far as I can understand it.

Sir Robert Collier.—What page are you now on?

Mr. McCarthy.—275.

Sir Robert Collier.—That is the second address?

Mr. McCarthy.—No. It is a "Memorandum from the Canadian delegates to Sir George E. Cartier, and the Honorable Wm. McDougall, Canadian delegates to England." It is dated the 1st October, 1868, and the Rupert's Land Act (to which it refers apparently) had been passed just before—

Sir Montague Smith.—The Rupert's Land Act is put, as regards getting into the Dominion, on the same footing as the North-West Territory. It was first to form part of the Dominion. On the purchase, when Rupert's Land Act passed, it formed a part of the Dominion. Then, subsequently, it came to be entered as a Province.

Mr. McCarthy.—Oh no, you will see that the Dominion is made up of Provinces. Then there is a provision made for taking in the organized Provinces, such as British Columbia, and so on.

Sir Montague Smith.—What became of the North-Western Territory?

Mr. McCarthy.—That was also brought in as a separate Province.

Sir Montague Smith.—But still it was brought in?

Mr. McCarthy.—Of course it belonged to the Imperial Government; it was a part of Canada.

Sir Montague Smith.—It was a part of the Dominion.

Mr. McCarthy.—Oh, no; the Dominion was at first limited to the original five Provinces. Then all that great country up here (describing on the map) was either in Rupert's Land or the North-Western Territory. Then provision was made for bringing in Rupert's Land and the North-Western Territory at a subsequent date, upon petitions from both Houses, but when they were brought in they would come in as independent Provinces. Then they would have to be organized, of course, under Dominion powers, and provision was made for that. What I draw your Lordship's attention to particularly now is this minute of Sir George Carrier and the Hon. Wm. McDougall, saying: "We have the honor to acknowledge communication of a minute of Council of this day's date, appointing as delegation to England to arrange with the Imperial Government the terms upon which Canada may acquire Rupert's Land, and to state that we have much pleasure in accepting the mission. We would, however, beg to call the attention of the Committee to the terms of the recent Act of the Imperial Parliament to enable Her Majesty to accept a surrender upon terms of the lands, privileges and rights of the Hudson Bay Company, which declares that Rupert's Land, for the purposes of that Act, shall include the whole of the lands and territories held or claimed to be held by the company, showing that their attention was directed to it. We would also call the attention of the Committee to the terms of the British North America Act, which provides for the admission of Rupert's Land and the North-West Territory, or either of them into the union. We respectfully recommend that we be authorized to arrange with the Imperial Government for the admission of the North-West Territory into union with Canada, either with or without Rupert's Land." Then there is the report of the Committee of the Council upon that. They recite the authority, they recite the very words of the Act, which is all important, as your Lordship will see, because it was not done without their notice and knowledge. Here they say: We are disputing what the Hudson Bay Company claim, and the Imperial Parliament have stated that for the purposes of the Act, the land which is transferred to it has been defined, and they draw special attention to that, and the report of the Committee of the Council quite comprehends the point.

The Lord Chancellor.—I do not quite follow these documents. I see here no evidence of any dispute.

Mr. McCarthy.—But it shows they understood that the Rupert's Land Act had this wide definition.

The Lord Chancellor.—If it is to show that these words were in the Act, I do not see how it is material, because that is beyond all question. Can you say more than that?

Mr. McCarthy.—But it shows that they knew their meaning, and apprehended their force.

The Lord Chancellor.—That does not seem to advance you a step. We know that the words are there, and of course they must be presumed to know what the effect of them was.

Mr. McCarthy.—I am sorry if your Lordship thinks it unnecessary, but it does appear to me important, as showing that Canada perfectly understood what she was doing.

The Lord Chancellor.—How could Canada be ignorant of it?

Sir Robert Collier.—You are occupying our time, then, by showing that Canada understood the effect of the words in the Act. Of course they must be taken to have done so.

The Lord Chancellor.—I do not see how it is of the least importance.

Sir Montague Smith.—The Act of 1871 makes provision for the Parliament of Canada establishing new Provinces in any territory forming, for the time being, part of the Dominion of Canada, but not included in that Province.

Mr. McCarthy.—There may be territories not in the Province.

Sir Montague Smith.—Territories within the Dominion, not in the chaotic state which has been mentioned.

Mr. McCarthy.—That is so.

Sir Montague Smith.—That is what I was saying just now. I thought you corrected me and said that could not be, and that what was not in the Dominion was to be formed into a Province?

Mr. McCarthy.—No, my Lord, not in the Dominion originally.

Sir Montague Smith.—That I am quite aware of. They seem to have put these territories, the North-Western Territory and Rupert's territory into the Crown first, and then into the Dominion, and then it was afterwards carved into Provinces.

Mr. McCarthy.—Portions of them sliced into Provinces.

Sir Montague Smith.—That is what I meant.

Mr. McCarthy.—I thought your Lordship meant that Canada included that country at that time. Then I was going on to refer your Lordship to page 221 of the joint appendix.

The Lord Chancellor.—Is there any authentic map which shows Upper and Lower Canada, and Upper Canada as divided into counties and districts under the Act of 1798?

Mr. McCarthy.—Yes, there are numbers of them, but, unfortunately, my Lords, none of us have a copy with us.

The Lord Chancellor.—It is rather to be regretted, because if one saw a map of the description we have before us, and then a map of that kind, it would be useful.

Mr. McCarthy.—I daresay it might be found at the Geographical Society. We will look for it.

Lord Aberdare.—They have them all collected there for examination by any one who may wish to consult them.

The Lord Chancellor.—Here is an Act passed in 1798 which divided Upper Canada into a number of territories and districts, and attention has already been directed to the 40th section of the Act, which says "that the counties of Essex and Kent, together with so much of this Province as is not included within any other district thereof, do constitute and form the western district." That would lead one to expect that the counties of Essex and Kent were the last defined counties to the west, but that west of them there was an indefinite district which was not included in the county or in any other than the western district, and it is hardly probable that that would have included the northern part adjoining Hudson Bay.

Mr. McCarthy.—I think I am correct—my learned friend will say I am not if he differs—that all the claim made under the Act was that it took in to the height of land.

Mr. Mowat.—I do not agree to that at all.

The Lord Chancellor.—It is not to be assumed that your opponent would agree to that at all, but what we should like to see is some authentic map of some subsequent date, showing what these counties are.

Mr. McCarthy.—By to-morrow morning we will try and furnish your Lordships with that.

The Lord Chancellor.—What is not within Upper Canada you would say is not in Ontario?

Mr. McCarthy.—Yes, your Lordship will remember the time of the Lord Selkirk's trouble. He objected to be tried for offences committed at Fort William, claiming that the due north line was the boundary, and the answer made by the authorities was that up to that point Upper Canada had been in the habit of exercising criminal jurisdiction.

The Lord Chancellor.—But that would be clearly within the western district under this Act, though not within any county. But what strikes me as of importance is to know whether those counties included anything north up to James' Bay. It is hardly in the north-western district anyway.

Mr. McCarthy.—I think there is a map in existence in London which would show that was not so.

The Lord Chancellor.—One would like to see that.

Mr. McCarthy.—Yes, my Lord. Then as to the question of boundary being an important one, I would direct attention to page 221. Your Lordships will remember in 1850 the claim of the Hudson Bay was clearly defined and put forward in the presence of Chief Justice Draper, who attended on behalf of Canada. It is a letter from the Under Secretary to the Governor of the Hudson Bay Company, and I ask your Lordships' attention to the latter part of the fourth paragraph, at line 35: "I am further to state that Her Majesty's Government consider it very desirable to ascertain, by the decision of some competent authority, the boundary between the Province of Canada and the territories claimed by the company under their charter." Then the company acquiesce in that by their letter at page 223, 21st January, 1858. That was communicated to Canada by the letter of the 22nd January, 1858, on page 224, where Mr. Labouchere says: "I do not propose to discuss the question of the validity of the claims of the company in virtue of their charter over the whole territory known as Rupert's Land. Her Majesty's Government have come to the conclusion that it would be impossible for them to institute proceedings with a view to raise this question before a legal tribunal, without departing from those principles of equity by which their conduct ought to be guided. If, therefore, it is to be raised at all, it must be by other parties on their own responsibility."

Sir Montague Smith.—What do you cite that for?

Mr. McCarthy.—To show that the question of the boundary was an important question between them at that time.

Sir Robert Collier.—Nobody would deny that.

Mr. McCarthy.—Perhaps it would be quicker to read it than for me to state it and have to prove it afterward. Then following that Canada was asked to assume the responsibility of contesting this boundary, and at page 225 the address of the Canadian Parliament is to be found: "That the settlement of the boundary line is immediately required, and that therefore we humbly pray Your Majesty that the subject thereof may be forthwith submitted for the opinion of the Judicial Committee of Your Majesty's Privy Council, but without restriction as to any question Canada may deem it proper to present on the validity of the said charter, or for the maintenance of her rights" Canada threw it back on the Imperial authorities and said: We think the Imperial authorities should do this; and finally, to bring this part of the statement to an end, the Imperial authorities said: No, if it is to be done at all it must be done by Canada and not England; so that up to 1858 all parties were agreed on this that the boundary should be defined, and I read that as confirmatory of the view I put forward, that, in point of fact, the Rupert's Land Act did define these boundaries.

Sir Montague Smith.—Nothing can be more vague than "What is claimed to be," and the expression "granted or purported to be granted."

Mr. McCarthy.—What is claimed to be is pretty plain, because they put it on that map and define it as the water limits.

Sir Barnes Peacock.—Was not that to bind the Hudson Bay Company that all they possessed and all they claimed to possess was to pass to the Canadian Government for £300,000?

Mr. McCarthy.—Undoubtedly that was the twofold object; first, to get rid of all possible claims, and, secondly, to define for the purposes of the company what was Rupert's Land.

Sir Montague Smith.—Whatever they claim, rightfully or wrongfully?

Sir Barnes Peacock.—They were to have no claim again excepting what they reserved to themselves by their surrender.

Mr. McCarthy.—That was only one object of the Act. I admit one was to empower the Queen to accept it, the other was to define the boundary, because we will follow that up by the next address.

Sir Robert Collier.—We have had the terms of the Act before us several times.

The Lord Chancellor.—You say that the boundary is settled by saying everything they claim.

Lord Aberdare.—Did they put in as part of their claim all the territory to the east of the line marked here that goes up to James' Bay?

Mr. McCarthy.—Yes, they disregarded that altogether. They put in all the watershed of the Dominion eastward as well as westward—all that is colored green.

Now, my Lords, we come to the deed, which is the next thing in point of order.

The Lord Chancellor.—We really do not want anything in point of order to be gone through. The deed, if I remember right, simply transfers everything which the Hudson Bay Company had to transfer.

Mr. McCarthy.—And is defined by metes and bounds.

The Lord Chancellor.—Where is that deed? If the metes and bounds are there they may be worth looking at.

Mr. McCarthy.—That is at page 315. At page 316, line 20, they recite:—"And whereas, by the Rupert's Land Act, 1868, it is enacted (amongst other things) that for the purposes of that Act, the term 'Rupert's Land' shall include the whole of the lands and territories held or claimed to be held by the said Governor and company, and that it shall be competent for the said Governor and the company to surrender," and so on. Then that "the Canadian Government shall pay to the company the sum of £300,000 sterling." Then "the company to retain all the posts or stations now actually possessed and occupied by them, or their officers or agents." Then the sizes of the blocks are given, and so on. Then, at page 318: "Now know ye, and these presents witness, that in pursuance of the powers and provisions of the Rupert's Land Act, 1868" and on the terms and conditions aforesaid, and also on condition of this surrender being accepted pursuant to the provisions of that account, the said Governor and company do hereby surrender to the Queen's Most Gracious Majesty, all the rights of government, and other rights, privileges, liberties, franchises, powers and authorities, granted or purported to be granted to the said Governor and company by the said recited letters patent of His late Majesty King Charles the Second.

The Lord Chancellor.—It is everything they had. There are no boundary words there.

Mr. McCarthy.—Except by the recited. The whole deed must be read together, I submit.

Sir Montague Smith.—The recital does not carry it further than the Act itself.

Mr. McCarthy.—Of course not. I do not say that it does, but I say it does carry it to that extent. Then the reservations define the deed in that regard very plainly. Your Lordships will find them in the schedule referred to, and there is this English River.

Sir Barnes Peacock.—That refers to section two. At page 317 of the surrender the company are to retain all the posts.

Mr. McCarthy.—Yes; that is referred to in the schedule and on page 319. Several of these posts are on this Rainy Lake.

The Lord Chancellor.—We have already seen that there were facts within the undoubted limits of Canada which belonged to them.

Sir Robert Collier.—We have had all this before us.

Mr. McCarthy.—Then at page 310, and from that up to page 312, your Lordships will see the report of the Canadian delegates and the joint address of both Houses. I submit it is impossible to read these without seeing that what they did take over was what was called Rupert's Land, on the Rupert's Land Act, and if I am right in saying that that was all they claimed, and they did claim at that time all that was colored green, it does appear to me that there is an end of the question as far as the height of land is concerned.

Sir Barnes Peacock.—They could not claim against the Canadian Government after that had been sold, anything included in that deed.

Mr. McCarthy.—Undoubtedly, but I think it goes further.

Sir Barnes Peacock.—But it did not bind Ontario that they were entitled to all that was in the deed, whether that was included in the Ontario boundary or not.

Mr. McCarthy.—If the Imperial Act could bind Ontario, as I submit it does, then I think it does have that effect.

Sir Barnes Peacock.—How does the Imperial Act bind Ontario, supposing any part of the green is within the boundary of the Province of Ontario?

Mr. M.Carthy.—In the first place that was disputed territory, then the Imperial Act enacts that for the purpose of this Act this disputed territory is to be within Rupert's Land. That was a thing perfectly competent for the Imperial Parliament to do.

Sir Barnes Peacock.—They only say the words "Rupert's Land" were to include all that territory in the possession, or claimed to be in the possession, of the Hudson Bay Company. Then they authorize them to sell and dispose of that or surrender that in consideration of £300,000.

Mr. McCarthy.—Yes. Then what I say is this, that this being disputed territory at the time, it was competent for the Imperial Parliament to enact "we will settle this dispute and say all that is claimed by the Hudson Bay Company shall be Rupert's Land."

Sir Barnes Peacock.—Did they say that?

Mr. McCarthy.—They do say so.

Sir Montague Smith.—They do not profess to settle a dispute.

Sir Barnes Peacock.—They only say the term "Rupert's Land" is not only to include Rupert's Land, but all the North-West Provinces.

Mr. McCarthy.—But what the Canadian Parliament ought to have transferred to them as Rupert's Land is defined by this Act. I humbly submit that that is very clear. Here there is a dispute from 1850 upwards.

Sir Montague Smith.—Whatever the Government purchased under that Act is to become part of the Dominion, and upon an address may be formed into a Province.

Mr. McCarthy.—Yes. Your Lordships will allow me to repeat once more the dates and history of it.

Sir Montague Smith.—There is no intention recited to settle boundaries.

Mr. McCarthy.—Your Lordship will see in 1850 the Hudson Bay Company put forward this claim. All parties agreed that it was most important to settle the boundaries. The Canadian people were asked to appeal to this board to settle boundaries; they declined to do so; and then the Act of Parliament says: It being important to settle it, we settle it for the purpose of this transfer of all the Hudson Bay Company's claim.

Sir Robert Collier.—I think we all understand that.

Mr. McCarthy.—Then your Lordship will find at page 312 the address of both Houses.

Sir Robert Collier.—It is in the terms of the Act.

Mr. McCarthy.—Yes. I will read the last part: "That the Senate will be ready to concur with the House of Commons in an address to Her Majesty that she will be graciously pleased, by and with the advice of Her Most Honorable Privy Council under 146th clause of the British North America Act, 1867, and the provisions of the Imperial Act 31 and 32 Victoria, cap. 105 to unite Rupert's Land, on the terms and conditions expressed in the foregoing resolutions, and also to unite the North-Western Territory with the Dominion of Canada, as prayed for, by and on the terms and conditions contained in the joint address of the Senate and the House of Commons of Canada adopted during the first Session of the first Parliament of Canada." That brings that part of my argument to a close, and my submission on that is that it is clear at all events that the Rupert's Land territory did go up to the height of land.

Now, during the discussion something was said by Lord Aberdare about the commissions and the importance of the north west angle as bearing upon that point. I am not going to discuss, because my learned friend who follows me will do that—the effect of those commissions—I am merely going to trace their history and see in what way they have any bearing upon the present question now in dispute. Now, the first commission, as your Lordships will remember, was to Sir Guy Carleton, and is to be found at page 375. It is the commission that immediately followed the Quebec Act, and I am assuming for the greater part of my argument that that commission

correctly represents "northward along the eastern bank of the said river to the boundary of the territory granted to the Merchant Adventurers"—the purport of the Act.

The Lord Chancellor.—Along the banks of the Mississippi.

Mr. McCarthy.—I say that that correctly represents for the purpose of my argument the purport of the Act. I am coming to the north-west angle to see how that became an important point.

The Lord Chancellor.—This is the commission of 1774.

Mr. McCarthy.—Yes; then the next commission is 1876, and that is after the cession to the United States, and that is at page 387.

The Lord Chancellor.—That brings us to the Lake of the Woods.

Mr. McCarthy.—Yes, for the first time. In the first place, if I may read the commission, your Lordships will see in effect it follows the earlier commission, omitting the territory ceded to the United States. That is the effect of it, if your Lordships will look at the map. The earlier commission was based on the theory, and so was the Act, that the River Mississippi went further to the north than it does as a matter of fact. Then this commission braces up by the United States boundaries to the north-west angle, and then goes westward to the Mississippi and northward to the Hudson Bay territory or the height of land. The only difference between the two is this, that whereas the first commission said along the eastern bank of the Mississippi to the territory granted to the Merchants Adventurers, this goes to the Mississippi and then northward, carrying out the exact language of the Act of 1774; instead of saying, and then along the Mississippi to the height of land it goes to the Mississippi and then northward to the height of land. That is the only difference between the words of the two commissions, but it advances the argument no further than the one I have mentioned.

The Lord Chancellor.—I do not the least follow you. The difference is that the United States having now had ceded to it some of the territory that was formerly Canada, this boundary is drawn through Lake Superior to Long Lake. That is close to the south-eastern boundary of the disputed territory. Then it goes on: "Thence through the middle of the Long Lake and the water communication between it"—which seems to have been assumed erroneously, if I rightly understand the fact—"and the Lake of the Woods to the said Lake of the Woods." That goes substantially along the present boundary of the disputed territory?

Mr. McCarthy.—Yes.

The Lord Chancellor.—And then it goes on: "Thence through the said lake to the most north-west portion thereof."

Mr. McCarthy.—Now comes the difference.

The Lord Chancellor.—Then it was supposed that proceeding further on a due west course you would get to the River Mississippi, and then having got to that you would go northward to the southern boundary of the Hudson Bay Territory.

Mr. McCarthy.—May I point out the difference there? The first commission says, "northward along the eastern bank of the said river to the southern boundary of the territory granted to the Merchants Adventurers," whereas this says, to the Mississippi and then northward.

Lord Aberdare.—There is something before that.

The Lord Chancellor.—The difference is this: The first description is intended to include up to the banks of the Mississippi territory, which was afterwards ceded to the United States.

Mr. McCarthy.—I have not made myself plain to your Lordship. It is only in the last few words that the difference occurs. I will point out on the map what I mean. The first description goes to the banks of the Mississippi and it follows that by express terms along the east branch of the Mississippi until the Hudson Bay territory be reached. That is the first description of 1774. The second description says, going from the north-west angle to the Mississippi, but it does not say "and then along the east bank of the Mississippi," but it says "then northward," just introducing the words of the Quebec Act. That is the only difference.

The Lord Chancellor.—The difference relates to an imaginary prolongation of the Mississippi. The other description is capable of being followed up to its course, whatever that may be.

Mr. McCarthy.—The one description says in terms along the bank. The other description, although it says to the Mississippi, says to the Mississippi and then northward.

The Lord Chancellor.—The importance of this description is that it deals with the whole of the southern boundary of the now disputed territory. It takes you up to the north-west angle of the Lake of the Woods, and so on.

Mr. McCarthy.—Yes; then the treaty is to be found at page 533. It is the treaty of cession to the United States and an acknowledgment of their independence, and that is the next paper to be looked at to understand, if we can understand, why the north west angle was used.

The Lord Chancellor.—I suppose you admit that this description takes in some part of the disputed territory up to the Lake of the Woods?

Mr. McCarthy.—No, my Lord, I am going to explain what our contention is with reference to these words. Your Lordships see it follows the boundary given to the United States. That is page 533. "His Britannic Majesty acknowledges the said United States"—naming them—"to be free, sovereign and independent States," and that he treats with them as such. Then, the 2nd article is: "And that all disputes which might arise in future on the subject of the boundaries of the said United States may be prevented, it is hereby agreed and declared that the following are and shall be the boundaries." Then I need not read the earlier part of it, but if your Lordships will look at page 534: "Thence through Lake Superior northward of the Isles Royal and Paillipeaux to the Long Lake; thence through the middle of said Long Lake and the water communication between it and the Lake of the Woods to the said Lake of the Woods; thence through the said lake to the most north-western point thereof, and from thence on a due west course to the River Mississippi." What I say is this, that the subsequent treaties, and I am going to read them, indicate that the view of the powers at that time in agreeing to the north-west angle of the Lake of the Woods was that was as near as possible the 49th parallel. Up to the 49th parallel they take the water-course. It was more convenient to take the water boundary, but when they go to the Lake of the Woods instead of going to the north-west they go to the north-west angle, and, as the subsequent dealings between Great Britain and the United States show, that was on the theory that that was the 49th parallel.

The Lord Chancellor.—I do not follow that.

Mr. McCarthy.—I am going to point that out by the subsequent treaties. There is an explanation of why that was adopted at that place.

Lord Aberdare.—The 49th parallel strikes the southernmost portion of the Lake of the Woods, but not the north-west portion.

Mr. McCarthy.—But what I say is that at that time it was understood that that was as near as they could come to the 49th parallel.

Sir Montague Smith.—Why did not they say so?

The Lord Chancellor.—Supposing it was?

Mr. McCarthy.—I am asked to explain why it was the north-west angle was taken.

The Lord Chancellor.—We have nothing to do with why at all. The question is one of fact. Here is a boundary laid down in the treaty between the United States and Great Britain as to the southern boundary of Canada.

Mr. McCarthy.—Yes.

The Lord Chancellor.—The question how they came to fix that boundary is entirely different from the question that they did fix it.

Mr. McCarthy.—If it is the fact that they took the 49th parallel, and took it because that had been treated from the Treaty of Utrecht onward as the southern boundary of the Hudson Bay territory, is it not important then?

The Lord Chancellor.—Not the least, I should think.

Mr. McCarthy.—Then I need not argue it; but we are prepared to show you that all through the United States conceived, and Great Britain admitted, that the Treaty of Utrecht had considered the 49th parallel as the southern boundary of their territory prior to the cession, and that formed the basis of all the treaties between, not merely the United States and Great Britain, but between the United States and Spain, and so on. If your Lordships look at the last extract in the Manitoba Appendix you will see it plainly stated.

Lord Aberdare.—They only touch the 49th parallel at the very point where it was supposed that the territory of Ontario ends.

Mr. McCarthy.—Yes; but perhaps I may refer to the other treaties before I go to that. In 1794 the next treaty took place. That is at page 547, and was between the United States and Great Britain. It is called Jay's Treaty, or the Treaty of Amty, and acknowledges the Hudson Bay charter, which, of course, is not now in dispute, for the purpose of this investigation in article 3, and then at page 549 there is this article: "Whereas it is uncertain whether the River Mississippi extends so far to the northward as to be intersected by a line to be drawn due west from the Lake of the Woods in the manner mentioned in the Treaty of Peace between His Majesty and the United States; it is agreed that measures should be taken in concert with His Majesty's Government in America and the Government of the United States for making a just survey of the said river from one degree of latitude below the Falls of St. Anthony to the principal source or sources of the said river, and also the parts adjacent thereto, and that if, on the result of such survey, it should appear that the said river would not be intersected by such a line as is above mentioned. The two parties will thereupon proceed by amicable negotiation to regulate the boundary line in that quarter." Then follows the Treaty of 1814 on the same page—the Treaty of Ghent. Then comes the Treaty of 1818 on the next page, 550: "It is agreed that a line drawn from the most north-western point of the Lake of the Woods, along the 49th parallel of north latitude, or, if the said point shall not be in the 49th parallel of north latitude, then that a line drawn from the said point due north or south, as the case may be, until the said line shall intersect the said parallel of north latitude, and from the point of such intersection due west along and with the said parallel, shall be the line of demarcation between the Territories of the United States and those of His Britannic Majesty, and that the said line shall form the northern boundary of the said Territories of the United States, and the southern boundary of the Territories of His Britannic Majesty, from the Lake of the Woods to the Stony Mountains." Then the Treaty of 1842 goes more definitely into the line commencing at the mouth of the Pigeon River and going up that line. I submit that these treaties indicate that the intention in taking the north-west angle of the Lake of the Woods was first in the belief that it was south of the source of the Mississippi. If it was south of the source of the Mississippi it was in the Province of Quebec and was not in the Hudson Bay Territories. Then afterwards when doubts came to arise as to where the source was they agreed that the country should be surveyed and ascertained. Finally it was agreed that the 49th line should be taken. Now, if your Lordships will look at the statement of the report of the Committee on Military Affairs have in Congress in 1843, you will see an explanation of it. It is the last page which has been added to the book of the Manitoba Appendix. "The Treaty of Utrecht was concluded in 1713." Then it goes on to say what the 10th article was: "This line"—that is, the line of the 49th parallel—"is generally considered in the United States and has been assumed by their Government as the true boundary." Before that there is "One of these lines is drawn irregularly from the Atlantic to a point in the 49th parallel of latitude"—that is, from Grimington Island or Davis's Inlet—"south of the southernmost part of Hudson Bay and thence westward along that parallel to Red River, and in some maps still further west." This line is generally considered in the United States, and has been assumed by their Government, as the true boundary, settled by the commissioners agreeably to the treaty above mentioned. Thus we find Messrs. Munro and Pinckney, at Madrid, in 1805, writing to the

Spanish Minister as follows:—In conformity with the 10th article of the first mentioned treaty (Treaty of Utrecht), the boundary between Canada and Louisiana on the one side and the Hudson Bay and North-western Companies on the other was established by Commissioners by a line to commence at a cape or promontory on the ocean"—going on to fix that line.

The Lord Chancellor.—We have hitherto been sold by both sides. I think that that never was established at all.

Mr. McCarthy.—I know, but I am just giving your Lordships the statement of this Committee on Military Affairs made in Congress. "In this opinion the committee do not concur; so far from doing so it is thought the presumption that the 49th parallel was adopted by the commissioners under the Treaty of Utrecht, is strengthened by the line of demarcation subsequently agreed on by the Treaty of Versailles in 1763 between France and Great Britain, and also by the Treaty of Peace of 1763 between the United States and Great Britain. By the former the confines between the British and French possessions were irrevocably fixed "by a line drawn along the middle of the Mississippi from its source to the Iberville," &c. By the latter that part of the northern boundary of the United States which is applicable to the subject is described to be through the Lake of the Woods to the most north-western portion thereof, and from thence on a due west course to the Mississippi River. The most north-western point of the Lake of the Woods is, perhaps, a few minutes north of the 49th parallel of latitude." Then it goes on to speak of the Convention of 1818. Then, "In the second article it is agreed that a line drawn from the most north-western point of the Lake of the Woods along the 49th parallel of north latitude, or if the said point shall not lie in the 49th parallel of north latitude," then it would lie in the line I have already read to your Lordships. "This line, it will be observed, is a deviation from the boundary established in the Treaty of 1763, that was to extend due west from the north-western point of the Lake of the Woods without any reference to its latitude. By this we are in the contingency named to run by the shortest line from the specified point on the Lake of the Woods to the 49th parallel of latitude. Whence, it may be asked, the solicitude to adopt this particular parallel except as it corresponded with pre-existing arrangements which could have been made under the provisions of Utrecht alone, for under no other had any reference at that time been made to the said 49th degree. This coincidence between the boundaries established by Great Britain and France in 1763 and between Great Britain and the United States, 1763 and 1818, can scarcely be accounted for on any other supposition than that the said line had been previously established by the Commissioners under the Treaty of Utrecht. This conclusion is strengthened by a further coincidence in the boundaries fixed in the said Treaties of 1763 and 1763. In both the Mississippi is adopted as the boundary. One of the lines then (the Mississippi) previously established between Great Britain and France being thus beyond all cavil, adopted between the United States and Great Britain, may it not be fairly inferred, in the absence of all proof to the contrary, and with strong corroborating proof in favor of the inference drawn from the stipulation of treaties, lines of demarcation or old maps, &c., that the other line (49th parallel), equally beyond cavil, established by the United States and Great Britain, was also the same one previously existing between Great Britain and France? But such line had no existence unless under the stipulation of the Treaty of Utrecht. For these reasons the committee have adopted the opinion that the 49th parallel of latitude was actually established by the Commissioners under that treaty. It may not be unimportant here to observe that this 49th parallel is not a random line arbitrarily selected that the one to which France was entitled upon the well-settled principle that the first discoverer of a river is entitled by virtue of that discovery to all the unoccupied territory watered by that river and its tributaries." So that I think I have been able to show some authority for my proposition that that was the reason the 49th line was chosen.

The Lord Chancellor.—You have shown that a Committee of Military Affairs reported to Congress the motive why the actual boundary was really fixed, namely:

That it was founded on the supposition that the Commissioners, under the Treaty of Utrecht, had fixed the 49th parallel.

Mr. McCarthy.—Of course that is all, but it is some support, I submit, for my proposition.

The Lord Chancellor.—I do not know what your proposition is, because, supposing it to be established ever so clearly that they imagined the boundary was fixed to coincide with the 49th parallel when it did not, what would follow?

Mr. McCarthy.—It explains, at all events, the action of the commission.

The Lord Chancellor.—It explains nothing, surely, but a motive for what was done.

Mr. McCarthy.—If it is done and remains it is just as efficacious.

The Lord Chancellor.—But the commission could not enlarge the Province which was fixed by Act of Parliament.

Mr. McCarthy.—The commission would not take away from the United States what belonged to the United States, but it could, most distinctly, determine what the British Province of Quebec should be.

Mr. McCarthy.—That we propose to argue, after the Act of 1749 was passed, the commission could not do. It was fixed by Act of Parliament and the commission could not determine it.

The Lord Chancellor.—But if you make out that the two are inconsistent it falls to the ground.

Mr. McCarthy.—Now, if your Lordship will allow me, I will refer to a book I mentioned the other day, merely for the historical statement of facts. I need not trouble your Lordships with any other reference to it. I refer to Sir Francis Twiss' book. I did not complain what the nature of the book was. When this Oregon question, which turned on this 49th parallel, was under discussion, he wrote from the English point of view as Mr. Greenbough wrote from the American point of view. It has nothing to do with this question in the world, except incidentally. I mean it has no reference to the Canadian dispute.

The Lord Chancellor.—How can his opinion or his view of the fact be of more importance than your argument and the documents now before the Committee?

Mr. McCarthy.—Well, he is a gentleman who has devoted himself to these questions.

The Lord Chancellor.—He is no expert as to questions of fact?

Mr. McCarthy.—No, my Lord, but he states the fact.

The Lord Chancellor.—We have got some large books here with all the materials and we have been at full length through them, and I do not think we can get any enlightenment from such a book.

Mr. McCarthy.—Now I will trouble your Lordships with one more commission, and that is all I have to say of the commissions. My learned friend who is with me, or those attending on behalf of the Dominion, will go into the point which I do not propose to discuss, as to the efficacy of this commission. What I say is that this commission to Lord Durham, so far as the western boundary is concerned, which is to be found at page 406, and speaking simply of the west at present, because I will not say anything as to the east, because that will anticipate what my learned friend has to say.

The Lord Chancellor.—The west takes you into Lake Superior and no farther?

Mr. McCarthy.—No, my Lord.

The Lord Chancellor.—That is true, but then I suppose that the whole of Canada stops at the point where Lake Superior discharges itself into Lake Huron?

Mr. McCarthy.—No, my Lord. What I say would be the proper meaning to give to this commission, with deference, is this: If we gave a literal interpretation to it, it would confine and describe no territory. One must therefore give some territory to it, and I submit it would follow up the middle of Lake Huron the line which belonged to the British territory up to the height of land; and possibly it was the difficulty at that time about going beyond the height of land which was then becom-

ing perfectly well known to be in dispute in the event of the Government firing the territories more definitely marked.

The Lord Chancellor.—You will say that, according to your contention, if the western boundary had continued, it ought to have so continued, but as a matter of fact it is not continued, and as you are only taken into Lake Superior by this you are left to find out *aliunde* what there was to the west.

Mr. McCarthy.—The argument I advance is this, that at that time doubts began to arise as to the validity of the other commissions going so far west.

The Lord Chancellor.—I should have thought that the true inference is, that the knowledge in the possession of those who drew up the other commissions was not sufficient to enable them with accuracy to define anything further west.

Mr. McCarthy.—That is what I meant to say.

The Lord Chancellor.—But that does not imply that there was any doubt as to the validity of the commission?

Mr. McCarthy.—No, I did not mean to put it in that way.

The Lord Chancellor.—I thought you did.

Mr. McCarthy.—No, my Lord, I did not. But I mean doubts began to be entertained as to where the west of Upper Canada was so that they did not pretend to determine it by the commission.

The Lord Chancellor.—That is a well-founded observation, that the western boundary is not defined, but what seems of great importance is that the northern boundary is along the shore of Hudson Bay.

Mr. McCarthy.—Yes. I wish to observe your Lordship's rule, and therefore I do not go into the effect of the commissions. My learned friends who are to follow me will deal with that and they would not be following your Lordship's rule if they repeated what I had said. Therefore I leave that to my friends.

Now, I have some observations to make and they shall be very few, because my learned friend will have to deal with this in some measure, but I do not think I ought to close my statement without making some references as to the doctrine of law on which we rely as to the height of land. I suppose I may refer to Sir Travers Twiss' work on International Law, as I suppose your Lordship will allow me to do, to Mr. Hall's and Mr. Hallack's works and other works on International Law.

The Lord Chancellor.—The thing which I am at a loss to understand, is how the boundaries between two different territories can possibly be determined by international law, unless you include in international law all conventions, acts and documents of title which have to define those boundaries.

Mr. McCarthy.—I mean this, and your Lordship will say whether I am to go on or not, but what I understand is this, that from time to time nations have agreed upon certain well-known rules for settling matters of this kind, and that this question as to the watershed and as to the territory which one nation that discovers becomes entitled to has in that way by conventions, by arguments adduced at those conventions, by settlements made upon references, been so firmly established, that it may now be accepted as a well-known rule of international law. Now, that well-known rule of international law, so far as this continent is concerned, of course, in early times—within the last century I may say—was of very great importance. There was an enormous continent, the discoveries had all been made from the ocean; each discoverer and each occupier were claiming certain quantities of land by reason of that discovery, and that gave rise to disputes and difficulties which ultimately have been settled, and settled upon a fair and reasonable basis, and these rules are now incorporated, if they were not incorporated before, and I think that the earlier authorities show that they were—as rules of international law. Now, I have already stated what I understand to be that rule, and what I understand also to have been the dispute with regard to that rule. One claim put forward by the Americans which ultimately they had to withdraw, as the argument was against them, was this, that the mere discovery of the mouth of the river gave to the discoverer the whole of that river (I mean followed by occupation, because I am assuming occupation in all cases), and the land that was drained by it. Then the British

authorities stated that that was stating the claim too widely, and that the true rule was this, that not merely the discovery of the river, but the discovery and settlement of the coast line gave to the discoverer and settlers of that coast line all the country that drained into it, and upon that basis the French seem to have proceeded from the earliest times. The English at first took a wider view. They claimed that the mere discovery of the coast line gave them all that they chose to claim back even to the very ocean. The French took a more correct view by saying that it gave them a right to all the land that it watered down to the sea, where the discovery was made; and so I have read once or twice references to the commissions of the French King and his officials and Governors, in which it is referred to as to the land drained by such a stream. Now, I will read from Sir Travers Twiss' work, the second edition, page 196.

Lord Aberdare.—Did the French claim all the land which was watered by the tributaries of the Mississippi from the east to the west?

Mr. McCarthy.—Yes, in fact they did—I mean the discoverer Lessalle proclaimed that on his discovery.

Sir Robert Collier.—According to that view, if a few miles of the coast on either side of the mouth of a river were discovered and settled, you might claim any extent of country you like to suppose.

Lord Aberdare.—That is to say, that the discoverer of the mouth of the Mississippi or the land on either side of the Mississippi could claim not only the lands on the line of the Mississippi, but all the lands watered by the enormous tributaries of the Mississippi on either side?

Mr. McCarthy.—That is what the French claimed and what Lessalle claimed when he erected the post and put the French arms upon it. Then that was ceded to Spain, and then Spain gave that to the States, and then the question arose, and it was with regard to that that this passage which I am going to refer to was dealt with. This is Sir Travers Twiss' book, and I am reading at present at page 196.

Sir Barnes Peacock.—But what treatise is it—on international law, I suppose?

Mr. McCarthy.—Yes.

Sir Robert Collier.—You may read it *valet quantum*.

Mr. McCarthy.—“The exclusive right of a nation to territory which it has acquired by occupation, has been universally recognized by the nations of Europe, and in respect of such right certain rules have become established by usage, whereby the condition of law constituting occupation may be placed beyond doubt. The natural right of an individual to appropriate.” Then he goes on to give the reasons for that which I need not trouble your Lordships with reading. Then section 119: “A nation is under an obligation towards other nations analogous to that under which an individual stands towards other individuals with regard to the discovery of a thing, if it seeks to found an exclusive title to its possession upon the right of discovery. It must manifest in some way or other to other nations its intention to appropriate the territory to its own purposes. The comity of nations then sanctions a presumption, that the execution of the intention will follow within a reasonable time the announcement of it. But natural reason requires that the discovery should be notified to other nations, otherwise if actual possession has not ensued, the obvious inference would be that the discovery was a transient act, and that the territory was never taken possession of *animo et facto*.” Then he says that the meaning of notification is either by notifying it formally or taking possession. Then we come to section 120, which I do not think I need read to your Lordships. Then section 122: “When discovery has been followed by the settlement of a nation, other nations, in accordance with the law of nature, recognize a perfect title in the occupant. Where discovery has not been immediately followed by settlement, but the fact of discovery has been notified, other nations by courtesy pay respect to the notification, and the usage of nations has been to presume that settlement will take place within a reasonable time; but unless discovery has been followed within a reasonable time by some sort of settlement, the presumption arising out of notifica-

tion is rebutted by *non user*, and lapse of time gives rise to the opposite presumption of abandonment."

That point does not become important here, because there was the occupation. Now here is section 123. as to the extent of right which the discovery gives:—"The two rules generally, perhaps universally, recognized and consecrated by the Usage of Nations, have followed from the nature of the subject." This is quoting now from Mr. Gallatin, on the other side, the Plenipotentiary of the United States, who thus states his view:—"By virtue of the first, prior discovery gave a right to occupy, provided that occupancy took place within a reasonable time, and was ultimately followed by permanent settlement and by the cultivation of the soil. In conformity with the second, the right derived from prior discovery and settlement was not confined to the spot discovered or first settled. The extent of territory which would attach to such first discovery or settlement, might not, in every case, be precisely determined. But that the first discovery and subsequent settlement, within a reasonable time, of the mouth of a river, particularly if none of its branches had been explored prior to such discovery, gave the right of occupancy and ultimately of sovereignty to the whole country drained by such river and its several branches, has been generally admitted, and in a question between the United States and Great Britain, her acts have, with propriety, been appealed to, as showing that the principles on which they rely, accord with their own." Now comes Sir Travers Twiss' view upon that:—"The question as to the extent of territory over which the discovery of a part gives rise to the right of occupancy, may receive a solution by reference to the principles of law, which decide to what extent natural possession must go, in order to give a title to more than is actually inhabited. It is not necessary, in order to constitute the occupant of a thing the legal proprietor of it, that he should have natural possession of the whole of it; if he has possession of a part, which cannot be separated from the whole, he is in possession of the whole." Then section 125 is:—"The principles applicable to such questions, were discussed by the Commissioners of the United States of America in the negotiations with the Commissioners of Spain, on the subject of the western boundary of Louisiana," which is just the point which your Lordship was putting to me a moment ago:—"The principles' they observe, which are applicable to the cases, are such as are dictated by reason, and have been adopted in practice by European nations, in the discoveries and acquisitions which they have respectively made in the New World. They are few, simple, intelligible, and, at the same time, founded in strict justice. The first of these is that, when any European nation takes possession of any extent of sea-coast, that possession is understood as extending into the interior country, to the sources of the rivers emptying within that coast, to all their branches and the country they cover, and so give it a right in exclusion of all other nations to the same. It is evident that some rule or principle must govern the rights of European powers in regard to each other, in all such cases, and it is certain that none can be adopted, in those cases to which it applies, more reasonable or more just than the present one. Many weighty considerations show the propriety of it. Nature seems to have destined a larger range of territory so described for the same society; to have connected its several parts together by a common interest, and to have detached them from others. If this principle is departed from, it must be by attaching to such discovery and possession, a more enlarged or contracted scope of acquisition, but a slight attention to the subject will demonstrate the absurdity of either. The latter would be to restrict the rights of an European power, who discovered and took possession of a new country, to the spot on which its troops or settlements rested—a doctrine which has been totally disclaimed by all the powers who made discoveries and acquired possession in America. The other extreme would be equally improper, that is, that the nation who made such discovery should in all cases be entitled to the whole territory so discovered." Then he speaks of an island, and says that if an island be discovered, it all goes. At section 126, he says: "The position of law maintained on behalf of the United States by Mr. Gallatin, in 1827, above alluded to, had been previously advanced by Mr. Rush, in 1824, when resident as Minister Plenipotentiary of the

United States, in London. 'I asserted,' he writes to the American Secretary of State, Hon. J. Quincy Adams, 'that a nation, discovering a country by entering the mouth of its principal river at the sea coast, must necessarily be allowed to claim and hold as great an extent of the interior country as was described by the course of such principal river and its tributary streams.'" "The Plenipotentiaries of the United States, in support of their position, appealed to the language of ancient charters," and so on. Then, "It was replied, on behalf of the British Plenipotentiaries, that those charters had no valid force or effect against the subjects of other sovereigns, but could only bind and restrain *vigore suo* those who were under the jurisdiction of the grantor of the charters, and that, although they might confer on the grantees an exclusive title against the subjects of the same sovereign power, they could only affect the subjects of other sovereign powers so far as the latter might be bound by the common law of nations to respect acts of discovery and occupation effected by the members of other independent political communities."

Lord Aberdare.—That last position does not seem to have been contested by Rush.

Mr. McCarthy.—Yes, my Lord, he contended for a much wider position. He contended that the mere discovery of the land near a river gave the whole of the territory; the British said not.

Lord Aberdare.—Although a part of the land watered by the tributaries or the principal river had been already occupied?

Mr. McCarthy.—No, my Lord, I do not think that is contended. The discoveries were always from the sea in this country, and being from the sea, there could be hardly any foreign power or rival power at the head of the stream. At section 127, then he says: "The principle involved in the position of law advanced by the United States, on the above occasions, seems not to be reconcilable with other positions of law in which all nations agree. It is inconsistent, in the first place, with one of the positions of law upon which the United States themselves rested their claims against Spain respecting the boundary of Louisiana, in 1805, namely, that the discovery and occupation of an extent of sea coast by a nation are understood to convey to that nation a right of possession over the interior country as far as the watershed line, which position of law Messrs. Munro and Pinckney, the Commissioners of the United States, then alleged to have been completely established by the controversy between France and Spain on the one hand, and Great Britain on the other, which produced the war of 1755 between those nations. It is obvious that a claim to all the lands watered by a river and its tributaries, founded on the discovery and occupation of the mouth of the river, must conflict with a claim to all the inland territory as far as the line of watershed founded on the discovery and occupation of an extent of sea coast about which latter position of law there is no dispute amongst nations." Now, there are many authorities (it is not merely Sir Travers Twiss) to the same effect, and all of them are quite consistent with what I have read. My learned friend will refer to them more in detail, but what is the reason of it? One reason is given in the book which I have just read. Another reason is that if you allow a rival nation to come to the head waters of the stream you would have no opportunity of defending yourselves against them. They would come down with ease and swiftness and without any opportunity being afforded of preparing for defence, and therefore it has been essential in the settlement of these new countries that some such reasonable rule should be adopted. I refer also to Sir Robert Phillimore's work, the second edition, volume 1, pages 277 and 279, where he lays it down in the same very clear and unmistakable terms to which I have just referred.

Those are the propositions of law for which we contend; and now to apply them. I have done with the facts now, and will say just a few words as to the application of the points which I have endeavored, I am afraid at some length, but as far as I can consistently with my duty to lay before your Lordships. I say in the first place that the possession of the English and the Hudson Bay people of this territory are correlative, or rather interchangeable. That would be the better expression—that

the English had no claim to the Hudson Bay country except that which they gave to the Merchant Adventurers of Hudson Bay. I submit that by the words of the charter, as understood in international law and with reference to the dealings with the continent, that did give in terms to the Hudson Bay Adventurers, so long as it was not at that time occupied by any foreign or Christian power, all the watershed of the Hudson Bay. I say that is the real meaning of the charter as explained by international law, and adopted, of course, in municipal law. The Peace of Ryswick: there was a claim set up by the French to very nearly all the Hudson Bay—practically to all the Hudson Bay which, on the other hand, was denied by the English, as your Lordships will remember, who stated that the effect of the treaty would be merely to cause the English to deliver to the French the actual posts mentioned in the treaty and not the territory itself; that whatever may have been the effect of that treaty, everything connected with that was swept away by the Treaty of Utrecht; that by the Treaty of Utrecht the country to which the Hudson Bay people were entitled was restored; that a line was fixed, or rather a rule of line was fixed which was, in point of fact, the watershed, that that can be as well defined to-day in a dispute arising, as this dispute does arise as to the limits of the Hudson Bay, as it could have been by the commissaries; that the commissaries were only a method pointed out by the treaty of fixing that limit, but that the rule being laid down and established in the treaty that all the Hudson Bay and straits “and the rivers and the lands belonging thereunto be restored to Great Britain,” we are just as competent in this country as the commissioners were within a year after the treaty to have defined and marked down that limit, and that line would be the watershed, or if it be not the watershed after what has taken place, it would be the 49th line. That 49th line was accepted by the British as the proper line which they were prepared to contend for, which they did contend for, and which is binding in honor upon the Crown. I cannot assume to the Crown dishonor—after its obtaining the property again from the French. The Crown was in this position: We contend on behalf of Hudson Bay that the true line was the 49th parallel. The Crown then get the territory and dishonor cannot be imputed to the Crown—and it would be imputing dishonor to the Crown to say that the Crown could turn round and say to the Hudson Bay Company: “True, last year we said that was your territory—we have got it now, but you have got to prove that it is your territory.” If that be so, and I have already stated to your Lordships that there is no pretence of any occupation by the French at that date and no settlement, then we come down to see whether anything happened since by which the limits of the land or territory granted has been curtailed. I submit there has not been. I submit that between the French and English, and owing to the troubles which took place at that time, these limits would have been curtailed, but, nevertheless, upon the restoration of the country to England, under the well-known rule of *post limine*, as it is called, all the private property would have reverted to the Hudson Bay Company. The English Crown, against its own charter, according to well-recognised rules of law, having obtained back—assuming now, for the sake of argument, that it had lost a portion of the Hudson Bay Territory by the wars which happened between 1676 and 1717, and having obtained it back again in 1767, the effect of that would be as a matter of law. I submit that that would revert back to the original donees of the grant, the Hudson Bay Company. That is as I understand the clear, well-defined principle of law which goes under the name of *post limine*, in other words, that the private property of the subject of a State who reconquers territory which formerly belonged to the private individual, does not enure to the benefit of the public, but it enures to the benefit of the private owner. So that I submit broadly that it is of no consequence whether the French did or did not encroach upon this territory. The effect upon the retrocession or the cession of this property to Great Britain would be equally the same, but, as a matter of fact, I submit that while it is true that in 1700 and after, I do not mean to say the Crown is estopped, but I do mean to say it would be imputing dishonor to the Crown to suggest any other course had been taken. The Crown never objected to the Hudson Bay Company. On the contrary, the Hudson Bay

Company remained in occupation and went down as far as Red Lake. From time to time it occupied the whole country. In 1821 we find Lord Bathurst suggests this compromise between the two companies. We find then a license was granted, and that that license was again renewed, recognizing it with a perfect knowledge of all that took place, and we say the Crown has not only recognized it, but it has refused, when appealed to by Canada, to test the validity of the Hudson Bay charter. Both Mr. Labouche, in the letter I have read to your Lordship, and the Duke of Buckingham afterwards, state that "it would not be within the principles recognized in Great Britain for us to object in any sense, but if you choose to do so, you can." Afterwards it became necessary that this colony should be taken in. I repeated my argument so recently with regard to Rupert's Land that I need not trouble your Lordships by repeating it again. For these reasons, I submit, subject to what my learned friend has to say with regard to the due north line, that either the due north line or the confluence of the river is the proper western boundary. If not that, the proper boundary is the height of land, or if your Lordship chooses, the line which would be bounded by the 49th line. Practically, the 49th line and the height of land are the same. I suppose the Province of Ontario would much rather have the height of land than the 49th line.

I have one more word to add with regard to the award. Your Lordships have all the facts before you, and I submit with some confidence that there is not one tittle of evidence in support of the line of the award. I think it is proper that I should state this, and I will tell your Lordship the purport of it before I state it, as I do not want to do anything which your Lordships might not think proper. Before the award was signed, the arbitrators announced their decision, that is, their two points, and it was by arrangement, which I have, I think, a perfect right to state, subject to what your Lordships think, that this particular line was then agreed to. Your Lordships will allow me to state it. Mr. Mowat is present, who heard it. My learned friend, Mr. Macmahon, is present, who heard it on behalf of the Dominion, and it was stated by Sir Francis Hincks to be the fact. If I may state it, I will tell your Lordship how that was.

The Lord Chancellor.—Is there not some document in which Sir Francis Hincks says it?

Mr. McCarthy.—Yes.

Lord Aberdare.—I thought he said each of the three arbitrators arrived at the same decision independently of each other.

Mr. McCarthy.—He does. The point I am going to refer to is not on that exactly.

The Lord Chancellor.—Where is the document?

Sir Robert Collier.—It is at page 109.

Mr. McCarthy.—That is where it commences, but that is not where the passage is. Your Lordship will find the passage I refer to at page 124, line 30. The sole ground for the charge that they adopted a conventional or convenient boundary is that the line connecting the north-eastern and south-western boundaries was adopted for the sake of convenience. The arbitrators were guided in their decisions solely by Acts of Parliament, proclamations authorized by Orders in Council on the authority of Acts of Parliament and international treaties. They found in the proclamation of 1791; then he goes on to give his argument. If the critics of the award believe such language susceptible of the construction that it lays down a precise spot on the north-west as a boundary, then their charge might have some foundation, but the fact is that the language would have justified the arbitrators in extending the boundaries of Ontario very considerably. They were strongly urged by Colonel Dennis. Here is the passage: "One of the permanent staff of the Department of the Interior, after their decision as to the south-westerly and north-easterly boundaries became known, to connect the two points by a natural boundary, and being aware of the fact that the Albany River had been formerly suggested by the Hudson Bay Company, as a satisfactory southern boundary, they accepted it." That, I believe, is perfectly correct. It was done by consent.

Mr. Mowat.—Will you read the next paragraph?

Mr. McCarthy.—I will.

Lord Aberdare.—That they took that rather than what may be called a geographical line.

Mr. McCarthy.—Yes. The effect of the award is this, as your Lordships will see. They take the north-west angle of the Lake of the Woods. If the Hudson Bay Company had any territory at all, their duty was to go to that territory. If they had no territory their duty was to carry that line up to the Hudson Bay itself. They, in point of fact, ignored all possible claims of the Hudson Bay Company. Their award is only based upon the theory that the Hudson Bay Company did not own a foot of land.

The Lord Chancellor.—How does that appear from this letter of Sir Francis Hincks?

Mr. McCarthy.—They assumed the north-west angle. That was Hudson Bay.

The Lord Chancellor.—Do they, or do they not say so?

Mr. McCarthy.—They do not say it in words.

The Lord Chancellor.—It is your theory?

Mr. McCarthy.—Yes, they assumed the north-west angle which is on the bay itself. I am only stating the fact. What I am saying is that they ignored any Hudson Bay property.

Sir Robert Collier.—That is not so.

Mr. McCarthy.—They say to that point at all events there is no Hudson Bay property. Then they go to Albany River and say there is no Hudson Bay property. I say the award is based upon the theory that the Hudson Bay Company had no territories between those two points; and, further, if there had not been a conventional line, where would they have gone to? The only way they could have drawn their line would have been northwards. Supposing Colonel Dennis had not made that suggestion, and the parties had not acquiesced in that suggestion, where would the arbitrators have gone to? Following the Quebec Act, it was to go north to the territory granted to the adventurers and merchants of Hudson Bay. So that the effect of that would have been to carry it up to Churchill. That would have been the theory if there had not been that consent given.

The Lord Chancellor.—I do not see that at all.

Sir Montague Smith.—Was that by consent?

Mr. McCarthy.—Yes.

Sir Montague Smith.—Between whom?

Mr. McCarthy.—Counsel for the Dominion on one side.

Sir Montague Smith.—Why do the Dominion dispute it then?

Mr. McCarthy.—They have to contend on behalf of the Parliament that the whole thing was *ultra vires*. What I say is that there is not a single thing so far as I can understand (I am speaking now of the west, my learned friend will address your Lordships on the other part) in favor of the award upon the west, and the theory of the arbitrators would have carried them up to Churchill, or at all events to Albany River, ignoring the whole of the Hudson Bay territory completely between the height of land, whether it be 100 leagues or twenty leagues.

The Lord Chancellor.—You argue that to the south of the Hudson River the Hudson Bay territory does not extend?

Mr. McCarthy.—What I mean is this. If it had been for the conventional arrangement made?

Sir Robert Collier.—There was no conventional arrangement made.

Mr. McCarthy.—I am stating it in the presence of Mr. Mowat.

Mr. Mowat.—I know nothing more than is here.

Sir Robert Collier.—Mr. Mowat denies that there was any such conventional arrangement.

The Lord Chancellor.—They fix the south-westerly and north-easterly boundaries, and having fixed the south-westerly and north-easterly boundaries, they were saved some trouble by a suggestion from the Dominion that a natural boundary

would be desirable, and they take the Albany River—not entirely on that ground, but because also they were aware of the fact that it had been formerly suggested. You may very fairly say upon that that the only reasons stated for their taking the Albany River are those two.

Mr. McCarthy.—Yes, my Lord, I will state that.

Sir Montague Smith.—This is an informal lecture, and not at all official.

Mr. McCarthy.—It is put in for what it is worth by both of us.

Mr. Mowat.—You put it in.

Sir Montague Smith.—But it is not official.

Lord Aberdare.—As I understand it is an explanation?

Mr. McCarthy.—Yes, it is an explanation.

Sir Montague Smith.—What is it exactly? It is called a lecture.

Mr. McCarthy.—Yes, Sir Francis Hincks gives a lecture to explain his award.

Mr. Mowat.—A popular lecture.

Sir Montague Smith.—A written paper?

Mr. McCarthy.—I was not present. He gave it as a lecture. I suppose it was a written lecture.

Sir Montague Smith.—It was not official?

Mr. McCarthy.—No.

Sir Montague Smith.—You say it was an apology for his award?

Mr. McCarthy.—An explanation.

Sir Robert Collier.—The award had been attacked anonymously in the newspapers, and by those against whom the award was, and he defends himself.

Mr. McCarthy.—That is it. I was stating what was the effect, and I say it is a fair argument for me to use, that if you take the north-west angle of the Lake of the Woods as the point of departure, and follow the Quebec Act, you go north of the Hudson Bay Company's land. Following that line where can you get north of the Hudson Bay land? I submit with great confidence that this award is based upon the theory that the Hudson Bay Company had no lands. That is the effect of it.

Lord Aberdare.—Would not it be that there was sufficient evidence for them of occupation and partial settlement by Canada of the country up to the Lake of the Woods?

Mr. McCarthy.—I am afraid I shall be repeating myself again and again.

Lord Aberdare.—You say not.

Mr. McCarthy.—Yes, I say there was not a syllable of evidence to warrant it more than there is now.

The Lord Chancellor.—Not more than there is now? Certainly.

Mr. McCarthy.—Your Lordship will see the only pretence for it was the settlement at Albany River, and Fort St. Germain, I have dealt with. The other forts were south of the point. I say there is nothing to justify it, and I submit that the award itself having been objected to by the Canadian people in Parliament assembled ought not to be taken as of any weight or as evidence against us in the ascertainment of the true line. The Canadian Government, contrary to the will of the Canadian people, managed this matter in a manner they did not approve of. I submit it is not to be treated as of the effect of a judgment *prima facie* right. It is of no validity on this question. It has no effect or weight in itself. For these reasons I submit the contentions I have made before your Lordships.

The Lord Chancellor.—I should like to ask you if it is not inconvenient to you whether supposing we did arrive at the two south-westerly and north-easterly boundaries—the north-easterly at Hudson Bay and the south-westerly at the Lake of the Woods—you have anything to suggest as to the way the line should be drawn instead of following the course of the Albany River?

Mr. McCarthy.—No, my Lord, I am not authorized to make any suggestion.

The Lord Chancellor.—I mean you have nothing to suggest as to what the true line should be if those two data are arrived at?

Mr. McCarthy.—No, my Lord.

Mr. Christopher Robinson.—I represent the Dominion here. The position taken by the Dominion is substantially the same as that taken by the Province of Ontario, and as far therefore as the facts are concerned, so far as all these geographical questions are concerned, which my learned friend has discussed in detail, I do not propose to add anything to his argument. We have, of course, discussed the matter very much together, and what he has said embodies, I think, all we could find which we desire to represent to your Lordships upon these different questions. There is only one of them therefore, and that a very short one, upon which it will be necessary I think to make any allusion to details. In the view of the Dominion Government, as I understand it, a good deal of what has been said here, and a good deal of what has entered into the argument, would be irrelevant, whether their view were right or wrong. Now, your Lordship will find at page 142 that when this question was first raised, as between the Dominion and the Province of Ontario, the Dominion adopted the view that the boundaries of Ontario were the due north line and the height of land.

The Lord Chancellor.—The wish which has been expressed to see, if possible, maps earlier than the dispute, showing the division of Upper and Lower Canada, will be remembered.

Mr. Robinson.—Oh, yes.

Lord Aberdare.—I have despatched a letter to the Geographical Society, asking them to send down any maps which they may have.

Mr. Robinson.—I am very certain that many of these maps may be found, but whether they may be had here I am not sure, of course. Your Lordship will find at the very outset, as soon as the question was raised as between the Dominion and the Province of Ontario, and when the question of settling it by commissioners was first raised the Dominion asserted as the boundaries of Ontario what may be shortly described as the due north line and the height of land. Now, the determination of this question must depend, after all, altogether upon the construction of the Quebec Act.

The Lord Chancellor.—Yes.

Mr. Robinson.—Because, by the Quebec Act, as it was in 1774 so it is now. That Act has never been repealed and has never been changed. We have nothing, therefore, to do but to endeavor, in the light of such facts as are admissible in evidence and as are now known to your Lordship, to place a construction upon that Act. Now it is also the fact that really the only thing which it is necessary to do is to settle the construction of the two courses given on that map, that is to say, what is the meaning of the words, "And northward to the southern boundary of the Hudson Bay Territory." The boundaries go along the Ohio after getting to the Ohio. I need not at this moment read to your Lordship the different courses by which you get to the Ohio, but the boundaries go to the Ohio. They then go westward along the Ohio to the division of that river with the Mississippi, and southward to the southern boundary of the territory granted to the Hudson Bay Company. Now, the first question is, what is the meaning of that term "northward?" The Dominion Government have asserted, and have always maintained the view, that "northward" there means due north. In the first place, your Lordships will remember that that point had been decided in 1819, in the De Reinhardt case. That case, whether the decision of it was right or wrong, has never been judicially questioned, still less overruled. I do not think your Lordship will find that the Monck case, to which my learned friend, Mr. Scoble, referred, does in any way affect that case, because it related to the Territory of Athabasca, which really has nothing to do with what we are now discussing. We find, therefore, by the decision of the court in a case of the utmost importance, in which life and death was concerned, that point had been settled, and it was not for the Dominion Government to concede that the decision was wrong.

Lord Aberdare.—Was it settled by a court competent to settle it?

Mr. Robinson.—It was settled by a court which had a right, just as every court has an incidental right to try such questions.

The Lord Chancellor.—It was settled by acquitting the accused.

Mr. Robinson.—No, it was settled by convicting him.

Sir Barnes Peacock.—The petition had not got to the Crown within three years, and then they say, considering all the time he has been kept in prison and remembering all the circumstances of the case, we release him.

The Lord Chancellor.—Was it an Upper Canada or Lower Canada court?

Mr. Robinson.—A Lower Canada court.

The Lord Chancellor.—What is the date?

Mr. Robinson.—1818. He was tried under the statute—

Sir Barnes Peacock.—Under the Act 43 George III, chapter 138; I cannot very well understand it. The commissioners were to try whether the offence was committed out of the boundaries of Upper or Lower Canada or in the territories of either.

Lord Aberdare.—Therefore it was they convicted, I suppose. Is that at what is called the Dalles?

Mr. Robinson.—Yes.

Sir Barnes Peacock.—I think the Chief Justice treated the boundary of Lower Canada as the boundary of Upper Canada. You will see what he says. He says: "A line drawn due north from the head of Lake Temiscamingue till it strikes the boundary line of Hudson Bay," is the boundary of Upper Canada.

Lord Aberdare.—The eastern boundary of Upper Canada.

The Lord Chancellor.—Where is the judgment?

Sir Barnes Peacock.—At page 679 the Chief Justice says this. I think he makes a mistake. He was trying whether it was committed either in Upper Canada or Lower Canada. This was under a commission issued by Quebec. That was Lower Canada.

Mr. Robinson.—If I understand and recollect the facts of that case rightly the jurisdiction of that court to try only arose provided the crime was committed out of the Province.

Sir Robert Collier.—Yes, in Indian territory. The Chief Justice says he is accused of committing a crime in Indian territory, therefore if he committed it in Canadian territory, I suppose he could not have been tried by that indictment.

Mr. Robinson.—That was it, my Lord. The first words of the Act show quite plainly what its purpose is (page 406): "Whereas crimes and offences have been committed in the Indian territories and other parts of America not within the limits of the Provinces of Lower or Upper Canada or either of them." It was to try such cases that jurisdiction was given by this statute to this court in Lower Canada. It was, therefore, a condition precedent to the jurisdiction that they should say the place where this murder was committed was outside the limits of Upper Canada.

Sir Montague Smith.—And I suppose there was an objection to the jurisdiction?

Mr. Robinson.—Yes, there was an objection to the jurisdiction, which they then discussed at length.

The Lord Chancellor.—The Chief Justice says at line 19: "A line drawn due north from the head of Lake Temiscamingue till it strikes the boundary line." That is the eastern boundary?

Mr. Robinson.—Yes, that is the eastern boundary.

Sir Barnes Peacock. That is the boundary of Upper Canada.

Mr. Robinson.—That is a mistake; that should be eastern. I noted that in my book as a mistake. It is printed western. That has confused your Lordship, I have no doubt. It is clearly wrong.

Sir Barnes Peacock.—What he wanted to show was that this offence was committed out of the jurisdiction of either Upper Canada or Lower Canada?

Mr. Robinson.—Exactly.

Sir Barnes Peacock.—He did not show that by laying down the eastern boundary—he ought to have gone to the western boundary to show it was committed out of the jurisdiction of Upper Canada. The Act says: "To try offences not committed within the limits of either of the said Provinces."

The Lord Chancellor.—It is quite clear from that and the next page that the learned judge did decide that the line drawn due north from the confluence was the western boundary.

Mr. Robinson.—Yes.

The Lord Chancellor.—And that he went upon that ground. Suppose we do not view it in that way?

Mr. Robinson.—Then the decision will be the other way.

The Lord Chancellor.—Of course we shall give due weight to such opinion, but it is manifest that it does not rest upon any materials different from those which we have to deal with.

Mr. Robinson.—In no way.

The Lord Chancellor.—And that it cannot be a conclusive authority.

Mr. Robinson.—In no way. I am not here for a moment to contend for that position before your Lordships. That is not the view with which I pointed out to your Lordships, or referred your Lordships to it for a moment. I am only pointing out the position of the Dominion and the grounds they had before them for the view they asserted. Those grounds will be decided by your Lordships, of course on your own opinion to be either right or wrong. I am only pointing out that when the Dominion first came to consider this question and saw that the question of the western boundary of Ontario and the southern boundary depended entirely upon the construction of the Quebec Act—of course it was a most essential element in their consideration that that statute had been construed by a Lower Canada court on a trial for murder in 1818, and that that decision had never been judicially questioned.

The Lord Chancellor.—Where are the commissions to Sir Guy Carleton to form the court at that time. I don't see any reference to them?

Mr. Robinson.—I do not see that there were any.

Sir Montague Smith.—The judge seems to have taken a decided view that northward must mean due north?

Mr. Robinson.—Under the circumstances.

Sir Montague Smith.—The judge thought it was so plain a construction that he need not go any further on the language of the Act itself. He said northward means due north, and he has a discussion with a surveyor who takes a different view.

Mr. Robinson.—Yes.

Sir Montague Smith.—But of course the judge had to construe the Act, and that was his construction?

Mr. Robinson.—Yes, that was the construction.

Sir Montague Smith.—He does not give any reason for it other than that the words mean it?

Mr. Robinson.—I cannot pretend to say any reasons were given beyond what we have in the report.

Sir Montague Smith.—It must plainly mean that.

Mr. Robinson.—Yes, at all events that was his opinion expressed in his judgment.

Sir Montague Smith.—That was the whole of it. Of course you have his authority in your favor.

Mr. Robinson.—Yes. I can say nothing more. I cannot push a thing beyond its legitimate strength, but your Lordship, of course, will remember that reporting in those days was a very different thing from what reporting now is, and although I cannot pretend to say there was no more when more does not appear, I think it very likely.

Sir Montague Smith.—This is very fully set out. It seems to be the fixed view from the beginning that "northward meant due north?"

Mr. Robinson.—There is no doubt about that.

Sir Montague Smith.—And that he had no discretion.

Mr. Robinson.—He thought that was the proper construction to put upon the Act—not because, as a general rule, northward always means due north, but because northward, as found there, taken together with the context, should be construed to mean due north.

The Lord Chancellor.—Whether or not the words ought to be construed in any other way than the way in which the learned judge construed them, I cannot undertake to say, but surely you would not deny that the words are such as to admit of extrinsic facts?

Mr. Robinson.—No, I should certainly not.

Lord Aberdare.—And that one of those extrinsic facts was the Act of 1774, which was to provide a proper method of judicial decision.

Mr. Robinson.—Unquestionably.

Lord Aberdare.—For this purpose it was just as necessary to go up to the Mississippi.

Mr. Robinson.—That is a question of fact upon which I propose to say a few words to your Lordship.

Lord Aberdare.—You are prepared to show the limit between that line and the Mississippi itself was provided for otherwise.

Mr. Robinson.—No, I am prepared to show the majority of the important settlements were taken in by the due north line. I cannot go further than that.

Lord Aberdare.—Even down from the junction of the Ohio for a considerable way northward?

Mr. Robinson.—Yes.

The Lord Chancellor.—If you take a due north line it will leave out a more inconsiderable part of Lake Superior.

Mr. Robinson.—Yes. Then will your Lordship permit me to come to the settlements of the Illinois that are spoken of. I will come to that afterwards, but I suppose my duty now is to endeavor to show that position was correct. It seems to me that perhaps the fairer way to construe an Act of that sort is first to take the enacting part, to see that the enacting part taken by itself will fairly mean, and then to see whether there is anything in the preamble, taken in connection with the surrounding circumstances, which are properly admissible in evidence to effect that construction.

Now, if we take the words of the enacting part first at page 366 of the 1st Appendix, they go first "to the junction of the two rivers," then northward to the southern boundary of the territory granted to the Hudson Bay Company.

The Lord Chancellor.—It is not quite to the junction of the two rivers.

Mr. Robinson.—If I am wrong in that I said it for the sake of shortness, but it is, at all events, westward to the banks of the Mississippi.

Sir Robert Collier.—And northward to the southern boundary.

The Lord Chancellor.—It is not quite immaterial to notice that in several places before they speak of following the said bank.

Mr. Robinson.—No, my Lord, that is important.

Lord Aberdare.—And that whereas when they are speaking of the other rivers you have the word "bank," when you come to the Mississippi, although we do not claim the further bank of the Mississippi, you have the word "banks."

The Lord Chancellor.—I see it says that the line is to go to a point in 45 degrees of northern latitude on the eastern bank of the River Connecticut, keeping the same latitude directly west.

Mr. Robinson.—Yes, it is so. I have not overlooked any of those things in any consideration of this statute, and I only desire to point out to your Lordship my argument upon it, whatever weight may attach to it.

Lord Aberdare.—As long as we deal with this ground of the due north line the question of the height of land is of very little consequence.

Mr. Robinson.—No. If we get the due north line we shall get it to the southern boundary of the territory, and then we shall have to consider where that comes to.

Sir M. Smith.—Your construction ignores the height of land as a boundary.

Mr. Robinson.—No; because we must follow the due north line until we get to the height of land. The due north line is marked on the map and the effect of it is very plain to be seen there. At all events this course goes along the bank of the Ohio westward to the banks of the Mississippi and northward to the southern boundary of the territory granted to the Merchant Adventurers of the Hudson Bay

Company. I cannot say myself what particular effect ought to be attributed to the use of the terms "banks" instead of "bank," nor can I say whether it was intended to have any effect or not. We do not claim both banks, as your Lordships know, and it is quite within the bounds of possibility that it is a misprint. But I am not prepared to say that it is so in anyway because I do not know. All I say is I cannot myself find any definite argument upon it either *pro* or *con*. If your Lordships were aware—as we are unfortunately—how many volumes have been published upon this subject and how very small a part of the literature and discussions upon this subject is the enormous mass of evidence we have placed before you, you would see that it is more difficult than in an ordinary case to endeavor to extract what is relevant. Our own impression, representing the Dominion, is that a vast mass of what is here is wholly irrelevant to the settlement of the question. But it is neither our wish, nor is it in our power, to exclude anything which on the part of Ontario was thought to be relevant or right to be brought before your Lordships, and what has been brought before you together with the effect of it, has been discussed as fully and as strongly by my learned friends as it would be possible for me to put it before you as far as relates to the details of these matters, and therefore I am not going to repeat one syllable of that.

But now I will ask your Lordships first to consider what would that course taken by itself mean without any assistance. It goes to a certain point without saying what that point is, and that is northward to the Hudson Bay territory.

Supposing a surveyor were directed, the day after the Act was passed, to take that Act in his hands and draw that line. Is there any doubt what that surveyor would do? I do not contend that northward always must mean due north. I do not contend that of itself it is identical with due north in meaning in anyway. It may mean somewhat to the north-east, somewhat to the north-west; but I do not think there can be any reasonable doubt as to what a surveyor would have done, if the day after the Act was passed, it had been placed in his hands and he had been told to draw the line that that Act contemplates. He would simply have placed himself at the junction of those rivers, on whichever bank it might be and he would have said: "Where is Hudson Bay territory?" Well, unquestionably, it is somewhere to the north, and he would have drawn, I suppose, the shortest straight line to that territory. That I suppose is hardly capable of dispute.

The Lord Chancellor.—I am not so sure of that. I can quite imagine two surveyors taking two different views upon such a subject as that.

Lord Aberdare.—And I can quite understand a person not being a surveyor looking at the whole of the facts together.

Mr. Robinson.—Quite so.

Sir Montague Smith.—Mr. Saxe took a different view and took it strongly.

Mr. Robinson.—Not of the single proposition I have stated, and I am not stating that proposition as involving the whole case. I say if that stood alone and without any extraneous considerations, there is no question of what a surveyor would do. I think it would be almost as simple as if your Lordship told me to draw a line from the point where I stand northward to the book case. I should unquestionably draw the shortest line which would go from this spot to that book case. That, I say then, would be the first meaning of the Act.

The next question is, is there anything in the Statute and in the circumstances which have been brought to your Lordships' attention to show that construction ought not to be adopted. My Lords, there is no want of American authority, at all events, for the proposition, which is the only proposition of law for which I contend—that northward taken by itself means the north, if there is nothing to alter or change that direction. I find that in the case of Jackson, on the demise of Clarke v. Reeves (3 Kane's Reports, page 293), a case decided in 1805 in the court of which the late Chancellor Kent was then Chief Justice, a man whose name stands in that country as a very high authority—

The Lord Chancellor.—And here also.

Mr. Robinson.—He is called in some books I have seen the Blackstone of America. He was the Chief Justice of the court, and Thompson, Justice, in laying down the law there as to the effect of a patent granted in 1688, conveying an enormous quantity of land, called the Catskill Patent, said the courses are “northward, southward, eastward and westward,” and it is a settled rule of construction that when courses are thus given you must run due north, south, east and west.

Sir Montague Smith.—What are the precise words of the patent?

Mr. Robinson.—The general features of the case were these: There was a patent called the Catskill Patent, which conveyed five great plains by name, together with the woodland adjoining the same, extending for four English miles round the said plains—that is to say, four English miles from the said plains eastward, four English miles from the said plain northward, four from the said plain westward, and four from the said plain southward.

The Lord Chancellor.—Were the plains rectangular blocks?

Mr. Robinson.—I think not; but I was going to refer your Lordship to another set of cases which would clearly make out that northward would not be held to mean due north in every case. Without reading it all to your Lordships in detail, I will refer your Lordships to an authority where the same proposition is adopted—the case of *Brendt* on the demise of *Walter v. Hogden*, 1 *Johnston*, page 153, where the same Chief Justice presided over the court. There it is said that the course was “thence eight miles more northerly.” The word “northerly” there was construed as meaning due north. It was said with regard then to the course “thence eight miles more northerly, there being no object to control it, it must be a due north line,” and there are one or two other cases in which the same general doctrine is expressed.

There is a set of cases in Kentucky chiefly which, I think, furnish a very good illustration of a different rule. There was a custom in early days in that State apparently of making an entry of a claim—that is to say, entering your claim for the pre-emption of certain territory, and claims were entered for certain territory of so many miles along a creek, and then saying “northward for quantity.” There it was held that the term northward must yield to the rule which required such blocks to be rectangular. They said “the term ‘northward’ is there used simply to decide the side of the creek from the line runs; because if the creek is running east and west, and you claim four miles along the creek, you must show whether you go northward or southward for quantity, because it is necessary to show which side of the creek the land is lying upon; but they said that does not mean that you must go due north, because there is another rule which runs in conflict with that which says that the blocks are to be rectangular, that is to say, that the blocks are to run at right angles to the stream upon which they lie. I will refer your Lordship to those cases and to one or two more cases laying down the general rule for which I have contended—*Garwin v. Dean*, 115 *Massachusetts*, page 577; and *Howard v. The College of the Holy Cross*, 116 *Massachusetts*, page 117. That case says “southerly is not necessarily due south.” There there were definite boundaries, and it was not construed to mean due south. Other cases to which I would refer your Lordship are *Seaman v. Hogboom*, 21 *Barber*, page 398—*Craig v. Hawkins*, 1 *Bill*, page 54, and *Calk v. Sterling*, in the same volume at page 122. It is said, however, that looking at this description, taking it on a whole and taking it in connection with all the circumstances, “northward” here should be construed “along the bank or banks of the Mississippi.” Now, the first thing to be remarked upon there, as your Lordship pointed out, and as is made the basis of a great many of the opinions which have been expressed upon this, is this: When the Legislature wished to say that they went along the banks of a river, they said so. In the very preceding sentence they say that the line “shall be from thence along the said northern and western boundaries of the said Province until the said western boundary strike the Ohio, but in case the said bank of the said lake shall not be found to be so intersected, then following the said bank until it shall arrive at the point of the said bank which shall be nearest to the north-western angle of the said Province of Pennsylvania, and thence by a right line to the said north-western angle of the said Province, and thence along the western boundary of

the said Province until it strikes the River Ohio and along the bank of the said river westward." That is a familiar argument as applied to the construction of wills—that when you find an expression familiar to the person writing, and when you find that that expression, although appropriate if the contention is such as is contended for, is omitted afterwards, it is a reasonable argument at all events that it was not intended to use it. At all events, just in the same line they do use the words "along the bank of the said river (that is the Ohio) westward," and there they furnish a good illustration of what the word "westward" must mean, because nobody would contend that it means due west, whether the banks of the Ohio went due west. Then in several places they speak also of going along the banks of a lake, showing that when they desired to go along the bank either of a lake or of a river they said so. It is perfectly fair to point out also that in another place where due west was meant, it was so stated as follows: We have now to consider what are the circumstances under which this Act was passed. So far as one can judge, I should think it probable that Mitchell's map was the one which was then referred to. I say that, because it is a map published in 1775. It is a map which, from the certificate upon it, I should infer to be authorized by those who would probably be supposed to know best, and to show what they believed to be the geographical features of the country at that time. I am not aware of any other map between 1755 and 1774 which would have been at all likely to be used by way of substitution by Mitchell.

The Lord Chancellor.—Is it not too much to assume that there is any implied reference to any map at all? You cannot import that into this document for any purpose.

Mr. Robinson.—No, I do not think you can.

The Lord Chancellor.—That was the best map that they knew.

Mr. Robinson.—I say nothing more than this, that those who draw the Statute, (and we know that the Statute was the subject of a good deal of debate) consulted the best maps that they could, that were in existence at the time. I cannot say any more than that. It is almost impossible to suppose that this boundary of the Statute, involving the important consequences that it did, would have been drawn without reference to the best maps that could be found, and so far as one knows, Mitchell's map was the best. Now, if Mitchell's map is referred to, the first observation which strikes is, that the source of the Mississippi was then unknown. It is stated in Mitchell's map that it was unknown. It is stated in the same map that the source was supposed to be in about latitude 50, and I think longitude 106—although it was unknown—that was the best conjecture they could form. They point out where they supposed its source to be.

Now, one of two things is very certain. In the first place with regard to that description as applied to the then course of the Mississippi, it would be more correct to say north-west—the course of the Mississippi there would have been more accurately described by the term north-westward than by the term northward. The general course of the Mississippi by Mitchell's map went more north-west than northward.

Then it has been said in many discussions in this case that it would not go according to Mitchell's map; that it was supposed to be then Hudson Bay territory; but one argument we certainly are entitled to have. If we lose strength in one way, we certainly gain it in another. If my friends on the other side contend that the Legislature intended to go to the source of Mississippi, I suppose it would not be doubted that the only thing you would have to do when you got there, if the source did not go to the Hudson Bay territory, would be to go northward, and get to it as soon as you could. But it is impossible to contend that the Hudson Bay was limited in the way they had contended by a few posts along the shore, and then that the Legislature, when they drew this description intended that you should get to the source of the Mississippi 800 miles from the shore.

The Lord Chancellor.—The other side certainly mean that something more was granted to the territory of the Hudson Bay Company than merely the forts along the shores.

Mr. Robinson.—Yes, of course it goes a little further. The addition of 800 miles would, however, be a very serious addition. I think the source about 800 miles from the shore was the source as they understood it.

Then the next, and by far the most important point is: Does the preamble show that in order to fulfil the intention of the Act, it was necessary to go along the Mississippi? It is said to be so because, in the preamble of the Statute it is recited: That by the arrangements made by the Royal Proclamation a very large extent of country within which there were several colonies and settlements of the subjects of France, who claimed to remain therein under the faith of the said treaty, was left without any provision being made for the administration of Civil Government therein. And it is said, and I think it is said fairly, that the intention of this Statute was to put an end to that difficulty. I do not think that that can be fairly denied, but we have now to see what these settlements were. In the first place your Lordships will remember that by the proclamation of October, 1863, the Province of Quebec had been formed with a boundary very far to the eastward of that given by the Quebec Acts. That boundary, I think, speaking generally, comes down nearly to the meridian of P..... on Lake Ontario; I forget the exact limit, but it is marked on several maps, and your Lordships will see that between that limit and the due north limit most of the important settlements beyond all question which were left and inhabited by the French were to be found.

The Lord Chancellor.—There are a good many forts.
(His Lordship read out the names of several forts.)

Mr. Robinson.—I am not going into the smaller posts at length, but I am only desirous of pointing out to your Lordships, that within the line we contend for, or the east of that line, you will find again the most important of these settlements, that is Detroit.

Sir Montague Smith.—You say there are some settlements on the other side, but not so important?

Mr. Robinson.—A few, but not so important. What I say is, that they would have thought of those settlements only which they desired for their government, and I am going to show your Lordship that there were abundant settlements, including the line which we claim, to satisfy the objects of the Act. That is all I can do. It is impossible to say there were none beyond. If your Lordship will refer to Governor Pownall's account of French posts, for instance, at page 602, that was an official account stating the settlements there in 1756. I am stating the settlements in the country which would be east of the due north line, and between that and the line established by the proclamation, and established by the Treaty of 1763. He says: "There is a fine settlement at Detroit of near 200 families; a better still at St. Joseph, of about 200." Now, that no doubt is the St. Joseph at Lake Michigan. The only other St. Joseph that I know of is on the St. Clare River. Those are the two most important settlements there. He says he cannot speak particularly about the Illinois forts.

The Lord Chancellor.—Those are what we are not concerned with, I think.

Mr. Robinson.—What I proposed just to show your Lordship shortly, was, first, the posts and settlements which would be included in the due north line; and, next, those which would be excluded, so far as I know Governor Pownall's account, I have referred to. In the Ontario Appendix, at page 45, your Lordship will find what is the French account, which must have been written about 1757, I should say.

The Lord Chancellor.—I am afraid we must interrupt you here.

Adjourned to to-morrow at 10.30.

SIXTH DAY.

COUNCIL CHAMBER, WHITEHALL, Tuesday, 22nd July, 1884.

Mr. Mowat.—Your Lordships asked for maps yesterday, published before Confederation. I have been searching for some, and one of the books I have brought here

contains a map, before Confederation, of the date of 1810, which shows Upper Canada.

The Lord Chancellor.—Will you let us see that? (The map was handed to their Lordships.)

Mr. Mowat.—There are two or three maps in that book which have not been mentioned, and which may throw some light upon it. One is No. 68 of the manuscript maps. (Their Lordships examined the map.)

The Lord Chancellor.—Of course, we do not assume this map to be of authority, but it is dated in 1809. It seems, as far as I can form an opinion, to mark the dividing line between Upper and Lower Canada by this dotted line. Is that so?

Mr. Mowat.—Yes, my Lord.

The Lord Chancellor.—(To Mr. McCarthy).—Do you agree?

Mr. McCarthy.—I think so. Of course, I have not seen this before.

The Lord Chancellor.—It goes through Lake Temiscamingue.

Lord Aberdare.—Then *valeat quantum*, it seems to claim up to the Albany as Upper Canada, just as this on that side is Lower Canada.

The Lord Chancellor.—It may be of no authority whatever, but, as a matter of fact, it does seem to carry Upper Canada up to the Albany.

Mr. McCarthy.—It seems to carry it up to the Arctic Circle—up to New South Wales.

The Lord Chancellor.—From New South Wales to the Albany.

Lord Aberdare.—Who was Hugh Gray?

Mr. Mowat.—He was a resident in the country, but there is no preface to show who he was.

The Lord Chancellor.—It clearly is no authority; but it shows that the idea of extending up to the Albany was entertained by some persons at that time.

Lord Aberdare.—Is there a map connected with Mr. Mills' report?

Mr. Mowat.—Yes.

Lord Aberdare.—Where is that map?

Mr. Mowat.—I will send for it. I have not got it here.

Lord Aberdare.—It does not touch on these questions?

Mr. Mowat.—I think some of his maps do.

Lord Aberdare.—He was an authorized agent of Canada?

Mr. Mowat.—No, my Lord, of Ontario.

Lord Aberdare.—Only of Ontario?

Mr. McCarthy.—Yes, and he is one of the counsel for Ontario here present.

The Lord Chancellor.—He is the author of the report and the map that accompanied it?

Mr. McCarthy.—I think the map is only one of the old maps that are referred to.

Lord Aberdare.—What was the date of that report?

Mr. McCarthy.—Since this dispute and in consequence of it.

Mr. Robinson.—It was prepared for the arbitration. Perhaps, my Lords, I may be allowed to say with reference to these maps, that if your Lordships desire, no doubt that any member of them could be brought from Canada, and that a joint cable could be arranged between us so as to have them sent over at once.

The Lord Chancellor.—That would be a very inconvenient thing to be done to enable one to come to a conclusion, because if maps are sent from Canada then both sides must be heard upon the maps unless it is a case of extreme necessity. What of course would be of the greatest value, if it were accessible, would be some map made out by public authority. That map shows that at a certain date, 1809 or 1810, there were people who considered the Albany River to be the boundary of Canada, rightly or wrongly which coincides as it happens with the award. That is the impression that map makes, but then it is not a map published by any authority. It is merely a private writer's map which expresses what he understands to be the fact. Of course a map made under the authority of the Government would be of great use.

Mr. Robinson.—I may say with reference to maps that we do not attach the importance to them that the other side have done. Our impression from the maps is simply this, that all they can show is the state of geographical knowledge at that time.

The Lord Chancellor.—Reputation is always a matter of importance on questions of boundary, and these maps certainly are some evidence of reputation. Of course we are free from the technical rules of evidence in courts of law, and, taking the wider view, they are undoubtedly some evidence.

Mr. Robinson.—We have never disputed with reference to Mitchell's map, for instance, that it shows what was the general information and belief as to the state of the country at the time; but that is absurdly wrong in several respects as we have now.

The Lord Chancellor.—I suppose that it is not correct in all respects is quite clear.

Mr. Robinson.—Now, my Lords, when your Lordships adjourned, I was speaking of the Quebec Act and the due north line, and I had referred to the De Reinhard trial as a decision on that point. I want to call your Lordships' attention with reference to that trial to two points. In the first place your Lordships will see by page 660 that it was not the decision of one judge at a *visi prius* trial. It was a case presided over by two judges under a commission, the Chief Justice Sewell and Justice Bowen, and there were other judges consulted apparently, because at page 660 it appears that De Reinhard was tried on such a day before Chief Justice Sewell and Mr. Justice Bowen under the authority of a joint commission. Then your Lordships will find at page 634 that the Chief Justice in McLellan's case, I think it is, in giving judgment, says: "In this opinion the court are unanimous, for I have consulted my learned brothers who sat with me in the late trials." I only refer to that to show what my understanding was that this was probably a joint commission addressed to all the judges; that some of the cases were argued before some of the judges and some before others and that they all consulted on this point and were all unanimous. The only other point with regard to that trial is that my learned friend, the Attorney-General, on the other side, has intimated to your Lordships his impression that the question of competency of jurisdiction was considered in England, that the prisoner was probably respited. One thing is certain, that we do not know the exact ground on which he was respited.

Sir Barnes Peacock.—He seems to have been respited, and the petition for pardon did not seem to have got to the Government in some way for nearly three years and then they say, considering the period during which he has been imprisoned and the rough state of the country, they give him a free pardon. They did not allude to the question of the decision being wrong.

Mr. Robinson.—Not in any way, and at page 683 it is said: "Under the circumstances of this man's long confinement, and the misery under which he has suffered, considering also the feelings prevalent in that wild district at the time, and the union of these companies just now taking place, I entreat His Majesty's gracious pardon."

Sir Barnes Peacock.—They also allude to his having been kept in suspension for nearly three years, his petition having been mislaid and not having been duly sent.

Mr. Robinson.—It was not sent.

Sir Robert Collier.—Those are the grounds.

Mr. Robinson.—No doubt they are the grounds, because at page 634 Lord Bathurst says: "In consequence of the circumstances therein represented, his execution has been respited, so that there is no question that the question of jurisdiction never was considered." It can show nothing more. Then I was proceeding last night to discuss the question of the due north line.

Sir Barnes Peacock.—I did not quite understand the Chief Justice's decision in Reinhard's case, because he says: Down the eastern boundary.

Mr. Robinson.—That is a mistake, no doubt.

Sir Barnes Peacock.—It could not be the western boundary of Upper Canada, it was the eastern boundary of Upper Canada, but when this place was out on the west side of that boundary it was still in Upper Canada, and what the Chief Justice was

endeavoring to show was that the murder was committed within the jurisdiction of neither Upper nor Lower Canada.

Mr. Robinson.—That was it.

Sir Barnes Peacock.—And, therefore, his decision only put it outside Lower Canada?

Mr. Robinson.—No, my Lord.

Sir Robert Collier.—He took this north line.

Sir Barnes Peacock.—He says that is the western boundary.

Mr. Robinson.—No; it was too clearly outside Lower Canada to admit of any discussion.

Sir Barnes Peacock.—That is all it came to. He does not show it was outside Upper Canada unless he made that mistake.

Mr. Robinson.—Distinctly so.

Sir Robert Collier.—He means that.

Mr. Robinson.—Your Lordships will find no question about that. He distinctly decides that the due north line is the line whether he be right or wrong.

Sir Montague Smith.—I do not think that is disputed.

Mr. Mowat.—I think that is correct.

Mr. Robinson.—At page 679 your Lordship will find that very distinctly at line 20. This is his opinion. He says: "The western boundary of the Province of Upper Canada is the line drawn due north from the head of Lake Temiscaming." That is not the one.

Sir Barnes Peacock.—He says: "The western boundary of the Province of Upper Canada is a line drawn due north from the head of Lake Temiscaming till it strikes the boundary line of Hudson Bay."

Mr. Robinson.—That is all wrong.

Sir Barnes Peacock.—That gives the boundary of Lower Canada.

Mr. Mowat.—I have no doubt that is some mistake, probably of the reporter, and that what he meant to decide was that it was outside Upper Canada as well as Lower Canada.

Sir Barnes Peacock.—But he lays down the boundary wrong, for the purpose of showing it was outside the western line of Upper Canada.

Mr. Robinson.—If your Lordship reads the note to the same page it says that is a manifest error.

Sir Robert Collier.—That is agreed on both sides.

Mr. Robinson.—Then I need not discuss it further: There is no doubt that that was the decision, whether right or wrong.

Then, my Lords, I was discussing the question of what was the proper construction of that Quebec Act, and the meaning of the word northward. I desired, or, at all events, I am prepared to show to your Lordships in detail, for I have taken the pains to go over all those, all the forts which were west, and all the forts which were east of the due north line. I do not desire, however, unless your Lordships should so wish, to go into all that in detail for this simple reason, that I do not think your Lordships' view of that Act can possibly turn on whether there were ten, twenty or fifty men more or less west of that line, and such a number more or less east of it. The question must be the general principle. What I am prepared to show to your Lordships beyond all question is that by far the greater number in importance and in every other way of the settlements west of Old Quebec established by the Proclamation of 1763 were, in point of fact, east of the due north line. I cannot deny, and it is useless to attempt to deny that there were settlements west of it.

The Lord Chancellor.—We counted eleven yesterday.

Mr. Robinson.—Then if your Lordships will go into the history of those settlements, remembering that the words of the Act are not "forts" or "posts" but "colonies or settlements," you will find that only two or three of them were of any importance at all. Detroit, by far the most important, was east. The next one was St. Joseph; Fort Sandusky was east; Fort Miamis was east; Fort Vincennes was east, and all the posts of most importance were east of that line. Then we come

west to Fort Kaskaskias, Fort de Chartres and all the posts along the Mississippi in the Illinois country.

The Lord Chancellor.—Chagonamigon founded as far back as 1660 on Lake Superior.

Mr. Robinson.—That is near Duluth.

The Lord Chancellor.—It is said to have been built in 1665, and re-established by Le Prieur in 1692, and there was a Mission founded as early as 1660.

Mr. Robinson.—Yes, there is no question about that.

The Lord Chancellor.—I only guess, but I should think it is very likely that that was a settlement of some importance from its position.

Mr. Robinson.—There are a number mentioned which I have taken the trouble to look up. There was the post of Lesueur on the Mississippi, and there was the post of St. Antoine, again, on the Upper Mississippi.

The Lord Chancellor.—You need not go so far as the Mississippi.

Mr. Robinson.—I am only taking the different posts to see what possible bearing they can have. Then there was the Mission de St. Esprit. Your Lordships will find that that apparently consisted mainly, if not entirely, of Indians.

The Lord Chancellor.—There was a fort there.

Lord Aberdare.—What was Fort Kaskaskias?

Mr. Robinson.—That was on the Illinois, and that is one of the settlements there unquestionably were. That is west of the line. Then there was Fort de Chartres.

Lord Aberdare.—Why should all those forts have been left out?

Sir Montague Smith.—Because they were French settlements.

Mr. Robinson.—They were French settlements.

Sir Montague Smith.—The preamble of the Act of 1774 refers to the French settlements.

Mr. Robinson.—It does not say all French settlements.

Lord Aberdare.—Why should they have been left out?

Sir Montague Smith.—And why should there be an arbitrary division?

Mr. Robinson.—It says there were many French settlements. We have taken in many, and by far the larger number.

Lord Aberdare.—Why should not they have taken in all? What reason could you suggest why they should not? Because the territory was, undoubtedly, I suppose, English territory?

Mr. Robinson.—It was ceded up to the Mississippi by the definite treaty of 1763.

Lord Aberdare.—Why should they be deprived of the advantages which it was intended to bestow by the Act on the inhabitants, and between the Mississippi and this line?

Mr. Robinson.—Our impression derived from history is this, and you will find it very strongly confirmed by Mr. Parkman's work, who is unquestionably the historian of that period.

Lord Aberdare.—That is a recent work?

Mr. Robinson.—Yes, but it is a book universally referred to.

Lord Aberdare.—What is the date of it?

Mr. Robinson.—I think there has been more than one edition.

Sir Robert Collier.—What does it purport to be?

Mr. Robinson.—He has published a series of works.

Sir Robert Collier.—What does that work purport to be?

Mr. Robinson.—This is an account of this part of the country. It is headed, "The Conspiracy of Pontiac, and the Indian War after the Conquest of Canada. By Francis Parkman." At page 253 he speaks of these forts, and in one of these maps attached to Volume I of that work he shows all these forts, and I think it is the best one that is to be found. Your Lordships will see it is prepared for the purpose. There is a little summary of all the forts that there are (handing the map to their Lordships).

Lord Aberdare.—The map does not show it. There may be a summary in the text of the book.

Mr. Robinson.—The map shows several of them.

Lord Aberdare.—It shows Kaskaskias.

Mr. Robinson.—I think it shows all the forts south of Lake Superior, as far as I know from looking at it.

Lord Aberdare.—Will you look at it now ?

Mr. Robinson.—It is headed "forts and independencies or settlements in America in 1763." I see Vincennes, St. Louis, Cahokia, Kaskaskias, Fort St. Joseph, Detroit, Sandusky.

Lord Aberdare.—It does not mention Fort St. Esprit ?

Mr. Robinson.—No, but your Lordships must remember that that map which you are looking at is not a map which we recognise in any way.

Lord Aberdare.—But surely this is not put before us entirely to mislead, with all these forts and the dates attached to them and the names of those who erected them ?

Mr. Robinson.—But the forts were tenanted by French soldiers ; they were abandoned at the time of the cession. They are not settlements where the French remained in numbers, they were military posts ; that is the distinction in that respect. Now, at page 257, having given at page 251 an account of these posts, Mr. Parkman speaks of the bitter feeling that existed at the close of the cession in consequence of the war and of the removal of the forts which were then left on the east bank of the Mississippi to the west bank, and it seems natural, and there is no question that a large number of those who were there in 1763 had left before 1764, because St. Louis and other settlements on the other side of the river were founded by those who left. But I do not desire to go into that at more length, because it would only prove the general proposition. I can prove nothing more.

Then our view has been further with regard to that north line, that it is improbable that in the state of geographical knowledge at that time they would have taken as the boundary of a Province a river of which they knew so little. They did not know where that river went to, or where its source was, and it was perfectly evident that by running along that line, as it is said we must do, they would take in a vast and enormous country, where there were no settlements, and a country which was better provided for by the form of Government which was provided in 1803 by stipendiary magistrates. There was really no necessity for extending government to the country. I do not think I can say more upon that question, and I leave it therefore simply saying that that is the contention, and has been from the beginning the contention of the Dominion Government.

Now, the next question which we come to is assuming that the northward line—because we are only considering one Act of this whole statute, and one line of it only is in question, "northward to the southern boundary of the Hudson Bay territory"—assuming that goes along the Mississippi, the next question which we have to consider is, where does that go to ?

Now, our view of that matter has been this: It is the southern boundary of the territory granted to the Hudson Bay.

The Lord Chancellor.—It goes up to that ?

Mr. Robinson.—It goes up to that wherever that may be. There is no question about that. The Act is at page 366. The words are "to the southern boundary of the territory granted to the Merchants Adventurers of England trading to Hudson Bay." Now, in the first place we say that that clearly means—and we hardly think that capable of dispute—the territory granted *de facto*, and that that can involve no question of the validity of the Hudson Bay Company's charter. If A. should grant land to B. and should then grant land to C. extending to or bounded by the land which he had previously granted to B., the finding the boundaries of C.'s land would involve no investigation of B.'s title at all.

Lord Aberdare.—Does your contention go as far as this? What they granted, you argue, is up to the watershed ?

Mr. Robinson.—Yes, my Lord.

Lord Aberdare.—Very good. Now, supposing historically it was proved that they had not, within reasonable time, occupied that country in any sense, but, on the contrary, that this land was occupied by others, French Canadians, would you then say that those words covered all that was originally granted, in spite of the subsequent failure to occupy by themselves and the subsequent occupation by the French?

Mr. Robinson.—Yes, my Lord, under the circumstances.

The Lord Chancellor.—You could not put forward such a proposition as that if a question had arisen internationally between the French and English, that the settlement of the whole of the country going back to the St. Lawrence or to the part now in dispute could in any way be contrary to British rights, because King Charles II had given a charter in these terms to the Hudson Bay Company.

Mr. Robinson.—Yes, my Lord, I shall come to that.

The Lord Chancellor.—That would be a very extraordinary proposition, unless indeed you were to assume, which for my part I am not prepared to assume, abstract notions of rights of discovery to have been between the two nations the governing principles.

Mr. Robinson.—At all events, I can state to your Lordships what we contend in a very few words, I think. In the first place we say that the construction of the Hudson Bay charter is plain and that in its words it goes to the height of land.

The Lord Chancellor.—Well, no, it does not, indeed. You see you cannot make out any limit or boundary without introducing that idea. Perhaps you may be right there, but it says not one word about that.

Mr. Robinson.—I am not going to discuss that question at length for a reason which I will give to your Lordships in a moment.

The Lord Chancellor.—You see that unless some such limits can be arrived at, then it might be open to question whether the objection taken to the charter being void for uncertainty was not good.

Mr. Robinson.—Yes, my Lord.

The Lord Chancellor.—We need not hear any argument about that, because we think that whether the limits can be found or not from the charters, yet if they are found *de facto* that is enough.

Mr. Robinson.—First, taking the words of the charter they give “the rivers within the straits and bay and all the lands upon those rivers.” That is very clear.

Sir Robert Collier.—It is “rivers within the entrance of the straits.”

Mr. Robinson.—Yes; “rivers within the entrance of the straits commonly called Hudson Straits.” It is at page 344. It gives “the sole trade and commerce of all the seas, straits, bays, rivers, lakes, creeks and sounds in whatsoever latitude they shall be, that lie within the entrance of the straits commonly called Hudson Straits, together with all the lands and territories upon the countries, coasts and confines of the seas, bays, rivers, creeks and sounds aforesaid.”

The Lord Chancellor.—“That are not already possessed.”

Mr. Robinson.—Yes, my Lord, I am coming to that. That is the exception. I am perfectly right in saying that they gave the rivers and all lands on the rivers. I am right also in saying that subsequent provisions of the same charter in which they provide for the appointment by the Hudson Bay Company, and so, on “for the good government of the said company and of all Governors of colonies, forts and plantations, factors, masters, mariners and other officers employed or to be employed in any of the territories and lands aforesaid,” show very clearly that they contemplated by that the giving of a large territory. They never would have given this land or spoken of it as a plantation and made provision for the appointment by the grantees of Governors of the colonies which they had granted if they meant it to be anything but a very extensive territory.

The Lord Chancellor.—Then, as against France, I suppose you would not seriously contend that King Charles the Second could create any right.

Mr. Robinson.—What we do contend, my Lord, is this: I am anticipating my argument there because I wish, first, to try and settle the construction of the charter

as to what the word "granted" meant; but what we do contend is that the English, beyond all question, had obtained Hudson Bay, and whatever goes under the construction of international law with that discovery. They had discovered Hudson Bay; they had taken possession of a considerable portion of the coast. Whatever, according to the rule of International Law, they acquired by that discovery the English had.

The Lord Chancellor.—What was that?

Mr. Robinson.—I cannot say.

The Lord Chancellor.—Then when different nations are disputing about boundaries, they have recourse to abstract reasoning and certain principles, and so on; but to represent that as a rule of International Law, and especially as a rule of International Law which had any existence, or was imagined by anybody at the time, we have to consider in this enquiry, is surely a proposition which cannot be maintained. You might just as well go back to the time at which the Pope was supposed, by International Law, to be able to give away whatever districts in the world he pleased. Those words, "International Law," are very misleading. There are certain principles generally accepted amongst nations; there are particular reasons which have been constantly resorted to when disputes have taken place, about boundaries or otherwise, between nations, as the best available means of settling those disputes; but to say that there is any general International Law that gives to the first discoverer of the mouth of a river and a certain line of coast, as against all other nations, whether he occupies it or not, or to what extent it is occupied or not, a right to all the country that is watered by any of the rivers that come in there, is a proposition which no amount of modern books will prove.

Mr. Robinson.—Well, I am not desirous for one moment of arguing this question at length, or expressing any opinion of my own. All that I can say is that I find it laid down in the clearest language in the book which my learned friend has referred to, and your Lordship will find that confirmed.

The Lord Chancellor.—We really cannot have the laws of the world made by gentlemen, however learned, who have published books within the last twenty or thirty years.

Mr. Robinson.—I do not desire to have the laws of the world made in that way.

The Lord Chancellor.—Can you find any such proposition in Chancellor Kent?

Mr. Robinson.—No; I do not know that he has written a word on the subject.

The Lord Chancellor.—Or Wheaton?

Mr. Robinson.—No; I do not think he has written upon it.

The Lord Chancellor.—These writers merely generalize from the reasoning which has been employed between particular nations and particular subjects.

Lord Aberdare.—It must be borne in mind that Charles II was utterly unaware of the enormous bearing of such a proposition as yours.

Mr. Robinson.—As all the persons were who took possession, or as all the powers were who took possession of the New World at that time; nevertheless, the other grants were construed upon that footing.

The Lord Chancellor.—It is quite certain that France never recognized any such idea, nor can I perceive that it was ever suggested on the part of the Hudson Bay Company in the early stages. We first meet with it in the Selkirk Grant of 1814.

Mr. Robinson.—You will find some grants by France very much upon the same principle granting rivers and the lands upon rivers, which were held to mean the same thing; but, at all events, I have in Sir Robert Phillimore's work, the last edition, first volume, page 277, and the previous edition at page 338.

Lord Aberdare.—Are those the pages which were substantially read yesterday?

Mr. Robinson.—I am not going to read those passages to your Lordships. Those passages are substantially the same as were read yesterday, but I was going to read another passage which was not read yesterday, which, I think, is at page 286, in which he speaks of the kind of possession that is requisite under certain circumstances. I am reading now from the second edition, page 286: "The chief portion of the Oregon Territory so valuable solely for the fur-bearing animals which it pro-

duces. Various establishments in different parts of this territory organized a system for securing the preservation of these animals, and exercise for these purposes a control over the native population. This was rightly contended to be the only exercise of proprietary right of which these particular regions at that time were susceptible; and to mark that a beneficial use was made of the whole territory by the occupants." That shows that the nature of the occupation by the Hudson Bay Company here was efficient, as being the only occupation which could be taken by them.

The Lord Chancellor.—But do not you see that the same argument tends to establish every French fort as a *bond fide* occupation?

Mr. Robinson.—I have not forgotten that.

Sir Montague Smith.—The French had hunted there a great deal.

Lord Aberdare.—Yes, to a far greater extent than the Hudson Bay people.

Mr. Robinson.—That will not affect the argument about the French if it is a sound argument.

Sir Montague Smith.—You seem to have forgotten that this charter itself supposes that there may be rights on the part of the French.

Mr. Robinson.—I was coming to that afterwards.

Sir Montague Smith.—Whether there were or were not is a matter in dispute.

Mr. Robinson.—The only other authority I desired to refer your Lordships to is the latest work of International Law of Mr. Hall, at page 292, where there is a note, which, in my view, is a valuable one, setting out the substance of the law.

The Lord Chancellor.—Do you think that the authority of such works is greater in proportion to their recency?

Mr. Robinson.—No, I cannot say that it is, but it is, of course, greater or less in proportion to the standing of the writers.

The Lord Chancellor.—These writers repeat each other, and are constantly extending the notion of International Law.

Mr. Robinson.—I am speaking of the proper construction [of the Hudson Bay charter. One thing is perfectly certain that we have here printed the opinion of six gentlemen of the very highest authority in the law in England, two of them afterwards distinguished upon the bench, and another of whose standing and reputation I am not perfectly clear, who are unhesitatingly of opinion that this grant conveys to the Hudson Bay Company all the territories up to the height of land.

The Lord Chancellor.—What page are you now referring to?

Mr. Robinson.—I am now referring to pages 47 and 52 of the Manitoba Appendix. At page 47 I find "Copy Queries and Opinion of Mr. Justice Holroyd, Sir Samuel Romilly, Mr. Cruise, Mr. Scarlett, and Mr. Bell. 1. Whether any objection can be made to the grant of the soil."

The Lord Chancellor.—Which of those names is unknown to you?

Mr. Robinson.—Dr. Stoddart, who is spoken of afterwards.

The Lord Chancellor.—None of these names?

Mr. Robinson.—No. I ought not to be ignorant, but I may say that I do not know what reputation Mr. Bell had.

The Lord Chancellor.—He had a very great reputation indeed.

Mr. Robinson.—I was not familiar with it.

Sir Robert Collier.—Is this a case stated by the Hudson Bay Company?

Mr. Robinson.—I do not know, my Lord, but I think so.

Sir Montague Smith.—I should think so.

Mr. Robinson.—No, your Lordships will see it does not depend upon any case at all, or any facts, if you will simply look at the first passage; "Whether any objection can be made to the grant of the soil contained in the charter, and whether the grant will include all the country the waters of which run into Hudson Bay, as ascertained by geographical observations." Now that depends upon no facts. The answer is: "We are of opinion that the grant of the soil contained in the charter is good, and that it will include all the country the waters of which run into Hudson Bay, as ascertained by geographical observation." Now surely nothing can be clearer than that. Now that was a second opinion of Mr. Cruise, because, at p. 39, there is an

earlier one. The last opinion I read was given in 1813. At page 39 I find a similar opinion by Mr. Cruise: "That therefore the opinion of the geographers would be adopted, namely, that all the countries lying upon the waters which run into Hudson Bay are included within the charter." I think there must be a misprint there, for it says, "for therein it will be ineffectual." I think that must mean, "for otherwise it will be ineffectual." That was also a second opinion of Mr. Justice Holroyd's.

The Lord Chancellor.—Mr. Cruise is a great English lawyer, whose digest is a very useful book, but I do not know that on such a subject as this his authority is very great.

Mr. Robinson.—I do not know, my Lord, but I am perfectly satisfied that his opinion has far greater weight than my own, and that is the reason I desire to refer to it. That was a second opinion of Mr. Justice Holroyd's which I read, because, as appears at page 34, he had expressed the same opinion in the previous year. The first opinion is at page 34, the second opinion is the joint one to which I have already referred your Lordships. The gentleman whose name I was not familiar with, and whose reputation I did not know, was Dr. Stoddart. Your Lordships will find his opinion at the beginning of page 50, and in full at page 52.

Lord Aberdare.—Yes, he goes into it fully.

Mr. Robinson.—Yes, my Lord. All that I wish to say about it is, that if your Lordships will read that opinion I am quite content to adopt it as my argument. I can add nothing to it, I am perfectly certain, nor can I state the considerations which we think should prevail in the construction of this grant more clearly, or as clearly, or as strongly as he has stated them there. If they do not convince your Lordships I am sure I should be wasting your Lordships' time in trying to do so.

The Lord Chancellor.—May I ask with regard to these several opinions what was the precise matter which the learned counsel were asked upon? You see some opinions are to be construed with reference to the cases upon which they are given. Was it stated that there was a question of boundaries between Canada and the Hudson Bay Company, or were the opinions given with reference to any such question?

Mr. Robinson.—They were given with reference to the disputes existing, if I remember rightly, about the north-west country.

The Lord Chancellor.—I supposed that; but then, you see, if the minds of counsel are directed solely to disputes turning upon the validity of the charter, and not suggesting counter claims upon another kind of a title, they might give the go-by to what is the question we have to consider entirely, and the fact that it was not brought before them is a thing to be considered.

Lord Aberdare.—As a fact between the North-West Company and the Hudson Bay Company, the Hudson Bay Company might think the North-West Company intruders.

The Lord Chancellor.—Supposing this was an unoccupied territory which the Hudson Bay Company had the right to occupy and possess and make themselves masters of under their charter, and that the only question was between them and certain traders who denied the validity of the charter, then I can quite understand opinions of this sort being given upon differences between such parties and upon such a question, but would they really have much bearing if the question were between France and England for instance, France insisting that she had occupied a certain territory which came within the theoretical limits?

Mr. Robinson.—I am not presuming to say what value they have, my Lord.

The Lord Chancellor.—No; but have they any bearing? It is not a question of value, but a case and opinion relating to the matters brought to the attention of counsel, and to the question raised by those matters, and not to other questions quite different.

Mr. Robinson.—It is so, my Lord, but I am at least within the rule in doing this, which was what I desired to do.

The Lord Chancellor.—You are quite at liberty to refer to this as showing that upon a question submitted to them these opinions were expressed by lawyers, some of whom, or every one of whom, would be a great authority.

Mr. Robinson.—Of course I cannot do more—I can only—also point out that their opinions were not asked upon any additional extraneous facts which might be true or untrue. The charter was put before them and they were asked to express their opinion upon the construction of that charter—what land does it cover—and there is their opinion.

Sir Robert Collier.—They had not a case submitted to them?

Mr. Robinson.—No, my Lord.

The Lord Chancellor.—I do not think one would be disposed to dispute the proposition that so far as the Crown of England could give it gave to the Hudson Bay Company a right, if they were able to make themselves masters of the country to the territory up to the sources of the river; but they did not make themselves masters of the whole of that country, for some other nation had come in in the meantime.

Mr. Robinson.—To that I will come afterwards, but, in the meantime, I do not wish to extend my argument. I wish, if possible, to save your Lordships time by simply adopting what you will find at page 52, and if your Lordships will be good enough to read that and consider it as my argument, I can add nothing to it. The other argument I am coming to now.

Now, then, I assume, because I certainly can prove it no further, that, as between the Crown and the Hudson Bay Company, this charter granted to that company the land up to the watershed. Then we come to what is the effect of any subsequent proceedings. Our view has always been and your Lordships will remember that I am not pressing all these views strenuously upon your Lordships. We are not directly parties here. We represent the Dominion and the Province is a part of the Dominion, but it is our duty to place before your Lordships the ground upon which the Dominion came to the conclusion which they adopted, and it was impossible for us to disregard those opinions which we find there, and the view of international law which we find stated in what we take to be works of the best authority. Our view has always been with regard to the other portion of the case, that the French occupation, that the French doings, that the French position in that country, the French habitations in that country, or whatever you choose to call it, have no bearing whatever upon this case. Whether we are right or wrong in that, that is the view which has always been adopted by the Dominion and which has been presented to them many years ago by those who were consulted. Now it must be remembered that both parties here claim, as it were, under a common grantor, that is to say, the same authority which granted the charter to the Hudson Bay Company, fixed the limits of the Province of Ontario. The charter was granted by the Crown of England, the limits were fixed by the Legislature of England and we have always thought and submit now and think still that the question is not what, as between England and France, the Hudson Bay Company were entitled to claim or this charter secured to them, but what the Crown of England, or rather the Government of England, or England, I may say, shortly, under whom we both claim, considered to be the limits of the Hudson Bay charter, and recognized as being the extent of their grant.

Lord Aberdare.—Do you, as representing the Dominion, claim as part of Lower Canada all that is to the east of this line, that is described in Lord Durham's commission which ran up to the shore of Hudson Bay?

Mr. Robinson.—All to the east of that line.

Lord Aberdare.—You claim it?

Mr. Robinson.—I suppose that is part of Lower Canada, but I have not thought of it because it is not in question here.

Lord Aberdare.—If so, you are claiming lands, which, according to your contention, were conceded to the Hudson Bay Company just as fully as those to the west of that line.

Mr. Robinson.—Oh no, my Lord; Lower Canada does not claim beyond the height of land. The limits of Lower Canada's boundary, if I recollect right, for I am speaking from recollection only, are the height of land. I think it begins at

Cape Grimington and runs along the high lands. I must look at that to be certain, because that would depend.

Lord Aberdare.—Then what is the meaning of that boundary line which is so frequently referred to in the commissions between Upper and Lower Canada?

Mr. Robinson.—That is the boundary line running through Lake Abbitibi northward.

Lord Aberdare.—Yes, the shores of Hudson Bay.

The Lord Chancellor.—It goes from the River Ottawa to Lake Temiscamingue up to the River Nottaway.

Lord Aberdare.—They take no notice of the height of land. They go right through it all and they seem to throw into Upper Canada everything that is to the east of that.

Mr. Robinson.—Where are these limits to be found?

The Lord Chancellor.—In Lord Durham's commission. I do not know whether that is the earliest place where they are; but they are clearly to be found there.

Lord Aberdare.—They are mentioned before, but they are mentioned with the words "boundary of Hudson Bay" and then it was argued that that meant the boundary of the territory claimed by the Hudson Bay Company. But then you have in a subsequent commission the words "running to the shore of Hudson Bay."

Mr. Robinson.—If your Lordships will permit me to say so that is the branch of my argument founded on the commission; and I was going to take it afterwards. That is entirely a separate matter.

Lord Aberdare.—But I wanted to know as a matter of fact, and surely the Dominion must know, whether it claims as a part of Lower Canada all this territory which apparently is marked off as belonging to Lower Canada?

Mr. Robinson.—I cannot say what the claim of the Dominion would be as regards Lower Canada, because I have not addressed myself to that, not thinking that it was in question. I cannot speak authoritatively as to that. I should have to go back to the Quebec Act. We have always regarded that Act as defining the boundaries, whatever they may be.

Sir Montague Smith.—That is common ground, and, if so, the question is whether the Province of Quebec does not indisputably go up to the north, independent of the water shed?

Mr. Robinson.—I think I understand his Lordship's question. As I understand his Lordship, he is referring to its being carried up by a commission.

Lord Aberdare.—No; the commission explains more clearly, in indisputable language, that which before was described in language more open to doubt.

Mr. Robinson.—That was previously described in another commission.

Lord Aberdare.—I do not want you to anticipate your argument.

Mr. Robinson.—I will pass on.

Sir Montague Smith.—You were just saying, that what the French did, had no bearing on this case.

Mr. Robinson.—Yes. That has been always, in our view, a most important question. We are both here claiming under England, your Lordships must remember, and we say that the rights which might exist internationally, as between France and England, cannot affect this question, which is one as between the Province of Ontario and the Hudson Bay Company, both claiming under England. Now, there is no question that the Crown of England assumed to grant to us—

The Lord Chancellor.—Is there a copy here of Lord Durham's commission in full?

Mr. Robinson.—There is a copy.

The Lord Chancellor.—This seems to be only extracts from it?

Mr. Robinson.—They probably would not give the whole commission.

The Lord Chancellor.—I should like to see it. It is the commission of the 30th of March, 1838.

Mr. Robinson.—I will proceed with the commission, if your Lordship thinks it is the best order.

The Lord Chancellor.—It is not merely the commission to Lord Durham, but the same description is repeated in the commission, of the same year, to Sir John Colborne, as Governor of Upper Canada. The same thing is repeated in the commission to Sir John Colborne, of December, 1838, as Governor of Lower Canada, and the commission of 1839.

Mr. Robinson.—Yes.

The Lord Chancellor.—In truth, in those two years, 1838 and 1839, there was no less than five commissions, all containing that description. There were the commission to Lord Durham, for the whole of Canada, apparently both Upper and Lower; a commission to Sir John Colborne, also for Upper and Lower Canada, and another, during the same period, and in each commission the description is the same.

Mr. Robinson.—There is no question as to the meaning of the terms of the commissions. The question as to their effect I propose to discuss.

The Lord Chancellor.—Reputation is of great importance, and what reputation can be higher than that which is expressed in these commissions?

Mr. Robinson.—Of course, I am very ready and very desirous to go to that part of the argument, if your Lordships prefer it, but I am trying to point out what we think a very important branch of the case, the effect of the French possessions and the French acts within the country.

Sir Montague Smith.—You say that has always been regarded by the Dominion as being irrelevant?

Mr. Robinson.—Yes.

Sir Montague Smith.—What is your argument then upon that?

Mr. Robinson.—My argument I was about to address to your Lordship upon that. We say that the question, being solely as between Ontario and the Hudson Bay Company, the question of what was granted to the Hudson Bay Company must be what the Crown of England treated as the Hudson Bay territory, that when Canada is directed by the Act of Parliament to go to the southern boundary of the territory granted, in order to ascertain that, we must ascertain (all French claims being removed by the cession of 1763) how and in what light the Crown of England regarded their grant. Anything that the French obtained, after the grant by the Crown of England to the Hudson Bay Company; anything the French obtained by possession or whatever it may be, was practically obtained as an act of war. It was obtained as an act of trespass, or a hostile act against the British Government.

The Lord Chancellor.—You do not pretend it was occupied in any other sense than that there were forts at the mouth of the river and upon Hudson Bay?

Mr. Robinson.—Yes, there is this unquestionably.

Sir Montague Smith.—In what respect did your occupation differ from that of the French?

Lord Aberdare.—In being less complete?

Mr. Robinson.—No, we discovered the bay and the river, and we settled upon the coast. I am either right or wrong in saying that gave us the right according to the rules at that time prevailing —

Sir Montague Smith.—That is discovery, but as far as occupation went?

Lord Aberdare.—Did you occupy them within a reasonable time?

Mr. Robinson.—We think we did. Considering the nature of the territory and the purpose for which it could be occupied, we think we occupied within a reasonable time, and we say the French came in there simply as trespassers, endeavoring to take from us what the Crown of England had asserted a right to, what she had established her right to by discovery, and what she had granted her subjects.

Then we say whatever rights could be founded upon the occupation by the French, at all events vanished when the French ceded the whole country in 1763 to England, and afterwards when England, subsequently to that, recognized the rights of the Hudson Bay Company under the charter granted by the Crown. The Crown never for a moment adopted the rights acquired by the French as entitling the Crown to any portion of this land.

Lord Aberdare.—Then comes the question why on earth did they appear to take all east of this line?

Mr. Robinson.—That I will come to.

Lord Aberdare.—That at once breaks enormously upon your argument.

The Lord Chancellor.—The commissions were acts of State and of great authority and importance, beginning contemporaneously almost with the conquest of Quebec and coming down to the years 1838 and 1839, and probably the case depends upon them more than upon anything else?

Mr. Robinson.—Then, my Lord, I will go to them and say what I wish to say to try and establish the argument which I was advancing, because that argument is one which, whether right or wrong, has been the one always adopted by the Dominion.

Sir Robert Collier.—You have something to add to your present argument before you go to that. You may as well finish that, perhaps?

Mr. Robinson.—It is just as your Lordships desire. I am only anxious to place myself in the hands of the court and conduct my argument as far as I am able as they desire. If I am to conclude that argument, we say that the question is what did England regard as the territory she had granted to the Hudson Bay Company, because beyond all doubt, by the Act of Parliament, we were entitled to go to the limit of that territory.

Now the claims which the Hudson Bay Company made, have a double aspect in this case. They bear in so far as they were known to and sanctioned by or adopted by the Crown upon the construction placed by the Crown upon their own charter, just as an executive act of the same nature in the commissions would be an act showing the construction placed upon the Crown by their grant. They also bear upon that expression in the Rupert's Land Act: "The territory held or claimed." I am not again going into that in detail (my learned friend has done that) as to what it was they did claim; but I want to point out to your Lordships one or two points which seem to me, at all events, to be worthy of a special notice. After the Treaty of Utrecht, by which the Hudson Bay Territory substantially was ceded to England by France (the treaty having been concluded in April, 1713.) in May, 1713, the company demand delivery of possession to their nominees. Your Lordships will find at page 576 what I take to be the plainest recognition by the Crown of the rights of the Hudson Bay Company. As I understand it the Treaty of Utrecht, at all events, ceded all that territory to England. Now, at page 576, Lord Dartmouth writes to the Lords of Trade, he having been asked on the previous page by the Hudson Bay Company that Her Majesty would be graciously pleased to direct the said Act of cession might be transmitted to the petitioners as also Her Majesty's commission to certain gentlemen named to take possession. In answer to that Lord Dartmouth says: "I am to acquaint you that the places and countries, therein named, belonging of right to British subjects, Her Majesty did not think fit to receive any act of cession from the French king, and has therefore insisted only upon an order from that court for delivering possession to such persons as should be authorized by Her Majesty to take it; by this means the title of the company is acknowledged and they will come into the immediate enjoyment of their property without further trouble." Now that, we say, is the strongest conceivable acknowledgment and affirmation and assertion of the title of the Hudson Bay Company by the Crown. "We have nothing to do with this territory. France has been obliged to yield it to us but we decline to take a delivery of it to ourselves. We simply require that the French Crown shall deliver it to the Hudson Bay Company whose territory it is." Now in pursuance of that possession was given.

Sir Robert Collier.—The delivery was of the Bay and Straits of Hudson and the buildings thereon erected.

Mr. Robinson.—Yes, there is no question what they claimed. Now we shall see what construction the Crown put upon the extent of the claims of the Hudson Bay Company. Will your Lordships refer to pages 511 and 512? You will remember that commissioners were appointed after the Treaty of Utrecht with the view of set-

ting these territories but whether they ever did settle them or not is a disputed question, but upon which the weight of evidence, I think, is against their having settled them. At page 511 your Lordships will find the document.

Sir Robert Collier.—We have had this document.

Mr. Robinson.—Yes, that document has been referred to. Your Lordship will find this was a memoir on the limits of Hudson Bay sent by the English commissaries appointed by England through Lord Stair, Ambassador in Paris to Maréchal d'Estreés, one of the French commissaries. We there have the demand made by the Crown on behalf of the Hudson Bay Company; what can possibly be stronger than the demand made there as including the watershed? In the first place, the commissaries named by his Britannic Majesty demand that the said limits may be defined to commence from the North Cape of Davis' Bay?

The Lord Chancellor.—That is the 49th parallel?

Mr. Robinson.—No, not what I am on at this moment.

The Lord Chancellor.—That is further to the east?

Mr. Robinson.—No, further to the north.

The Lord Chancellor.—Well, to the north-east?

Mr. Robinson.—Yes.

The Lord Chancellor.—All that we have to deal with as to this is surely the 49th parallel?

Mr. Robinson.—Yes, but your Lordship will see when I point out the rest how completely their demand includes the height of land. Their demand was "that no French vessel, boat or ship whatsoever shall be allowed to pass to the north or the west side of the North Cape of Davis' Bay towards or into the Strait or Bay of Hudson, under any pretext whatsoever," and further that the 49th parallel shall be their limit. "The said commissaries further demand that the subjects of His Most Christian Majesty shall not build forts or found settlements upon any of the rivers which empty into Hudson Bay under any pretext whatsoever."

The Lord Chancellor.—We must reconcile that with the demand of the 49th parallel as the boundary line?

Mr. Robinson.—Yes.

The Lord Chancellor.—As the boundary of their territorial domain they proposed the 49th parallel and beyond that they wanted to restrict French trade even in French territory.

Mr. Robinson.—They did.

The Lord Chancellor.—That may or may not have been a reasonable demand or one they were likely to persevere in, but how does it affect the boundary?

Mr. Robinson.—In this way, we submit. It shows the boundaries the Crown thought had been granted to the Hudson Bay Company by their grant because it was a claim made by the Crown for the benefit of the Hudson Bay Company upon France.

The Lord Chancellor.—It demands something outside this boundary. The 49th parallel is evidently one which would not coincide with that?

Mr. Robinson.—Our belief is that the 49th parallel and the height of land were named indifferently. Practically they come to much the same thing. They give and take.

The Lord Chancellor.—They knew that the 49th parallel, if it were adopted as a boundary would not extend to the subject of their further demand, because it seems from the further demand, if they had already got a boundary beyond which neither French nor any person employed by them should pass, it would be quite unnecessary to put in the further demand which followed.

Mr. Robinson.—Our construction has been that there would not be an inconsistency in any such demand nor an intention to have it inconsistent, but that it is inconsistent because they regarded the 49th parallel and the height of land as practically the same.

The Lord Chancellor.—There seems to be no foundation for such an idea either in fact or in nature, but supposing there had been, then everything they could

possibly desire would be granted by establishing that as the boundary, but knowing it is not so or may not be so they make a further demand.

Mr. Robinson.—Then I should be content to say they demanded the 49th parallel, because, whether we take the 49th parallel or the height of land, we certainly have more than the award gives us.

The Lord Chancellor.—It strikes me this document is very much indeed against the notion that at that time they had any idea of the height of land as their territorial boundary, because, having proposed a boundary of their territorial rights, they then go on to desire to restrict French trade even to the south of that boundary, if these rivers happened to go up so far.

Mr. Robinson.—The view we submit, on the other hand, is that their subsequent demand is merely an illustration of their first demand. In other words they say: We demand the 49th parallel, and to show you what we mean we add this further demand. All that I desire to show is that if that demand is taken altogether it is utterly impossible to frame a demand more comprehensible and more clearly including everything watered by those rivers, because first they say we demand that no ship of yours shall come inside the straits; in other words, no ship of yours shall approach the mouth of any of those rivers. In the next place we demand that no subject of yours shall settle upon any part of those rivers. How can you make or frame a stronger demand including the rivers and all the country watered by them? It seems to me that language would fail to include more clearly a demand to all the countries watered by the rivers. Now, it is to be remembered, that was a demand made by the Crown authoritatively upon France. It was an executive Act at least of the same character, I apprehend, as commissions, and so on, and has the same weight in the construction of the Crown grant as commissions may have in relation to other matters. In 1714 the company, at all events, acknowledge the delivery of the property and they repeat the limits and say they demand that the French shall not come north of them by land or water.

Sir Robert Collier.—Where do they acknowledge the delivery?

Mr. Robinson.—It was in 1714.

The Lord Chancellor.—What is the page you are referring to?

Mr. Robinson.—Pages 576 and 577.

Sir Robert Collier. This is what they acknowledge: "The company do with the utmost gratitude return your Majesty their most humble and hearty thanks for the great care your Majesty has taken for them by the Treaty of Utrecht, whereby the French are obliged to restore the whole Bay of Hudson and the straits." That is all.

The Lord President.—You see what they mean by that if you look at the note at the top of the page 575. They mean what was meant by the original words of the charter. They say so themselves. There is a note by the Hudson Bay Company.

Mr. Robinson.—The company are by their charter constituted lords proprietors of all those lands, territories, seas, straits, bays, rivers, lakes and sounds within the entrance of the straits, and so on.

The Lord Chancellor.—At the top of page 575 it says: "These limits being first settled and adjusted the company are willing to refer their losses." Then they make a note.

The Lord President.—I mean that shows what they mean by the shorter expression "Bay and Straits of Hudson." It is their own explanation of it.

Sir Robert Collier.—"All those lands, territories, seas, streights, bays, rivers, lakes and sounds within the entrance of the streights," is all they say.

The Lord President.—It is an old expression which they are taking from the original charter.

The Lord Chancellor.—In one place there is a reference to the commissioners with a view to the settlement of the limits. In another place there is an acknowledgment of the delivery. No person can suppose they mean everything they claimed had been *de facto* delivered.

Mr. Robinson.—At all events that was in 1713 and 1714, and what I have subsequently referred to in 1719 is the demand of the Crown thereby as we say, putting

the construction upon their own charter. The Crown plainly demand you shall not enter the straits. You shall make no settlement on the rivers. That demand they make on behalf of the company. The only other point to which your Lordships' attention has been called is this: It is said the company at one time were content with a lesser boundary. That was in 1701. It is to be found at pages 563 and 564. It is after the Treaty of Ryswick, and it is impossible to frame a claim more clearly without prejudice. The company there, while they said they would take bounds much more limited, expressly asserted their undoubted right to all Hudson Bay.

Sir Robert Collier.—“The limits which the Hudson Bay Company conceive to be necessary as boundaries.”

Mr. Robinson.—Yes, and at page 564 they say, if this is not accepted, they adhere to their undoubted right to the whole bay and straits. It was not accepted, and that ends that. So from the beginning to the end the company had always claimed up to parallel 49, whether it was or was not identical with the height of land. If they do not get 49 the award must be wrong. The Crown had adopted that claim and asserted it for them as against France. Then we pass on to the negotiations which led to the Rupert's Land Act. That Act again, whether rightly or wrongly, we have always conceived practically to put an end to the whole question. That Act admits or authorizes the admission into the Confederation and for the purposes of that Act, in other words, for the purpose of this admission into the Union, it defines it as being all the land and territory which the Hudson Bay Company hold or claim. If your Lordship will look at page 164, when those negotiations first began or near the initiation of them (for I do not desire to go through them minutely again) your Lordship will find that the Secretary of State for the Colonies wrote to the Governor General of Canada, saying, you are aware that the Hudson Bay Company claim under the charter of 1760.

Sir Robert Collier.—That is in 1856 ?

Mr. Robinson.—Yes, that is about the beginning of the negotiations which ultimately ended in the Rupert's Land Act and in the admission. I am coming to that now. That is in connection with the Hudson Bay claims. “You are aware that the Hudson Bay Company claim, under the charter of 1760 and the various Acts of Parliament which they consider to have subsequently recognized it, rights of proprietorship, exclusive trade, taxation and government, over all the regions under British dominion watered by streams flowing into Hudson Bay.” So that there was a distinct statement by the Government of England to the Governor General that that was the claim of the Hudson Bay Company. Negotiations followed upon that, and I do not desire to refer to those negotiations at length and in detail, because they have been referred to more or less; at all events Canada answered that, practically asserting that the Hudson Bay Company had no territorial rights at all. They sent home Mr. Draper at that time to insist upon that view. There was an enquiry by the House of Commons in England (which is before your Lordship), who took evidence. The result of all that was that the British Government declined altogether to question the Hudson Bay Company's charter. They said to Canada: We think ourselves precluded, having submitted the matter to the law officers, by every principle of equity, from questioning the charter. Do you wish to do so for yourselves? We will afford you every facility if you like to question it. Canada said: No, we will not take the responsibility of questioning the charter. Then the Hudson Bay Company at one time (in 1858) were rather desired by the then Colonial Secretary to submit the validity of their charter as a question for the courts. They distinctly refused to do so. They said their charter had been recognised by numerous Acts of Parliament and they would submit no question which implied any doubt as to its validity; Canada would not question it herself. Then it was suggested to Canada: Do you not wish to take part, or had you not better take part, in negotiations with the Hudson Bay Company for the cession of its territory? Canada declined. She said the Imperial Government granted the charter and had better negotiate with the company to whom they granted it, and our arrangements can be made subsequently. They then sent four delegates from Canada to assist in those negotiations, though not

directly, but to be there as a board representing Canada, as I understand it. Then Orders in Council were passed, and so on. There was an address to Her Majesty from the Dominion Parliament. There were arguments strongly urged by the Dominion Parliament that the cession should be made without any reference to the Hudson Bay Company. England refused to consent to anything of that sort and insisted upon protecting the rights of the company. Your Lordship will find, at page 273, in 1868 the Colonial Secretary writes to the Governor General, refusing to transfer, and saying: "I purpose to introduce a Bill into the Imperial Parliament, with the view of authorizing any arrangement which may be effected on the basis thus indicated, of defining the territory over which it extends," and so on. So that the intention of the Government here to pass a Bill defining this territory was also then expressed.

Then the next thing we find is that in 1868 Messrs. Cartier and McDougall, two of the then Ministers of the Crown in Canada, were sent to England. That was after the passing of the Rupert's Land Act. Your Lordships will find at page 275, that before going to England he specially called the attention of the Government to the fact that "the terms of the recent Act of the Imperial Parliament to enable Her Majesty to accept a surrender upon terms of the land privileges and rights of the Hudson Bay Company which declares that Rupert's Land for the purposes of that Act shall include the whole of the lands and territories held or claimed to be held by the company." And they recommend that they be authorized to arrange for the admission of the North-West Territory into union with Canada, and the Committee of the Privy Council of Canada report upon that, and it is approved by the Governor General.

Then the Rupert's Land Act is passed, which is to be found at page 445.

Now, what we say with regard to that Act, is, that it practically puts an end to the whole of this controversy, and that it was intended to put an end to it. The way in which it was arranged was this: Her Majesty accepted from the company a transfer of their whole property and for the purpose of the transfer of the property was defined and it was surrendered to the Crown as all the land the Hudson Bay Company had claimed.

The Lord Chancellor.—Held or claimed?

Mr. Robinson.—Yes, "held or claimed to hold by the said Governor and company." Then the Imperial Parliament, or rather the Crown of England, having the property in themselves granted that property to the Dominion. The Dominion acquired that property from the Crown, the Dominion paid for that property the sum of £300,000, the money coming from the joint purse of the Confederated Provinces.

The Lord Chancellor.—Supposing any part belonged to Canada. Nothing was paid to Canada, I suppose, was it?

Mr. Robinson.—No, it was not; but for the purposes of getting that Act and for the purposes of getting the territory it was vested in the Crown and it was acquired from the Crown by Canada not by Ontario.

The Lord Chancellor.—But is your proposition that if under those words a considerable slice of Upper Canada was taken that that was taken without any consideration by the Imperial Government from Upper Canada?

Mr. Robinson.—Yes, that is, so it is acknowledged by Canada for that purpose to be part of Rupert's Land.

Sir Montague Smith.—How does Canada's claim affect Ontario?

Mr. Robinson.—Simply because Canada now derives her title to that property from the Imperial Government. Let us just test it.

Sir Barnes Peacock.—It was to be surrendered to the Crown on condition that the Crown was to put it back again into Canada. That was the Act of Parliament?

Mr. Robinson.—Yes.

Sir Barnes Peacock.—It was not to be the Crown's property?

Mr. Robinson.—No.

Sir Barnes Peacock.—But it was conveyed to the Crown on condition that the Crown would within a certain time reconvey it?

Mr. Robinson.—Yes, after a time.

The Lord Chancellor.—It is an extraordinary thing to say that the Imperial Government took, without consideration from Canada or Ontario, part of its territory and included it in Rupert's Land to be, by some future Act, made a distinct property. Of course if such a thing was part of the Imperial Act it will receive its proper construction, but it seems to be an extraordinary thing—of course that assumes that it was part of Upper Canada. If it was part of Upper Canada, and it was intended to pass under the Act there, it clearly falls within the words.

Mr. Robinson.—Are not the words plain? Is not the property which Canada thereby receives the property which the Hudson Bay Company claim to hold? Is it not quite clear what property they did claim to hold? If so, just look at what the effect of a contrary construction would be. Is it possible to hold that after the United Provinces have paid a sum of £300,000 for this property, which, as I say, comes from a joint rate levied on all the Provinces, comes from their joint purse—

The Lord Chancellor.—Property taken from Upper Canada without notice—

Mr. Robinson.—Not without notice.

The Lord Chancellor.—And a rate levied upon them to pay for what belonged, not to them, but to somebody else. But there is not the slightest trace that I can see in the controversy that anything was taken from Upper Canada.

Mr. Robinson.—All I desire is to present to your Lordships what we conceived to be the meaning, and see what the practical result is. Supposing after this money was paid for this territory, derived from the source I have already indicated, somebody were to come in and say: "Why, three-fourths of this property belonged to us before."

The Lord Chancellor.—But they are not so claiming.

Mr. Robinson.—They are now claiming.

The Lord Chancellor.—That claim is set aside as manifestly unfounded, and you are not called upon to answer it.

Mr. Robinson.—But they are now claiming that part of the property which the Hudson Bay Company claim as having belonged to them before this transfer. That is what I mean.

The Lord Chancellor.—There is nothing in these words to show it.

Mr. Robinson.—Apart from this controversy, Upper Canada did claim a great deal of this property as being theirs before the transfer.

Lord Aberdare.—Who is the Honorable Joseph Cauchon?

Mr. Robinson.—He is the administrator of the whole Province.

Lord Aberdare.—Of the whole Dominion and Upper Canada in 1857?

Mr. Robinson.—Not in 1857.

Lord Aberdare.—Of the whole Province of Canada?

Mr. Robinson.—Yes; he was Commissioner of Crown Lands, Canada, 1857.

Lord Aberdare.—In 1857, when he was Commissioner, what did he represent?

Mr. Robinson.—He represented Upper and Lower Canada.

Lord Aberdare.—When you turn to page 169, you will see what the claims of Canada are. I do not see Upper Canada.

Mr. Robinson.—There is, no doubt, what their claims were. They made the strongest claims and asserted that the Hudson Bay Company had no territorial right at all.

Lord Aberdare.—No; look at page 169. You will see that the Hudson Bay Company were allowed to establish themselves on the Canadian territory.

Mr. Robinson.—Yes; they assert the French view.

Lord Aberdare.—Look at page 169, at about line 12. The commissioner says that the company "have had every facility they could possibly enjoy in their own territories, if such exist," of that there is no doubt, "whether on the coasts of Labrador, Lakes Huron, Superior, or Winnipeg, whether on the Saguenay," which I suppose is wholly Canadian, "the St. Maurice," which I suppose also is wholly

Canadian, "the Ottawa, the Red River, the Assiniboine, or the Saskatchewan." You will see that they couple together the rivers which are undoubtedly and undisputably Canadian, with those which the Hudson Bay Company claim as having been permitted to establish posts there. "Whenever they have operated within the boundaries of Canada they have had precisely the same scope as within their own territories on the shores of Hudson Bay."

Mr. Robinson.—Yes; and you will see that the wording of that passage clearly corroborates what I said, that they emphatically denied all rights of territory to the Hudson Bay Company.

Lord Aberdare.—Yes. They say: "You have had our territory, and you have carried on your operations on our territory, and you have had the same facility, and precisely the same scope on our territories as you have had within your own territories on the shores of Hudson Bay."

Mr. Robinson.—Yes. They said: "We simply allowed you to trade in our territories just as you would within your own."

Lord Aberdare.—Yes.

The Lord President.—In page 170 you will see he says this: "In the first place, then, with respect to the territory affected by the charter of the Hudson Bay Company, it may be admitted that it would not only be difficult, but absolutely impossible to define it, it is therefore fortunate that its limited extent renders the question of little importance, further than it becomes necessary to consider and rebut the very large pretensions of the company."

The Lord Chancellor.—However, any extravagant view taken by the representative of Canada could not diminish the right that they had. But to say that the use of the word "claim" is to take away part of Upper Canada and annex it to Rupert's land, is a proposition which is really beyond all argument.

Sir Barnes Peacock.—This is an Act really which authorizes the Hudson Bay Company's surrender of all that they claim. It is not because it authorized the Hudson Bay Company's surrender that it would be binding upon any other persons, Ontario or any other colony, not to claim that which belonged to them. It was to bind the Hudson Bay Company saying: "When you receive this £300,000, and have made a surrender, you will have no claim to Rupert's Land." Then section 4 enacts: "Upon the acceptance by Her Majesty of such surrender, all rights of government and proprietary rights, and all other privileges, liberties, franchises, powers and authorities whatsoever granted or purported to be granted by the said letters patent to the said governor and company within Rupert's Land, and which shall have been so surrendered, shall be absolutely extinguished." It does not say that it shall extinguish the rights of any other colonies of Upper Canada or Ontario.

The Lord Chancellor.—The question is whether this territory did belong to Canada. If it did belong to Canada, then no doubt it is part of Rupert's Land.

Mr. Robinson.—Substantially Canada treated for this territory, on the footing that it did not belong to them, and the Confederation paid for it on that footing.

Now, let me refer your Lordship to section 5 of the Rupert's Land Act. What can be the meaning of that? And, remember, this is an Imperial Act overriding everything. "It shall be competent to Her Majesty, by any such order or orders in council as aforesaid, on address from the Houses of the Parliament of Canada, to declare that Rupert's Land shall, from a date therein mentioned, be admitted into and become part of the Dominion of Canada."

The Lord Chancellor.—That shows that it was not so before.

Mr. Robinson.—Yes.

The Lord Chancellor.—That is a strong argument against supposing that anything that was so before is included in the designation of Rupert's Land.

Mr. Robinson.—"And therefore it shall be lawful for the Parliament of Canada, from the date aforesaid, to make, ordain and establish within the land and territory so admitted as aforesaid, all such laws, institutions and ordinances, and to constitute such courts and officers as may be necessary for the peace, order and good government of Her Majesty's subjects and others therein provided, that until otherwise

enacted by the said Parliament of Canada, all the powers, authorities and jurisdiction of the several courts of justice now established in Rupert's Land, and of the several officers thereof, and of all magistrates and justices now acting within the said limits, shall continue in full force and effect therein." Now, remember that that was authorizing the Dominion to make laws for the peace, order and good government of that country, in other words, that the government of that country was placed under the Dominion.

Sir Montague Smith.—Then that leaves the boundaries of that country just the same?

Mr. Robinson.—If it belonged to Ontario.

Sir Montague Smith.—That is the question. Then, it is not part of Rupert's Land. Whatever was part of Ontario was already in that Province. Then Rupert's Land is made part of Ontario. The boundary between Rupert's Land and Ontario is what we are trying to get at. They cannot claim to hold what belonged to somebody else, unless they make out their title.

Mr. Robinson.—I say that the result may be this, that after all the negotiations, after the acquirement of this territory, described as it is described by that description, including that which Ontario now claims, Ontario may come and say "part of that property which was purchased by the united funds, belongs to me."

The Lord Chancellor.—No; they would not say it was part of that property.

Sir Montague Smith.—You assume complex propositions which they deny.

Mr. Robinson.—I submit that I am able to prove, and that I have proved, that they claim it as part of their property. Of course, if I have not proved it, my argument fails.

Sir Montague Smith.—Supposing that any part was formerly a part of Canada, do you mean to say that it ceased to be Canada and became part of Rupert's Land?

Mr. Robinson.—I say any part which Canada claimed to hold at the time she came into the Confederation, ceased to be a part of Canada therefrom.

The Lord Chancellor.—If it does not apply to the whole, why does it apply to part?

Mr. Robinson.—I pass now to the question of the commissions which your Lordships directed my attention to some time ago.

Lord Aberdare.—From 1791 onwards.

Mr. Robinson.—Oh! From before that, from 1774. Now, in the first place, they say that the Quebec Act defines the bounds.

The Lord Chancellor.—Supposing these commissions show what was understood by the Crown of England to be within these boundaries, and what was acted upon as being within these boundaries, does it not require that we should take the two things together?

Mr. Robinson.—Yes; but I say whatever is the meaning of the Quebec Act, that defines the boundaries. I say wherever the commissions are inconsistent with the Quebec Act they cannot claim to change it or affect it in any way in its operation. I say wherever the commissions are uniform it may well be that they in some way throw some light upon the Act and explain it; but the only benefit that we derive from them, in our view, is that they do explain the Act. The commissions themselves are inconsistent with one another. They are consistent with one view, and inconsistent with another view. In the first place the commission of 1774 requires no more explanation because it has been given fully already. The commission goes northward along the eastern bank of the Mississippi, and I have said all I have to say about that. Our contention is that the commission is clear, and that the Act is inconsistent with it. That is my argument about that. Now, the next is the commission of 1786. That was the commission to Sir Guy Carleton.

The Lord President.—The boundary laid down in this commission is entirely independent of the north line and the junction of the two rivers.

Lord Aberdare.—Remember this is after the separation.

The Lord President.—Yes, it has nothing to do with the due north line.

Mr. Robinson.—No. Of course it had to start from a different point, because all the southern territory had been conceded. Then the first distinction between the commission of 1786 and the commission of 1774 is this. The first commission differed from the Act, going to the Mississippi and then going along its westward bank. The next Commission goes back to the wording of the Act, curiously. It goes to the Mississippi, and then goes northward without saying “going northward along the eastern bank of the Mississippi.” It is a curious thing. We may say on our side that that shows that the commissioners did not intend to depart from the wording of the Act in their first commission.

The Lord Chancellor.—As a matter of fact the whole course of the Mississippi had been ceded to the United States. It was evident that that was not understood at the time.

Mr. Robinson.—Downwards, my Lord.

The Lord Chancellor.—But that was so in point of fact.

Mr. Robinson.—Yes, that was so—in point of fact downwards. The commission of 1786 goes back to the wording of the Act so far as the Mississippi is concerned—it says, if I recollect rightly, that the boundary goes “on a due west course to the Mississippi and northwards to the southern boundary” of the Hudson Bay Company’s territory.

Sir Robert Collier.—“To the Lake of the Woods and then from the Lake of the Woods to the north-western point thereof.”

The Lord President.—Whatever it is, it carries the limits of “our Province of Quebec” as far as the Lake of the Woods, and further westward.

Lord Aberdare.—But we have been told that the supposition was that the Mississippi was west of the Lake of the Woods, but would not this seem to extend the boundary to the Lake of the Woods—to the point where the Mississippi goes?

Mr. Robinson.—Nothing could be plainer.

The Lord Chancellor.—Then it turns out that that was an error. You cannot find any western point in that way, and that they were therefore right in stopping at the extreme point as a correct description.

Lord Aberdare.—Yes; at the same time it shows that in the minds of those who were putting the construction that there was something west of the Lake of the Woods.

The Lord Chancellor.—Yes.

Sir Robert Collier.—After indicating the due west course to the Mississippi it then goes on northward to the southern boundary of the territory granted to the Hudson Bay Company.

The Lord Chancellor.—I should read it as if expressed thus: “Thence through the said lake to the most north-western point thereof,” and that if the River Mississippi runs to the west thereof, then northward to the River Mississippi to the southern boundary of the territory granted to the Hudson Bay Company.

Sir Robert Collier.—It assumes the Mississippi to be northward of the southern boundary of the Hudson Bay Company’s territory.

Mr. Robinson.—Both the commission and the treaty were founded upon a geographical mistake.

The Lord Chancellor.—It is so, no doubt.

Mr. Robinson.—We all know that if you were to go due west to the angle of the Lake of the Woods you would not touch it; therefore we point to a commission which is plainly founded on an error. If they had recognized the height of land then they never would have drawn this commission in these terms. Nobody in the world can question that. Then what weight is to be attached to a commission which is founded on an error? What we say under the circumstances is, that that commission cannot affect the Act, that is what we say.

The Lord President.—It is quite accurate as to the southern boundary from Long Lake to Lake Superior and the Lake of the Woods.

Mr. Robinson.—Yes. You cannot get at that without interfering with the rights of the Hudson Bay Company. If their rights are what I have said, if the Hudson Bay

Company are entitled to the height of land (I do not want to go back to that) the Crown could not take it from them by a commission.

The Lord Chancellor.—We have strong evidence that the Crown did not regard the territory of Rupert's Land as included in this district, and that it was not acted upon as being in this district.

Mr. Robinson.—They did not know where the height of land was any more than they knew where the source of the Mississippi was.

Sir Montague Smith.—If they meant the height of land, why did not they say so? Because it was capable of being clearly ascertained.

Lord Aberdare.—Your contention, I suppose, would be that they suppose the Lake of the Woods went in a southerly direction.

Mr. Robinson.—Yes. There was a mistake altogether as to where the line of the water was. I am not going back to that.

The Lord Chancellor.—This map is, as nearly as possible, 100 years old.

Mr. Robinson.—I cannot strengthen my argument by a repetition, and as long as my argument is understood I will not say anything more.

The Lord Chancellor.—It seems to me that the argument on the evidence you have put forward about that to be wholly beside the question.

Mr. Robinson.—Of course that commission in question was issued on the theory that the source of the Mississippi was in a different place altogether. There can be no mistake about that.

Sir Robert Collier.—Yes.

Mr. Robinson.—And if the construction of the Hudson Bay Company's charter is to give to them the height of land you cannot take it from them by commission. That is what I say upon that, the subject being the most important branch, or one of the most important branches, at all events, of the discussion of this subject in the view taken by the Dominion. I think it has been always said to be an established proposition of law, that it is impossible to question the assertion that no commission can interfere with an Act of Parliament which, by itself, is clear.

Then we come to the end of 1791. A great deal has been said about that, and there again is an instance of the inconsistency of these commissions, and the danger of founding any argument upon them, because they vary from each other.

Lord Aberdare.—You come to another class of questions.

Mr. Robinson.—The Act of 1791 is what is generally termed "the Constitutional Act."

Sir Montague Smith.—Page 393, is it not?

Mr. Robinson.—Yes; but I ought, before speaking to those, remind your Lordship that there is a commission put into Mr. Johnson, I think in respect of the territory of Illinois, which was referred to by my friends as strengthening their construction of the Quebec Act. That is to be found at page 383. In the first place there is a singular circumstance connected with that, and that is that they are all commissions to Lieutenant Governors.

The one to Mr. Johnson your Lordships have already had. That has been referred to by my friends as strengthening their construction of the Quebec Act and their view that Illinois was included.

Sir Robert Collier.—That goes against the due north line?

Mr. Robinson.—Yes; what I want to point out to your Lordships as a curious circumstance is that if you look at page 385 there is an item "To Philip De Rocheblave, Esq., for his salary as commandant of the Illinois from the 13th January, 1784, to the 13th January, 1785, pursuant to Lieutenant Governor Hamilton's warrant dated 2nd March, 1785, £200." Against that is put: "To this article I cannot assent, as it is unprecedented, and as it introduces a new appointment upon the civil establishment of the Province, and the more especially as His Excellency Governor Haldimand declined issuing warrants for the six months ending 1st of December, 1784, for the salaries of Lieutenant Governors Abbot and Johnson, though commissioned by the King, as St. Vincent and the Illinois were without the limits assigned by the Province by the definitive treaty, and not occupied by the King's troops or

subjects." I point to that remark to say that I myself am not able clearly to understand it.

Lord Aberdare.—St. Vincent is within the line?

Mr. Robinson.—St. Vincent is within the Illinois.

Mr. Mowat.—The explanation is that it ceased to be British territory under the treaty.

Mr. Robinson.—No; he says it was "without the limits assigned to the Province by the definitive treaty." The definitive treaty has generally been spoken of as the Treaty of Paris of 1763. That is what has been called the definitive treaty.

The Lord Chancellor.—No; it is made perfectly intelligible there.

Lord Aberdare.—It means the last treaty there.

Mr. Robinson.—If it means the last treaty there of course that makes it clear; but it has been spoken of throughout the books as the treaty of 1763. I can show your Lordship that in many places.

The Lord Chancellor.—It agrees with the fact. It is within the limits defined for the Province.

Mr. Robinson.—By the treaty of 1763.

Lord Aberdare.—It could not be said that it is within the treaty of 1763.

Mr. Robinson.—If it was the treaty of 1783, it is intelligible, but it is not what is called the definitive treaty. Although there is a commission to Governor Johnson and this was in Illinois, there seems to be no commission for this territory up to the northward. One would expect to find commissions for the Government of that territory as well as for that of Illinois. That shows that it is not taken as being within the country. Now I pass to the Act of 1791, which your Lordship will find at page 393—

Sir Robert Collier.—That divides the two Provinces?

Mr. Robinson.—Yes; that divides the two Provinces. Now, it has been said that that Act extends the limits under any circumstances. In the first place, you will find that the Act does not profess in any way whatever to extend or to diminish the Province of Quebec. It simply says that His Majesty has been pleased to signify his royal intention to divide his Province of Quebec into two separate Provinces. Now, that would authorize no Order in Council, which it did more than divide the Province of Quebec, if there were any such Order in Council.

Lord Aberdare.—I suppose there is always some ambiguity in what the meaning of the Province of Quebec is, because the Province of Quebec, as first constituted, was very far from covering the whole of the territory ceded by the French, and when you say the Province of Quebec here in the Act of Parliament, it means the whole of the territory ceded by France.

Mr. Robinson.—I should think it meant the Province of Quebec as formed by the Quebec Act.

The Lord Chancellor.—It does not deal with the south-eastern boundary, but with the north-eastern boundary, and it is material to observe the language of this, which, perhaps, might have been equivocal, if the other commissions had not given construction to it.

Mr. Robinson.—Yes; my Lord. Now, a great deal has been said about the effect of that Act. It has been said that the Act in connection with the Order in Council issued upon it, did extend the Province of Quebec, whatever it might have been before 1774. All we have to say is that the statute itself does not more than divide the Province of Quebec. It recites the Province of Quebec as formed by the Act of 1774.

The Lord Chancellor.—Is there any inconsistency between the two, if the boundary between the Hudson territory and the French territory was stated? Supposing, for instance, that the French territory is regarded as running up in accordance with the line of the award to Hudson Bay, is there any inconsistency in any part of the language of the Quebec Act and this language?

Mr. Robinson.—If we regard the French territory as running up to the line of Hudson Bay and the French rights as thereby overriding the rights of the Hudson Bay Company, there may not be.

The Lord Chancellor.—Therefore, it depends on the fact. The suggestion of inconsistency involves a hypothesis of fact, viz., that Hudson Bay boundary did not coincide with the award line, or, at all events, that it did not carry the French territory in Canada to the shore of Hudson Bay. But that is a thing to be proved. It is not proved by the language of the Quebec Act.

Mr. Robinson.—I do not wish to go back, but your Lordship will see.

Sir Montague Smith.—I think you are trying to meet an argument which you suppose was used on the other side, viz., that this Act extended the boundary.

Mr. Robinson.—Yes; that is what I mean.

Sir Montague Smith.—I do not know that that was argued?

Mr. Mowat.—Not the Act itself.

Mr. Robinson.—I certainly recollect that argument often having been used, and I thought it was used at the bar?

Sir Robert Collier.—You are fighting a shadow. I do not think it was argued here.

Mr. Robinson.—I know it certainly has been contended.

Sir Montague Smith.—It has not been contended at the bar.

Mr. Robinson.—I certainly have heard the contention very often.

Sir Montague Smith.—It was not contended here. You say, although it has been contended that this Act extended the boundary, it was merely an Act for the division of the whole Province of Quebec into two.

The Lord Chancellor.—It was rather put forward as evidence of what the boundary of Quebec was. The words are "from the head of the said lake" (that is Lake Temiscamingue by a line drawn due north,"—which is certainly the line we have here; the blue on the one side and the red on the other) until it strikes the boundary line of Hudson Bay." Well, of course, we may say that the meaning of that is one thing or the other, but at all events, it gives you the eastern boundary of the two Provinces up to that point. Well, that point is, the shore of the bay, or it is the boundary line, wherever that might have been, of the Hudson Bay territory. You, of course, say the latter, and that that did not coincide with the shore of the bay.

Mr. Robinson.—Yes, my Lord.

The Lord Chancellor.—There is no doubt something to be said upon your side; for instance there is the *prima facie* force of the words "dividing line" as distinguished from the "coast" or "shore." Now, I should like you to address yourself to the question whether you find a similar description in any plan in the commission of 1839, connected with this dividing Act upon which those commissions must have depended.

Lord Aberdare.—I have looked through the Quebec Act and the commission founded upon the Quebec Act, and I find there that the Hudson Bay Company whenever they are mentioned are described as "The Merchant Adventurers of England trading to Hudson Bay," and the first mention of boundary line is when you come to 1791.

Mr. Robinson.—Yes, that is in the commissions.

Lord Aberdare.—On one occasion, and on one occasion only, so far as I can see, they are described as the company trading to Hudson Bay, but that was not the description finally adopted in the Act. It was "the boundary line of the Hudson Bay."

The Lord Chancellor.—It is very remarkable by the way and ought not to be overlooked that before this Act was passed there was a paper ordered by the House of Commons to be printed on the 21st April, 1791, which proposed to make a line "running due north to the boundary of the territory granted to the Merchant Adventurers of England trading to the Hudson Bay."

Lord Aberdare.—That is what I have quoted just now. The commission is not so precise. It simply takes the boundary line of Hudson Bay and you will find afterwards that it is the first and not the second definition that is invariably adopted. Till you come down to the time of Lord Durham, and from that time forward it is always the shore of the bay.

Mr. Robinson.—Quite so.

The Lord Chancellor.—But it by no means follows from that that the territory granted to the Merchant Adventurers of England trading to Hudson Bay in this description granted to them and in their possession did not coincide with the line drawn at the Hudson Bay. The two might be perfectly consistent.

Lord Aberdare.—You will find in all the Orders in Council afterwards that the definition in the second is not adopted. It shows that it was before them, but they did not adopt it.

Sir Barnes Peacock.—That is so, but, probably, it was thought to be the same thing, because here was the boundary in 1700.

Lord Aberdare.—I do not say that. When you come to find that upon subsequent documents the word "shore" is substituted for "boundary;" it seems material.

The Lord Chancellor.—It seems to be possible that the Legislature deliberately adopted the words "boundary line of Hudson Bay" rather than the others, because regarding them as practically coincident, the one phrase was more expressive than the other and more geographically correct.

Mr. Robinson.—Then, my Lord, if no argument is founded on the Act of 1791, I pass it by; but if not upon the Act, I understood that some argument was founded upon the Order in Council issued under the Act.

The Lord Chancellor.—Where is that?

Mr. Robinson.—There are two Orders in Council. They are at pages 397 and 399. The Act gives no boundaries at all, it professes only to divide the Province of Quebec; the Order in Council specifies the line of division. There are two Orders in Council. One of them speaks of "The line of division described in the paper, a copy of which is hereto annexed." That description is this: "Including all the territory to the westward and southward of the line to the utmost extent of the country commonly called or known by the name of Canada." Then your Lordships will find at page 400—

Sir Robert Collier.—First of all take the bottom of page 399. "The proposed line of division."

Mr. Robinson.—Yes, my Lord, the words that are of any importance there are these: "Including all the territory to the westward and southward of the said line to the utmost extent of the country commonly called or known by the name of Canada." They then referred to "the name of Canada."

Sir Robert Collier.—"A line drawn due north until it strikes the boundary line of Hudson Bay."

Mr. Robinson.—Quite so, that is the phrase used in the Order in Council.

The Lord Chancellor.—You have passed over page 398, but there is something there which seems deserving of attention. It appears the Right Hon. Henry Dundas had addressed a letter to the Lord President enclosing copy of a paper presented to Parliament, previous to the passing of the Act, describing the line proposed, that being the paper in which the words "until it strikes the boundary line of Hudson Bay" occur. Then that Order follows "from the head of Lake Temiscamingue by a line drawn due north until it strikes the boundary line of Hudson Bay"—taking the language of that paper and not of the other. Then comes the Order in Council at page 398: "The Lords of the Committee, in obedience to your Majesty's said Order of Reference this day, took the said letter into their consideration together with the Act of Parliament therein referred to, and likewise copy of the said paper describing the line proposed to be drawn for separating the Province of Upper Canada and the Province of Lower Canada, and their Lordships do, thereupon, agree humbly to report as their opinion to your Majesty by your Order in Council to divide the Province of Quebec into the distinct provinces by separating the Province of Upper Canada and Province of Lower Canada according to the said line of division described in the said paper."

Mr. Robinson.—Yes, my Lord, but we say that that Order in Council cannot affect the Act of the Legislature.

The Lord Chancellor.—It expressly says: "According to the said line of division described in the said paper."

Mr. Robinson.—Yes, my Lord, I have those words marked and it seems to me they support my contention. It comes to this, it seems to me, in the end. That in the Act of 1791 no boundaries are mentioned; in the Order in Council issued upon it boundaries are mentioned. What we say is that in so far as the boundaries differ, if they do differ at all from the boundaries of the Quebec Act, they cannot affect that Act because words in an Order in Council cannot affect the Act of Legislature.

Lord Aberdare.—But the boundaries of the Quebec Act have nothing whatever to do with the separation of the two Provinces.

Sir Montague Smith.—But what the learned counsel says is that the Province of Quebec was fixed by that and this only divides it.

Mr. Robinson.—Only divides what was really the original Province of Quebec. It is no changing of its boundaries.

Lord Aberdare.—But surely the Act of Quebec is utterly silent as to this portion of the territory?

Mr. Robinson.—I am speaking of the southern boundary of the Hudson Bay territory; the Act of Quebec fixes that and the northern boundary.

Lord Aberdare.—At this particular place?

Mr. Robinson.—Yes; at least I take it altogether.

The Lord Chancellor.—The Quebec Act fixes, no doubt, the southern boundary as that which is regarded as the Hudson Bay territory, but it does not show exactly what that southern limit is, and, surely, these subsequent Acts go a long way to show what, in point of fact, was reputed and acted upon as being that southern limit.

Sir Montague Smith.—You say in some respects they vary, but you get a tolerably consistent stream of interpretation from the Act down to quite modern time.

The Lord President.—This is a new expression here "to the utmost extent of the country commonly called or known by the name of Canada."

Mr. Robinson.—We are either right or wrong in saying that the Hudson Bay charter went from the mouth of the bay to the height of land.

The Lord Chancellor.—You say that nothing which afterwards passed could overrule that Act?

Mr. Robinson.—Yes.

Sir Montague Smith.—That underlies all your arguments?

Mr. Robinson.—That underlies all my arguments.

The Lord Chancellor.—In considering that we must look to possession and occupation and enjoyment and *de facto* use of the land.

Mr. Robinson.—Yes. Then, my Lords, I could not do more than repeat my argument, and I do not wish to do that. I have spoken as regards occupation and enjoyment and as regards the construction of the Hudson Bay charter. If I am wrong in that, I fail.

Sir Robert Collier.—I think your argument is very clear.

Mr. Robinson.—I cannot put the thing otherwise in any way at all. If I am right in what I have put to your Lordships with regard to the Hudson Bay Company's charter, and the strong explicit and clear recognition by the Crown, not only of the charter but of the limits which the Hudson Bay Company were entitled to claim under the charter, I have established sufficient for my purpose. The Hudson Bay Company, in the year 1719, had clearly been recognized by the Crown as entitled to the country to the height of land. Then I am right in saying that no subsequent Orders in Council, no subsequent commissions can take away from that company any portion of their rights. If I am wrong in that, of course, my argument fails. I cannot strengthen it anyway, that I know of. It has always seemed to us in that respect to be clear that nothing could be stronger than the recognition by the Crown of their charter and the assertion by the Crown of the boundary of the country which they had granted.

Sir Montague Smith.—You say it is perfectly clear what the grant was and that, therefore, these, so far as they depart from, or are inconsistent with, it, are of no avail?

Mr. Robinson.—Yes, my Lord, we say not only that it is clear what the Crown asserted it did grant, and we say it having been granted and the construction having been placed upon it by the Crown, it is impossible by subsequent commissions or executive acts to take away from them any portion of their rights, and that inasmuch as our rights by the Quebec Act are dependent on other rights, we go to the boundary of the territory granted to them and that that territory extends everywhere wherever that territory be. I should pause for a moment at the Act of 1791, merely to point out to your Lordships that there is there again the same curious inconsistency. A great deal has been said upon the fact that that boundary as fixed by the Order in Council is including "all the territory to the westward and southward of the line to the utmost extent of the country commonly called or known by the name of Canada." Now we have always thought that that meant Canada defined as founded and as established by the Act of Quebec, because the Quebec Act, according to the proper construction, took in everything that was known by the name of Canada. But, apart from that altogether, you will find that when the commission of Lord Dorchester comes to be issued under that Act on the 12th September, 1791, they depart from the term Canada again, and they say "including such territories as were part of our said Province of Quebec." Then you will find that when the Lieutenant-Governor, Alfred Clarke, in 1791, issues his proclamation declaring when that Constitutional Act of 1791 was to come into effect, he goes back to the expression "commonly called or known by the name of Canada." Then you find when that is transmitted to the Secretary of the Colonies, the Right Honorable Henry Dundas, it is pointed out to him that the commission of Lord Dorchester and the Order in Council differ.

The Lord Chancellor.—Not in any part that is material to this enquiry.

Mr. Robinson.—I cannot say whether it is material or not. We have never thought that it is material. I am only pointing out to you that these commissions differ from each other constantly. The answer is that it is not thought that the differences are material. Then we find that after that (and some importance seems to be attached to it), in 1848, the commission is issued to Lord Durham.

The Lord Chancellor.—I think this is of some importance, and, perhaps, you would like to deal with it. The proclamation of Governor Simade, of 1732, recites the Quebec Act, and, amongst other things you will observe that it says: "The 19th of the said counties is hereafter to be called by the name of the county of Kent," which, as we have looked at the map seems to be at the angle between Lake Erie and Lake Huron right down to the south, but it is very little to the west of this line itself, and all the other boundaries are either in between it and the French River or to the eastward of this dividing line. Then it goes on: "That the 19th of the said counties be hereafter called by the name of the county of Kent, which county is to comprehend all the country not being territories of the Indians not already included in the several counties hereinbefore described extending northward to the boundary line of Hudson Bay, including all the territory to the westward and southward of the said line to the utmost extent of the country commonly called or known by the name of Canada," and in the Provincial Act of 1798 the western district is said to consist of the counties of Essex and Kent, and what is to the west of them. Now, speaking broadly, the whole of the disputed territory from that point to the west and up to Hudson Bay is to the west of the angle between Lake Huron and Lake Erie.

Lord Aberdare.—And it is party to the northward?

The Lord Chancellor.—Yes, although the county of Kent lies so much to the south, yet, as would be expected, it is thrown into connection with it.

Mr. Robinson.—That touches the west side and not the north-east angle, that I am now upon.

The Lord Chancellor.—Yet it does, because the line drawn from the county of Kent, although as it was drawn due north from the county of Kent it would not accurately coincide with this, yet would come very near it, if you understand the whole of the western district to be thrown together whatever its extent was and not divided into counties.

Sir Montague Smith.—The curious thing is that the county of Kent is not the westernmost part of this district. Essex is west of Kent.

Mr. Robinson.—Yes, Essex runs down the River Detroit, if your Lordship will look at the map.

Mr. Mowat.—Essex was part of Kent in the first instance, which explains that.

Mr. McCarthy.—Oh, no.

Mr. Robinson.—They were Essex and Kent, the united counties of Essex and Kent; they are separated in the commission here I see.

(Their Lordships referred to the various plans.)

Mr. Robinson.—Passing, then, from the Act of 1791, and from the Orders in Council and the commissions issued under it, I will endeavor to point out the inconsistency in those and to argue that it is impossible to rely upon this commission for any definite description. Now the next thing we find is that in 1838 a commission is issued to Lord Durham. Your Lordships will see that these commissions differ, and differ very materially, from the other commissions, because they go “until it strikes the shore of Hudson Bay.” The commission for Upper Canada gives its eastern limit as a line drawn due north from the head of the lake until it reaches the shore of Hudson Bay. Now it has been said that commissions, whatever may have been the rights of the Hudson Bay Company, practically took away from them their rights.

The Lord Chancellor.—Still they are strong evidence of what those rights were.

Mr. Robinson.—Then they are construction.

The Lord Chancellor.—And they are also strong evidence of what was the true construction of the words “until it strikes the boundary line of Hudson Bay,” in the earlier commissions and in previous orders.

Mr. Robinson.—At all events, what I mean is this, it is said that the effect of them is to confine the Hudson Bay territory to the shore at that point.

The Lord Chancellor.—It is strong evidence that they were in point of practice so confined, according to the descriptions which are contained in those documents, and that the *de facto* boundary was consistent with that, being the north-east boundary of Upper and Lower Canada. It is a question of evidence. It is not a question of taking away. It is a question of evidence as to the *status quo* of rights depending really upon possession and documents.

Mr. Robinson.—Yes. Now, in the first place, we say that the Hudson Bay Company's rights under their charter were settled long before that.

The Lord Chancellor.—You say they did not depend upon possession, occupation on the charter?

Mr. Robinson.—They depended upon the grant recognized by the Crown. In the next place they say the result of that would be to take away from them the territory which they clearly did occupy at that time. Their forts are there. The history of their forts has been given, and if they owned any territory at all under their grant they would unquestionably have owned the territory covered by those forts, which at that time existed, which they have always held, and which they hold, as I understand, to this day.

The Lord Chancellor.—If they do, that would not be inconsistent with its being within Canada. Fort Michipicoton is admitted to be in Canada.

Lord Aberdare.—And several other forts mentioned in that paper.

Mr. Robinson.—I am speaking now of the forts up at the north—the forts of James' Bay.

The Lord Chancellor.—If you are right in saying that they have to this day certain forts within the district here marked out as belonging to Upper Canada, there is nothing in that inconsistent at all, because we know that it extended to the southward.

Lord Aberdare.—There are forts on the side of the river St. Lawrence.

The Lord Chancellor.—In the paper recently read the Government of Canada said that no obstacle had ever been thrown in their way within the limits of Canada to act exactly as they did elsewhere.

Mr. Robinson.—In one paper on this subject, which has been published, and which your Lordships will find at page 125 of the appendix of the Province of Manitoba, I find the history of the forts there, which are about the first. To begin with Fort Rupert, up at the north-east angle: "Fort Rupert, called by the French St. Jacques, found in 1667 to 1668 by Gillam. Taken by the French, under de Troyes and d'Iberville, July, 1686. Retaken by the English, 1693." As far as I know, that fort has been occupied since. Then "Fort Mississippi, Mousom's, St. Louis or Moore Fort" (your Lordships will see, that as the French took these forts they changed their names, and gave them French names), "taken by de Troyes and d'Iberville about the 20th June, 1686. Retaken 1693. 3rd. Fort Chechonon, Ste. Anne or Albany" (changing again from the French name to the English) "taken by de Troyes and d'Iberville in 1686. Retaken 1693. 4th. New Severn or Nicu Savanne, taken by d'Iberville in 1690. Fort Bourbon, Nelson on York, founded in 1670. Taken by des Grozeliers and Radisson, acting for the French, in 1682. Retaken by Radisson, acting for the English, in 1684. Retaken by d'Iberville, 12th October, 1694. Retaken by the English, 1696, and again by the French in 1697. It remained in the possession of the French until 1714, when it was given up under the Treaty of Utrecht. 6th. Fort Churchill, built 1688, and taken by the French in 1769."

The Lord Chancellor.—Is this one of your documents?

Mr. Robinson.—Yes.

The Lord Chancellor.—It is a little worthy of notice, that certain forts are mentioned as being taken and retaken, and then this fourth one, New Severn, is taken in 1690, but there is nothing about its being retaken. And then, Fort Nelson is taken and given up in 1714, under the Treaty of Utrecht. So that, with regard to some other forts, nothing is said about their being given up under the Treaty of Utrecht. Some are said to have been retaken by the English after their capture by the French.

Mr. Robinson.—Yes. Your Lordship is aware that the French, at a certain period, did capture all the forts but one. I think that was Fort Albany, and that was the foundation of the complaint of the Hudson Bay Company after the Treaty of Ryswick, that the French had in time of peace invaded their territory and taken their forts, and they petitioned for redress, but as I understand, if the assertion is, that the commission issued to Lord Durham goes at that angle up to the shores of Hudson Bay, it plainly takes from the Hudson Bay Company the territory which they, beyond all question, had occupied, because they were there with these very forts.

The Lord Chancellor.—There would seem to be within the territories discovered by Verendrye two forts—the Moose Fort, the Albany Fort and no other.

Mr. Robinson.—Surely they occupy the territory there by means of those forts, and surely they have acquired a title by occupation which no commission could take from them. If occupation is necessary to give them rights under that charter, then they had occupation, and then they had acquired the rights, and no commission could take those rights from them.

Then, with regard to the distinction in those commissions between the shores of Hudson Bay and the territory of Hudson Bay, we have always believed that there was never any intentional difference in those words. Any person would say naturally the boundary of the bay is the shore of the bay. Any person not knowing or caring, as very possibly whoever it was who drew these commissions did not know or care about the rights of the Hudson Bay Company—seeing them go in one place to the southern boundary of Hudson Bay, would naturally say: "The boundary of the bay is the shore of the bay, and it makes no difference." To say that simply by that change of phrase in a commission, territorial rights granted by charter are taken away, seems to us to be saying that which can have no foundation in law.

Then, my Lords, if these commissions are in the one respect to affect the question, they must affect it in another respect. If these commissions are to be held to be precisely what they say—are to be held, all of them, to be intentional—if Lord Durham's commission at page 405 is to restrict our boundaries on one side, because it is to be presumed that the change of phraseology in it was intentional, and because

it is to be said, as a proposition of law, that it can have that effect, then what is the meaning of restricting the other boundary and only going into Lake Superior ?

The Lord Chancellor.—The other commissions are the same.

Mr. Robinson.—From 1838 to 1846 they run in the same terms.

The Lord Chancellor.—Then there is no more recent boundary commission ?

Mr. Robinson.—No; after that they give no boundaries. They simply describe the property and give no boundaries.

The Lord Chancellor.—And during all this time there was no controversy at all about the boundaries between Rupert's Land and Canada ?

Mr. Robinson.—Up to 1846 I do not remember that there was.

Lord Aberdare.—Was the country east of James' Bay described as Rupert's Land ?

Mr. Robinson.—That, my Lord, I cannot give your Lordships information upon. My learned friend refers me to a map which comes from the Hudson Bay Company, and which shows all the forts that are here, and will show them all, but in 1838 this country practically was covered by the forts of the Hudson Bay Company.

The Lord Chancellor.—You will observe that in the British North America Act of 1867 these words occur in the 6th paragraph: "The parts of the Province of Canada (as it exists at the passing of this Act), which formerly constituted respectively the Provinces of Upper Canada and Lower Canada, shall be deemed to be severed and shall form two separate Provinces." Then are not these commissions some little evidence as to what the Provinces existing at the time of the passing of the Act were ?

Mr. Robinson.—Then, if so, if we are to be bound by the commissions to Lord Durham, all we can say is they do not carry Ontario beyond Lake Superior. Lord Durham's commission is to go into Lake Superior.

The Lord Chancellor.—You may say it ends there.

Mr. Robinson.—It does not go further.

The Lord Chancellor.—It does not limit the boundary further, but it is perfectly consistent with the continuation of the boundary along the American line.

Mr. Robinson.—Yes; it does not go further.

The Lord Chancellor.—It does not limit the boundary further, but it is perfectly consistent with the continuation of the boundary along the American line.

Mr. Robinson.—Yes.

Lord Aberdare.—And if it goes as far as Duluth it would give to us a great deal of the awarded territory ?

Mr. Robinson.—Yes, our belief has always been that those commissions really were not drawn with any view of accurately limiting or binding the Provinces or of describing any fixed boundaries which had been fixed by statute before, but were drawn simply to define the authority of the Governor over particular territory. They could be renewed or changed from time to time, and they were intended to have the force given to them here.

Lord Aberdare.—Is not a reasonable view of the question this that they were sufficiently specific in describing the boundaries between Upper and Lower Canada, but that they were not competent to go into the question of the western boundary ?

Mr. Robinson.—I think one may say that, and I also say generally, that these commissions were drawn for a totally different purpose.

The Lord President.—But the earlier commissions did that and treat themselves of doing it in the year 1774 and 1796.

Mr. Robinson.—They would not trouble themselves about the western boundary after that. They were simply drawn under the statute dividing the Provinces, and so long as they preserved the boundary it did not matter; the original boundaries on each side were fixed by the Quebec Act, and they were never intended to interfere with them. That has been the view, at all events, we have taken of the different commissions, say that that commission, by going to the shores of Hudson Bay, practically, took away a large portion of what we believe to have been granted to the Hudson Bay Company—a claim which has been recognized by the Crown—then we

say we have an equal right to insist on the fact that that commission takes them to the west end of Lake Superior, and all it does is to take the territory into Lake Superior.

The Lord Chancellor.—I suppose no one controverts the fact that the northern shore of Lake Superior up to the territory now in controversy belongs to Upper Canada?

Mr. Robinson.—I do not know that they do.

The Lord Chancellor.—There is all the difference in the world between controverting an uncontrovertible state of facts and one which is in controversy. If you were fighting and contending for that boundary of Upper Canada which is bounded by Lake Superior, then the words "and thence into Lake Superior" would be worth attention; but you are not, and there is no room for any such controversy. I cannot perceive the bearing of the argument. If the words as to the north line were equally indefinite, then I could well understand that you would be very fairly entitled to say it is inconsistent with its being or not being a prolongation. But they are perfectly different—"Until it strikes the shore of Hudson Bay."

Mr. Robinson.—Then, it is not a reasonable argument to suppose that that was never intended to change the boundaries or the limit of the Hudson Bay charter.

The Lord Chancellor.—But the question is whether it is evidence of what that boundary was—not under the charter, because the charter was not a boundary charter at all, but under the rights which have resulted from possession?

Mr. Robinson.—Then, if it was uncontroverted that that portion north of Lake Superior belonged to Canada by virtue of occupation it was equally uncontroverted that the land where they went to the shores of Hudson Bay belonged to the Hudson Bay Company by occupation.

The Lord Chancellor.—What evidence of possession since 1791 of anything within that line, have you produced—that is possession by the Hudson Bay Company since 1791?

Mr. Robinson.—If I understand rightly they had the Moose Fort there.

The Lord Chancellor.—To have the possession of a fort we know is possible.

Mr. Robinson.—Surely, my Lords, the possession, under the circumstances of the country and company of a fort on the shore from which they traded into the upper country, was possession of the upper country in the only way in which they can take possession.

The Lord Chancellor.—If they had nothing but their forts, it is quite consistent that they should have those forts though within Canada.

Mr. Robinson.—Surely it is inconsistent, as I submit with confidence, with every view that has been taken of the rights of the Hudson Bay Company in that country, that they were confined to the limits of the coast at that point.

The Lord Chancellor.—We have to deal with nearly 100 years of Acts of State carrying the boundary up to Hudson Bay, if the earlier commission is to be construed in the same way as the later ones.

Mr. Robinson.—But we are now dealing with an Act or commission of 1838.

The Lord Chancellor. Yes; but that follows on the earlier commission of 1791.

Mr. Robinson.—But the commission of 1774, if I recollect rightly—

The Lord Chancellor.—The provinces were not divided then?

Mr. Robinson.—No, my Lord, they were not divided at that time.

The Lord Chancellor.—It is only when the provinces came to be divided that this boundary comes into existence and becomes important.

Mr. Robinson.—Well, my Lord, our contention has always been that there was no change made in the Province of Quebec by the commission of 1791. There could be no change made in it by any commission. It either was settled or not settled by the Act of 1774. The subsequent commissions contain no limitations of boundaries and therefore they cannot assist us.

Now, your Lordships will understand the argument which I have addressed to you and which I have endeavored to put just in those two points. We first contend for the due north line and we have pointed out to your Lordship the

authorities on which we argue for that. We next contend that, at all events, we go to the southern limits of the Hudson Bay territory—I mean of the territory granted; that that territory is defined by the terms of the grant, and by the construction which should be put upon that grant at the time it was given, at all events, coupled with the acts of occupation which followed it, which are questions of fact. We say that beyond all doubt or question, founded on our own assertion, or our own assertion confirmed by the Crown, our limits long after that were limits only confined by the watershed. We say that that being the case, it was impossible to take away from us territory which we had thus acquired by our occupation. We had not occupied as individuals, because a distinction must always be drawn between an occupation by individuals, which may give individuals proprietary rights, and occupation by a country which gives international rights. Of course we have always conceded that the French subjects living on our territory may acquire such rights as individuals can acquire by prescription or by occupation; but what we have always denied is that the French rights and the French occupation, hindered as it was by the cession in 1763, can have any effect upon our grants as between us and the Province of Ontario, we both claiming under the same power, namely, the Crown of England, and the legislature of England. Whatever rights the French might or could have asserted, they have lost by the cession, and they are out of the way. The whole question now is between British subjects and between parties claiming under the Crown of England.

Then, my Lords, we say, with regard to these commissions, they are inconsistent one with the other. They are not intended for the purpose, and were not drawn with the object of defining the limits of the territory as a matter of boundary. They were simply drawn with the intention of giving authority to the Governors. So that it would be within the limits of executive authority as I understand the law, and as laid down in *Penn vs. Lord Baltimore*, whatever might be the legal boundaries of the province, to give to the Governor of it by his commission more extended jurisdiction. In other words, the Crown can give to the Governor of any territory, the limits of which are fixed by statute, a jurisdiction over an additional territory, and we say that at most these commissions could have no other effect. Then, my Lords, I only wish to add a few words with reference to this award, with reference to the position of the Dominion, with reference to the award, and with reference to the whole subject generally. With regard to this award we do not know precisely what was the intention of the reference to arbitration, whether it was intended as a reference, or whether it was accepted or acted upon as a reference to settle the true legal boundaries, or was a reference to ascertain what would be the most convenient and best boundaries. There is no doubt about one thing that the Act which Ontario passed after the award, by which it was enacted that the boundaries given by the arbitrators shall be the boundaries, whether they alter or diminish or change the true boundary or not is the strongest intimation on the part of that province of the light in which they regarded the arbitration, namely, that they regarded the award as being conclusive whether it fixed the true boundaries or not. Now, the Government of the day—the Dominion and the Parliament of the day—have always said that that never was intended to be the reference, and if it ever was intended to be the reference it never was an authorized reference, and never should have been made, for there never was any authority to make it on the part of the Executive.

The Lord Chancellor.—What is the use of any arbitration except to settle the disputed points?

Mr. Robinson.—Yes, but a very great question is on what principle you are to settle the disputable points.

The Lord Chancellor.—Supposing they did settle as well as they could the true boundary, it is very difficult to say that the award is always to depend for its validity on the question. If whether it is right or wrong, and when it concerns matters of this sort, surely it is a reasonable thing for a competent legislative authority to give it effect whether it is right or wrong.

Mr. Robinson.—Whether it may be a reasonable thing or not, one thing is certain that it was utterly impossible for them to do it.

The Lord Chancellor.—I am not going into the motive which led the Dominion to recede from its engagement. That is our affair.

Mr. Robinson.—What I mean is that that arbitration has been looked upon as an arbitration not to settle the actual legal boundary according to legal rights, but an arbitration intended to give the arbitrators power, and as accepted by the arbitrators to settle what was, under all the circumstances, the best and most convenient boundary.

The Lord Chancellor.—What we gathered from Sir Francis Hincks' document is this, that they having settled certain points on the strictest principle, according to the best of their judgment, then the person who represented the Dominion said it would be convenient that those points should be connected by a good geographical boundary, and they thought the Albany River line was proper for that purpose. Then finding some indications in previous documents that that view of the Albany River line had been at one time entertained by the Hudson Bay Company, it was adopted. I do not think it is for the Dominion, I must say, to complain of that. I do not mean that they are bound by it. Of course they are not; but inasmuch as it was at their instance that that amount of deviation—if it was a deviation—from the ascertainment of the exact line took place, they can only blame the agent who then represented them, who asked for it.

Mr. Robinson.—However that may be your Lordships will find that the whole question was referred to a Committee of the House of Commons.

Sir Montague Smith.—What are you now addressing us upon? We have heard you upon the principle that the award was not binding.

Mr. Robinson.—Then the award not being binding I am only desirous to call your Lordships' attention just to these considerations. The Dominion, as I have said, is not the direct litigant party here claiming any territory. They are not very much concerned as to whether this territory belongs to Manitoba or Ontario. The only thing to be said, and the only way in which it could be said they have any direct claim, is that they have the management and the control of the Crown lands in Manitoba and they have not the management or control of the Crown lands in Ontario. That is the only sense in which the Dominion have any interest in Manitoba differing from their interest in Ontario.

Sir Barnes Peacock.—Does not the sale of the waste lands go to the Dominion?

Mr. Robinson.—No, the management of the sale of the Crown lands is in Ontario. It is placed in the control of that Province. In Manitoba it is different.

Sir Barnes Peacock.—In Manitoba the Dominion Government have reserved it to themselves and that has been recognized by the Imperial Act, the right to the lands?

Mr. Robinson.—Yes.

Sir Barnes Peacock.—That is by the Imperial Act?

Mr. Robinson.—Yes.

Sir Barnes Peacock.—So that the Dominion are interested to that extent that whatever is given to Manitoba the Dominion Government are entitled to the lands in?

Mr. Robinson.—Yes, but your Lordships will also find that before Manitoba's boundary was extended, and before Manitoba had any interest in this matter, the Dominion asserted the view for which they now contend on public grounds, and the Dominion asserted that there never would be satisfaction felt by the people of the Dominion with a decision of this boundary, except by the tribunal before which we now appear. Now, as I have said, it is of little importance to us who owns these lands; but this is of great importance to us: It is necessary that we should endeavor to hold an even hand as between the different Provinces. Your Lordships are perfectly aware that Confederation was formed under a great deal of difficulty, and it is carried on under some difficulty. Your Lordships are aware that old Canada consists of one Province, which is, to a very large extent, subject to different laws, peopled by people of a different nationality and of different religion, and the great difficulty has from the commencement of Confederation been, not to say the jealousy

but the difficulty of reconciling the rights to which they are entitled with other matters. Now, all that I desire urgently to press upon your Lordships is this, that whatever may have been the question before the arbitrators, there is no doubt whatever as to the question which we come before this tribunal to have decided. It is not to ascertain what is or is not a good or convenient boundary. I have nothing to say affecting any view which may be asserted that the Albany River or the English River and so on is pointed out by geography and by nature as a good boundary, and that it is a convenient boundary. We cannot satisfy Manitoba by saying to her you may lose a certain portion of land which you require, but it is very convenient that Ontario should have it. Still less can we satisfy Quebec, and this is a more important question, and that province is the province of which I have spoken, by saying to her the boundary settled enlarges Ontario beyond what you imagined her to be and beyond what you supposed to be her boundaries when you entered into Confederation; but it is a convenient boundary. It is for that reason that I called attention specifically to this point, and did call attention very strongly and specifically to the decision in the De Reinhardt case. The Province of Quebec, and this is an assertion we have heard over and over again, entered into Confederation upon the agreement specified in the British North America Act that Ontario should consist of what was formerly Upper Canada. They had a decision in their country by their highest courts, acquiesced in for fifty years, stating what was the line of division and what were the limits of Ontario. Ontario is Upper Canada and Ontario is what Upper Canada was. They had that decision, and for that reason I called it to your Lordships' attention, and endeavored to do so very plainly, which, in Quebec, had existed unquestioned for fifty years, specifying what were the limits of Ontario. Upon that understanding existing in their minds they entered Confederation.

The Lord Chancellor.—Is it seriously possible to represent that they entered Confederation on the faith of the De Reinhardt's judgment?

Mr. Robinson.—No, not on the faith of the De Reinhardt trial. I say it was on the faith of the definition of the British North America Act that Ontario should be what Upper Canada had been. I simply point to your Lordships' attention that there was in Lower Canada at that time a decision recognized for fifty years which had decided the limits of Upper Canada, and which, therefore, may be held to be the law of Canada.

The Lord Chancellor.—What do you mean by recognised for fifty years?

Mr. Robinson.—I mean never questioned.

The Lord Chancellor.—How could it be?

Mr. Robinson.—There was the decision at all events, and it had never been judicially questioned.

The Lord Chancellor.—A man was convicted of murder and was afterward pardoned, as I understand. That is the long and short of it.

Sir Montague Smith.—Quebec must have been perfectly aware of these commissions?

Mr. Robinson.—I suppose so.

Sir Montague Smith.—You are now taking a popular view of it, and these are much stronger than the popular view to show where the boundary of Upper Canada was.

Sir Barnes Peacock.—Did not that decide that the place where the murder was committed was beyond the western boundary of Canada?

Mr. Robinson.—Yes.

The Lord Chancellor.—I thought that was the opinion of the judge, and the grounds on which it was decided. They distinctly adopted the due north line from the confluence of the rivers.

Mr. Robinson.—Yes; and decided that this was outside it.

The Lord Chancellor.—All that was done was to convict a man of murder, who was afterwards pardoned, and there was no possibility of raising the question in any way whether the decision was right or wrong.

Mr. Robinson.—I am only stating that there was a decision known and supposed to be right. All I desire to press on your Lordships, so that there may be no misunderstanding on that point, is simply this: That what we desire to have settled is not what is a convenient or satisfactory boundary, but what is the true legal boundary according to the construction of the statutes. That we conceived we are bound to obtain for the different provinces. When we have obtained that we have not the slightest doubt they will all cheerfully submit to whatever the decision of this tribunal may be, but it is to get that and that single question alone decided that I am here before the highest tribunal in the Empire, so that it may be settled on what we believe to be its proper basis, and upon the basis which the Provinces assert to be their right, and that they may have the right, which, we believe, as representing the Dominion, it is our duty to obtain for them.

The Lord Chancellor.—Will you allow me to ask you one question: Supposing in any part of the boundary there should be any uncertainty, do you mean to say that we are not to exercise that kind of judgment which a jury would do, and come to the best conclusion we can upon the materials?

Mr. Robinson.—It is not for me for a moment to say what your Lordships would do.

The Lord Chancellor.—Is it your proposition that unless we find the boundary to be demonstratively proved in any given point, we are not desired to come to any conclusion?

Mr. Robinson.—I should say, my Lords, to this extent. That proposition has never presented itself to my mind, because it has never occurred to me that it would be your Lordships' conclusion that it was impossible to say what the legal boundaries were.

The Lord Chancellor.—We can easily make certain approaches to it, undoubtedly, but it may well be that it may be impossible for us to be confident by demonstrative evidence that the line which you assert, or your opponents assert, or which anybody else could lay down, is correct on all points. We may, at certain points, clearly ascertain it. Assume for the moment that the south-west boundary is clearly ascertained; assume for the moment that the north-west boundary is clearly ascertained. Then the intermediate boundary may, perhaps, not be so clearly ascertained. Are we to do nothing?

Mr. Robinson.—It is not for me to say.

The Lord Chancellor.—You did just now submit with what I thought some degree of earnestness that we were only to find the true boundary, and were not to exercise any power of arbitration, or anything like that, if in any respect there would be a difficulty in ascertaining the true boundary.

Mr. Robinson.—I do not see that I can say more than this, that the different provinces assert that there are true legal boundaries fixed.

Sir Montague Smith.—By referring it to arbitration you presume that the boundary cannot be shown to demonstration. If it was apparent that it could be, the courts of law might have decided it.

Mr. Robinson.—I do not know that.

The Lord Chancellor.—We may be quite satisfied that the direct north line from the confluence is not right; we may be satisfied that the watershed line is not right; we may be quite satisfied that the 49th degree is not right; we may be satisfied that at certain points we have found the true boundary; as to its being found by demonstrative evidence along the whole northern course that may be perhaps a different conclusion to it. Do you say we are to do nothing as to any part of the boundary concerning which we have not direct and demonstrative evidence?

Mr. Robinson.—The reference is, and was so intended to be, to ascertain what are the true boundaries.

The Lord Chancellor.—I am assuming this state of things—where we can to some extent ascertain to the satisfaction of our minds certain points in the true boundaries beyond doubt, and that there are other points as to which the evidence is much less conclusive. I wanted to know what your proposition is as to the position

we had to discharge. I suppose a jury would do the best they could under such circumstances. Are we to do the same?

Mr. Robinson.—I should have thought not, my Lords, because I never thought we were coming before your Lordships as a jury.

The Lord Chancellor.—We might have been saved all this argument if that is your contention. What is the use of referring to this tribunal such a question as this if we are to do nothing—unless the demonstrative—

Mr. Robinson.—In other words, we are not to judge of the amount of proof which your Lordships require. The question submitted being: What is the true boundary? What I am asked is what your Lordships are to do if you find no true boundary.

The Lord Chancellor.—We know there must be some true boundary. It may be the evidence as to a certain part of these lines to be drawn may be very far from complete or satisfactory. Supposing, for instance, we had ascertained those two points. Do you say we ought to have drawn an arbitrary line—a direct line between them?

Mr. Robinson.—No, my Lords, I do not, nor am I able at this moment to say to your Lordship, nor would I presume to say what course your Lordship should take. I only desire to avoid any impression that we were submitting the same question here which had been believed by the arbitrator to be submitted.

That is all I desire to guard myself against, because I know that the provinces desire their boundaries to be ascertained.

Lord Aberdare.—Supposing we should be of opinion that there is no evidence to show the true boundary, would you have us so find?

Mr. Robinson.—I should suppose so. That would be my impression on the reference. That is a question I have never considered for a moment.

Sir Montague Smith.—It must be done on presumptions. If evidence fails, it must be the best presumptions we can make upon the facts before us.

Mr. Robinson.—I hope your Lordships understand this, that we can make no objection to your Lordships entertaining any presumption of any legal boundary?

Sir Montague Smith.—Or any question of fact either?

Mr. Robinson.—I wish there to be no misunderstanding about that.

Sir Montague Smith.—It is a mixed question of law and fact.

Mr. Robinson.—And your Lordships would so treat it.

Sir Montague Smith.—If boundaries were described by language in the deeds then we must construe the language, but when it is by reference to a grant, then that grant has itself to be construed by what was done under it.

Mr. Robinson.—Then I think I understand your Lordships better. It is a question of mixed law and fact. If it be so, we wish your Lordships to decide those questions of law and fact, because the question of what the true legal boundary is involves both those questions, and we wish that decided; but we do not wish it decided on any view of conventionalism or convenience.

Sir Montague Smith.—Mere convenience?

Mr. Robinson.—Yes. There is another question to which, without speaking upon it, I wish to draw your Lordships' attention. The question is, whether your Lordships' decision will require any Imperial legislation to carry it into effect. That will have to be considered, and that depends on whether the present legislation, contained in the British North America Act of 1871, is sufficient or not. The difficulty has been this, that that authorizes the provinces, with the consent of the Dominion, to alter, change or diminish, and so on, all the boundaries. Now we are not asking, at least that has been suggested, and this reference is not to alter, change or diminish the boundaries, but to establish them, and if in your Lordships' view that should be the correct view of it, then it would require Imperial legislation, which, of course, would be obtained.

The Lord Chancellor.—I suppose nothing but Imperial legislation would be satisfactory to either party, because it is manifest that if there is not Imperial legislation the same thing would happen over again which happened in the case of the

award—the party who did not like the conclusion would come and say he was not bound by it.

Mr. Robinson.—I do not think there is the slightest apprehension of that.

The Lord Chancellor.—I do not express apprehension. I suppose nobody had apprehension before when they assented to the award.

Mr. Robinson.—The question is whether that legislation is required, and I only desire to point it out to your Lordships that there is that to be settled.

Sir Barnes Peacock.—You say, under the Act there is no power to settle the boundaries, but only to alter them?

Mr. Robinson.—Yes; it is supposed that they knew the boundaries, and they may change or diminish them.

Sir Montague Smith.—They may add to them?

Mr. Robinson.—Yes, but they must know what they are adding to.

(Adjourned for a short time.)

The Lord Chancellor (to Mr. Mowat).—Their Lordships are of opinion that you may assume the southern boundary and the western to a point north of the Lake of the Woods (I do not at present say what is the exact point) to be sufficiently established as correct as laid down by the award; and their Lordships, therefore wish you to address yourself to the question of what I may describe as the northern boundary of the disputed land and the evidence by which you think that is made out.

Mr. Robinson.—Will your Lordships allow me to mention before my learned friend commences, that I promised to put in the statement of the Hudson Bay Company as to the post and fort on Red Lake. I find we are both mistaken, my Lords. It is not where I thought it was, and it is not where my learned friend thought it was. It is stated here [handing a document to their Lordships].

The Lord Chancellor.—Is it in any place material to the present enquiry?

Mr. Robinson.—It is just on the north of the disputed territory.

The Lord Chancellor.—Then we need not trouble ourselves about that.

What their Lordships desire to be understood is this, that the southern boundary is, in their opinion, correctly laid down in the award and substantially the western, but at the same time it is not to be taken that the western boundary is so absolutely fixed to the north as to preclude the consideration of the northern termination of the western boundary in connection with the northern boundary. Do you understand?

Mr. Mowat.—Yes, my Lord. Then I understand that I am not required to say anything with regard to the height of land?

The Lord Chancellor.—No, nothing. Their Lordships do not adopt that view, nor do they adopt the 49th parallel.

Mr. Mowat.—Nor with regard to the due north line from the confluence of the Ohio and the Mississippi?

The Lord Chancellor.—Nor that.

Mr. Mowat.—Then it being established that we are entitled to a northern boundary somewhere north of the Lake of the Woods, the question is then what point north of the Lake of the Woods that westerly boundary should touch, what line should be our northerly boundary? Then supposing there is no evidence upon that, and taking the whole case together, it is impossible for me to point out any particular line. I submit it follows from that that the court will take the natural boundary. There is nothing else to be taken. There is no possibility of fixing upon anything else than the natural boundary.

Lord Aberdare.—There is the line on Mitchell's map. What do you say to that?

Mr. Mowat.—That line is an uncertain line. All that Mitchell's map, in fact, indicates is that the line is north of the Lake of the Woods, but it does not help to ascertain where, north of the Lake of the Woods, that line is. Now my learned friends have not suggested, and nobody can suggest any possible line if you once pass the Lake of the Woods until you reach the English River. Something might be said for a more northerly boundary, and if I was claiming a more northerly boundary I think

I might find something to say in favor of that, but since I do not claim anything more than that every argument which I might be entitled to use in favor of a northerly boundary is sufficient to make a case for the English River. I do not know that I can do anything more than make that single observation and take that single position, that having reached a point north of the Lake of the Woods, and no other line being suggested except the English River, the English River should be adopted; that if Manitoba and the Dominion desire to limit us still further the burden ought to be upon them to show that we are not entitled to go so far. In one of the documents which, I think, have been read by your Lordships—one of the early documents emanating from the Hudson Bay Company—they object to anything but a river boundary and they speak of anything other than that as being impracticable.

The Lord Chancellor.—Where is that?

Mr. Mowat.—That is at page 563, my Lord, at the foot of the page. That is in one of the communications in 1701. The last sentence is: "As to the company's naming of rivers as boundaries and not latitudes, the same is more certain and obvious both to the natives as well as Europeans, and the contrary impracticable." And the immense advantage of a natural boundary must be obvious to everyone.

The Lord Chancellor.—That is in the year 1701 when they were beginning to accept the Albany river. The same line which we have in the award?

Mr. Mowat.—Yes, my Lord, the very same one that affords another ground that not only is it a usual thing to adopt a natural boundary when you have got no other and not only is it in accordance with settlements made between nations when questions of this kind arise between them, but we have one of the parties familiar with the country declaring that any other line would be impracticable. That, I submit, is a sufficient reason for adopting that line.

Sir R. P. Collier.—Wh. says that?

Mr. Mowat.—The Hudson Bay Company, through whom the present defendants are claiming. I say it is impracticable. The advantages of this line over any other are really enormous. It is impossible to state them too highly. The cost which I refer to in my opening of running an astronomical line, would, many times over, exceed the whole value of the territory, and then, when it was done, it would be an extremely inconvenient line. Now convenience is, of course, an element of decision when there is nothing else to go by. It is not to override more important elements, but since it is an element we have nothing else to go by. We have nothing else to go by here, and when I mention that and refer to it as being analogous to what is done in other cases where the fact of a natural boundary is always taken into account by the courts in the absence of any other consideration, I think I have said on that point all that I have to say to your Lordships.

(The room was cleared and their Lordships deliberated. After some time, counsel and parties were re-admitted.)

The Lord Chancellor.—Counsel are probably aware that the practice of their Lordships in reference of this character has always been not to deliver a judgment with reasons, but to make a report to Her Majesty upon which Her Majesty will act or not as she may be advised, and that course will be followed upon the present occasion. Their Lordships see no reason why they should deviate from that, even if it were clear that it would be consistent with their duty to do so. It is right to mention to counsel that their Lordships will not consider it to be their duty to say anything about any boundary except the boundary between the two Provinces of Ontario and Manitoba.

Whatever is beyond that will not enter into the report which they will make to Her Majesty.

RETURN

(28a)

To an ADDRESS of the HOUSE OF COMMONS, dated 8th March, 1886;—For copies of all correspondence between the Government of Canada and the Government of Ontario, in reference to proposed Imperial Legislation, to confirm the decision of the Queen in Council upon the west and north-west boundaries of Ontario.

By Command.

J. A. CHAPLEAU,

Secretary of State.

Department of the Secretary of State,
1st April, 1886.

GOVERNMENT HOUSE, TORONTO, 26th February, 1886.

SIR,—My Government are extremely anxious that there should be no further delay in obtaining Imperial legislation confirming the decision of Her Majesty in Council with reference to the boundaries of the Province. You will remember that the decision of their Lordships of the Judicial Committee of Her Majesty's Privy Council was announced on the 22nd July, 1884, and was known in Canada on the same day, and that it was confirmed by Her Majesty in Council on the 11th August, 1884.

One of the questions submitted to their Lordships of the Judicial Committee, with the concurrence of the Dominion Government was, "whether, in case legislation is needed to make the decision on this case binding or effectual, Acts passed by the Parliament of Canada and the Provincial Legislatures of Ontario and Manitoba in connection with the Imperial Act, 34 and 35 Victoria, chapter 28, or otherwise would be sufficient, or whether a new Imperial Act for the purpose would be necessary." With reference to this question, their Lordships stated, "that without expressing an opinion as to the sufficiency or otherwise of concurrent legislation of the Provinces of Ontario and Manitoba and of the Dominion of Canada (if such legislation should take place), their Lordships think it desirable and most expedient that an Imperial Act of Parliament should be passed to make this decision binding and effectual."

On the 27th August copies of Her Majesty's Order in Council were transmitted by the Right Honorable the Secretary of State for the Colonies to be laid before the Dominion Government. By the despatch to His Excellency the Governor General, accompanying them, it was observed that one of these copies is an authentic "document under seal, and is intended to be kept among the archives of the Dominion."

The despatch proceeds as follows:—

"With regard to the third section of the report of the Judicial Committee I shall be glad to be informed whether it is desired that the Imperial legislation therein proposed shall be promoted by Her Majesty's Government; and in that case a draft of the Bill which is thought proper should be transmitted to me for the consideration of Her Majesty's Government." No copy of this despatch, and no intimation of its having been received, was communicated to myself or to my Government; but the solicitors of the Province, in London, procured, from the Colonial Secretary, a copy on the 11th November, and transmitted the same for the information of my Government. It has been ascertained that no answer to this despatch had been received at the Colonial Office up to the 22nd January of the present year.

You are aware that my Government have by every means in their power endeavored to induce action by the Dominion Government on the subject of this

despatch. I may refer particularly to my despatches of the 22nd November and 12th December, 1884.

During the session of the Federal Parliament last year questions were put in the House of Commons as to the course the Government intended to take in the matter, but no answer was given until the 13th July, being within a few days of the close of the session. The answers then given have been ascertained from the official report of the debates and proceedings of the House of Commons of Canada. It there appears that the leader of the Government stated that: "With respect to the boundary between Ontario and Manitoba there can be no difficulty. The Government are quite prepared that an Act should pass for that purpose; and that there is no chance of there being any Imperial legislation until the next meeting of the Imperial Parliament." On this statement my Government desire to remark that, while the statement may have been correct on the 13th July last, they maintain that, as between this Province and the Dominion, the Province was entitled, both as a matter of right and justice, to have the Act passed as soon after Her Majesty's Order in Council as was consistent with the convenience of the Imperial authorities.

The despatch referred to shows that ten months before this statement was made Her Majesty's Government in England had been prepared to promote the Imperial legislation needed.

The right honorable gentleman further stated that the Canadian "Government in the meantime desire to open negotiations, or rather, to have communication with the Province of Manitoba, the Province of Ontario and the Province of Quebec, for the purpose of settling for ever, not only the boundary between Manitoba and Ontario, which is practically settled, but the northern boundary of Quebec; and, after communicating with these several Governments, to get from the Imperial Parliament at its next session, some legislation settling these three questions for ever."

In reference to the reason thus, for the first time, given for the delay which had taken place, and for any further delay which the contemplated negotiations should involve, my advisers observe that the decision of their Lordships of the Judicial Committee, confirmed by Her Majesty in Council, settled every possible question of boundary between the Province of Manitoba and the Province of Ontario, and that there is no dispute as to the boundary between Ontario and Quebec.

As to the northern boundary of Ontario, or so much of it as is not included in Her Majesty's Order in Council, I had the honor to submit a proposal in a despatch of the 22nd November, 1884, and I have had no communication from your Government on the subject since. I also transmitted the draft of an Imperial Act for the consideration of your Government, for the purpose of confirming the decision. I now enclose another form of such an Act, which would be acceptable to my Government, and I would be glad to know whether your Government approve of it, or what other form they desire.

The Imperial Parliament being again in session, and the matter not being one which will involve any discussion or delay there in case the two Governments concerned agree as to the proper Bill, I earnestly hope that your Government will not any longer postpone settling with my Government the form of the Act, and transmitting it to the proper quarter in England.

I shall be glad if the Bill so to be settled and transmitted should embrace the whole northern boundary of the Province, but if you are not prepared to agree to this, it is of importance that there should be no delay in procuring an Act settling the boundary so far as it has been decided by Her Majesty in Council. You will bear in mind that the territory which was in dispute with Manitoba and which is covered by the decision as to our western boundary consists of about 39,000 square miles, and include the only parts of the disputed territory in which there has hitherto been any settlement worth speaking of, and the only disputed territory in which there is any expectation that settlement will soon take place.

I have the honor to be, Sir, your obedient servant,

JOHN BEVERLY ROBINSON, *Lieutenant Governor of Ontario.*

Hon. Secretary of State, Ottawa.

DRAFT BILL to give binding effect to Her Majesty's Order in Council with respect to Boundaries of the Province of Ontario.

Whereas the westerly and northerly boundaries of the Province of Ontario, in the Dominion of Canada, being in dispute between the Governments of the Dominion and Province, the matter was referred by the two Governments to arbitration, and the arbitrators made an award on the 3rd of August, 1878, but the legal validity of the reference was afterwards disputed by the Government of the Dominion; and whereas after the making of the said award by two certain Acts of the Parliament of Canada and the Legislature of Manitoba respectively, passed in the 44th year of Her Majesty's reign, the easterly boundary of the Province of Manitoba, in the said Dominion of Canada, became and is a line drawn due north from where the westerly boundary of the Province of Ontario intersects the international boundary line dividing Canada from the United States of America; and whereas the said Province of Manitoba thereby became interested in the question of boundary of the said Province of Ontario; and whereas the said two Provinces agreed to submit the question between them to Her Majesty in Council for determination, and the Government of the Dominion concurred in the reference;

And whereas Her Majesty by Her Order in Council of the 26th July, last, was pleased to refer unto the Judicial Committee of the Privy Council the humble petition in that behalf of the Attorney-General for the Province of Ontario, and the Attorney-General for the Province of Manitoba, as representing the said Provinces respectively;

And whereas the Lords of the Committee in obedience to Her Majesty's said order of reference took the matter into consideration and after hearing counsel for the Dominion of Canada, as well as for the Provinces, reported to Her Majesty their opinion that legislation by the Dominion of Canada, as well as by the Province of Ontario, was necessary to give binding effect as against the Dominion and the Province to the award, and that as no such legislation had taken place the award was not binding; that, nevertheless, their Lordships found so much of the boundary lines laid down by that award as relate to the territory in dispute between the Province of Ontario and the Province of Manitoba to be substantially correct, and in accordance with the conclusions which their Lordships drew from the evidence laid before them; and that upon the evidence their Lordships found the true boundary between the western part of the Province of Ontario and the south-western part of the Province of Manitoba to be as in their said report stated; and their Lordships further reported that without expressing an opinion as to the sufficiency or otherwise of concurrent legislation of the Provinces of Ontario and Manitoba and of the Dominion of Canada (if such legislation should take place), their Lordships thought it desirable and most expedient that an Imperial Act of Parliament should be passed to make the decision of their Lordships binding and effectual;

And whereas Her Majesty having taken the said report into consideration was pleased by and with the advice of Her Privy Council to approve thereof, and to order that the same should be observed, obeyed and carried into execution:

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lord's spiritual and temporal, and of the Commons in the present Parliament assembled, and by the authority of the same; And it is hereby enacted and declared, that the true boundary between the western part of the Province of Ontario and the eastern part of the Province of Manitoba was, and is as follows: "So much of a line drawn to the Lake of the Woods, through the waters eastwards of that lake and west of Long Lake, which divide British North America from the territory of the United States, and thence through the Lake of the Woods to the most north-western point of that lake as runs northward from the United States boundary, and from the most north-western point of the Lake of the Woods a line drawn due north until it strikes the middle line of the course of the river discharging the waters of the lake, whether above or below its confluence, with the stream flowing from the Lake of the Woods towards Lake Winnipeg."

And it is hereby further enacted and declared, that the true boundary to the north of Ontario, was and is in part as follows:—

“Proceeding eastward from the point at which the before mentioned line strikes the middle line of the course of the river last aforesaid along the middle line of the course of the same river (whether called by the name of the English River, or as to the part before the confluence, by the name of the River Winnipeg), up to Lake Seul or the Lonely Lake, and thence along the middle line of Lake Seul or the Lonely Lake, to the head of that lake; and thence by a straight line to the nearest point of the middle line of the waters of Lake St. Joseph; and thence along that middle line until it reaches the foot or outlet of that lake, and thence along the middle line of the river by which the waters of Lake St. Joseph discharge themselves, until it reaches a line drawn due north from the confluence of the Rivers Mississippi and Ohio.”

RETURN

(IN PART)

(35)

To the **STANDING ORDER** of the **HOUSE OF COMMONS**, dated 20th February, 1882; For full information on all subjects affecting the Canadian Pacific Railway up to the latest date, and particularly all details as to:

1. The selection of the route.
2. The progress of the work.
3. The selection or reservation of the lands.
4. The payment of moneys.
5. The laying out of branches.
6. The progress therein.
7. The rates of tolls for passengers and freights.
8. The particulars required by the Consolidated Railway Act and amendments thereto, up to the end of the previous fiscal year.
9. Like particulars up to the latest date before the presentation of the Return.
10. Copies of all Orders in Council and of all correspondence between the Government and the Railway Company, or any member or officer of either, relating to the affairs of the Company.

By Command.

J. A. CHAPLEAU,

Secretary of State.

Department of the Secretary of State,
Ottawa, 6th March, 1886.

OTTAWA, 5th March, 1886.

SIR,—I have the honor to send you herewith, in accordance with the Resolution of the House of Commons of the 20th February, 1882, copies of all Orders in Council and correspondence respecting the Canadian Pacific Railway Company, connected with this Department, since the similar return of last Session; also statements of accounts with said company.

I have the honor to be, Sir, your obedient servant,

J. M. COURTNEY, *Deputy Minister of Finance.*

Under Secretary of State, Ottawa.

FINANCE DEPARTMENT, OTTAWA, 27th February, 1885.

DEAR SIR LEONARD TILLEY,—Will you be pleased to get a ruling of Council on the following point:

The Loan Act, Canadian Pacific Railway, of last Session, was assented to on the 5th March; the first payment was made 12th March, and the half-yearly interest was collected on the 12th September.

Mr. Drinkwater, the secretary of the company, called upon me this morning and pointed out that the loan was repayable 1891 on the 1st May. The sixth clause of the Act enacts that an agreement shall be made by the Government and the company for the due performance of the conditions contained in said Act, and under the eighth clause of this agreement, the interest is to be paid half-yearly on the 1st days of May and November in each year. Mr. Drinkwater therefore wishes payment of interest to be postponed to 1st May instead of 17th March, and to 1st November instead of 17th September, and so on.

I wish, therefore, for instructions whether any alterations should be made in the date of payment on interest, and if it is determined that such a change should be made, I think that it would be as well that the first half-year's interest should be collected and paid up to 1st November last, and what has already been received to 17th September be taken as an account.

I have promised Mr. Drinkwater an early answer to this request and I should be glad to be informed on the point as soon as possible.

I have, &c.,

J. M. COURTNEY, *Deputy Minister of Finance.*

Hon. Sir LEONARD TILLEY, C. B., K. C. M. G., Minister of Finance.

DEPARTMENT OF JUSTICE, Ottawa, 3rd March, 1885.

SIR,—With reference to your letter of the 27th ultimo, to the Minister of Finance respecting the dates at which the interest on the loan to the Canadian Pacific Railway Company is payable, and by the Minister referred to the Department of Justice, I have the honor to enclose my opinion thereon, and to return the papers which you lent me.

I am, &c.,

GEO. W. BURBIDGE, *Deputy Minister of Justice.*

J. M. COURTNEY, Esq., *Deputy Minister of Finance.*

Interest on Loan to Canadian Pacific Railway when Payable.

DEPARTMENT OF JUSTICE, OTTAWA, 3rd March, 1885.

By 47 Vic. chap. 1, sec. 4, the Governor in Council is authorized to loan to the Canadian Pacific Railway Company the sum of \$22,500,000, payable on or before 1st May, 1891, with interest at the rate of 5 per centum per annum, payable half-yearly.

By the 6th section of the said Act it is provided that the Governor in Council shall cause a deed of agreement to be executed providing for such remedies, terms and conditions as the Governor in Council deems expedient for (among other things) the repayment of the said loan with interest.

The Act was assented to on the 5th of March, 1884, and the deed of agreement was executed on the 7th of that month.

By the 8th clause of the agreement it is provided that the interest shall be payable half-yearly on the 1st days of May and November in each year, the principal to be paid on or before the 1st day of May, 1891.

The first payment to the Company on account of this loan was made on the 12th of March, 1884, and instead of collecting or charging interest on the 1st of May and 1st of November following, the half-yearly interest was collected on the 12th of September.

Under these circumstances the Minister of Finance desires to be advised as to the dates at which the interest is payable.

I am of opinion that the interest is payable on the 1st days of May and November in each year, as provided by the agreement made in conformity with the Act.

GEO. W. BURBIDGE, *Deputy Minister of Justice.*

CERTIFIED EXTRACT of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 20th July, 1885

That the Right Honorable George Grenfell Glyn, Baron Wolverton, the Right Honorable Edward Charles Baring, Baron Revelstoke, and the Honorable Sir Charles Tupper, K.C.M.G., High Commissioner for Canada, be approved as the Trustees by whom the deed of mortgage referred to in the Act passed at the last Session of Parliament respecting the Canadian Pacific Railway Company is to be executed.

JOHN J. MCGEE, *Clerk Privy Council.*

CERTIFIED EXTRACT of a Report of a Committee of the Honorable the Privy Council approved by His Excellency the Governor General in Council on the 29th July, 1885.

That the accompanying form of deed and mortgage bond as submitted by the Canadian Pacific Railway Company be approved in accordance with the provision of the Act passed at the last Session of Parliament respecting the said Company.

JOHN J. MCGEE, *Clerk Privy Council.*

The Hon. the Minister of Finance.

THE CANADIAN PACIFIC RAILWAY COMPANY,
OFFICE OF THE SECRETARY, MONTREAL, 22nd July, 1885.

SIR,—I have the honor to state that this company is now desirous of carrying into effect the provisions of the Act of last Session respecting the Canadian Pacific Railway.

Certain steps have already been taken by this company in that direction, upon which I beg to report to you as follows:—

An issue of \$35,000,000 of first mortgage bonds, in conformity with the authority provided in the first section of the said Act, has been authorized by the shareholders, at a meeting thereof, held on the 20th July instant, at four o'clock in the afternoon, of which resolutions I enclose you a certified copy.

A mortgage deed has been prepared for execution under the provisions of the 2nd section of the Act, and of the 23th section of the charter, securing the bonds and containing the conditions, provisions and remedies settled upon between the Government and this company and confirmed and approved by an Order in Council on the 20th instant.

The company desired to name Lord Wolverston, Lord Revelstoke and Sir Charles Tupper trustees of the bonds, and they have communicated these names to the Government, receiving its approval also on the 20th July instant. Immediately upon the completion of these preliminaries the company having been engaged in negotiation with Messrs. Baring Brothers and Company of London, for the sale of \$15,000,000 of the bonds authorized to be issued, agreed with them, subject to the approval of the Government, that the bonds should be issued to the public at the rate of ninety-five cents to the dollar. The issue has been made at that price and we are advised that the whole amount has been sold. I am therefore instructed to ask the approval by the Government of this transaction, and for authority to deposit the proceeds with the Government in lieu of the bonds.

Being desirous of obtaining the temporary loan of \$5,000,000 provided for by the said Act and also of availing itself of a portion of the \$7,000,000 of bonds set apart for the purposes of the company, after the reserve of \$8,000,000 of bonds, as security for the \$5,000,000 loan, the company after a conversation with Sir John A.

Macdonald, yourself and the Auditor General, on Tuesday, the 21st instant, propose the following mode of arranging for the delivery to the Government of the bonds to be issued, or in case of sale, the proceeds of such sale, in conformity with the requirements of the Statute.

The Company will instruct the trustees under the mortgage deed, and Messrs. Baring Brothers & Co., that the whole of the bond issue or the proceeds of any of them which may be sold are to be held subject to the order of the Government.

And the Government will, no doubt, convey the same instructions to their agents in London, as well as to Sir Charles Tupper, who is one of the trustees, and by this means it seems clear that the Government will have effectual control of the entire issue.

Thereupon the Government will, of course, retain their equivalent of \$20,000,000, say £4,109,500 sterling, as security for \$20,000,000 of the existing debt as provided by the said Act.

They will also retain the equivalent in sterling of \$8,000,000 of the said bonds as security for the repayment of \$5,000,000 loan and they will retain the remaining \$7,000,000 temporarily to be disposed of from time to time in favor of the company as provided by the Act.

It is probable that an application will be immediately made for a portion of these \$7,000,000 of bonds, but it is not necessary to trouble you with this subject at present.

The meeting of the directors will be held on Friday, for the purpose of completing the mortgage deed and causing it to be executed. And as soon after as practicable, the officers of the company will call upon you or your department in your absence, and complete the arrangements hereinbefore suggested, or such other arrangements as will be satisfactory to the Government.

I have, &c.,

C. DRINKWATER, *Secretary.*

Hon. Sir Leonard Tilley, K.C.M.G., &c., &c., Ottawa.

Minutes of the adjourned annual and special general meeting of the shareholders of the Canadian Pacific Railway Company, held pursuant to resolution passed at the meeting held on Tuesday, the 14th day of July, 1885, on this Monday, the 20th day of July, 1885, at the office of the company, at Montreal, at the hour of 4 o'clock, p.m.

Present in Person, and by Proxy:—

| Name. | Shares. | Name. | Shares. |
|---------------------------------------|---------|-------------------------------|---------|
| VanHorne, W. C..... | 2,103 | Bilbrough, Brooks P..... | 40 |
| Angus, Richard B..... | 11,950 | Beale, Walter..... | 20 |
| Oslar, Edmund B..... | 550 | Bibby, Edward..... | 700 |
| Stephen, George..... | 24,272 | Bushe, Charles K..... | 116 |
| Smith, Donald A., Hon..... | 21,750 | Brady, Charles W. R..... | 10 |
| Ashburnham, Right Hon. Bart., Earl of | 1,000 | Brown, William..... | 100 |
| Armstrong, Andrew C..... | 10 | Bancroft, James..... | 20 |
| Austin-Leigh, Edward C..... | 100 | Bishoff, Thomas William..... | 40 |
| Angus, Miss Jessie..... | 110 | Bennett, John..... | 100 |
| Angus, Miss Margaret..... | 110 | Bottomly, John..... | 50 |
| Angus, Miss Kate..... | 110 | Bald, James..... | 100 |
| Anderson, Samuel Lee..... | 60 | Bernard, Hewitt..... | 61 |
| Abrams, Charles..... | 70 | Baring, Alexander..... | 10 |
| Beare, William W..... | 60 | Boissevain, Adolph, & Co..... | 9,780 |
| Byng, Edmund Henry..... | 5 | Baynes, George Edward..... | 100 |
| Bartholomew, John Smith..... | 20 | Beatty, Henry..... | 1,000 |
| Butler, Miss Mary J. S. A..... | 100 | Beguelin, Henry E..... | 300 |
| Binks, Jabez..... | 50 | Bigg, John C..... | 50 |

Present in Person, and by Proxy—Continued.

| Name. | Shares. | Name. | Shares. |
|---|---------|-----------------------------|---------|
| Baumann, Fred. William | 30 | Hooper, James | 20 |
| Bloss, James O. | 100 | Houghton, Thomas de | 140 |
| Blackstone, Lorenzo | 1,350 | Hawkins, George | 40 |
| Burnett & Co | 975 | Harding, H. J. | 10 |
| Bliss, John W | 75 | Hawden, George B. | 180 |
| Bliss, Lewis H. | 50 | Henderson, Edwin | 300 |
| Bull, William | 500 | Henderson, George W. | 1,190 |
| Coates, Andrew | 200 | Heseltine, Powell & Co. | 3,167 |
| Cameron, John | 100 | Huydecoper, H. M. | 700 |
| Christie, Hugh L. | 100 | Holden, J. H. | 790 |
| Cameron, Sir R. W. | 400 | Hunter, W. B. | 400 |
| Cowan, Henry | 65 | Howe, J. W. | 100 |
| Curtis, Wm. O. | 200 | Johnson, C. H., jun | 500 |
| Clanwilliam, Earl of | 3,710 | Johnson, L. A. G. | 10 |
| Clanwilliam, Countess of | 190 | Jones, B. W. | 800 |
| Christie, David A. T. | 70 | Kaue, J. K. | 50 |
| Capper, John J. | 20 | Knight, Jos | 160 |
| Campbell, Henry Walter | 200 | Ker, W. P. | 50 |
| Champion, Charles | 100 | Kittle, Chas. A. | 1,500 |
| Cunninghame, Richard | 60 | Leith, A. J. | 1,000 |
| Collins, Sir R. H. | 140 | Lea, J. W. | 295 |
| Crerar, John | 300 | Lawson, H. L. W. | 100 |
| Cornell, William W. | 100 | Levy, Jos. | 200 |
| Cross, Alfred T. | 200 | Leman, F. G. H. | 20 |
| Denny, Thomas, & Co. | 50 | Luke, James | 50 |
| Drummond, Frances Mary | 25 | Lethbridge, Wm. | 100 |
| Delerne, Aime Louis | 20 | Levison, David | 52 |
| Denbigh, Earl of | 50 | Loat, Wm. | 90 |
| Dixon, Reginald B. | 100 | Lansdown, Frances P. | 20 |
| Donald, Gordon & Co. | 300 | Langdon, Mrs H. L. | 10 |
| Eyre, George E. B. | 450 | Levan and Melville, Earl of | 3,000 |
| Erskine, James E. | 300 | Le Marchant, Helen A. | 10 |
| Field, John | 40 | Leadbitter, Edward | 1,100 |
| Fournet, Mrs. A. M. | 10 | Losee, Charles E. | 6,100 |
| Forbes, Hamilton | 80 | MacDougall, John | 30 |
| Farrer, Wm. James | 450 | Moffatt, George | 20 |
| Fickus, William | 150 | Mitchell, A. B. | 40 |
| Freeman, Francis T. | 100 | Mitchell, F. Wm. V. | 350 |
| Foley, Rev. P. | 30 | Mackenzie, Capt. F. G. | 250 |
| Fenwick, William I. | 25 | Manly, John Samuel | 21 |
| Gay, Mrs. Sarah | 200 | Molineaux, G. | 30 |
| Gleichen, Count V. F. F. E. G. A. O. F. | 40 | Montagu, O. G. P. | 460 |
| Govett, Sons & Co. | 505 | Mullens, John A. | 750 |
| Green, Samuel | 100 | Manly, John B. | 180 |
| Gann, Amos John | 200 | Meade, J. G. | 30 |
| Goldsmith, Philip | 100 | Marsden, M. M. | 100 |
| Griffith, John | 50 | Maude, J. A. | 10 |
| Graham, Mrs. Jane | 30 | Mausnell, W. P. | 100 |
| Gammon, Mrs. Elizabeth S. | 40 | Mills, Bart., Sir C. H. | 100 |
| Grahame, Thomas | 10 | Maschwitz, Wm. | 320 |
| Goodwin, Mrs. Lucy | 100 | Matras, Ernest | 20 |
| Grove, Charles | 60 | Marklove, M. W. O. | 60 |
| Gordon, Charles Henry | 20 | Miller, Sir M. W. | 5,000 |
| Gregel, G. | 1,470 | Muntz, P. H. | 200 |
| Halsted, McLane | 1,310 | Macdougall Bros. | 675 |
| Hansen, Louis | 100 | Mackenzie, Kenneth | 300 |
| Hosack, John | 300 | Morton, Rose & Co. | 71,591 |
| Hildyard, J. G. B. T. | 65 | Moody, Harry | 100 |
| Horne, Alfred E. | 20 | Moody, Thomas | 150 |
| Hall-Houghten, Henry | 100 | Morton, Bliss & Co. | 21,884 |
| Harding, Charles | 100 | McAndrew, W. | 2,910 |
| Hill, George W. | 50 | McNeill, Malcolm | 360 |
| Hawkes, Henry | 80 | Newcomen, Robert | 70 |
| Herbert, A. Wm. Hy. | 70 | Nolen, H. C. | 4,700 |
| Hope, James | 300 | Northcote, Alice S. | 40 |
| Hoppus, Jos. S. | 10 | Nathar, Max | 630 |

Present in Person, and by Proxy—*Concluded.*

| Names. | Shares. | Names. | Shares. |
|---|---------|-----------------------------------|---------|
| Newell, John..... | 600 | Scouton, Sarah J..... | 10 |
| Nicholette, John T..... | 540 | Sherry, John P..... | 40 |
| Newdigate, Alfred..... | 30 | Stilwell, Henry..... | 50 |
| Noel, W. F. N..... | 10 | Smith, Edgar..... | 40 |
| Northcote, H. S..... | 1,000 | Sparks, James..... | 20 |
| Norton, H. B..... | 100 | Stapleton, J. W..... | 100 |
| Osborne, W. N..... | 10 | Sidney, George..... | 20 |
| Oppenheimer, A..... | 4,500 | Schaw, A. S..... | 5,450 |
| Oyens, H., & Zonen..... | 2,510 | Sheldon, L. M..... | 200 |
| Praed, H. B..... | 40 | Skinner, Thomas..... | 50 |
| Pearsall, T. W..... | 1,500 | Siegman, S..... | 850 |
| Poche, F., & Co..... | 60 | Smathers, O. H., & Co..... | 1,025 |
| Phillips, R. J..... | 30 | Stapler & Streuli..... | 200 |
| Pike, James R..... | 30 | Stirling, John W..... | 300 |
| Playford, Miss Jane..... | 10 | Sturt, Henry..... | 10 |
| Pearce, Frank..... | 40 | Stern, George W..... | 1,160 |
| Prescott, Bart., Sir G R..... | 50 | Tenant, Charles..... | 5,000 |
| Pearsall, T. W., & Co..... | 9,800 | Tulloch, R. H. E..... | 60 |
| Perry, R. D..... | 300 | Turner, Henry..... | 50 |
| Pierson, Irving M..... | 495 | Thursfield, Thomas G..... | 30 |
| Pop, Joseph..... | 10 | Thorn, Fred..... | 90 |
| Pupke, J. F..... | 20 | Tod, J., Kennedy & Co..... | 16,270 |
| Renwick, James..... | 20 | Urquhart, Robert..... | 10 |
| Reynolds, Thomas..... | 600 | Utter, F. M..... | 3,940 |
| Ridout, George..... | 100 | Vasey, Charles..... | 500 |
| Reynolds Bros. & Co..... | 100 | Van Name, E. H..... | 300 |
| Richards, Ed. John..... | 100 | Van Eghen, J. H..... | 500 |
| Reynolds, S. H..... | 40 | Vickers, J. J..... | 20 |
| Robertson, P. W..... | 50 | Vickers, J. A. D..... | 2 |
| Ridley, John H. E..... | 900 | Wallach, Joseph..... | 2,360 |
| Robin, P. R..... | 200 | Warrender, Bart., Sir George..... | 6,000 |
| Rigby, Robert..... | 10 | Wishart, James..... | 40 |
| Ransford, Henry..... | 130 | Wynn, Wm. Henry..... | 50 |
| Ridout, A. G..... | 200 | Watson & Lang..... | 5,230 |
| Roberts, C. H..... | 200 | White, Fred..... | 55 |
| Rose, Bart., Sir John..... | 50 | Wilmot, Miss Amy..... | 10 |
| Rose, C. A..... | 4,300 | White, Henry E..... | 140 |
| Rose, C. Day..... | 250 | Williams, Mrs. Jane..... | 10 |
| Reigley, Madame H., <i>nee</i> DeMally..... | 45 | Waller, Fred..... | 310 |
| Scott, George S., & Co..... | 300 | Webb, C. L..... | 120 |
| Scott, Henry C..... | 50 | Welby, Sir R. E..... | 200 |
| Scott, Wm. L..... | 600 | Wallis, Henry..... | 620 |
| Solomon, Wm. T..... | 50 | Williams, L. Ann..... | 100 |
| Smathers, Louisa M..... | 1,000 | Administration Office..... | 59,720 |
| Sergeant, Cor. F..... | 50 | Blake Bros. & Co..... | 1,260 |
| Smith, Robert..... | 190 | Harris, George R..... | 500 |
| Stannard, William..... | 20 | | |
| Simpson, P. A..... | 200 | | |
| Shadbolt, H. F..... | 20 | | |
| | | Total Shares..... | 370,360 |

The Hon. J. J. C. Abbott, counsel, also attended, and Mr. Charles Drinkwater, secretary of the company, acted as secretary of the meeting.

In the absence of the President, Mr. George Stephen, in England, the Vice-President, Mr. W. C. Van Horne, took the chair.

The resolution of adjournment passed at the meeting held on the 14th instant was read.

The vice president stated as there was no further business before the annual general meeting, he would now move that this meeting be made special in accordance with the notice convening the same.

And it was resolved: That the meeting be now declared special for the purpose of considering and accepting a certain Act passed during the Session of Parliament closed this day, relating to the cancellation of the unsold shares of the company; the

issue of mortgage bonds; the liquidation of the debt of the Company to the Government, and to other matters in the interest of the company; of authorising the issue of first mortgage bonds under the provisions of the said Act; also of authorising the board of directors to carry out the provisions of the said Act, and to exercise the powers thereby conferred; and specially to do all that may be requisite validly to make the said issue of mortgage bonds; and to consider and determine upon the terms, remedies and other provisions to be contained in the deed to be executed securing such bonds.

Thereupon the meeting having become special in accordance with the last preceding resolution, the vice-president submitted a copy of the Act referred to intituled: "An Act further to amend the Acts respecting the Canadian Pacific Railway, and to provide for the completion and successful operation thereof," and the same having been read and considered;

It was resolved: That the said Act, and the terms and conditions therein contained be, and they are hereby accepted by this company.

That this company do issue first mortgage bonds to the extent of £7,191,500 sterling, bearing 5 per cent. per annum interest for the term of thirty years from the 1st day of July, 1885, such bonds to constitute and be a first lien and charge on the entire property of the company real and personal, now owned or hereafter to be acquired, or owned by it (save and except the lands granted, or to be granted, by the Government to this company under the contract between Her Majesty and this company, and the Acts relating thereto), including its main line of railway with its tolls and revenues, the extensions thereof, its branch lines of railway (except the Algoma branch), the whole of its equipment, rolling stock and plant, and all its steamers and vessels; saving always, however, the rights of the holders of the existing mortgages on the extensions of the line of the railway from Callander to Brockville and Montreal, as security for the unpaid balances of the purchase money of the said extensions.

That the payment of the said bonds and of the interest thereon be secured by a deed of mortgage executed by this company to trustees whereby in effect the property, assets and revenues of this company mentioned in the foregoing resolution, with the exceptions therein also mentioned, shall be mortgaged in manner and form as authorized by the said Act, and by the charter of this company, and that the board of directors of this company be authorized to make the said issue in due and legal form, and to dispose and deal with the same according to the authority vested in this company by its charter and by the said Act.

That the Right Honorable George Grenfell Glyn, Baron Wolverston; the Right Honorable Edward Charles Baring, Baron Revelstoke; and the Honorable Sir Charles Tupper, K. C. M. G., High Commissioner for Canada in England, be the Trustees in whose favor the said deed of mortgage shall be executed, their appointment having been approved by the Governor in Council on the 20th day of July, instant

The vice-president thereupon laid before the meeting a draft deed of mortgage including the form of the bond to be issued by this company, and informed the meeting that the said form of mortgage deed had been this day approved by the Governor in Council, with leave to the company to modify the form of the bonds to be issued in such manner as may be expedient to facilitate their negotiation. The draft deed and form of bond were thereupon read and considered;

Whereupon it was resolved: That the said draft deed of mortgage be, and the same is hereby approved, that the form of bond therein contained be, and the same is also hereby approved, subject to such modifications as may be deemed necessary to facilitate the negotiation of the bonds, and that the said draft, deed and form of bond be filed among the archives of this company, marked with the letter "A," and endorsed with the date of its production before this meeting.

That the directors of this company do cause a deed of mortgage conformable to the said draft to be duly executed by the executive officers thereof, in manner and form as provided by the charter of this company, and by the terms of the said deed.

That the shares of the capital stock of this company to the extent of \$35,000,000,

now in the hands of the Government, be cancelled and destroyed, in such manner and under such precautions as the board of directors shall determine.

And on motion it was resolved: That this meeting for the special business referred to, be adjourned till Tuesday, the 21st instant, at the same place, at the hour of eleven o'clock in the forenoon.

Certified a true copy,

C. DRINKWATER, *Secretary*.

THE CANADIAN PACIFIC RAILWAY COMPANY,
OFFICE OF THE SECRETARY, MONTREAL, 27th July, 1885.

SIR,—Please deliver to the Bank of Montreal, for account of this Company, five million dollars, the amount of the loan to this Company authorized by the Act of Parliament passed during the recent Session.

Yours, &c.,

W. C. VAN HORNE, *Vice President*.

C. DRINKWATER, *Secretary*.

Hon. the Minister of Finance, Ottawa.

CANADIAN PACIFIC RAILWAY COMPANY,
OFFICE OF THE SECRETARY, MONTREAL, 27th July, 1885.

SIR,—I have the honor to enclose copy of a letter addressed to Messrs. Baring Brothers & Co., and to the Trustees under the mortgage securing the issue by this Company of \$35,000,000, first mortgage bonds, authorized by Act of Parliament passed during the recent Session, requiring them to hold all the said bonds or the proceeds thereof if sold to the order of the Government of Canada.

I have, &c.,

C. DRINKWATER, *Secretary*.

Hon. the Minister of Finance, Ottawa.

THE CANADIAN PACIFIC RAILWAY COMPANY,
OFFICE OF THE SECRETARY, MONTREAL, 24th July, 1885.

Messrs. Baring Brothers & Co., and the Trustees of the Bond issue of £7,191,500 made by the Canadian Pacific Railway Company.

GENTLEMEN,—I am instructed by the Board of Directors of this Company to require you to hold, subject to the order of the Government of Canada, the whole of the above mentioned bond issue, or, in the event of its sale, or any part thereof, the unsold portion of such bonds, and the proceeds of those sold.

I have, &c.,

C. DRINKWATER, *Secretary*.

Certified a true copy.

C. DRINKWATER, *Secretary*.

FINANCE DEPARTMENT, OTTAWA, 29th July, 1885.

Messrs. Baring Brothers & Co., and the Trustees of the Bond issue of £7,191,500 made by the Canadian Pacific Railway Company, London, E.C.:

GENTLEMEN,—I am directed, by the Honorable the Acting Minister of Finance, to inform you that the Canadian Pacific Railway Company have sent to the Government of Canada a copy of the following letter:—

“THE CANADIAN PACIFIC RAILWAY COMPANY,

“OFFICE OF THE SECRETARY, MONTREAL, 24th July, 1885.

“*Messrs. Baring Brothers & Co., and the Trustees of the Bond issue of £7,191,500 made by the Canadian Pacific Railway Company:*

“GENTLEMEN,—I am instructed by the Board of Directors of this company to require you to hold, subject to the order of the Government of Canada, the whole of

the above mentioned bond issue, or, in the event of its sale, or any part thereof, the unsold portion of such bonds and the proceeds of those sold.

“ I have the honor to be, Gentlemen, your obedient servant,

“ C. DRINKWATER, *Secretary.*”

I am directed, by the Honorable the Acting Minister of Finance, to state that we beg to confirm the above letter, as it is considered necessary that a confirmation thereof should be sent on behalf of the Dominion Government.

I have the honor to be, Gentlemen, your obedient servant,

FRED. TOLLER, *Acting Deputy Minister of Finance.*

CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 30th July, 1885.

On a report dated 27th July, 1885, from the Acting Minister of Finance, submitting an application from the Canadian Pacific Railway Company for the sum of five million dollars, authorized by the Act passed at the last Session of the Parliament of Canada, intitled: “ An Act further to amend the Acts respecting the Canadian Pacific Railway, and to provide for the completion and successful operation thereof,” to be loaned to the Company by the Government.

The Minister represents that the Right Honorable the President of the Privy Council sent the following cable message to the High Commissioner for Canada in London:—

“ OTTAWA, 25th July, 1885.

“ Pacific bonds or proceeds as sold to be deposited with agents subject to Government order—obtain letter stating so from agents—cable copy letter immediately—is Government to declare satisfaction with price at ninety-five? ”

To which the following answer has been received:—

“ LONDON, 27th July, 1885.

“ Barings write in reply to your letter of to-day: ‘ We have to say that we have issued a loan for three million pounds sterling of the bonds of the Canadian Pacific Railway Company, authorized by the Act recently passed by the Parliament of Canada at ninety-five per cent., and that we will hold the proceeds thereof subject to the order of the Government of Canada.’ I think the price most satisfactory.”

The Acting Minister of Finance under these circumstances recommends that he be authorized to place to the credit of the Canadian Pacific Railway Company in the Bank of Montreal, at Montreal, the said sum of five million dollars, in the manner specified in the seventh section of the above cited Act.

The committee advise that the requisite authority be granted accordingly, as the price hereinbefore mentioned is satisfactory to the Government.

JOHN J. MCGEE, *Clerk Privy Council.*

CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 31st July, 1885.

On a memorandum dated 28th July, 1885, from the Acting Minister of Railways and Canals submitting that under the Act passed during the last Session of Parliament, relating to the Canadian Pacific Railway, authority was given for the grant of a temporary loan to the Canadian Pacific Railway Company of \$5,000,000, and for the following arrangement regarding this and the former loan, viz:—

The company to issue first mortgage bonds to the extent of \$35,000,000. Of such bonds the Government to retain as security for \$20,000,000 of the original loan the amount of \$20,000,000, and as security for the present contemplated loan \$8,000,000; total \$28,000,000, leaving a balance of bonds of \$7,000,000.

The Minister represents, with regard to this balance, that it was provided by Section No. 7 of said Act, that they should be “ from time to time delivered by the

Government to the company, to be applied by the company under the supervision of the Government, to the payment for work done or to be done for the development, improvement and extension of the railway, its construction and equipment, and for the maintenance of the credit and efficiency of the company generally, to the satisfaction of the Government."

The Minister further submits an application from the company dated 25th July, instant, for the carrying out of this arrangement, the proper mortgage deed securing the issue of the said \$35,000,000 of bonds having been duly approved by the Governor in Council under date 29th July, instant.

The Minister also represents that the Chief Engineer of Government Railways has reported to the following effect, viz. :—

That after examining the company's books on the 1st of January last, Mr. Miall reported a floating debt of \$6,895,462, from which would be deducted the temporary loan of \$5,000,000, leaving a balance of \$1,895,462, to which the company may be considered fairly entitled. The company, however, furnish with their present application a statement showing an expenditure in excess of the requirements of their contract amounting to \$9,782,804, and the Chief Engineer being satisfied that the amount is as set down, advises that a further sum be paid the company of \$1,104,538, making a total of \$5,000,000.

The Minister on the report of the Chief Engineer recommends that authority be given for payment accordingly.

The committee submit the same for your Excellency's approval.

JOHN J. MCGEE, *Clerk Privy Council.*

CANADIAN PACIFIC RAILWAY COMPANY,

OFFICE OF THE SECRETARY, MONTREAL, 5th August, 1885.

SIR.—It being necessary, in conformity with the Act of the recent Session of Parliament relating to this company, to provide for the cancellation of the shares of the capital stock of the company, amounting to \$35,000,000, now in the hands of the Dominion Government, I beg to inform you that I am authorized to take the steps necessary to effect such cancellation.

I shall be glad to know, therefore, in what manner the Government desire the same to be carried out.

I shall be prepared to visit Ottawa for the purpose at any time, and beg to add that it is of much importance to this company that the stock referred to should be cancelled with as little delay as possible.

I have, &c.,

C. DRINKWATER, *Secretary.*

FRED TOLLER, Esq., Acting Deputy Minister of Finance, Ottawa.

OTTAWA, 21st August, 1885.

SIR,—I beg to inform you that the Canadian Pacific Railway Company is prepared to repay the loan of \$5,000,000 obtained from the Bank of Montreal on the security of a like amount of treasury bills drawn in favor of and paid to the said company in lieu of cash as a temporary loan under the Act of last Session relating to the company. I therefore respectfully request that such arrangements as may be necessary may be made, so that on the return of the said treasury bills the \$8,000,000 of bonds, or the proceeds thereof, held by the Government as security for the said loan under the 7th clause of the said Act of last Session, may be paid to the company.

I have, &c.,

C. DRINKWATER, *Secretary.*

HON. MACKENZIE BOWELL, Acting Minister of Finance, Ottawa.

CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council approved by His Excellency the Governor General in Council on the 27th of August, 1885.

The Committee of Council have had under consideration an application from the Canadian Pacific Railway Company to repay the \$5,000,000 advanced temporarily by the Act of last Session, 48 Vic., chap. 57, and they advise that the repayment be accepted, and that the deposit of railway bonds in security for such repayment be released, and that the said bonds shall remain in the hands of the Government, to be dealt with according to the Act of last Session.

All which is respectfully submitted,

JOHN J. MCGEE, *Clerk Privy Council.*

Hon. the Minister of Finance.

GOVERNMENT HOUSE, OTTAWA, 27th August, 1885.

Present—His Excellency the Governor General in Council.

Whereas by an Order in Council, dated 30th July, 1885, the Government, under the seventh section of the Act, 48 Vic., chap. 57, made a temporary loan to the Canadian Pacific Railway Company of \$5,000,000 by the issue of exchequer bills deposited with the Bank of Montreal for that purpose.

And whereas railway bonds under the said Act to the amount of \$8,000,000 are held by the Government as security for the said loan.

And whereas a portion of the said bonds have been sold at a price satisfactory to the Government, and by such sale the said temporary loan and the accrued interest thereon has been fully repaid.

The Committee of Council recommend that the whole of the said \$8,000,000 of bonds held as security be released and delivered to the said company.

All of which is respectfully submitted,

JOHN J. MCGEE, *Clerk Privy Council.*

BANK OF MONTREAL, MONTREAL, 7th September, 1885.

SIR,—As requested by your telegram to-day, I forward by the hands of Mr. H. V. Meredith, assistant inspector, the \$35,000,000 Canadian Pacific Railway stock, lodged with us on 9th of November, 1883, subject to your order, and shall be obliged by your signing the accompanying receipt for them.

Yours, &c.,

A. MACNIDER, *Assistant General Manager.*

F. TOLLER, Esq., Acting Deputy Minister of Finance, Ottawa.

FINANCE DEPARTMENT, OTTAWA, 8th September, 1885.

Received from the Minister of Finance thirty-five certificates of ten thousand shares of \$100 each in the common stock of the Canadian Pacific Railway, amounting in all to thirty-five million dollars (\$35,000,000) which have been held by Bank of Montreal subject to the order of the Finance Minister, and which are now cancelled and returned to the company, No. 373 to 407.

For the Canadian Pacific Railway.

C. DRINKWATER, *Secretary.*

Canada,
Province of Ontario, }
to wit :

To all to whom these presents may come, be seen or known :—

I, William Egerton Hodgins, of the City of Ottawa, in the County of Carleton, in the Province of Ontario, a notary public by royal authority duly commissioned, do

hereby certify and declare, that on this eighth day of September, A.D., 1885, personally appeared and came before me, Frederick Toller, of the said City of Ottawa, Acting Deputy of the Minister of Finance of Canada, acting for and on behalf of the Government of Canada, and Charles Drinkwater, of the City of Montreal, in the Province of Quebec, the Secretary of the Canadian Pacific Railway Company, acting for and on behalf of the said Canadian Pacific Railway Company, and the said Frederick Toller and the said Charles Drinkwater did then and there, and in my presence, cancel and destroy and make null and void thirty-five (35) certificates for ten thousand shares of the value of one hundred dollars each, of the common stock of the said Canadian Pacific Railway Company, making in all thirty-five million dollars which said certificates of stock aforesaid were respectively dated the seventh day of November, A.D. 1883, and were numbered consecutively from three hundred and seventy-three (373) to four hundred and seven (407), both numbers inclusive.

An Act whereof being requested, I have granted the same under my notarial form and seal of office to serve and avail as occasion shall or may require.

In testimony whereof I have hereunto set my hand and seal of office, this eighth day of September, A.D. 1885.

W. E. HODGINS, a Notary Public in and for the Province of Ontario.

FINANCE DEPARTMENT, OTTAWA, 16th September, 1885.

When will the bonds be ready which are to be deposited with the Government?
Reply.

FRED. TOLLER, *Acting Deputy Minister of Finance.*

C. DRINKWATER, Esq., Secretary, C. P. R. Co., Montreal.

CANADIAN PACIFIC RAILWAY COMPANY,

OFFICE OF THE SECRETARY, MONTREAL, 16th September, 1885.

DEAR SIR,—In answer to your message of this date in regard to the date of delivery of the bonds to be deposited with the Government, I telegraphed as follows:—

“Bonds will be ready about middle October, but an order has already been given to Baring Brothers by Sir Charles Tupper, trustee, to hold for the Government the equivalent in sterling bonds of twenty million dollars;” which I now beg to confirm.

“Yours truly,

C. DRINKWATER, *Secretary.*

F. TOLLER, Esq., Acting Deputy Minister of Finance, Ottawa.

CANADIAN PACIFIC RAILWAY COMPANY,

OFFICE OF THE SECRETARY, MONTREAL, 19th October, 1885.

SIR,—I have the honor to state that this company has paid to the Bank of Montreal \$3,000,000 in redemption of \$3,000,000 of the treasury bills advanced to the company by the Government as cash, under the Act of last session. The amount so paid represents \$4,800,000 of the bonds retained by the Government as security for the loan of \$5,000,000, and as the said sum of \$3,000,000 was paid by Messrs. Baring Brothers by order of the Government, I have now respectfully to request that a further order for the sum of \$1,800,000 of the said bonds, or the proceeds of that amount, be paid to this company; the said \$4,800,000 of bonds being payable to this company in conformity with the provisions of the Act of last session.

I have, &c.,

C. DRINKWATER, *Secretary.*

HON. MAACKENZIE BOWELL, Acting Minister of Finance, Ottawa.

FINANCE DEPARTMENT, OTTAWA, 21st September, 1885.

SIR,—I am directed by the Honorable the Acting Minister of Finance to request that a certificate may issue in favor of the Grand Trunk Railway Company for \$525,000 in accordance with the terms of the Order in Council of the 19th instant, on account of the North Shore Line from Montreal to Quebec, as provided for by chapter 58 of the Acts of last Session.

I have, &c.,

FRED TOLLER, *Acting Deputy Minister of Finance.*

Auditor-General, Ottawa.

CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Honor the Deputy Governor in Council on the 2nd October, 1885.

On a memorandum dated 1st October, 1885, from the Honorable Mr. Bowell, for the Minister of Finance, submitting a report herewith attached, from Sir Alexander Campbell with respect to the proposed purchase at 87½ cents on the dollar, of certain bonds amounting to \$1,545,000 and accrued interest thereon of the North Shore Railway Company under the Act (chapter 58) passed at the last Session of Parliament relating to the acquisition by the Government of the North Shore Railway.

The Minister recommends, therefore, that a Governor General's warrant do issue and a Bill of indemnity be submitted to Parliament as advised by the Minister of Justice.

The Committee submit the same for approval.

JOHN J. MCGEE, *Clerk Privy Council.*

Hon. the Minister of Finance.

DEPARTMENT OF JUSTICE, OTTAWA, 30th September, 1885.

SIR,—I have the honor to acknowledge the receipt of yours of this date, relative to the measures taken under the Act of last Session (chapter 58) by the Canadian Pacific Railway to obtain free access to the port of Quebec and informing me that of the \$1,500,000 set apart by the said Act to assist in that object, the sum of \$525,000 had been paid the Grand Trunk Railway (towards the acquisition, I presume, of the North Shore Railway) and that a proposition had been made to acquire the sum of \$1,500,000 of 5 per cent. bonds of the said North Shore Railway Company, with accrued interest at 87½ per cent., and adding that "the question is whether the Government can effect the purchase under the Act, or otherwise, and if so whether the balance of the \$1,500,000 or \$975,000 can be employed and a Governor General's warrant procured for the difference, or whether a warrant should be procured for the whole amount."

In reply I beg to say that in my opinion the payment to the Grand Trunk Railway Company towards the acquisition of the North Shore Railway of the sum named, \$525,000, with the view of transferring the same to the Canadian Pacific Railway Company is directly authorized by the Act referred to, and no special step, such as obtaining a Governor General's warrant, is necessary.

But as regards the purchase of the bonds of the railway company, as proposed, it is no doubt a further step towards the acquisition of the railway, and is I think within the purview of the Act, but it is not a means directly authorized by the Statute and I should advise as to the sum of \$975,000 referred to, that a Governor General's warrant be obtained for it and a Bill of indemnity submitted to Parliament during its next Session in respect of that appropriation of so much of the whole sum mentioned in the Act above referred to.

I have, &c.,

A. CAMPBELL.

Hon. the Minister of Finance, Ottawa.

FINANCE DEPARTMENT, OTTAWA, 6th October, 1885.

SIR,—I have the honor to request that you will be good enough to issue a certificate to pay the Bank of Montreal on delivery of bonds of the North Shore Railway Company £317,400 at 87½, \$1,351,595, and interest thereon \$31,439—total \$1,383,034.

I have, &c.,

FRED. TOLLER, *Acting Deputy Minister of Finance.*

Auditor General, Ottawa.

FINANCE DEPARTMENT, OTTAWA, 6th October, 1885.

SIR,—We have the honor to inform you that a certificate has been issued in favor of the Bank of Montreal for \$1,383,033.37 to be applied as follows:—

| | |
|--|-----------------------|
| The Government has agreed to take up North Shore Railway bonds £317,400 at 87½ | \$1,351,595 00 |
| And accrued interest thereon to the 20th September | 31,438 37 |
| | <u>\$1,383,033 37</u> |

The money to be handed over on the surrender of the bonds to your agent at Montreal and London, England.

Of the bonds about \$1,165,000 are held in London, and the balance \$380,000 about, at Montreal.

We have now to ask that you will telegraph your Montreal Agency to send the bonds they hold by express to Ottawa, and to cable to your London office to hold the bonds in England at the disposal of the Government, and on the receipt of a cable from your London office that they have the bonds to pay over to your Montreal office their value.

We have, &c.,

FRED. TOLLER, *Acting Deputy Minister of Finance.*

J. L. McDOUGALL, *Auditor General.*

F. GUNDRY, Esq., Manager, Bank of Montreal, Ottawa.

FINANCE DEPARTMENT, OTTAWA, 23rd October, 1885.

SIR,—By section 8 of the Act 47 Victoria, chap. 1, relating to the Canadian Pacific Railway, it was enacted that until the payment in full of the indebtedness of the company to the Government with interest, all moneys earned and to be earned by the company as postal subsidy, and for transport service should be retained by the Government and applied as therein specified.

The Act 47 Victoria, chap. 1, was continued in force by the Act of last Session (48-9 Vic., c. 57) except in so far as affected by the provisions of the latter Act, and by this Act also the Government was given a lien upon the interest of the Company on the lines leased to it.

The Post Office Department have raised the question as to whether they are to retain moneys earned by the company for postal subsidy earned on the leased lines, and as the question is an important one, affecting not only the post office but other departments as well, I have the honor to request that you will be good enough to advise me at your earliest convenience whether the provisions of section 8 of the Act 47 Victoria, chap. 1, are in force, and the Government can retain moneys earned and to be earned by the company as therein set forth, and whether also the provisions thereof extend to moneys earned by the company for services performed over lines leased by them.

I have, &c.,

J. M. COURTNEY, *Deputy Minister of Finance.*

Acting Deputy Minister of Justice.

FINANCE DEPARTMENT, OTTAWA, 14th December, 1885.

SIR,—Referring to my letter of the 23rd October, I have now the honor to send you herewith a copy of a letter received by me through the Auditor General from T. G. Ogden, Auditor of the Canadian Pacific Railway, on the subject of a lien of the Government on moneys earned by that company on account of postal subsidy, &c., and I shall be glad to be advised by you on the subject at your earliest convenience as the settlement of interest will take place very shortly.

I have, &c.,

J. M. COURTNEY, *Deputy Minister of Finance.*

G. W. BURBIDGE, Esq., *Deputy Minister Justice, Ottawa.*

AUDIT OFFICE, 12th December, 1885.

SIR,—I enclose herewith a copy of a letter received from Mr. T. G. Ogden, Auditor of the Canadian Pacific Railway.

Yours respectfully,

J. L. McDOUGALL, *Auditor General.*

J. M. COURTNEY, Esq., *Deputy Minister of Finance, Ottawa.*

CANADIAN PACIFIC RAILWAY OFFICE,
OFFICE OF AUDITOR, MONTREAL, 10th December, 1885.

DEAR SIR,—Yours of the 1st received, and in reply I have to say that I referred the matter to Hon. J. J. C. Abbott, and received memorandum from him as follows, which I think you will see is pretty clear on the point.

By the 5th section of the Canadian Pacific Railway Act of 1884 the Government was declared to have a first lien and charge upon the entire property of the company as security for the payment of \$22,500,000, and as additional security for the payment of \$7,300,912 with interest.

By section 8 a lien was created on the revenue of the company from postal subsidy and for transport service, as security for the same payment; and the Government was authorized to enforce the first lien, by taking possession of the railway upon default; and the lien upon the revenue by applying it first to the interest on the debt and afterwards to the principal.

By the Canadian Pacific Railway Act of 1885 the company was authorized to issue \$35,000,000, first mortgage bonds, which bonds were to constitute and be a first lien and charge upon the entire property of the company including its tolls and revenues. And the company was authorized to secure the payment of the bonds by a deed of mortgage, executed under section 28 of the charter, mortgaging its property and assets including its entire revenue.

By the 3rd clause of this Act it is declared that on the issue and delivery of the bonds to the Government the lien and charge created by the Act of 1884 upon the railway revenues, and property affected by the new bonds and by the deed of mortgage securing the same, shall cease to exist and shall be released and discharged in respect of the railway revenues and property so affected.

Under these clauses you will perceive,—

1st. That a lien was created by the Act of 1884 on the revenue derived from the postal and transport service.

2nd. That by the Act of 1885, the company was authorized to create a new lien to the extent of \$35,000,000 of bonds upon all its property and revenues, and actually created such a lien covering the revenue derived from the postal and transport service.

3rd. That by the Act of 1885 all liens created under the Act of 1884 were discharged as respects the property and revenues affected by the lien created under the Act of 1885.

Therefore, the lien upon the postal and transport service created by the Act of 1884 is discharged by the Act of 1885 in consequence of the new bonds being secured upon it under the latter Act.

I think, on examining this closely, you will see that postal subsidy and other accounts of that nature, after the date of the Act, should be remitted in the usual way, as the mortgage under which the bonds are issued certainly covers all the revenue.

Yours truly,

T. G. OGDEN, *Auditor*.

J. L. McDougall, Esq., Auditor General, Ottawa.

DEPARTMENT OF JUSTICE, OTTAWA, 31st December, 1885.

SIR,—By your letters of the 23rd October and the 14th December, the latter enclosing an opinion by Mr. Abbott upon the question, I am asked to state whether under section 8 of the Act 47 Victoria, chapter 1, the Government should retain all moneys earned by the Canadian Pacific Railway postal subsidy and transport service, and apply the same on account of the interest and principal of their indebtedness to the Government as therein provided.

By reference to the Act of last Session 48-49 Victoria, chapter 57, section 3, it will be seen that the lien created by the Act 47 Victoria, chapter 1, upon the Canadian Pacific Railway, its revenues and the property of the company was discharged, except as to the Algoma branch, and the interest of the company in railway lines leased to it. I am of opinion, therefore, that the Government should not retain moneys earned by the Canadian Pacific Railway for postal subsidy and for transport service, as provided by 47 Victoria, chapter 8, except moneys earned by the company for postal subsidy and for transport service in respect of the Algoma branch and the company's leased lines, which moneys should be retained by the Government, and applied on account of interest, to become due from time to time upon the company's indebtedness to the Government, and then to the payment of the principal.

With respect to the leased lines there is nothing in the papers disclosing the conditions of the leases, and it may be that by the terms of such leases, if there are any, the revenues of the leased lines are pledged for the payment of rent, and if that is so, I am inclined to the opinion that moneys earned by the company for postal subsidy and for transport service in respect of any such leased lines cannot be retained, as it is only the interest of the company, and not the interest of the owners of the road that is pledged to the Government.

I have, &c.,

GEO. W. BURBIDGE, *Deputy Minister Justice*.

J. M. COURTNEY, Esq., Deputy Minister of Finance, Ottawa.

FINANCE DEPARTMENT, OTTAWA, 22nd January, 1886.

SIR,—I have the honor to enclose herewith a copy of statement of interest to 20th January, 1886, sent by me to the Canadian Pacific Railway Company, and copy of letter enclosing same, dated the 15th inst., and also copy of reply of the secretary of the company thereto, dated the 20th inst. From this letter you will see that the company take the position that with respect to the interest upon the \$9,880,912, as the lands of the company are especially charged therewith by the Act of 1885, it is not in accordance with the understanding of the company in respect of the payment of interest, to include the interest upon the above mentioned sum in this account, and they therefore do not remit the amount.

In this connection I beg to point out that by the Act of last Session, relating to the Canadian Pacific Railway Company (48-49 Vic., chap. 57), the amount of the entire loan to the company by the Government is stated to be the sum of \$29,880,912-

This amount consists of the two sums forming part of the fund referred to in their agreement of the 7th November, 1883 (*vide* 47 Vic., cap. 1, sec. 3) viz...\$ 2,853,912

| | |
|---|--------------|
| And..... | 4,527,000 |
| And also loan to company under 47 Vic., chap. 1, sec. 4 | 22,500,000 |
| | \$29,880,912 |

By the Act of last Session the Government hold \$20,000,000 of the first mortgage bonds of the company, lately placed on the London market as security for \$20,000,000, of the above named sum of \$29,880,912 receiving interest thereon at the rate of 4 per cent. until default is made, as provided by section 5 of the Act. As security for the balance of the \$29,880,912, or for the sum of \$9,880,912, mentioned in the enclosed letter from the company, the Government are to have "a first lien and mortgage, subject to the outstanding land grant bonds, on the whole of the unsold lands forming the remaining part of the company's land grant earned and to be hereafter earned, such principal and interest to be paid out of the net proceeds of the sale of such lands; and provision is made further on in the section for a sale of lands in case the proceeds of such sales are insufficient to pay the interest. I understand that no lands have been sold, and that therefore there are no proceeds out of which such interest can be paid.

The 6th section further provides that the Government are to "continue to hold and retain the entire amount of land grant bonds now in its custody and possession" (amounting to \$8,996,000) "as provided by the said Act" (*i.e.*, 47 Vic., chap. 1, sec. 5) "applying the monies," &c. By sec. 5 of 47 Vic., cap. 1, the Government are to hold these land grant bonds, "subject to redemption under the terms of the said land grant mortgage, and with all remedies as to interest, voting power, and all other matters in respect thereof, which would be held or possessed, or could be exercised by any purchaser of the said bonds."

I have now the honor to request that you will be good enough to advise me whether in your opinion the words last above quoted are yet in force, and whether the Government still hold these bonds subject to redemption, &c., and with all remedies as to interest, &c., which could be exercised by any purchaser of said bonds.

I have also to call your attention to a letter to you from this Department of the 22nd November, 1884, and your reply thereto, of the 7th January, 1885, on the subject of the right of the Government to collect interest on these land grant bonds, and for convenience of reference I enclose copies of the same and also of a letter to the company founded upon your letter, to which latter letter no reply has been received, and I have to request that you will kindly inform me whether in view of the fact that the road has been completed these bonds may not now be considered as earned and issued, and the Government entitled to call upon the trustees of the land grant mortgage to pay the interest due thereon. If, in your opinion, this can be done, I have to request that you will be good enough to inform me whether this course could not be adopted under section 6 of Act 48-49 Vic., chap. 57, and the interest so collected applied towards payment of the interest due on the \$9,880,912, in lieu of or in addition to ordering a sale of the unsold lands as provided by said section.

I shall be obliged by your kindly returning the correspondence last alluded to.

I have also the honor to request that you will be good enough to inform me whether the position taken by Mr. Drinkwater, in his letter of the 20th instant, that the interest upon the \$9,880,912 is specially charged by the Act of 1885 upon the lands of the company, and that that is the only security therefor, and that it should not, therefore, have been included in the account, is correct.

I shall be glad to hear from you at your earliest convenience, as it is a matter of importance that the accounts should be settled at the earliest possible date.

I have the honor to be, Sir, your obedient servant,

J. M. COURTNEY, *Deputy Minister of Finance.*

GEORGE W. BURBIDGE, Esq., *Deputy Minister of Justice, Ottawa.*

FINANCE DEPARTMENT, OTTAWA, 15th January, 1886.

SIR,—I have the honor to enclose herewith statement of interest due the Government on the 20th instant, amounting to \$844,271.04 and I shall be obliged by you sending me a remittance for the same.

I have, &c.,

J. M. COURTNEY, *Deputy Minister of Finance.*

C. DRINKWATER, Esq., Secretary C.P.R. Co., Montreal.

CANADIAN PACIFIC RAILWAY.

STATEMENT of Interest to 20th January, 1886.

| Date. | Particulars. | Amount. | Days. | Interest. |
|-------------|--|---------------|-----------|------------|
| | | \$ cts. | | \$ cts. |
| 1885. | | | | |
| July 20... | To Amount of Loan at date, as per previous statement. | 20,867,100 00 | 184 | 420,772 21 |
| 28... | Payments | 61,600 00 | 176 | 4,332 00 |
| 28... | do | 163,000 00 | 176 | |
| Aug. 17... | do | 265,400 00 | 156 | 4,853 52 |
| 17... | do | 18,500 00 | 156 | |
| Sept. 19... | do | 91,600 00 | 123 | 1,234 71 |
| 29... | do | 24,100 00 | 113 | 298 44 |
| Oct. 8... | do | \$140,900 00 | | |
| 16... | By Transfer..... | 140,900 00 | | |
| 27... | To Payments..... | 24,200 00 | 85 | 225 42 |
| Dec. 5... | do | 53,700 00 | 46 | 295 91 |
| 15... | do | 62,900 00 | 36 | 248 15 |
| 19... | do | 13,600 00 | 32 | 47 69 |
| 19... | Amount of Interest, as per statement, to 20th July, '85 | | | 318,585 67 |
| 1886. | | | | |
| Jan. 20... | Interest on above amount, from 20th July, 1885, to 20th January, 1886..... | | 184 | 6,424 08 |
| 20... | Six months' interest on \$7,380,912 00..... | | | 147,618 24 |
| | | 21,650,700 00 | | 904,936 04 |
| | | | | |
| | LESS—Amounts received on Guarantee Account— | | | |
| | | | Interest. | |
| July 23... | By Receipts..... | \$ 1,742 52 | 34 56 | 181 |
| 24... | do | 9,742 04 | 192 17 | 180 |
| Aug. 3... | do | 7,934 68 | 147 82 | 170 |
| 11... | do | 1,124 32 | 19 96 | 162 |
| Oct. 7... | do | 1,363 90 | 15 69 | 105 |
| 7... | do | 1,065 88 | 12 27 | 105 |
| 21... | do | 12,917 36 | 128 82 | 91 |
| Nov. 4... | do | 7,463 22 | 62 97 | 77 |
| 6... | do | 2,527 66 | 20 77 | 75 |
| 18... | do | 1,873 88 | 12 93 | 63 |
| 25... | do | 10,038 43 | 61 61 | 56 |
| Dec. 2... | do | 2,150 00 | 11 54 | 49 |
| | | \$59,943 89 | 721 11 | 60,665 00 |
| | | | | 844,271 04 |

FINANCE DEPARTMENT, Ottawa, 15th January, 1886.

STATEMENT of Interest to 20th July, 1885.

| Date. | Particulars. | Amount. | | Days. | Interest. | |
|------------|--------------------------------------|------------|------|-------|-----------|------|
| | | \$ | cts. | | \$ | cts. |
| 1885. | | | | | | |
| May 1... | To Amount of Loan at date..... | 20,097,600 | 00 | 80 | 220,247 | 58 |
| 18... | Cash..... | 57,200 | 00 | 63 | 493 | 64 |
| 20... | do..... | 83,500 | 00 | 61 | 697 | 74 |
| 22... | do..... | 69,300 | 00 | 59 | 560 | 09 |
| June 5... | do..... | 19,700 | 00 | 45 | 121 | 44 |
| 9... | do..... | 108,100 | 00 | 41 | 607 | 13 |
| 12... | do..... | 106,900 | 00 | 38 | 556 | 47 |
| 22... | do..... | 26,800 | 00 | 28 | 102 | 79 |
| 26... | do..... | 36,900 | 00 | 24 | 121 | 32 |
| July 6... | do..... | 48,900 | 00 | 14 | 93 | 77 |
| 10... | do..... | 180,500 | 00 | 10 | 247 | 27 |
| 11... | do..... | 31,700 | 00 | 9 | 39 | 08 |
| | | 20,867,100 | 00 | | 223,888 | 32 |
| | Interest to 1st May..... | \$418,056 | 57 | | | |
| | 80 days' Interest..... | 4,581 | 49 | | | |
| | On Advance Account (4 per cent.)— | | | | 422,639 | 06 |
| Feb. 17... | To Amount of account..... | 7,380,912 | 00 | 153 | 123,756 | 66 |
| | | | | | 770,284 | 04 |
| | Cr. | | | | | |
| May 17... | By Militia Department..... | 2,630 | 93 | | | |
| 17... | 74 days' interest..... | | 21 | 33 | | |
| 8... | Post Office Department..... | 7,235 | 54 | | | |
| 8... | 73 days' interest..... | | 57 | 89 | | |
| July 6... | Mails, Lakes Huron and Superior..... | 1,750 | 00 | | | |
| 6... | 14 days' interest..... | | 2 | 68 | | |
| | | | | | 11,698 | 37 |
| | | | | | 758,585 | 67 |
| 6... | Militia Department..... | 400,000 | 00 | | | |
| 6... | North-West Mounted Police..... | 40,000 | 00 | | | |
| | | | | | 440,000 | 00 |
| | | | | | 318,585 | 67 |

FINANCE DEPARTMENT, Ottawa, 20th July, 1885.

THE CANADIAN PACIFIC RAILWAY COMPANY,
OFFICE OF THE SECRETARY, MONTREAL, 20th January, 1886.

SIR,—I beg to acknowledge receipt of the account against this Company for interest, enclosed in your letter of the 15th instant. I observe that the interest upon the \$9,880,912, for which the lands of the Company are specially charged by the Act of 1885, is included in the account. This is not in accordance with the understanding of the Company as respects the payment of interest, and I therefore do not remit the amount. There are some other minor points in which the account appears to require revision, and it has been placed in the hands of the Auditor to be revised. A statement will be sent you immediately in accordance with our views.

I have, &c.,

C. DRINKWATER, *Secretary*.

J. M. COURTNEY, Esq., Deputy Minister of Finance, Ottawa.

FINANCE DEPARTMENT, OTTAWA, 22nd November, 1884.

SIR,—I have the honor to enclose herewith copy of agreement, dated 7th March, 1884, between the Canadian Pacific Railway Company and the Government, respecting the loan to the Company of \$22,500,000 and other matters, the same being executed in accordance with the Act passed last Session (47 Vic., Chap. 1) respecting the said Canadian Pacific Railway Company. I wish to call your particular attention to section 9 of the agreement, which provides that “as further security, &c., the Government shall continue to hold and retain the entire amount of land grant bonds now in its custody or possession, subject to redemption under the terms of the mortgage created by the Company upon its land grant to secure the said land grant bonds and with all remedies as to interest, voting power and all other matters in respect thereof which would be held or possessed or could be exercised by any purchaser of the said bonds.” At the time of the making of this agreement the sum of \$10,000,000 of land grant bonds was held by the Government, but of this amount \$1,004,000 have been released to the Company as will appear by reference to the Order in Council of the 5th July last (copy enclosed herewith) and there are now held for the Government in the Bank of Montreal \$8,996,000 of such bonds (see letter from General Manager of the bank, dated 21st July last, enclosed herewith with other letters and telegrams attached thereto). I enclose also agreement of the Company with the Government of the 7th November, 1883, relative thereto, by which certain land grant bonds were deposited by the Company as security for carrying out that agreement, which agreement was modified and confirmed, as modified by Act of the Parliament of Canada, 47th Vic., cap. 1, sec. 3. I have the honor to request that you will be good enough to advise me at your earliest convenience whether the Government of Canada are to treat the bond held by them as aforesaid as issued by the Company in advance of their being earned by them and to call upon the trustees of the land grant mortgage to pay the interest thereon, as the same becomes due, or are they to be treated as issued only after they have been earned, and I shall be obliged if you will advise me generally as to the rights of the Government to interest on the bonds in question.

I have, &c.,

J. M. COURTNEY, *Deputy Minister of Finance.*

The Deputy Minister of Justice, Ottawa.

DEPARTMENT OF JUSTICE, CANADA, OTTAWA, 7th January, 1885.

SIR,—With reference to your communication of the 22nd November last, in which, referring me to the agreement between Her Majesty and the Canadian Pacific Railway of 7th November, 1883, and 7th March, 1884, respectively, and other papers and documents, you ask to be advised as to whether the bonds held by the Government as security under the said agreements are to be treated as issued, calling upon the trustees of the land grant mortgage to pay interest thereon as it becomes due, or whether they are only to be so treated after they are earned by the company. I have the honor now to state the substance of the opinion which I then gave you personally.

By the Act respecting the Canadian Pacific Railway (44 Vic., chap. 11), and the contract recited in the schedule thereto, it was in effect agreed that the land grant bonds should be released to the company in the proportion in which the land grant was earned.

In November, 1883, there were in round numbers \$10,000,000 of these bonds deposited with the Government, in addition to \$5,000,000 deposited as security for the operation of the road. Of this \$10,000,000 there were by the contract of 7th November, 1883, \$3,420,000 pledged to secure the payment on the 1st February of \$2,853,912, and \$1,830,000 to secure the payment of \$1,527,000, parcel of \$4,527,000 payable under the said contract on 7th November, 1887, and it was agreed that the revenue derivable from such securities should be adjusted at the rate of four per centum per annum on \$4,527,000 by the payment half-yearly by the company of any deficiency or by the return to the company of any surplus.

By the agreement of 7th March, 1884, the time for paying the \$2,853,912 was extended to 7th November, 1887, making the total sum then payable \$7,380,912, upon which it was agreed that interest should be paid half-yearly at the rate of 4 per cent.

Between 7th November, 1883, and 7th March, 1884, the company, it appears, earned \$1,004,000 of the bonds which were delivered to them, leaving in the hands of the Government \$8,996,000.

With respect to these bonds it is, by the agreement of 7th March, 1884, made under 47 Vic., chap. 1, among other things, by a clause to which you call special attention, provided that as further security for the loan and repayment of \$7,380,912 and interest, the Government shall continue to hold the entire amount of land grant bonds in its possession, subject to redemption under the terms of the land grant mortgage and with all remedies as to interest, voting power and other matters in respect thereof, which would be held or possessed, or could be exercised by any purchaser of the said bonds. The bonds mentioned include the \$5,000,000 held as security for the operation of the railway as well as the \$8,996,000. It is further provided that the \$5,000,000 and any moneys received in redemption of them shall continue to be held on the terms of the contract of 21st October, 1880, and that moneys received in redemption of the \$8,996,000 shall be applied:—

1st. On account of interest on the loan, and on the \$7,380,912.

2nd. On account of the capital of the sum of \$7,380,912.

3rd. On account of the capital of the loan.

It is also agreed that in default, as mentioned in the 13th paragraph of the agreement, the said bonds shall become the property of the Government. Until default then it is clear that the Government hold the bonds for the company, subject to the trusts and charges attaching thereto.

Under these circumstances you ask whether the bonds should be treated as issued, and the trustees of the land grant mortgage called upon to pay interest thereon, or whether they are only to be so treated as earned by the company.

As the company is obliged to pay to the Government interest on the loan and on the sum of \$7,380,912, and as any money received from the trustees in respect of the \$8,996,000 bonds, is to be applied.

Firstly.—In reduction of this interest, it might be to the advantage of the company to have the bonds treated as issued, and I am not prepared to say that the words of the Act "with all remedies as to interest," &c., &c., &c., "which could be exercised by a purchaser," are not broad enough to support such a claim if made by the company.

But the purchasers of the land grant bonds and the trustees of the land grant mortgage are, I presume, interested in not having the charge upon the proceeds of lands sold increased beyond what is clearly authorized; and as the security for the issued bonds would be lessened by charging the lands now earned with the total issue, I am of opinion that we should not come to the conclusion that this was the intention of the Act, if there is any other reasonable construction to be put upon it.

As the bonds in the possession of the Government are earned by the company they should, I think, be treated as issued and interest collected on them, but that unearned bonds should not be so treated as long as there is no default on the part of the company.

I would suggest, however, that you ask the Canadian Pacific Railway Company what their view is, and if they concur in the opinion I have expressed, you will, I think, be perfectly safe in not collecting interest on unearned bonds.

I have, &c.,

GEO. W. BURBIDGE, *Deputy Minister of Justice.*

Deputy Minister of Finance.

FINANCE DEPARTMENT, OTTAWA, 14th January, 1885.

SIR,—I have the honor to state that looking at section 9 of the agreement made between your company and the Government of the 7th March last, it struck me that

the Government might be entitled to call upon the trustees of the land grant mortgage to pay interest on the bonds held by them and pledged to the Government under the agreement in question, whether the same had been earned by your company or not. The point will appear in the letter sent by me to the Department of Justice on the point under date of the 22nd November last. I have the honor to enclose a copy of such letter, and of the reply thereto from the Deputy Minister of Justice, under date of the 7th inst., and in accordance with the suggestion contained in the last paragraph thereof, I shall be glad to be informed as to the opinion of your company on the subject, and whether you concur in the opinion expressed by the Deputy Minister of Justice.

I am, &c.,

J. M. COURTNEY, *Deputy Minister of Finance.*

Secretary Canadian Pacific Railway Company, Montreal.

CANADIAN PACIFIC RAILWAY COMPANY,
OFFICE OF THE SECRETARY, MONTREAL, 28th January, 1886.

SIR,—I now beg to enclose a statement of our interest account with the Government, made up in accordance with the understanding of this company in regard to the payments to be made under the Act of last Session. At 20th July last, there was due on account of interest, \$318,585.67. This amount has since been allowed to remain in abeyance, pending the settlement of contra accounts for transportation of troops, &c.

These accounts are now in process of adjustment, and on payment of the same the said sum of \$318,585.67 will be transferred to the credit of the Receiver General. A cheque for \$321,513.72, being interest to 20th January, inst., on the proportion of the \$20,000,000 loan paid to the company, is transmitted herewith in accordance with the provisions of the 5th clause of the Act above referred to. As I have already informed you this company holds that interest on the balance of the loan (\$9,880,912) is payable exclusively out of the proceeds of the sale of lands under the 6th clause of the said Act, and does not constitute a charge on the ordinary revenues of the company.

Be good enough to acknowledge receipt.

I have the honor to be, Sir, your obedient servant,

C. DRINKWATER, *Secretary.*

J. M. COURTNEY, Esq., Deputy Minister of Finance, Ottawa.

FOR interest on loan under Act of 20th July, 1885, from 20th July, 1885, to 20th January, 1886, as per statement, as follows:—

| Date. | | Amount. | Days. | Interest. |
|--------------|--------------------------------|---------------|-------|------------|
| 1885. | | \$ cts. | | \$ cts. |
| July 20 .. | To amount of loan at date..... | 18,367,100 00 | 184 | 370,361 25 |
| do 28..... | To payments..... | 61,600 00 | 176 | 1,188 12 |
| do 28..... | do | 163,000 00 | 176 | 3,143 88 |
| Aug. 17..... | do | 265,400 00 | 156 | 4,853 52 |
| do 17..... | do | 18,500 00 | 156 | |
| Sept 19..... | do | 91,600 00 | 123 | 1,234 71 |
| do 29..... | do | 24,100 00 | 113 | 298 44 |
| Oct. 27..... | do | 24,200 00 | 85 | 225 42 |
| Dec. 5..... | do | 58,700 00 | 46 | 295 91 |
| do 15..... | do | 62,900 00 | 36 | 248 15 |
| do 19..... | do | 13,600 00 | 32 | 47 69 |
| | | | | 381,897 09 |

LESS—Amounts credited on account of Postal and other subsidies, as follows :—

| | | | |
|--------------------------------|-----------|--------|----------------------|
| July 23 | 1,742 52 | 34 56 | 181 |
| do 24 | 9,742 04 | 192 17 | 180 |
| Aug 3 | 7,934 68 | 147 82 | 170 |
| do 11 | 1,124 32 | 19 96 | 162 |
| Oct. 7 | 1,363 90 | 15 69 | 105 |
| do 7 | 1,065 88 | 12 27 | 105 |
| do 21 | 12,917 36 | 128 82 | 91 |
| Nov. 4 | 7,463 22 | 62 97 | 77 |
| do 6 | 2,527 66 | 20 77 | 75 |
| do 18 | 1,873 88 | 12 93 | 63 |
| do 25 | 10,038 43 | 61 61 | 56 |
| Dec. 2 | 2,150 00 | 11 54 | 49 |
| | 59,943 89 | 721 11 | 60,665 00 |
| Interest to 28th January | | | 321,232 09 281 63 |
| | | | 321,513 72 |

DEPARTMENT OF JUSTICE, OTTAWA, CANADA, 8th February, 1886.

SIR,—Replying to your communication of the 22nd ult., I have the honor to express my views on the several questions therein submitted for opinion.

1. The Government in my opinion hold the land grant bonds of the Canadian Pacific Railway which were in its possession on the 20th July, 1885, on the terms and conditions mentioned in the Act 47 Victoria, chapter 11, section 5, with the exception that the moneys arising from such bonds other than the five millions referred to in the second paragraph of the fifth section of the Act, are to be applied to the payment of the principal and interest of the sum of \$9,880,912, mentioned in the Act 48-49 Victoria, chapter 57, section 6.

2. These land grant bonds may, I think, be treated as earned and issued to the Canadian Pacific Railway Company, and the Government is entitled to call upon the trustees of the land grant mortgage to pay the interest thereon.

3. The money received from the trustees of the land grant mortgage may under 48-49 Victoria, chapter 57, sections 6 and 8, be applied in payment of the interests due on the \$9,880,912 therein mentioned in lieu of or in addition to ordering a sale of the unsold lands as provided by the 6th section.

4. For the payment of the interest and principal of the sum of \$9,880,912 the Government have the following security :—

- The \$8,996,000 of land grant bonds in its possession on the 20th July, 1885.
- A first lien on all the company's lands after redemption of the land grant bonds, with power to order sales.
- The Algoma branch and the interest of the company in its leased lines.
- After sale of the lands, and for any balance then unpaid, the company's entire revenue, after providing for its fixed charges.
- The liability of the company.

The provision of 48-49 Victoria, chapter 57, section 6, that "after the sale of the whole of the lands any deficiency in the proceeds thereof to pay the amount charged thereon, shall be a charge on the company's entire revenue, after providing for its fixed charges, and by preference over the shareholders," has probably suggested the view of the secretary of the company that the lands alone are primarily liable for the interest and principal of \$9,880,912, and that the company should not have been called upon for the interest thereon. I am inclined to the opinion, however, that the object of that provision was to create a second mortgage of the revenues of the company as an additional security for this sum, and that it was not intended to, and does not relieve the company, from its liability to pay the interest due to the Government on this part of the loan.

I am, &c.,

G. W. BURBIDGE, Deputy Minister of Justice.

FINANCE DEPARTMENT, OTTAWA, 10th February, 1886.

SIR,—Referring to your letter of the 20th ultimo, on the subject of payment of interest on the sum of \$9,880,912 lent by the Government to the Canadian Pacific Railway Company, I have the honor to send you herewith copy of a letter from the Deputy Minister of Justice on the subject, the same being sent you by direction of the Honorable the Minister of Finance, and I am directed to request that you will be good enough to advise me at your earliest convenience as to your views on the same.

I have, &c.,

J. M. COURTNEY, *Deputy Minister of Finance.*

C. DRINKWATER, Esq., Secretary C. P. R. Co., Montreal.

THE Canadian Pacific Railway Company in account with the Dominion Government
TEMPORARY LOAN ACCOUNT.

| 1885. | | \$ | cts. | 1885. | | \$ | cts. |
|--------------|-------------------------|-----------|------|------------|-------------------------|-----------|------|
| August 12... | To Treasury Bills. | 5,000,000 | 00 | Sept. 2... | By Treasury Bills | 3,000,000 | 00 |
| | | | | Nov. 6... | do | 2,000,000 | 00 |
| | | 5,000,000 | 00 | | | 5,000,000 | 00 |

FINANCE DEPARTMENT,
OTTAWA, 2nd March, 1886.

J. M. COURTNEY,
Deputy Minister of Finance.

WY,
Finance.

CANADIAN Pacific Railway Company in account with the Dominion Government.

SUBSIDY ACCOUNT.

| 1885. | | | \$ | cts. |
|-------------------------------------|-------|---|------------|------|
| Feb. | 7... | To payment for work performed per estimate..... | 45,789 | 00 |
| do | 7... | do do | 109,485 | 00 |
| do | 19... | do do | 2 0,851 | 00 |
| do | 19... | do do | 50,460 | 00 |
| do | 19... | do do | 18,727 | 00 |
| do | 19... | do do | 38,256 | 00 |
| March | 6... | do do | 73,646 | 00 |
| do | 10... | do do | 96,394 | 00 |
| do | 11... | do do | 128,073 | 00 |
| do | 14... | do do | 25,002 | 00 |
| do | 20... | do do | 7,810 | 00 |
| do | 31... | do do | 58,653 | 00 |
| April | 9... | do do | 72,768 | 00 |
| do | 11... | do do | 84,875 | 00 |
| do | 18... | do do | 13,537 | 00 |
| do | 29... | do do | 29,262 | 00 |
| May | 18... | do do | 9,669 | 00 |
| do | 18... | do do | 55,687 | 00 |
| do | 20... | do do | 46 158 | 00 |
| do | 22... | do do | 13,089 | 00 |
| June | 5... | do do | 72,028 | 00 |
| do | 9... | do do | 71,044 | 00 |
| do | 12... | do do | 17,869 | 00 |
| do | 22... | do do | 24,537 | 00 |
| do | 26... | do do | 35,501 | 00 |
| July | 6... | do do | 120,115 | 00 |
| do | 10... | do do | 23,058 | 00 |
| do | 11... | do do | 41,116 | 00 |
| do | 28... | do do | 108,620 | 00 |
| do | 28... | do do | 176,712 | 00 |
| Aug. | 17... | do do | 13,542 | 00 |
| do | 17... | do do | 267,755 | 00 |
| do | 22... | do do | 34,459 | 00 |
| Sept. | 10... | do do | 468,047 | 00 |
| do | 12... | do do | 123,238 | 00 |
| do | 19... | do do | 23,404 | 00 |
| do | 29... | do do | 61,872 | 00 |
| Oct. | 8... | do do | 140,900 | 00 |
| do | 16... | do do | 23,472 | 00 |
| do | 27... | do do | 132,613 | 00 |
| do | 29... | do do | 518,624 | 00 |
| do | 29... | do do | 232,962 | 00 |
| Nov. | 5... | do do | 5,000 | 00 |
| do | 7... | do do | 107,675 | 00 |
| Dec. | 5... | do do | 207,442 | 00 |
| do | 5... | do do | 53,200 | 00 |
| do | 15... | do do | 11,601 | 00 |
| do | 19... | do do | | |
| Amount as per previous returns..... | | | 4,304,595 | 00 |
| | | | 20,240,317 | 87 |
| Total..... | | | 24,544,912 | 87 |

J. M. COURTNEY,

Deputy Minister of Finance.

FINANCE DEPARTMENT,
OTTAWA, 26th February, 1886.

CANADIAN Pacific Railway Company in account with the Dominion Government.

LOAN ACCOUNT.

For the following amounts paid to the Canadian Pacific Railway Company, under authority of 47 Vic., Chap. 1:—

| 1885. | | \$ cts. | 1885. | | \$ cts. |
|----------------------|---------|------------|----------------------------------|---------|---------------|
| February | 7..... | 68,800 00 | May | 22..... | 68,300 00 |
| do | 7..... | 150,500 00 | June | 5..... | 19,700 00 |
| do | 19..... | 142,181 78 | do | 9..... | 108,100 00 |
| do | 19..... | 75,900 00 | do | 12..... | 106,900 00 |
| do | 19..... | 28,100 00 | do | 26..... | 26,800 00 |
| do | 20..... | 147,618 24 | do | 26..... | 36,900 00 |
| March | 6..... | 57,500 00 | July | 6..... | 48,900 00 |
| do | 10..... | 92,357 31 | do | 10..... | 180,500 00 |
| do | 10..... | 18,142 89 | do | 11..... | 31,700 00 |
| do | 11..... | 132,700 00 | do | 28..... | 61,600 00 |
| do | 14..... | 175,900 00 | do | 28..... | 163,000 00 |
| do | 20..... | 37,500 00 | August | 17..... | 265,400 00 |
| do | 31..... | 10,800 00 | do | 17..... | 18,500 00 |
| April | 9..... | 88,200 00 | Sept. | 19..... | 91,600 00 |
| do | 11..... | 109,300 00 | do | 29..... | 24,100 00 |
| do | 18..... | 116,700 00 | October | 27..... | 24,100 00 |
| do | 29..... | 18,800 00 | December | 5..... | 58,700 00 |
| May | 18..... | 44,000 00 | do | 15..... | 62,900 00 |
| do | 18..... | 13,200 00 | do | 19..... | 13,600 00 |
| do | 20..... | 83,500 00 | Amount paid as per last return.. | | 18,626,600 00 |
| Carried forward..... | | | Total..... | | 21,650,700 00 |

FINANCE DEPARTMENT,
OTTAWA, 26th February, 1886.

J. M. COURTNEY,
Deputy Minister of Finance.

CANADIAN PACIFIC RAILWAY COMPANY in Account with the Dominion Government.
 LOAN INTEREST ACCOUNT.

| Date. | Dr. | — | Days. | Interest. | Date. | Cr. | — | Days. | Interest. |
|----------------------|--|---------------|-------|------------|----------------------------------|---|------------|-------|------------|
| | | \$ cts. | | \$ cts. | | | \$ cts. | | \$ cts. |
| 1884. Sept. 13... | To balance of interest, per previous statement..... | | | 273,760 78 | 1884. Sept. 13... do 13... | By Cash..... | | | 273,760 78 |
| do 12... | Interest to 1st Nov. on balance of loan, as per previous return..... | 13,715,463 00 | 50 | 93,941 52 | Oct. 14... | Interest on payment of interest before due, balance as per previous return..... | 273,760 78 | 49 | 1,837 50 |
| do 13... | do do | 706,529 00 | 49 | 4,742 45 | Oct. 18... | Interest on above to 1st Nov. Deposit by P. O. Dept..... | | 17 | 1,762 18 |
| do 23... | do do | 28,086 00 | 39 | 160 10 | ..... | Deposit by P. O. Dept..... | | 13 | 4 09 |
| do 29... | do do | 104,353 00 | 33 | 471 73 | ..... | Interest on above to 1st Nov. Deposit by P. O. Dept..... | | 13 | 9,269 40 |
| Oct. 7... | do do | 606,600 00 | 24 | 1,994 30 | ..... | Balance of interest due 1st Nov. | | | 90,765 80 |
| do 10... | do do | 17,361 00 | 21 | 49 94 | | | | | |
| do 11... | do do | 624,200 00 | 20 | 1,710 13 | | | | | |
| do 17... | do do | 306,200 00 | 14 | 685 31 | | | | | |
| | | 16,107,800 00 | | 103,645 48 | 1885. March 9... | Cash..... | | | 103,645 48 |
| Nov. 1... | Balance of interest due... Interest on above to 9th March, 1885..... | | 128 | 1,591 51 | | | | | 92,357 31 |
| do 1... | Interest on above balance to 1st May, 1885..... | 16,107,800 00 | 181 | 399,385 18 | 1884. Nov. 19... | Deposit by P. O. Dept. on account transport..... | | | 6,605 36 |
| do 8... | do do | 628,000 00 | 174 | 12,565 20 | ..... | Interest on same to 1st May '85 | | 163 | 117 99 |
| do 14... | do do | 83,200 00 | 168 | 1,914 74 | Dec. 10... | Deposit by P. O. Dept..... | | 142 | 1,820 64 |
| do 18... | do do | 463,600 00 | 164 | 9,067 18 | ..... | Interest on same to 1st May '85 | | 133 | 28 33 |
| Dec. 5... | do do | 293,300 00 | 147 | 6,906 18 | Dec. 19... | Deposit by Indian Dept..... | | 133 | 819 65 |
| do 5... | do do | 329,800 00 | 143 | 6,460 47 | ..... | Interest on same to 1st May '85 | | 133 | 11 95 |
| do 15... | do do | 190,100 00 | 137 | 3,667 63 | Dec. 29... | Deposit by Militia Dept..... | | 133 | 2 65 |
| do 17... | do do | 34,930 00 | 135 | 646 97 | ..... | Interest on same to 1st May '85 | | 133 | 0 04 |
| 1885. Jan. 9... | do do | 171,770 00 | 112 | 2,635 38 | 1885. Jan. 15... | Deposit by Public Works Dept. | | 106 | 1,682 80 |
| do 10... | do do | 186,500 00 | 111 | 2,075 55 | ..... | Interest on same to 1st May '85 | | 106 | 19 20 |
| do 13... | do do | 293,200 00 | 108 | 4,337 75 | Jan. 19... | Deposit by P. O. Dept..... | | 103 | 11,204 46 |
| do 24... | do do | 19,400 00 | 97 | 267 78 | ..... | Interest on same to 1st May '85 | | 103 | 135 24 |
| do 30... | do do | 35,000 00 | 91 | 436 30 | Jan. 26... | Deposit by P. O. Dept..... | | | 1,506 96 |
| Feb. 7... | do do | 219,308 00 | 83 | 2,493 41 | | | | | |

CANADIAN PACIFIC RAILWAY COMPANY in Account with the Dominion Government—Concluded.

LOAN INTEREST ACCOUNT—Concluded.

| Date. | Dr. | — | Days. | Interest. | Date. | Cr. | — | Days. | Interest. |
|--------------|--------------------------------|---------------|-------|---------------|-------------|----------------------------------|-------|-------|------------|
| | | \$ | | \$ | | | \$ | | \$ |
| | | cts. | | cts. | | | cts. | | cts. |
| Feb. 19..... | Interest to 1st May, 1885, on | 393,800 00 | 71 | 3,880 11 | ..... | Interest on same to 1st May, '85 | ..... | 95 | 15 68 |
| March 6..... | do | 57,500 00 | 56 | 441 10 | Mar. 12... | Deposit by P. O. Dept | ..... | 50 | 7,028 06 |
| do 10..... | do | 116,800 00 | 52 | 787 12 | April 16... | Interest on same to 1st May, '85 | ..... | 15 | 38 51 |
| do 11..... | do | 132,700 00 | 51 | 927 08 | ..... | Deposit by Indian Dept..... | ..... | ..... | 1,629 61 |
| do 14..... | do | 175,900 00 | 48 | 1,156 60 | ..... | Interest on same to 1st May, '85 | ..... | ..... | 2 68 |
| do 20..... | do | 37,500 00 | 42 | 215 75 | April 20... | Deposit by P. O. Dept | ..... | ..... | 2,617 88 |
| do 31..... | do | 10,800 00 | 31 | 45 86 | ..... | Interest on same to 1st May, '85 | ..... | ..... | 3 16 |
| April 9..... | do | 88,200 00 | 22 | 265 80 | April 22... | Deposit by P. O. Dept | ..... | ..... | 6,836 60 |
| do 11..... | do | 109,300 00 | 20 | 299 45 | ..... | Interest on same to 1st May, '85 | ..... | ..... | 6 54 |
| do 18..... | do | 116,700 00 | 13 | 207 82 | ..... | Balance interest due 1st May, | ..... | ..... | 418,057 57 |
| do 29..... | do | 18,800 00 | 3 | 6 15 | ..... | 1885 ..... | ..... | ..... | 459,980 56 |
| | | 20,097,600 00 | | 459,980 56 | | | | | |
| May 1..... | Interest on above balance | 20,097,600 00 | 80 | 220,247 58 | May 7... | Deposit by Militia Dept. on | ..... | ..... | 2,630 93 |
| do 18..... | to 20th July, 1885..... | 57,200 00 | 63 | 493 64 | ..... | account transport..... | ..... | ..... | 21 33 |
| do 20..... | Interest to 20th July, '85, on | 83,500 00 | 61 | 697 74 | ..... | 1885 ..... | ..... | 74 | 7,235 54 |
| do 22..... | do | 69,300 00 | 59 | 660 09 | May 8... | Deposit by P. O. Dept..... | ..... | ..... | 57 89 |
| June 5..... | do | 19,700 00 | 45 | 121 44 | ..... | Interest on same to 20th July, | ..... | ..... | 1,750 00 |
| do 9..... | do | 108,100 00 | 41 | 607 13 | ..... | 1885 ..... | ..... | ..... | 2 68 |
| do 12..... | do | 106,900 00 | 38 | 556 47 | July 6... | Mails, Lakes Huron and Su- | ..... | ..... | 400,000 00 |
| do 23..... | do | 26,800 00 | 28 | 102 79 | ..... | perior ..... | ..... | ..... | 40,000 00 |
| do 26..... | do | 36,900 00 | 24 | 121 32 | ..... | Interest on same to 20th July, | ..... | ..... | 318,885 67 |
| July 6..... | do | 48,900 00 | 14 | 93 77 | ..... | 1885 ..... | ..... | ..... | 770,284 04 |
| do 10..... | do | 180,500 00 | 10 | 247 27 | ..... | Transport service, Militia De- | ..... | ..... |  |
| do 11..... | do | 31,700 00 | 9 | 39 68 | ..... | partment..... | ..... | ..... |  |
| ..... | Balance of interest due on | ..... | ..... | 418,087 57 | ..... | Transport service, North-West | ..... | ..... |  |
| ..... | 1st May, 1885 ..... | ..... | ..... | 4,581 49 | ..... | Mounted Police..... | ..... | ..... |  |
| ..... | Interest on same from 1st | ..... | 80 | ..... | ..... | Balance of interest due 20th | ..... | ..... |  |
| ..... | May to 20th July, 1885. | ..... | ..... | 123,756 66 | ..... | July, 1885..... | ..... | ..... |  |
| ..... | Interest on advance ac- | ..... | 163 | 770,284 04 | ..... |  | ..... | ..... |  |
| ..... | count, \$7,380,912, from | ..... | ..... | 20,867,100 00 | ..... |  | ..... | ..... |  |
| ..... | 17th Feb. to 20th July, '85 | ..... | ..... |  | ..... |  | ..... | ..... |  |

| | | | | | | | | | |
|-------------|--|---------------|-------|------------|------------|---|-----------|-------|------------|
| July 20... | Interest on amount of loan to date, as per above, to 20th Jan., 1886 | 20,867,100 00 | 184 | 420,772 21 | July 23... | The following deposits on account of transport service and interest thereon to 20th January, 1886 | 1,742 52 | 181 | 34 56 |
| do 26... | Interest to 20th Jan., 1886 | 224,600 00 | 176 | 4,332 00 | do 24... | ..... | 9,742 04 | 180 | 192 17 |
| do 17... | do | 283,900 00 | 156 | 4,363 52 | do 3... | ..... | 7,934 68 | 170 | 147 82 |
| Sept. 19... | do | 91,600 00 | 123 | 1,234 71 | do 11... | ..... | 1,124 32 | 162 | 19 96 |
| do 29... | do | 24,100 00 | 113 | 298 44 | do 7... | ..... | 2,429 78 | 105 | 27 96 |
| Oct. 27... | do | 24,200 00 | 85 | 225 42 | do 21... | ..... | 12,917 36 | 91 | 128 82 |
| Dec. 5... | do | 56,700 00 | 46 | 295 91 | Nov. 4... | ..... | 7,463 22 | 77 | 62 77 |
| do 15... | do | 62,900 00 | 36 | 248 15 | do 6... | ..... | 2,627 65 | 75 | 20 77 |
| do 19... | do | 13,600 00 | 32 | 47 69 | do 18... | ..... | 1,873 88 | 63 | 12 93 |
| ..... | Balance of interest due 20th July, 1886 | ..... | ..... | 318,585 67 | do 25... | ..... | 10,038 43 | 56 | 61 61 |
| ..... | Interest on same from 20th July, 1885, to 20th Jan., 1886 | ..... | 184 | 6,424 08 | Dec. 2... | ..... | 2,150 00 | 49 | 11 54 |
| ..... | 6 months' interest on \$7,380,912 | ..... | ..... | 147,618 24 | ..... | By Balance of interest due 20th January, 1886 | 59,943 89 | ..... | 69,943 89 |
| ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | 844,271 04 |
| ..... | ..... | 21,650,700 00 | ..... | 904,936 04 | ..... | ..... | ..... | ..... | 904,936 04 |
| ..... | Balance of interest due as above | ..... | ..... | 844,271 04 | 1886. | Cash | ..... | ..... | 331,613 72 |
| ..... | ..... | ..... | ..... | ..... | Jan. 29... | Balance | ..... | ..... | 522,757 32 |
| ..... | do | ..... | ..... | 844,271 04 | ..... | ..... | ..... | ..... | 844,271 04 |
| ..... | ..... | ..... | ..... | 522,757 32 | ..... | ..... | ..... | ..... | ..... |

J. M. COURTNEY,
Deputy Minister of Finance.

FINANCE DEPARTMENT,
OTTAWA, 2nd March, 1886.

CANADIAN PACIFIC RAILWAY Co. in Account with the Dominion Government.

DR.

SECURITY ACCOUNT.

CR.

| 1885. | | \$ cts. | 1885. | | \$ cts. |
|-------------|--|------------|-------------|-------------------------------------|------------|
| March 10... | To Transfer to interest on investments. | 11,021 58 | Feb. 17... | By Balance as per last return | 34,633 10 |
| Aug. 8... | do do | 41,523 67 | March 13... | Receipts for transport service..... | 7,028 06 |
| June 30... | Balance as per Public Accounts, page xxxi.. | 11,616 47 | April 16... | do | 1,629 61 |
| 1886. | | 64,161 72 | do 22... | do | 2,617 88 |
| Jan. 30... | Transfer to interest on investments..... | 59,943 89 | do 24... | do | 6,636 60 |
| | | | May 7... | do | 2,630 93 |
| | | | do 9... | do | 7,235 54 |
| | | | July 6... | do | 1,750 00 |
| | | | | | 64,161 72 |
| | | | do 1... | Balance..... | 11,616 47 |
| | | | do 25... | Receipts for transport service..... | 11,484 56 |
| | | | Aug. 4... | do | 18,449 07 |
| | | | do 6... | do | 7,934 68 |
| | | | do 11... | do | 1,124 32 |
| | | | Oct. 8... | do | 1,363 90 |
| | | | do 15... | do | 1,065 88 |
| | | | do 22... | do | 12,917 36 |
| | | | Nov. 5... | do | 7,463 22 |
| | | | do 7... | do | 2,527 66 |
| | | | do 27... | do | 11,912 31 |
| | | | Dec. 3... | do | 2,150 00 |
| | | | 1886. | | |
| | | | Jan. 18... | do | 11,967 17 |
| | | | do 20... | do | 1,775 91 |
| | | | do 23... | do | 14,035 62 |
| | | | Feb. 3... | do | 285 31 |
| Feb. 21... | Balance..... | 73,934 76 | do 11... | do | 14,710 27 |
| | | 133,878 65 | do 21... | do | 1,094 94 |
| | | | | | 133,878 65 |
| | | | | Balance..... | 73,935 76 |

J. M. COURTNEY,
Deputy Minister of Finance.

FINANCE DEPARTMENT,
OTTAWA, 26th February, 1886.

SUPPLEMENTARY RETURN

(35a)

To the **STANDING ORDER** of the **HOUSE OF COMMONS**, dated 20th February, 1882; For full information on all subjects affecting the **Canadian Pacific Railway** up to the latest date, and particularly all details as to:

1. The selection of the route.
2. The progress of the work.
3. The selection or reservation of the lands.
4. The payment of moneys.
5. The laying out of branches.
6. The progress therein.
7. The rates of tolls for passengers and freights.
8. The particulars required by the **Consolidated Railway Act** and amendments thereto, up to the end of the previous fiscal year.
9. Like particulars up to the latest date before the presentation of the Return.
10. Copies of all Orders in Council and of all correspondence between the Government and the Railway Company, or any member or officer of either, relating to the affairs of the Company.

By Command.

J. A. CHAPLEAU,

Secretary of State.

Department of the Secretary of State,
11th March, 1886.

CANADIAN PACIFIC RAILWAY RETURN—1885.

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5. Rates, tolls and fares.
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 1. Form of mortgage.
 2. Authority to transfer western section of Canadian Pacific Railway to Canadian Pacific Railway Company.
 3. Claim of Lake Superior Silver Mining Company.
 4. Claim of A. S. Farewell.

SELECTION OF ROUTE — LOCATION — CENTRAL SECTION — FROM SICAMOUS' NARROWS TO SECOND CROSSING, COLUMBIA RIVER — DISTANCE ABOUT 44 MILES.

MONTREAL, 5th February, 1885.

SIR,—I have the honor to transmit the following plans and profiles of portions of the main line, for the approval of the Governor General in Council :

Corrected profile from Shuswap, Summit, eastward to a point $7\frac{3}{4}$ miles east of Sicamous' Narrows.

Profile from a point $7\frac{3}{4}$ miles east of Sicamous' Narrows to the Second Crossing of the Columbia River.

Plan of location from Sicamous' Narrows to a point nearly 8 miles east.

I have the honor to be, Sir, your obedient servant,

C. DRINKWATER, *Secretary.*

A. P. BRADLEY, Esq., Secretary Department Railways and Canals, Ottawa.

CANADIAN PACIFIC RAILWAY,
OFFICE OF THE ENGINEER-IN-CHIEF, OTTAWA, 14th February, 1885.

SIR,—Mr. Drinkwater's letter, dated the 6th instant, under cover No. 35,748, submitting for approval profiles of the location of the main line of the Canadian Pacific Railway from the Sicamous' Narrows to the second crossing of the Columbia River, a distance of about forty-four miles, having been referred to me, I have the honor to report that the grades and curves are well within the conditions imposed by the Canadian Pacific Railway Act, and such as the physical features of the country appear to require. The maximum grade is 1.25 per 100 feet, or 66 feet per mile, and the minimum curve 10° .

I recommend that the location now submitted be approved.

I have the honor to be, Sir, your obedient servant,

COLLINGWOOD SCHREIBER, *Chief Engineer.*

A. P. BRADLEY, Esq., Secretary Department Railways and Canals, Ottawa.

(*Memorandum.*)

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 18th February, 1885.

The undersigned has the honor to represent, that under date the 5th instant, the Canadian Pacific Railway Company have furnished plans and profiles showing the proposed location of their main line extending from the Sicamous' Narrows to the Second Crossing of the Columbia River, a distance of about forty-four miles.

That under date the 14th instant, the Government Chief Engineer has reported, stating that the grades and curves are well within the conditions imposed by the Canadian Pacific Railway Act, and are such as the physical features of the country appear to require. The maximum grade is, he states, 1.25 per 100 feet, or 66 feet per mile, the minimum or sharpest curve being 10° .

We advise that approval be given thereto.

The undersigned thereupon recommends that the said plans and profiles be approved.

Respectfully submitted,
J. H. POPE, *Acting Minister Railways and Canals.*

CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 16th March, 1885.

On a memorandum, dated 18th February, 1885, from the acting Minister of Railways and Canals, submitting plans and profiles of the Canadian Pacific Railway, showing the proposed location of the main line extending from the Sicamous' Narrows to the Second Crossing of the Columbia River, a distance of about forty-four miles, and upon which the Chief Engineer has reported that the grades and curves are well within the conditions imposed by the Canadian Pacific Railway Act, and are such as the physical features of the country appear to require, the maximum grade is, he states, 1.25 per 100 feet, or 66 feet per mile, the minimum or sharpest curve being 10°.

The Minister on such report recommends that the said plans and profiles be approved.

The Committee submit the same for Your Excellency's approval accordingly.

JOHN J. MCGEE, *Clerk Privy Council.*

Hon. the Minister of Railways and Canals.

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 2nd April, 1885.

SIR,—I am instructed to enclose herewith to you a copy of a certified copy of an Order in Council, dated the 16th ultimo, approving plans and profiles of the location of the Canadian Pacific Railway from the Sicamous' Narrows to the Second Crossing of the Columbia River, a distance of about 44 miles.

I am, Sir, your obedient servant,

A. P. BRADLEY, *Secretary.*

CHAS. DRINKWATER, Esq., Secretary C. P. R. Co., Montreal.

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 2nd April, 1885.

SIR,—I am instructed to enclose herewith to you a copy of a certified copy of an Order in Council, dated the 16th ultimo, approving plans and profiles of the location of the Canadian Pacific Railway from the Sicamous' Narrows to the Second Crossing of the Columbia River, a distance of about 44 miles.

I am, Sir, your obedient servant,

A. P. BRADLEY, *Secretary.*

C. SCHREIBER, Esq., Chief Engineer, &c., Ottawa.

**SELECTION OF ROUTE—LOCATION—CENTRAL SECTION, EASTWARD—
FROM A POINT 42½ MILES EAST OF SAVONA'S FERRY, TO A POINT
62½ MILES EAST OF SAVONA'S FERRY—DISTANCE 20 MILES.**

CANADIAN PACIFIC RAILWAY COMPANY,
OFFICE OF THE SECRETARY, MONTREAL, 12th February, 1885.

SIR,—I have the honor to transmit, for the approval of the Governor General in Council, plan and profile of that portion of the main line of the Canadian Pacific Railway, from the 42½ to the 62½ mile east of Savona's.

I have the honor to be, Sir, your obedient servant,

C. DRINKWATER, *Secretary.*

A. P. BRADLEY, Esq., Secretary Department Railways and Canals, Ottawa.

CANADIAN PACIFIC RAILWAY,
OFFICE OF THE ENGINEER-IN-CHIEF, OTTAWA, 23rd February, 1885.

SIR,—Mr. Drinkwater's letter, dated the 12th instant, submitting for approval the plan and profile of the main line of the Canadian Pacific Railway from the 42½ mile to the 62½ mile east of Savona's, having been referred to me, I have the honor to report that the grades and curves are well within the limits imposed by the

Canadian Pacific Railway Act, the maximum grade being 1 per 100 feet and the minimum curve 8°. I, therefore, recommend that the location, as submitted, be approved.

I have the honor to be, Sir, your obedient servant,
COLLINGWOOD SCHREIBER, *Chief Engineer.*

A. P. BRADLEY, Esq., Secretary Department Railways and Canals, Ottawa.

(*Memorandum.*)

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 24th February, 1885.

The undersigned has the honor to represent that under date the 12th instant the Canadian Pacific Railway Company have submitted for approval plans and profiles showing the location of their main line for the portion extending from the 42½ to the 62½ mile east of Savona's Ferry.

That under date the 23rd instant the Government Chief Engineer has reported stating that the grades and curves are well within the limits fixed by the Act, the maximum grade being 1 per 100 feet or 52.80 feet per mile and the minimum curve 8°; he advises that approval be given.

The undersigned recommends that the plans, &c., in question be approved.

Respectfully submitted,

J. H. POPE, *Acting Minister of Railways and Canals.*

CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 2nd March, 1885.

On a memorandum, dated 24th February, 1885, from the Acting Minister of Railways and Canals, submitting for approval the plans and profiles showing the location of the main line of the Canadian Pacific Railway for the portion extending from the 42½ to the 62½ mile east of Savona's Ferry;

The Minister recommends, on the report of the Government Chief Engineer, to the effect that the grades and curves are well within the limits fixed by the Act, the maximum grade being 1 per 100 feet or 52.80 feet per mile and the minimum curve 8°; and that the plans and profiles, as submitted under date the 12th February, be approved.

The Committee advise that the plans and profiles as submitted be approved accordingly.

JOHN J. MCGEE, *Clerk Privy Council.*

The Hon. the Minister of Railways and Canals.

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 23rd March, 1885.

SIR,—I am directed to forward for your information and guidance the accompanying certified copy of an Order in Council, passed on the 2nd March, 1885, approving of the plans and profiles showing the location of the main line of the Canadian Pacific Railway for the portion extending from the 42½ to the 62½ mile east of Savona's Ferry, British Columbia.

I have the honor to be, Sir, your obedient servant,

A. P. BRADLEY, *Secretary.*

C. SCHREIBER, Esq., Chief Engineer, &c., Ottawa.

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 23rd March, 1885.

SIR,—I am directed to forward, for your information and guidance, the accompanying certified copy of an Order in Council, passed on the 2nd March, 1885, approving of the plans and profiles showing the location of the main line of the Canadian Pacific Railway for the portion extending from the 42½ to the 62½ mile east of Savona's Ferry, British Columbia.

I have the honor to be, Sir, your obedient servant,

A. P. BRADLEY, *Secretary.*

C. DRINKWATER, Esq., Secretary C.P.R. Co., Montreal.

SELECTION OF ROUTE—LOCATION—CENTRAL SECTION—WESTWARDS
—FROM 119TH MILE WEST OF SUMMIT OF ROCKY MOUNTAINS TO
137TH MILE WEST OF SUMMIT OF ROCKY MOUNTAINS OR FROM
1081ST MILE WEST OF WINNIPEG TO 1099TH MILE WEST OF WINNI-
PEG—DISTANCE 18 MILES.

CANADIAN PACIFIC RAILWAY COMPANY,
OFFICE OF THE SECRETARY, MONTREAL, 14th March, 1885.

SIR,—I have the honor to send you herewith, for the approval of His Excellency the Governor General in Council, plan and profile of that portion of the main line from the 119th to the 137th mile west of the summit of the Rocky Mountains, or from the 1081st to the 1099th mile west of Winnipeg.

I have the honor to be, Sir, your obedient servant,
C. DRINKWATER, *Secretary*.

A. P. BRADLEY, Esq., Secretary Department Railways and Canals, Ottawa.

CANADIAN PACIFIC RAILWAY,
OFFICE OF THE ENGINEER IN-CHIEF, OTTAWA, 16th March, 1885.

SIR,—Mr. Drinkwater's letter, dated the 14th March, under cover No. 36126, accompanied by plan and profile extending from the 119th mile, west of the summit of the Rocky Mountains to the 137th mile, being the western crossing of the Columbia River, having been referred to me, I have the honor to report that the maximum grade is 1·00 per 100 feet or 52·80 to the mile, and the minimum curve 10°. These are, I believe, necessitated by the general features of the ground, and it having been generally understood that such curves would have to be used in passing over the Selkirk Mountains, I recommend that the location be approved.

I have the honor to be, Sir, your obedient servant,
COLLINGWOOD SCHREIBER, *Chief Engineer*.

A. P. BRADLEY, Esq., Secretary Department Railways and Canals, Ottawa.

(Memorandum.)

DEPARTMENT RAILWAYS AND CANALS, OTTAWA, 19th March, 1885.

The undersigned has the honor to represent that under date the 14th inst., the Canadian Pacific Railway Company have submitted for approval a plan and profile, showing the proposed location of their main line for a distance of 18 miles, extending from the 119th mile to the 137th mile west from the summit of the Rocky Mountains, or from the 1081st to the 1099th mile west from Winnipeg.

That under date the 16th instant, the Government Chief Engineer has reported, stating that the maximum grade is 1 per 100 feet, or 52·80 feet per mile, that the sharpest curve is 10° degrees, and that he believes this gradient and curvature to be necessitated by the general features of the ground. He advises that this location be approved, it having been generally understood that such curves would have to be used in passing over the Selkirk Range.

The undersigned would, therefore, recommend that approval be given accordingly.

J. H. POPE, *Acting Minister of Railways and Canals*.

CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by his Excellency the Governor General in Council on the 23rd March, 1885.

On a memorandum, dated 19th March, 1885, from the Acting Minister of Railways and Canals, submitting for approval a plan and profile of the Canadian Pacific Railway, showing the proposed location of their main line for a distance of eighteen miles, extending from the 119th to the 137th mile west from the summit of the Rocky Mountains, or from the 1081st to the 1099th mile west from Winnipeg;

The Minister represents that the Government Chief Engineer has reported, stating that the maximum grade is 1 per 100 feet, or 52·80 feet per mile, that the sharpest

curve is of 10 degrees, and that he believes this gradient and curvature to be necessitated by the general features of the ground. He advises that this location be approved, it having being generally understood that such curves would have to be used in passing over the Selkirk range.

The Minister, therefore, recommends that approval be given accordingly.

The Committee submit the plan and profile of the Canadian Pacific Railway, dated 11th March, 1885, for Your Excellency's approval.

JOHN J. MCGEE, *Clerk Privy Council.*

The Honorable the Minister of Railways and Canals.

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 2nd April, 1885.

SIR,—I am instructed to transmit to you herewith a copy of a certified copy of an Order in Council, bearing date the 23rd ultimo, approving plan and profile of the location of the line of the Canadian Pacific Railway for a distance of eighteen miles, from the 119th to the 137th mile west of the summit of the Rocky Mountains, or from the 1081st to the 1099th mile west from Winnipeg.

I am, Sir, your obedient servant,

A. P. BRADLEY, *Secretary.*

C. SCHRIEBER, Esq., Chief Engineer, &c., Ottawa.

DEPARTMENT RAILWAYS AND CANALS, OTTAWA, 2nd April, 1885.

SIR,—I am instructed to transmit to you herewith a copy of a certified copy of an Order in Council, bearing date the 23rd ultimo, approving plan and profile of the location of the line of the Canadian Pacific Railway for a distance of eighteen miles from the 119th mile to the 137th mile west of the summit of the Rocky Mountains, or from the 1081st to the 1099th mile west from Winnipeg.

I am, Sir, your obedient servant,

A. P. BRADLEY, *Secretary.*

C. DRINKWATER, Esq., Secretary C. P. R. Co., Montreal.

**SELECTION OF ROUTE—RE-LOCATION—CENTRAL SECTION, WESTWARDS
—FROM SUMMIT OF SELKIRK RANGE—TO A POINT EIGHTEEN MILES
WEST OF SUMMIT OF SELKIRK RANGE—DISTANCE EIGHTEEN
MILES.**

CANADIAN PACIFIC RAILWAY COMPANY,
OFFICE OF THE SECRETARY, MONTREAL, 20th February, 1885.

SIR,—I am forwarding you, under separate cover, a plan and profile of revised location from Kamloops eastward, 16½ miles. This includes the portion from station 4250 to 4550, required to complete the plans already forwarded to you.

I am, Sir, your obedient servant,

C. DRINKWATER, *Secretary.*

A. P. BRADLEY, Esq., Secretary Department Railways and Canals, Ottawa.

CANADIAN PACIFIC RAILWAY,
OFFICE OF THE ENGINEER-IN-CHIEF, OTTAWA, 6th July, 1885.

SIR,—The Vice-President of the Canadian Pacific Railway Company having submitted for approval a plan and profile of a re-location of that portion of the railway extending from the summit of the Selkirk Mountains, eighteen miles westward, with the object of avoiding heavy snowslides, I have the honor to report that in the new location an additional three miles is made in order to gain distance and reach the bottom of the valley; this necessitates a very crooked line in these three miles, but Mr. Dickey, the Government Inspecting Engineer, reports that he believes the location now made to be the best possible, and notwithstanding the first part being very crooked, that taken as a whole there is less curvature than in the old location.

The work is very heavy; the maximum grade is 116 feet per mile, and the minimum curve 10°.

From the best information I have at command I have no doubt the line as now located is as favorable as any that can be obtained crossing the Selkirks, and I recommend its approval.

I have the honor to be, Sir, your obedient servant,
COLLINGWOOD SCHREIBER, *Chief Engineer.*

A. P. BRADLEY, Esq., Secretary Department Railways and Canals, Ottawa.

(Memorandum.)

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 9th July, 1885.

The undersigned has the honor to represent that under date the 16th of January, 1885, an Order in Council was passed approving of the location of the main line of the Canadian Pacific Railway extending from the 95th to the 119th mile west of the summit of the Rocky Mountains and crossing the western descent of the Selkirk Range.

That the company have now submitted for approval plans and profiles showing a re-location of a portion of the line on this distance, namely, for eighteen miles, extending westwards from the summit of the Selkirk Range, such re-location being in place of that for fifteen miles covered by the said Order.

That under date the 6th instant the Government Chief Engineer has reported to the effect that the additional three miles have been taken in order to gain distance and reach the bottom of the valley; further that the Inspecting Engineer has expressed his belief that the location now made is the best possible, and that, notwithstanding the fact that the first portion is very crooked, the curvature taken, as a whole, is less than that on the old location. The maximum is 116 feet per mile, and the minimum, or sharpest curve 10°. These are the same as in the former location. The Chief Engineer advises that the present location should be approved.

The undersigned, therefore, would recommend that the re-location now submitted, and shown on the plans and profiles furnished by the company be approved, and that the Order in Council of the 16th of January, 1885, be amended to the extent indicated in the said plans.

Respectfully submitted,
J. H. HOPE, *Acting Minister Railways and Canals.*

CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 25th July, 1885.

On a memorandum, dated 8th July, 1885, from the Acting Minister of Railways and Canals, submitting that under date of the 16th of January, 1885, an Order in Council was passed, approving of the location of the main line of the Canadian Pacific Railway, extending from the 95th to the 119th mile, west of the summit of the Rocky Mountains, and covering the western descent of the Selkirk Range;

The Minister represents that the company have now submitted for approval plans and profiles showing a re-location of a portion of the line on this distance, namely, for eighteen miles, extending westwards from the summit of the Selkirk Range, such re-location being in place of that for fifteen miles covered by the said Order in Council of the 16th of January last.

The Minister, on the report of the Chief Engineer to the effect that the additional three miles have been taken, in order to gain distance and reach the bottom of the valley; further, that the Inspecting Engineer has expressed his belief that the location now made is the best possible, and that notwithstanding the fact that the first portion is very crooked, the curvature taken as a whole is less than that on the old location, the maximum grade is 116 feet per mile, and the minimum or sharpest curve 10°, these are the same as in the former location, recommends that the re-location now submitted and shown on the plans and profiles furnished by the com-

pany be approved, and that the Order in Council of the 16th of January, 1885, be amended to the extent indicated in the said plans.

The Committee submit the same for your Excellency's approval accordingly.

JOHN J. MCGEE, *Clerk Privy Council.*

Hon. the Minister of Railways and Canals.

OTTAWA, 7th August, 1885.

SIR,—I am directed to enclose to you herewith a copy of a certified copy of an Order in Council, bearing date 25th ult., which amends that of 16th January last, and approves plans and profile showing re-location of a portion of the line of your company's railway for eighteen miles westward from the summit of the Selkirk Range.

I am, Sir, your obedient servant,

A. P. BRADLEY, *Secretary.*

C. DRINKWATER, Esq., Secretary C.P.R. Co., Montreal.

OTTAWA, 17th August, 1885.

SIR,—I am directed to enclose to you herewith a copy of a certified copy of an Order in Council, bearing date the 25th ult., approving plans and profiles, showing a re-location of a portion of the Canadian Pacific Railway line for eighteen miles westward from the summit of the Selkirk Range, and amending Order in Council of 16th January last.

I am, Sir, your obedient servant,

A. P. BRADLEY, *Secretary.*

C. SCHREIBER, Esq., Chief Engineer, &c., Ottawa.

DEVIATION OF LINE FROM OLD TOWN PLOT KAMINISTIQUIA TO FORT WILLIAM.

OTTAWA, 21st August, 1885.

Hon. the Minister of Railways and Canals.

SIR,—At the request of the Canadian Pacific Railway Company, I have the honor to transmit for examination and approval plans and book of reference of the railway line from the Old Town Plot on the Kaministiquia River by a new route along the river to Fort William, and thence to the intersection with the line now used formerly, the Port Arthur and Kaministiquia River. The greater portion of the new line has already been constructed.

May I request that one of the duplicates may be certified for the purpose of filing with the Clerk of the Peace at Fort Arthur.

Your obedient servant,

R. W. SCOTT.

OTTAWA, 28th August, 1885.

SIR,—I am directed to forward for your information the accompanying copy of a letter addressed to the Honorable R. W. Scott, Ottawa, by the Department returning to him duly certified the plans and book of reference showing the proposed deviation of the line of the Canadian Pacific Railway from a point near the town of Port Arthur to Fort William and thence along the River Kaministiquia to the Town Plot.

I have the honor to be, Sir, your obedient servant,

A. P. BRADLEY, *Secretary.*

C. DRINKWATER, Esq., Secretary, C. P. R. Co., Montreal.

OTTAWA, 28th August, 1885.

SIR,—I return to you herewith duly certified as having been filed in this office in accordance with the provisions of the Consolidated Railway Act, the plan and book of reference showing the proposed deviation of the line of the Canadian Pacific

Railway from a point near the town of Port Arthur to Fort William, and thence along the River Kaministiquia to the Town Plot, such plans having been furnished in duplicate by you on the 26th of August current, for that purpose.

I am, Sir, your obedient servant,

A. P. BRADLEY, *Secretary.*

Hon. R. W. SCOTT, Ottawa.

SUBJECT NO. 2—REPORTS ON PROGRESS.

CANADIAN PACIFIC RAILWAY,
OFFICE OF THE ENGINEER-IN-CHIEF, OTTAWA, 9th February, 1885.

SIR,—For the information of the Honorable the Acting Minister of Railways and Canals, I have the honor to transmit, attached hereto, a diagram showing approximately the condition of the works of construction upon the Canadian Pacific Railway on the 31st January, 1885. By looking at this diagram the progress which has been made with the construction of this road can be taken in at a glance, and I think the Honorable the Acting Minister will be struck with the shortness of the length of railway remaining to be built.

I have the honor to be, Sir, your obedient servant,

COLLINGWOOD SCHREIBER, *Chief Engineer.*

A. P. BRADLEY, Esq., Secretary Department of Railways and Canals, Ottawa.

CANADIAN PACIFIC RAILWAY,
OFFICE OF THE ENGINEER-IN-CHIEF, OTTAWA, 10th October, 1885.

SIR,—On the 1st of October, 1884, I had the honor to report to you upon the progress made up to that date with the work of construction of the Canadian Pacific Railway. Another year having passed, it now devolves upon me to report progress made subsequently to that date.

I shall, in the first place, give a table of distances similar in form to that of last year, as a revision of location has made slight changes in those figures.

TABLE OF DISTANCES—TRUNK LINE.

Montreal to Port Moody.

| | Miles. | Miles. |
|---|--------|--------|
| Montreal to Callander..... | 344 | |
| Callander to Port Arthur..... | 651 | |
| Port Arthur to Red River (opposite Winnipeg)... | 428 | |
| Red River to Savona's Ferry..... | 1,257 | |
| Savona's Ferry to Port Moody..... | 213 | |
| | ————— | 2,893 |

Branch Lines, Acquired and Built.

| | | |
|--|-------|---------------|
| St. Lin (Ste. Thérèse Junction to St. Lin)..... | 15 | |
| St. Jérôme (St. Lin Junction to St. Jérôme)..... | 11 | |
| St. Eustache..... | 8 | |
| Aylmer (Hull to Aylmer)..... | 7½ | |
| Brockville..... | 45½ | |
| Perth..... | 12 | |
| Algoma..... | 94½ | |
| Pembina (Emerson to Winnipeg)..... | 64½ | |
| Colville Landing..... | 2 | |
| Selkirk..... | 22 | |
| Stonewall (Air Line Junction to Stonewall)..... | 18½ | |
| Pembina Mountain..... | 102½ | |
| Gretna..... | 14 | |
| Emerson and West Lynne..... | 15 | |
| | ————— | 432½ |
| Total acquired and built..... | | <u>3,325½</u> |

Rolling Stock.

The rolling stock applicable to the main line is the same as reported last year, viz:—

| | |
|-------|-----------------------------------|
| 245 | engines. |
| 78 | first-class cars. |
| 33 | second-class cars. |
| 48 | baggage and mail cars. |
| 25 | dining, sleeping and palace cars. |
| 10 | immigrant sleeping cars. |
| 4,386 | platform freight cars. |
| 1,867 | box and cattle cars. |
| 126 | conductors' vans, pay cars, &c. |
| 8 | derrick and coal cars. |
| 19 | snow ploughs. |

POSITION AND PROGRESS OF THE WORK.

TRUNK LINE.

Montreal to Callander, 344 miles.

This section has continued up to the present time in successful operation.

Callander to Port Arthur, 651 miles.

A revision of the location has so improved the general alignment as to shorten the length of this section by 6 miles, giving 651 instead of 657 miles, as reported last year. The sub-section between Callander and Biscotasing, 189 miles in length, is completed and in operation, and from thence to Port Arthur, 462 miles, the track is laid, and the work of making up to grade the few remaining low embankments and the ballasting is progressing rapidly. The wooden bridges, when fully braced and completed, will be strong structures.

Many of the truss bridges over the rivers are strong, well designed steel structures, resting on solid masonry piers and abutments.

The Pic River bridge is a fine steel structure, with timber approaches, which latter Mr. Van Horne, the vice-president of the company, informs me he proposes to replace with iron trestles next season.

As the trestle bridges wear out they will as a rule be replaced by earthen embankments. In most cases no earth was to be had in the immediate neighborhood with which to form the embankments, and it would, in my opinion, have been a great waste of money to have formed solid embankments in advance of the track.

The road-bed is in many places formed of good ballast, of which there is abundance throughout this section; it will therefore, when finally completed, be very solid.

A very efficient water service is nearing completion, the tanks having a capacity of 50,000 gallons. Suitable stations to accommodate the traffic are being erected, as well as engine houses at each of the five divisional posts, which will range from 120 to 130 miles apart. Strong gangs of men are employed in hurrying forward the completion of the several buildings, and about twenty trains are engaged in making up low embankments and in ballasting, with a view of having this section ready for traffic within a few weeks, so as to afford unbroken rail connection from Halifax, on the Atlantic seaboard, to Manitoba and the North-West. Thus, early in November, passengers landing at Halifax will be able to board the train and proceed through British territory direct to the great North-West, by the Canadian Pacific Railway, passing by the north of Lake Superior, while the railway will be available during the current month to merchants desiring to forward freight.

Port Arthur to Red River (opposite Winnipeg), 428 miles.

This section is completed and in fine running order. The large elevator at Fort William, the foundation of which I mentioned in my last report as having been laid, is now finished, and a considerable quantity of grain has passed through it. Its

capacity is 1,000,000 bushels. Suitable engine houses and other buildings have been erected at the two divisional points, and station houses and dining-rooms have been built, suitable for the traffic.

Red River to Savona's Ferry, 1,257 miles.

The action of the snow during last winter was carefully watched by the Government Inspecting Engineer, as well as by the company's staff; and from the information obtained it was apparent that it would be necessary to locate the line so as to escape, so far as possible, the snow slides descending from the northern range of mountains. This somewhat retarded the work of construction, as it was considered advisable to abandon the location already made upon the side of the mountain preparatory to construction, and to devise some means of crossing the valley and reaching the lower levels before approaching the snow slides which it was desired to avoid, without increasing the severity of the grade. Mr. James Ross, an able engineer and manager of the company's works of construction, set vigorously to work to solve the problem; and, by a clever piece of engineering, succeeded in gaining the necessary distance by taking advantage of the general contour of the country to form, as it were, a double loop; thus touching the bottom lands clear of the most formidable snow slides, and without increasing the severity of the grades; and although this resulted in an increase of 3 miles to the length of the section, the general alignment, outside the loop was much improved. The sub-section from the Red River (opposite Winnipeg) to Donald Station at the foot of the east slope of the Selkirks, 1,022 miles in length, is under traffic. The latter point is 2,416 miles from Montreal. Nine miles of temporary road is being used in the meantime, pending the completion of the permanent way to take its place. From Donald Station to within 10 miles of the second crossing of the Columbia, a distance of 73 miles, the track is laid. From this latter point, for a distance of 36 miles, the grading and bridging are so far advanced as to ensure the laying of the track by the end of the current month. Thence to Savona's Ferry, a distance of 124 miles, the track is laid. Savona's Ferry is 2,680 miles from Montreal. Although the track is laid throughout with the exception of the 36 miles, just referred to, there remains considerable amount of work to be done before the road is completed. The permanent line alongside the 9 miles of temporary track near Mount Stephen has not yet been commenced, and between Donald and Savona's Ferry a good deal of finishing up will still be required. A tunnel in the Ille-cille-wait Pass is not quite finished, a number of truss bridges have yet to be built over rivers now crossed by temporary trestles. The station buildings, water service, &c., have yet to be provided; cuttings and embankments to be trimmed up and completed, besides a considerable amount of ballasting still to be done. It will, however, not take very long to get the road into fit condition for traffic, but I do not think it is the company's intention to operate it through the mountains this season; in fact I should not consider it wise to attempt to do so until the road is thoroughly completed, which will scarcely be before spring. On the first 900 miles west of Red River the engine houses and other necessary buildings have been erected, and water service provided, and preparations are being made to supply these requisites on the next sub-section westwards. The portion of this section under tariff, 1,022 miles, is in good running condition.

Savona's Ferry to Port Moody, 213 miles.

This section may almost be said to be completed, being so far advanced that it may very shortly be accepted by Government. It is in fine running condition. It was built by Messrs D. O. Mills and A. Onderdonk, under contract with the Government. Under the terms of the agreement with the Canadian Pacific Railway Company, this section will be transferred to them upon being taken over from the contractors by the Government. The station houses and water services are all built, and an engine house at North Bend is in progress, and will shortly be completed. The Port Moody wharf has not been touched since the date of my last report, 1st October, 1884.

GENERAL.

The condition of the railway may be summarized thus:—

Trunk Line.

| | Miles. |
|--------------------------------|--------|
| Track laid..... | 2,857 |
| Grading nearly completed..... | 36 |
| Total length of main line..... | 2,893 |

It thus appears that the only break in the track is 36 miles in length, and I am safe in stating that by about the close of the present month, October, 1885, the road from Montreal to Port Moody will be ironed from end to end.

The contract with the Canadian Pacific Railway Company called for the completion of the road by the 30th June, 1891. It is now early in October, 1885, and about the end of the month there will be unbroken rail connection over the entire line. The road is therefore to all intents and purposes completed five years and eight months in advance of the contract limit. The accomplishment of this astonishing feat is without doubt largely due to the ability and determination of the Vice-President, Mr. VanHorne, aided by his staff, in giving effect to the policy of activity adopted by the company. The work of carrying this great undertaking to completion has been fraught with many difficulties, both financial and otherwise; but perseverance on the part of the company, with judicious aid from the Government in time of difficulty, has overcome all barriers, and as I have stated, the anxiously looked for object of having railway connection from ocean to ocean through British territory is now practically accomplished.

Branch Lines.

The position of the branch lines has not changed since my report of October last. Their length is as then stated, 432½ miles.

In conclusion I may state that the rolling stock is first class in every respect. The passenger car stock is especially admirable, the dining and sleeping cars being most elaborately fitted up, both as regards comfort and beauty, while I may safely say that the other classes of passenger stock are not excelled on the American continent.

I have the honor to be, Sir, your obedient servant,

COLLINGWOOD SCHREIBER, *Engineer-in-Chief.*

A. P. BRADLEY, Esq., Secretary Department Railways and Canals, Ottawa.

CANADIAN PACIFIC RAILWAY,
OFFICE OF THE ENGINEER-IN-CHIEF, OTTAWA, 31st December, 1885.

SIR,—On the 10th of October last, I had the honor to submit my annual report of the progress made with the works of construction upon the Canadian Pacific Railway up to that date, and as it has been the practice to give the latest information in regard to the condition of the works before Parliament meets, I now beg leave to report on the advancement with the works subsequent to that date, and inasmuch as the rail connection was made from ocean to ocean on the 7th November last, at which date the road may be accepted as practically completed, the moment appears opportune to offer a few remarks upon the progress made with the construction of this stupendous undertaking from the first breaking of ground.

This great enterprise, as is well known, was first undertaken as a Government work and the first contract for the construction of any portion of the Trunk line was

entered into on the 3rd of April, 1875, being for the section lying between Fort William and Sunshine Creek, a distance of 27 miles; the work of construction was at once engaged in, and this may be considered the date at which actual construction was commenced and continuously prosecuted. From time to time contracts for further sections were let until the entire distance of 422 miles between Fort William and the Red River, opposite Winnipeg, was covered. Whilst this work was in progress contracts were let for the construction of 200 miles from Winnipeg westward, and of 127 miles in British Columbia, extending from Savona's Ferry to Emory's Bar, thus aggregating 749 miles which were under construction as Government work in May, 1880, the last contract having been entered into on the 3rd of that month.

Shortly after this, negotiations were entered into for the construction by a company, resulting in the Canadian Pacific Railway Company entering into an agreement to construct 1,909 miles and equip the entire Trunk line from Callander to Port Moody, 2,550 miles, assuming the work done west of Winnipeg and paying the cost thereof, in consideration of the Government granting them \$25,000,000 and 25,000,000 acres of land, together with a constructed road composed of 641 miles of Trunk line and the Pembina Branch, 65 miles in length. This contract is dated the 21st of October, 1880, and was ratified by Parliament on the 15th January, 1881, upon which the company at once set to work to organize a force for carrying on the work.

In May of that year active operations of construction were commenced, when the works west of Winnipeg, which consisted of about 70 miles of graded road and 66 miles of track laid, together with a quantity of rails and other material, were transferred to them.

In February, 1882, the last subsection of the Government sections, viz., that from Emory's Bar to Port Moody, a distance of 86 miles, was placed under contract.

The progress made with the work on the Government sections of the Trunk line, viz., Port Arthur to Red River (opposite Winnipeg), 428 miles; and Savona's Ferry to Port Moody, 213 miles—in all, 641 miles, at the close of each calendar year may be stated, as regards the length of road which was so far completed as to admit of the running of regular trains thereon, to be as follows, viz. :—

| | Each year. Miles. | Total Miles. |
|--------------------------------------|----------------------|-----------------|
| During and at the close of 1875..... | 0 | 0 |
| “ “ 1876..... | 45 | 45 |
| “ “ 1877..... | 17 | 62 |
| “ “ 1878..... | 136 | 198 |
| “ “ 1879..... | 35 | 233 |
| “ “ 1880..... | 66 | 299 |
| “ “ 1881..... | 102 | 401 |
| “ “ 1882..... | 49 | 450 |
| “ “ 1883..... | 77 | 527 |
| “ “ 1884..... | 111 | 638 |
| On the 30th June, 1885..... | <u>3</u> | <u>641</u> |

In July, 1885, the sections of the road undertaken as a Government work, 641 miles in length, may be said to have been practically completed.

I have already stated that the Canadian Pacific Railway Company, under contract dated 21st October, 1880, undertook to construct 1,909 miles of Trunk line and to equip the entire road from Callander to Port Moody, 2,550 miles, and that active operations commenced in the month of May following.

The progress made by the company up to the end of each calendar year, as regards the length of line which was so far completed as to admit of the running of regular trains thereon, may be stated as follows :—

| | Each year. Miles. | Total Miles. |
|--------------------------------------|----------------------|-----------------|
| During and at the close of 1881..... | 161 | 161 |
| “ “ 1882..... | 440 | 601 |
| “ “ 1883..... | 473 | 1,074 |
| “ “ 1884..... | 358 | 1,432 |
| “ “ 1885 | 477 | 1,909 |

Thus the entire 1,909 miles, which the Company undertook to construct, were practically completed on the 7th day of November, 1885, the day on which the last rail was laid, forming a continuous rail connection from ocean to ocean. The company is still operating a temporary section of nine miles near Mount Stephen, which was constructed for the purpose of avoiding some heavy work, including a tunnel of 1,400 feet, which would have greatly delayed the completion of the through line. This temporary line is in first-rate running condition, and seems to be operated without difficulty.

Exclusive of this nine mile section a small expenditure only is required to place the road in such a condition as to comply with the requirements of the contract.

The entire line is equipped with rolling stock of a high standard.

The 641 miles constructed by the Government were commenced in April, 1875, and practically completed in June, 1885, ten years and three months.

The 1,909 miles constructed by the company were commenced say, in February, 1881, and practically completed on the 7th of November, 1885, four years and nine months.

The following are statements of the revenue and expenditure for the years ending the 31st of December, 1884 and 1885, published by the Canadian Pacific Railway Company:—

| | 1884. | 1885. |
|-------------------------|--------------------|--------------------|
| Gross earnings | \$5,750,521 | \$8,348,500 |
| Gross expenditure | 4,558,630 | 5,124,400 |
| Net earnings..... | <u>\$1,191,890</u> | <u>\$3,224,100</u> |

These figures give indications of a most successful enterprise and of a most valuable property, especially when it is considered that a large section of the country through which the road passes is at present sparsely settled, and hitherto unserved by railway facilities, with but very limited opportunities for a development of trade, and I think there can be no doubt this section of country will become speedily populated and trade will rapidly develop.

I have the honor to be, Sir, your obedient servant,

COLLINGWOOD SCHREIBER, *Chief Engineer*:

A. P. BRADLEY, Esq., Secretary Department Railways and Canals, Ottawa.

SUBJECT No. 3—LANDS FOR STATION GROUNDS AND BALLAST PITS BETWEEN WINNIPEG AND CALGARY.

CANADIAN PACIFIC RAILWAY.

LIST of Station Grounds between Winnipeg and Calgary, and Dimensions thereof, as shown on Plans and described in Books of Reference submitted by the Company under the provisions of the Consolidated Railway Act, 1879, sec. 8, and the Canadian Pacific Railway Act, 44 Vic., chap. 1, secs. 18 and 19.

By letter dated 26th Nov., 1884—No. 35211—Winnipeg to Moose Jaw.
 do 26th Nov., 1884—No. 35250—Moose Jaw to Medicine Hat.
 do 4th April, 1884—No 36302—Medicine Hat to Calgary.

| No. | Name of Station. | Dimensions. | | No. | Name of Station. | Dimensions. | |
|---|--|--------------------------------|---------|---|---------------------------|--------------------------------|---------|
| | | Width, including right of way. | Length. | | | Width, including right of way. | Length. |
| | | Feet. | Feet. | | | Feet. | Feet. |
| <i>Winnipeg to Moose Jaw, 26th Nov., 1884, No. 35211.</i> | | | | | | | |
| 1 | Bergin..... | 400 | 2,600 | 40 | Indian Head..... | 300 | 2,650 |
| 2 | Rosser..... | 400 | 2,650 | 41 | Qu'Appelle..... | 300 | 5,500 |
| 3 | Meadows..... | 400 | 2,850 | 42 | McLean..... | 300 | 2,650 |
| 4 | Marquette..... | 300 | 3,000 | 43 | Balgonie..... | 300 | 2,650 |
| 5 | Reaburn..... | 300 | 2,650 | 44 | Pilot Butt..... | 300 | 2,750 |
| 6 | Poplar Point..... | 300 | 2,650 | 45 | Regina..... | 300 | 7,000 |
| 7 | High Bluff..... | 300 | 2,650 | | | 875 | 4,000 |
| 8 | Portage la Prairie..... | 300 | 3,000 | 46 | Grande Coulee..... | 300 | 2,650 |
| 9 | Burnside..... | 300 | 2,650 | 47 | Pense..... | 300 | 2,650 |
| 10 | Bagot..... | 300 | 2,650 | 48 | Belle Plaine..... | 300 | 2,650 |
| 11 | McGregor..... | 300 | 2,650 | 49 | Pasqua..... | 300 | 2,650 |
| 12 | Austin..... | 300 | 2,650 | 50 | Moose Jaw (mean)..... | 800 | 4,500 |
| 13 | Sydney..... | 300 | 2,650 | <i>Moose Jaw to Medicine Hat, 26th Nov., 1884, No. 35250.</i> | | | |
| 14 | Melbourne..... | 300 | 2,800 | 51 | Boharm..... | 400 | 3,000 |
| 15 | Carberry..... | 300 | 5,000 | 52 | Caron..... | 400 | 3,100 |
| 16 | Sewell..... | 300 | 2,650 | 53 | Mortlack..... | 400 | 2,800 |
| 17 | Douglas..... | 300 | 2,800 | 54 | Parkbeg..... | 400 | 2,650 |
| 18 | Chater..... | 300 | 2,850 | 55 | Secretan..... | 400 | 2,850 |
| 19 | Brandon..... | 300 | 5,280 | 56 | Chaplin..... | 400 | 2,650 |
| 20 | Kemnay..... | 300 | 2,650 | 57 | Enfold..... | 400 | 2,800 |
| 21 | Alexander..... | 300 | 3,200 | 58 | Morse..... | 400 | 2,650 |
| 22 | Griswold..... | 300 | 3,000 | 59 | Herbert..... | 400 | 2,650 |
| 23 | Oak Lake..... | 300 | 2,650 | 60 | Rush Lake..... | 400 | 2,650 |
| 24 | Viridin..... | 300 | 2,650 | 61 | Waldeck..... | 400 | 2,750 |
| 25 | Hargrave..... | 300 | 2,650 | 62 | Aikens..... | 400 | 3,200 |
| 26 | Elkhorn..... | 300 | 3,000 | 63 | Swift Current (mean)..... | 500 | 5,250 |
| 27 | Fleming..... | 300 | 2,650 | 64 | Levan..... | 400 | 2,850 |
| 28 | Moosomin..... | 300 | 2,650 | 65 | Goose Lake..... | 400 | 2,640 |
| 29 | Red Jacket..... | 300 | 2,750 | 66 | Antelope..... | 400 | 2,650 |
| 30 | Wapella..... | 300 | 2,600 | 67 | Gull Lake..... | 400 | 3,200 |
| 31 | Burrows..... | 300 | 2,950 | 68 | Cypress..... | 400 | 2,650 |
| 32 | Whitewood..... | 300 | 2,850 | 69 | Side Wood..... | 400 | 2,650 |
| 33 | Percival..... | 300 | 2,650 | 70 | Crane Lake..... | 400 | 3,400 |
| 34 | Broadview (irregular, mean width)..... | 400 | 2,400 | 71 | Colby..... | 400 | 3,000 |
| 35 | Oakshela..... | 300 | 3,750 | 72 | Maple Creek..... | 400 | 2,750 |
| 36 | Grenfell..... | 300 | 2,700 | 73 | Kincarh..... | 400 | 3,000 |
| 37 | Summerberry (mean)..... | 350 | 2,650 | 74 | Torris..... | 400 | 2,700 |
| 38 | Wolsley (mean)..... | 300 | 2,600 | | | | |
| 39 | Sintaluta..... | 300 | 2,650 | | | | |

CANADIAN Pacific Railway — List of Station Grounds between Winnipeg and Calgary, &c.—Continued.

| No. | Name of Station. | Dimensions. | | No. | Name of Station. | Dimensions. | |
|-----|---|--------------------------------|--------|-----|------------------|--------------------------------|---------|
| | | Width, including right of way. | Length | | | Width, including right of way. | Length. |
| | | | | | | | |
| 75 | Walsh | 400 | 2,650 | 84 | Tilley | 400 | 3,000 |
| 76 | Irvin..... | 400 | 2,650 | 85 | Bantry..... | 400 | 3,250 |
| 77 | Dunmore..... | 400 | 2,650 | 86 | Cassils..... | 400 | 4,150 |
| 78 | Medicine Hat (mean) | 500 | ..... | 87 | Southesk..... | 400 | 3,000 |
| | do on Saskatchewan River front..... | 250 | ..... | 88 | Lathorn | 400 | 3,500 |
| | <i>Medicine Hat to Calgary, 4th April, 1885, No. 36302.</i> | | | 89 | Bassano..... | 400 | 2,750 |
| 79 | Stair..... | 400 | 3,150 | 90 | Crowfoot..... | 450 | 2,650 |
| 80 | Bowell..... | 400 | 3,000 | 91 | Cluny | 480 | 3,400 |
| 81 | Suffield | 400 | 3,000 | 92 | Gleichen | 800 | 3,650 |
| 82 | Langevin | 400 | 3,000 | 93 | Namaka..... | 480 | 3,200 |
| 83 | Kinimore..... | 400 | 3,250 | 94 | Strathmore | 400 | 3,000 |
| | | | | 95 | Cheadle | 400 | 3,000 |
| | | | | 96 | Langdon | 400 | 3,400 |
| | | | | 97 | Sheppard | 400 | 2,640 |
| | | | | 98 | Calgary | 400 | 10,600 |

The above list and dimensions were made from the plans and books of reference sent us, as above mentioned.

THOMAS RIDOUT.

MONTREAL, 2nd September, 1885.

DEAR SIR,—Referring to your objection to the amount of lands shown, as required for gravel pits, on the plan of the prairie section of the Canadian Pacific Railway, between Winnipeg and Calgary, which was submitted some months ago, I send you herewith tracings showing the different areas required with explanatory notes.

I have caused careful enquiry to be made into the matter, and I feel sure that the amount of land asked for is not alone reasonable but necessary.

The gravel is not distributed uniformly over the larger areas shown on the plans, but is so distributed that the entire areas shown are required either for the gravel itself or for access to it.

There is comparatively little gravel in the entire distance between Winnipeg and Calgary, and it is exceedingly important that a sufficient amount should be provided, not alone for immediate, but for future requirements.

Yours truly,

W. C. VAN HORNE, *Vice-President.*

C. SCHREIBER, Esq., Chief Engineer, &c., Ottawa.

CANADIAN PACIFIC RAILWAY.

OFFICE OF THE ENGINEER-IN-CHIEF, OTTAWA, 27th November, 1885.

SIR,—In reference to the plans submitted by the Canadian Pacific Railway Company under covers Nos. 35,211 and 36,302, dated respectively, 26th November, 1884, and 4th April, 1885, showing the land which they state is required for station and ballasting purposes between Winnipeg and Calgary, I have the honor to report, that although the areas shown on the plans appear large, nevertheless, Mr. Van Horne, the Vice-President, who is very familiar with the lay of the ground, by letter dated

the 2nd September last, assures me that not only is the amount of land asked for reasonable but necessary for ballasting purposes, and I am of opinion that the station grounds, as shown on plan, are not larger than the future requirements of the traffic may need. I attach a copy of Mr. Van Horne's letter, and for the reasons given therein, I recommend the approval of the plans with station grounds and ballast pits, as shown.

I have the honor to be, Sir, your obedient servant,

C. SCHREIBER, *Chief Engineer.*

A. P. BRADLEY, Esq., Secretary Department Railways and Canals, Ottawa.

(*Memorandum.*)

OTTAWA, 4th December, 1885.

The undersigned has the honor to represent that under date the 26th of November, 1884, and 4th April, 1885, the Canadian Pacific Railway Company submitted plans showing lands which they desire to take for station and ballast purposes between Winnipeg and Calgary, as to which the chief engineer has reported on the 27th ultimo, that in his opinion the area of the proposed station grounds is not larger than the future requirements of the traffic may need. As to the land to be used for gravel pits and access thereto, he reports in effect that in view of the quantity of gravel between the points named and its distribution, the extent asked for is not only reasonable but necessary.

The undersigned accordingly concurring in the opinion of the chief engineer, recommends that approval be given to the said plans, both of the station grounds and the ballast pits and their approaches, the lands being duly indicated in the two schedules attached hereto.

Respectfully submitted,

J. H. POPE, *Minister of Railways and Canals.*

CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 5th December, 1885.

On a memorandum, dated 4th December, 1885, from the Minister of Railways and Canals, representing that under dates the 26th of November, 1884, and 4th April, 1885, the Canadian Pacific Railway Company submitted plans showing lands which they desire to take for station and ballast purposes, between Winnipeg and Calgary, as to which the chief engineer has reported on the 27th November ultimo, that in his opinion the area of the proposed station grounds is not larger than the future requirements of the traffic may need, while as to the land to be used for gravel pits and access thereto, he reports in effect that in view of the quantity of gravel between the points named and its distribution, the extent asked for is not only reasonable but necessary.

The Minister accordingly recommends that approval be given to the said plans, both of the station grounds and the ballast pits and their approaches, the lands being duly indicated in the schedules attached hereto.

The Committee submit the same for Your Excellency's approval.

JOHN J. MCGEE, *Clerk Privy Council.*

The Hon. the Minister of Railways and Canals.

CANADIAN PACIFIC RAILWAY.

LIST of Station Grounds between Winnipeg and Calgary, and Dimensions thereof as shown on Plans and described in Books of Reference submitted by the Company, under the provisions of the Consolidated Railway Act, 1879, sec. 8, and the Canadian Pacific Railway Act, 44 Vic., chap. 1, secs. 18 and 19.

By letter dated 26th Nov., 1884—No. 35211—Winnipeg to Moose Jaw.
 do 26th Nov., 1884—No. 35250—Moose Jaw to Medicine Hat.
 do 4th April, 1885—No. 36302—Medicine Hat to Calgary.

| No. | Name of Station. | Dimensions. | | No | Name of Station. | Dimensions. | |
|---|--|-------------------------------|---------|---|----------------------------|-------------------------------|---------|
| | | Width including right of way. | Length. | | | Width including right of way. | Length. |
| | | Feet. | Feet. | | | Feet. | Feet. |
| <i>Winnipeg to Moose Jaw, 26th Nov., 1884, No. 35211.</i> | | | | | | | |
| 1 | Bergin | 400 | 2,600 | 43 | Balgonie..... | 300 | 2,650 |
| 2 | Rosser..... | 400 | 2,650 | 44 | Pilot Butt..... | 300 | 2,750 |
| 3 | Meadows..... | 400 | 2,850 | 45 | Regina..... | 300 | 7,000 |
| 4 | Marquette..... | 300 | 3,000 | | | 875 | 4,000 |
| 5 | Reaburn..... | 300 | 2,650 | 46 | Grande Coulee | 300 | 2,650 |
| 6 | Poplar Point..... | 300 | 2,650 | 47 | Pense..... | 300 | 2,650 |
| 7 | High Bluff..... | 300 | 2,650 | 48 | Belle Plaine | 300 | 2,650 |
| 8 | Portage la Prairie..... | 300 | 2,650 | 49 | Pasqua..... | 300 | 2,650 |
| 9 | Burnside..... | 300 | 2,650 | 50 | Moose Jaw (mean)..... | 800 | 4,500 |
| 10 | Bagot..... | 300 | 2,650 | <i>Moose Jaw to Medicine Hat, 26th Nov., 1884, No. 35250.</i> | | | |
| 11 | McGregor..... | 300 | 2,650 | 51 | Boharm..... | 400 | 3,000 |
| 12 | Austin..... | 300 | 2,650 | 52 | Caron..... | 400 | 3,100 |
| 13 | Sydney..... | 300 | 2,650 | 53 | Mortlack..... | 400 | 2,800 |
| 14 | Melbourne..... | 300 | 2,800 | 54 | Parkbeg..... | 400 | 2,650 |
| 15 | Carberry..... | 300 | 5,000 | 55 | Secretan..... | 400 | 2,850 |
| 16 | Sewell..... | 300 | 2,650 | 56 | Chaplin..... | 400 | 2,650 |
| 17 | Douglas..... | 300 | 2,800 | 57 | Enfold..... | 400 | 2,800 |
| 18 | Chater..... | 300 | 2,850 | 58 | Morse..... | 400 | 2,650 |
| 19 | Brandon..... | 300 | 5,280 | 59 | Herbert..... | 400 | 2,650 |
| 20 | Kemnay..... | 300 | 2,650 | 60 | Rush Lake..... | 400 | 2,650 |
| 21 | Alexander..... | 300 | 3,200 | 61 | Waldeck..... | 400 | 2,750 |
| 22 | Griswold..... | 300 | 3,000 | 62 | Aikens..... | 400 | 3,200 |
| 23 | Oak Lake..... | 300 | 2,650 | 63 | Swift Current (mean)..... | 500 | 5,250 |
| 24 | Virden..... | 300 | 2,680 | 64 | Leven..... | 480 | 2,850 |
| 25 | Hargrave..... | 300 | 3,000 | 65 | Goose Lake..... | 400 | 2,640 |
| 26 | Elkhorn..... | 300 | 2,650 | 66 | Antelope..... | 400 | 2,650 |
| 27 | Fleming..... | 300 | 2,650 | 67 | Gull Lake..... | 400 | 3,200 |
| 28 | Moosomin..... | 300 | 2,650 | 68 | Cypress..... | 400 | 2,650 |
| 29 | Red Jacket..... | 300 | 2,750 | 69 | Sidewood..... | 400 | 2,650 |
| 30 | Wapella..... | 300 | 2,600 | 70 | Crane Lake..... | 400 | 3,400 |
| 31 | Burrows..... | 300 | 2,950 | 71 | Colby..... | 400 | 3,000 |
| 32 | Whitewood..... | 300 | 2,850 | 72 | Maple Creek..... | 400 | 2,750 |
| 33 | Percival..... | 300 | 2,650 | 73 | Kincarth..... | 400 | 3,000 |
| 34 | Broadview (irregular, mean width)..... | 300 | 2,400 | 74 | Torris..... | 400 | 2,700 |
| 35 | Oakshild..... | 300 | 3,750 | 75 | Walsh..... | 400 | 2,650 |
| 36 | Grenfel..... | 300 | 2,700 | 76 | Irvin..... | 400 | 2,650 |
| 37 | Summerberry (mean)..... | 350 | 2,650 | 77 | Dunmore..... | 400 | 2,650 |
| 38 | Wolseley (mean)..... | 300 | 2,650 | 78 | { Medicine Hat (mean)..... | 500 | 2,000 |
| 39 | Sintaluta..... | 300 | 2,650 | | { do or Saskatche- | | |
| 40 | Indian Head..... | 300 | 2,650 | | { wan River front..... | 250 | 5,500 |
| 41 | Qu'Appelle..... | 300 | 5,500 | | | | |
| 42 | McLean..... | 300 | 2,650 | | | | |

List of Station Grounds between Winnipeg and Calgary, &c.—Continued.

| No. | Name of Station. | Dimensions. | | No. | Name of Station. | Dimensions. | |
|--|------------------|-------------------------------|---------|-----|------------------|-------------------------------|---------|
| | | Width including right of way. | Length. | | | Width including right of way. | Length. |
| <p><i>Medicine Hat to Calgary, 4th April, 1885, No. 36302.</i></p> | | | | | | | |
| 79 | Stair..... | 400 | 3,150 | 89 | Sassano..... | 400 | 2,750 |
| 80 | Bowell..... | 400 | 3,000 | 90 | Crowfoot..... | 450 | 2,650 |
| 81 | Suffield..... | 400 | 3,000 | 91 | Cluny..... | 480 | 3,400 |
| 82 | Langevin..... | 400 | 3,000 | 92 | Gleichen..... | 800 | 3,650 |
| 83 | Kinimore..... | 400 | 3,250 | 93 | Namaka..... | 480 | 3,200 |
| 84 | Tilley..... | 400 | 3,000 | 94 | Strathmore..... | 400 | 3,000 |
| 85 | Bantry..... | 400 | 3,250 | 95 | Cheadle..... | 400 | 3,000 |
| 86 | Cassils..... | 400 | 4,150 | 96 | Langdon..... | 400 | 3,400 |
| 87 | Southesk..... | 400 | 3,000 | 97 | Sheppard..... | 400 | 2,660 |
| 88 | Lathorn..... | 400 | 3,500 | 98 | Calgary..... | 400 | 10,600 |

The above list and dimensions was made from the plans and books of reference sent in as above mentioned.

THOMAS RIDOUT.

CANADIAN PACIFIC RAILWAY.

WINNIPEG TO CALGARY—BALLAST PITS.

| Number. | Position. | | | | Area. | Owner. |
|---------|-----------|-----------|--------|----------------------------------|--------|---------------|
| | Section. | Township. | Range. | | | |
| 1 | S.E. | 19... | 10 | 19, West 1st Principal Meridian. | 98'25 | C.P.R..... |
| 2 | N.W. | 24... | 15 | 1, West 2nd do | 30'00 | Dom. Gov..... |
| 3 | S.E. | 21... | 16 | 3 do do | 37'00 | C.P.R..... |
| 4 | N.W. | 30... | 16 | 4 do do | 70'00 | Dom. Gov..... |
| 5 | N.E. | 35... | 16 | 6 do do | 89'25 | C.P.R..... |
| 6 | S.W. | 18... | 18 | 15 do do | 144'91 | Dom. Gov..... |
| 7 | N.E. | 28... | 17 | 2, West 3rd do | 32'00 | do |
| 8 | S.W. | 33... | 17 | 4 do do | 126'00 | C.P.R..... |
| 9 | S.E. | 31... | 17 | 4 do do | 33'00 | do |
| 10 | S.W. | 6... | 18 | 6 do do | 48'00 | Dom. Gov..... |
| 11 | N.W. | 36... | 17 | 7 do do | 136'00 | do |
| 12 | S.E. | 16... | 17 | 8 do do | 98'00 | do |
| 13 | S.W. | 28... | 15 | 15 do do | 24'00 | C.P.R..... |
| 14 | N.E. | 28... | 14 | 16 do do | 190'50 | Dom. Gov..... |
| | N.W. | 6... | 12 | 27 do do | 8'00 | do |
| 15 | S.W. | 7... | 12 | 27 do do | 11'36 | C.P.R..... |
| | N.E. | 1... | 12 | 28 do do | 0'50 | Dom. Gov..... |
| 16 | S.E. | 12... | 12 | 28 do do | 10'80 | C.P.R..... |
| | N.E. | 27... | 12 | 29 do do | 35'00 | do |

3,060

MEDICINE HAT TO CALGARY.

| Number. | Position. | | | Area. | Owner. | — |
|-------------|---------------|-----------|-----------------------------------|----------|----------------|-----------------------------------|
| | Section. | Township. | Range. | | | |
| 17 | S.E. } 10... | 12 | 4, West 4th Principal Meridian. | 80.00 | Dom. Gov..... | |
| | S.W. } 36... | 12 | 6 do do | 43.08 | do | |
| 18 | N.W. } 35... | 12 | 6 do do | 1.46 | C.P.R..... | |
| | S.E. } 2... | 13 | 6 do do | 297.55 | Dom. Gov..... | |
| 19 | S.W. } 1... | 21 | ..... | 146.85 | C.P.R..... | 34,209 |
| | S.E. } 2... | 21 | ..... | 156.97 | Dom. Gov..... | |
| 20 | S.W. } 281... | 21 | 20, West 4th Principal Meridian.. | 98.37 | do | 29,782 |
| | N.W. } 21... | ..... | ..... | 0.32 | C.P.R..... | |
| 21 | S.E. } 29... | ..... | ..... | 158.11 | School lands.. | 275.30 |
| | N.E. } 20... | ..... | ..... | 18.50 | Dom. Gov..... | |
| | | 23 | 20, West 4th Principal Meridian.. | 614.66 | do | Whole section, less right way. |
| Total | | | | 2,832.38 | Acres. | |

RECAPITULATION.

| | |
|---------------------------------|----------|
| Dominion Government lands | 2,077.08 |
| School lands | 158.32 |
| Canadian Pacific Railway | 596.98 |
| | 2,832.38 |

The above ballast pits are shown on plans and described in books of reference submitted by letter dated 26th Nov., 1884, No. 35211, Winnipeg to Moose Jaw.
do 26th Nov., 1884, No. 35250, Moose Jaw to Medicine Hat.
do 4th April, 1885, No. 36302, Medicine Hat to Calgary.

THOMAS RIDOUT.

OTTAWA, 15th December, 1885.

SIR,—I am instructed to enclose to you herewith a copy of a certified copy of an Order in Council, under date 5th inst., approving plans showing lands which your company desires to take for station and ballast purposes, between Winnipeg and Calgary.

I am, Sir, your obedient servant,

A. P. BRADLEY, *Secretary.*

C. DRINKWATER, Esq., Secretary C. P. R. Co., Montreal.

OTTAWA, 15th December, 1885.

SIR,—I am instructed to enclose herewith to you a copy of a certified copy of an Order in Council, under date 5th inst., approving plans showing lands which the Canadian Pacific Railway Company desires to take for station and ballast purposes between Winnipeg and Calgary.

I am, Sir, your obedient servant,

A. P. BRADLEY, *Secretary.*

C. SCHRIEBER, Esq., Chief Engineer &c., Ottawa.

OTTAWA, 29th December, 1885.

SIR,—I am directed to return to you, herewith, plans, profiles and books of reference, in duplicate, of that portion of the Canadian Pacific Railway extending from Moose Jaw to Medicine Hat, transmitted with your letter dated the 26th November, 1884, the same having been examined and certified by the Deputy of the Minister of Railways and Canals, subject to the provisions respecting the diversion or closing of highways. One copy thereof has been placed on file in this office.

I am, Sir, your obedient servant,

A. P. BRADLEY, *Secretary.*

CHAS. DRINKWATER, Esq., Secretary C. P. R. Co., Montreal.

OTTAWA, 29th December, 1885.

SIR,—I am directed to return to you, herewith, plans, profiles and books of reference in duplicate, which accompanied your letter of the 4th April last, showing land taken for right of way, station grounds, &c., for the main line of the Canadian Pacific Railway from Medicine Hat to Calgary and for the branch line from the Stairs station to the Saskatchewan coal mines, the same having been examined and certified by the Deputy of the Minister of Railways and Canals, subject to the provisions of the law with respect to the diversion or closing of highways; triplicates thereof have been placed on file in this Department.

I am, Sir, your obedient servant,

A. P. BRADLEY, *Secretary.*

CHAS. DRINKWATER, Esq., Secretary C. P. R. Co., Montreal.

OTTAWA, 29th December, 1885.

SIR,—Referring to your letter dated the 26th November, 1884, I have now the honor, by direction, to return to you plans, profiles and books of reference, in duplicate, of the main line of the Canadian Pacific Railway from Winnipeg to Moose Jaw, which have been examined and certified by the Deputy of the Minister of Railways and Canals, subject to the provisions of the law in respect to the diversion or closing of highways. One copy of each has been deposited in this Department.

I am, Sir, your obedient servant,

A. P. BRADLEY, *Secretary.*

CHAS. DRINKWATER, Esq., Secretary C. P. R. Co., Montreal.

SUBJECT No. 3—CLAIM FOR 200 FEET RIGHT OF WAY—MOOSE JAW TO CALGARY.

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 25th April, 1885.

SIR,—I have to acknowledge the receipt of your letter of the 26th of November, 1884, and 4th instant, covering plans, profiles and books of reference of the main line of the Canadian Pacific Railway from Moose Jaw to Medicine Hat, and from Medicine Hat to Calgary; also of a branch from Stairs Station to the Saskatchewan coal mines, the same being forwarded for purposes of certification and registration under the Consolidated Railway Act.

In this connection I am to inform you that it is observed that the width of the right of way shown exceeds the width allowed by the said Act, and the need for such extra width not being apparent to the engineers of the Department, I am to request that you will be pleased to furnish me with the grounds upon which it is sought.

I am, Sir, your obedient servant,

A. P. BRADLEY, *Secretary.*

CHAS. DRINKWATER, Esq., Secretary C. P. R. Co., Montreal.

CANADIAN PACIFIC RAILWAY COMPANY,
OFFICE OF THE VICE-PRESIDENT, MONTREAL, 8th May, 1885.

SIR,—Replying to your letter of the 23rd ult., addressed to Mr. Drinkwater, on the subject of the width of the right of way, shown in the plans of the main line of the Canadian Pacific Railway from Moose Jaw to Medicine Hat, and from Medicine Hat to Calgary, submitted for approval on the 26th November last, I beg to say that the unusual width of 200 feet is necessary to the full protection of the line from snow. West of Moose Jaw numerous cuttings occur, and it has been found necessary to grade these away to a distance of more than 100 feet from the track, and in some cases over three hundred feet to prevent the accumulation of snow. It is found that the erection of fences or buildings at a distance of fifty feet from the railway is almost certain to cause snow drifts reaching across the track, and the extra width is asked for in order to guard against anything of the kind being erected within 100 feet of the line. Snow storms are not so frequent west of Moose Jaw as east of that point, but very heavy storms occasionally occur, and we have already been obliged to expend more money for snow protection west of Moose Jaw than east. I regard the extra right of way asked for as absolutely necessary to the regular working of the road in the winter.

I am, Sir, your obedient servant,
W. C. VAN HORNE, *Vice-President*.

A. P. BRADLEY, Esq., Secretary Department Railways and Canals, Ottawa.

(*Memorandum.*)

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 15th May, 1885.

The undersigned has the honor to represent that under date of the 26th of November, 1884, the Canadian Pacific Railway Company submitted plans, profiles and books of reference relating to their right of way between Moose Jaw and Medicine Hat, and on the 4th ult., those relating to the right of way between Medicine Hat and Calgary.

That the said plans, profiles and books of reference were furnished simply for the purpose of certification prior to registration, under the Consolidated Railway Act, a routine proceeding ordinarily requiring no submission to Your Excellency in Council.

The company, however, have not set down the width of the land required to be taken, as 200 feet all through, in place of 33 yards, the width allowed by section 9 of the Consolidated Railway Act, and by a letter dated the 8th inst., they state that this width is necessary to the full protection of the line from snow. They allege that west of Moose Jaw numerous cuttings occur, which it has been found necessary to grade away to a distance of more than 100 feet, and in some cases over 300 feet from the track, to prevent snow accumulation.

The extra width they state is absolutely necessary to the regular working of the road in the winter.

That under date of the 12th inst. the Government Chief Engineer has reported to the effect that he is aware of the expenditure of a large sum of money in running out the slopes of cuttings very flat, to prevent snow drifts, and that it is desired to grant the right of taking the width of 200 feet asked for.

That by the Act 46 Victoria, chapter 24, section 2, amending the Consolidated Railway Act, it was provided that for the purpose of affording "protection against snow drifts such greater quantity of land, or land covered with water, may be taken (over and above that previously authorized) as may be approved by the Governor in Council."

The undersigned accordingly recommends that the width of 200 feet for the whole line between Moose Jaw and Calgary be approved of; that the company be permitted to expropriate from private persons or corporations such extra land over and above the 99 feet allowed by the Consolidated Railway Act, as may afford the

width of 200 feet, and further that where the land is vested in the Dominion Government, such width of land be granted to the company, being for protection against snow, as provided by the 19th section of their charter.

Respectfully submitted,

J. H. POPE, *Acting Minister Railways and Canals.*

CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 26th May, 1885.

On a memorandum, dated 15th May, 1885, from the Acting Minister of Railways and Canals representing that under date the 26th of November, 1884, the Canadian Pacific Railway Company submitted plans and profiles and books of reference relating to their "right of way" between Moose Jaw and Medicine Hat, and on the 4th April ultimo, those relating to the "right of way" between Medicine Hat and Calgary, the Minister states that the said plans, profiles and books of reference were furnished simply for the purpose of certification, prior to registration, under the provisions of the Consolidated Railway Act, a routine proceeding ordinarily requiring no submission to your Excellency in Council.

That the company, however, have set down the width of the land required to be taken as 200 feet all through, in place of thirty-three yards, the width allowed by section 9 of the said Consolidated Railway Act; and that by a letter dated the 8th instant, the company state that this width is necessary to the full protection of the line from snow. They also allege that west of Moose Jaw numerous cuttings occur which it has been found necessary to grade away to a distance of more than 100 feet, and in some cases over 300 feet from the track, to prevent snow accumulation, and that the extra width is absolutely necessary to the regular working of the road in the winter.

The Minister further states that under date the 12th instant, the Government Chief Engineer has reported to the effect that he is aware of the expenditure of a large sum of money in running out the slopes of cuttings very flat to prevent snow-drift, and that it is desirable to grant the right of taking the width of 200 feet asked for.

The Minister observes that by the Act 46 Vict., chap. 24, sec. 2, amending the Consolidated Railway Act, it was provided that for the purpose of affording "protection against snowdrifts such greater quantity of land, or land covered with water may be taken (over and above that previously authorized) as may be approved by the Governor in Council." The Minister accordingly recommends that the width of 200 feet for the whole line between Moose Jaw and Calgary be approved; that the company be permitted to expropriate from private persons or corporations such extra land over and above the ninety-nine feet allowed by the Consolidated Railway Act as may afford the width of 200 feet; and, further, that where the land is vested in the Dominion Government, such width of land be granted to the company, being for protection against snow, as provided by the 19th section of their charter.

The Committee submit the foregoing for Your Excellency's approval.

JOHN J. MCGEE, *Clerk Privy Council.*

The Hon. the Minister of Railways and Canals.

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 5th June, 1885.

SIR,—I am directed to inform you that on the 26th ultimo an Order in Council was passed, a copy of which is herewith enclosed, granting the Canadian Pacific Railway Company the right to take the width of 200 feet of land for the whole line between Moose Jaw and Calgary, with permission also to expropriate requisite land within that width from private persons or corporations, &c.

I am, Sir, your obedient servant,

A. P. BRADLEY, *Secretary.*

C. SCHREIBER, Esq., Chief Engineer, &c., Ottawa.

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 5th June, 1885.

SIR,—I am directed to enclose to you herewith a copy of a certified copy of an Order in Council, bearing date the 26th ultimo, granting to your company the right to take the width of 200 feet of land for the whole line between Moose Jaw and Calgary, with permission also to expropriate land from private persons and corporations, over and above the 99 feet allowed by the Act, as may afford the width of 200 feet.

I am, Sir, your obedient servant,

A. P. BRADLEY, *Secretary.*

C. DRINKWATER, Esq., Secretary C. P. R. Co., Montreal.

**SUBJECT No. 4.—PAYMENT OF MONEYS—PROGRESS ESTIMATE No. 40—
EASTERN SECTION—CANADIAN PACIFIC RAILWAY.**

Description of works, cash subsidy; No. of contract, Canadian Pacific Railway Company; locality of works, Eastern Section; name of contractors, Canadian Pacific Railway Co.; Date of contract, 21st October, 1880.

Progress estimate of work done and materials delivered from the beginning of operations under this contract to the 28th of February, 1885.

The works, of which this is an estimate, are being executed by the authority of the Department of Railways and Canals, under contract numbered and dated as above, also under letter No. 27,816.

| | |
|--|---------------------|
| Total value of work done and materials delivered to the 28th February, 1885.. .. . | <u>\$18,833,274</u> |
|--|---------------------|

| | |
|---|-------------|
| West of Callander 100 miles; east of Port Arthur 67 miles; 167 miles, at \$15,384.61.. .. . | \$2,569,229 |
|---|-------------|

| | |
|---|------------|
| Proportion of value of work done under the "Loan" Act of 1884 to work remaining to be done.. .. . | 16,264,045 |
|---|------------|

| |
|---------------------|
| <u>\$18,833,274</u> |
|---------------------|

| | |
|--|--------------|
| NOTE.—The amount of this certificate payable under the loan of \$22,500,000 | \$ 9,416,400 |
| Previously returned.. .. . | 9,283,700 |

| |
|-------------------|
| <u>\$ 132,700</u> |
|-------------------|

The above is a correct estimate, made up from the returns forwarded by Thomas Ridout. The quantities so furnished have been accurately moneyed out at the contract rates, or at the rates specially authorized by Departmental letters above mentioned.

J. R. CHAMBERLAIN;

I have examined the return on which this estimate is based, have verified the calculations, and am satisfied that all the work returned as done has been duly authorized by the Department.

FRANCIS J. LYNCH, *In charge of C. P. R. Head Office.*

Total amount now certified on this contract, \$18,833,274. All previous payments to be deducted.

COLLINGWOOD SCHREIBER, *Engineer-in-Chief.*

OFFICE OF ENGINEER-IN-CHIEF, OTTAWA, 7th March, 1885.

CANADIAN PACIFIC RAILWAY.

EASTERN DIVISION of Eastern Section—Progress Estimate No. 26, up to 1st March, 1885, under the Loan Act of 1884.

| | \$ | \$ | \$ |
|--|---------|---------|---------|
| 100th to 120th mile, west of Callander— | | | |
| 20 miles, at \$23,000 per mile..... | | | 460,000 |
| 120th to 140th mile— | | | |
| 20 miles, at \$27,000 per mile..... | | | 540,000 |
| 140th to 160th mile— | | | |
| 20 miles, at \$26,000 per mile..... | | | 520,000 |
| 160th to 180th mile— | | | |
| 20 miles, at \$26,000 per mile..... | | 520,000 | |
| Less—To complete 5 station buildings..... | | 2,000 | |
| | | | 518,000 |
| 180th to 200th mile— | | | |
| 20 miles, at \$26,000 per mile..... | | 520,000 | |
| Less—To complete 5 station buildings..... | | 2,000 | |
| | | | 518,000 |
| 200th to 220th mile— | | | |
| 20 miles, at \$25,000 per mile..... | | 500,000 | |
| Less—12 miles of ballasting, at \$500 per mile..... | 6,000 | | |
| Station buildings and water service, 20 miles, at \$700..... | 14,000 | | |
| | | 20,000 | |
| | | | 480,000 |
| 220th to 240th mile— | | | |
| 20 miles, at \$25,000 per mile..... | | 500,000 | |
| Less—20 miles ballasting, at \$500 per mile..... | 10,000 | | |
| Station buildings and water service, 20 miles, at \$700..... | 14,000 | | |
| Engineering and superintendence..... | 200 | | |
| | | 24,200 | |
| | | | 475,800 |
| 240th to 260th mile— | | | |
| 20 miles, at \$21,000 per mile..... | | 420,000 | |
| Less—Rails, &c., as per standard, at \$7,800 per mile..... | 156,000 | | |
| Bridging and culverts, at \$2,130 per mile..... | 42,600 | | |
| | | 198,600 | |
| | | | 221,400 |
| Grading— | | | |
| 93 per cent. executed..... | 205,902 | | |
| 100 do bridging and culverts..... | 42,600 | | |
| Sleepers delivered, 54,600, at 35c..... | 19,110 | | |
| Rails and fastenings, 2,100 tons, at \$36..... | 75,600 | | |
| 100 per cent. track-laying, at \$365 per mile..... | 7,300 | | |
| 90 do engineering and superintendence..... | 9,000 | | |
| | | | 359,512 |
| 260th to 280th mile— | | | |
| 20 miles, at \$21,000 per mile..... | | 420,000 | |
| Less—Rails, &c., as per standard, \$7,800 per mile..... | 156,000 | | |
| Bridging and culverts, at \$2,130 per mile..... | 42,600 | | |
| | | 198,600 | |
| | | | 221,400 |
| Grading— | | | |
| 90 per cent. grading executed..... | 199,260 | | |
| 97 do bridging and culverts..... | 41,322 | | |
| Sleepers delivered, 54,600, at 35c..... | 19,110 | | |
| Rails and fastenings delivered, 2,100 tons, at \$36..... | 75,600 | | |
| 100 per cent. tracklaying, at \$365 per mile..... | 7,300 | | |
| 85 do engineering and superintendence, at \$500 per m..... | 8,500 | | |
| | | | 351,092 |
| 280th to 303rd mile— | | | |
| 23 miles, at \$21,000 per mile..... | | 483,000 | |
| Less—Rails, &c., as per standard, at \$7,800 per mile..... | 179,400 | | |
| Bridging and culverts, at \$2,130 per mile..... | 48,990 | | |
| | | 228,390 | |
| | | | 254,610 |

EASTERN DIVISION of Eastern Section—Progress Estimate No. 26—Concluded.

| | \$ | \$ | \$ |
|--|---------|----|------------|
| Grading— | | | |
| 92 per cent. grading executed | 234,241 | | |
| 94 do bridging and culverts..... | 46,050 | | |
| Sleepers delivered, 62,790, at 35c..... | 21,976 | | |
| Rails and fastenings delivered, 2,415 tons, at \$36..... | 86,940 | | |
| 78 per cent. track-laying, at \$365 per mile..... | 6,548 | | |
| 85 do engineering and superintendence, at \$500 per m..... | 9,775 | | |
| | | | 405,530 |
| 5 miles of post road, at \$400 per mile | | | 2,000 |
| Balance of rails in Montreal, 298 tons, at \$30..... | 8,940 | | |
| Balance of rails delivered at Brockville, 3,924 tons, at \$29..... | 113,796 | | |
| | | | 122,736 |
| | | | 4,752,670 |
| Previously returned, Western Division..... | | | 13,318,491 |
| | | | 18,071,161 |
| LESS—10 per cent..... | | | 1,807,116 |
| | | | 16,264,045 |

(Memorandum.)

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 6th March, 1885.

The undersigned has the honor to represent that under date the 7th instant, the Chief Engineer of the Canadian Pacific Railway has issued a certificate, No. 40, of the Eastern Section of the road of which the details are as follows:—

| | |
|---|---------------------|
| Total value of work done and materials delivered up to the 28th of February, 1885 | \$18,833,274 |
| West of Callander 100 miles; east of Port Arthur 67 miles; 167 miles, at \$15,384.61 | \$2,569,229 |
| Proportion of value of work done under the Loan Act of 1884, to the value of work remaining to be done..... | 16,264,045 |
| | <u>\$18,833,274</u> |

That of this sum the books of the accountant of the Department show there has already been paid..... 18,604,180

Leaving the balance payable..... \$229,094

Of this balance the portions chargeable to the loan and the subsidy accounts are as follows:—

| | |
|--------------|------------------|
| Loan..... | \$132,700 |
| Subsidy..... | 96,394 |
| | <u>\$229,094</u> |

The undersigned recommends that authority be given for the payment of the said sum of \$229,094 to the Canadian Pacific Railway Company in accordance with the foregoing.

Respectfully submitted,

J. H. POPE, *Acting Minister of Railways and Canals.*

CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 9th March, 1885.

On a memorandum, dated 6th March, 1885, from the Acting Minister of Railways and Canals, submitting a certificate, No. 40, dated 7th March, 1885, from the Chief Engineer of the Canadian Pacific Railway, with respect to the Eastern Section of the line, of which the following are the details:—

| | |
|--|---------------------|
| Total value of work done and materials delivered up to 28th February, 1885..... | \$18,833,274 |
| West of Callander 100 miles; east of Port Arthur 67 miles; 167 miles, at \$15,384.61..... | \$2,569,229 |
| Proportion of value of work done under the Act of 1884, to the value of work remaining to be done..... | 16,264,045 |
| | <u>\$18,833,274</u> |

Of this amount the books of the Department show that there has already been paid.....

| | |
|--|------------|
| | 18,604,180 |
|--|------------|

Leaving the balance payable.....

| | |
|--|------------------|
| | <u>\$229,094</u> |
|--|------------------|

Of which the portions severally chargeable to the loan and subsidy accounts are as follows:—

| | |
|--------------|------------------|
| Loan..... | \$132,700 |
| Subsidy..... | 96,394 |
| | <u>\$229,094</u> |

The Minister recommends that authority be given for the payment of the said sum of \$229,094 to the Canadian Pacific Railway accordingly.

The Committee advise that authority be given as recommended.

JOHN J. MCGEE, Clerk Privy Council.

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 11th March, 1885.

SIR,—I am directed to inform you that a certificate has issued for the payment to the Canadian Pacific Railway Company of the sum of \$229,094, balance due for work done and materials delivered, as per engineer's estimate, on the Eastern Section of the line, up to the 28th February, 1885, chargeable as under:—

| | |
|--------------|------------------|
| Loan..... | \$132,700 |
| Subsidy..... | 96,394 |
| | <u>\$229,094</u> |

I am, Sir, your obedient servant,

A. P. BRADLEY, Secretary.

CHARLES DRINKWATER, Esq., Secretary C. P. R. Co., Montreal.

PAYMENT OF MONEYS—PROGRESS ESTIMATE No. 41—EASTERN SECTION—CANADIAN PACIFIC RAILWAY.

Description of works, cash subsidy; No. of contract, Canadian Pacific Railway Company; locality of works, Eastern Section; name of contractors, Canadian Pacific Railway Company; Date of contract, 21st October, 1880.

Progress estimate of work done and materials delivered from the beginning of operations under this contract to the 28th February, 1885.

The works, of which this is an estimate, are being executed by the authority of the Department of Railways and Canals, under contract numbered and dated as above, also under letter No. 27,816.

Total value of work done and materials delivered to the 28th February, 1885..... \$19,137,247

West of Callander, 100 miles; east of Port Arthur, 67 miles; 167 miles, at \$15,384.61..... \$ 2,569,229

Proportion of value of work done under Act of 1884 to work remaining to be done... 16,568,018

\$19,137,247

NOTE.—The amount of this certificate payable under the loan of \$22,500,000 is... \$9,592,300

Previously returned..... \$9,416,400

\$ 175,900

The above is a correct estimate, made up from the returns forwarded by J. St. V. Caddy. The quantities so furnished have been accurately moneyed out at the contract rates, or at the rates specially authorized by departmental letters above mentioned.

J. R. CHAMBERLAIN.

I have examined the return on which this estimate is based, have verified the calculations, and am satisfied that all the work returned as done has been duly authorized by the Department.

FRANCIS J. LYNCH, *In charge of C. P. R. Head Office.*

Total amount now certified on this contract, \$19,137,247. All previous payments to be deducted.

COLLINGWOOD SCHREIBER, *Engineer-in-Chief.*

OFFICE OF ENGINEER-IN-CHIEF, OTTAWA, 7th March, 1885.

CANADIAN PACIFIC RAILWAY.

EASTERN SECTION—Western Division—Progress Estimate (No. 41) under the Loan Act of 1884.

| | \$ | \$ | \$ |
|--|---------|-----------|-----------|
| Nipigon to Gravel Bay— | | | |
| 34 miles, at \$35,000 per mile | | 1,190,000 | |
| Less—Standard, at \$6,670 per mile | 226,780 | | |
| Bridging, at \$14,413.53 per mile | 490,060 | | |
| | | 716,840 | |
| | | 473,160 | |
| 97 per cent. grading | | 458,965 | |
| 87½ do bridging | | 428,802 | |
| ADD—Rails, 3,570 tons, at \$35 | 124,950 | | |
| Sleepers, 92,820, at 35c..... | 32,487 | | |
| Track-laying, 22 miles, at \$350 | 7,700 | | |
| 96 per cent. engineering, at 500..... | 16,320 | | |
| | | 181,457 | |
| | | | 1,069,224 |

EASTERN SECTION—Western Division—Progress Estimate No. 41—*Concluded.*

| | \$ | \$ | \$ |
|---|-----------|-----------|------------|
| Gravel Bay to 2 miles east of Pic— | | | |
| 95 miles, at \$80,000 per mile | | 7,600,000 | |
| Less—Standard, at \$6,670 per mile | 633,650 | | |
| Bridging, at \$11,775 do | 1,118,625 | | |
| | | 1,752,275 | |
| | | 5,847,725 | |
| 98 per cent. grading | | 5,730,771 | |
| 94 do bridging | | 1,051,507 | |
| Add—Rails, 9,975 tons, at \$35 | 349,125 | | |
| Sleepers, 205,400, at 35c. | 71,890 | | |
| Track laid, 54 miles, at \$350 | 18,900 | | |
| Ballasting, 14,000 yards, at 50c. | 7,000 | | |
| 95 per cent. engineering, at \$500 per mile | 45,125 | | |
| | | 492,040 | |
| | | | 7,274,318 |
| Two miles east of Pic River— | | | |
| 125 miles, at \$40,000 per mile | | 5,000,000 | |
| Less—Standard, at \$6,670 per mile | 833,750 | | |
| Bridging, at \$4,189 do | 523,625 | | |
| | | 1,357,375 | |
| | | 3,642,625 | |
| 98 per cent. grading | | 3,569,772 | |
| 89 do bridging | | 466,026 | |
| Add—Rails, 10,222 tons, at \$35 | 357,770 | | |
| Sleepers, 337,500, at 35c. | 118,125 | | |
| Track-laying, 58 miles, at \$350 | 20,300 | | |
| Stations, &c | 7,000 | | |
| 90 per cent. engineering | 56,250 | | |
| | | 559,445 | |
| | | | 4,595,243 |
| Missinabi to Dog Lake— | | | |
| 27 miles, at \$33,740.74 per mile | | 911,000 | |
| Less—Standard, at \$8,870 per mile | 186,090 | | |
| Bridging, at \$5,538 do | 149,526 | | |
| | | 329,616 | |
| | | 581,384 | |
| 94 per cent. grading | | 546,500 | |
| 38 do bridging | | 53,829 | |
| Sleepers, 15,000, at 35c. | | 5,250 | |
| 85 per cent. engineering, at \$500 | | 11,475 | |
| | | | 617,054 |
| Service roads | | | 10,000 |
| Rails at Port Arthur, 2,825, at \$32 | | | 90,400 |
| | | | 13,656,239 |
| Previously returned | | | 4,752,670 |
| | | | 18,408,909 |
| LESS—10 per cent. | | | 1,840,891 |
| | | | 16,568,018 |

(Memorandum.)

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 10th March, 1885.

The undersigned has the honor to represent that under date the 7th instant the Chief Engineer of the Canadian Pacific Railway has issued a certificate, No. 41, of the Eastern Section of that road, of which the details are as follows:—

| | |
|--|---------------------|
| Total value of work done and materials delivered, up to the 28th of February, 1885..... | \$ 19,137,247 |
| West of Callander, 100 miles; east of Port Arthur, 67 miles; 167 miles, at \$15,384 61..... | \$ 2,569,229 |
| Proportion of value of work done under the Act of 1884, to value of work remaining to be done..... | 16,568,018 |
| | <u>\$19,137,247</u> |

That of this sum the books of the Accountant of the Department show that there has already been paid..... 18,833,274

Leaving the balance now payable \$308,973

Of this balance the portions chargeable to the loan and subsidy accounts severally are as follows:—

| | |
|--------------|------------------|
| Loan..... | \$175,900 |
| Subsidy..... | 128,073 |
| | <u>\$308,973</u> |

The undersigned recommends that authority be given for the payment of the said balance of \$308,973 to the Canadian Pacific Railway Company, in accordance with the foregoing.

Respectfully submitted,

J. H. POPE, *Acting Minister Railways and Canals.*

CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 11th March, 1885.

On a memorandum, dated 10th March, 1885, from the Acting Minister of Railways and Canals, submitting a certificate, No. 41, dated 7th March instant, of the Chief Engineer of the Canadian Pacific Railway with respect to the Eastern Section of that railway, of which the following are the details:—

| | |
|--|---------------------|
| Total value of work done and materials delivered up to the 28th of February, 1885..... | \$19,137,247 |
| West of Callander 100 miles; east of Port Arthur, 67 miles; 167 miles, at \$15,384.61..... | \$ 2,569,229 |
| Proportion of value of work done under the Act of 1884, to value of work remaining to be done..... | 16,568,018 |
| | <u>\$19,137,247</u> |

That of this sum the books of the accountant of the Department show that there has already been paid..... \$18,833,274

Leaving the balance now payable..... \$ 308,973

Of this balance the portions chargeable to the loan and the subsidy accounts are as follows :—

| | |
|--------------|------------------|
| Loan..... | \$175,900 |
| Subsidy..... | 128,073 |
| | <u>\$303,973</u> |

The Minister recommends that authority be given for the payment of the said sum of \$303,973 to the Canadian Pacific Railway Company accordingly.

The Committee advise that authority be given as recommended.

JOHN J. McGEE, *Clerk Privy Council.*

Hon. the Minister of Railways and Canals.

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 15th March, 1885.

SIR,—I am directed to inform you that a certificate has been issued authorizing the payment to your company of the sum of \$303,973 for work done and materials issued under your contract on the Eastern Section of the Canadian Pacific Railway, as shown in engineer's progress estimate to 28th ultimo.

Distribution as follows :—

| | |
|--------------|------------------|
| Loan..... | \$175,900 |
| Subsidy..... | 128,073 |
| | <u>\$303,973</u> |

I am, Sir, your obedient servant,

A. P. BRADLEY, *Secretary.*

C. DRINKWATER, Esq., Secretary C.P.R. Co., Montreal.

PAYMENT OF MONEYS—PROGRESS ESTIMATE No. 42—EASTERN SECTION—CANADIAN PACIFIC RAILWAY.

Description of works, cash subsidy; No. of contract, Canadian Pacific Railway Company; locality of works, Eastern Section; name of contractors, Canadian Pacific Railway Company; date of contract, 21st October, 1880.

Progress estimate of work done and materials delivered from the beginning of operations under this contract to the 15th March, 1885.

The works, of which this is an estimate, are being executed by the authority of the Department of Railways and Canada, under contract numbered and dated as above, also under letter No. 27816.

Total value of work done and materials delivered to the 15th March, 1885 \$19,155,857

West of Callander, 100 miles; east of Port Arthur, 67 miles; 167 miles, at \$15,384.61 \$ 2,569,229

Proportion of value of work done under the Act of 1884 to work remaining to be done..... \$16,586,628

\$19,155,857

NOTE.—The amount of this certificate payable under the loan of \$22,500,000 is..... \$9,603,100
 Previously returned..... 9,592,300

\$10,800

The above is a correct estimate, made up from the returns forwarded by Thomas Bidout. The quantities so furnished have been accurately moneyed out at the contract rates, or at the rates specially authorized by departmental letters above mentioned.

J. R. CHAMBERLAIN.

I have examined the return on which this estimate is based, have verified the calculations, and am satisfied that all the work returned as done has been duly authorized by the Department.

FRANCIS J. LYNCH, *In charge of C.P.R. Head Office.*

Total amount now certified on this contract, \$19,155,857. All previous payments to be deducted.

COLLINGWOOD SCHREIBER, *Engineer-in-Chief.*

OFFICE OF ENGINEER-IN-CHIEF, OTTAWA, 26th March, 1885.

**CANADIAN PACIFIC RAILWAY (EASTERN SECTION) EASTERN DIVISION,
ESTIMATE No. 42—UNDER THE LOAN ACT OF 1884.**

| | |
|--|----------------------------|
| Previously returned—Eastern Division..... | \$ 4,638,874 |
| Rails delivered at Brockville for the Western Division —previously returned 3,924 tons; delivered 9th and 13th March, 713 tons; 4,637 tons at \$29.. | 134,473 |
| | <u>4,773,347</u> |
| Previously returned—Western Division..... | 13,656,239 |
| | <u>\$ 18,429,586</u> |
| Less 10 per cent..... | 1,842,958 |
| | <u><u>\$16,586,628</u></u> |

(Memorandum.)

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 27th March, 1885.

The undersigned has the honor to represent that under date the 26th inst., the Chief Engineer of the Canadian Pacific Railway has issued a certificate, No. 42, of the Eastern Section of that road, of which the following are the details:—

| | |
|---|---------------------|
| Total value of work done and materials delivered up to the 15th of March, 1885..... | \$19,155,857 |
| West of Calander 100 miles; east of Port Arthur, 67 miles—167 miles at \$15,384.61..... | \$ 2,569,229 |
| Proportion of value of work done under the Act of 1884 to value of work re- maining to be done..... | 16,586,628 |
| | <u>\$19,155,857</u> |

That of this sum the books of the accountant of the Department show that there has already been paid the sum of..... 19,137,247

Leaving the balance payable..... \$18,610

Of this balance the proportions chargeable to the loan and subsidy accounts are as follows:—

| | |
|--------------|-----------------|
| Loan..... | \$10,500 |
| Subsidy..... | 7,810 |
| | <u>\$18,610</u> |

The undersigned recommends that authority be given for the payment of the said balance of \$18,610 to the Canadian Pacific Railway, in accordance with the foregoing.

Respectfully submitted.

J. H. POPE, *Acting Minister Railways and Canals.*

CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 29th March, 1885.

On a memorandum, dated 27th March, 1885, from the Acting Minister of Railways and Canals, submitting a certificate, No. 42, dated 26th March, 1885, of the Chief Engineer of the Canadian Pacific Railway, with respect to the Eastern Section of the railway, of which the following are the details:—

| | |
|---|---------------------|
| Total value of work done and materials delivered up to 15th March, 1885..... | \$19,155,857 |
| West of Callander, 100 miles; east of Port Arthur 67 miles; 167 miles at \$15,384.61..... | \$2,569,229 |
| Proportion of value of work done under the Act of 1884 to value of work remaining to be done..... | 16,586,628 |
| | <u>\$19,155,857</u> |

| | |
|---|-----------------|
| That of this sum the books of the accountant of the Department show there has already been paid the sum of..... | 19,137,247 |
| Leaving the balance payable..... | <u>\$18,610</u> |

Of which the portions severally chargeable to the loan and subsidy accounts are as follows:—

| | |
|--------------|-----------------|
| Loan..... | \$10,800 |
| Subsidy..... | 7,810 |
| | <u>\$18,610</u> |

The Minister recommends that authority be given for the payment of the said sum of \$18,610 to the Canadian Pacific Railway Company accordingly.

The Committee advise that authority be given as recommended.

JOHN J. MCGEE, *Clerk Privy Council.*

The Hon. the Minister of Railways and Canals.

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 30th March, 1885.

SIR,—I am instructed to inform you that a certificate has issued in favor of your company for \$18,610, being a payment for work done and materials delivered on the Eastern Section of the Canadian Pacific Railway, as shown in engineer's progress estimate, up to the 15th instant.

Distribution as follows :—

| | |
|--------------|-----------------|
| Loan..... | \$10,800 |
| Subsidy..... | 7,810 |
| Total..... | <u>\$18,610</u> |

I am, Sir, your obedient servant,

A. P. BRADLEY, *Secretary.*

C. DRINKWATER, Esq., Secretary C. P. R. Co., Montreal.

PAYMENT OF MONEYS—PROGRESS ESTIMATE No. 43—EASTERN SECTION—CANADIAN PACIFIC RAILWAY.

Description of works, cash subsidy; No. of contract, Canadian Pacific Railway Company; locality of works, Eastern Section; name of contractors, Canadian Pacific Railway Company; date of contract, 21st October, 1880.

Progress estimate of work done and materials delivered from the beginning of operations under this contract to the 31st March, 1885.

The works, of which this is an estimate, are being executed by the authority of the Department of Railways and Canals, under contract numbered and dated as above, also under letter No. 27816.

Total value of work done and materials delivered to the 31st March, 1885..... \$19,357,432

West of Callander, 100 miles; east of Port Arthur, 67 miles; * 167 miles, at \$13,384.61..... \$ 2,569,229

Proportion of value of work done to work remaining to be done..... 16,788,203

\$19,357,432

NOTE.—The amount of the certificate payable under the loan of \$22,500,000 is..... \$9,719,800

Previously returned..... 9,603,100

\$116,700

The above is a correct estimate, made up from the returns forwarded by J. St. V. Caddy. The quantities so furnished have been accurately moneyed out at the contract rates, or at the rates specially authorized by departmental letters above mentioned.

J. R. CHAMBERLAIN.

I have examined the returns on which this estimate is based, have verified the calculations, and am satisfied that all the work returned as done has been duly authorized by the Department.

FRANCIS J. LYNCH, *In charge of C. P. R. Head Office.*

Total amount now certified on this contract, \$19,357,432. All previous payments to be deducted.

COLLINGWOOD SCHREIBER, *Engineer-in-Chief.*

OFFICE OF ENGINEER-IN-CHIEF, OTTAWA, 13th April, 1885.

CANADIAN PACIFIC RAILWAY.

EASTERN SECTION—Western Division—Progress Estimate (No. 43) under the Loan Act of 1884.

| | \$ | \$ | \$ |
|---|-----------|-----------|-----------|
| Nipigon to Gravel Bay— | | | |
| 34 miles, at \$35,000 per mile..... | 226,780 | 1,190,000 | |
| Less—Standard, at \$6,670 per mile..... | 490,060 | | |
| Bridging, at \$14,413 per mile..... | | 716,840 | |
| | | 473,160 | |
| 97 per cent. grading | | 458,965 | |
| 87 do bridging | | 428,802 | |
| Add—Rails, 3,570 tons, at \$35..... | 124,950 | | |
| Sleepers, 92,820, at 35c..... | 32,487 | | |
| Track-laying, 22 miles, at \$350..... | 7,700 | | |
| 96 per cent. engineering | 16,320 | 181,457 | |
| | | | 1,069,224 |
| Gravel Bay to 2 miles east of Pic— | | | |
| 95 miles, at \$80,000..... | 633,650 | 7,800,000 | |
| Less—Standard, at \$6,670..... | 1,118,625 | | |
| Bridging, at \$11,775 | | 1,752,275 | |
| | | 5,847,725 | |
| 98 per cent. grading | | 5,720,771 | |
| 94 do bridging | | 1,051,507 | |
| Add—Rails, 9,975 tons, at \$35..... | 349,125 | | |
| Sleepers, 225,400, at 35c..... | 78,890 | | |
| Track-laying, 60 miles, at \$350..... | 21,000 | | |
| Ballasting, 1,400 yards, at 50c..... | 7,000 | | |
| 95 per cent. engineering, at \$500 | 45,125 | 501,140 | |
| | | | 7,283,418 |
| 2 miles east of Pic to Missinabi— | | | |
| 125 miles, at \$40,000..... | 833,750 | 5,000,000 | |
| Less—Standard, at \$6,670..... | 523,625 | | |
| Bridging, at \$4,169..... | | 1,357,375 | |
| | | 3,642,625 | |
| 98 per cent. grading | | 3,569,772 | |
| 94 do bridging | | 492,207 | |
| Rails, 10,222 tons, at \$35 | 357,770 | | |
| Sleepers, 337,500, at 35c..... | 118,125 | | |
| Track-laying, 90 miles, at \$350..... | 31,500 | | |
| Station and water service..... | 10,000 | | |
| 95 per cent. engineering | 69,375 | 576,770 | |
| | | | 4,638,749 |
| Missinabi to Dog Lake— | | | |
| 27 miles, at \$33,740 24 per mile..... | 180,090 | 911,000 | |
| Less—Standard, at \$6,670 per mile..... | 149,526 | | |
| Bridging, at \$5,528 per mile..... | | 329,616 | |
| | | 581,384 | |
| 97 per cent. grading..... | | 563,942 | |
| 90 do bridging | | 134,573 | |
| Rails, 27,000 tons, at \$35 | 94,500 | | |
| Sleepers, 71,280, at 35c..... | 24,948 | | |
| Track laying, 27 miles, at \$350..... | 9,450 | | |
| 95 per cent. engineering, at \$500 | 12,825 | 141,723 | |
| | | | 840,238 |

EASTERN SECTION—Western Division—Progress Estimate No. 43—*Concluded.*

| | | | |
|---|--|--|-------------------|
| Rails at Port Arthur, 2,825 tons, at \$32..... | | | \$ 90,400 |
| do Brockville, 3,195 do 29..... | | | 92,655 |
| | | | <u>14,014,684</u> |
| Previously returned, Eastern Division, less rails delivered at Brockville, transferred as above. | | | 4,638,874 |
| Total | | | 18,653,558 |
| Less—10 per cent..... | | | 1,865,355 |
| | | | <u>16,788,203</u> |

(Memorandum.)

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 15th April, 1885.

The undersigned has the honor to represent that under date the 13th instant, the Chief Engineer of the Canadian Pacific Railway, has issued a Certificate, No. 43, of Eastern Section of that road, of which the following are the details:—

| | |
|--|---------------------|
| Total value of work done and materials delivered up to the 31st of March, 1885..... | \$ 19,357,432 |
| West of Callander, 100 miles; east of Port Arthur, 67 miles; 167 miles, at \$15,384 60. | \$ 2,569,229 |
| Proportion of value of work done under the Act of 1884 to that of work remaining to be done..... | 16,788,203 |
| | <u>\$19,357,432</u> |

That of this amount the books of the accountant of the Department show that there has already been paid the sum of..... 19,155,857

Leaving the balance now payable..... \$201,575

Of this sum the portions chargeable to the loan and subsidy accounts, severally, are as follows:—

| | |
|--------------|------------------|
| Loan..... | \$116,700 |
| Subsidy.. .. | 84,875 |
| | <u>\$201,575</u> |

The undersigned recommends that authority be given for the payment of the said balance of \$201,575 to the Canadian Pacific Railway Company, in accordance with the foregoing.

Respectfully submitted,
J. H. POPE, *Acting Minister Railways and Canals.*

CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 18th April, 1885.

On a memorandum, dated 15th April, 1885, from the Acting Minister of Railways and Canals, submitting a certificate, No. 43, dated 13th April instant, from the

Chief Engineer of the Canadian Pacific Railway, in respect of the Eastern Section of the railway, of which the following are the details:—

| | |
|--|---------------------|
| Total value of work done and materials delivered to the 31st of March, 1885..... | \$19,357,432 |
| West of Callander, 100 miles; east of Port Arthur 67 miles, 167 miles at \$15,384.60..... | \$ 2,569,229 |
| Proportion of value of work done under the Act of 1884 to that of work remaining to be done..... | 16,788,203 |
| | <u>\$19,357,432</u> |

Of this amount, the books of the Department show that there has already been paid the sum of..... \$19,155,857

Leaving the balance now payable.....\$ 201,575

Of this sum the proportions chargeable to the loan and subsidy accounts severally, are as follows:—

| | |
|--------------|------------------|
| Loan..... | \$116,700 |
| Subsidy..... | 84,875 |
| | <u>\$201,575</u> |

The Minister recommends that authority be given for the payment of the said balance of \$201,575 to the Canadian Pacific Railway Company accordingly. The Committee advise that authority be given as recommended.

JOHN J. MCGEE, *Clerk Privy Council.*

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 21st April, 1885.

SIR,—By direction I beg to inform you that on the 18th inst. a certificate was issued for the payment to your company of \$201,575, for work done and materials delivered under their contract, on the Eastern Section of the Canadian Pacific Railway, as expressed in engineer's progress estimate to 31st ultimo.

Distribution as follows:—

| | |
|--------------|------------------|
| Loan..... | \$116,700 |
| Subsidy..... | 84,875 |
| | <u>\$201,575</u> |

I am, Sir, your obedient servant,

A. P. BRADLEY, *Secretary.*

C. DRINKWATER, Esq., Secretary C. P. R. Co., Montreal.

PAYMENT OF MONEYS—PROGRESS ESTIMATE No. 44—EASTERN SECTION—CANADIAN PACIFIC RAILWAY.

Description of works, cash subsidy; No. of contract, Canadian Pacific Railway Company; locality of works, Eastern Section; name of contractors, Canadian Pacific Railway Company; date of contract, 21st October, 1881.

Progress estimate of work done and materials delivered from the beginning of operations under this contract to the 15th April, 1885.

The works, of which this is an estimate, are being executed by the authority of the Department of Railways and Canals, under contract numbered and dated as above, also under letter No. 27816.

Total value of work done and materials delivered to the 15th April, 1885..... \$19,389,769

West of Callander, 100 miles; east of Port Arthur, 67 miles; 167 miles, at \$15,384.61 \$ 2,569,229

Proportion of value of work done under the Act of 1884 to work remaining to be done..... 16,820,540

\$19,389,769

NOTE.—The amount of this certificate payable under the loan of \$22,500,000 is \$ 9,738,600
Previously returned..... 9,719,800

\$18,800

The above is a correct estimate, made up from the returns forwarded by J. St. V. Caddy. The quantities so furnished have been accurately moneyed out at the contract rates, or at the rates specially authorized by departmental letters above mentioned.

J. R. CHAMBERLAIN.

I have examined the return on which this estimate is based, have verified the calculations, and am satisfied that all the work returned as done has been duly authorized by the Department.

FRANCIS J. LYNCH, *In charge of C. P. R. Head Office.*

Total amount now certified on this contract, \$19,389,769. All previous payments to be deducted.

COLLINGWOOD SCHREIBER, *Engineer-in-Chief.*

OFFICE OF ENGINEER-IN-CHIEF, OTTAWA, 24th April, 1885.

CANADIAN PACIFIC RAILWAY.

CENTRAL SECTION—Western Division—Progress Estimate No. 44, under the Loan Act of 1884.

| | \$ | \$ | \$ |
|--|-----------|-----------|-----------|
| Nipigon to Gravel Bay— | | | |
| 34 miles, at \$35,000 per mile..... | | 1,190,000 | |
| Less—Standard at \$ 6,670.00 per mile..... | 226,780 | | |
| Bridging at 14,413.53 do | 490,060 | | |
| | | 716,840 | |
| | | 473,160 | |
| 97 per cent. grading | | 458,965 | |
| 87½ do bridging..... | | 428,802 | |
| ADD—Rails, 3,570 tons, at \$35 | 124,950 | | |
| Sleepers, 92,810, at 35c | 32,487 | | |
| Track-laying, 22 miles, at \$350..... | 7,700 | | |
| 96 per cent engineering at \$500..... | 16,320 | | |
| | | 181,457 | |
| Gravel Bay to 2 miles east of Pic— | | | |
| 95 miles at \$30,000 | | 7,600,000 | 1,069,224 |
| Less—Standard, at \$ 6,670..... | 633,650 | | |
| Bridging, at 11 775..... | 1,118,625 | | |
| | | 1,752,275 | |
| | | 5,847,725 | |

CENTRAL SECTION—Western Division—Progress Estimate No. 44 —Concluded.

| | \$ | \$ | \$ |
|---|---------|-----------|------------|
| 98 per cent. grading | | 5,730,771 | |
| 94 do bridging..... | | 1,051,507 | |
| ADD—Rails, 9,975 tons, at \$35..... | 349,125 | | |
| Sleepers, 225,400, at 35c..... | 78,890 | | |
| Track-laying, 68 miles, at \$350..... | 23,800 | | |
| Ballasting, 14,000 yards, at 50c..... | 7,000 | | |
| 95 per cent. engineering, \$500..... | 45,125 | | |
| | | 503,940 | |
| 2 miles east of Pic to Missinabi— | | | 7,286,218 |
| 125 miles, at \$40,000..... | | 5,000,000 | |
| LESS—Standard, at \$6,670..... | 833,750 | | |
| Bridging, at 4,189..... | 523,625 | | |
| | | 1,357,375 | |
| | | 3,642,625 | |
| | | 3,569,772 | |
| 98 per cent. grading | | 492,207 | |
| 94 do bridging..... | | | |
| Rails, 13,125 tons, at \$35..... | 459,375 | | |
| Sleepers, 337,500, at 35c..... | 118,125 | | |
| Track-laying, 100 miles, at \$350..... | 35,000 | | |
| Stations and water service..... | 10,000 | | |
| 95 per cent. engineering, \$500 per mile..... | 59,375 | | |
| | | 681,875 | |
| Missinabi to 27 miles east— | | | 4,743,854 |
| 27 miles, at \$33,740.24..... | | 911,000 | |
| LESS—Standard, \$6,670..... | 180,090 | | |
| Bridging 5,538..... | 149,536 | | |
| | | 329,616 | |
| | | 581,384 | |
| | | 563,942 | |
| 97 per cent. grading | | | |
| 95 do bridging..... | 142,050 | | |
| Rails, 2,992 tons, at \$35..... | 101,720 | | |
| Sleepers, 76,950, at 35c..... | 26,932 | | |
| Track-laying, 27 miles, at \$350..... | 9,450 | | |
| Station and water service..... | 1,000 | | |
| 95 per cent. engineering, at \$500..... | 12,825 | | |
| | | 296,977 | |
| | | | 880,919 |
| Rails at Port Arthur, 2,825 tons, \$32. | | | 90,400 |
| | | | 14,050,615 |
| Previously returned, Eastern Division..... | | | 4,638,874 |
| | | | 18,689,489 |
| LESS—10 per cent | | | 1,868,949 |
| | | | 16,820,540 |

(Memorandum.)

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 24th April, 1885.

The undersigned has the honor to represent that, under date the 24th instant, the Chief Engineer of the Canadian Pacific Railway has issued a certificate, No. 44, of the Eastern Section of that road, of which the following are the details:—

Total value of work done and materials delivered up to the 15th April, 1885.....\$19,389,769
 West of Callander, 100 miles; east of Port Arthur, 67 miles; 167 miles, at \$15,384 61..... \$2,569,229

| | |
|--|---------------------|
| Proportion of value of work done under the Act of 1884 to that of work remaining to be done..... | 16,820,540 |
| | <u>\$19,389,769</u> |

That of this amount the books of the accountant of the Department show that there has already been paid the sum of..... \$19,357,432

Leaving the balance now payable..... \$32,337

Of this amount the portions chargeable to the loan and subsidy accounts severally, are as follows:—

| | |
|--------------|-----------------|
| Loan..... | \$18,800 |
| Subsidy..... | 15,537 |
| | <u>\$32,337</u> |

The undersigned recommends that authority be given for the payment to the Canadian Pacific Railway Company of the said sum of \$32,337 in accordance with the foregoing.

Respectfully submitted,

J. H. POPE, *Acting Minister Railways and Canals.*

CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 27th April, 1885.

On a memorandum, dated 24th April, 1885, from the Acting Minister of Railways and Canals, submitting a certificate, No. 44, dated 24th April instant, from the Chief Engineer of the Canadian Pacific Railway, with respect to the Eastern Section of the line, of which the following are the details:—

| | |
|---|---------------------|
| Total value of work done and materials delivered up to the 15th April, 1885..... | \$19,389,769 |
| West of Callander, 100 miles; east of Port Arthur, 67 miles; 167 miles, at \$15,384.61..... | \$2,569,229 |
| Proportion of value of work done under the Act of 1884 to work remaining to be done | 16,820,540 |
| | <u>\$19,389,769</u> |

That of this amount the books of the Department show that there has already been paid the sum of..... \$19,357,432

Leaving the balance now payable..... \$32,337

Of which balance the portions chargeable to the loan and subsidy accounts severally, are as follows:—

| | |
|--------------|-----------------|
| Loan..... | \$18,800 |
| Subsidy..... | 13,537 |
| | <u>\$32,337</u> |

The Minister recommends that authority be given for the payment to the Canadian Pacific Railway Company of the said sum of \$32,337 accordingly.

The Committee advise that authority be given as recommended.

JOHN J. MCGEE, *Clerk Privy Council.*

The Hon. the Minister of Railways and Canals.

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 28th April, 1885.

Sir,—I am directed to inform you that a certificate has issued for the payment to your company of \$32,337, being for work done and materials issued under your contract on the Eastern Section of the line of the Canadian Pacific Railway, as shown on engineer's progress estimate to the 15th inst.

Distribution as follows:—

| | |
|--------------|-----------------|
| Loan | \$18,800 |
| Subsidy..... | 13,537 |
| | <u>\$32,337</u> |

I am, Sir, your obedient servant,

A. P. BRADLEY, *Secretary.*

CHAS. DRINKWATER, Esq., Secretary C. P. R. Co., Montreal.

PAYMENT OF MONEYS — PROGRESS ESTIMATE No. 45 — EASTERN SECTION—CANADIAN PACIFIC RAILWAY.

Description of works, cash subsidy; No. of contract, Canadian Pacific Railway Company; locality of works, Eastern Section; name of contractors, Canadian Pacific Railway Company; date of contract, 21st October, 1880.

Progress estimate of work done and materials delivered from the beginning of operations under this contract to the 30th April, 1885.

The works, of which this is an estimate, are being executed by the authority of the Department of Railways and Canals, under contract numbered and dated as above, also under letter No. 27816.

Total value of work done and materials delivered to the 30th April, 1885..... \$19,412,638

West of Callander, 100 miles; east of Port Arthur, 67 miles; 167 miles, at \$15,384.61..... \$2,569,229

Proportion of value of work done under the Act of 1884, to work remaining to be done..... 16,843,409

\$19,412,638

NOTE —The amount of this certificate, payable under the loan of \$22,500,000 is... \$9,751,800

Previously returned..... 9,738,600

\$13,200

The above is a correct estimate, made up from the returns forwarded by J. St. V. Caddy. The quantities so furnished have been accurately moneyed out at the contract rates, or at the rates specially authorized by departmental letters above mentioned.

J. R. CHAMBERLAIN.

I have examined the return on which this estimate is based, have verified the calculations, and am satisfied that all the work returned as done has been duly authorized by the Department.

FRANCIS J. LYNCH, *In charge of C. P. R. Head Office.*

Total amount now certified on this contract, \$19,412,638. All previous payments to be deducted.

COLLINGWOOD SCHREIBER. *Engineer in-Chief.*

OFFICE OF ENGINEER-IN-CHIEF, OTTAWA, 8th May, 1885.

CANADIAN PACIFIC RAILWAY.

EASTERN SECTION—Western Division—Estimate No. 45, under the Loan Act of 1884.

| | \$ | \$ | \$ |
|--|-----------|-----------|------------|
| Nipigon to Gravel Bay— | | | |
| 34 miles, at \$35 000 | | 1,190,000 | |
| Less—Standard, \$ 6,670.00 per mile | 226,780 | | |
| Bridging, 14,413 53 do | 490,069 | | |
| | | 716,840 | |
| | | 473 160 | |
| 97 per cent. grading | | 455,965 | |
| 91 do bridging | | 445,954 | |
| ADD—Rai's, 3,570 tons, at \$35 | 124,950 | | |
| Sleepers, 92,820 do 35c | 32,487 | | |
| Track-laying, 34 miles, at \$350 | 11,900 | | |
| 98 per cent. engineering | 16,680 | | |
| | | 185,997 | |
| Gravel Bay to two miles east of Pic— | | | 1,087,916 |
| 95 miles, at \$80,000 | | 7,600,000 | |
| Less—Standard, \$ 6,670 | 633,650 | | |
| Bridging, 11,775 | 1,118,625 | | |
| | | 1,752,275 | |
| | | 5,847,725 | |
| 98 per cent. grading | | 5,730,771 | |
| 98 do bridging | | 1,096,252 | |
| ADD—Rails, 9,975 tons, at \$35 | 349,125 | | |
| Sleepers, 235,400 tons, at 35c | 78,890 | | |
| Track-laying, 83 miles, at \$350 | 29,050 | | |
| Ballasting, 14,000 yards, at 50c | 7,000 | | |
| 96 per cent. engineering | 45,600 | | |
| | | 509,635 | |
| Two miles East of Pic to Missinabi— | | | 7,336,688 |
| 125 miles, at \$10,000 | | 5,000,000 | |
| Less—Standard, \$8,670 per mile | 833,750 | | |
| Bridging, 4,189 do | 523,625 | | |
| | | 1,357,375 | |
| | | 3,642,625 | |
| 97 per cent. grading | | 3,533,346 | |
| 94 do bridging | | 491,207 | |
| ADD—Rails, 13,125 tons, at \$35 | 459,375 | | |
| Sleepers, 337,500, at 35c | 118,125 | | |
| Track-laying, 119 miles, at \$350 | 41,650 | | |
| Ballasting, 8,000 yards, at 50c | 4,000 | | |
| Stations and water service | 10,000 | | |
| 95 per cent. engineering | 59,376 | | |
| | | 692,525 | |
| Missinabi to 27 miles East— | | | 4,718,078 |
| 27 miles, at \$33,710.74 | | 911,000 | |
| Less—Standard, \$3,670 per mile | 180,090 | | |
| Bridging, 5,538 do | 149,526 | | |
| | | 329,616 | |
| | | 581,384 | |
| 99½ per cent. grading | | 578,477 | |
| 80 do bridging | | 119,620 | |
| Rails, 2,992 tons, at \$35 | 104,720 | | |
| Sleepers, 51,000, at 35c | 17,850 | | |
| Track-laying, 27 miles, at \$350 | 9,450 | | |
| 95 per cent. engineering and superintendence | 12,825 | | |
| | | 144,845 | |
| 2,825 tons rails at Port Arthur, at \$12 | | | 842,941 |
| | | | 90,400 |
| Previously returned, Eastern Division | | | 14,076,024 |
| | | | 4,638,874 |
| Less—10 per cent. | | | 18,714,898 |
| | | | 1,871,489 |
| | | | 16,843,409 |

(Memorandum)

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 12th May, 1885.

The undersigned has the honor to represent that under date the 8th instant the Chief Engineer of the Canadian Pacific Railway has issued a certificate, No. 45, of the Eastern Section of that road, of which the details are as follows:—

| | |
|--|---------------------|
| Total value of work done and materials delivered up to the 30th of April, 1885..... | \$19,412,638 |
| West of Callander, 100 miles; east of Port Arthur, 67 miles; 167 miles, at \$15,384 61..... | \$ 2,569,229 |
| Proportion of value of work done under the Act of 1884 to that of work remaining to be done..... | 16,843,409 |
| | <u>\$19,412,638</u> |

Of this amount the books of the accountant of the Department show that there has already been paid the sum of\$19,389,769

Leaving the balance now payable..... \$22,869

Of this sum the portions chargeable to the loan and subsidy accounts, severally, are as follows:—

| | |
|--------------|-----------------|
| Loan..... | \$63,200 |
| Subsidy..... | 9,669 |
| | <u>\$22,869</u> |

The undersigned recommends that authority be given for the payment of the said balance, \$22,869, to the Canadian Pacific Railway Company, in accordance with the foregoing.

Respectfully submitted,

J. H. POPE, *Acting Minister of Railways and Canals.*

CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 13th May, 1885.

On a memorandum, dated 12th May, 1885, from the Acting Minister of Railways and Canals, submitting a certificate, No. 45, dated the 8th May instant, from the Chief Engineer of the Canadian Pacific Railway, with respect to the Eastern Section of the line, of which the details are as follows:—

| | |
|--|---------------------|
| Total value of work done and materials delivered up to the 30th of April, 1885..... | \$19,412,638 |
| West of Callander, 100 miles; east of Port Arthur, 67 miles; 167 miles, at \$15,384.61..... | \$ 2,569,229 |
| Proportion of value of work done under the Act of 1884 to that of work remaining to be done..... | 16,843,409 |
| | <u>\$19,412,638</u> |

Of this amount the books of the Department show that there has already been paid the sum of\$19,389,769

Leaving the balance now payable..... \$22,869

Of which balance the portions severally chargeable to the loan and subsidy accounts are as follows:—

| | |
|--------------|----------|
| Loan..... | \$13,200 |
| Subsidy..... | 9,669 |
| | \$22,869 |

The Minister recommends that authority be given for the payment of the said balance of \$22,869 to the Canadian Pacific Railway accordingly.

The Committee advise that authority be given as recommended.

JOHN J. MCGEE, *Clerk Privy Council.*

The Hon. the Minister of Railways and Canals.

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 15th May, 1885.

SIR,—I am directed to inform you that a certificate has issued in favor of your company for the payment of \$22,869, for work done and materials supplied under your contract on the Eastern section of the Canadian Pacific Railway, as shown in engineer's progress estimate to 30th ultimo.

Distribution as follows:—

| | |
|--------------|----------|
| Loan..... | \$13,200 |
| Subsidy..... | 9,669 |
| | \$22,869 |

I am, Sir, your obedient servant.

A. P. BRADLEY, *Secretary.*

CHARLES DRINKWATER, Esq., Secretary C. P. R. Co., Montreal.

PAYMENT OF MONEYS—PROGRESS ESTIMATE No. 46—EASTERN SECTION—CANADIAN PACIFIC RAILWAY.

Description of works, cash subsidy; No. of contract, Canadian Pacific Railway Company; locality of works, Eastern Section; name of contractors, Canadian Pacific Railway Company; date of contract, 21st October, 1880.

Progress estimate of work done and materials delivered from the beginning of operations under this contract to the 1st June, 1885.

The works, of which this is an estimate, are being executed by the authority of the Department of Railways and Canals, under contract numbered and dated as above, also under letter No. 27,816.

Total value of work done and materials delivered to the 1st June, 1885.....\$19,497,039

| | |
|---|--------------|
| West of Callander, 100 miles; east of Port Arthur, 67 miles; 167 miles, at \$15,384.61..... | \$ 2,569,229 |
| Proportion of value of work done under the Act of 1884 to work remaining to be done..... | 16,927,810 |
| | \$19,497,039 |

NOTE.—The amount of this certificate payable under the loan of \$22,500,000 is.... \$9,800,700
Previously returned under the loan..... 9,751,800

\$48,900

The above is a correct estimate, made up from the returns forwarded by J. St. V. Caddy. The quantities so furnished have been accurately moneyed out at the contract rates, or at the rates specially authorized by departmental letters above mentioned.

J. R. CHAMBERLAIN.

I have examined the return on which this estimate is based, have verified the calculations, and am satisfied that all the work returned as done has been duly authorized by the Department.

FRANCIS J. LYNCH, *In charge of C.P.R. Head Office.*

Total amount now certified on this contract, \$19,497,039. All previous payments to be deducted.

COLLINGWOOD SCHREIBER, *Engineer-in-Chief.*

OFFICE OF ENGINEER IN-CHIEF, OTTAWA, 24th June, 1885.

CANADIAN PACIFIC RAILWAY.

EASTERN SECTION—Western Division—Progress Estimate No. 46, under the Loan Act of 1884.

| | \$ | \$ | \$ |
|---|-----------|-----------|-----------|
| Nipigon to Gravel Bay— | | | |
| 34 miles, at \$35,900..... | | 1,190,000 | |
| Less—Standard, at \$6,670..... | 226,780 | | |
| Bridging, at \$14,413.53..... | 490,060 | | |
| | | 716,840 | |
| | | 473,160 | |
| 97 per cent grading..... | | 458,965 | |
| 96 do bridging..... | | 470,457 | |
| ADD—Rails, 3,570 tons, at \$35..... | 124,950 | | |
| Sleepers, 92,800, at 35c..... | 32,487 | | |
| Track laid, 34 miles, at \$350..... | 11,900 | | |
| Ballasting, 4,000 yards, at 50c..... | 2,000 | | |
| 99 per cent. engineering..... | 16,830 | | |
| | | 188,167 | |
| | | 7,600,000 | 1,117,589 |
| Gravel Bay to two miles east of Pic— | | | |
| 95 miles, at \$30,000..... | | 633,650 | |
| Less—Standard, at \$6,670..... | 1,118,625 | | |
| Bridging, at \$11,775..... | | 1,752,275 | |
| | | 5,847,725 | |
| 98 per cent. grading..... | | 5,730,771 | |
| 99 do bridging..... | | 1,107,439 | |
| ADD—Rails, 9,975 tons, at \$35..... | 349,125 | | |
| Sleepers, 235,000, at 35c..... | 82,250 | | |
| Track-laying, 95 miles, at \$350..... | 33,250 | | |
| Ballasting, 14,000 yards, at 50c..... | 7,000 | | |
| 97 per cent. engineering, &c..... | 46,075 | | |
| | | 517,700 | |
| | | 5,000,000 | 7,355,910 |
| Two miles east of Pic to Missinabi— | | | |
| 125 miles, at \$40,000..... | | 833,750 | |
| Less—Standard, \$6,670..... | 523,625 | | |
| Bridging, \$4,189..... | | 1,357,375 | |
| | | 3,642,625 | |
| 97½ per cent. grading..... | | 3,551,559 | |
| 94 do bridging..... | | 492,207 | |
| ADD—Rails, 13,125 tons, at \$35..... | 459,375 | | |
| Sleepers, 337,500, at 35c..... | 118,125 | | |
| Track-laying, 125 miles, at \$350..... | 43,750 | | |
| Ballasting, 8,000 yards, at 50c..... | 4,000 | | |
| Station and water service..... | 8,000 | | |
| 95 per cent. engineering, &c..... | 69,375 | | |
| | | 692,625 | |
| | | 4,736,391 | |

EASTERN SECTION—Western Division—Progress Estimate, No. 46—Concluded.

| | \$ | \$ | \$ |
|---|---------|---------|------------|
| Missinabi to 27 miles eastward— | | | |
| 27 miles, at \$33,740.74..... | 180,000 | 911,000 | |
| Less—Standard, at \$6,670 | 149,528 | | |
| Bridging, at \$5,538 | | 329,616 | |
| 100 per cent. grading..... | | 581,384 | |
| do bridging | | 134,574 | |
| ADD—Rails, 2,992 tons, at \$35 | 104,720 | | |
| Sleepers, 75,500, at 35c | 26,425 | | |
| Track-laying, 27 miles, at \$350 | 9,450 | | |
| 96 per cent. engineering | 12,960 | | |
| | | 153,555 | |
| Rails at Port Arthur, 2,825 tons, at \$32 | | | 869,513 |
| | | | 90,400 |
| Previously returned, Eastern Division | | | 14,169,803 |
| | | | 4,638,874 |
| Less—10 per cent..... | | | 18,808,677 |
| | | | 1,880,867 |
| | | | 16,927,810 |

(Memorandum.)

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 25th June, 1885.

The undersigned has the honor to represent that under date the 24th instant, the Chief Engineer of the Canadian Pacific Railway has issued a certificate, No. 46, of the Eastern Section of the road, of which the following are the details:—

| | |
|---|---------------------|
| Total value of work done and materials delivered up to the 1st of June, 1885..... | \$19,497,039 |
| West of Callander, 100 miles; east of Port Arthur, 67 miles; 167 miles, at \$15,384.61..... | \$ 2,569,229 |
| Proportion of value of work done under the Act of 1831 to work remaining to be done..... | 16,927,810 |
| | <u>\$19,497,039</u> |

That of this amount the books of the accountant of the Department show that there has already been paid the sum of.....

\$19,412,638

Leaving the balance now payable.....

\$84,401

Of this balance the portions chargeable to the loan and subsidy accounts, severally, are as follows:—

| | |
|---------------|-----------------|
| Loan..... | \$48,900 |
| Subsidy | 35,501 |
| | <u>\$84,401</u> |

The undersigned recommends that authority be given for the payment of the said sum of \$84,401 to the Canadian Pacific Railway in accordance with the foregoing.

Respectfully submitted,

J. H. POPE, *Acting Minister Railways and Canals.*

CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 30th June, 1885.

On a memorandum, dated 25th June, 1885, from the Acting Minister of Railways and Canals, submitting a certificate, No. 46, dated 24th June instant, from the Chief Engineer of the Canadian Pacific Railway, with respect to the Eastern Section of the line, of which the following are the details:—

| | |
|---|---------------------|
| Total value of work done and materials delivered up to the 1st of June, 1885..... | \$19,479,039 |
| West of Callander, 100 miles; east of Port Arthur, 67 miles; 167 miles, at \$15,384.61..... | \$ 2,569,229 |
| Proportion of value of work done under the Act of 1884 to work remaining to be done..... | 16,907,810 |
| | <u>\$19,479,039</u> |

Of this amount the books of the Department show that there has already been paid the sum of \$19,412,638

Leaving the balance now payable..... \$84,401

Of which balance the portions severally chargeable to the loan and subsidy accounts, are as follows:—

| | |
|---------------|-----------------|
| Loan..... | \$48,900 |
| Subsidy | 35,501 |
| | <u>\$84,401</u> |

The Minister recommends that authority be given for the payment of the said sum of \$84,401 to the Canadian Pacific Railway Company accordingly.
The Committee advise that authority be given as recommended.

JOHN J. MCGEE, *Clerk Privy Council.*

Hon. the Minister of Railways and Canals,;

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 4th July, 1885.

SIR,—I am directed to inform you that a certificate has issued for the payment to your company of \$84,401 for work done and materials delivered on the Eastern Section of the Canadian Pacific Railway, as shown in engineer's progress estimate to the 1st ultimo.

Distribution as follows:—

| | |
|---------------|-----------------|
| Loan..... | \$ 48,900 |
| Subsidy | 35,501 |
| | <u>\$84,401</u> |

I am, Sir, your obedient servant,

A. P. BRADLEY, *Secretary.*

CHAS. DRINKWATER, Esq., Secretary C. P. R. Co., Montreal.

PAYMENT OF MONEYS—PROGRESS ESTIMATE No. 47—EASTERN SECTION—CANADIAN PACIFIC RAILWAY.

Description of works, cash subsidy; No. of contract, Canadian Pacific Railway Company; locality of works, Eastern Section; name of contractors, Canadian Pacific Railway Company; date of contract, 21st October, 1880.

Progress estimate of work done and materials delivered from the beginning of operations under this contract to the 1st July, 1885.

The works, of which this is an estimate, are being executed by the authority of the Department of Railways and Canals, under contract numbered and dated as above, also under letter No. 7806.

| | |
|--|--------------|
| Total value of work done and materials delivered to the 1st July, 1885..... | \$19,551,797 |
| West of Callander, 100 miles; east of Port Arthur, 67 miles; 167 miles, at \$15,584.61 | \$ 2,569,229 |
| Proportion of value of work done under the Act of 1884 to work remaining to be done..... | 16,982,568 |
| | \$19,551,797 |

| | |
|---|--------------|
| NOTE.—The amount of this certificate payable under the loan of \$22,500,000 | \$ 9,832,400 |
| Previously returned..... | 9,800,700 |
| | \$31,700 |

The above is a correct estimate, made up from the returns forwarded by Thomas Ridout. The quantities so furnished have been accurately moneyed out at the contract rates, or at the rates specially authorized by departmental letters above mentioned.

J. R. CHAMBERLAIN.

I have examined the return on which this estimate is based, have verified the calculations, and am satisfied that all the work returned as done has been duly authorized by the Department.

FRANCIS J. LYNCH, *In charge of C. P. R. Head Office.*

Total amount now certified on this contract, \$19,551,797. All previous payments to be deducted.

COLLINGWOOD SCHREIBER, *Engineer-in-Chief.*

OFFICE OF ENGINEER-IN-CHIEF, OTTAWA, 7th July, 1885.

CANADIAN PACIFIC RAILWAY.

EASTERN DIVISION of Eastern Section—Progress Estimate No. 47, up to 1st July, 1885, under the Loan Act of 1884.

| | \$ | \$ | \$ |
|---|---------|---------|---------|
| 100th to 120th mile, west of Callander— | | | |
| 20 miles, at \$23,000 per mile..... | | | 460,000 |
| 120th to 140th mile— | | | |
| 20 miles, at \$37,000 per mile..... | | | 540,000 |
| 140th to 160th mile— | | | |
| 20 miles, at \$26,000 per mile..... | | | 520,000 |
| 160th to 180th mile— | | | |
| 20 miles, at \$26,000 per mile..... | | 520,000 | |
| Less—To complete station building..... | | 2,000 | |
| | | | 518,000 |
| 180th to 200th mile— | | | |
| 20 miles, at \$28,000 per mile..... | | 520,000 | |
| Less—To complete station building..... | | 2,000 | |
| | | | 518,000 |
| 200th to 220th mile— | | | |
| 20 miles, at \$25,000 per mile..... | | 500,000 | |
| Less—To complete 8 miles ballasting, at \$500 per mile..... | 4,000 | | |
| Station buildings, &c..... | 8,000 | | |
| | | 12,000 | |
| | | | 488,000 |
| 220th to 240th mile— | | | |
| 20 miles, at \$25,000 per mile..... | | 500,000 | |
| Less—To complete 16 miles of ballasting, at \$500 per mile..... | 8,000 | | |
| Station buildings, &c..... | 12,000 | | |
| Engineering and superintendence..... | 200 | | |
| | | 20,200 | |
| | | | 478,800 |
| 240th to 260th mile— | | | |
| 20 miles, at \$21,000 per mile..... | | 420,000 | |
| Less—Rails, as per standard, at \$7,800 per mile..... | 156,000 | | |
| Bridging and culverts, at \$2,130 do..... | 42,600 | | |
| | | 198,600 | |
| | | | 221,400 |
| Grading— | | | |
| 95 per cent. grading executed..... | 210,330 | | |
| 100 do bridging and culverts..... | 42,600 | | |
| Sleepers delivered, 54,600, at 35c..... | 19,110 | | |
| Rails and fastenings, 2,100 tons, at \$36..... | 75,600 | | |
| 100 per cent. track-laying, at \$365 per mile..... | 7,300 | | |
| Ballasting, 12 miles, at \$500 per mile..... | 6,000 | | |
| Water service..... | 4,000 | | |
| Engineering and superintendence..... | 9,500 | | |
| | | 374,440 | |
| 260th to 280th mile, west of Callander— | | | |
| 20 miles, at \$21,000 per mile..... | | 420,000 | |
| Less—Rails, &c., as per standard, at \$7,800 per mile..... | 156,000 | | |
| Bridging and culverts, at \$2,130 per mile..... | 42,600 | | |
| | | 198,600 | |
| | | | 221,400 |
| Grading— | | | |
| 95 per cent. grading executed..... | 210,330 | | |
| 97 do bridging and culverts..... | 41,322 | | |
| Sleepers delivered, 54,600, at 35c..... | 19,110 | | |
| Rails and fastenings delivered, 2,100 tons, at \$36..... | 75,600 | | |
| 100 per cent. track-laying, at \$365 per mile..... | 7,300 | | |
| Ballasting, 5 miles, at \$500..... | 2,500 | | |
| Engineering and superintendence..... | 8,500 | | |
| | | | 364,662 |
| 280th to 303rd mile— | | | |
| 23 miles, at \$21,000 per mile..... | | 483,000 | |
| Less—Rails, &c., as per standard, at \$7,800 per mile..... | 179,400 | | |
| Bridging and culverts, at \$2,130 per mile..... | 48,990 | | |
| | | 228,390 | |
| | | | 254,610 |

EASTERN DIVISION of Eastern Section—Progress Estimate No. 47, &c.—Concluded.

| | \$ | \$ | \$ |
|--|---------|----|------------|
| Grading— | | | |
| 95 per cent. grading executed | 241,879 | | |
| 94 do bridging and culverts..... | 46,050 | | |
| Sleepers delivered, 62,790, at 35c | 21,978 | | |
| Rails and fastenings delivered, 2,415 tons, at \$36 | 86,940 | | |
| 100 per cent. track-laying, at \$365 per mile..... | 8,385 | | |
| Ballasting, 14 miles, at \$500..... | 7,000 | | |
| Water service..... | 4,000 | | |
| Engineering and superintending | 9,775 | | |
| | | | 426,015 |
| 300 tons steel rails and fastenings for additional sidings at divisional stations, &c., at \$36 per ton..... | | | 4,688,917 |
| | | | 10,800 |
| Previously returned, Western Division (936)..... | | | 4,699,717 |
| | | | 14,169,803 |
| Less—10 per cent..... | | | 18,869,520 |
| | | | 1,886,953 |
| | | | 16,982,568 |

(Memorandum.)

OTTAWA, 8th July, 1885.

The undersigned has the honor to represent, that under date the 7th instant, the Chief Engineer of the Canadian Pacific Railway has issued a certificate, No. 47, of the Eastern Section, of which the following are the particulars:—

| | |
|---|--------------|
| Total value of work done and materials delivered up to the 1st July, 1885..... | \$19,551,797 |
| West of Callander, 100 miles; east of Port Arthur, 67 miles; 167 miles, at \$15,384.61..... | \$2,569,229 |
| Proportion of value of work done under the Act of 1884 to work remaining to be done | 16,982,568 |
| | \$19,551,797 |
| That of this amount, the books of the accountant of the Department show that there has already been paid the sum of | 19,497,039 |
| Leaving the balance payable..... | \$54,758 |

Of this balance the portions chargeable to the loan and subsidy accounts severally, are as follows:—

| | |
|--------------|----------|
| Loan..... | \$31,700 |
| Subsidy..... | 23,058 |
| | \$54,758 |

The undersigned recommends that authority be given for the payment to the Canadian Pacific Railway Company of the said balance of \$54,758 accordingly.

Respectfully submitted,

J. H. POPE, Acting Minister Railways and Canals.

CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 9th July, 1885.

On a memorandum, dated 8th July, 1885, from the Acting Minister of Railways and Canals, submitting a certificate, No. 47, dated 7th July instant, from the Chief Engineer of the Canadian Pacific Railway, with respect to the Eastern Section of the road, of which the following are the details :—

| | |
|--|---------------------|
| Total value of work done and materials delivered up to 1st July, 1885..... | \$19,551,797 |
| West of Callander, 100 miles; east of Port Arthur, 67 miles; 167 miles, at \$15,584.61..... | \$ 2,569,229 |
| Proportion of work done under the Act of 1884 to that of work remaining to be done..... | 16,982,568 |
| | <u>\$19,551,797</u> |
| That of this amount, the books of the Department show that there has already been paid the sum of..... | \$19,497,039 |
| Leaving the balance payable..... | <u>54,758</u> |

Of which balance, the portions chargeable to the loan and subsidy accounts severally, are as follows :—

| | |
|--------------|-----------------|
| Loan..... | \$31,700 |
| Subsidy..... | 23,058 |
| | <u>\$54,758</u> |

The Minister recommends that authority be given for the payment to the Canadian Pacific Railway Company of the said balance of \$54,758 accordingly.

The Committee advise that authority be given as recommended.

JOHN J. MCGEE, *Clerk Privy Council.*

Hon. the Minister of Railways and Canals, Ottawa.

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 11th July, 1885.

SIR,—I am directed to inform you that a certificate has been issued for the payment to your company of \$54,758 for work done and materials delivered under your contract upon the Eastern Section of the Canadian Pacific Railway as shown in engineer's progress estimate to the 1st instant.

Distribution as follows :—

| | |
|---------------|-----------------|
| Loan..... | \$31,700 |
| Subsidy | 23,058 |
| | <u>\$54,758</u> |

I am, Sir, your obedient servant,

A. P. BRADLEY, *Secretary.*

C. DRINKWATER, Esq., Secretary C.P.R. Co., Montreal.

PAYMENT OF MONEYS—PROGRESS ESTIMATE No. 48—EASTERN SECTION—CANADIAN PACIFIC RAILWAY.

Description of works, cash subsidy; No. of contract, Canadian Pacific Railway Company; locality of works, Eastern Section; name of contractors, Canadian Pacific Railway Company; date of contract, 21st October, 1880.

Progress estimate of work done and materials delivered from the beginning of operations under this contract to the 31st July, 1885.

The works, of which this is an estimate, are being executed by the authority of the Department of Railways and Canals, under contract numbered and dated as above, also under letter No. 27816.

Total value of work done and materials delivered up to the 31st July, 1885.....\$19,583,839

West of Callander, 100 miles; east of Port Arthur, 67 miles; 167 miles at \$15,384 61..... \$ 2,569,229

Proportion of value of work done under the Act of 1884 to work remaining to be done..... 17,014,610

\$19,583,839

NOTE.—The amount of this certificate, payable under the loan of \$22,500,000, is..... \$9,850,900

Previously returned under the loan.... 9,832,400

\$18,500

The above is a correct estimate, made up from the returns forwarded by J. St. V. Caddy. The quantities so furnished have been accurately moneyed out at the contract rates, or at the rates specially authorized by departmental letters above mentioned.

J. R. CHAMBERLAIN.

I have examined the return on which this estimate is based, have verified the calculations, and am satisfied that all the work returned as done has been duly authorized by the Department.

FRANCIS J. LYNCH, *In charge of C.P.R. Head Office.*

Total amount now certified on this contract, \$19,583,839. All previous payments to be deducted.

COLLINGWOOD SCHREIBER, *Engineer-in-Chief.*

OFFICE OF ENGINEER-IN-CHIEF, OTTAWA, 10th August, 1885.

CANADIAN PACIFIC RAILWAY.

EASTERN SECTION—Western Division—Estimate No. 48, under the Loan Act of 1884.

| | \$ | \$ | \$ |
|---------------------------------|---------|-----------|----|
| Nipigon to Gravel Bay— | | | |
| 34 miles, at \$35,000..... | | 1,190,000 | |
| Less—Standard, at \$ 6,670..... | 226,780 | | |
| Bridging 14,413..... | 490,060 | | |
| | | 716,840 | |
| | | 473,160 | |

EASTERN SECTION—Western Division—Estimate No. 48, &c.—Concluded.

| | \$ | \$ | \$ |
|---|-----------|-----------|-------------------|
| 98 per cent. grading..... | | 463,696 | |
| 96 do bridging..... | | 470,457 | |
| ADD—Rails, 3,570 tons, at \$35..... | 124,950 | | |
| Sleepers, 92,820, at 35c..... | 32,487 | | |
| Track-laying, 34 miles, at \$350..... | 11,900 | | |
| Ballasting, 24,000 yards, at 50c..... | 12,000 | | |
| 99 per cent. engineering..... | 16,830 | | |
| | | 198,167 | |
| Gravel Bay to 2 miles east of Pic— | | | 1,132,320 |
| 95 miles, at \$80,000..... | | 7,600,000 | |
| Less—Standard, at \$ 6,670 per mile..... | 633,650 | | |
| Bridging 11,775 do..... | 1,118,625 | | |
| | | 1,752,275 | |
| | | 5,847,725 | |
| 98 per cent. grading..... | | 5,730,771 | |
| 99 do bridging..... | | 1,107,439 | |
| ADD—Rails, 9,975 tons, at \$35..... | 349,125 | | |
| Sleepers, 235,000, at 35c..... | 82,250 | | |
| Track-laying, 95 miles, at \$350..... | 33,250 | | |
| Ballasting, 65,000 yards, at 50c..... | 32,500 | | |
| Stations and water service..... | 4,000 | | |
| 98 per cent. engineering..... | 46,550 | | |
| | | 547,675 | |
| Two miles east of Pic to Missinabi— | | | 7,385,885 |
| 125 miles, at \$40,000..... | | 5,000,000 | |
| Less—Standard, at \$6,670 per mile..... | 833,750 | | |
| Bridging 4,189 do..... | 523,625 | | |
| | | 1,357,375 | |
| | | 3,642,625 | |
| 98 per cent. grading..... | | 3,569,772 | |
| 96 do bridging..... | | 502,680 | |
| ADD—Rails, 13,125 tons, at \$35..... | 459,375 | | |
| Sleepers, 337,500, at 35c..... | 118,125 | | |
| Track-laying, 125 miles, at \$350..... | 43,750 | | |
| Ballasting, 47,500 yards, at 50c..... | 23,750 | | |
| Station and water service..... | 16,000 | | |
| 97 per cent. engineering..... | 60,625 | | |
| | | 721,625 | |
| Missinabi to 27 miles east— | | | 4,794,077 |
| 27 miles, at \$33,740.74..... | | 911,000 | |
| Less—Standard..... | 180,090 | | |
| Bridging..... | 149,526 | | |
| | | 329,616 | |
| 100 per cent. grading..... | | 581,384 | |
| 95 do bridging..... | | 142,049 | |
| ADD—Rails, 2,992 tons, at \$35..... | 104,720 | | |
| Sleepers, 75,500, at 35c..... | 26,425 | | |
| Track-laying, 27 miles, at \$350..... | 9,450 | | |
| Ballasting, 32,000 yards, at 50c..... | 16,000 | | |
| 97 per cent. engineering..... | 13,695 | | |
| | | 163,690 | |
| | | | 893,123 |
| Previously returned, Eastern Section (No. 47)..... | | | 14,205,405 |
| | | | 4,699,717 |
| | | | 18,905,122 |
| | | | 1,890,612 |
| | | | 17,014,610 |

(Memorandum.)

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 10th August, 1885.

The undersigned has the honor to represent that under date the 10th instant the Chief Engineer of the Canadian Pacific Railway has issued a certificate, No. 48, of the Eastern Section of that road, of which the following are the particulars:—

| | |
|--|---------------------|
| Total value of work done and materials delivered up to the 31st July, 1885..... | \$19,583,839 |
| West of Callander, 100 miles; east of Port Arthur, 67 miles; 167 miles, at \$15,384.61..... | \$ 2,569,229 |
| Proportion of value of work done under the Act of 1884 to that of work remaining to be done..... | 17,014,610 |
| | <u>\$19,583,839</u> |

That of this amount the books of the accountant of the Department show that there has already been paid the sum of..... 19,551,797

Leaving the balance now payable..... \$32,042

. Of this balance the portions chargeable to the loan and subsidy accounts, severally, are as follows:—

| | |
|--------------|-----------------|
| Loan..... | \$18,500 |
| Subsidy..... | 13,542 |
| | <u>\$32,042</u> |

The undersigned recommends that authority be given for the payment of the said sum of \$32,042 to the Canadian Pacific Railway Company, in accordance with the foregoing.

Respectfully submitted,

J. H. POPE, *Acting Minister of Railways and Canals.*

CERTIFIED COPY of a Report of a Committee of the *Honorable the Privy Council*, approved by *His Excellency the Governor General in Council* on the 13th August, 1885.

On a memorandum, dated 10th August, 1885, from the Acting Minister of Railways and Canals, submitting a certificate, No. 48, dated 10th instant, from the Chief Engineer of the Canadian Pacific Railway, with respect to the Eastern Section of the road, of which the details are as follows:—

| | |
|---|---------------------|
| Total value of work done and materials delivered up to 31st July, 1885. | \$19,583,839 |
| West of Callander, 100 miles; east of Port Arthur, 67 miles; 167 miles, at \$15,384.61..... | \$ 2,569,229 |
| Proportion of value of work done under the Act of 1884 to that remaining to be done..... | 17,014,610 |
| | <u>\$19,583,839</u> |

That of this amount the books of the Department show that there has already been paid..... 19,551,797

Leaving the balance now payable..... \$32,042

Of which amount the portions chargeable to the loan and subsidy accounts, severally, are as follows:—

| | |
|--------------|----------|
| Loan..... | \$18,500 |
| Subsidy..... | 13,542 |
| | \$32,042 |

The Minister recommends that authority be granted for the payment of the said balance of \$32,042 to the Canadian Pacific Railway Company accordingly.

The Committee advise that authority be granted as recommended.

JOHN J. MCGEE, *Clerk Privy Council.*

The Hon. the Minister of Railways and Canals.

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 17th August, 1885.

SIR,—I am directed to inform you that a certificate has issued for the payment to your company of \$32,042 for work done and materials delivered upon the Eastern Section of the Canadian Pacific Railway, as shown in engineer's progress estimate to 31st ultimo.

Distribution as follows:—

| | |
|--------------|-----------|
| Loan..... | \$18,500 |
| Subsidy..... | 13,542 |
| | \$ 32,042 |

I am, Sir, your obedient servant,

A. P. BRADLEY, *Secretary.*

C. DRINKWATER, Esq., Secretary C.P.R. Co., Montreal.

PAYMENT OF MONEYS—PROGRESS ESTIMATE No. 49—EASTERN SECTION—CANADIAN PACIFIC RAILWAY.

Description of works, cash subsidy and loan; No. of Contract, Canadian Pacific Railway Company; locality of works, Eastern Section, Eastern Division; name of contractors, Canadian Pacific Railway Co.; date of contract, 21st October, 1880.

Progress estimate of work done and materials delivered from the beginning of operations under this contract to the 31st August, 1885.

The works, of which this is an estimate, are being executed by the authority of the Department of Railways and Canals, under contract numbered and dated as above, also under letter No. 27816.

Total value of work done and materials delivered to the 31st August, 1885..... \$19 618,298

West of Callander 100 miles; east of Port Arthur 67 miles; 167 miles, at \$15,384.61..... \$ 2,569,229

Proportion of value of work done under the Act of 1884 to work remaining to be done..... 170,490 69

\$ 196,182 98

NOTE.—Inasmuch as there has been in the past an overcharge in the proportion of loan, I recommend that this estimate be charged to "subsidy," pending adjustment of the proportion of loan to subsidy.

The above is a correct estimate, made up from the returns forwarded by Thomas Ridout. The quantities so furnished have been accurately moneyed out at the contract rates, or at the rates specially authorized by departmental letters above mentioned.

J. R. CHAMBERLAIN,

I have examined the return on which this estimate is based, have verified the calculations, and am satisfied that all the work returned as done has been duly authorized by the Department.

FRANCIS J. LYNCH, *In charge of C.P.R. Head Office.*

Total amount now certified on this contract, \$196,182.98. All previous payments to be deducted.

COLLINGWOOD SCHREIBER, *Engineer-in-Chief.*

OFFICE OF ENGINEER-IN-CHIEF, OTTAWA, 3rd September, 1885.

CANADIAN PACIFIC RAILWAY.

WESTERN SECTION—Eastern Division—Progress Estimate No. 28, up to 1st September, 1885, under Loan Act of 1884.

| | \$ | cts. | \$ | cts. | \$ | cts. |
|--|---------|---------|---------|---------|----|---------|
| 100th to 120th mile west of Callander— | | | | | | |
| 20 miles, at \$23,000 per mile..... | | | | | | 460,000 |
| 120th to 140th mile— | | | | | | |
| 20 miles, at \$27,000 per mile..... | | | | | | 540,000 |
| 140th to 160th mile— | | | | | | |
| 20 miles, at \$26,000 per mile..... | | | | | | 520,000 |
| 160th to 180th mile— | | | | | | |
| 20 miles, at \$26,000 per mile..... | | | 520,000 | | | |
| LESS—To complete station buildings, &c..... | | | 2,000 | | | |
| | | | | | | 518,000 |
| 180th to 200th mile— | | | | | | |
| 20 miles, at \$26,000 per mile..... | | | 520,000 | | | |
| LESS—To complete station buildings..... | | | 2,000 | | | |
| | | | | | | 518,000 |
| 200th to 220th mile— | | | | | | |
| 20 miles, at \$25,000 per mile..... | | | 500,000 | | | |
| LESS—To complete 8 miles of ballasting, at \$500 per mile..... | | 4,000 | | | | |
| do station buildings, &c..... | | 4,000 | | | | |
| | | | | 8,000 | | |
| | | | | | | 492,000 |
| 220th to 240th mile— | | | | | | |
| 20 miles, at \$25,000 per mile..... | | | 500,000 | | | |
| LESS—To complete 15 miles ballasting, at \$500 per mile..... | | 7,500 | | | | |
| do station buildings, &c..... | | 9,800 | | | | |
| Engineering and superintendence..... | | 200 | | | | |
| | | | | 16,700 | | |
| | | | | | | 483,200 |
| 240th to 260th mile— | | | | | | |
| 20 miles, at \$21,000 per mile..... | | | 420,000 | | | |
| LESS—Rails, &c., as per standard, at \$7,800 per mile..... | | 156,000 | | | | |
| Bridging and culverts, at \$2,130..... | | 42,600 | | | | |
| | | | | 198,600 | | |
| | | | | | | 221,400 |
| Grading— | | | | | | |
| 96 per cent. grading executed..... | 212,544 | | | | | |
| 100 do bridges and culverts..... | 42,600 | | | | | |
| Sleepers delivered, 54,600, at 35c..... | 19,110 | | | | | |
| Rails and fastenings, 2,100 tons, at \$36..... | 75,600 | | | | | |
| 100 per cent. track-laying, at \$365 per mile..... | 7,300 | | | | | |
| Ballasting 15 miles, at \$500 per mile..... | 7,500 | | | | | |
| Water service and buildings..... | 4,000 | | | | | |
| Engineering and superintendence..... | 9,900 | | | | | |
| | | | | | | 378,254 |

WESTERN SECTION—Eastern Division—Progress Estimate No. 28, &c.—*Concluded.*

| | \$ | \$ | \$ |
|--|---------|---------|------------|
| 260th to 280th mile— | | | |
| 20 miles, at \$21,000 per mile..... | | 420,000 | |
| Less—Rails, &c., as per standard, at \$7,800 per mile..... | 156,000 | | |
| Bridging culverts, \$2,130 per mile..... | 42,600 | | |
| | | 198,600 | |
| | | 221,400 | |
| Grading— | | | |
| 96 per cent. grading executed..... | 212,544 | | |
| 98 do bridging and culverts..... | 41,748 | | |
| Sleepers delivered, 54,600, at 35c..... | 19,110 | | |
| Rails and fastenings delivered, \$2,100 tons, at \$36..... | 76,600 | | |
| 100 per cent. track laying, at \$365 per mile..... | 7,300 | | |
| Ballasting 15 miles, at \$5.00 per mile..... | 7,500 | | |
| Water service, ballasting and turn-table..... | 5,000 | | |
| Engineering and superintendence..... | 9,000 | | |
| | | | 377,802 |
| 280th to 303rd mile— | | | |
| 23 miles, at \$21,000 per mile..... | | 483,000 | |
| Less—Rails, as per standard, at \$7,800 per mile..... | 179,400 | | |
| Bridging and culverts, at \$2,130 do..... | 48,990 | | |
| | | 228,290 | |
| | | 254,610 | |
| Grading— | | | |
| 98 per cent. grading executed..... | 249,518 | | |
| 97 do Bridging and culverts..... | 47,520 | | |
| Sleepers delivered, 62,790, at 35c..... | 21,976 | | |
| Rails and fastenings delivered, 2,415 tons, at \$36..... | 86,940 | | |
| 100 per cent. track-laying, at \$365 per mile..... | 8,395 | | |
| Ballasting 22 miles, at \$500 per mile..... | 11,000 | | |
| Water service and buildings..... | 4,000 | | |
| Engineering and superintendence..... | 10,500 | | |
| | | | 439,849 |
| | | | 4,727,205 |
| 300 tons steel rails and fastenings for additional sidings at Divisional Station, at \$36 per ton..... | | | 10,800 |
| | | | 4,738,005 |
| Previously returned, Western Division (950)..... | | | 14,206,405 |
| | | | 18,944,410 |
| Less—10 per cent..... | | | 1,894,341 |
| | | | 17,049,069 |

(Memorandum.)

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 3rd September, 1885.

The undersigned has the honor to represent that under date the 3rd instant the Chief Engineer of the Canadian Pacific Railway has issued a certificate, No. 49, on the Eastern Section of that road, of which the details are as follows:—

Total value of work done and materials delivered, up to the 31st of August, 1885..... \$19,618,298

West of Callander, 100 miles; east of Port Arthur, 67 miles; 167 miles, at \$15,384 61..... \$ 2,569,229

Proportion of value of work done under the Act of 1884, to that of work remaining to be done..... 17,049,069

\$19,618,298

That of this sum the books of the
Accountant of the Department show
that there has already been paid..... 19,183,839

Leaving the balance now payable..... \$34,459

That in respect of the said certificate, the Chief Engineer states in a note thereon that inasmuch as there has been in the past an overcharge in the proportion of loan, he recommends that the amount of the present certificate be charged to the subsidy accounts, pending the adjustment of the proportion of loan and subsidy.

The undersigned concurs and recommends that authority be given for the payment of the said sum of \$34,459 to the Canadian Pacific Railway Company, the amount being charged against the subsidy account.

Respectfully submitted,

J. H. POPE, *Acting Minister Railways and Canals.*

CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 5th September, 1885.

On a memorandum, dated 3rd September, 1885, from the Acting Minister of Railways and Canals, submitting a certificate, No. 49, dated 3rd September instant, from the Chief Engineer of the Canadian Pacific Railway with respect to the Eastern Section of the road, details of which are as follows:—

| | |
|--|---------------------|
| Total value of work done and materials delivered up to the 31st of August, 1885..... | \$19,618,298 |
| West of Callander 100 miles; east of Port Arthur, 67 miles; 167 miles, at \$15,384.61..... | \$ 2,569,229 |
| Proportion of value of work done under the Act of 1884, to value of work remaining to be done..... | 17,049,069 |
| | <u>\$19,618,298</u> |

Of this amount the books of the Department show that there has already been paid the sum of..... 19,583,839

Leaving the balance now payable..... \$34,459

The Minister represents that in respect of the said certificate, the Chief Engineer recommends that inasmuch as there has been in the past an overcharge in the proportion of loan, the amount of the present certificate be charged to the subsidy account, pending the adjustment of the proportion of loan to subsidy.

The Minister concurs in this view and recommends that authority be given for the payment of the said sum of \$34,459 to the Canadian Pacific Railway Company, the amount to be charged to the subsidy account.

The Committee advise that authority be given as recommended.

JOHN J. MCGEE, *Clerk Privy Council.*

The Hon. the Minister of Railways and Canals.

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 9th September, 1885.

SIR,—I am by direction to inform you that a certificate has issued in favor of your company for \$34,459, in payment for work done and materials supplied under your contract on the Eastern Section of the Eastern Division of the Canadian Pacific Railway, as shown in engineer's progress estimate to 31st ultimo.

This amount is charged to the subsidy account pending the adjustment of the proposition of loan to subsidy.

I am, Sir, your obedient servant,

A. P. BRADLEY, *Secretary.*

CHARLES DRINKWATER, Esq., Secretary C. P. R. Co., Montreal.

PAYMENT OF MONEYS—PROGRESS ESTIMATE No. 50—EASTERN SECTION—CANADIAN PACIFIC RAILWAY.

Description of works, cash subsidy; No. of contract, Canadian Pacific Railway Company; locality of works, Eastern Section, Western Division; name of contractors, Canadian Pacific Railway Company; date of contract, 21st October, 1880.

Progress estimate of work done and materials delivered from the beginning of operations under this contract to the 31st August, 1885.

The works, of which this is an estimate, are being executed by the authority of the Department of Railways and Canals, under contract numbered and dated as above, also under letter No. 27816.

Total value of work done and materials delivered to the 31st August, 1885.....\$19,665,802

West of Callander, 100 miles; east of Port Arthur, 67 miles; 167 miles, at \$15,384.61.....\$ 2,569,229

Proportion of value of work done under the Act of 1884 to work remaining to be done.....17,096,573

\$19,665,802

NOTE.—Total amount of this certificate payable under the loan of \$22,500,000, is.....\$8,672,000

Previously returned—Central Section.. 5,319,300

\$13,991,300

Previously returned.....13,967,200

\$24,100

The above is a correct estimate, made up from the returns forwarded by J. St. V. Caddy. The quantities so furnished have been accurately moneyed out at the contract rates, or at the rates specially authorized by departmental letters above mentioned.

J. R. CHAMBERLAIN.

I have examined the return on which this estimate is based, have verified the calculations, and am satisfied that all the work returned as done has been duly authorized by the Department.

FRANCIS J. LYNCH, *In charge of C. P. R. Head Office.*

Total amount now certified on this contract, \$19,665,802. All previous payments to be deducted.

COLLINGWOOD SCHREIBER, *Engineer-in-Chief.*

OFFICE OF ENGINEER-IN-CHIEF, OTTAWA, 22nd September, 1885.

CANADIAN PACIFIC RAILWAY.

EASTERN SECTION—Western Division—Estimate No. 50, under the Loan Act of 1884.

| | \$ | \$ | \$ |
|--|-----------|-----------|------------|
| Nipigon to Gravel Bay— | | | |
| 34 miles, at \$35,000 per mile | | 1,190,000 | |
| LESS—Standard | 226,780 | | |
| Bridging | 490,060 | | |
| | | 716,840 | |
| | | 473,160 | |
| 98 per cent. grading | | 463,698 | |
| 97 do bridging | | 475,358 | |
| ADD—Rails | 124,950 | | |
| Sleepers | 32,487 | | |
| Track-laying | 11,900 | | |
| Ballasting, 33,000 yards, at 50c. | 16,500 | | |
| Stations and water service | 1,000 | | |
| 99 per cent. engineering and superintendence | 16,830 | | |
| | | 203,667 | |
| Gravel Bay to 2 miles east of Pic— | | | 1,142,723 |
| 95 miles, at \$80,000 per mile | | 7,600,000 | |
| LESS—Standard | 633,650 | | |
| Bridging | 1,118,625 | | |
| | | 1,752,275 | |
| | | 5,847,725 | |
| 98 per cent. grading | | 5,730,771 | |
| 99 do bridging | | | |
| ADD—Rails | 349,125 | | |
| Sleepers | 82,250 | | |
| Track-laying | 33,250 | | |
| Ballasting, 68,000 yards, at 50c. | 34,000 | | |
| Stations and water service | 11,000 | | |
| Engineering and superintendence | 46,550 | | |
| | | 556,175 | |
| 2 miles east of Pic to Missinabi— | | | 7,394,332 |
| 125 miles, at \$40,000 per mile | | 5,000,000 | |
| LESS—Standard | 833,750 | | |
| Bridging | 523,625 | | |
| | | 1,357,375 | |
| | | 3,642,625 | |
| 99 per cent. grading | | 3,606,199 | |
| 96 do bridging | | 502,680 | |
| ADD—Rails | 459,375 | | |
| Sleepers | 118,125 | | |
| Track-laying | 43,750 | | |
| Ballasting, 64,000 yards, at 50c. | 32,000 | | |
| Stations and water service | 16,000 | | |
| 98 per cent. engineering and superintendence | 61,250 | | |
| | | 730,500 | |
| | | 4,839,379 | |
| Missinabi to 27 miles eastward— | | | |
| 27 miles, at \$33,740.74 per mile | | 911,000 | |
| LESS—Bridging | 10,000 | | |
| Station and water service | 18,900 | | |
| Engineering and superintendence | 400 | | |
| | | 29,300 | |
| | | 881,700 | |
| Previously returned, Eastern Division | | | 14,258,187 |
| | | | 4,738,005 |
| | | | 18,996,192 |
| LESS—10 per cent. | | | 1,899,619 |
| | | | 17,096,573 |

(Memorandum.)

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 23rd September, 1885.

The undersigned has the honor to represent that under date the 22nd instant a certificate, No. 50, of the Eastern Section of Canadian Pacific Railway has been issued by the Government Engineer-in-Chief, of which the details are as follows:—

| | |
|--|---------------------|
| Total value of work done and materials delivered up to the 31st of August, 1885..... | \$19,665,802 |
| West of Callander, 100 miles; east of Port Arthur, 67 miles; 167 miles, at \$15,384.61..... | \$ 2,569,229 |
| Proportion of value of work done under the Act of 1884 to that of work remaining to be done..... | 17,096,573 |
| | <u>\$19,665,802</u> |

That of this amount the books of the accountant of the Department show that there has already been paid the sum of

19,618,298

Leaving the balance now payable.....

\$47,504

That of this balance the portions chargeable to the loan and subsidy accounts, severally, are as follows:—

| | |
|--------------|-----------------|
| Loan..... | \$24,100 |
| Subsidy..... | 23,404 |
| | <u>\$47,504</u> |

The undersigned recommends that authority be given for the payment of the said sum of \$47,504, to the Canadian Pacific Railway Company, in accordance with the foregoing.

Respectfully submitted,
J. H. POPE, *Acting Minister of Railways and Canals.*

CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by the Honorable the Deputy Governor General in Council on the 25th September, 1885.

On a memorandum, dated 23rd September, 1885, from the Acting Minister of Railways and Canals, submitting certificate, No. 50, dated 22nd September instant, from the Chief Engineer of the Canadian Pacific Railway, with respect to the Eastern Section of the road, the details of which are as follows:—

| | |
|--|---------------------|
| Total value of work done and materials delivered up to the 31st of August, 1885..... | \$19,665,802 |
| West of Callander, 100 miles; east of Port Arthur, 67 miles; 167 miles, at \$15,384.61..... | \$ 2,569,229 |
| Proportion of value of work done under the Act of 1884 to that of work remaining to be done..... | 17,096,573 |
| | <u>\$19,665,802</u> |

Of this amount the books of the Department show that there has already been paid the sum of.....

19,618,298

Leaving the balance now payable.....

\$47,504

That of this amount the portions chargeable to the loan and the subsidy accounts are as follows :—

| | |
|--------------|-----------------|
| Loan..... | \$21,100 |
| Subsidy..... | 23,404 |
| | <u>\$47,504</u> |

The Minister recommends that authority be given for the payment of the said sum of \$47,504 to the Canadian Pacific Railway Company accordingly.

The Committee advise that authority be given as recommended.

JOHN J. McGEE, *Clerk Privy Council.*

Hon. the Minister of Railways and Canals.

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 28th September, 1885.

SIR,—I am directed to inform you that a certificate has issued in favor of your company for the payment of \$47,504, for work done and materials delivered under your contract upon the Eastern Section, Western Division of the Canadian Pacific Railway, as shown in engineer's progress estimate to the 31st ultimo.

Distribution as follows :—

| | |
|---------------|-----------------|
| Loan | \$24,100 |
| Subsidy | 23,404 |
| | <u>\$47,504</u> |

I have the honor to be, Sir, your obedient servant,

A. P. BRADLEY, *Secretary.*

CHAS. DRINKWATER, Esq., Secretary C. P. R. Co., Montreal.

PAYMENT OF MONEYS—PROGRESS ESTIMATE No. 51—EASTERN SECTION—CANADIAN PACIFIC RAILWAY.

Description of works, cash subsidy ; No. of contract, Canadian Pacific Railway Company ; locality of works, Eastern Section, Western Division ; name of contractors, Canadian Pacific Railway Company ; date of contract, 21st October, 1880.

Progress estimate of work done and materials delivered from the beginning of operations under this contract to the 30th September, 1885.

The works, of which this is an estimate, are being executed by the authority of the Department of Railways and Canals, under contract numbered and dated as above, also under letter No. 27816.

Total value of work done and materials delivered to the 30th September, 1885..... \$19,713,474

West of Callander, 100 miles ; east of Port Arthur, 67 miles ; 167 miles, at \$15,384.61..... \$ 2,569,229

Proportion of value of work done under the Act of 1884, to work remaining to be done..... 17,144,245

\$19,713,474

NOTE—Total amount of this certificate, payable under the loan of \$22,500,000 is... \$8,696,200
Previously returned, Central Section 5,460,200

\$14,156,400

Previously returned..... 14,132,200

\$24,200

The above is a correct estimate, made up from the returns forwarded by J. St. V. Caddy. The quantities so furnished have been accurately moneyed out at the contract rates, or at the rates specially authorized by departmental letters above mentioned.

J. R. CHAMBERLAIN.

I have examined the return on which this estimate is based, have verified the calculations, and am satisfied that all the work returned as done has been duly authorized by the Department.

FRANCIS J. LYNCH, *In charge of C. P. R. Head Office.*

Total amount now certified on this contract, \$19,713,474. All previous payments to be deducted.

COLLINGWOOD SCHREIBER, *Engineer-in-Chief.*

OFFICE OF ENGINEER-IN-CHIEF, OTTAWA, 19th October, 1885.

CANADIAN PACIFIC RAILWAY.

EASTERN SECTION—Western Division—Estimate No. 51, under the Loan Act of 1884.

| | \$ | \$ | \$ |
|--|-----------|-----------|-----------|
| Nipigon to Gravel Bay— | | | |
| 34 miles, at \$35,000 per mile | | 1,190,000 | |
| Less—Standard | 226,780 | | |
| Bridging | 490,060 | | |
| | | 716,840 | |
| | | 473,160 | |
| 99 per cent. grading | | 468,428 | |
| 97 do bridging | | 476,368 | |
| Add—Rails | 124,950 | | |
| Sleepers | 32,487 | | |
| Track-laying | 11,900 | | |
| Ballasting, 34,000 yards, at 50c. per yard | 17,009 | | |
| Stations and water service | 5,000 | | |
| 99 per cent. engineering and superintendence | 16,830 | | |
| | | 208,167 | |
| | | | 1,151,953 |
| Gravel Bay to 2 miles east of Pic— | | | |
| 95 miles, at \$80,000 per mile | | 7,600,000 | |
| Less—Standard | 633,650 | | |
| Bridging | 1,118,625 | | |
| | | 1,752,275 | |
| | | 5,847,725 | |
| 98½ per cent. grading | | 5,760,010 | |
| 99 do bridging | | 1,107,439 | |
| Add—Rails | 349,125 | | |
| Sleepers | 82,250 | | |
| Track-laying | 33,250 | | |
| Ballasting, 81,000 yards, at 50c. per yard | 40,500 | | |
| Stations and water service | 14,000 | | |
| Engineering, &c. | 46,550 | | |
| | | 565,675 | |
| | | | 7,433,124 |
| 2 miles east of Pic to Missinabi— | | | |
| 125 miles, at \$40,000 per mile | | 5,000,000 | |
| Less—Standard | 833,750 | | |
| Bridging | 523,625 | | |
| | | 1,357,375 | |
| | | 3,642,625 | |

EASTERN SECTION—Western Division—Estimate No. 51, &c.—Concluded.

| | \$ | \$ | \$ |
|---|---------|-----------|------------|
| 99 per cent. grading | | 3,606,199 | |
| 96 do bridging..... | | 502,680 | |
| ADD—Rails | 459,375 | | |
| Sleepers | 118,125 | | |
| Track-laying..... | 43,750 | | |
| Ballasting, 84,000 yards, at 50c. per yard..... | 42,000 | | |
| Stations and water service | 20,000 | | |
| 98 per cent. engineering and superintendence..... | 61,250 | | |
| | | 744,500 | |
| | | | 4,853,379 |
| Missinabi to 27 miles east of Pic— | | | |
| 27 miles, at \$33,740.74 per mile..... | | 911,000 | |
| LESS—Bridging | 10,000 | | |
| Ballasting, 22,000 yards, at 50c. per yard. | 11,000 | | |
| Stations and water service | 16,000 | | |
| Engineering and superintendence | 400 | | |
| | | 38,300 | |
| | | | 872,700 |
| | | | 14,311,156 |
| Previously reported, Western Division..... | | | 4,738,005 |
| | | | 19,049,161 |
| Less 10 per cent..... | | | 1,904,916 |
| | | | 17,144,245 |

(Memorandum.)

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 21st October, 1885.

The undersigned has the honor to represent that under date the 19th instant, a certificate, No. 51, of the Eastern Section has been issued by the Chief Engineer of the Canadian Pacific Railway, of which the following are the details:—

| | |
|--|---------------------|
| Total value of work done and materials delivered up to the 30th of September, 1885..... | \$19,713,474 |
| West of Callander, 100 miles; east of Port Arthur, 67 miles; 167 miles, at \$15,384.61. | \$ 2,569,229 |
| Proportion of value of work done under the Act of 1884 to that of work remaining to be done..... | 17,144,245 |
| | <u>\$19,713,474</u> |

That of this amount the books of the accountant of the Department show that there has already been paid the sum of..... 19,665,802

Leaving the balance now payable..... \$47,672

The portions chargeable to the loan and subsidy accounts, severally, being as follows:—

| | |
|--------------|-----------------|
| Loan..... | \$24,200 |
| Subsidy.. .. | 23,472 |
| | <u>\$47,672</u> |

The undersigned recommends that authority be given for the payment of the said sum of \$47,672 to the Canadian Pacific Railway Company, in accordance with the foregoing.

Respectfully submitted,

J. H. POPE, *Acting Minister Railways and Canals.*

CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by the Honorable the Deputy Governor General in Council on the 23rd October, 1885.

On a memorandum, dated 21st October, 1885, from the Minister of Railways and Canals, submitting a certificate, No. 51, dated 19th October, instant, from the Chief Engineer of the Canadian Pacific Railway, in respect to the Eastern Section of the road, of which the following are the details:—

| | |
|--|---------------------|
| Total value of work done and materials delivered up to the 30th of September, 1885..... | \$19,713,474 |
| West of Callander, 100 miles; east of Port Arthur, 67 miles; 167 miles at \$15,384.61..... | \$ 2,569,229 |
| Proportion of value of work done under the Act of 1884 to that of work remaining to be done..... | 17,144,245 |
| | <u>\$19,713,474</u> |

That of this amount, the books of the Department show that there has already been paid the sum of..... 19,665,802

Leaving the balance now payable..... \$47,672

Of which balance the portions chargeable to the loan and subsidy accounts, severally, are as follows:—

| | |
|--------------|-----------------|
| Loan..... | \$24,200 |
| Subsidy..... | 23,472 |
| | <u>\$47,672</u> |

The Minister recommends that authority be given for the payment of the said sum of \$47,672 to the Canadian Pacific Railway Company accordingly. The Committee advise that authority be given as recommended.

JOHN J. MCGEE, *Clerk Privy Council.*

The Hon. the Minister of Railways and Canals.

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 27th October, 1885.

SIR,—I am directed to inform you that a certificate has issued for the payment to your company of the sum of \$47,672 for work done and materials delivered on the Eastern Section of the Canadian Pacific Railway, as shown in engineer's progress estimate to the 30th ultimo.

Distribution as follows:—

| | |
|--------------|----------|
| Loan..... | \$24,200 |
| Subsidy..... | 23,472 |
| | \$47,672 |

I am, Sir, your obedient servant,

A. P. BRADLEY, *Secretary.*

C. DRINKWATER, Esq., Secretary C. P. R. Co., Montreal.

PAYMENT OF MONEYS—PROGRESS ESTIMATE No. 52—EASTERN SECTION—CANADIAN PACIFIC RAILWAY.

Description of works, cash subsidy; No. of contract, Canadian Pacific Railway Company; locality of works, Eastern Section (Eastern and Western Division); name of contractors, Canadian Pacific Railway Company; date of contract, 21st October, 1880.

Progress estimate of work done and materials delivered from the beginning of operations under this contract to the 20th October, 1885.

The works, of which this is an estimate, are being executed by the authority of the Department of Railways and Canals, under contract numbered and dated as above, also under letter No. 27816.

| | |
|---|--------------|
| Total value of work done and materials delivered to the 20th October, 1885..... | \$19,846,087 |
|---|--------------|

| | |
|--|--------------|
| West of Callander, 100 miles; east of Port Arthur, 67 miles; 167 miles, at \$15,384.61 | \$ 2,569,229 |
|--|--------------|

| | |
|--|------------|
| Proportion of value of work done under the Act of 1884 to work remaining to be done..... | 17,276,858 |
|--|------------|

\$19,846,087

| | |
|--|--------------|
| NOTE.—The amount now payable under the loan of \$22,500,000 is (central section) | \$13,886,700 |
| Previously returned..... | 14,156,400 |

Nil.

The above is a correct estimate, made up from the returns forwarded by T. Ridout and J. St. V. Caddy. The quantities so furnished have been accurately moneyed out at the contract rates, or at the rates specially authorized by departmental letters above mentioned.

J. R. CHAMBERLAIN.

I have examined the return on which this estimate is based, have verified the calculations, and am satisfied that all the work returned as done has been duly authorized by the Department.

FRANCIS J. LYNCH, *In charge of C. P. R. Head Office.*

Total amount now certified on this contract, \$19,846,087. All previous payments to be deducted.

COLLINGWOOD SCHREIBER, *Engineer-in-Chief.*

OFFICE OF ENGINEER-IN-CHIEF, OTTAWA, 24th October, 1885.

CANADIAN PACIFIC RAILWAY.

EASTERN AND WESTERN DIVISIONS—Under the Loan Act of 1884.

| | \$ | \$ | \$ |
|--|--------|-----------|------------|
| EASTERN DIVISION : | | | |
| 100th to 200th mile— | | | |
| 100 miles, at \$2,560..... | | 2,560,000 | |
| Less—For stations, &c..... | | 4,000 | |
| | | | 2,556,000 |
| 200th to 240th mile— | | | |
| 40 miles..... | | 1,000,000 | |
| Less—Ballasting 23 miles, at \$500..... | 11,500 | | |
| Station buildings, &c..... | 13,000 | | |
| | | 24,500 | |
| | | | 975,500 |
| 240th to 260th mile— | | | |
| 20 miles, at \$21,000..... | | 420,000 | |
| Less—4 per cent. grading..... | 8,856 | | |
| Ballasting, 5 miles, at \$500..... | 2,500 | | |
| Stations and water service..... | 10,000 | | |
| | | 21,356 | |
| | | | 398,644 |
| 260th to 280th mile— | | | |
| 20 miles, at \$21,000..... | | 420,000 | |
| Less—4 per cent. grading..... | 8,856 | | |
| 2 do bridging..... | 852 | | |
| Ballasting, 5 miles..... | 2,500 | | |
| Stations and water service..... | 9,000 | | |
| | | 21,208 | |
| | | | 398,792 |
| 280th to 303rd mile— | | | |
| 23 miles, at \$21,000..... | | 483,000 | |
| Less—2 per cent. grading..... | 5,092 | | |
| 3 do bridging..... | 1,470 | | |
| Stations and water service..... | 10,000 | | |
| | | 16,562 | |
| | | | 466,438 |
| WESTERN DIVISION : | | | |
| Nipigon to Gravel Bay— | | | |
| 34 miles, at \$35,000..... | | 1,190,000 | |
| Less—1 per cent. grading..... | 4,731 | | |
| 3 do bridging..... | 14,700 | | |
| Stations and water service..... | 12,000 | | |
| | | 31,431 | |
| | | | 1,158,569 |
| Gravel Bay to 2 miles east of Pic— | | | |
| 95 miles, at \$80,000..... | | 7,600,000 | |
| Less—1 per cent. grading..... | 58,477 | | |
| 1 do bridging..... | 11,186 | | |
| Ballasting, 14,000 square yards, at 50c..... | 7,000 | | |
| Stations and water service..... | 33,500 | | |
| | | 110,163 | |
| | | | 7,489,837 |
| 2 miles east of Pic to Missinabi— | | | |
| 125 miles, at \$40,000..... | | 5,000,000 | |
| Less—1 per cent. grading..... | 36,426 | | |
| 4 do bridging..... | 20,945 | | |
| Ballasting, 41,000 square yards, at 50c..... | 20,500 | | |
| Stations and water service..... | 42,500 | | |
| | | 120,371 | |
| | | | 4,879,629 |
| Missinabi to 27 miles east— | | | |
| 27 miles, at \$33,740.94..... | | 911,000 | |
| Less—Bridging..... | 10,000 | | |
| Ballasting..... | 11,000 | | |
| Stations and water service..... | 16,900 | | |
| | | 37,900 | |
| | | | 873,100 |
| | | | 19,196,509 |
| Less—10 per cent..... | | | 1,919,661 |
| | | | 17,276,858 |

(Memorandum.)

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 26th October, 1885.

The undersigned has the honor to represent that under date the 24th instant, the Chief Engineer of the Canadian Pacific Railway has issued a certificate, No. 52, of the Eastern Section of which the details are as follows:—

| | | |
|--|----|---------------------|
| Total value of work done and materials delivered up to the 20th of October, 1885..... | | \$19,846,087 |
| West of Callander, 100 miles; east of Port Arthur, 67 miles; 167 miles, at \$15,384.61..... | \$ | 2,569,229 |
| Proportion of value of work done under the Act of 1884 to that of work remaining to be done..... | | 17,276,858 |
| | | <u>\$19,846,087</u> |

That of this amount the books of the accountant of the Department show that there has already been paid the sum of.....

| | | |
|--|--|------------|
| | | 19,713,474 |
|--|--|------------|

| | | |
|--------------------------------------|--|------------------|
| Leaving the balance now payable..... | | <u>\$132,613</u> |
|--------------------------------------|--|------------------|

Of this amount the portions chargeable to the loan and subsidy accounts, respectively are as follows:—

| | | |
|--------------|--|------------------|
| Loan..... | | |
| Subsidy..... | | \$132,613 |
| | | <u>\$132,613</u> |

The undersigned recommends that authority be given for the payment of the said sum of \$132,613 to the Canadian Pacific Railway Company in accordance with the foregoing.

Respectfully submitted,

J. H. POPE, *Acting Minister Railways and Canals.*

CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 27th October, 1885.

On a memorandum, dated 26th October, 1885, from the Minister of Railways and Canals, submitting certificate, No. 52, dated 24th instant, from the Chief Engineer of the Canadian Pacific Railway, with respect to the Eastern Section of the line, the details of which are as follows:—

| | | |
|---|----|---------------------|
| Total value of work done and materials delivered up to 20th October, 1885..... | | \$19,846,087 |
| West of Callander, 100 miles; east of Port Arthur, 67 miles; 167 miles, at \$15,384.61..... | \$ | 2,569,229 |
| Proportion of value of work done to that of work remaining to be done..... | | 17,276,858 |
| | | <u>\$19,846,087</u> |

That of this amount the books of the Department show that there has already been paid.....

| | | |
|--|--|------------|
| | | 19,713,474 |
|--|--|------------|

| | | |
|----------------------------------|--|------------------|
| Leaving the balance payable..... | | <u>\$132,613</u> |
|----------------------------------|--|------------------|

That the whole of the said balance is chargeable to the subsidy account.
 The Minister recommends that authority be given for the payment of the said sum of \$132,613 to the Canadian Pacific Railway Company accordingly.
 The Committee advise that the requisite authority be granted.

JOHN J. MCGEE, *Clerk Privy Council.*

Hon. the Minister of Railways and Canals;

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 29th October, 1885.

SIR,—I am instructed to inform you that a certificate has issued for the payment to your company of \$132,613, for work done and materials delivered under your contract on the Eastern Section of the Canadian Pacific Railway, as shown in engineer's progress estimate, to 20th instant.

Distribution as follows :—

| | | |
|---------------|-------|------------------|
| Loan..... | ..... | Nil. |
| Subsidy ..... | ..... | <u>\$132,613</u> |

I am, Sir, your obedient servant,

A. P. BRADLEY, *Secretary.*

C. DRINKWATER, Esq., Secretary C. P. R. Co., Montreal.

PAYMENT OF MONEYS—PROGRESS ESTIMATE No. 53—EASTERN SECTION—CANADIAN PACIFIC RAILWAY.

Description of works, cash subsidy and loan; No. of contract, Canadian Pacific Railway Company; locality of works, Eastern Section; name of contractors, Canadian Pacific Railway Company; date of contract, 21st October, 1880.

Progress estimate of work done and materials delivered from the beginning of operations under this contract to the 25th November, 1885.

The works, of which this is an estimate, are being executed by the authority of the Department of Railways and Canals, under contract numbered and dated as above, also under letter No. 27816.

| | |
|--|---------------------|
| Total value of work done and materials delivered to the 25th November, 1885..... | <u>\$20,053,529</u> |
|--|---------------------|

| | |
|---|--------------|
| West of Callander, 100 miles; east of Port Arthur, 67 miles; 167 miles, at \$15,384.61..... | \$ 2,569,229 |
|---|--------------|

| | |
|--|------------|
| Proportion of value of work done under the Act of 1884 to work remaining to be done..... | 17,484,300 |
|--|------------|

\$20,053,529

| | |
|--|--------------|
| NOTE.—Total amount now payable under the loan of \$22,500,000 is.... | \$14,125,000 |
| Previously returned..... | 14,156,000 |

Nil.

The above is a correct estimate, made up from the returns forwarded by T. Ridout and J. St. V. Caddy. The quantities so furnished have been accurately moneyed out at the contract rates, or at the rates specially authorized by departmental letters above mentioned.

J. R. CHAMBERLAIN.

I have examined the returns on which this estimate is based, have verified the calculations, and am satisfied that all the work returned as done has been duly authorized by the Department.

FRANCIS J. LYNCH, *In charge of C. P. R. Head Office.*

Total amount now certified on this contract, \$20,053,529. All previous payments to be deducted.

COLLINGWOOD SCHREIBER, *Engineer-in-Chief.*

OFFICE OF ENGINEER-IN-CHIEF, OTTAWA, 28th November, 1885.

CANADIAN PACIFIC RAILWAY COMPANY.

EASTERN SECTION—Estimate No. 52, under the Loan Act of 1884.

| | | | |
|---------------------------------|----------|--------------|---------------------|
| Eastern Section—584 miles..... | | \$19,581,000 | |
| Less—Grading..... | \$65,000 | | |
| Bridging..... | 14,000 | | |
| Stations and water service..... | 75,000 | | |
| | | | 154,000 |
| | | | <u>19,427,000</u> |
| Less 10 per cent..... | | | 1,942,700 |
| | | | <u>\$17,484,300</u> |

(Memorandum.)

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 28th November, 1885.

The undersigned has the honor to represent that under date the 28th instant, the Chief Engineer of the Canadian Pacific Railway has issued a certificate, No. 53, of the Eastern Section, of which the details are as follows:—

| | | |
|---|--------------|---------------------|
| Total value of work done and materials delivered up to the 25th of November, 1885..... | | \$20,053,529 |
| West of Callander, 100 miles; east of Port Arthur, 67 miles; 167 miles, at \$15,384.61 | \$ 2,569,229 | |
| Proportion of value of work done under the Act of 1884, to that of work remaining to be done..... | 17,484,300 | |
| | | <u>\$20,053,529</u> |

That of this amount the books of the accountant of the Department show there has already been paid the sum of..... 19,846,087

Leaving the balance payable..... \$207,442

Of this sum, no portion being chargeable to the "loan" account, the undersigned recommends that authority be given for the payment thereof to the Canadian Pacific Railway from their subsidy.

Respectfully submitted,

J. H. POPE, *Minister of Railways and Canals.*

CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 1st December, 1885.

On a memorandum, dated 28th November, 1885, from the Minister of Railways and Canals, submitting certificate No. 55, dated 23th instant, from the Chief Engineer of the Canadian Pacific Railway, with respect to the Eastern Section of the line, the details of which are as follows:—

| | |
|---|---------------------|
| Total value of work done and materials delivered up to the 25th November, 1885..... | \$20,053,529 |
| West of Callander, 100 miles; east of Port Arthur, 67 miles; 167 miles, at \$15,384.61..... | \$ 2,569,229 |
| Proportion of value of work done under the Act of 1884 to work remaining to be done | 17,484,300 |
| | <u>\$20,053,529</u> |

That of this amount the books of the Department show that there has already been paid the sum of..... 19,846,087

Leaving the balance now payable..... \$207,442

That the whole of the said balance is chargeable to the subsidy account. The Minister recommends that authority be given for the payment to the Canadian Pacific Railway Company of the said sum of \$207,442 accordingly. The Committee advise that the requisite authority be granted.

JOHN J. MCGEE, *Clerk Privy Council.*

The Hon. the Minister of Railways and Canals.

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 4th December, 1885.

SIR,—I am instructed to inform you that a certificate has issued in favor of your company for \$207,442 for work done and materials delivered upon the Eastern Section of the Canadian Pacific Railway, as shown in engineer's progress estimate to the 25th ultimo.

This sum is chargeable to the subsidy account.

I am, Sir, your obedient servant,

A. P. BRADLEY, *Secretary.*

CHAS. DRINKWATER, Esq., Secretary C. P. R. Co., Montreal.

PAYMENT OF MONEYS—PROGRESS ESTIMATE No. 54—EASTERN SECTION—CANADIAN PACIFIC RAILWAY.

Description of works, cash subsidy; No. of contract, Canadian Pacific Railway Company; locality of works, Eastern Section; name of contractors, Canadian Pacific Railway Company; date of contract, 21st October, 1880.

Progress estimate of work done and materials delivered from the beginning of operations under this contract to the 2nd December, 1885.

The works, of which this is an estimate, are being executed by the authority of the Department of Railways and Canals, under contract numbered and dated as above, also under letter No. 27816.

| | |
|--|--------------|
| Total value of work done and materials delivered to the 2nd December, 1885 | \$20,169,629 |
|--|--------------|

| | |
|--|---------------------|
| West of Callander, 100 miles; east of Port Arthur, 67 miles; 167 miles, at \$15,384.61 | \$ 2,569,229 |
| Proportion of value of work done under the Act of 1884 to work remaining to be done..... | 17,600,400 |
| | <u>\$20,169,629</u> |

| | |
|---|------------------|
| NOTE.—The amount of this certificate pay- able under the loan of \$22,500,000 is.... | \$11,378,000 |
| Previously returned under the loan..... | 14,215,100 |
| | <u>\$162,900</u> |

The above is a correct estimate, made up from the returns forwarded by J. Ridout and J. St. V. Caddy, from a recent personal inspection by the Chief Engineer. The quantities so furnished have been accurately moneyed out at the contract rates, or at the rates specially authorized by departmental letters above mentioned.

J. R. CHAMBERLAIN.

I have examined the return on which this estimate is based, have verified the calculations, and am satisfied that all the work returned as done has been duly authorized by the Department.

FRANCIS J. LYNCH, *In charge of C. P. R. Head Office.*

Total amount now certified on this contract, \$20,169,629. All previous payments to be deducted.

COLLINGWOOD SCHREIBER, *Engineer-in-Chief.*

OFFICE OF ENGINEER-IN-CHIEF, OTTAWA, 4th December, 1885.

CANADIAN PACIFIC RAILWAY.

EASTERN SECTION—Estimate No. 54—Under the Loan Act of 1884.

| | |
|--|---------------------|
| Callander to Port Arthur, 584 miles..... | \$19,581,000 |
| Less—Grading | \$10,000 |
| Bridging..... | 5,000 |
| Stations..... | 10,000 |
| | <u>25,000</u> |
| Less 10 per cent..... | <u>1,955,600</u> |
| | <u>\$17,600,400</u> |

(Memorandum).

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 4th December, 1885.

The undersigned has the honor to represent that under date the 4th inst., the Chief Engineer of the Canadian Pacific Railway has issued a further certificate, No. 54, of the Eastern Section of that road, of which the following are the details:—

| | |
|--|---------------------|
| Total value of work done and materials delivered up to the 2nd of December, 1885..... | \$20,169,629 |
| West of Callander, 100 miles; east of Port Arthur, 67 miles; 167 miles, at \$15,384.60..... | \$ 2,569,229 |
| Proportion of value of work done under the Act of 1884 to that of work remaining to be done..... | 17,600,400 |
| | <u>\$20,169,629</u> |

| | |
|--|------------------|
| That of this amount the books of the accountant of the Department show that there has already been paid the sum of | 20,053,529 |
| Leaving the balance now payable..... | <u>\$116,100</u> |

Of this amount the portions chargeable to the loan and subsidy accounts severally are as follows:—

| | |
|--------------|------------------|
| Loan..... | \$ 62,900 |
| Subsidy..... | 53,200 |
| | <u>\$116,100</u> |

The undersigned recommends that authority be given for the payment of the said sum of \$116,100 to the Canadian Pacific Railway Company, in accordance with the foregoing.

Respectfully submitted,
 J. H. POPE, *Acting Minister Railways and Canals.*

CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 9th December, 1885.

On a memorandum, dated 4th December, 1885, from the Minister of Railways and Canals, submitting a certificate, No. 54, dated 4th instant, from the Chief Engineer of the Canadian Pacific Railway, with respect to the Eastern Section of the road, of which the following are the details:—

| | |
|--|-------------------|
| Total value of work done and materials delivered up to 2nd December, 1885..... | \$20,169,629 |
| West of Callander, 100 miles; east of Port Arthur, 67 miles; 167 miles, at \$15,384.61..... | \$ 2,569,229 |
| Proportion of value of work done under the Act of 1884 to that of work remaining to be done..... | 17,600,400 |
| | <u>20,169,629</u> |

| | |
|---|------------------|
| That of this amount the books of the Department show that there has already been paid the sum of..... | 20,053,529 |
| Leaving the balance now payable..... | <u>\$116,100</u> |

Of which balance the portions chargeable to the loan and subsidy accounts severally are as follows:—

| | |
|--------------|-----------|
| Loan..... | \$62,900 |
| Subsidy..... | 53,200 |
| | \$116,100 |

The Minister recommends that authority be given for the payment of the said sum of \$116,100 to the Canadian Pacific Railway Company accordingly.
 The Committee advise that authority be given as recommended.

JOHN J. MCGEE, *Clerk Privy Council.*

The Hon. the Minister of Railways and Canals.

OTTAWA, 14th December, 1885.

SIR,—I am instructed to inform you that a certificate has issued in favor of your company for \$116,100, being in payment for work done and materials delivered under your contract on the Eastern Section of the Canadian Pacific Railway, as shown in engineer's progress estimate to the 2nd inst.

Distribution as follows:—

| | |
|--------------|-----------|
| Loan..... | \$62,900 |
| Subsidy..... | 53,200 |
| | \$116,100 |

I am, Sir, your obedient servant,

A. P. BRADLEY, *Secretary.*

C. DRINKWATER, Esq., Secretary C.P.R. Co., Montreal.

**SUBJECT No. 4.—PAYMENT OF MONEYS—PROGRESS ESTIMATE No. 64—
 CENTRAL SECTION—CANADIAN PACIFIC RAILWAY.**

Description of works, cash subsidy; No. of contract, Canadian Pacific Railway Company; locality of works, Central Section, west of Red River; name of contractors, Canadian Pacific Railway Company; Date of contract, 21st October, 1880.

Progress estimate of work done and materials delivered from the beginning of operations under this contract to the 28th of February, 1885.

The works, of which this is an estimate, are being executed by the authority of the Department of Railways and Canals, under contract numbered and dated as above, also under letters No. 27816 and 28944.

| | |
|--|--------------|
| Total value of work done and materials delivered to the 28th February, 1885.. .. . | \$13,306,905 |
| Eastern Division, 900 miles, at \$10,000.... | \$9,000,000 |
| Western Division, 54 miles, at \$13,333.... | 719,982 |
| | \$9,719,982 |
| Proportion of value of work done under the Act of 1884 to work remaining to be done..... | 4,186,923 |
| | \$13,906,905 |

NOTE.—The amount of this certificate payable under the loan of \$22,500,000 is... \$2,513,500

| | |
|---|-----------|
| Previously returned under the loan..... | 2,456,000 |
| | \$57,500 |

The above is a correct estimate, made up from the returns forwarded by James Dickey. The quantities so furnished have been accurately moneyed out at the contract rates, or at the rates specially authorized by departmental letters above mentioned.

J. R. CHAMBERLAIN.

I have examined the return on which this estimate is based, have verified the calculations, and am satisfied that all the work returned as done has been duly authorized by the Department.

FRANCIS J. LYNCH, *In charge of C. P. R. Head Office.*

Total amount now certified on this contract, \$13,906,905. All previous payments to be deducted.

COLLINGWOOD SCHREIBER, *Engineer-in-Chief.*

OFFICE OF ENGINEER-IN-CHIEF, OTTAWA, 2nd March, 1885.

CANADIAN PACIFIC RAILWAY.

CENTRAL SECTION—Estimate (No. 64) under the Loan Act of 1884.

| | \$ | \$ | \$ |
|--|---------|-----------|-----------|
| 955th to 962nd mile— | | | |
| 8 miles, at \$26,000 per mile..... | | 208,000 | |
| Less—Station buildings and water service | | 3,200 | |
| | | | 204,800 |
| 963rd to 966th mile— | | | |
| 4 miles, at \$26,250 | | 105,000 | |
| Less—Station buildings and water service | | 2,200 | |
| | | | 102,800 |
| 967th to 975th mile— | | | |
| 9 miles, at \$44,444.44..... | | 400,000 | |
| Less—Station buildings and water service | | 4,400 | |
| | | | 395,600 |
| 976th to 1,024th mile— | | | |
| 49 miles, at \$37,755..... | | 1,850,000 | |
| Less—Structures | 15,000 | | |
| Ballasting..... | 48,000 | | |
| Station and water service..... | 20,000 | | |
| | | 83,000 | |
| | | | 1,767,000 |
| 1,025th to 1,038th mile— | | | |
| 14 miles, at \$60,714.28..... | | 850,000 | |
| Less—Rails | 92,400 | | |
| Ballasting | 16,400 | | |
| Stations | 5,500 | | |
| Structures | 127,600 | | |
| | | 240,900 | |
| | | | 609,100 |
| 95 per cent. grading | | 578,645 | |
| 58 do structures | 74,008 | | |
| Rails, &c., ties, 12 miles, at \$8,600..... | 79,200 | | |
| | | 153,208 | |
| | | | 731,853 |
| 1,039th to 1,057th mile— | | | |
| 19 miles, at \$35,789.47..... | | 680,000 | |
| Less—Structures | 176,000 | | |
| Rails | 125,400 | | |
| Ballasting | 20,900 | | |
| Station and water service..... | 11,000 | | |
| | | 333,300 | |
| | | | 346,700 |
| 69 per cent. grading | | 239,223 | |
| 20 do structures | | 35,200 | |
| | | | 274,423 |

CENTRAL SECTION—Estimate (No. 64)—*Concluded.*

| | \$ | \$ | \$ |
|---|--------|---------|-----------|
| 1,057th to 1,072nd mile— | | | |
| 15 miles, at \$36,666.66 | | 550,000 | |
| Less—Structures | 33,000 | | |
| Rails | 99,000 | | |
| Ballasting..... | 16,500 | | |
| Station and water service..... | 8,250 | | |
| | | 156,750 | |
| | | 393,250 | |
| 20 per cent. grading..... | | | 7,865 |
| Materials delivered— | | | |
| Rails, 1,322 tons, at \$43..... | | 56,848 | |
| Sleepers, 88,200, at 22 cts..... | | 19,404 | |
| | | | 76,250 |
| Service roads | | | 10,000 |
| Rolling stock | | | 286,000 |
| | | | 3,856,591 |
| Previously returned, Savona eastward..... | | | 795,545 |
| | | | 4,652,136 |
| Less—10 per cent..... | | | 465,213 |
| | | | 4,186,923 |

(Memorandum.)

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 3rd March, 1885.

The undersigned has the honor to represent that, under date the 2nd instant, the Chief Engineer of the Canadian Pacific Railway has issued a further certificate, No. 64, of the Central Section of the road, of which the following are the details:—

| | |
|--|---------------------|
| Total value of work done and materials delivered up to the 28th of February, 1885..... | \$13,906,905 |
| Eastern Division, 900 miles, at \$10,000..... | \$9,000,000 |
| Western do 54 do 13,333..... | 719,982 |
| | <u>\$9,719,982</u> |
| Proportion of value of work done under the Act of 1884 to that of work remaining to be done..... | 4,186,923 |
| | <u>\$13,906,905</u> |

That of this amount the books of the accountant of the Department show that there has already been paid the sum of..... 13,811,149

Leaving the balance now payable..... \$95,756

Of which the portions chargeable to the loan and subsidy accounts, severally, are as follows:—

| | |
|--------------|-----------------|
| Loan..... | \$57,500 |
| Subsidy..... | 38,250 |
| | <u>\$95,756</u> |

The undersigned would recommend that authority be given for the payment to the Canadian Pacific Railway Company of the said sum of \$95,756 in accordance with the foregoing.

Respectfully submitted,

J. H. POPE, *Acting Minister Railways and Canals.*

CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 6th March, 1885.

On a memorandum, dated 3rd March, 1885, from the Acting Minister of Railways and Canals, submitting a certificate, No. 64, dated 2nd March inst., of the Chief Engineer of the Canadian Pacific Railway, with respect to the Central Section of that railway west of Red River, of which the following are the details:—

| | |
|--|---------------------|
| Total value of work done and materials delivered up to 28th February, 1885..... | \$13,906,905 |
| Eastern Division 900 miles at \$10,000..... | \$9,000,000 |
| Western Division 54 miles at \$13,333..... | 719,982 |
| | <u>\$9,719,982</u> |
| Proportion of value of work done under the Act of 1884, to the value of work remaining to be done..... | 4,186,923 |
| | <u>\$13,906,905</u> |

Of this amount the books of the Department show that there has already been paid the sum of..... 13,811,149

Leaving balance now payable..... .. \$95,756

Of which the portions severally chargeable to the loan and subsidy accounts are as follows:—

| | |
|--------------|-----------------|
| Loan..... | \$57,500 |
| Subsidy..... | 38,256 |
| | <u>\$95,756</u> |

The Minister recommends that authority be given for the payment of the said sum of ninety-five thousand seven hundred and fifty-six dollars (\$95,756.00) to the Canadian Pacific Railway Company accordingly.

The Committee advise that authority be given as recommended.

JOHN J. MCGEE, *Clerk Privy Council.*

The Hon. the Minister of Railways and Canals.

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 7th March, 1885.

SIR,—I am directed to inform you that a certificate has been issued in favor of your company for \$95,756 in payment for work done and materials delivered upon the Central Section of the Canadian Pacific Railway, as shown in engineer's progress estimate to 2nd ultimo.

Distribution as follows:—

| | |
|--------------|-----------------|
| Loan..... | \$57,500 |
| Subsidy..... | 38,256 |
| | <u>\$95,756</u> |

I am, Sir, your obedient servant,

A. P. BRADLEY, *Secretary.*

CHARLES DRINKWATER, Esq., Secretary C. P. R. Co., Montreal.

**CANADIAN PACIFIC RAILWAY—PAYMENT OF MONEYS—PROGRESS
ESTIMATE No. 65—CENTRAL SECTION.**

Description of works, cash subsidy; No. of contract, Canadian Pacific Railway Company; locality of works, Central Section, West of Red River; name of contractors, Canadian Pacific Railway; Date of contract, 21st October, 1880.

Progress estimate of work done and materials delivered from the beginning of operations under this contract to the 28th February, 1885.

The works, of which this is an estimate, are being executed by the authority of the Department of Railways and Canals, under contract numbered and dated as above, also under letter No. 27816 and 28944.

Total value of work done and materials delivered to the 28th February, 1885..... \$14,091,051

Eastern Division, 900 miles at \$10,000..... \$9,000,000

Western Division, 54 miles at \$13,333.... .. 719,982

\$9,719,982

Proportion of value of work done under Act of 1884 to work remaining to be done... 4,371,069

\$14,091,051

NOTE.—The amount of this certificate payable under the loan of \$22,500,000 is... \$2,624,000

Previously returned under the loan 2,513,500

\$110,500

The above is a correct estimate, made up from the returns forwarded by Marcus Smith. The quantities so furnished have been accurately moneyed out at the contract rates, or at the rates specially authorized by departmental letters above mentioned.

J. R. CHAMBERLAIN.

I have examined the return on which this estimate is based, have verified the calculations, and am satisfied that all the work returned as done has been duly authorized by the Department.

FRANCIS J. LYNCH, *In charge of C. P. R. Head Office.*

Total amount now certified on this contract, \$14,091,051. All previous payments to be deducted.

COLLINGWOOD SCHREIBER, *Engineer-in-Chief.*

OFFICE OF ENGINEER-IN-CHIEF, OTTAWA, 5th March, 1885.

CANADIAN PACIFIC RAILWAY.

PROGRESS ESTIMATE (No. 65) under the Loan Act of 1884.

| | \$ | \$ | \$ |
|---|---------|-----------|-----------|
| Previously returned, Eastern Division, Estimate No. 64..... | | | 3,856,591 |
| Savona's Ferry to Kamloops— | | | |
| 25 miles, at \$48,000 per mile..... | | 1,200,000 | |
| Less—Bridging, at \$3,300 per mile..... | 82,500 | | |
| Standard, at 7,360 do | 181,500 | | |
| | | 264,000 | |
| | | 936,000 | |
| 84 per cent. grading | | 786,240 | |
| 9 do bridging | | 7,425 | |
| | | | 793,665 |
| Kamloops to Middle of Eagle Pass— | | | |
| 100 miles, at \$20,000 per mile | | 2,000,000 | |
| Less—Bridging, at \$1,322.50 | 132,250 | | |
| Standard, at \$7,245 | 724,500 | | |
| | | 856,750 | |
| | | 1,143,250 | |
| 15 per cent. grading..... | | 171,487 | |
| Sleepers delivered, 140,000, at 25c..... | | 35,000 | |
| | | | 206,487 |
| | | | 4,856,743 |
| Less—10 per cent. | | | 485,674 |
| | | | 4,371,069 |

(Memorandum.)

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 6th March, 1885.

The undersigned has the honor to represent that, under date the 5th instant, the Chief Engineer of the Canadian Pacific Railway has issued a certificate, No. 65, of the Central Section, of which the following are the details:—

| | |
|--|---------------------|
| Total value of work done and materials delivered up to the 28th February, 1885..... | \$14,091,051 |
| Eastern Division, 900 miles, at \$10,000..... | \$9,000,000 |
| Western Division, 54 miles, at \$13,333..... | 719,982 |
| | <u>\$9,719,982</u> |
| Proportion of value of work done under the Act of 1884, to the value of work remaining to be done..... | 4,371,069 |
| | <u>\$14,091,051</u> |

That of this amount the books of the Accountant of the Department show that there has already been paid the sum of..... 13,906,905

Leaving the balance now payable..... \$184,146

Of this sum the portions chargeable to the loan and subsidy accounts, severally, are:—

| | |
|---------------|------------------|
| Loan..... | \$110,500 |
| Subsidy | 73,646 |
| | <u>\$184,146</u> |

The undersigned recommends that authority be given for the payment of the sum of \$184,146 to the Canadian Pacific Railway Company in accordance with the foregoing.

Respectfully submitted,
J. H. POPE, *Acting Minister of Railways and Canals.*

CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 7th March, 1885.

On a memorandum, dated 6th March, 1885, from the Acting Minister of Railways and Canals, submitting a certificate, No. 65, dated 5th March instant, of the Chief Engineer of the Canadian Pacific Railway, with respect to the Central Section of the road, of which the following are the details:—

| | |
|---|---------------------|
| Total value of work done and materials delivered up to the 28th February, 1885..... | \$14,091,051 |
| Eastern Division, 900 miles, at \$10,000.... | \$ 9,000,000 |
| Western Division, 54 miles, at \$13,333.... | 719,982 |
| | <u>\$9,719,982</u> |
| Proportion of value of work done under the Act of 1884 to value of work remaining to be done..... | 4,371,069 |
| | <u>\$14,091,051</u> |
| Of this amount, the books of the Department show that there has already been paid the sum of..... | 13,906,905 |
| | <u>13,906,905</u> |
| Leaving the balance now payable | <u>\$184,146</u> |

Of which the portions severally chargeable to the loan and subsidy accounts are as follows:—

| | |
|--------------|------------------|
| Loan..... | \$110,500 |
| Subsidy..... | 73,646 |
| | <u>\$184,146</u> |

The Minister recommends that authority be given for the payment of the said sum of \$184,146 to the Canadian Pacific Railway Company accordingly.
The Committee advise that authority be given as recommended.

JOHN J. MCGEE, *Clerk Privy Council.*

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 9th March, 1885.

SIR,—I am directed to inform you that a certificate was issued by this Department on the 9th instant, for the payment to the Canadian Pacific Railway Company of the sum of \$184,146, balance due on account of work done and materials delivered to the 28th February, 1885, on Central Section west of Red River.

Chargeable as under:—

| | |
|---------------|------------------|
| Loan..... | \$110,500 |
| Subsidy | 73,646 |
| | <u>\$184,146</u> |

I am, Sir, your obedient servant,

A. P. BRADLEY, *Secretary.*

C. DRINKWATER, Esq., Secretary C.P.R. Co., Montreal.

PAYMENT OF MONEYS—PROGRESS ESTIMATE No. 66—CENTRAL SECTION—CANADIAN PACIFIC RAILWAY.

Description of works, cash subsidy; No. of contract, Canadian Pacific Railway Company; locality of works, Central Section, west of Red River; name of contractors, Canadian Pacific Railway Company; date of contract, 21st October, 1880.

Progress estimate of work done and materials delivered from the beginning of operations under this contract to the 12th March, 1885.

The works, of which this is an estimate, are being executed by the authority of the Department of Railways and Canals, under contract numbered and dated as above, also under letters Nos. 27816 and 28944.

| | |
|--|--------------|
| Total value of work done and materials delivered up to the 12th March, 1885..... | \$14,153,553 |
|--|--------------|

| | |
|---|--------------|
| Eastern Division, 900 miles at \$10,000.. | \$ 9,000,000 |
| Western Division, 54 miles at \$13,333... | 719,982 |
| | <hr/> |
| | \$9,719,982 |

| | |
|--|--------------|
| Proportion of value of work done under the Act of 1884 to work remaining to be done..... | 4,333,571 |
| | <hr/> |
| | \$14,153,553 |

| | |
|---|-------------|
| NOTE.—The amount of this certificate, payable under the loan of \$22,500,000, is..... | \$2,661,500 |
| Previously returned under the loan.... | 2,624,000 |
| | <hr/> |
| | \$37,500 |

The above is a correct estimate, made up from the returns forwarded by Marcus Smith. The quantities so furnished have been accurately moneyed out at the contract rates, or at the rates specially authorized by departmental letters above mentioned.

J. R. CHAMBERLAIN.

I have examined the return on which this estimate is based, have verified the calculations, and am satisfied that all the work returned as done has been duly authorized by the Department.

FRANCIS J. LYNCH, *In charge of C.P.R. Head Office.*

Total amount now certified on this contract, \$14,153,553. All previous payments to be deducted.

COLLINGWOOD SCHREIBER, *Engineer-in-Chief.*

OFFICE OF ENGINEER-IN-CHIEF, OTTAWA, 13th March, 1885.

CANADIAN PACIFIC RAILWAY.

CENTRAL SECTION—Estimate (No. 66) under the Loan Act of 1884.

| | \$ | \$ | \$ |
|---|---------|-----------|-----------|
| Previously returned, Eastern Division | | | 3,856,591 |
| Savona's Ferry to Kamloops— | | | |
| 25 miles, at \$48,000 per mile..... | | 1,200,000 | |
| Less—Bridging, \$3,300 per mile | 82,500 | | |
| Standard, 7,260 do | 181,500 | | |
| | | 264,000 | |
| | | 936,000 | |
| 84 per cent. grading..... | | 786,240 | |
| 14 do bridging..... | | 11,550 | 797,790 |
| Kamloops to Middle Eagle Pass— | | | |
| 100 miles, at \$20,000..... | | 2,000,000 | |
| Less—Bridging, \$1,322.50 per mile | 132,250 | | |
| Standard, 7,245 do | 724,500 | | |
| | | 856,750 | |
| | | 1,143,250 | |
| 15 per cent. grading | | 171,487 | |
| 1 do bridging | | 1,322 | 172,809 |
| Ties delivered, 140,000, at 25c..... | | 35,000 | |
| Rails delivered at Port Moody, 2,000 tons, at \$32..... | | 64,000 | 99,000 |
| | | | 4,926,190 |
| | | | 492,619 |
| | | | 4,433,571 |
| LESS, 10 per cent..... | | | |

(Memorandum.)

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 14th March, 1885.

The undersigned has the honor to represent that under date the 13th instant a certificate, No. 66, of the Central Section of Canadian Pacific Railway has been issued by the Government Engineer-in-Chief, of which the details are as follows:—

Total value of work done and materials delivered up to the 12th March, 1885.....\$14,153,553

Eastern Division, 900 miles at \$10,000..... \$9,000,000

Western Division, 54 miles at \$13,333..... 719,982

\$9,719,982

Proportion of value of work done under the Act of 1884 to that of work remaining to be done.....

4,433,571

\$14,153,553

That of this amount the books of the accountant of the Department show that there has already been paid the sum of 14,091,051

Leaving the balance now payable..... \$62,502

That of this balance the portions chargeable to the loan and subsidy accounts, severally, are as follows:—

| | |
|--------------|-----------------|
| Loan..... | \$37,500 |
| Subsidy..... | 25,002 |
| | <u>\$62,502</u> |

The undersigned recommends that authority be given for the payment of the said sum of \$62,502, to the Canadian Pacific Railway Company, in accordance with the foregoing.

Respectfully submitted,

J. H. POPE, *Acting Minister of Railways and Canals.*

CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 17th March, 1885.

On a memorandum, dated 14th March, 1885, from the Acting Minister of Railways and Canals, submitting certificate, No. 66, dated 13th instant, from the Chief Engineer of the Canadian Pacific Railway, with respect to the Central Section of the road, the details of which are as follows:—

Total value of work done and materials delivered up to the 12th March, 1885.....\$14,153,553

Eastern Division, 900 miles at \$10,000..... \$9,000,000

Western Division, 54 miles at \$13,333..... 719,982

\$9,719,982

Proportion of value of work done under the Act of 1884 to that of work remaining to be done..... 4,433,571

\$14,153,553

Of this amount the books of the Department show that there has already been paid the sum of..... 14,091,051

Leaving the balance now payable..... \$62,502

That of this amount the portions chargeable to the loan and the subsidy accounts are as follows:—

| | |
|--------------|-----------------|
| Loan..... | \$37,500 |
| Subsidy..... | 25,002 |
| | <u>\$62,502</u> |

The Minister recommends that authority be given for the payment of the said sum of \$62,502 to the Canadian Pacific Railway Company accordingly.

The Committee advise that authority be given as recommended.

JOHN J. MCGEE, *Clerk Privy Council.*

Hon. the Minister of Railways and Canals.

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 20th March, 1885.

SIR,—I am directed to inform you that a certificate has issued in favor of your company for \$62,502 in payment for work done and materials issued upon the Central Section of the Canadian Pacific Railway, as shown in engineer's progress estimate to the 12th instant.

Distribution as follows:—

| | |
|---------------|-----------------|
| Loan | \$37,500 |
| Subsidy | 25,002 |
| | <u>\$62,502</u> |

I have the honor to be, Sir, your obedient servant,

A. P. BRADLEY, *Secretary.*

CHAS. DRINKWATER, Esq., Secretary C. P. R. Co., Montreal.

PAYMENT OF MONEYS—PROGRESS ESTIMATE No. 67—CENTRAL SECTION—CANADIAN PACIFIC RAILWAY.

Description of works, cash subsidy; No. of contract, Canadian Pacific Railway Company; locality of works, Central Section, West of Red River; name of contractors, Canadian Pacific Railway Company; date of contract, 21st October, 1880.

Progress estimate of work done and materials delivered from the beginning of operations under this contract to the 31st March, 1885.

The works, of which this is an estimate, are being executed by the authority of the Department of Railways and Canals, under contract numbered and dated as above, also under letter Nos. 27816 and 28944.

Total value of work done and materials delivered to the 31st March, 1885.....\$14,300,406

Eastern Division, 900 miles, at \$10,000..... \$ 9,000,000

Western Division, 54 miles, at 13,333..... 719,982

\$ 9,719,982

Proportion of value of work done under the Act of 1884 to work remaining to be done..... 4,580,424

\$14,300,406

NOTE.—The amount of this certificate

payable under the loan of \$22,500,000, is \$2,749,700

Previously returned—Under the loan..... 2,661,500

\$88,200

The above is a correct estimate, made up from the returns forwarded by James Dickey. The quantities so furnished have been accurately moneyed out at the contract rates, or at the rates specially authorized by departmental letters above mentioned.

J. R. CHAMBERLAIN.

I have examined the return on which this estimate is based, have verified the calculations, and am satisfied that all the work returned as done has been duly authorized by the Department.

FRANCIS J. LYNCH, *In charge of C. P. R. Head Office.*

Total amount now certified on this contract, \$14,300,406. All previous payments to be deducted.

COLLINGWOOD SCHREIBER, *Engineer-in-Chief.*

OFFICE OF ENGINEER-IN-CHIEF, OTTAWA, 4th April, 1885.

CANADIAN PACIFIC RAILWAY.

CENTRAL SECTION—Progress Estimate No. 67—Under the Loan Act of 1884.

| | \$ | \$ | \$ |
|---|---------|-----------|-----------|
| 955th to 962nd mile— | | | |
| 8 miles, at \$26,000 per mile..... | | 208,000 | |
| Less—Station buildings and water service..... | | 3,200 | |
| | | | 204,800 |
| 963rd to 968th mile— | | | |
| 4 miles, at \$26,250 per mile..... | | 105,000 | |
| Less—Station buildings and water service..... | | 2,200 | |
| | | | 102,800 |
| 967th to 975th mile— | | | |
| 9 miles, at \$44,444.44 per mile..... | | 400,000 | |
| Less—Station buildings and water service..... | | 4,400 | |
| | | | 395,600 |
| 976th to 1024th mile— | | | |
| 49 miles, at \$37,755 per mile..... | | 1,850,000 | |
| Less—Structures..... | 11,000 | | |
| Ballasting..... | 50,000 | | |
| Station and water service..... | 22,000 | | |
| | | 83,000 | |
| | | | 1,767,000 |
| 1025th to 1038th mile— | | | |
| 14 miles, at \$60,714.28 per mile..... | | 850,000 | |
| Less—Structures..... | 38,500 | | |
| Ballasting..... | 15,400 | | |
| Station and water service..... | 5,500 | | |
| | | 59,400 | |
| | | | 790,600 |
| 1039th to 1057th mile— | | | |
| 19 miles, at \$35,789.47 per mile..... | | 680,000 | |
| Less—Structures..... | 176,000 | | |
| Rails..... | 125,400 | | |
| Ballasting..... | 20,900 | | |
| Station and water service..... | 11,000 | | |
| | | 333,300 | |
| | | | 346,700 |
| | | | |
| 71 per cent. grading..... | | 246,157 | |
| 31 do structures..... | | 54,560 | |
| | | | 300,717 |
| 1057th to 1072nd mile— | | | |
| 15 miles, at \$36,666.06 per mile..... | | 550,000 | |
| Less—Structures..... | 33,000 | | |
| Rails..... | 99,000 | | |
| Ballasting..... | 16,500 | | |
| Station and water service..... | 8,250 | | |
| | | 156,750 | |
| | | | 393,250 |
| | | | |
| 31 per cent. grading..... | | | 13,763 |
| 1073rd to 1100th mile— | | | |
| 28 miles, at \$35,714.29 per mile..... | | 1,000,000 | |
| Less—Structures..... | 77,000 | | |
| Rails..... | 184,800 | | |
| Ballasting..... | 30,800 | | |
| Station and water service..... | 16,500 | | |
| | | 309,100 | |
| | | | 690,900 |
| | | | |
| 4 per cent. grading..... | | | 27,696 |
| 1100th to 1125th mile— | | | |
| 25 miles, at \$40,000 per mile..... | | 1,000,000 | |
| Less—Structures..... | 275,000 | | |
| Rails..... | 165,000 | | |
| Ballasting..... | 27,500 | | |
| Station and water service..... | 7,700 | | |
| | | 475,200 | |
| | | | 524,800 |
| | | | |
| 4 per cent. structures..... | | | 12,375 |

CENTRAL SECTION—Progress Estimate No. 67—*Concluded.*

| | \$ | \$ |
|-----------------------------------|--------|------------------|
| Materials delivered— | | |
| 2,102 tons of rails, at \$43..... | 90,386 | |
| 82,200 sleepers, at 22c..... | 18,084 | |
| Service roads | 10,000 | |
| Rolling stock..... | | 118,470 |
| | | <u>286,000</u> |
| Previously returned..... | | 4,019,761 |
| | | <u>1,069,599</u> |
| | | 5,089,360 |
| Less—10 per cent..... | | <u>508,936</u> |
| | | <u>4,580,424</u> |

(*Memorandum.*)

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 6th April, 1885.

The undersigned has the honor to represent that under date the 4th instant the Chief Engineer of the Canadian Pacific Railway has issued a certificate, No. 67, of the Central Section of that road, of which the following are the particulars:—

Total value of work done and materials delivered up to the 31st March, 1885.....\$14,300,406
 Eastern Division, 900 miles, at \$10,000.... \$ 9,000,000
 Western Division, 54 miles, at 13,333.... 719,892

\$9,719,892

Proportion of value of work done under the Act of 1884 to value of work remaining to be done..... 4,580,424

\$14,300,406

That of this amount the books of the accountant of the Department show that there has already been paid

14,153,553

Leaving the balance now payable.....

\$146,853

Of this amount the portions chargeable to the loan and subsidy accounts, severally, are as follows:—

Loan..... \$88,200

Subsidy..... 58,653

\$146,853

The undersigned recommends that authority be given for the payment of the said sum of \$146,853 to the Canadian Pacific Railway Company, in accordance with the foregoing.

Respectfully submitted,

J. H. POPE, *Acting Minister of Railways and Canals.*

CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 7th April, 1885.

On a memorandum, dated 6th April, 1885, from the Acting Minister of Railways and Canals, submitting a certificate, No. 67, dated 4th April, 1885, from the Chief Engineer of the Canadian Pacific Railway, with respect to the Central Section west of Red River, of said railway, of which the following are the details:—

| | |
|--|--------------------|
| Total value of work done and materials delivered up to 31st March, 1885..... | \$14,300,406 |
| Eastern Division, 900 miles, at \$10,000.... | \$9,000,000 |
| Western Division, 54 miles, at \$13,333.... | 719,982 |
| | <u>\$9,719,982</u> |

| | |
|--|---------------------|
| Proportion of value of work done under the Act of 1884 to that remaining to be done..... | 4,580,424 |
| | <u>\$14,300,406</u> |

| | |
|--|------------------|
| That of this amount the books of the Department show that there has already been paid..... | 14,153,553 |
| Leaving the balance now payable..... | <u>\$146,853</u> |

Of which amount the portions chargeable to the loan and subsidy accounts, severally, are as follows:—

| | |
|--------------|------------------|
| Loan..... | \$88,200 |
| Subsidy..... | 58,653 |
| | <u>\$146,853</u> |

The Minister recommends that authority be granted for the payment of the said balance of \$146,853 to the Canadian Pacific Railway Company accordingly.

The Committee advise that authority be granted as recommended.

JOHN J. MCGEE, *Clerk Privy Council.*

The Hon. the Minister of Railways and Canals.

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 8th April, 1885.

SIR,—I am directed to inform you that a certificate has issued for the payment to your company of \$146,853 for work done and materials delivered upon the Central Section of the Canadian Pacific Railway, as shown in engineer's progress estimate to 31st ultimo.

Distribution as follows:—

| | |
|--------------|------------------|
| Loan..... | \$88,200 |
| Subsidy..... | 58,653 |
| | <u>\$146,853</u> |

I am, Sir, your obedient servant,

A. P. BRADLEY, *Secretary.*

C. DRINKWATER, Esq., Secretary C.P.R. Co., Montreal.

PAYMENT OF MONEYS—PROGRESS ESTIMATE No. 68—CENTRAL SECTION—CANADIAN PACIFIC RAILWAY.

Description of works, cash subsidy ; No. of contract, Canadian Pacific Railway Company ; locality of works, Central Section, West of Red River ; name of contractors, Canadian Pacific Railway Company ; date of contract, 21st October, 1880.

Progress estimate of work done and materials delivered from the beginning of operations under this contract to the 31st March, 1885.

The works, of which this is an estimate, are being executed by the authority of the Department of Railways and Canals, under contract numbered and dated as above, also under letters Nos. 27816 and 28944.

| | | |
|--|---------------------|---------------------|
| Total value of work done and materials delivered to the 31st March, 1885..... | | <u>\$14,482,472</u> |
| Eastern Division, 900 miles at \$10,000..... | \$9,000,000 | |
| Western Division, 54 miles at \$13,333..... | 719,982 | |
| | <u>\$9,719,982</u> | |
| Proportion of value of work done under the Act of 1884 to work remaining to be done..... | 4,762,490 | |
| | <u>\$14,482,472</u> | |
| NOTE—The amount of this certificate, payable under the loan of \$22,500,000 is.... | \$2,859,000 | |
| Previously returned..... | 2,749,700 | |
| | <u>\$109,300</u> | |

The above is a correct estimate, made up from the returns forwarded by Marcus Smith. The quantities so furnished have been accurately moneyed out at the contract rates, or at the rates specially authorized by departmental letters above mentioned.

J. R. CHAMBERLAIN.

I have examined the return on which this estimate is based, have verified the calculations, and am satisfied that all the work returned as done has been duly authorized by the Department.

FRANCIS J. LYNCH, *In charge of C.P.R. Head Office.*

Total amount now certified on this contract, \$14,482,472. All previous payments to be deducted.

COLLINGWOOD SCHREIBER, *Engineer-in-Chief.*

OFFICE OF ENGINEER-IN-CHIEF, OTTAWA, 9th April, 1885.

CANADIAN PACIFIC RAILWAY.

CENTRAL SECTION—Progress Estimate (No. 68) under the Loan Act of 1884.

| | \$ | \$ | \$ |
|---|---------|-----------|-----------|
| Savona's Ferry to Kamloops— | | | |
| 25 miles, at \$48,000 per mile | | 1,200,000 | |
| Less—Bridging, at \$3,300 per mile..... | 82,500 | | |
| Standard, 7,260 do | 181,500 | | |
| | | 264,000 | |
| | | 936,000 | |
| 91 per cent. grading | | 851,760 | |
| 40 do bridging | 33,000 | | |
| Sleepers, 12,000, at 25c. | 3,000 | | |
| | | 36,000 | |
| | | | 887,760 |
| Kamloops to Middle of Eagle Pass— | | | |
| 100 miles, at \$20,000 per mile..... | | 2,000,000 | |
| Less—Bridging, at \$1,322.50..... | 132,250 | | |
| Standard, 7,245.00..... | 724,500 | | |
| | | 856,750 | |
| | | 1,143,250 | |
| 25 per cent. grading..... | | 285,812 | |
| 1 do bridging..... | | 1,322 | |
| Sleepers, 132,000, at 25c. | | 33,000 | |
| | | | 320,134 |
| Rails delivered at Port Moody— | | | |
| 2,000 tons, at \$32 | | | 64,000 |
| | | | 1,271,894 |
| Previously returned, Eastern Division, Estimate No. 67..... | | | 4,019,761 |
| | | | 5,291,655 |
| Less—10 per cent..... | | | 529,165 |
| | | | 4,762,490 |

(Memorandum.)

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 9th April, 1885.

The undersigned has the honor to represent that under date the 9th instant the Chief Engineer of the Canadian Pacific Railway has issued a certificate, No. 68, of the Central Section, West of Red River, of that road, of which the details are as follows:—

Total value of work done and materials delivered up to the 31st of March, 1885..... \$14,482,472

Eastern Division, 900 miles at \$10,000... \$9,000,000

Western Division, 54 miles at \$13,333... 719,982

\$9,719,982

Proportion of value of work done under the Act of 1884, to that of work remaining to be done..... 4,762,490

\$14,482,472

That of this sum the books of the Accountant of the Department show that there has already been paid..... 14,300,406

Leaving the balance now payable..... \$182,066

The portions chargeable to the loan and subsidy accounts, severally, being as follows:—

| | |
|----------------|------------------|
| Loan..... | \$109,300 |
| Subsidy.. .. . | 72,766 |
| | <u>\$182,066</u> |

The undersigned would recommend that authority be given for the payment of the said sum of \$182,066 to the Canadian Pacific Railway Company, in accordance with the foregoing.

Respectfully submitted,
J. H. POPE, *Acting Minister Railways and Canals.*

CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 9th April, 1885.

On a memorandum, dated 9th April, 1885, from the Acting Minister of Railways and Canals, submitting a certificate, No. 68; dated 9th April instant, from the Chief Engineer of the Canadian Pacific Railway with respect to the Central Section, West of Red River, of the road, details of which are as follows:—

| | |
|--|---------------------|
| Total value of work done and materials delivered up to the 31st of March, 1885..... | \$14,482,472 |
| Eastern Division, 900 miles, at \$10,000.. | \$9,000,000 |
| Western Division, 54 miles, at \$13,333.. | 719,982 |
| | <u>\$9,719,982</u> |
| Proportion of value of work done under the Act of 1884, to value of work remaining to be done..... | 4,762,490 |
| | <u>\$14,482,472</u> |

Of this amount the books of the Department show that there has already been paid the sum of..... 14,300,406

Leaving the balance now payable..... \$182,066

Of which the portions severally chargeable to the loan and subsidy accounts are as follows:—

| | |
|--------------|------------------|
| Loan..... | \$109,300 |
| Subsidy..... | 72,766 |
| | <u>\$182,066</u> |

The Minister recommends that authority be given for the payment of the said sum of \$182,066 to the Canadian Pacific Railway Company accordingly. The Committee advise that authority be given as recommended.

JOHN J. MCGEE, *Clerk Privy Council.*

The Hon. the Minister of Railways and Canals.

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 10th April, 1885.

SIR,—I am directed to inform you that a certificate has issued in favor of your company for \$182,066, in payment for work done and materials issued on the Central Section, West of Red River, of the Canadian Pacific Railway, as shown in engineer's progress estimate to 31st instant.

Distribution as follows:—

| | |
|--------------|------------------|
| Loan..... | \$109,300 |
| Subsidy..... | 72,766 |
| | <u>\$182,066</u> |

I am, Sir, your obedient servant,

A. P. BRADLEY, *Secretary.*

CHARLES DRINKWATER, Esq., Secretary C.P.R. Co., Montreal.

PAYMENT OF MONEYS — PROGRESS ESTIMATE No. 69 — CENTRAL SECTION—CANADIAN PACIFIC RAILWAY.

Description of works, cash subsidy; No. of Contract, Canadian Pacific Railway Company; locality of works, Central Section, west of Red River; name of contractors, Canadian Pacific Railway Company; date of contract, 21st October, 1880. Progress estimate of work done and materials delivered from the beginning of operations under this contract to the 30th April, 1885.

The works, of which this is an estimate, are being executed by the authority of the Department of Railways and Canals, under contract numbered and dated as above, also under letter Nos. 27816 and 28944.

Total value of work done and materials delivered to the 30th April, 1885..... \$14,555,734

Eastern Division, 900 miles, at \$10,000.... \$9,000,000

Western Division, 54 miles, at \$13,333..... 719,982

\$9,719,982

Proportion of value of work done under the Act of 1884, to work remaining to be done..... 4,835,752

\$14,555,734

NOTE.—The amount of this certificate payable under the loan of \$22,500,000, is. \$2,903,000

Previously returned under this loan..... 2,859,000

\$44,000

The above is a correct estimate, made up from the returns forwarded by James Dickey. The quantities so furnished have been accurately moneyed out at the contract rates, or at the rates specially authorized by departmental letters above mentioned.

J. R. CHAMBERLAIN.

I have examined the return on which this estimate is based, have verified the calculations, and am satisfied that all the work returned as done has been duly authorized by the Department.

FRANCIS J. LYNCH, *In charge of C. P. R. Head Office.*

Total amount now certified on this contract, \$14,555,734. All previous payments to be deducted.

COLLINGWOOD SCHREIBER, *Engineer-in-Chief.*

OFFICE OF ENGINEER-IN-CHIEF, OTTAWA, 4th May, 1885.

CANADIAN PACIFIC RAILWAY.

CENTRAL SECTION—Progress Estimate No. 69—Under the Loan Act of 1884.

| | \$ | \$ | \$ |
|--|---------|-----------|-----------|
| 955th to 962nd mile— | | | |
| 8 miles, at \$26,000 per mile | | 208,000 | |
| Less—Station buildings and water service | | 3,200 | |
| | | | 204,800 |
| 963rd to 966th mile— | | | |
| 4 miles, at \$26,250 per mile | | 105,000 | |
| Less—Station and water service | | 2,200 | |
| | | | 102,800 |
| 967th to 975th mile— | | | |
| 9 miles, at \$44,444.44 per mile | | 400,000 | |
| Less—Stations and water service | | 4,400 | |
| | | | 395,600 |
| 976th to 1024th mile— | | | |
| 49 miles, at \$37,755 per mile | | 1,850,000 | |
| Less—Structures | 3,000 | | |
| Ballasting | 50,000 | | |
| Stations and water service | 22,000 | | |
| | | 75,000 | |
| | | | 1,775,000 |
| 1025th to 1038th mile— | | | |
| 14 miles, at \$60,714.28 per mile | | 850,000 | |
| Less—Structures | 38,500 | | |
| Ballasting | 15,400 | | |
| Stations and water service | 5,500 | | |
| | | 59,400 | |
| | | | 790,600 |
| 1039th to 1057th mile— | | | |
| 19 miles, at \$35,789.47 per mile | | 680,000 | |
| Less—Structures | 160,000 | | |
| Rails, &c. | 114,000 | | |
| Ballasting | 19,000 | | |
| Stations and water service | 10,000 | | |
| | | 303,000 | |
| | | | 377,000 |
| 68 per cent. grading | | | 256,360 |
| 50 do structures | | | 80,000 |
| Rails, &c.—5 miles, at \$6,000 | | | 30,000 |
| | | | 366,360 |
| 1058th to 1072nd mile— | | | |
| 15 miles, at \$36,666.66 per mile | | 550,000 | |
| Less—Structures | 33,000 | | |
| Rails, &c. | 99,000 | | |
| Ballasting | 16,500 | | |
| Stations and water service | 8,250 | | |
| | | 156,750 | |
| | | | 393,250 |
| 7 per cent. grading | | | 27,527 |
| 1073rd to 1100th mile— | | | |
| 28 miles, at \$35,714.29 per mile | | 1,000,000 | |
| Less—Structures | 77,000 | | |
| Rails | 184,800 | | |
| Ballasting | 30,800 | | |
| Stations, &c. | 16,500 | | |
| | | 309,100 | |
| | | | 690,900 |
| 10 per cent. grading | | | 69,099 |

CENTRAL SECTION—Progress Estimate No. 69—Concluded.

| | \$ | \$ | \$ |
|--|---------|-----------|-----------|
| 1101st to 1125th mile— | | | |
| 25 miles, at 40,000 per mile | | 1,000,000 | |
| Less—Structures | 275,000 | | |
| Rails, &c..... | 165,000 | | |
| Ballasting..... | 27,500 | | |
| Stations, &c..... | 7,700 | | |
| | | 475,200 | |
| | | 524,800 | |
| 1 per cent. grading | | 5,248 | |
| 4 1/2 do structures | | 12,375 | |
| Materials delivered— | | | 17,623 |
| Rails, 953 tons at \$43 per ton..... | 40,979 | | |
| Sleepers, 67,200, at 22c. each | 14,784 | | |
| Service road | 10,000 | | |
| | | | 65,763 |
| Rolling stock..... | | | 286,000 |
| | | | 4,101,163 |
| Previously returned—Western Division | | | 1,271,894 |
| | | | 5,373,057 |
| Less—10 per cent..... | | | 537,305 |
| | | | 4,835,752 |

(Memorandum.)

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 5th May, 1885.

The undersigned has the honor to represent, that under date the 4th instant, the Chief Engineer of the Canadian Pacific Railway has issued a certificate, No. 69, of the Central Section of that road, of which the following are the particulars:—

Total value of work done and materials delivered up to the 30th April, 1885. \$14,555,734

Eastern Division, 900 miles, at \$10,000.... \$ 9,000,000

Western Division, 554 miles, at \$13,333.... 719,982

\$9,719,982

Proportion of value of work done under the Act of 1884 to work remaining to be done 4,835,752

\$14,555,734

That of this amount, the books of the accountant of the Department show that there has already been paid the sum of..... 14,482,472

Leaving the balance payable..... \$73,262

Of this balance the portions chargeable to the loan and subsidy accounts severally, are as follows:—

Loan..... \$44,000

Subsidy..... 29,262

\$73,262

The undersigned recommends that authority be given for the payment to the Canadian Pacific Railway Company of the said balance of \$75,262 accordingly.

Respectfully submitted,
J. H. POPE, Acting Minister Railways and Canals.

CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 5th May, 1885.

On a memorandum, dated 5th May, 1885, from the Acting Minister of Railways and Canals, submitting a certificate, No. 69, dated 4th May instant, of the Chief Engineer of the Canadian Pacific Railway, with respect to the Central Section of the road, of which the following are the details :—

| | |
|---|---------------------|
| Total value of work done and materials delivered up to the 30th April, 1885..... | \$14,555,734 |
| Eastern Division, 900 miles, at \$10,000.... | \$ 9,000,000 |
| Western Division, 54 miles, at \$13,333.... | 719,982 |
| | <u>\$9,719,982</u> |
| Proportion of value of work done under the Act of 1884 to value of work remaining to be done..... | 4,835,752 |
| | <u>\$14,555,734</u> |
| Of this amount, the books of the Department show that there has already been paid the sum of..... | 14,482,472 |
| Leaving the balance now payable..... | <u>\$73,262</u> |

Of which the portions severally chargeable to the loan and subsidy accounts are as follows :—

| | |
|--------------|-----------------|
| Loan | \$44,000 |
| Subsidy..... | 29,262 |
| | <u>\$73,262</u> |

The Minister recommends that authority be given for the payment of the said sum of \$73,262 to the Canadian Pacific Railway Company accordingly. The Committee advise that authority be given as recommended.

JOHN J. MCGEE, *Clerk Privy Council.*

The Hon. the Minister of Railways and Canals.

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 9th May, 1885.

SIR,—I am directed to inform you that a certificate has issued by this Department for the payment to the Canadian Pacific Railway Company of the sum of \$73,262, balance due on account of work done and materials delivered to the 30th April, 1885, on Central Section west of Red River.

Distribution as follows :—

| | |
|---------------|-----------------|
| Loan | \$44,000 |
| Subsidy | 29,262 |
| | <u>\$73,262</u> |

I am, Sir, your obedient servant,

A. P. BRADLEY, *Secretary.*

CHAS. DRINKWATER, Esq., Secretary C.P.R. Co., Montreal.

PAYMENT OF MONEYS—PROGRESS ESTIMATE No. 70—CENTRAL SECTION, CANADIAN PACIFIC RAILWAY.

Description of works, cash subsidy; No. of contract, Canadian Pacific Railway Company; locality of works, Central Section, West of Red River; name of contractors, Canadian Pacific Railway; Date of contract, 21st October, 1880.

Progress estimate of work done and materials delivered from the beginning of operations under this contract to the 15th May, 1885.

The works, of which this is an estimate, are being executed by the authority of the Department of Railways and Canals, under contract numbered and dated as above, also under letter No. 27816 and 28944.

Total value of work done and materials delivered to the 15th May, 1885..... \$14,694,921

Eastern Division, 900 miles at \$10,000..... \$9,000,000

Western Division, 54 miles at \$13,333..... 719,982

\$9,719,982

Proportion of value of work done under Act of 1884 to work remaining to be done... 4,974,939

\$14,694,921

NOTE.—The amount of this certificate payable under the loan of \$22,500,000 is... \$2,986,500

Previously returned under the loan 2,903,000

\$83,500

The above is a correct estimate, made up from the returns forwarded by T. Ridout and James Dickey. The quantities so furnished have been accurately moneyed out at the contract rates, or at the rates specially authorized by departmental letters above mentioned.

J. R. CHAMBERLAIN.

I have examined the return on which this estimate is based, have verified the calculations, and am satisfied that all the work returned as done has been duly authorized by the Department.

FRANCIS J. LYNCH, *In charge of C. P. R. Head Office.*

Total amount now certified on this contract, \$14,694,921. All previous payments to be deducted.

COLLINGWOOD SCHREIBER, *Engineer in-Chief.*

OFFICE OF ENGINEER-IN-CHIEF, OTTAWA, 16th May, 1885.

CANADIAN PACIFIC RAILWAY COMPANY.

CENTRAL SECTION—Progress Estimate No. 70, under the Loan Act of 1884.

| | |
|--|---------------------------|
| Previously returned—Eastern Division..... | \$4,101,163 |
| 6,724 tons of rails delivered at Brockville and Montreal at \$23..... | 154,652 |
| | <u>\$4,255,815</u> |
| Previously returned—Western Division..... | 1,271,894 |
| | <u>\$5,527,709</u> |
| Less 10 per cent..... | 552,770 |
| | <u><u>\$4,974,939</u></u> |

(Memorandum.)

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 18th May, 1885.

The undersigned has the honor to represent that under date the 16th instant, the Chief Engineer of the Canadian Pacific Railway has issued a certificate, No. 70, of the Central Section of that road, of which the details are as follows:—

| | | |
|---|---------------------|--------------|
| Total value of work done and materials delivered up to the 15th of May, 1885..... | | \$14,694,921 |
| Eastern Division, 900 miles at \$10,000... | \$9,000,000 | |
| Western Division, 54 miles at \$13,333... | 719,982 | |
| | <u>\$9,719,982</u> | |
| Proportion of value of work done under the Act of 1884, to that of work remaining to be done..... | 4,974,939 | |
| | <u>\$14,694,921</u> | |

That of this amount the books of the accountant of the Department show there has already been paid the sum of..... 14,555,734

Leaving the balance payable..... \$139,187

Of this amount the portions chargeable to the loan and subsidy accounts, respectively are as follows:—

| | |
|---------------|------------------|
| Loan.. .. | \$83,500 |
| Subsidy | 55,687 |
| | <u>\$139,187</u> |

The undersigned would recommend that authority be given for the payment to the Canadian Pacific Railway Company of the said sum of \$139,187 in accordance with the foregoing.

Respectfully submitted,

J. H. POPE, Acting Minister Railways and Canals.

CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 18th May, 1885.

On a memorandum, dated 18th May, 1885, from the Acting Minister of Railways and Canals, submitting a certificate, No. 70, dated 16th May inst., of the Chief Engineer of the Canadian Pacific Railway, with respect to the Central Section of that railway, of which the following are the details:—

| | |
|--|--------------|
| Total value of work done and materials delivered up to 15th May, 1885..... | \$14,694,921 |
| Eastern Division 900 miles at \$10,000..... | \$9,000,000 |
| Western Division 54 miles at \$13,333..... | 719,982 |

\$9,719,982

| | |
|--|-----------|
| Proportion of value of work done under the Act of 1884, to the value of work remaining to be done..... | 4,974,939 |
|--|-----------|

\$14,694,921

| | |
|---|------------|
| Of this amount, the books of the Department show that there has already been paid the sum of..... | 14,555,734 |
|---|------------|

Leaving balance now payable..... \$139,187

Of which the portions severally chargeable to the loan and subsidy accounts are as follows:—

| | |
|--------------|------------------|
| Loan..... | \$83,500 |
| Subsidy..... | 55,687 |
| | <u>\$139,187</u> |

The Minister recommends that authority be given for the payment of the said sum of \$139,187 to the Canadian Pacific Railway Company accordingly.
The Committee advise that authority be given as recommended.

JOHN J. MCGEE, *Clerk Privy Council.*

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 19th May, 1885.

SIR,—I am directed to inform you that a certificate has been issued in favor of your company for \$139,187 in payment for work done and materials delivered upon the Central Section of the Canadian Pacific Railway, West of Red River, as shown in engineer's progress estimate to 15th instant.

Distribution as follows:—

| | |
|--------------|------------------|
| Loan..... | \$83,500 |
| Subsidy..... | 55,687 |
| | <u>\$139,187</u> |

I am, Sir, your obedient servant,

A. P. BRADLEY, *Secretary.*

CHARLES DRINKWATER, Esq., Secretary C. P. R. Co., Montreal.

PAYMENT OF MONEYS—PROGRESS ESTIMATE No. 71—CENTRAL SECTION—CANADIAN PACIFIC RAILWAY.

Description of works, cash subsidy; No. of contract, Canadian Pacific Railway Company; locality of works, Central Section, west of Red River; name of contractors, Canadian Pacific Railway Company; Date of contract, 21st October, 1880.

Progress estimate of work done and materials delivered from the beginning of operations under this contract to the 1st May, 1885.

The works, of which this is an estimate, are being executed by the authority of the Department of Railways and Canals, under contract numbered and dated as above, also under letters No. 27816 and 28944.

| | |
|---|---------------------|
| Total value of work done and materials delivered to the 1st May, 1885.. | <u>\$14,810,379</u> |
|---|---------------------|

| | |
|--|-------------|
| Eastern Division, 900 miles, at \$10,000.... | \$9,000,000 |
|--|-------------|

| | |
|---|---------|
| Western Division, 54 miles, at \$13,333.... | 719,982 |
|---|---------|

| | |
|--|--------------------|
| | <u>\$9,719,982</u> |
|--|--------------------|

| | |
|--|-----------|
| Proportion of value of work done under the Act of 1884 to work remaining to be done..... | 5,090,397 |
|--|-----------|

| | |
|--|---------------------|
| | <u>\$14,810,379</u> |
|--|---------------------|

| | |
|---|-------------|
| NOTE.—The amount of this certificate payable under the loan of \$22,500,000 is... | \$3,055,800 |
|---|-------------|

| | |
|---|-----------|
| Previously returned under the loan..... | 2,986,500 |
|---|-----------|

| | |
|--|-----------------|
| | <u>\$69,300</u> |
|--|-----------------|

The above is a correct estimate, made up from the returns forwarded by Marcus Smith and James Dickey. The quantities so furnished have been accurately moneyed out at the contract rates, or at the rates specially authorized by departmental letters above mentioned.

J. R. CHAMBERLAIN.

I have examined the return on which this estimate is based, have verified the calculations, and am satisfied that all the work returned as done has been duly authorized by the Department.

FRANCIS J. LYNCH, *In charge of C. P. R. Head Office.*

Total amount now certified on this contract, \$14,810,379. All previous payments to be deducted.

COLLINGWOOD SCHREIBER, *Engineer-in-Chief.*

OFFICE OF ENGINEER-IN-CHIEF, OTTAWA, 18th May, 1885.

CANADIAN PACIFIC RAILWAY.

CENTRAL Section—Progress Estimate No. 71—Under the Loan Act of 1884.

| | \$ | \$ | \$ |
|--|---------|------------------|------------------|
| Savona's Ferry to Kamloops— | | | |
| 25 miles, at \$48,000 per mile..... | | 1,200,000 | |
| Less—Bridges, at \$3,300 per mile..... | 82,500 | | |
| Standard..... | 181,500 | | |
| | | 264,000 | |
| | | <u>936,000</u> | |
| 93 per cent. grading..... | | 870,480 | |
| 85 do bridging..... | | 70,125 | |
| Track-laying, &c., 2 miles, at \$5,000 per mile..... | 10,000 | | |
| Ties delivered, 12,000, at 25c..... | 3,000 | | |
| | | 13,000 | |
| | | | 953,605 |
| Kamloops to Middle of Eagle Pass— | | | |
| 100 miles, at \$20,000 per mile..... | | 2,000,000 | |
| Less—Bridges, at \$1,322.50 per mile..... | 132,250 | | |
| Standard, at \$7,245 do..... | 724,500 | | |
| | | 856,750 | |
| | | <u>1,143,250</u> | |
| 27 per cent. grading..... | | 308,877 | |
| 3 do bridging..... | | 3,967 | |
| Sleepers delivered, 279,730, at 25c..... | | 69,932 | |
| | | | 382,576 |
| Rails delivered at Port Moody— | | | |
| 2,000 tons, at \$32..... | | | 64,000 |
| | | | <u>1,400,181</u> |
| Previously returned— | | | |
| Eastern Section, Estimate No. 70..... | | | 4,255,815 |
| | | | <u>5,655,996</u> |
| Less—10 per cent..... | | | 565,599 |
| | | | <u>5,090,397</u> |

(Memorandum.)

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 19th May, 1885.

The undersigned has the honor to represent that, under date the 18th instant, the Chief Engineer of the Canadian Pacific Railway has issued a certificate, No. 71, of the Central Section, of which the following are the details:—

| | |
|--|---------------------|
| Total value of work done and materials delivered up to the 1st May, 1885..... | \$14,810,379 |
| Eastern Division, 900 miles, at \$10,000..... | \$9,000,000 |
| Western Division, 54 miles, at \$13,333..... | 719,982 |
| | <u>\$9,719,982</u> |
| Proportion of value of work done under the Act of 1884, to the value of work remaining to be done..... | 5,090,397 |
| | <u>\$14,810,379</u> |

That of this amount the books of the Accountant of the Department show that there has already been paid the sum of..... 14,694,921

Leaving the balance now payable..... \$115,458

Of this sum the portions chargeable to the loan and subsidy accounts, severally, are as follows:—

| | |
|---------------|-----------|
| Loan..... | \$69,300 |
| Subsidy | 46,158 |
| | \$115,453 |

The undersigned recommends that authority be given for the payment of the sum of \$115,458 to the Canadian Pacific Railway Company in accordance with the foregoing.

Respectfully submitted,

J. H. POPE, *Acting Minister of Railways and Canals.*

CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 20th May, 1885.

On a memorandum, dated 19th May, 1885, from the Acting Minister of Railways and Canals, submitting certificate No. 71, dated 18th instant, from the Chief Engineer of the Canadian Pacific Railway, in respect of the Central Section, west of Red River, of said Railway, the details of which are as follows:—

| | |
|---|--------------|
| Total value of work done and materials delivered up to the 1st of May, 1885..... | \$14,810,379 |
| Eastern Division, 900 miles, at \$10,000..... | \$9,000,000 |
| Western Division, 54 miles, at \$13,333..... | 719,982 |
| | \$9,719,982 |
| Proportion of value of work done under the Act of 1884 to work remaining to be done | 5,090,397 |
| | \$14,810,379 |

That of this amount the books of the Department show that there has already been paid the sum of..... 14,694,921

Leaving the balance now payable..... \$115,458

Of this sum the portion chargeable to the loan and subsidy accounts, severally are as follows:—

| | |
|---------------|-----------|
| Loan | \$69,300 |
| Subsidy | 46,158 |
| | \$115,458 |

The Minister recommends that authority be given for the payment to the Canadian Pacific Railway Company of the said sum of \$115,458 accordingly.

The Committee advise that the requisite authority be granted.

JOHN J. MCGEE, *Clerk Privy Council.*

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 22nd May, 1885.

SIR,—I am instructed to inform you that a certificate has issued in favor of your company for \$115,458 for work done and materials delivered on the Central Sec-

tion of the Canadian Pacific Railway, west of Red River, as shown in engineer's progress estimate to 1st instant.

Distribution as follows:—

| | |
|--------------|------------------|
| Loan..... | \$69,300 |
| Subsidy..... | 46,158 |
| | <u>\$115,458</u> |

I am, Sir, your obedient servant,

A. P. BRADLEY, *Secretary.*

CHAS. DRINKWATER, Esq., Secretary C. P. R. Co., Montreal.

PAYMENT OF MONEYS—PROGRESS ESTIMATE No. 72—CENTRAL SECTION—CANADIAN PACIFIC RAILWAY.

Description of works, cash subsidy; No. of contract, Canadian Pacific Railway Company; locality of works, Central Section, West of Red River; name of contractors, Canadian Pacific Railway Company; date of contract, 21st October, 1880.

Progress estimate of work done and materials delivered from the beginning of operations under this contract to the 29th May, 1885.

The works, of which this is an estimate, are being executed by the authority of the Department of Railways and Canals, under contract numbered and dated as above, also under letters Nos. 27816 and 28944.

Total value of work done and materials delivered to the 29th May, 1885..... \$14,843,168

Eastern Division, 900 miles at \$10,000.... \$ 9,000,000

Western Division, 54 miles at \$13,333.... 719,982

\$9,719,982

Proportion of value of work done under the Act of 1884 to work remaining to be done..... 5,123,186

\$14,843,168

NOTE.—The amount of this certificate payable under the loan of \$22,500,000 is... \$3,075,500

Previously returned..... 3,055,800

\$19,700

The above is a correct estimate, made up from the returns forwarded by James Dickey and others. The quantities so furnished have been accurately moneyed out at the contract rates, or at the rates specially authorized by departmental letters above mentioned.

J. R. CHAMBERLAIN.

I have examined the return on which this estimate is based, have verified the calculations, and am satisfied that all the work returned as done has been duly authorized by the Department.

FRANCIS J. LYNCH, *In charge of C. P. R. Head Office.*

Total amount now certified on this contract, \$14,843,168. All previous payments to be deducted.

COLLINGWOOD SCHREIBER, *Engineer-in-Chief.*

OFFICE OF ENGINEER-IN-CHIEF, OTTAWA, 30th May, 1885.

CANADIAN PACIFIC RAILWAY.

CENTRAL SECTION—Estimate No. 72—Under the Loan Act of 1884.

| | |
|--|---------------------------|
| Previously returned—Eastern Section..... | \$4,101,163 |
| 8,308 tons of rails delivered at Brockville and Montreal at \$23..... | 191,084 |
| | <u>\$4,292,247</u> |
| Previously returned—Western Section..... | 1,400,181 |
| | <u>\$5,692,428</u> |
| LESS—10 per cent..... | \$569,242 |
| | <u><u>\$5,123,186</u></u> |

(Memorandum.)

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 30th May, 1885.

The undersigned has the honor to represent that, under date the 30th instant, the Chief Engineer of the Canadian Pacific Railway has issued a further certificate, No. 72, of the Central Section of the road, of which the following are the details:—

| | |
|--|----------------------------|
| Total value of work done and materials delivered up to the 29th of May, 1885..... | \$14,843,168 |
| Eastern Division, 900 miles, at \$10,000..... | \$9,000,000 |
| Western do 54 do 13,333..... | 719,982 |
| | <u>\$9,719,982</u> |
| Proportion of value of work done under the Act of 1884 to that of work remaining to be done..... | 5,123,186 |
| | <u><u>\$14,843,168</u></u> |

That of this amount the books of the accountant of the Department show that there has already been paid the sum of..... 14,810,379

Leaving the balance now payable..... \$32,789

Of which the portions chargeable to the loan and subsidy accounts, severally, are as follows:—

| | |
|--------------|------------------------|
| Loan..... | \$19,700 |
| Subsidy..... | 13,089 |
| | <u><u>\$32,789</u></u> |

The undersigned recommends that authority be given for the payment of the said sum of \$32,789 to the Canadian Pacific Railway Company, in accordance with the foregoing.

Respectfully submitted,
J. H. POPE, Acting Minister Railways and Canals.

CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 2nd June, 1885.

On a memorandum, dated 30th May, 1885, from the Acting Minister of Railways and Canals, submitting a certificate, No. 72, dated 30th instant, from the Chief

Engineer of the Canadian Pacific Railway, with respect to the Central Section of the road, of which the following are the details:—

| | |
|--|--------------|
| Total value of work done and materials delivered up to 29th May, 1885..... | \$14,843,163 |
| Eastern Division, 900 miles at \$10,000.... | \$9,000,000 |
| Western Division, 54 miles at \$13,333..... | 719,982 |
| | \$9,719,982 |
| Proportion of value of work done under the Act of 1884 to that of work remaining to be done..... | 5,123,186 |
| | \$14,843,168 |

| | |
|---|------------|
| That of this amount the books of the Department show that there has already been paid the sum of..... | 14,810,379 |
| Leaving the balance now payable..... | \$32,789 |

Of this amount the portions chargeable to the loan and subsidy accounts severally are as follows:—

| | |
|--------------|----------|
| Loan..... | \$19,700 |
| Subsidy..... | 13,089 |
| | \$32,789 |

The Minister recommends that authority be given for the payment of the said sum of \$32,789 to the Canadian Pacific Railway Company accordingly.
The Committee advise that the requisite authority be granted.

JOHN J. MCGEE, *Clerk Privy Council.*

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 5th June, 1885.

SIR,—I am instructed to inform you that a certificate has issued for the payment to your company of \$32,789, for work done and materials delivered under your contract on the Central Section, West of Red River, of the Canadian Pacific Railway, as shown in engineer's progress estimate, to 30th ultimo.

Distribution as follows:—

| | |
|--------------|----------|
| Loan..... | \$19,700 |
| Subsidy..... | 13,089 |
| | \$32,789 |

I am, Sir, your obedient servant,

A. P. BRADLEY, *Secretary.*

C. DRINKWATER, Esq., Secretary C. P. R. Co., Montreal.

PAYMENT OF MONEYS—PROGRESS ESTIMATE No. 73—CENTRAL SECTION—CANADIAN PACIFIC RAILWAY.

Description of works, cash subsidy; No. of contract, Canadian Pacific Railway Company; locality of works, Central Section, west of Red River; name of contractors, Canadian Pacific Railway Company; date of contract, 21st October, 1880.

Progress estimate of work done and materials delivered from the beginning of operations under this contract to the 31st May, 1885.

The works, of which this is an estimate, are being executed by the authority of the Department of Railways and Canals, under contract numbered and dated as above, also under letter No. 27816 and 28944.

| | |
|--|--------------|
| Total value of work done and materials delivered to the 31st May, 1885..... | \$15,023,296 |
| Eastern Division, 900 miles, at \$10,000 | \$9,000,000 |
| Western Division, 54 miles, at \$13,000..... | 719,982 |
| | \$9,719,982 |
| Proportion of value of work done under the Act of 1884 to work remaining to be done..... | 5,303,314 |
| | \$15,023,296 |
| NOTE.—The amount of this certificate payable under the loan of \$22,500,000 is.... | \$3,183,600 |
| Previously returned under the loan..... | 3,075,500 |
| | \$108,100 |

The above is a correct estimate, made up from the returns forwarded by James Dickey. The quantities so furnished have been accurately moneyed out at the contract rates, or at the rates specially authorized by departmental letters above mentioned.

J. R. CHAMBERLAIN.

I have examined the return on which this estimate is based, have verified the calculations, and am satisfied that all the work returned as done has been duly authorized by the Department.

FRANCIS J. LYNCH, *In charge of C.P.R. Head Office.*

Total amount now certified on this contract, \$15,023,296. All previous payments to be deducted.

COLLINGWOOD SCHREIBER, *Engineer in-Chief.*

OFFICE OF ENGINEER IN-CHIEF, OTTAWA, 1st June, 1885.

CANADIAN PACIFIC RAILWAY.

CENTRAL Section—Progress Estimate No. 73—Under the Loan Act of 1884.

| | \$ | \$ | \$ |
|--|--------|-----------|-----------|
| 955th to 962nd mile— | | | |
| 8 miles, at \$26,000 per mile..... | | 208,000 | |
| LESS—Station building and water service..... | | 3,200 | 204,800 |
| 963rd to 966th mile— | | | |
| 4 miles, at \$26,250 per mile..... | | 105,000 | |
| LESS—Station building and water service..... | | 2,200 | 102,800 |
| 967th to 975th mile— | | | |
| 9 miles, at \$44,444.44 per mile..... | | 400,000 | |
| LESS—Station building and water service..... | | 4,400 | 395,600 |
| 976th to 1024th mile— | | | |
| 49 miles, at \$37,755 per mile..... | | 1,850,000 | |
| LESS—Ballasting, 84,000 cubic yards, at 50c..... | 42,000 | | |
| Water service..... | 22,000 | | |
| | | 64,000 | 1,786,000 |

CENTRAL Section—Progress Estimate No. 73—*Concluded.*

| | \$ | \$ | \$ |
|---|---------|-----------|-----------|
| 1025th to 1038th mile— | | | |
| 14 miles, at \$6,714.28 per mile..... | | 850,000 | |
| Less—Structures..... | 30,000 | | |
| Ballasting, 20,000 cubic yards, at 50c..... | 10,000 | | |
| Water service..... | 5,500 | | |
| | | 45,500 | 804,500 |
| 1039th to 1057th mile— | | | |
| 19 miles, at \$35,789.47 per mile..... | | 680,000 | |
| Less—Structures..... | 180,000 | | |
| Rails..... | 114,000 | | |
| Ballasting..... | 19,000 | | |
| Station and water service..... | 10,000 | | |
| | | 303,000 | |
| | | 377,000 | |
| 80 per cent. grading..... | | 301,600 | |
| 72 do structures..... | | 115,200 | |
| Rails, 8½ miles, at \$6,000..... | 51,000 | | |
| Ballasting, 8,000 cubic yards, at 50c..... | 4,000 | | |
| | | 55,000 | 471,800 |
| 1058th to 1072nd mile— | | | |
| 16 miles, at \$38,666.66 per mile..... | | 550,000 | |
| Less—Structures..... | 33,000 | | |
| Rails..... | 99,000 | | |
| Ballasting..... | 16,500 | | |
| Water service, &c..... | 8,250 | | |
| | | 156,750 | |
| | | 393,250 | |
| 7½ per cent. grading..... | | | 27,527 |
| 1073rd to 1100th mile— | | | |
| 28 miles, at \$35,714.24 per mile..... | | 1,000,000 | |
| Less—Structures..... | 77,000 | | |
| Rails..... | 184,800 | | |
| Ballasting..... | 30,800 | | |
| Stations and water service..... | 16,500 | | |
| | | 309,100 | |
| | | 690,900 | |
| 22 per cent. grading..... | | | 151,968 |
| 1101st to 1125th mile— | | | |
| 25 miles, at \$40,000 per mile..... | | 1,000,000 | |
| Less—Structures..... | 275,000 | | |
| Rails..... | 165,000 | | |
| Ballasting..... | 27,500 | | |
| Station and water service..... | 7,700 | | |
| | | 475,200 | |
| | | 524,800 | |
| 2 per cent. grading..... | | 10,496 | |
| 4 do structures..... | | 11,000 | |
| Materials delivered— | | | 21,496 |
| Rails, 620 tons, at \$43..... | 26,660 | | |
| Sleepers, 68,500, at 25c..... | 17,125 | | |
| Rails delivered at Brockville, 8,308 tons, at \$23..... | 191,084 | | |
| Service road..... | 5,000 | | |
| | | | 239,869 |
| Rolling stock..... | | | 286,000 |
| Previously returned—Western Division..... | | | 4,492,300 |
| | | | 1,400,181 |
| Less—10 per cent..... | | | 5,892,571 |
| | | | 589,257 |
| | | | 5,303,314 |

(Memorandum.)

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 2nd June, 1885.

The undersigned has the honor to represent that under date the 1st instant the Chief Engineer of the Canadian Pacific Railway has issued a certificate, No. 73, of the Central Section of that road, of which the details are as follows:—

| | | |
|---|---------------------|--------------|
| Total value of work done and materials delivered up to the 31st of May, 1885..... | | \$15,023,296 |
| Eastern Division, 900 miles, at \$10,000. | \$9,000,000 | |
| Western Division, 54 miles, at \$13,333. | 719,982 | |
| | <u>\$9,719,982</u> | |
| Proportion of value of work done under the Act of 1881 to that of work remaining to be done | 5,303,314 | |
| | <u>\$15,023,296</u> | |

That of this amount the books of the accountant of the Department show that there has already been paid the sum of.....

14,843,168

Leaving the balance now payable.....

\$180,128

Of which balance the portions chargeable to the loan and subsidy accounts ^{severally} are as follows:—

| | |
|--------------|------------------|
| Loan..... | \$108,100 |
| Subsidy..... | 72,028 |
| | <u>\$180,128</u> |

The undersigned recommends that authority be given for the payment of the said sum of \$180,128 to the Canadian Pacific Railway Company in accordance with the foregoing.

Respectfully submitted,

J. H. POPE, *Acting Minister Railways and Canals.*

CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 5th June, 1885.

On a memorandum, dated 2nd June, 1885, from the Acting Minister of Railways and Canals, submitting certificate, No. 73, dated 1st instant, from the Chief Engineer of the Canadian Pacific Railway, with respect to the Central Section of the line, the details of which are as follows:—

| | | |
|--|---------------------|--------------|
| Total value of work done and materials delivered up to 31st of May, 1885 | | \$15,023,296 |
| Eastern Division, 900 miles, at \$10,000. | \$9,000,000 | |
| Western Division, 54 miles, at \$13,333. | 719,982 | |
| | <u>\$9,719,982</u> | |
| Proportion of value of work done to that of work remaining to be done. | 5,303,314 | |
| | <u>\$15,023,296</u> | |

| | |
|--|------------------|
| That of this amount the books of the Department show that there has already been paid..... | 14,843,168 |
| Leaving the balance payable..... | <u>\$180,128</u> |

Of which balance the portions chargeable to the loan and subsidy accounts, severally, are as follows:—

| | |
|--------------|------------------|
| Loan..... | \$108,100 |
| Subsidy..... | 72,028 |
| | <u>\$180,128</u> |

The Minister recommends that authority be given for the payment of the said sum of \$180,128 to the Canadian Pacific Railway Company accordingly. The Committee advise that authority be given as recommended.

JOHN J. MCGEE, *Clerk Privy Council.*

The Hon. the Minister of Railways and Canals.

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 9th June, 1885.

SIR,—I am directed to inform you that a certificate has issued for the payment to your company of the sum of \$180,128 for work done and materials delivered on the Central Section west of Red River, of the Canadian Pacific Railway, as shown in engineer's progress estimate to the 31st ultimo.

Distribution as follows:—

| | |
|--------------|------------------|
| Loan..... | \$108,100 |
| Subsidy..... | 72,028 |
| | <u>\$180,128</u> |

I am, Sir, your obedient servant,

A. P. BRADLEY, *Secretary.*

C. DRINKWATER, Esq., Secretary C. P. R. Co., Montreal.

PAYMENT OF MONEYS—PROGRESS ESTIMATE No. 74—CENTRAL SECTION—CANADIAN PACIFIC RAILWAY.

Description of works, cash subsidy; No. of contract, Canadian Pacific Railway Company; locality of works, Central Section, west of Red River; name of contractors, Canadian Pacific Railway Company; date of contract, 21st October, 1880.

Progress estimate of work done and materials delivered from the beginning of operations under this contract to the 31st May, 1885.

The works, of which this is an estimate, are being executed by the authority of the Department of Railways and Canals, under contract numbered and dated as above, also under letter Nos. 27816 and 28944.

Total value of work done and materials delivered to the 31st May, 1885 \$15,201,240

| | |
|---|--------------------|
| Eastern Division, 900 miles, at \$10,000. | \$9,000,000 |
| Western Division, 54 miles, at \$13,333. | 719,982 |
| | <u>\$9,719,982</u> |

Proportion of value of work done under the Act of 1884 to work remaining to be done. 5,481,258

\$15,201,240

| | |
|---------------------------------------|-------------|
| NOTE.—Total amount now payable | |
| under the loan of \$22,500,000 is.... | \$3,290,500 |
| Previously returned..... | 3,183,600 |
| | \$106,900 |

The above is a correct estimate, made up from the returns forwarded by Marous Smith. The quantities so furnished have been accurately moneyed out at the contract rates, or at the rates specially authorized by departmental letters above mentioned.

J. R. CHAMBERLAIN.

I have examined the returns on which this estimate is based, have verified the calculations, and am satisfied that all the work returned as done has been duly authorized by the Department.

FRANCIS J. LYNCH, *In charge of C. P. R. Head Office.*

Total amount now certified on this contract, \$15,201,240. All previous payments to be deducted.

COLLINGWOOD SCHREIBER, *Engineer-in-Chief.*

OFFICE OF ENGINEER-IN-CHIEF, OTTAWA, 9th June, 1885.

CANADIAN PACIFIC RAILWAY.

CENTRAL Section West, Progress Estimate No. 74, under the Loan Act of 1884.

| | \$ | \$ | \$ |
|--|---------|-----------|-----------|
| Savona's Ferry to Kamloops— | | | |
| 25 miles, at \$48,000 per mile..... | | 1,200,000 | |
| Less—Bridging, at \$33,000 per mile | 82,500 | | |
| Standard, at 7,260 do | 181,500 | | |
| | | 246,000 | |
| | | 936,000 | |
| 95 per cent. grading..... | | 889,200 | |
| 85 per cent. bridging..... | 70,125 | | |
| Tracklaying, &c., 2 miles, at \$5,000..... | 10,000 | | |
| Ties delivered, 62,000, at 25c..... | 15,500 | | |
| | | 95,625 | 984,825 |
| Kamloops to Middle of Eagle Pass— | | | |
| 100 miles, at \$20,000 per mile..... | | 2,000,000 | |
| Less—Bridging, at \$1,322.50 per mile..... | 132,250 | | |
| Standard, at 7,244.00 do | 724,500 | | |
| | | 856,750 | |
| | | 1,143,250 | |
| 41 per cent. grading..... | | 468,732 | |
| 7 per cent. bridging..... | 9,257 | | |
| Ties delivered, 284,330, at 25c..... | 71,082 | | |
| | | 80,339 | 549,071 |
| Rails delivered at Port Moody— | | | |
| 2,000 tons, at \$32..... | | | 64,000 |
| Previously returned, Eastern Division, Estimate No. 73..... | | | 1,597,896 |
| | | | 4,492,390 |
| | | | 6,090,286 |
| Less—10 per cent..... | | | 609,028 |
| | | | 5,481,258 |

(Memorandum).

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 10th June, 1885.

The undersigned has the honor to represent that under date the 9th inst., the Chief Engineer of the Canadian Pacific Railway has issued a further certificate, No. 74, of the Central Section of that road, of which the following are the details:—

| | |
|---|--------------------|
| Total value of work done and materials delivered up to 31st May, 1885 | \$15,201,240 |
| Eastern Division, 900 miles, at \$10,000... | \$9,000,000 |
| Western Division, 54 miles, at \$13,333... | 719,982 |
| | <u>\$9,719,982</u> |

| | |
|--|---------------------|
| Proportion of value of work done under the Act of 1884 to that of work remaining to be done..... | 5,481,258 |
| | <u>\$15,201,240</u> |

That of this amount the books of the accountant of the Department show that there has already been paid the sum of

15,023,296

Leaving the balance now payable..... \$177,944

Of this balance the proportions chargeable to the loan and subsidy accounts are as follows:—

| | |
|--------------|------------------|
| Loan..... | \$106,900 |
| Subsidy..... | 71,044 |
| | <u>\$177,944</u> |

The undersigned recommends that authority be given for the payment of the said balance of \$177,944 to the Canadian Pacific Railway, in accordance with the foregoing.

Respectfully submitted.

J. H. POPE, *Acting Minister Railways and Canals.*

CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 10th June, 1885.

On a memorandum, dated 10th June, 1885, from the Acting Minister of Railways and Canals, submitting a certificate, No. 74, dated 9th instant, from the Chief Engineer of the Canadian Pacific Railway, in respect to the Central Section of the road, of which the following are the details:—

| | |
|--|--------------------|
| Total value of work done and materials delivered up to 31st May, 1885..... | \$15,201,240 |
| Eastern Division, 900 miles, at \$10,000. | \$9,000,000 |
| Western Division, 54 miles, at \$13,333. | 719,982 |
| | <u>\$9,719,982</u> |

| | |
|--|---------------------|
| Proportion of value of work done under the Act of 1884 to that of work remaining to be done..... | 5,481,258 |
| | <u>\$15,201,240</u> |

That of this amount, the books of the
Department show that there has
already been paid the sum of..... 15,023,296

Leaving the balance now payable..... \$177,944

Of which amount the proportions chargeable to the loan and subsidy accounts
are as follows:—

| | |
|--------------|------------------|
| Loan..... | \$106,900 |
| Subsidy..... | 71,044 |
| | <u>\$177,944</u> |

The Minister recommends that authority be given for the payment of the said
sum of \$177,944 to the Canadian Pacific Railway Company accordingly.

The Committee advise that authority be given as recommended.

JOHN J. MCGEE, *Clerk Privy Council.*

The Hon. the Minister of Railways and Canals.

(*Memorandum.*)

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 12th June, 1885.

SIR,—I am instructed to inform you that a certificate has issued in favor of your
company for \$177,944, being in payment for work done and materials delivered under
your contract on the Central Section of the Canadian Pacific Railway, West of Red
River, as shown in engineer's progress estimate to the 31st ultimo.

Distribution as follows:—

| | |
|--------------|------------------|
| Loan..... | \$106,900 |
| Subsidy..... | 71,044 |
| | <u>\$177,944</u> |

I am, Sir, your obedient servant,

A. P. BRADLEY, *Secretary.*

C. DRINKWATER, Esq., Secretary C.P.R. Co., Montreal.

PAYMENT OF MONEYS—PROGRESS ESTIMATE No. 75—CENTRAL
SECTION—CANADIAN PACIFIC RAILWAY.

Description of works, cash subsidy; No. of contract, Canadian Pacific Railway
Company; locality of works, Central Section, West of Red River; name of contractors,
Canadian Pacific Railway Company; date of contract, 21st October, 1880.

Progress estimate of work done and materials delivered from the beginning of
operations under this contract to the 15th June, 1885.

The works, of which this is an estimate, are being executed by the authority of
the Department of Railways and Canada, under contract numbered and dated as
above, also under letters Nos. 27816 and 28944.

Total value of work done and materials
delivered to the 15th June, 1885..... \$15,245,909

Eastern Division, 900 miles at \$10,000.... \$ 9,000,000

Western Division, 54 miles at \$13,333... 719,982

\$9,719,982

| | |
|--|---------------------|
| Proportion of value of work done under the Act of 1884 to work remaining to be done..... | 5,525,927 |
| | <u>\$15,245,909</u> |

NOTE.—The amount of this certificate payable under the loan of \$22,500,000 is.....

| | |
|--------------------------|------------------|
| Previously returned..... | \$3,317,300 |
| | <u>3,290,500</u> |
| | <u>\$26,800</u> |

The above is a correct estimate, made up from the returns forwarded by Marcus Smith and J. B. Brophy. The quantities so furnished have been accurately moneyed out at the contract rates, or at the rates specially authorized by departmental letters above mentioned.

J. R. CHAMBERLAIN.

I have examined the return on which this estimate is based, have verified the calculations, and am satisfied that all the work returned as done has been duly authorized by the Department.

FRANCIS J. LYNCH, *In charge of C.P.R. Head Office.*

Total amount now certified on this contract, \$15,245,909. All previous payments to be deducted.

COLLINGWOOD SCHREIBER, *Engineer-in-Chief.*

OFFICE OF ENGINEER-IN-CHIEF, OTTAWA, 15th June, 1885.

CANADIAN PACIFIC RAILWAY.

CENTRAL SECTION—Progress Estimate No. 75—Under the Loan Act of 1884.

| | |
|---|--------------------|
| Central Section, Western Division—Previously returned (No. 74)..... | \$1,553,896 |
| Rails delivered at Port Moody—3,551 tons at \$32..... | 113,632 |
| | <u>\$1,647,528</u> |
| Previously returned—Eastern Division..... | 4,49,390 |
| | <u>\$6,139,991</u> |
| Less 10 per cent..... | 613,991 |
| | <u>\$5,525,927</u> |

(Memorandum)

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 15th June, 1885.

The undersigned has the honor to represent that, under date the 15th instant, the chief engineer of the Canadian Pacific Railway has issued a certificate, No. 75, of the Central Section, of which the following are the details:—

| | |
|---|--------------------|
| Total value of work done and materials delivered up to the 15th June, 1885..... | \$15,245,909 |
| Eastern Division, 800 miles at \$10,000..... | \$9,000,000 |
| Western Division, 54 miles at \$13,333..... | 719,982 |
| | <u>\$9,719,982</u> |

| | |
|--|---------------------|
| Proportion of value of work done under the Act of 1884 to that of work remaining to be done..... | 5,525,927 |
| | <u>\$15,245,909</u> |

That of this amount the books of the accountant of the Department show that there has been paid the sum of..... 15,201,240

Leaving the balance now payable..... \$44,669

The portions of the said balance chargeable to the loan and subsidy accounts, severally, are as follows:—

| | |
|---------------|-----------------|
| Loan..... | \$26,800 |
| Subsidy | 17,869 |
| | <u>\$44,669</u> |

The undersigned recommends that authority be given for the payment of the said sum of \$44,669 to the Canadian Pacific Railway Company, in accordance with the foregoing.

Respectfully submitted,

J. H. POPE, *Acting Minister Railways and Canals.*

CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 17th June, 1885.

On a memorandum, dated 15th June, 1885, from the acting Minister of Railways and Canals, submitting a certificate, No. 75, dated 15th June, instant, from the Chief Engineer of the Canadian Pacific Railway, with respect to the Central Section of the line, of which the following are the particulars:—

| | |
|---|---------------------|
| Total value of work done and materials delivered up to the 15th June, 1885..... | \$15,245,909 |
| Eastern Division, 900 miles, at \$10,000..... | \$9,000,000 |
| Western Division, 54 miles, at \$13,333..... | 7,19,982 |
| | <u>\$9,719,982</u> |
| Proportion of value of work done under the Act of 1884, to that of work remaining to be done..... | 5,525,927 |
| | <u>\$15,245,909</u> |

Of this amount the books of the Department show that there has been paid the sum of..... 15,201,240

Leaving the balance now payable..... \$44,669

Of which balance, the portions chargeable to the loan and subsidy accounts, severally, are as follows:—

| | |
|--------------|-----------------|
| Loan..... | \$26,800 |
| Subsidy..... | 17,869 |
| | <u>\$44,669</u> |

The Minister recommends that authority be given for the payment of the said balance of \$44,669 to the Canadian Pacific Railway accordingly.

The Committee advise that authority be given as recommended.

JOHN J. MCGEE, *Clerk Privy Council.*

The Hon. the Minister of Railways and Canals.

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 22nd June, 1885.

I am, by direction, to inform you that a certificate has issued for the payment to your company of \$44,669, for work done and materials delivered upon the Central Section of the Canadian Pacific Railway, as shown in engineer's progress estimate to the 15th instant.

Distribution as follows:—

| | |
|--------------|----------|
| Loan..... | \$26,800 |
| Subsidy..... | 17,869 |
| | \$44,669 |

I am, Sir, your obedient servant,

A. P. BRADLEY, *Secretary.*

C. DRINKWATER, Esq., Secretary C. P. R. Co., Montreal.

PAYMENT OF MONEYS—PROGRESS ESTIMATE No. 76—CENTRAL SECTION, CANADIAN PACIFIC RAILWAY.

Description of works, cash subsidy; No. of contract, Canadian Pacific Railway Company; locality of works, Central Section, West of Red River; name of contractors, Canadian Pacific Railway Company; Date of contract, 21st October, 1880.

Progress estimate of work done and materials delivered from the beginning of operations under this contract to the 16th June, 1885.

The works, of which this is an estimate, are being executed by the authority of the Department of Railways and Canals, under contract numbered and dated as above, also under letter No. 27816 and 28944.

Total value of work done and materials delivered to the 16th June, 1885..... \$15,307,316

Eastern Division, 900 miles at \$10,000..... \$9,000,000

Western Division, 54 miles at \$13,333.... .. 719,982

\$9,719,982

Proportion of value of work done under Act of 1884 to work remaining to be done... 5,587,364

\$15,307,346

NOTE.—The amount of this certificate payable under the loan of \$22,500,000 is... \$3,354,200

Previously returned under the loan 3,317,300

\$36,900

The above is a correct estimate, made up from the returns forwarded by T. Ridout and James Dickey. The quantities so furnished have been accurately moneyed out at the contract rates, or at the rates specially authorized by departmental letters above mentioned.

J. R. CHAMBERLAIN.

I have examined the return on which this estimate is based, have verified the calculations, and am satisfied that all the work returned as done has been duly authorized by the Department.

FRANCIS J. LYNCH, *In charge of C. P. R. Head Office.*

Total amount now certified on this contract, \$15,307,346. All previous payments to be deducted.

COLLINGWOOD SCHREIBER, *Engineer-in-Chief.*

OFFICE OF ENGINEER-IN-CHIEF, OTTAWA, 17th June, 1885.

CANADIAN PACIFIC RAILWAY.

CENTRAL SECTION—Progress Estimate No. 76—Under the Loan Act of 1884.

| | \$ | \$ | \$ |
|---|---------|-----------|-----------|
| Previously returned, Western Division | | 3,966,521 | |
| Materials delivered— | | | |
| Rails, 620 tons, at \$13 | 26,660 | | |
| Sleepers, 68,500, at 25 cents | 17,125 | | |
| Rails delivered at Brockville and Montreal— | | | |
| 11,276 tons, at \$23..... | 259,348 | | |
| Service roads..... | 5,000 | | |
| | | 308,133 | |
| Bolling stock..... | | 286,000 | |
| Previously returned, Western Division..... | | | 4,560,654 |
| | | | 1,647,528 |
| | | | 6,208,182 |
| Less 10 per cent..... | | | 620,816 |
| Total | | | 5,587,364 |

(Memorandum.)

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 18th June, 1885.

The undersigned has the honor to represent that under date the 17th instant the Chief Engineer of the Canadian Pacific Railway has issued a certificate, No. 76, of the Central Section of that road, of which the following are the particulars:—

| | |
|---|---------------------|
| Total value of work done and materials delivered up to the 16th June, 1885..... | \$15,307,346 |
| Eastern Division, 900 miles, at \$10,000.... | \$ 9,000,000 |
| Western Division, 54 miles, at 13,333.... | 719,982 |
| | <u>\$9,719,982</u> |
| Proportion of value of work done under the Act of 1884 to value of work remaining to be done..... | 5,587,364 |
| | <u>\$15,307,346</u> |

| | |
|---|-----------------|
| That of this amount the books of the accountant of the Department show that there has already been paid | 15,245,900 |
| Leaving the balance now payable..... | <u>\$61,437</u> |

Of this amount the portions chargeable to the loan and subsidy accounts, severally, are as follows:—

| | |
|--------------|-----------------|
| Loan | \$36,900 |
| Subsidy..... | 24,537 |
| | <u>\$61,437</u> |

The undersigned recommends that authority be given for the payment of the said sum of \$61,437 to the Canadian Pacific Railway Company, in accordance with the foregoing.

Respectfully submitted,

J. H. POPE, Acting Minister of Railways and Canals.

CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 20th June, 1885.

On a memorandum, dated 18th June, 1885, from the Acting Minister of Railways and Canals, submitting a certificate, No. 76, dated 17th instant, of the Chief Engineer of the Canadian Pacific Railway, with respect to the Central Section of the road, of which the following are the details :—

| | |
|---|---------------------|
| Total value of work done and materials delivered up to the 16th June, 1885 | \$15,307,346 |
| Eastern Division, 900 miles, at \$10,000.... | \$ 9,000,000 |
| Western Division, 54 miles, at \$13,333.... | 719,982 |
| | <u>\$9,719,982</u> |
| Proportion of value of work done under the Act of 1884 to value of work remaining to be done..... | 5,587,364 |
| | <u>\$15,307,346</u> |

Of this amount, the books of the Department show that there has already been paid the sum of..... 15,245,909

Leaving the balance now payable..... \$61,437

Of which the portions severally chargeable to the loan and subsidy accounts are as follows :—

| | |
|--------------|-----------------|
| Loan..... | \$36,900 |
| Subsidy..... | 24,537 |
| | <u>\$61,437</u> |

The Minister recommends that authority be given for the payment of the said sum of \$61,437 to the Canadian Pacific Railway Company accordingly.

The Committee advise that authority be given as recommended.

JOHN J. MCGEE, Clerk Privy Council.

The Hon. the Minister of Railways and Canals.

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 26th June, 1885.

SIR,—I am directed to inform you that a certificate has issued by this Department for the payment to the Canadian Pacific Railway Company of the sum of \$61,437, balance due on account of work done and materials delivered to the 16th instant, on Central Section west of Red River.

Distribution as follows :—

| | |
|---------------|-----------------|
| Loan..... | \$36,900 |
| Subsidy | 24,537 |
| | <u>\$61,437</u> |

I am, Sir, your obedient servant,

A. P. BRADLEY, Secretary.

CHAS. DRINKWATER, Esq., Secretary C.P.R. Co., Montreal.

PAYMENT OF MONEYS—PROGRESS ESTIMATE No. 77—CENTRAL SECTION—CANADIAN PACIFIC RAILWAY.

Description of works, cash subsidy; No. of Contract, Canadian Pacific Railway Company; locality of works, Central Section, west of Red River; name of contractors, Canadian Pacific Railway Company; date of contract, 21st October, 1885.

Progress estimate of work done and materials delivered from the beginning of operations under this contract to the 30th June, 1885.

The works, of which this is an estimate, are being executed by the authority of the Department of Railways and Canals, under contract numbered and dated as above, also under letter Nos. 27816 and 28944.

Total value of work done and materials delivered to the 30th June, 1885..... \$15,607,961

Eastern Division, 900 miles, at \$10,000.... \$9,000,000
Western Division, 54 miles, at \$13,333..... 719,982

\$9,719,982

Proportion of value of work done under the Act of 1884, to work remaining to be done..... 5,887,979

\$15,607,961

NOTE.—The amount of this certificate payable under the loan of \$22,500,000, is. \$3,534,700
Previously returned under this loan..... 3,354,200

\$180,500

The above is a correct estimate, made up from the returns forwarded by James Dickey. The quantities so furnished have been accurately moneyed out at the contract rates, or at the rates specially authorized by departmental letters above mentioned.

J. R. CHAMBERLAIN.

I have examined the return on which this estimate is based, have verified the calculations, and am satisfied that all the work returned as done has been duly authorized by the Department.

FRANCIS J. LYNCH, *In charge of C. P. R. Head Office.*

Total amount now certified on this contract, \$15,607,961. All previous payments to be deducted.

COLLINGWOOD SCHREIBER, *Engineer in-Chief.*

OFFICE OF ENGINEER-IN-CHIEF, OTTAWA, 3rd July, 1885.

CANADIAN PACIFIC RAILWAY.

CENTRAL Section—Progress Estimate No. 77—Under the Loan Act of 1884.

| | \$ | \$ | \$ |
|--|---------|-----------|-----------|
| 955th to 962nd mile— | | | |
| 8 miles, at \$26,000..... | | 208,000 | |
| Less—Standard and water service..... | | 3,200 | 204,800 |
| 963rd to 966th mile— | | | |
| 4 miles, at \$26,250..... | | 105,000 | |
| Less—Standard and water service..... | | 2,200 | 102,800 |
| 967th to 975th mile— | | | |
| 9 miles, at \$44,444.44..... | | 400,000 | |
| Less—Stations and water service..... | | 4,400 | 395,600 |
| 976th to 1024th mile— | | | |
| 49 miles, at \$37,755..... | | | |
| Less—Ballasting, 48,000 cubic yards, at 50c..... | 24,000 | | |
| Water service..... | 22,000 | | |
| | | 48,000 | 1,804,000 |
| 1025th to 1038th mile— | | | |
| 14 miles, at \$60,714.28..... | | 850,000 | |
| Less—Structures..... | 30,000 | | |
| Ballasting, 14,000 yards, at 50c..... | 7,000 | | |
| Water service..... | 5,500 | | |
| | | 42,500 | 807,500 |
| 1039th to 1057th mile— | | | |
| 19 miles, at \$35,789.47..... | | 680,000 | |
| Less—Standard..... | 143,000 | | |
| Bridging..... | 160,000 | | |
| | | 303,000 | |
| | | 377,000 | |
| ADD—86 per cent. grading..... | | 361,920 | |
| 84 do bridging..... | | 134,400 | |
| Rails, &c., 10 miles, at \$6,000..... | 60,000 | | |
| Ballasting, 14,000 yards, at 50c..... | 7,000 | | |
| | | 67,000 | 563,320 |
| 1058th to 1072nd mile— | | | |
| 15 miles, at \$38,686.66..... | | 550,000 | |
| Less—Standard..... | 123,750 | | |
| Bridging..... | 33,000 | | |
| | | 156,750 | |
| | | 393,250 | |
| 35 per cent. grading..... | | 137,637 | |
| 10 do bridging..... | | 3,300 | 140,937 |
| 1073rd to 1100th mile— | | | |
| 28 miles, at \$35,714.29..... | | 1,000,000 | |
| Less—Standard..... | 211,000 | | |
| Bridging..... | 70,000 | | |
| | | 281,000 | |
| | | 719,000 | |
| 25 per cent. grading..... | | 179,750 | |
| 100 do bridging..... | | 70,000 | 249,750 |
| Section 8—1100th to 1125th mile— | | | |
| 25 miles, at \$40,000..... | | 1,000,000 | |
| Less—Standard..... | 200,200 | | |
| Bridging..... | 275,000 | | |
| | | 475,200 | |
| | | 524,800 | |

CENTRAL Section—Progress Estimate No. 77—Continued.

| | \$ | \$ | \$ |
|---|-------------------|---------|-----------|
| 5 per cent grading | | 26,240 | |
| 4 do bridging | | 11,000 | |
| | | | 37,240 |
| Materials delivered at end of track— | | | |
| Rails, 876 tons, at \$43 | 37,625 | | |
| Sleepers, 95,000, at 25c | 23,750 | | |
| | | 61,375 | |
| At Brockville and Montreal— | | | |
| Rails | 11,276 tons. | | |
| Less in track | 1,000 do | | |
| | 10,276 do at 23c. | 236,348 | |
| Service roads | 5,000 | | |
| | | 241,348 | |
| | | | 302,733 |
| Rolling stock | | | 286,000 |
| Previously returned, Western Division | | | 4,894,670 |
| | | | 1,647,628 |
| | | | 6,542,198 |
| Less—10 per cent | | | 654,219 |
| | | | 5,887,979 |

(Memorandum.)

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 4th July, 1885.

The undersigned has the honor to represent that under date the 3rd instant the Chief Engineer of the Canadian Pacific Railway has issued a certificate, No. 77, of the Central Section of which the details are as follows:—

| | |
|--|---------------------|
| Total value of work done and materials delivered up to the 30th of June, 1885..... | \$15,607,961 |
| Eastern Division, 900 miles at \$10,000..... | \$9,000,000 |
| Western Division, 64 miles at \$13,333..... | 719,982 |
| | <u>\$9,719,982</u> |
| Proportion of value of work done under the Act of 1884 to that of work remaining to be done..... | 5,887,979 |
| | <u>\$15,607,961</u> |

That of this amount the books of the accountant of the Department show that there has already been paid the sum of 15,307,346

Leaving the balance now payable. \$300,615

That the portions chargeable to the loan and subsidy accounts, severally, being as follows:—

| | |
|--------------|------------------|
| Loan..... | \$180,500 |
| Subsidy.. .. | 120,115 |
| | <u>\$300,615</u> |

The undersigned recommends that authority be given for the payment of the said sum of \$300,615 in accordance with the foregoing.

Respectfully submitted,

J. H. POPE, Acting Minister Railways and Canals.

CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 8th July, 1885.

On a memorandum, dated 4th July, 1885, from the Acting Minister of Railways and Canals, submitting a certificate, No. 77, dated 3rd July instant, from the Chief Engineer of the Canadian Pacific Railway with respect to the Central Section of the line, of which the details are as follows :—

| | | |
|--|---------------------|--------------|
| Total value of work done and materials delivered up to the 30th June, 1885..... | | \$15,607,961 |
| Eastern Division, 900 miles, at \$10,000.. | \$9,000,000 | |
| Western Division, 54 miles, at \$13,333... | 719,982 | |
| | <u>\$9,719,982</u> | |
| Proportion of value of work done under the Act of 1884, to value of work remaining to be done..... | 5,887,979 | |
| | <u>\$15,607,961</u> | |

Of this amount the books of the Department show that there has already been paid the sum of..... 15,307,346

Leaving the balance now payable..... \$300,615

Of which balance the portions chargeable to the loan and subsidy accounts severally are as follows :—

| | |
|--------------|------------------|
| Loan..... | \$180,500 |
| Subsidy..... | 120,115 |
| | <u>\$300,615</u> |

The Minister recommends that authority be given for the payment of the said sum of \$300,615 to the Canadian Pacific Railway Company accordingly.

The Committee advise that authority be given as recommended.

JOHN J. MCGEE, *Clerk Privy Council.*

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 9th July, 1885.

SIR,—I am directed to inform you that a certificate has issued in favor of your company for the sum of \$300,615, in payment for work done and materials delivered under your contract upon the Central Section, West of Red River, of the Canadian Pacific Railway, as shown in engineer's progress estimate to 30th ultimo.

Distribution as follows :—

| | |
|--------------|------------------|
| Loan..... | \$180,500 |
| Subsidy..... | 120,115 |
| | <u>\$300,615</u> |

I am, Sir, your obedient servant,

A. P. BRADLEY, *Secretary.*

CHARLES DRINKWATER, Esq., Secretary C.P.R. Co., Montreal.

PAYMENT OF MONEYS—PROGRESS ESTIMATE No. 78—CENTRAL SECTION—CANADIAN PACIFIC RAILWAY.

Description of works, cash subsidy; No. of contract, Canadian Pacific Railway Company; locality of works, Central Section, West of Red River; name of contractors, Canadian Pacific Railway Company; date of contract, 21st October, 1880.

Progress estimate of work done and materials delivered from the beginning of operations under this contract to the 30th June, 1885.

The works, of which this is an estimate, are being executed by the authority of the Department of Railways and Canals, under contract numbered and dated as above, also under letters Nos. 27816 and 28944.

| | | |
|--|--------------------|---------------------|
| Total value of work done and materials delivered to the 30th June, 1885..... | | \$15,710,677 |
| Eastern Division, 900 miles at \$10,000..... | \$9,000,000 | |
| Western Division, 54 miles at \$13,333..... | 719,982 | |
| | <u>\$9,719,982</u> | |
| Proportion of value of work done under the Act of 1884 to work remaining to be done..... | | 5,990,695 |
| | | <u>\$15,710,677</u> |
| NOTE—The amount of this certificate, payable under the loan of \$22,500,000 is.... | \$3,596,300 | |
| Previously returned..... | 3,534,700 | |
| | | <u>\$61,600</u> |

The above is a correct estimate, made up from the returns forwarded by Marcus Smith. The quantities so furnished have been accurately moneyed out at the contract rates, or at the rates specially authorized by departmental letters above mentioned.

J. R. CHAMBERLAIN.

I have examined the return on which this estimate is based, have verified the calculations, and am satisfied that all the work returned as done has been duly authorized by the Department.

FRANCIS J. LYNCH, *In charge of C.P.R. Head Office.*

Total amount now certified on this contract, \$15,710,677. All previous payments to be deducted.

COLLINGWOOD SCHREIBER, *Engineer-in-Chief.*

OFFICE OF ENGINEER-IN-CHIEF, OTTAWA, 13th July, 1885.

CANADIAN PACIFIC RAILWAY.

CENTRAL SECTION—Western Division—Progress Estimate No. 78. Under the Loan Act of 1884.

| | \$ cts. | \$ cts. | \$ cts. |
|--|---------|-----------|-----------|
| Savona's Ferry to Kamloops— | | | |
| 25 miles, at \$48,000..... | | 1,200,000 | |
| Less—Bridging, at \$3,300..... | 82,500 | | |
| Standard, at \$7,260..... | 181,500 | 264,000 | |
| | | 936,000 | |
| | | 889,200 | |
| 85 per cent. grading..... | 70,125 | | |
| 85 do bridging..... | 75,000 | | |
| Track-laying, &c., 15 miles, at \$5,000..... | 18,750 | | |
| Ties delivered, 75,000, at 25c..... | | 163,875 | |
| | | | 1,053,075 |
| Kamloops to west end of Griffin Lake— | | | |
| 110 miles, at \$18,181.81..... | | 2,000,000 | |
| Less—Bridging, at \$1,363.50..... | 150,000 | | |
| Standard, at \$7,245..... | 762,390 | 912,300 | |
| | | 1,087,700 | |
| | | 543,850 | |
| 50 per cent. grading..... | | | |
| 17 do bridging..... | 25,500 | | |
| Ties delivered, 304,000, at 25c..... | 76,000 | 101,500 | |
| | | | 645,350 |
| Rails delivered at Port Moody, 3,551 tons, less 15 miles laid, 1,575 tons; 1,976 tons, at \$32..... | | | 63,232 |
| Previously returned, Eastern Division..... | | | 1,761,657 |
| | | | 4,894,670 |
| | | | 6,656,327 |
| Less—10 per cent..... | | | 666,632 |
| | | | 5,990,695 |

(Memorandum.)

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 14th July, 1885.

The undersigned has the honor to represent, that under date the 13th instant, the Chief Engineer of the Canadian Pacific Railway has issued a certificate, No. 78, of the Central Section of that road, of which the following are the particulars:—

Total value of work done and materials delivered up to the 30th June, 1885..... \$15,710,677

Eastern Division, 900 miles, at \$10,000.... \$ 9,000,000

Western Division, 54 miles, at \$13,333.... 719,982

\$9,719,982

Proportion of value of work done under the Act of 1884 to work remaining to be done.....

5,990,695

\$15,710,677

That of this amount, the books of the accountant of the Department show that there has already been paid the sum of.....

15,607,961

Leaving the balance payable..... \$102,716

Of this balance the portions chargeable to the loan and subsidy accounts severally, are as follows:—

| | |
|--------------|-----------|
| Loan..... | \$61,600 |
| Subsidy..... | 41,116 |
| | \$102,716 |

The undersigned recommends that authority be given for the payment to the Canadian Pacific Railway Company of the said balance of \$102,716 accordingly.

Respectfully submitted,

J. H. POPE, *Acting Minister Railways and Canals.*

CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 14th July, 1885.

On a memorandum, dated 14th July, 1885, from the Acting Minister of Railways and Canals, submitting a certificate, No. 78, dated 13th July, 1885, from the Chief Engineer of the Canadian Pacific Railway, with respect to the Central Section west of Red River, of said railway, of which the following are the details:—

| | |
|---|--------------|
| Total value of work done and materials delivered up to 30th June, 1885..... | \$15,710,677 |
| Eastern Division, 900 miles, at \$10,000.... | \$9,000,000 |
| Western Division, 54 miles, at \$13,333.... | 719,982 |
| | \$9,719,982 |

| | |
|--|--------------|
| Proportion of value of work done under the Act of 1884 to that remaining to be done..... | 5,990,695 |
| | \$15,710,677 |

That of this amount the books of the Department show that there has already been paid the sum of..... 15,607,961

Leaving the balance now payable..... \$102,716

Of which amount the portions chargeable to the loan and subsidy accounts severally, are as follows:—

| | |
|--------------|-----------|
| Loan..... | \$61,600 |
| Subsidy..... | 41,116 |
| | \$102,716 |

The Minister recommends that authority be granted for the payment of the said balance of \$102,716 to the Canadian Pacific Railway Company accordingly.

The Committee advise that authority be granted as recommended.

JOHN J. MCGEE, *Clerk Privy Council.*

The Hon. the Minister of Railways and Canals.

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 20th July, 1885.

SIR,—I am directed to inform you that a certificate has issued for the payment to your company of \$102,716 for work done and materials delivered upon the Central

Section of the Canadian Pacific Railway, as shown in engineer's progress estimate to 30th ultimo.

Distribution as follows:—

| | |
|--------------|-----------|
| Loan..... | \$61,600 |
| Subsidy..... | 41,116 |
| | \$102,716 |

I am, Sir, your obedient servant,

A. P. BRADLEY, *Secretary.*

C. DRINKWATER, Esq., Secretary C.P.R. Co., Montreal.

PAYMENT OF MONEYS—PROGRESS ESTIMATE No. 79—CENTRAL SECTION—CANADIAN PACIFIC RAILWAY.

Description of works, cash subsidy; No. of contract, Canadian Pacific Railway Company; locality of works, Central Section, west of Red River; name of contractors, Canadian Pacific Railway Company; date of contract, 21st October, 1880.

Progress estimate of work done and materials delivered from the beginning of operations under this contract to the 20th July, 1885.

The works, of which this is an estimate, are being executed by the authority of the Department of Railways and Canals, under contract numbered and dated as above, also under letters Nos. 27816 and 28944.

Total value of work done and materials delivered up to the 20th July, 1885.....\$15,982,297

Eastern Division, 900 miles at \$10,000.. \$ 9,000,000

Western Division, 54 miles at \$13,333... 719,982

\$9,719,982

Proportion of value of work done under the Act of 1884 to work remaining to be done.....

6,262,315

\$15,982,297

NOTE.—The amount of this certificate, payable under the loan of \$22,500,000, is.....

\$3,759,300

Previously returned under the loan....

3,596,300

\$163,000

The above is a correct estimate, made up from the returns forwarded by Marcus Smith and James Dickey. The quantities so furnished have been accurately moneyed out at the contract rates, or at the rates specially authorized by departmental letters above mentioned.

J. R. CHAMBERLAIN.

I have examined the return on which this estimate is based, have verified the calculations, and am satisfied that all the work returned as done has been duly authorized by the Department.

FRANCIS J. LYNCH, *In charge of C.P.R. Head Office.*

Total amount now certified on this contract, \$15,982,297. All previous payments to be deducted.

COLLINGWOOD SCHREIBER, *Engineer-in-Chief.*

OFFICE OF ENGINEER-IN-CHIEF, OTTAWA, 20th July, 1885.

CANADIAN PACIFIC RAILWAY.

CENTRAL SECTION—Western Division—Estimate No. 79—Under the Loan Act of 1884.

| | \$ | \$ | \$ |
|---|---------|-----------|-----------|
| Previously returned—Eastern Division..... | | 4,894,670 | |
| do Western do | | 1,761,657 | |
| | | | 6,656,327 |
| Rails in transit for Port Moody— 9,832 tons, at \$33 per ton | 324,456 | | |
| Less—Freight to pay | 22,656 | | |
| | | | 301,800 |
| | | | 6,958,127 |
| Less—10 per cent. | | | 696,812 |
| Total..... | | | 6,262,315 |

(Memorandum.)

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 22nd July, 1885.

The undersigned has the honor to represent that under date the 20th instant the Chief Engineer of the Canadian Pacific Railway has issued a certificate, No. 79, of the Central Section, West of Red River, of that road, of which the details are as follows:—

| | | |
|---|--------------|--------------|
| Total value of work done and materials delivered up to the 20th of July, 1885..... | | \$15,982,297 |
| Eastern Division, 900 miles at \$10,000... | \$9,000,000 | |
| Western Division, 54 miles at \$13,333... | 719,982 | |
| | \$9,719,982 | |
| Proportion of value of work done under the Act of 1884, to that of work remaining to be done..... | 6,262,315 | |
| | \$15,982,297 | |

That of this sum the books of the Accountant of the Department show that there has already been paid..... 15,710,677

Leaving the balance now payable..... \$271,620

That of this balance the portions chargeable to the loan and subsidy accounts, severally, are as follows:—

| | |
|--------------|-----------|
| Loan..... | \$163,000 |
| Subsidy..... | 108,620 |
| | \$271,620 |

The undersigned recommends that authority be given for the payment of the said sum of \$271,620, to the Canadian Pacific Railway Company, in accordance with the foregoing.

Respectfully submitted,

J. H. POPE, Acting Minister of Railways and Canals.

CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 25th July, 1885.

On a memorandum, dated 22nd July, 1885, from the Acting Minister of Railways and Canals, submitting certificate, No. 79, dated 20th instant, from the Chief Engineer of the Canadian Pacific Railway, with respect to the Central Section of the road, the details of which are as follows:—

| | |
|--|---------------------|
| Total value of work done and materials delivered up to the 20th July, 1885..... | \$15,982,297 |
| Eastern Division, 900 miles at \$10,000..... | \$9,000,000 |
| Western Division, 54 miles at \$13,333..... | 719,982 |
| | <u>\$9,719,982</u> |
| Proportion of value of work done under the Act of 1884 to that of work remaining to be done..... | 6,262,315 |
| | <u>\$15,982,297</u> |

Of this amount the books of the Department show that there has already been paid the sum of..... 15,710,677

Leaving the balance now payable..... \$271,620

That of this amount the portions chargeable to the loan and the subsidy accounts are as follows:—

| | |
|--------------|------------------|
| Loan..... | \$163,000 |
| Subsidy..... | 108,620 |
| | <u>\$271,620</u> |

The Minister recommends that authority be given for the payment of the said sum of \$271,620 to the Canadian Pacific Railway Company accordingly.

The Committee advise that authority be given as recommended.

JOHN J. MCGEE, *Clerk Privy Council.*

Hon. the Minister of Railways and Canals.

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 30th July, 1885.

SIR,—I am directed to inform you that a certificate has issued in favor of your company for \$271,620 in payment for work done and materials issued upon the Central Section of the Canadian Pacific Railway, as shown in engineer's progress estimate to the 20th instant.

Distribution as follows:—

| | |
|---------------|------------------|
| Loan | \$163,000 |
| Subsidy | 108,620 |
| | <u>\$271,620</u> |

I have the honor to be, Sir, your obedient servant,

A. P. BRADLEY, *Secretary.*

CHAS. DRINKWATER, Esq., Secretary C. P. R. Co., Montreal.

PAYMENT OF MONEYS—PROGRESS ESTIMATE No. 80—CENTRAL SECTION—CANADIAN PACIFIC RAILWAY.

Description of works, cash subsidy and loan; No. of contract, Canadian Pacific Railway Company; locality of works, Central Section, West of Red River; name of contractors, Canadian Pacific Railway Company; date of contract, 21st October, 1880.

Progress estimate of work done and materials delivered from the beginning of operations under this contract to the 31st July, 1885.

The works, of which this is an estimate, are being executed by the authority of the Department of Railways and Canals, under contract numbered and dated as above, also under letter Nos. 27816 and 28944.

| | |
|--|--------------|
| Total value of work done and materials delivered to the 31st July, 1885..... | \$16,424,409 |
|--|--------------|

| | |
|---|--------------|
| Eastern Division, 900 miles, at \$10,000..... | \$ 9,000,000 |
| Western Division, 54 miles, at 13,333..... | 719,982 |

\$ 9,719,982

| | |
|--|-----------|
| Proportion of value of work done under the Act of 1884 to work remaining to be done..... | 6,704,427 |
|--|-----------|

\$16,424,409

| | |
|---|-------------|
| NOTE.—The amount of this certificate payable under the loan of \$22,500,000, is | \$4,024,700 |
| Previously returned—Under the loan..... | 3,759,300 |

\$265,400

The above is a correct estimate, made up from the returns forwarded by James Dickey. The quantities so furnished have been accurately moneyed out at the contract rates, or at the rates specially authorized by departmental letters above mentioned.

J. R. CHAMBERLAIN.

I have examined the return on which this estimate is based, have verified the calculations, and am satisfied that all the work returned as done has been duly authorized by the Department.

FRANCIS J. LYNCH, *In charge of C. P. R. Head Office.*

Total amount now certified on this contract, \$16,424,409. All previous payments to be deducted.

COLLINGWOOD SCHREIBER, *Engineer-in-Chief.*

OFFICE OF ENGINEER-IN-CHIEF, OTTAWA, 3rd August, 1885.

CANADIAN PACIFIC RAILWAY.

CENTRAL SECTION—Eastern Division—Estimate No. 80—Under the Loan Act of 1884.

| | \$ | \$ | \$ |
|---|---------|-----------|-----------|
| 955th to 962nd mile, to summit of Rockies— | | | |
| 8 miles, at \$26,000 per mile | | 208,000 | |
| Less—Stations and water service..... | | 3,200 | |
| | | | 204,800 |
| 963rd to 966th mile, to temporary line— | | | |
| 4 miles, at \$26,250 per mile | | 105,000 | |
| Less—Stations and water service..... | | 2,200 | |
| | | | 102,800 |
| 967th to 975th mile, temporary line— | | | |
| 9 miles, at \$44,444 per mile | | 400,000 | |
| Less—Stations and water service..... | | 4,440 | |
| | | | 395,600 |
| 976th to 1024th mile, to first crossing of Columbia— | | | |
| 49 miles, at \$37,755 per mile..... | | 1,850,000 | |
| Less—Ballasting, 18,000 yds., at 50c..... | 9,000 | | |
| Stations and water service | 22,000 | | |
| | | 31,000 | |
| | | | 1,819,000 |
| 1025th to 1038th mile, to crossing of Beaver River— | | | |
| 14 miles, at \$58,571.42 per mile..... | | 820,000 | |
| Less—Ballasting, 4,000 yds., at 50c..... | 2,000 | | |
| Stations and water service..... | 5,500 | | |
| | | 7,500 | |
| | | | 812,500 |
| 1039th to 1057th mile, to summit of Selkirks— | | | |
| 19 miles, at \$35,789.47 per mile..... | | 680,000 | |
| Less—Standard..... | 143,000 | | |
| Bridging | 160,000 | | |
| | | 303,000 | |
| | | | 377,000 |
| 98 per cent. grading | | 369,460 | |
| 93 do bridging | | 148,800 | |
| Rails, 10 miles, at \$6,000..... | 60,000 | | |
| Ballast, 20,000 yds., at 50c..... | 10,000 | | |
| | | 70,000 | |
| | | | 588,260 |
| 1058th to 1075th mile, to first crossing of Illiailiwait— | | | |
| 18 miles, at \$41,666.66 per mile | | 750,000 | |
| Less—Standard..... | 136,950 | | |
| Bridging | 132,000 | | |
| | | 268,950 | |
| | | | 481,050 |
| 64 per cent. grading | | 307,872 | |
| 37 do bridging | | 48,840 | |
| | | | 356,712 |
| 1076th to 1103rd mile, to second crossing Columbia River— | | | |
| 28 miles, at \$10,357.14 per mile..... | | 1,130,000 | |
| Less—Standard..... | 232,100 | | |
| Bridging | 77,000 | | |
| | | 309,100 | |
| | | | 820,900 |
| 50 per cent. grading | | 410,450 | |
| 20 do bridging | | 15,400 | |
| | | | 425,450 |
| 1103rd to 1118th mile, to west end of Griffin Lake— | | | |
| 16 miles, at \$43,750 per mile | | 700,000 | |
| Less—Standard..... | 128,700 | | |
| Bridging | 145,200 | | |
| | | 273,900 | |
| | | | 426,100 |
| 10 per cent. grading | | 42,610 | |
| 13 do bridging..... | | 18,876 | |
| | | | 61,486 |

CENTRAL Section—Eastern Division—Estimate No. 80—Continued.

| | \$ | \$ | \$ |
|--|----------------------------|---------|------------------------|
| Materials delivered— Sleepers, 123,000, at 25c..... | | 30,750 | |
| Delivered at end of track— 1,251 tons 60 lb. rails. 2,059 do 70 do | | | |
| 3,310 tons, at \$43 per ton..... | | 142,330 | |
| Rails delivered at Brockville..... | Tons. 11,276 | | |
| LESS—In track..... | 1,000 | | |
| At end of track..... | 3,310 | | |
| | 4,310 | | |
| | 6,966 at \$23 per ton..... | 160,218 | |
| Rolling stock..... | | | 333,298 286,000 |
| Previously returned, Western Division..... | | | 5,385,906 1,761,657 |
| ADD—Rails in transit to Port Moody, 9,832 tons, at \$33 per ton.... | 324,456 | | 7,147,563 |
| LESS—Freight..... | 22,656 | | 301,800 |
| | | | 7,449,363 744,936 |
| LESS—10 per cent. | | | 6,704,427 |

(Memorandum.)

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 10th August, 1885.

The undersigned has the honor to represent that under date the 3rd instant, the Chief Engineer of the Canadian Pacific Railway has issued a certificate, No. 80, of the Central Section of that road, of which the details are as follows:—

| | | |
|---|---------------------|--------------|
| Total value of work done and materials delivered up to the 31st of July, 1885..... | | \$16,424,409 |
| Eastern Division, 900 miles at \$10,000... | \$9,000,000 | |
| Western Division, 54 miles at \$13,333... | 719,982 | |
| | <u>\$9,719,982</u> | |
| Proportion of value of work done under the Act of 1884, to that of work remaining to be done..... | 6,704,427 | |
| | <u>\$16,424,409</u> | |

That of this amount the books of the accountant of the Department show there has already been paid the sum of..... 15,982,297

Leaving the balance now payable..... \$442,112

Of this amount the portions chargeable to the loan and subsidy accounts, respectively are as follows:—

| | |
|------------------|------------------|
| Loan.. .. . | \$265,400 |
| Subsidy | 176,712 |
| | <u>\$4 2,112</u> |

The undersigned would recommend that authority be given for the payment to the Canadian Pacific Railway Company of the said sum of \$442,112 in accordance with the foregoing.

Respectfully submitted,

J. H. POPE, *Acting Minister Railways and Canals.*

CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 13th August, 1885.

On a memorandum, dated 10th August, 1885, from the Acting Minister of Railways and Canals, submitting a certificate, No. 80, dated 3rd August instant, from the Chief Engineer of the Canadian Pacific Railway, with respect to the Central Section of the line, of which the following are the details:—

| | |
|--|---------------------|
| Total value of work done and materials delivered up to the 31st July, 1885..... | \$16, 24,409 |
| Eastern Division, 900 miles at \$10,000..... | \$9,000,000 |
| Western Division, 54 miles at \$13,333..... | 719,982 |
| | <u>\$9,719,982</u> |
| Proportion of value of work done under the Act of 1884 to that of work remaining to be done.. .. . | 6,704,427 |
| | <u>\$16,424,409</u> |

Of this amount the books of the Department show that there has already been paid the sum of..... 15,982,294

Leaving the balance now payable..... \$442,112

That of this balance the portions chargeable to the loan and subsidy accounts severally, are as follows:—

| | |
|--------------|------------------|
| Loan..... | \$265,400 |
| Subsidy..... | 176,112 |
| | <u>\$442,112</u> |

The Minister recommends that authority be given for the payment of the said sum of \$442,112 to the Canadian Pacific Railway Company.
The Committee advise that the requisite authority be granted accordingly.

JOHN J. MCGEE, *Clerk Privy Council.*

Hon. the Minister of Railways and Canals.

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 17th August, 1885.

SIR,—I am directed to inform you that a certificate has issued in favor of your company for the payment of \$442,112 for work done and materials delivered

under your contract upon the Central Section of the Canadian Pacific Railway, as shown in engineer's progress estimate to the 31st ultimo.

Distribution as follows:—

| | |
|--------------|------------------|
| Loan..... | \$265,400 |
| Subsidy..... | 176,712 |
| | <u>\$442,112</u> |

I have the honor to be, Sir, your obedient servant,

A. P. BRADLEY, *Secretary.*

CHAS. DRINKWATER, Esq., Secretary C. P. R. Co., Montreal.

PAYMENT OF MONEYS—PROGRESS ESTIMATE No. 81—CENTRAL SECTION—CANADIAN PACIFIC RAILWAY.

Description of works, cash subsidy and loan; No. of contract, Canadian Pacific Railway Company; locality of works, Central Section, west of Red River; name of contractors, Canadian Pacific Railway Company; date of contract, 21st October, 1880.

Progress estimate of work done and materials delivered from the beginning of operations under this contract to the 31st July, 1885.

The works, of which this is an estimate, are being executed by the authority of the Department of Railways and Canals, under contract numbered and dated as above, also under letter Nos. 27816 and 28944.

| | |
|---|---------------------|
| Total value of work done and materials delivered to the 31st July, 1885..... | \$16,692,614 |
| Eastern Division, 900 miles, at \$10,000. | \$9,000,000 |
| Western Division, 54 miles, at \$13,333. | 719,982 |
| | <u>\$9,719,982</u> |
| Proportion of value of work done under the Act of 1884 to work remaining to be done. | 6,972,182 |
| | <u>\$16,692,164</u> |

NOTE.—Inasmuch as there has been in the past an overcharge in the proportion of loan, I recommend that this estimate be charged to subsidy, pending adjustment of the proportion of loan and subsidy.

The above is a correct estimate, made up from the returns forwarded by Marous Smith. The quantities so furnished have been accurately moneyed out at the contract rates, or at the rates specially authorized by departmental letters above mentioned.

J. R. CHAMBERLAIN.

I have examined the returns on which this estimate is based, have verified the calculations, and am satisfied that all the work returned as done has been duly authorized by the Department.

FRANCIS J. LYNCH, *In charge of C. P. R. Head Office.*

Total amount now certified on this contract, \$16,692,164. All previous payments to be deducted.

COLLINGWOOD SCHREIBER, *Engineer-in-Chief.*

OFFICE OF ENGINEER-IN-CHIEF, OTTAWA, 12th August, 1885.

CANADIAN PACIFIC RAILWAY.

CENTRAL SECTION—Western Division—Estimate No. 81—Under the Loan Act of 1884.

| | \$ | \$ | \$ |
|--|----------------|-----------|-----------|
| Savona's Ferry to Kamloops— | | | |
| 25 miles, at \$48,000 per mile | | 1,200,000 | |
| Less—Bridges | 82,500 | | |
| Standard | 181,500 | | |
| | | 264,000 | |
| | | 936,000 | |
| 99 per cent. grading | | 926,640 | |
| 90 per cent. bridging | | 74,250 | |
| Tracklaying—25 miles, at \$5,000 per mile | | 125,000 | |
| | | | 1,125,890 |
| West End of Griffin's Lake to Kamloops— | | | |
| 110 miles, at \$18,181.81 per mile | | 2,000,000 | |
| Less—Bridging | 172,159 | | |
| Standard | 797,180 | | |
| | | 969,339 | |
| | | 1,030,661 | |
| 72 per cent. grading | | 742,075 | |
| 32 per cent. bridges | | 86,079 | |
| Tracklaying, &c.—16 miles, at 5,000 per mile | 80,000 | | |
| Ties—200,000, at 25c. each | 50,000 | | |
| | | 130,000 | |
| | | | 958,154 |
| Rails delivered at Port Moody | 3,551 | | |
| do transmit | 9,832 | | |
| | 13,383 | | |
| Less in track | 4,305 | | |
| | 9,078 at \$33. | 299,574 | |
| Less freight | | 22,656 | |
| | | | 276,918 |
| Previously returned—Eastern Section | | | 2,360,962 |
| | | | 5,385,906 |
| | | | 7,746,868 |
| Less—10 per cent. | | | 774,686 |
| | | | 6,972,182 |

(Memorandum).

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 14th August, 1885.

The undersigned has the honor to represent that under date the 12th inst., the Chief Engineer of the Canadian Pacific Railway has issued a certificate, No. 81, of the Central Section of that road, of which the following are the details:—

| | |
|---|--------------------|
| Total value of work done and materials delivered up to 31st July, 1885..... | \$16,692,164 |
| Eastern Division, 900 miles, at \$10,000... | \$9,000,000 |
| Western Division, 54 miles, at \$13,333... | 719,982 |
| | <u>\$9,719,982</u> |

Proportion of value of work done under the Act of 1884 to that of work remaining to be done.....

6,972,182

\$16,692,164

That of this amount the books of the accountant of the Department show that there has already been paid the sum of 16,424,409

Leaving the balance now payable..... \$267,755

That with regard to the present estimate the Chief Engineer reports to the effect that in the apportionment of the amounts to be charged to the subsidy and loan accounts severally there has, for some time past, been set down to the loan accounts, a larger amount than is properly speaking due as proportionate value, and that this matter is now in process of adjustment; meantime, however, the whole of the present estimate should be charged against the subsidy account.

The undersigned concurs and recommends that authority be given for the payment of the said balance of \$267,755 to the Canadian Pacific Railway, in accordance with the foregoing.

Respectfully submitted.

J. H. POPE, *Acting Minister Railways and Canals.*

CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 15th August, 1885.

On a memorandum, dated 14th August, 1885, from the Acting Minister of Railways and Canals, submitting a certificate, No. 81, dated 12th instant, from the Chief Engineer of the Canadian Pacific Railway, in respect to the Central Section of the road, of which the following are the details:—

| | | |
|--|---------------------|--------------|
| Total value of work done and materials delivered up to 31st July, 1885..... | | \$16,692,164 |
| Eastern Division, 900 miles, at \$10,000. | \$9,000,000 | |
| Western Division, 54 miles, at \$13,333. | 719,982 | |
| | <u>\$9,719,982</u> | |
| Proportion of value of work done under the Act of 1884 to that of work remaining to be done..... | 6,972,182 | |
| | <u>\$16,692,164</u> | |

That of this amount, the books of the Department show that there has already been paid the sum of..... 16,424,409

Leaving the balance now payable..... \$267,755

The Minister represents that with regard to the present estimate the Chief Engineer reports to the effect that in the apportionment of the amounts to be charged to the subsidy and loan accounts severally, there has, for some time past, been set down to the loan account a larger amount than is, properly speaking, due as proportionate value, and that this matter is now in process of adjustment.

The Minister recommends that authority be given for the payment of the said sum of \$267,755 to the Canadian Pacific Railway Company, and that the whole of this payment be charged against the subsidy account.

The Committee advise that authority be given as recommended.

JOHN J. MCGEE, *Clerk Privy Council.*

The Hon. the Minister of Railways and Canals.

OTTAWA, 20th August, 1885.

SIR,—I have to inform you that a certificate has, this day, issued in favor of your Company for \$267,755 payable out of the subsidy for work performed on the Central Section, West of Red River, as per estimate to 31st July, last.

The amount of this estimate is made payable from the subsidy pending a new apportionment of amounts payable on future estimates from loan and subsidy.

I have the honor to be, Sir, your obedient servant,

A. P. BRADLEY, *Secretary.*

C. DRINKWATER, Esq., Secretary C. P. R. Co., Montreal.

PAYMENT OF MONEYS—PROGRESS ESTIMATE No. 82—CENTRAL SECTION—CANADIAN PACIFIC RAILWAY.

Description of works, cash subsidy and loan; No. of contract, Canadian Pacific Railway Company; locality of works, Central Section, West of Red River, Eastern Division; name of contractors, Canadian Pacific Railway Company; date of contract, 21st October, 1880.

Progress estimate of work done and materials delivered from the beginning of operations under this contract to the 31st August, 1885.

The works, of which this is an estimate, are being executed by the authority of the Department of Railways and Canada, under contract numbered and dated as above, also under letters Nos. 27816 and 28944.

| | |
|---|--------------|
| Total value of work done and materials delivered to the 31st August, 1885 | \$17,160,211 |
|---|--------------|

| | |
|---|--------------|
| Eastern Division, 900 miles at \$10,000.... | \$ 9,000,000 |
| Western Division, 54 miles at \$13,333... | 719,982 |

\$9,719,982

| | |
|--|-----------|
| Proportion of value of work done under the Act of 1884 to work remaining to be done..... | 7,440,229 |
|--|-----------|

\$17,160,211

NOTE.—Inasmuch as there has been in the past an overcharge in the proportion of loan, I recommend that this estimate be charged to subsidy, pending adjustment of the proportion of loan to subsidy.

The above is a correct estimate, made up from the returns forwarded by James Dickey. The quantities so furnished have been accurately moneyed out at the contract rates, or at the rates specially authorized by departmental letters above mentioned.

J. R. CHAMBERLAIN.

I have examined the return on which this estimate is based, have verified the calculations, and am satisfied that all the work returned as done has been duly authorized by the Department.

FRANCIS J. LYNCH, *In charge of C.P.R. Head Office.*

Total amount now certified on this contract, \$17,160,211. All previous payments to be deducted.

COLLINGWOOD SCHREIBER, *Engineer-in-Chief.*

OFFICE OF ENGINEER-IN-CHIEF, OTTAWA, 5th September, 1885.

CANADIAN PACIFIC RAILWAY.

CENTRAL SECTION—Eastern Division—Estimate No. 82—Under the Loan Act of 1884.

| | \$ | \$ | \$ |
|--|---------|-----------|-----------|
| 995th to 962nd mile, to summit of Rockies— 8 miles, at \$26,000 per mile | | | 208,000 |
| 963rd to 966th mile, to temporary line— 4 miles, at \$26,250 per mile | | | 105,000 |
| 967th to 975th mile, to temporary line— 9 miles, at \$44,444.44 per mile | | | 400,000 |
| 976th to 1024th mile, to 1st crossing of Columbia River— 49 miles, at \$37,755 per mile | | 1,850,000 | |
| Less—Stations and water service | | 22,000 | 1,828,000 |
| 1025th to 1038th mile, to crossing of Beaver River— 14 miles, at \$58,571.42 per mile | | 820,000 | |
| Less—Stations and water service | | 5,500 | 814,500 |
| 1039th to 1057th mile, to summit of Rockies— 19 miles, at \$85,789.47 per mile | | 680,000 | |
| Less—Bridging | 10,000 | | |
| Ballasting | 7,000 | | |
| Stations and water service | 10,000 | | |
| | | 27,000 | 653,000 |
| 1058th to 1075th mile, to 1st crossing of Illicilliwait— 18 miles, at \$41,666.66 per mile | | 750,000 | |
| Less—Standard | 136,950 | | |
| Bridging | 132,000 | | |
| | | 268,950 | |
| | | 481,050 | |
| 80 per cent. grading | | 384,840 | |
| 55 do bridging | | 72,600 | |
| Rails, &c., 1,300, at \$55 | | 71,500 | 528,940 |
| 1076th to 1103rd mile, to 2nd crossing of Columbia River— 28 miles, at \$10,357.14 per mile | | 1,130,000 | |
| Less—Standard | 232,100 | | |
| Bridging | 77,000 | | |
| | | 309,100 | |
| | | 820,900 | |
| 70 per cent. grading | | 574,630 | |
| 33 do bridging | | 25,410 | 600,040 |
| 1103rd to 1119th mile, to west end of Griffin Lake— 16 miles, at \$43,750 per mile | | 700,000 | |
| Less—Standard | 128,700 | | |
| Bridging | 145,200 | | |
| | | 273,900 | |
| | | 426,100 | |
| 41 per cent. grading | | 174,701 | |
| 15 do bridging | | 21,780 | 196,481 |
| Materials delivered— Rails, 3,450 tons, at \$43 | 148,350 | | |
| Sleepers, 125,000, at 25 cents | 31,250 | | |
| | | 179,600 | |

CENTRAL SECTION—Eastern Division—Estimate No. 82—Continued.

| | Tons. | \$ | \$ | \$ |
|---|----------------|----|---------|-----------|
| Rails delivered at Brockville and Montreal..... | 11,276 | | | |
| LESS—In track and in end of track..... | 6,650 | | | |
| | 4,626 at \$23. | | 106,398 | 285,998 |
| Rolling stock..... | | | | 5,619,959 |
| | | | | 286,000 |
| Previously returned, Western Division..... | | | | 5,905,959 |
| | | | | 2,360,962 |
| LESS—10 per cent..... | | | | 8,266,921 |
| | | | | 826,692 |
| | | | | 7,440,229 |

(Memorandum)

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 7th September, 1885.

The undersigned has the honor to represent that, under date the 5th instant, the Chief Engineer of the Canadian Pacific Railway has issued a certificate, No. 82, of the Central Section, of which the following are the details:—

| | |
|---|--------------------|
| Total value of work done and materials delivered up to the 31st August, 1885..... | \$17,160,211 |
| Eastern Division, 900 miles at \$10,000..... | \$9,000,000 |
| Western Division, 54 miles at \$13,333..... | 719 982 |
| | <u>\$9,719,982</u> |

| | |
|--|---------------------|
| Proportion of value of work done under the Act of 1884 to that of work remaining to be done..... | 7,440,229 |
| | <u>\$17,160,211</u> |

That of this amount the books of the accountant of the Department show that there has been paid the sum of.....

Leaving the balance now payable..... \$468,047

That with respect to the source from which payment of this sum should be made, namely, from the subsidy or loan account, the Chief Engineer, in the said present estimate, advises that, inasmuch as there has been in the past an overcharge to the loan account, this estimate should be charged to the subsidy account, pending the adjustment of the proportion between loan and subsidy.

The undersigned concurs and recommends that authority be given for the payment of the said sum of \$468,047 to the Canadian Pacific Railway Company, the amount being charged against the subsidy account.

Respectfully submitted,

J. H. POPE, *Acting Minister Railways and Canals.*

CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 10th September, 1885.

On a memorandum, dated 7th September, 1885, from the acting Minister of Railways and Canals, submitting a certificate, No. 82, dated 5th September, instant, from the Chief Engineer of the Canadian Pacific Railway, with respect to the Central Section of the line, of which the following are the particulars :—

| | |
|---|---------------------|
| Total value of work done and materials delivered up to the 31st August, 1885..... | \$17,160,211 |
| Eastern Division, 900 miles, at \$10,000..... | \$9,000,000 |
| Western Division, 54 miles, at \$13,333..... | 719,982 |
| | <u>\$9,719,982</u> |
| Proportion of value of work done under the Act of 1884, to that of work remaining to be done..... | 7,440,229 |
| | <u>\$17,160,211</u> |

Of this amount the books of the Department show that there has been paid the sum of..... 16,692,164

Leaving the balance now payable..... \$468,047

The Minister observes that the Chief Engineer, in the said present estimate, advises that, inasmuch as there has been in the past an overcharge to the loan account, this estimate should be charged to the subsidy account, pending the adjustment of the proportion between loan and subsidy.

The Minister concurs and recommends that authority be given for the payment of the said balance of \$468,047 to the Canadian Pacific Railway, the amount to be charged against the subsidy account.

The Committee advise that authority be given as recommended.

JOHN J. MCGEE, *Clerk Privy Council.*

The Hon. the Minister of Railways and Canals.

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 12th September, 1885.

SIR,—I am directed to inform you that a certificate has issued for the payment to your company of the sum of \$468,047 for work done and materials delivered on the Central Section of the Eastern Division of the Canadian Pacific Railway, as shown in engineer's progress estimate to the 31st ultimo.

This amount is charged to the subsidy account, pending the adjustment of the proportion between loan and subsidy.

I am, Sir, your obedient servant,

A. P. BRADLEY, *Secretary.*

C. DRINKWATER, Esq., Secretary C. P. R. Co., Montreal.

PAYMENT OF MONEYS—PROGRESS ESTIMATE No. 83—CENTRAL SECTION—CANADIAN PACIFIC RAILWAY.

Description of works, cash subsidy and loan; No. of contract, Canadian Pacific Railway Company; locality of works, Central Section, west of Red River, Western Division; name of contractors, Canadian Pacific Railway Company; Date of contract 21st October, 1880.

Progress estimate of work done and materials delivered from the beginning of operations under this contract to the 31st August, 1885.

The works, of which this is an estimate, are being executed by the authority of the Department of Railways and Canals, under contract numbered and dated as above, also under letters No. 27816 and 28944.

| | |
|---|--------------|
| Total value of work done and materials delivered to the 31st August, 1885.. | \$17,375,049 |
|---|--------------|

| | |
|--|-------------|
| Eastern Division, 900 miles, at \$10,000.... | \$9,000,000 |
| Western Division, 54 miles, at \$13,333.... | 719,982 |

\$9,719,982

| | |
|--|-----------|
| Proportion of value of work done under the Act of 1884 to work remaining to be done..... | 7,655,067 |
|--|-----------|

\$17,375,049

| | |
|---|-------------|
| The amount of this certificate payable under the loan is..... | \$5,319,300 |
| Eastern Section..... | 8,647,900 |

\$13,967,200

The above is a correct estimate, made up from the returns forwarded by Marcus Smith. The quantities so furnished have been accurately moneyed out at the contract rates, or at the rates specially authorized by departmental letters above mentioned.

J. R. CHAMBERLAIN

I have examined the return on which this estimate is based, have verified the calculations, and am satisfied that all the work returned as done has been duly authorized by the Department.

FRANCIS J. LYNCH, *In charge of C. P. R. Head Office.*

Total amount now certified on this contract, \$17,375,049. All previous payments to be deducted.

COLLINGWOOD SCHREIBER, *Engineer-in-Chief.*

OFFICE OF ENGINEER-IN-CHIEF, OTTAWA, 10th September, 1885.

CANADIAN PACIFIC RAILWAY.

CENTRAL Section—Western Division, Estimate No. 83—Under the Loan Act of 1884.

| | \$ | \$ | \$ |
|---|------------------------|-----------|-----------|
| Savona's Ferry to Kamloops— | | | |
| 25 miles, at \$48,000 per mile..... | | 1,200,000 | |
| Less—Ballast, 10,000 yards at 40c..... | 4,000 | | |
| Stations and water service..... | 20,000 | | |
| | | 24,000 | |
| | | | 1,176,000 |
| West end of Griffin's Lake to Kamloops— | | | |
| 110 miles, at \$18,181.81 per mile..... | | 2,000,000 | |
| Less—Bridging..... | 172,159 | | |
| Standard..... | 797,180 | | |
| | | 969,339 | |
| | | 1,030,661 | |
| 83 per cent. grading... .. | | 855,448 | |
| 50 per cent bridging... .. | | 86,079 | |
| Tracklaying, 68 miles, at \$5,000..... | 340,000 | | |
| Ties delivered, 91,000, at 25c..... | 22,750 | | |
| | | 362,750 | |
| | | | 1,304,277 |
| Rails delivered at Port Moody..... | Tons. 13,383 | | |
| Less—In track..... | 9,765 | | |
| | 3,618 at \$33..... | | 119,394 |
| Previously returned, Eastern Division..... | | | 2,599,671 |
| | | | 5,905,959 |
| | | | 8,505,630 |
| Less—10 per cent..... | | | 850,563 |
| | | | 7,655,067 |

(Memorandum.)

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 11th September, 1885.

The undersigned has the honor to represent that, under date the 10th instant, the Chief Engineer of the Canadian Pacific Railway has issued a certificate, No. 83, of the Central Section of that road, of which the following are the details:—

| | |
|--|---------------------|
| Total value of work done and materials delivered up to the 31st August, 1885..... | \$17,375,049 |
| Eastern Division, 900 miles, at \$10,000..... | \$9,000,000 |
| Western Division, 54 miles, at \$13,333..... | 719,982 |
| | <u>\$9,719,982</u> |
| Proportion of value of work done under the Act of 1884, to the value of work remaining to be done..... | 7,655,067 |
| | <u>\$17,375,049</u> |

That of this amount the books of the Accountant of the Department show that there has already been paid the sum of..... 17,160,211

Leaving the balance now payable..... \$214,838

Of this sum the portions chargeable to the loan and subsidy accounts, severally, are as follows:—

| | |
|---------------|-----------|
| Loan..... | \$ 91,600 |
| Subsidy | 123,238 |
| | \$214,838 |

The undersigned recommends that authority be given for the payment of the said sum of \$214,838 to the Canadian Pacific Railway Company in accordance with the foregoing.

Respectfully submitted,

J. H. POPE, *Acting Minister of Railways and Canals.*

CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by the Honorable the Deputy Governor in Council on the 15th September, 1885.

On a memorandum, dated 11th September, 1885, from the Acting Minister of Railways and Canals, submitting certificate No. 83, dated 10th instant, from the Chief Engineer of the Canadian Pacific Railway, in respect of the Central Section, west of Red River, of said Railway, the details of which are as follows:—

| | |
|--|--------------|
| Total value of work done and materials delivered up to the 31st of August, 1885..... | \$17,375,049 |
| Eastern Division, 900 miles, at \$10,000..... | \$9,000,000 |
| Western Division, 54 miles, at \$13,333..... | 719,982 |
| | \$9,719,982 |
| Proportion of value of work done under the Act of 1884 to work remaining to be done | 7,655,067 |
| | \$17,375,049 |

That of this amount the books of the Department show that there has already been paid the sum of..... 17,160,211

Leaving the balance now payable..... \$214,838

Of this sum the portion chargeable to the loan and subsidy accounts, severally are as follows:—

| | |
|---------------|-----------|
| Loan..... | \$ 91,600 |
| Subsidy | 123,238 |
| | \$214,838 |

The Minister recommends that authority be given for the payment to the Canadian Pacific Railway Company of the said sum of \$214,838 accordingly.

The Committee advise that the requisite authority be granted.

JOHN J. MCGEE, *Clerk Privy Council.*

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 18th September, 1885.

SIR,—I am instructed to inform you that a certificate has issued in favor of your company for \$214,838 for work done and materials delivered on the Central Sec-

tion of the Canadian Pacific Railway, west of Red River, as shown in engineer's progress estimate to 31st instant.

Distribution as follows:—

| | |
|--------------|------------------|
| Loan..... | \$ 91,600 |
| Subsidy..... | 133,238 |
| | <u>\$214,838</u> |

I am, Sir, your obedient servant,

A. P. BRADLEY, *Secretary.*

CHAS. DRINKWATER, Esq., Secretary C. P. R. Co., Montreal.

PAYMENT OF MONEYS—PROGRESS ESTIMATE No. 84—CENTRAL SECTION—CANADIAN PACIFIC RAILWAY.

Description of works, cash subsidy and loan; No. of contract, Canadian Pacific Railway Company; locality of works, Central Section, west of Red River; name of contractors, Canadian Pacific Railway Company; date of contract, 21st October, 1880.

Progress estimate of work done and materials delivered from the beginning of operations under this contract to the 30th September, 1885.

The works, of which this is an estimate, are being executed by the authority of the Department of Railways and Canals, under contract numbered and dated as above, also under letter No. 27816 and 28944.

Total value of work done and materials delivered to the 30th September, 1885.....\$17,577,821

| | |
|--|--------------------|
| Eastern Division, 900 miles, at \$10,000 | \$9,000,000 |
| Western Division, 54 miles, at \$3,330 | 719,982 |
| | <u>\$9,719,982</u> |

Proportion of value of work done under the Act of 1884 to work remaining to be done..... 7,857,839
\$17,577,821

NOTE.—The amount of this certificate payable under the loan of \$22,500,000 is...

| | | |
|---|-------------------|---------|
| Previously returned under the loan..... | \$5,460,200 | Central |
| | 8,672,000 | Eastern |
| | <u>14,132,200</u> | |
| Previously returned..... | 13,991,300 | |
| | <u>\$140,900</u> | |

The above is a correct estimate, made up from the returns forwarded by James Dickey. The quantities so furnished have been accurately moneyed out at the contract rates, or at the rates specially authorized by departmental letters above mentioned.

J. R. CHAMBERLAIN.

I have examined the return on which this estimate is based, have verified the calculations, and am satisfied that all the work returned as done has been duly authorized by the Department.

FRANCIS J. LYNCH, *In charge of C. P. R. Head Office.*

Total amount now certified on this contract, \$17,577,821. All previous payments to be deducted.

COLLINGWOOD SCHREIBER, *Engineer-in-Chief.*

OFFICE OF ENGINEER-IN-CHIEF, OTTAWA, 5th October, 1885.

CANADIAN PACIFIC RAILWAY.

CENTRAL SECTION—Eastern Division—Estimate No. 84—Under the Loan Act of 1884.

| | \$ | \$ | \$ |
|---|----|--------------------------------------|-----------|
| 855th to 962nd mile, to summit of Rockies— 8 miles, at \$26,000 per mile..... | | 208,000 | |
| 963rd to 966th mile, to temporary line— 4 miles, at \$26,250 per mile..... | | 105,000 | |
| 967th to 975th mile, to temporary line— 9 miles, at \$44,444.44 per mile..... | | 400,000 | 713,000 |
| 976th to 1024th mile, to 1st crossing of Columbia— 49 miles, at \$37,755 per mile..... Less—Stations and water service..... | | 1,850,000 22,000 | 1,828,000 |
| 1025th to 1038th mile, crossing of Beaver River— 14 miles, at \$58,571.42 per mile..... Less—Stations and water service..... | | 820,000 5,500 | 814,500 |
| 1039th to 1057th mile, to summit of Selkirks— 19 miles, at \$35,789.47 per mile..... Less—Bridging..... Ballasting..... Stations and water service..... | | 680,000 10,000 7,000 10,000 | |
| 1058th to 1075th mile, to 1st crossing of Illicilliwait— 18 miles, at \$41,666.66 per mile..... Less—Standard..... Bridging..... | | 750,000 136,950 132,000 | 653,000 |
| 87½ per cent. grading..... 57½ do bridging..... Rails and fastenings, 18 miles, at \$5,500 per mile..... | | 418,513 75,240 99,000 | 592,753 |
| 1076th to 1103rd mile, to 2nd crossing of Columbia River— 28 miles, at \$40,357.14 per mile..... Less—Standard..... Bridging..... | | 1,130,000 232,100 77,000 | |
| 75 per cent. grading..... 80 do bridging..... Rails, &c., 10 miles, at \$6,000 per mile..... | | 615,675 46,200 60,000 | 721,875 |
| 1103rd to 1119th mile, to west end of Griffin Lake— 16 miles, at \$43,750 per mile..... Less—Standard..... Bridging..... | | 700,000 128,700 145,200 | |
| 65 per cent. grading..... 15 do bridging..... | | 276,965 21,780 | 298,745 |
| Materials delivered— Rails, 3,577, at \$43..... Sleepers, 2,400, at 25c..... | | 153,811 600 | 154,411 |

CENTRAL SECTION—Eastern Division—Estimate No. 84—Continued.

| | Tons. | \$ | \$ | \$ |
|---|---------------------|----|--------|------------------|
| Rails delivered at Brockville and Montreal..... | 11,276 | | | |
| LESS—In track..... | 4,700 | | | |
| At end of track..... | 3,577 | | | |
| | <u>8,277</u> | | | |
| | 2,999, at \$23..... | | 68,977 | |
| | | | | 223,388 |
| Rolling stock..... | | | | 5,845,261 |
| | | | | 286,600 |
| Previously returned, Western Division..... | | | | 6,131,261 |
| | | | | 2,599,671 |
| LESS—10 per cent..... | | | | 8,730,932 |
| | | | | 873,093 |
| | | | | <u>7,857,839</u> |

(Memorandum.)

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 5th October, 1885.

The undersigned has the honor to represent that under date the 5th instant the Chief Engineer of the Canadian Pacific Railway has issued a certificate, No. 84, of the Central Section of that road, of which the details are as follows:—

Total value of work done and materials delivered up to the 30th September,

| | | |
|---|-------------|--------------|
| 1885..... | | \$17,577,821 |
| Eastern Division, 900 miles, at \$10,000. | \$9,000,000 | |
| Western Division, 54 miles, at \$13,333. | 719,982 | |

\$9,719,982

Proportion of value of work done under the Act of 1881 to that of work remaining to be done.....

7,857,839

\$17,577,821

That of this amount the books of the accountant of the Department show that there has already been paid the sum of.....

17,357,049

Leaving the balance now payable.....

\$202,772

Of which balance the portions chargeable to the loan and subsidy accounts, severally, are as follows:—

| | |
|--------------|-----------|
| Loan..... | \$140,900 |
| Subsidy..... | 61,872 |

\$202,772

The undersigned recommends that authority be given for the payment of the said sum of \$202,772 to the Canadian Pacific Railway Company in accordance with the foregoing.

Respectfully submitted,

HECTOR L. LANGEVIN, *Acting Minister Railways and Canals.*

CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by the Honorable the Deputy Governor in Council on the 6th October, 1885.

On a memorandum, dated 5th October, 1885, from the Hon. Sir Hector Langevin for the Minister of Railways and Canals, submitting certificate, No. 84, dated 5th instant, from the Chief Engineer of the Canadian Pacific Railway, with respect to the Central Section of the line, the details of which are as follows:—

| | |
|---|---------------------|
| Total value of work done and materials delivered up to 30th Sept., 1885. | \$17,577,821 |
| Eastern Division, 900 miles, at \$10,000. | \$9,000,000 |
| Western Division, 54 miles, at \$13,333. | 719,982 |
| | <u>\$9,719,982</u> |
| Proportion of value of work done to that of work remaining to be done. | 7,857,839 |
| | <u>\$17,577,821</u> |

| | |
|--|------------------|
| That of this amount the books of the Department show that there has already been paid..... | 17,375,049 |
| Leaving the balance payable..... | <u>\$202,772</u> |

Of which balance the portions chargeable to the loan and subsidy accounts, severally, are as follows:—

| | |
|--------------|------------------|
| Loan..... | \$140,900 |
| Subsidy..... | 61,872 |
| | <u>\$202,772</u> |

The Minister recommends that authority be given for the payment of the said sum of \$202,772 to the Canadian Pacific Railway Company accordingly. The Committee advise that authority be given as recommended.

JOHN J. MCGEE, *Clerk Privy Council.*

The Hon. the Minister of Railways and Canals.

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 8th October, 1885.

SIR,—I am directed to inform you that a certificate has been issued in favor of your company for \$202,772 in payment for work done and materials delivered upon the Central Section of the Canadian Pacific Railway, West of Red River, as shown in engineer's progress estimate, No. 84, to 30th September ultimo.

Distribution as follows:—

| | |
|--------------|------------------|
| Loan..... | \$140,900 |
| Subsidy..... | 61,872 |
| | <u>\$202,772</u> |

I am, Sir, your obedient servant,

A. P. BRADLEY, *Secretary.*

CHARLES DRINKWATER, Esq., Secretary C. P. R. Co., Montreal.

PAYMENT OF MONEYS—PROGRESS ESTIMATE No. 85—CENTRAL SECTION—CANADIAN PACIFIC RAILWAY.

Description of works, cash subsidy and loan; No. of contract, Canadian Pacific Railway Company; locality of works, Central Section, West of Red River; name of contractors, Canadian Pacific Railway Company; date of contract, 21st October, 1880.

Progress estimate of work done and materials delivered from the beginning of operations under this contract to the 20th October, 1885.

The works, of which this is an estimate, are being executed by the authority of the Department of Railways and Canals, under contract numbered and dated as above, also under letters Nos. 27816 and 28944.

| | |
|--|-------------------------|
| Total value of work done and materials delivered to the 20th October, 1885..... | \$18,096,445 |
| Eastern Division, 900 miles at \$10,000.... | \$ 9,000,000 |
| Western Division, 54 miles at \$13,333.... | 719,982 |
| | \$9,719,982 |
| Proportion of value of work done under the Act of 1884 to work remaining to be done..... | 8,376,463 |
| | \$18,096,445 |
| NOTE.—The amount now payable under the loan of \$22,500,000..... | \$13,8-6,700 |
| Previously returned under the loan Eastern Section..... | 14,15 ⁶ ,400 |
| Now payable..... | Nil. |

The above is a correct estimate, made up from the returns forwarded by James Dickey and Marcus Smith. The quantities so furnished have been accurately moneyed out at the contract rates, or at the rates specially authorized by departmental letters above mentioned.

J. R. CHAMBERLAIN.

I have examined the return on which this estimate is based, have verified the calculations, and am satisfied that all the work returned as done has been duly authorized by the Department.

FRANCIS J. LYNCH, *In charge of C. P. R. Head Office.*

Total amount now certified on this contract, \$18,096,445. All previous payments to be deducted.

COLLINGWOOD SCHREIBER, *Engineer-in-Chief.*

OFFICE OF ENGINEER IN-CHIEF, OTTAWA, 26th October, 1885.

CANADIAN PACIFIC RAILWAY.

CENTRAL SECTION—Estimate No. 85—Under the Loan Act of 1884.

| EASTERN DIVISION. | | \$ | \$ | \$ |
|---|--|-----------------|-----------|-----------|
| 965th to 967th mile, to summit of Rockies— | | | | |
| 8 miles, at \$26,000 per mile | | | 208,000 | |
| 963rd to 966th mile, to temporary line— | | | | |
| 4 miles, at \$26,250 per mile | | | 105,000 | |
| 967th to 975th mile, to temporary line— | | | | |
| 9 miles, at \$44,444.44 per mile..... | | | 400,000 | |
| | | | | 713,000 |
| 976th to 1024th mile, to 1st crossing of Columbia— | | | | |
| 49 miles, at \$37,755 per mile..... | | | 1,850,000 | |
| Less—Stations and water service | | | 22,000 | |
| | | | | 1,828,000 |
| 1025th to 1037th mile, to crossing of Beaver River— | | | | |
| 14 miles, at \$58,571.42 per mile | | | 820,000 | |
| Less—Stations and water service | | | 5,500 | |
| | | | | 814,500 |
| 1039th to 1059th mile, to summit of Selkirks— | | | | |
| 19 miles, at \$35,789.47 per mile | | | 680,000 | |
| Less—Bridging | | 10,000 | | |
| Ballasting..... | | 7,000 | | |
| Stations and water service | | 10,000 | | |
| | | | 27,000 | |
| | | | | 653,000 |
| 1058th to 1075th mile, to 1st crossing of Illicilliwait— | | | | |
| 18 miles, at \$41,666.66 per mile | | | 750,000 | |
| Less—10 per cent. grading | | 48,105 | | |
| 40 do bridging | | 52,800 | | |
| 100 do ballasting | | 36,000 | | |
| 100 do station and water service..... | | 8,250 | | |
| | | | 145,155 | |
| | | | | 604,845 |
| 1076th to 1103rd mile, to 2nd crossing of Columbia— | | | | |
| 28 miles, at \$40,357.14 per mile | | | 1,130,000 | |
| Less—15 per cent. grading..... | | 123,135 | | |
| 30 do bridging | | 23,100 | | |
| 18 miles tracklaying, at \$6,000 per mile..... | | 108,000 | | |
| 28 do ballasting | | 23,000 | | |
| Stations and water service | | 16,500 | | |
| | | | 298,735 | |
| | | | | 831,265 |
| 1103rd to 1119th mile, to west end of Griffin Lake— | | | | |
| 16 miles, at \$43,750 per mile..... | | | 700,000 | |
| Less—20 per cent. grading | | 85,220 | | |
| 50 do bridging..... | | 72,600 | | |
| 16 miles tracklaying | | 96,000 | | |
| Ballasting | | 32,000 | | |
| Stations and water service | | 5,500 | | |
| | | | 291,320 | |
| | | | | 408,680 |
| Materials delivered— | | | | |
| Rails—3,577 tons, at \$43 per ton..... | | 153,811 | | |
| Sleepers—2,400, at 25c. each | | 600 | | |
| Rails delivered at Brockville and Montreal | | 11,276 | | |
| Less—In track | | 4,700 | | |
| At end of track..... | | 3,577 | | |
| | | 8,277 | | |
| | | 2,999 at \$23.. | 68,977 | |
| | | | | 338,228 |
| Rolling Stock | | | | |
| Total, Eastern Division | | | | 6,191,518 |

CENTRAL SECTION—Estimate No. 85.—Continued.

| WESTERN DIVISION. | \$ | \$ | \$ |
|---|---------|-----------|-----------|
| Savona's to Kamloops— | | | |
| 25 miles, at 48,000 per mile | | 1,200,000 | |
| Less—Ballast, 10,000 cubic yards, at 40c..... | 4,000 | | |
| Stations and water service | 20,000 | 24,000 | |
| | | | 1,176,000 |
| West end of Griffin Lake to Kamloops— | | | |
| 110 miles, at \$18,181.81 per mile | | 2,000,000 | |
| Less—10 per cent. grading | 103,066 | | |
| 20 do bridging..... | 34,431 | | |
| 10 miles tracklaying, at \$5,000 per mile | 50,000 | | |
| Station and water service..... | 22,009 | | |
| Ballasting..... | 22,000 | | |
| | | 231,497 | |
| | | | 1,768,503 |
| Less—10 per cent..... | | | 9,307,181 |
| | | | 930,718 |
| | | | 8,376,463 |

(Memorandum.)

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 26th October, 1885.

The undersigned has the honor to represent that, under date the 26th instant, the Chief Engineer of the Canadian Pacific Railway has issued a certificate, No. 85, of the Central Section of that road, of which the following are the details:—

| | |
|--|---------------------|
| Total value of work done and materials delivered up to the 20th October, 1885..... | \$18,096,445 |
| Eastern Division, 900 miles, at \$10,000..... | \$9,000,000 |
| Western do 54 do 13,333..... | 719,982 |
| | <u>\$9,719,982</u> |
| Proportion of value of work done under the Act of 1854 to that of work remaining to be done..... | 8,376,463 |
| | <u>\$18,096,445</u> |

That of this amount the books of the accountant of the Department show that there has already been paid the sum of..... 17,577,821

Leaving the balance now payable..... \$518,624

Of which the portions chargeable to the loan and subsidy accounts, severally, are as follows:—

| | |
|--------------|------------------|
| Loan..... | _____ |
| Subsidy..... | \$518,624 |
| | <u>\$518,624</u> |

The undersigned recommends that authority be given for the payment of the said sum of \$518,624 to the Canadian Pacific Railway Company, in accordance with the foregoing.

Respectfully submitted,

J. H. POPE, *Minister Railways and Canals.*

CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 27th October, 1885.

On a memorandum, dated 26th October, 1885, from the Minister of Railways and Canals, submitting a certificate, No. 85, dated 26th October, 1885, from the Chief Engineer of the Canadian Pacific Railway, with respect to the Central Section, west of Red River of the road, of which the following are the details:—

| | |
|---|--------------------|
| Total value of work done and materials delivered up to 20th October, 1885 | \$18,096,445 |
| Eastern Division, 900 miles at \$10,000 | \$9,000,000 |
| Western Division, 54 miles at \$13,333 | 719,982 |
| | <u>\$9,719,982</u> |

| | |
|---|---------------------|
| Proportion of value of work done under the Act of 1884 to that of work remaining to be done | 8,376,463 |
| | <u>\$18,096,445</u> |

| | |
|--|------------|
| That of this amount the books of the Department show that there has already been paid the sum of | 17,577,624 |
|--|------------|

Leaving the balance now payable

| | |
|--|------------------|
| | <u>\$518,624</u> |
|--|------------------|

Of this amount the portions chargeable to the loan and subsidy accounts, severally, are as follows:—

| | |
|---------------|------------------|
| Loan | \$ ——— |
| Subsidy | 518,624 |
| | <u>\$518,624</u> |

The Minister recommends that authority be given for the payment of the said sum of \$518,624 to the Canadian Pacific Railway Company accordingly.

The Committee advise that the requisite authority be granted.

JOHN J. MCGEE, *Clark Privy Council.*

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 29th October, 1885.

SIR,—I am instructed to inform you that a certificate has issued for the payment to your company of \$518,624, for work done and materials delivered under your contract on the Central Section of the Canadian Pacific Railway, as shown in engineer's progress estimate, to 20th instant.

Distribution as follows:—

| | |
|---------------|------------------|
| Loan | Nil. |
| Subsidy | <u>\$518,624</u> |

I am, Sir, your obedient servant,

A. P. BRADLEY, *Secretary.*

C. DRINKWATER, Esq., Secretary C. P. R. Co., Montreal.

PAYMENT OF MONEYS—PROGRESS ESTIMATE No. 86—CENTRAL SECTION—CANADIAN PACIFIC RAILWAY.

Description of works, cash subsidy and loan; No. of contract, Canadian Pacific Railway Company; locality of works, Central Section, West of Red River; name of contractors, Canadian Pacific Railway Company; date of contract, 21st October, 1880.

Progress estimate of work done and materials delivered from the beginning of operations under this contract to the 31st October, 1885.

The works, of which this is an estimate, are being executed by the authority of the Department of Railways and Canals, under contract numbered and dated as above, also under letter Nos. 27816 and 28944.

Total value of work done and materials delivered to the 31st October, 1885..... \$18,329,407

Eastern Division, 900 miles, at \$10,000..... \$ 9,000,000
 Western Division, 54 miles, at 13,333..... 719,982

\$ 9,719,982

Proportion of value of work done under the Act of 1884 to work remaining to be done..... 8,609,425

\$18,329,457

NOTE.—The amount of this certificate payable under the loan of \$2,500,000, is \$14,012,800
 Previously returned—Under the loan..... 14,156,400

Nil.

The above is a correct estimate, made up from the returns forwarded by James Dickey and Marcus Smith. The quantities so furnished have been accurately moneyed out at the contract rates, or at the rates specially authorized by departmental letters above mentioned.

J. R. CHAMBERLAIN.

I have examined the return on which this estimate is based, have verified the calculations, and am satisfied that all the work returned as done has been duly authorized by the Department.

FRANCIS J. LYNCH, *In charge of C. P. R. Head Office.*

Total amount now certified on this contract, \$18,329,407. All previous payments to be deducted.

COLLINGWOOD SCHREIBER, *Engineer-in-Chief.*

OFFICE OF ENGINEER-IN-CHIEF, OTTAWA, 2nd November, 1885.

CANADIAN PACIFIC RAILWAY.

CENTRAL Section—Eastern and Western Divisions—Estimate No. 86—Under the Loan Act of 1884.

| | | | |
|---|----|------------------|---------|
| 955th to 962nd mile, to summit of Rockies— 8 miles, at \$26,000..... | \$ | \$ | \$ |
| 963rd to 966th mile, to temporary line— 4 miles, at \$26,250..... | | 208,000 | |
| 967th to 975th mile, to temporary line— 9 miles, at \$44,444.44..... | | 105,000 | |
| 976th to 1024th mile, to 1st crossing Columbia River— 49 miles, at \$37,755..... | | 400,000 | 713,000 |
| Less—Stations and water service..... | | 1,850,000 | |
| | | 7,000 | |
| | | <u>1,843,000</u> | |

CENTRAL SECTION—Eastern and Western Divisions—Estimate No. 86—Continued.

| | \$ | \$ | \$ |
|--|---------|-----------|-----------|
| 1025th to 1038th mile, to crossing Beaver River— | | | |
| 14 miles, at \$68,571.42..... | | 820,000 | |
| Less—Stations and water service..... | | 5,500 | |
| | | | 814,500 |
| 1039th to 1057th mile, to summit of Selkirks— | | | |
| 19 miles, at \$35,789.47..... | | 680,000 | |
| Less—Bridging..... | 10,000 | | |
| Ballasting, 10,000 cubic yards, at 50c..... | 5,000 | | |
| Station and water service..... | 10,000 | | |
| | | 25,000 | |
| 1058th to 1075th mile, to 1st crossing Illicliwait— | | | |
| 18 miles, at \$41,666.66..... | 750,000 | | |
| Less—Grading 12,000 cubic yards, hard pan, at 50c..... | 6,000 | | |
| Bridging..... | 35,000 | | |
| Ballasting, 36,000 cubic yards, at 50c..... | 18,000 | | |
| Stations and water service..... | 8,250 | | |
| | | 67,250 | |
| | | | 682,750 |
| 1076th to 1103rd mile, to 2nd crossing Columbia River— | | | |
| 28 miles, at \$40,357.44..... | | 1,130,000 | |
| Less—Grading, 12,000 cubic yards earth, at 28c..... | 3,360 | | |
| Bridging..... | 15,000 | | |
| Ballasting, 32,000 cubic yards, at 50c..... | 84,000 | | |
| Stations and water service..... | 16,500 | | |
| | | 62,860 | |
| | | | 1,067,140 |
| 1103rd to 1119th mile, to west end of Griffin Lake— | | | |
| 16 miles, at \$43,750..... | | 700,000 | |
| Less—Grading, 45,000 cubic yards, at 75c..... | 33,750 | | |
| Bridging..... | 87,000 | | |
| Ballasting, 32,000 cubic yards, at 50c..... | 16,000 | | |
| Stations and water service..... | 5,500 | | |
| | | 142,250 | |
| | | | 557,750 |
| Rolling stock..... | | | 286,000 |
| Total, Eastern Division..... | | | 6,618,140 |
| Savona's Ferry to Kamloops— | | | |
| 25 miles, at \$48,000..... | | 1,200,000 | |
| Less—Fencing, 23 miles, at \$500..... | 11,500 | | |
| Ballasting, 20,000 yards, at 40c..... | 8,000 | | |
| Stations and water service..... | 20,000 | | |
| | | 39,500 | |
| | | | 1,160,500 |
| West end of Griffin Lake to Kamloops— | | | |
| 110 miles, at \$18,181.81..... | | 2,000,000 | |
| Less—2 per cent. grading..... | 20,613 | | |
| Bridging..... | 2,000 | | |
| 9 miles tracklaying, at \$5,000..... | 45,000 | | |
| Ballasting, 220,000 cubic yards, at 50c..... | 110,000 | | |
| Stations and water service..... | 36,000 | | |
| | | 213,613 | |
| | | | 1,786,387 |
| | | | 9,566,027 |
| Less—10 per cent..... | | | 956,602 |
| | | | 8,609,425 |

(Memorandum.)

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 2nd November, 1885.

The undersigned has the honor to represent that under date the 2nd instant the Chief Engineer of the Canadian Pacific Railway has issued a certificate, No. 86, of the Central Section, West of Red River, of that road, of which the details are as follows:—

| | | |
|---|---------------------|--------------|
| Total value of work done and materials delivered up to the 31st of October, 1885..... | | \$18,329,407 |
| Eastern Division, 900 miles at \$10,000... | \$9,000,000 | |
| Western Division, 58 miles at \$13,333... | 719,982 | |
| | <u>\$9,719,982</u> | |
| Proportion of value of work done under the Act of 1884, to that of work remaining to be done..... | 8,609,425 | |
| | <u>\$18,329,407</u> | |

That of this sum the books of the Accountant of the Department show that there has already been paid..... 18,096,445

Leaving the balance now payable..... \$232,962

The undersigned recommends that authority be given for the payment of the said sum of \$232,962, to the Canadian Pacific Railway Company, the whole being charged against the subsidy account.

Respectfully submitted,

J. H. POPE, *Minister of Railways and Canals.*

CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 3rd November, 1885.

On a memorandum, dated 2nd November, 1885, from the Minister of Railways and Canals, submitting a certificate, No. 86, dated 2nd instant, of the Chief Engineer of the Canadian Pacific Railway, with respect to the Central Section of the road, of which the following are the details:—

| | | |
|---|---------------------|--------------|
| Total value of work done and materials delivered up to the 31st October, 1885..... | | \$18,329,407 |
| Eastern Division, 900 miles, at \$10,000.... | \$ 9,000,000 | |
| Western Division, 58 miles, at \$13,333.... | 719,982 | |
| | <u>\$9,719,982</u> | |
| Proportion of value of work done under the Act of 1884 to value of work remaining to be done..... | 8,609,425 | |
| | <u>\$18,329,407</u> | |

Of this amount, the books of the Department show that there has already been paid the sum of..... 18,096,445

Leaving the balance now payable..... \$232,962

That the whole of the said balance is chargeable to subsidy account.
 The Minister recommends that authority be given for the payment of the said sum of \$232,962 to the Canadian Pacific Railway Company accordingly.
 The Committee advise that authority be given as recommended.

JOHN J. MCGEE, *Clerk Privy Council.*

The Hon. the Minister of Railways and Canals.

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 5th November, 1885.

SIR,—I am directed to inform you that a certificate has issued by this Department for the payment to the Canadian Pacific Railway Company of the sum of \$232,962, chargeable to the subsidy account, for work done and materials delivered under contract, on Central Section west of Red River, as shown in Engineer's progress estimate to 31st ultimo.

I am, Sir, your obedient servant,

A. P. BRADLEY, *Secretary.*

CHAS. DRINKWATER, Esq., Secretary C.P.R. Co., Montreal.

PAYMENT OF MONEYS—PROGRESS ESTIMATE No. 87—CENTRAL SECTION—CANADIAN PACIFIC RAILWAY.

Description of works, cash subsidy; No. of contract. Canadian Pacific Railway Company; locality of works, Central Section, West of Red River; name of contractors, Canadian Pacific Railway Company; date of contract, 21st October, 1880.

Progress estimate of work done and materials delivered from the beginning of operations under this contract to the 25th November, 1885.

The works, of which this is an estimate, are being executed by the authority of the Department of Railways and Canals, under contract numbered and dated as above, also under letters Nos. 27816 and 28944.

| | |
|--|--------------|
| Total value of work done and materials delivered to the 25th November, 1885..... | \$18,495,782 |
|--|--------------|

| | |
|--|-------------|
| Eastern Division, 900 miles at \$10,000..... | \$9,000,000 |
| Western Division, 54 miles at \$13,333..... | 719,982 |

\$9,719,982

| | |
|--|-----------|
| Proportion of value of work done under the Act of 1884 to work remaining to be done..... | 8,775,800 |
|--|-----------|

\$18,495,782

| | |
|--|--------------|
| NOTE—The amount of this certificate, payable under the loan of \$22,500,000 is.... | \$14,215,100 |
| Previously returned..... | 14,156,400 |

\$58,700

The above is a correct estimate, made up from the returns forwarded by James Dickey and Francis Smith. The quantities so furnished have been accurately moneyed out at the contract rates, or at the rates specially authorized by departmental letters above mentioned.

J. R. CHAMBERLAIN,

I have examined the return on which this estimate is based, have verified the calculations, and am satisfied that all the work returned as done has been duly authorized by the Department.

FRANCIS J. LYNCH, *In charge of C.P.R. Head Office.*

Total amount now certified on this contract, \$18,495,782. All previous payments to be deducted.

COLLINGWOOD SCHREIBER, *Engineer-in-Chief.*

OFFICE OF ENGINEER-IN-CHIEF, OTTAWA, 28th November, 1885.

CANADIAN PACIFIC RAILWAY.

CENTRAL SECTION—Progress Estimate No. 87—Under the Loan Act of 1884.

| | \$ | \$ | \$ |
|---|-----------|-----------|-----------|
| 955th to 962nd mile, to summit of Rockies— | | | |
| 8 miles, at \$26,000 per mile..... | | 208,000 | |
| 963rd to 966th mile, to temporary line— | | | |
| 4 miles, at \$26,250 per mile..... | | 105,000 | |
| 967th to 975th mile, to temporary line— | | | |
| 9 miles, at \$44,444.44 per mile..... | | 400,000 | |
| 976th to 1024th mile, to crossing of Columbia River— | | | |
| 49 miles, at \$37,755 per mile..... | 1,850,000 | | |
| Less—Stations and water service..... | 5,000 | | |
| | | 1,845,000 | |
| 1025th to 1038th mile, to crossing of Beaver River— | | | |
| 14 miles, at \$58,571.42 per mile..... | 820,000 | | |
| Less—Stations and water service..... | 5,000 | | |
| | | 815,000 | |
| | | | 3,373,000 |
| 1039th to 1057th mile, to summit of Selkirks— | | | |
| 19 miles, at \$35,789.47 per mile..... | | 680,000 | |
| Less—Bridging..... | 10,000 | | |
| Ballasting, 10,000 yards, at 50c. per yard..... | 5,000 | | |
| Stations and water service..... | 10,000 | | |
| | | 25,000 | |
| | | | 655,000 |
| 1058th to 1075th mile, to 1st crossing, Illicilliwait— | | | |
| 18 miles, at \$41,666.66 per mile..... | | 750,000 | |
| Less—Grading, 12,000 yards, at 25c. per yard..... | 3,000 | | |
| Bridging..... | 15,000 | | |
| Ballasting, 13 miles, 26,000 yards, at 50c. per yard.... | 13,000 | | |
| Stations and water service..... | 7,500 | | |
| | | 38,500 | |
| | | | 711,500 |
| 1076th to 1103rd mile, to 2nd crossing of Columbia River— | | | |
| 28 miles, at \$40,357 per mile..... | | 1,130,000 | |
| Less—Grading, 12,000 yards, at 28c. per yard..... | 3,360 | | |
| Bridging..... | 15,000 | | |
| Ballasting, 56,000 yards, at 50c..... | 28,000 | | |
| Station and water service..... | 15,000 | | |
| | | 61,360 | |
| | | | 1,068,640 |
| 1104th to 1119th mile, to west end of Griffin Lake— | | | |
| 16 miles, at \$43,750 per mile..... | | 700,000 | |
| Less—Grading, 45,000 yards, at 25c. per yard..... | 11,250 | | |
| Bridging..... | 87,000 | | |
| Ballasting, 32,000 yards, at 50c. per yard..... | 16,000 | | |
| Stations and water service..... | 5,000 | | |
| | | 119,250 | |
| | | | 580,750 |
| Kamloops— | | | |
| 110 miles, at \$18,181.81 per mile..... | | 2,000,000 | |
| Less—Grading, 20,000 yards, at 25c. per yard..... | 5,000 | | |
| Bridging..... | 2,000 | | |
| Ballasting, 10,000 yards, at 50c. per yard..... | 55,000 | | |
| Station and water service..... | 30,000 | | |
| | | 92,000 | |
| | | | 1,908,000 |

CENTRAL SECTION.—Progress Estimate No. 87—Continued.

| | \$ | \$ | \$ |
|---|--------|-----------|-----------|
| To Savona's Ferry— | | | |
| 28 miles, at \$48,000 per mile..... | | 1,200,000 | |
| Less—Fencing, 20 miles, at \$500 00..... | 10,000 | | |
| Ballasting, 10,000 yards, at 40c. per yard..... | 4,000 | | |
| Water service and stations..... | 18,000 | | |
| | | 32,000 | |
| Rolling stock..... | | | 1,168,000 |
| | | | 286,000 |
| Total, Central Section..... | | | 9,750,890 |
| Less—10 per cent..... | | | 975,089 |
| | | | 8,775,801 |

(Memorandum.)

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 28th November, 1885.

The undersigned has the honor to represent that under date the 28th instant the Chief Engineer of the Canadian Pacific Railway has issued a certificate, No. 87, of the Central Section of that road, of which the details are as follows:—

Total value of work done and materials delivered up to the 25th November, 1885..... \$18,495,782

Eastern Division, 900 miles, at \$10,000.... \$ 9,000,000

Western Division, 54 miles, at 13,333.... 719,982

\$9,719,982

Proportion of value of work done under the Act of 1884 to value of work remaining to be done..... 8,775,800

\$18,495,782

That of this amount the books of the accountant of the Department show that there has already been paid..... 18,329,407

Leaving the balance now payable..... \$166,375

Of this amount the portions chargeable to the loan and subsidy accounts, severally, are as follows:—

Loan.....\$ 58,700

Subsidy..... 107,675

\$166,375

The undersigned recommends that authority be given for the payment of the said sum of \$166,375 to the Canadian Pacific Railway Company, in accordance with the foregoing.

Respectfully submitted,
J. H. POPE, *Minister of Railways and Canals.*

CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council approved by His Excellency the Governor General in Council on the 1st December, 1885.

On a memorandum, dated 28th November, 1885, from the Minister of Railways and Canals, submitting a certificate, No. 87, dated 23th ultimo from the

Chief Engineer of the Canadian Pacific Railway with respect to the Central Section, of the line, of which the details are as follows:—

| | | |
|---|-------------|--------------|
| Total value of work done and materials delivered up to the 25th November, 1885..... | | \$18,495,782 |
| Eastern Division, 900 miles, at \$10,000.. | \$9,000,000 | |
| Western Division, 54 miles, at \$13,333... | 719,982 | |

\$9,719,982

| | | |
|--|-----------|--|
| Proportion of value of work done under the Act of 1884, to value of work remaining to be done..... | 8,775,800 | |
|--|-----------|--|

\$18,495,782

| | | |
|--|--|------------|
| Of this amount the books of the Department show that there has already been paid the sum of..... | | 18,329,407 |
|--|--|------------|

| | | |
|--------------------------------------|--|------------------|
| Leaving the balance now payable..... | | <u>\$166,375</u> |
|--------------------------------------|--|------------------|

Of which balance the portions chargeable to the loan and subsidy accounts severally are as follows:—

| | |
|--------------|----------|
| Loan..... | \$58,700 |
| Subsidy..... | 107,675 |

\$166,375

The Minister recommends that authority be given for the payment of the said sum of \$166,375 to the Canadian Pacific Railway Company accordingly. The Committee advise that authority be given as recommended.

JOHN J. MCGEE, *Clerk Privy Council.*

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 4th December, 1885.

SIR,—I am directed to inform you that a certificate has issued in favor of your company for the sum of \$166,375, in payment for work done and materials delivered under your contract upon the Central Section, West of Red River, of the Canadian Pacific Railway, as shown in engineer's progress estimate to 25th ultimo.

Distribution as follows:—

| | |
|--------------|----------|
| Loan..... | \$58,700 |
| Subsidy..... | 107,675 |

\$166,375

I am, Sir, your obedient servant,

A. P. BRADLEY, *Secretary.*

CHARLES DRINKWATER, Esq., Secretary C. P. R. Co., Montreal.

PAYMENT OF MONEYS—PROGRESS ESTIMATE No. 88—CENTRAL SECTION—CANADIAN PACIFIC RAILWAY.

Description of works, cash subsidy and loan; No. of Contract, Canadian Pacific Railway Company; locality of works, Central Section, west of Red River; name of contractors, Canadian Pacific Railway Company; date of contract, 21st October, 1880. Progress estimate of work done and materials delivered from the beginning of operations under this contract to the 10th December, 1885.

The works, of which this is an estimate, are being executed by the authority of the Department of Railways and Canals, under contract numbered and dated as above, also under letters Nos. 27816 and 28944.

Total value of work done and materials delivered to the 10th December, 1885 \$18,520,983

Eastern Division, 900 miles, at \$10,000.... \$9,000,000
 Western Division, 54 miles, at \$13,333..... 719,982
 \$9,719,982

Proportion of value of work done under the Act of 1884, to work remaining to be done..... 8,801,001
 \$18,520,983

NOTE.—The amount of this certificate payable under the loan of \$22,500,000, is \$14,291,600
 Previously returned under this loan..... 14,278,000
 \$13,600

The above is a correct estimate, made up from the returns forwarded by James Dickey and Marcus Smith. The quantities so furnished have been accurately moneyed out at the contract rates, or at the rates specially authorized by departmental letters above mentioned.

J. R. CHAMBERLAIN.

I have examined the return on which this estimate is based, have verified the calculations, and am satisfied that all the work returned as done has been duly authorized by the Department.

FRANCIS J. LYNCH, *In charge of C. P. R. Head Office.*

Total amount now certified on this contract, \$18,520,983. All previous payments to be deducted.

COLLINGWOOD SCHREIBER, *Engineer in-Chief.*

OFFICE OF ENGINEER-IN-CHIEF, OTTAWA, 11th December, 1885.

CANADIAN PACIFIC RAILWAY.

CENTRAL SECTION—Estimate No. 88—Under the Loan Act of 1884.

| | \$ | \$ | \$ |
|--|---------|------------|------------|
| 354th to 1,250th mile | | 11,129,000 | |
| LESS—Fencing | 10,000 | | |
| Grading | 43,610 | | |
| Bridging | 80,000 | | |
| Ballasting | 121,000 | | |
| Stations and water service | 95,500 | | |
| | | 350,110 | |
| LESS—For completing 9 miles of permanent road..... | | | 10,778,890 |
| | | | 1,000,000 |
| LESS—10 per cent. | | | 9,778,890 |
| | | | 977,889 |
| Total | | | 8,801,001 |

(Memorandum.)

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 12th December, 1885.

The undersigned has the honor to represent that under date the 11th instant, the Chief Engineer of the Canadian Pacific Railway has issued a certificate, No. 88, of the Central Section of that road, of which the details are as follows:—

| | | |
|---|---------------------|--------------|
| Total value of work done and materials delivered up to the 10th December, 1885 | | \$19,520,983 |
| Eastern Division, 900 miles at \$10,000... | \$9,000,000 | |
| Western Division, 54 miles at \$13,333... | 719,982 | |
| | <u>\$9,719,982</u> | |
| Proportion of value of work done under the Act of 1884, to that of work remaining to be done..... | 8,801,001 | |
| | <u>\$18,520,983</u> | |

That of this amount the books of the accountant of the Department show there has already been paid the sum of..... 18,495,782

Leaving the balance now payable..... \$25,201

That of this balance the portions chargeable to the loan and subsidy accounts severally, are as follows:—

| | |
|--------------|-----------------|
| Loan..... | \$13,600 |
| Subsidy..... | 11,601 |
| | <u>\$25,201</u> |

The undersigned recommends that authority be given for the payment of the said sum of \$25,201 in accordance with the foregoing.

Respectfully submitted,

J. H. POPE, *Minister Railways and Canals.*

CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 14th December, 1885.

On a memorandum, dated 12th December, 1885, from the Minister of Railways and Canals, submitting certificate, No. 88, dated 11th instant, from the Chief Engineer of the Canadian Pacific Railway, with respect to the Central Section of the road, the details of which are as follows:—

| | | |
|--|---------------------|--------------|
| Total value of work done and materials delivered up to 10th December, 1885..... | | \$18,520,983 |
| Eastern Division, 900 miles at \$10,000..... | \$9,000,000 | |
| Western Division, 54 miles at \$13,333..... | 719,982 | |
| | <u>\$9,719,982</u> | |
| Proportion of value of work done under the Act of 1884 to that of work remaining to be done..... | 8,801,001 | |
| | <u>\$18,520,983</u> | |

| | |
|--|-----------------|
| Of this amount the books of the Department show that there has already been paid the sum of..... | 18,495,782 |
| Leaving the balance now payable..... | <u>\$25,201</u> |

That of this amount the portions chargeable to the loan and the subsidy accounts are as follows:—

| | |
|--------------|-----------------|
| Loan..... | \$13,600 |
| Subsidy..... | 11,601 |
| | <u>\$25,201</u> |

The Minister recommends that authority be given for the payment of the said sum of \$25,201 to the Canadian Pacific Railway Company accordingly.
The Committee advise that authority be given as recommended.

JOHN J. MCGEE, *Clerk Privy Council.*

Hon. the Minister of Railways and Canals.

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 17th December, 1885.

SIR,—I am directed to inform you that a certificate has issued in favor of your company for \$25,201 in payment for work done and materials issued upon the Central Section of the Canadian Pacific Railway, as shown in engineer's progress estimate to the 10th instant.

Distribution as follows:—

| | |
|---------------|-----------------|
| Loan | \$13,600 |
| Subsidy | 11,601 |
| | <u>\$25,201</u> |

I have the honor to be, Sir, your obedient servant,

A. P. BRADLEY, *Secretary.*

CHAS. DRINKWATER, Esq., Secretary C. P. R. Co., Montreal.

CANADIAN PACIFIC RAILWAY—JOINT FREIGHT CLASSIFICATION—
TARIFF PASSENGER FARES AND RATES.

TORONTO, 23rd March, 1885.

SIR,—I have the honor to enclose herewith certified copy of a by-law adopting the tariff of tolls, rates and fares to be charged for carriage of freight and passengers, and to request you to submit the same for the approval of the Governor General in Council, as required by the Consolidated Railway Act, 1879.

I am, Sir, your obedient servant,

H. W. NANTON, *Secretary and Treasurer.*

A. P. BRADLEY, Esq., Secretary Department Railways and Canals, Ottawa.

OTTAWA, 21st April, 1885.

SIR,—The by-law of the Ontario and Quebec Railway Company, adopting a tariff of tolls, rates and fares proposed to be charged for the carriage of freight and passengers, transmitted by the secretary of the company for submission to the Governor in Council for approval, under cover No. 36221, dated 23rd March, 1885, having been referred to me, I have the honor to report that I have had the rates compared with the tariff of other railways in Canada, and that they appear reasonable, and such as

might be accepted as satisfactory. The passenger fare of $3\frac{1}{2}$ cents per mile is the same as the maximum for first-class passenger fares of the Grand Trunk Railway, authorized by 16 Vic., cap. 37, sec. 3, and the rates and tolls for freight compared with the mileage tariff of freight rates adopted by the Grand Trunk Railway in freight tariff dated 1st January, 1884, and the classification is that adopted by the Grand Trunk Railway and many other Canadian railways in doing exchange traffic business. I therefore recommend it for approval.

I am, Sir, your obedient servant,

COLLINGWOOD SCHREIBER.

A. P. BRADLEY, Esq., Secretary Department Railways and Canals, Ottawa.

(Memorandum.)

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 22nd April, 1885.

The undersigned has the honor to represent that, under date the 23rd of March last, the Ontario and Quebec Railway Company have submitted, for the approval of Your Excellency in Council, as required by the Consolidated Railway Act of 1879, a tariff of the tolls, rates and fares proposed to be charged for the conveyance of freight and passengers over their line, the same being embodied in a by-law (No. 31) enacted and passed at a meeting of the Board of their directors, held on the 14th of March, 1885.

That the said tariff has been examined by the Chief Engineer of Government railways, whose report thereon, dated the 21st instant, shows that the maximum passenger fare proposed, viz., $3\frac{1}{2}$ cents per mile, is the same as the maximum for first-class passengers on the line of the Grand Trunk, as fixed by their Act of incorporation, and that the rates and tolls for freight compared with the mileage tariff of freight rates adopted by that railway in freight tariff dated the 1st of January, 1884, and that the classification is the classification adopted by the Grand Trunk and many other Canadian railways in doing exchange traffic business. The Chief Engineer advises that the present proposed tariff is approved.

The undersigned recommends the said by-law (No. 31), establishing the maximum rates and tolls for passengers and freight on this line, be approved and sanctioned by Your Excellency in Council.

Respectfully submitted.

J. H. POPE, *Acting Minister Railways and Canals.*

CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 5th May, 1885.

On a memorandum, dated 22nd April, 1885, from the Acting Minister of Railways and Canals, representing that the Ontario and Quebec Railway Company have submitted for the approval of Your Excellency in Council, as required by the Consolidated Railway Act of 1879, a by-law (No. 31) enacted and passed at a meeting of the Board of their directors, held on the 14th of March, 1885, embodying a tariff of the tolls, rates and fares proposed to be charged for the conveyance of freight and passengers over their line.

The Minister further represents that the Chief Engineer of Government railways has examined the said tariff, and he reports that the maximum passenger fare proposed, viz., $3\frac{1}{2}$ cents per mile, is the same as the maximum for first-class passenger fares on the line of the Grand Trunk Railway, as fixed by their Act of incorporation; that the rates and tolls for freight correspond with the mileage tariff of freight rates adopted by that railway in freight tariff dated the 1st of January, 1884, and that the classification is the classification adopted by the Grand Trunk and many other Canadian railways in doing exchange traffic business, and advises that the present proposed tariff be approved.

The Minister, on such report, recommends that the said by-law (No. 31), establishing the maximum rates and tolls for passengers and freight on this line, be approved.

The Committee submit the same for Your Excellency's approval and sanction accordingly.

JOHN J. MCGEE, *Clerk Privy Council.*

CANADIAN JOINT FREIGHT CLASSIFICATION.

No. 3, 1st April, 1885.

ADOPTED BY Canadian Pacific Railway.
 Canada Atlantic Railway.
 Central Ontario Railway.
 Central Vermont Railroad (in Canada).
 Erie and Huron Railway.
 Grand Trunk Railway.
 Intercolonial Railway (through Canadian traffic).
 International Railway.
 Kingston and Pembroke Railway.
 Manitoba and North-Western Railway.
 Michigan Central Railroad (Canada Division).
 Northern and North-Western Railways.
 North Shore Railway.
 Quebec Central Railway.
 South-Eastern Railway.
 { Bay of Quinté Railway and Navigation Company.
 { Napanee, Tamworth and Quebec Railway.
 { Thousand Islands Railway.

Explanation of Terms and Characters used.

The number of the class is given opposite each article:—1, 2, 3, 4, 5, 6, 7, 8, 9, 10, stand for first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, and tenth classes respectively; 1½ stands for once and a-half first class; D-1 for double first class; 3-1 for three times first class; 4-1 for four times first class; C.L. stands for car load; L.C.L. for less than car load; O.R. stands for owner's risk; K.D. stands for knocked down; S.D. stands for single deck; D.D. for double deck.

Articles not enumerated should be classed with similar or analogous goods.

SPECIAL REGULATIONS AND CONDITIONS.

1. The minimum weight for carloads of 1st, 2nd, 3rd, 4th, 5th, 6th and 9th class freights is 20,000 pounds per car; and for 7th, 8th and 10th class freights, 24,000 pounds per car, unless otherwise specially stated. Carloads to be entitled to C.L. rate must be from one shipper to one consignee. All cars must be loaded up to their full capacity at L.C.L. or C.L. rates, as the case may be.

2. Mixed freight will not be taken at C.L. rate, but each description must be weighed and charged as per classification, except as otherwise provided for in this classification.

3. Freight from one shipper to one consignee should not be charged more for a smaller than for a greater quantity where varying quantities of the same description of goods are classed differently. For instance, 4 barrels of ale, &c., should not be charged more than for 5 barrels; 49 barrels of apples and under should not be charged more than for 50 barrels; 129 barrels or under should not be charged more than 130 barrels; 120 flour barrels should not be charged more than 125 barrels; nor should an L.C.L. weight at a higher class be charged more than the sum for a C.L. where C.L. classification of the same freight is given.

4. Where C.L. is not quoted, the classification given is to apply irrespective of quantity.

5. All articles, except as otherwise specified, will be taken at actual gross weight.

6. All articles marked at O.R. in this classification must be so receipted for by agents, and the words "owners' risk" written in full on the shipping notes and receipts. All articles marked "Released" must also be receipted for, and shippers or owners must duly execute a release in duplicate on the company's forms.

7. Special attention is directed to articles marked as "Not taken unless by special contract, &c." Agents must always apply for rates, and for permission to carry such traffic before accepting or receipting for it.

8. Dynamite, dualine, gun cotton, giant powder, Hercules powder, or other explosive compounds, not provided for in this classification, will not be received or transported.

9. Grain, bran, feed, malt, &c., in bulk, and all other bulk freight, must always be receipted for "more or less," and these words written in full. Agents, however, must in all cases obtain from shippers a full statement or declaration on shipping bills of the correct quantity of all bulk freight loaded in or on each car; such declaration should show quantity, weight or measurement in accordance with the common or commercial standard under which such traffic is sold, such as:—Bush, wheat, peas, barley, potatoes, &c. Tons bran, feed, &c. Square feet, or toise stone, &c. Feet (board measure) lumber, &c. Thousands lath, shingles, stave, &c. Cords wood, stave bolts, bark, posts, shingle bolts, slabs, poles, &c.—with statement as to description, and whether "green," "partly seasoned," or "dry," of all forest products. In signing receipts, agents must be particular to note "said to be" as to quality and "more or less" as to quantity.

10. All heavy freight, of 1,000 lbs. or over per piece or package, of 1st, 2nd, 3rd, 4th and 5th classes; also heavy freight, and all bulk freight, in 6th, 7th, 8th, 9th and 10th classes, is to be loaded and unloaded by owners. At points where the companies provide a cartage service, it must be understood that heavy articles, and bulk freight above referred to, will not be carted or handled by the companies, unless by special arrangement, and at the expense of the owner, in addition to the rate.

11. Bulk freight in less than car loads will not be taken.

12. When fruit, vegetables and other property, liable to damage by frost, are shipped in winter (1st Nov. to 30th April) one man will be passed free with one or more cars to care for the fires and protect the property from freezing. No return pass to be given. The stoves, if returned, to be charged same as "empties returned." When shippers put stoves in cars, agents must see that all reasonable precaution against damage to the car or train is taken, and receipts in all such cases must be given at "owners' risk of fire." Passes will not be given to men in charge of trees or shrubbery.

13. Agricultural implements, machinery, vehicles, and other bulky traffic on flat cars should not be loaded to exceed eleven feet six inches in extreme height above the top of the rail, and nine feet in extreme width, and should be well secured by iron rods, wire, or wooden bars passing over the load and connecting the upper ends of the stakes in such a manner as to prevent spreading. When these conditions are not complied with, the companies reserve the right to either refuse the freight, or to remove any excess from the car and forward it on another car, at full rates as per classification.

14. No single shipment will be taken for less than 100 lbs. as per classification, but not lower than 1st class; minimum charge, 35 cents. Articles from one consignor to different consignees, or from different consignors to one consignee, are to be charged for separately.

CLASSIFICATION.

A.

| | | C.L. |
|---|-----|------|
| Acetate of Lime, in packages..... | 4 | 7 |
| Acids, less than 15 carboys or drums, O R..... | D 1 | |
| do 15 carboys or drums and upwards, O.R..... | 1 | |
| do in carboys or drums, C.L., O. R..... | | 4 |
| Acids must not be taken for shipment by water, unless by special contract. | | |
| Actinolite..... | 4 | 10 |
| Advertising Boards, in bundles, prepaid..... | 1 | |
| Aerated Waters.—Same as Ale. | | |
| Agate Ware, not otherwise specified..... | 1 | |
| do do nested..... | 2 | 4 |
| Agolite or Mineral Pulp..... | 4 | 7 |
| Agricultural Implements, as follows: (Subject to note at foot of this article.) | | |
| Binders, set up..... | D 1 | |
| do K.D..... | 1 | |
| Corn Cutters, Planters, Shellers..... | D 1 | |
| Cleaners, Grain..... | D 1 | |
| Clover Hullers..... | D 1 | |
| Crushers, Clod..... | 1½ | |
| do Grain..... | 1 | |
| Cradles, Grain, set up..... | 4-1 | |
| do K.D. and boxed..... | D 1 | |
| Cultivators, set up..... | D 1 | |
| do K.D..... | 1 | |
| Cutters, Feed, set up..... | D 1 | |
| do K.D..... | 1 | |
| Drills, Grain and Seed..... | D 1 | |
| Fanning Mills, set up..... | D 1 | |
| do K. D. and tied in bundles..... | 1 | |
| Harrows, set up..... | D 1 | |
| do K. D. in bundles..... | 1 | |
| Harrow Frames, without teeth, K. D., in bundles..... | 2 | |
| Hay Loaders, K. D., and closely packed..... | 1 | |
| Hay Pitchers, K. D..... | 1 | |
| Hay Tedders, set up..... | D 1 | |
| do K.D..... | 1 | |
| Manure Spreaders, on wheels set up..... | 1½ | |
| do do wheels off, K.D..... | 1 | |
| Mowers, Field, K. D..... | 1 | |
| do Lawn, set up..... | 1½ | |
| do Lawn, K. D., boxed, handles in bundles..... | 1 | |
| Ploughs, Common, set up..... | D 1 | |
| do do handles detached..... | 1 | |
| do do K. D., and boxed..... | 2 | |
| do Gang, Shovel or Sulky, set up..... | D 1 | |
| do Gang, Shovel or Sulky, K. D..... | 1 | |
| Powers, Dog..... | D 1 | |
| do Horse, Pitt's or Sweep..... | 1½ | |
| do Horse, Tread or Endless Chain..... | 3-1 | |
| do Steam (Portable Engines)..... | 1 | |
| Presses, Hay, K.D..... | 1 | |

| | | C.L. |
|--|-----|------|
| Rakes, Horse, set up..... | D 1 | |
| do Horse, K.D..... | 1 | |
| do Hand..... | 1 | |
| Reapers, single (or Harvesters), K. D..... | 1 | |
| Reaper and Mower Knives.—See Hardware. | | |
| Reaping and Mowing Machines (combined), shipped in pieces..... | 1 | |
| Rollers, Field and Garden..... | 1½ | |
| Sowers, Grain or Seed..... | D 1 | |
| Threshers or Separators..... | 3-1 | |
| Agricultural Implements, not otherwise specified, light and bulky..... | D 1 | |
| do do All kinds..... | | 6 |
| NOTE.—Agricultural Implements of 1,000 lbs. per piece or over, to be loaded and unloaded by owners. | | |
| NOTE.—Agricultural Implements are at owner's risk of breakage and chafing, and loss of small parts, in each and every case. Any shipment of Agricultural Implements requiring a whole car for carriage (whether full capacity of car be occupied or otherwise), if 12,000 lbs. or under, to be charged 20,000 lbs..... | | 10 |
| If over 12,000 lbs., to be charged C. L..... | | 6 |
| Air Brake Appliances..... | 3 | 5 |
| Alabastine..... | 4 | 7 |
| Alcohol.—See Liquors. | | |
| Ale, Beer and Porter (bottled), in open cases, O. R., released..... | D 1 | |
| do do do in boxes or barrels, O. R..... | 3 | 4 |
| do do in wood, less than 2,000 lbs., O. R..... | 3 | |
| do do do lots of 2,000 lbs. and over, O. R..... | 4 | 5 |
| Ale, Beer and Porter must be prepaid between 1st November and 30th April. | | |
| Almonds.—See Nuts. | | |
| Alum, in boxes..... | 2 | 4 |
| do in barrels or casks..... | 3 | 4 |
| Ammoniacal Liquors, in wood..... | 3 | 4 |
| do Waters in carboys..... | 1 | 4 |
| do in bottles, packed in wood..... | 1 | |
| do in brls. or drums..... | 3 | 4 |
| Ammonia, Carbonate, in jars, packed in wood..... | 1 | |
| do in kegs..... | 2 | 4 |
| do Sulphate of, in casks or brls..... | 2 | 4 |
| Ammunition.—Taken by special contract only. | | |
| Anchors.—See Iron. | | |
| Animal Pokes..... | 1 | 6 |
| Annaline Oil, in cans, packed in wood..... | 3 | 4 |
| Annato, in glass, O.R..... | 1 | |
| do in stone jars, packed in wood..... | 2 | 4 |
| Anthracine (dry), in barrels..... | 2 | 4 |
| Antimony..... | 2 | 4 |
| Anvils.—See Iron. | | |
| Apples.—See Fruits. | | |
| Argols..... | 3 | |
| Arrowroot, in boxes or barrels..... | 1 | |
| Archery, in boxes..... | D 1 | |
| Arsenic, in boxes or barrels..... | 1 | |
| do crude, in barrels..... | 2 | 4 |
| Asbestos, Manufactured, in packages..... | 2 | 4 |
| do crude..... | 3 | 6 |
| Ashes, Pot, Pearl and Soda, in boxes, barrels or casks..... | 4 | 5 |
| do Coal or Wood, in bulk..... | | 10 |

| | | C.L. |
|---------------------------------------|---|------|
| Ash Boilers and Kettles..... | 2 | 4 |
| Asphaltum..... | 3 | 5 |
| Axes, in boxes, barrels or casks..... | 3 | 5 |
| Axle Grease, in cans or buckets..... | 3 | 5 |
| do in barrels or casks..... | 4 | 5 |
| Axles, Iron, carriage or waggon..... | 3 | 5 |
| do Wood..... | 3 | 6 |
| Awnings.—See Tents. | | |

B.

| | | |
|--|-----|----|
| Babbit Metal..... | 3 | 5 |
| Baby Jumpers, in boxes..... | 1 | |
| Backing, for Picture and Looking-glass Frames, in bundles..... | 4 | 7 |
| Bacon, loose or in bags, O.R..... | 2 | 4 |
| do in boxes, barrels or casks..... | 3 | 5 |
| Baggage, Military. Taken by special contract only. | | |
| Baggage Trucks or Barrows—See Vehicles. | | |
| Bags and Bagging, in bales..... | 3 | 5 |
| Bags, in bags..... | 2 | 5 |
| do used in transporting Flour, Grain or Vegetables over this Road.—See Empties Returned. | | |
| Baking Powder..... | 2 | 4 |
| Balls, Sportsmen's Glass, in boxes or barrels, O.R..... | 1 | |
| do Cricket, Baseball &c..... | 2 | |
| Ballusters.—See Joiners' Work. | | |
| Band Boxes, not boxed, O.R..... | 4-1 | |
| do nested and crated, O.R..... | 3-1 | |
| do nested and boxed, O.R..... | D1 | |
| Barilla..... | 2 | 4 |
| Bark, Extract of, in casks, O.R..... | 1 | 4 |
| do Tanners, 28 feet box cars to be charged 20,000 lbs., flat cars and large box cars, 24,000 lbs..... | | 7 |
| do Ground, in barrels, casks or sacks..... | 3 | 5 |
| do Slippery Elm, in boxes, barrels or bundles..... | 1 | |
| Barley, Pearl, Pot and Common.— See Grain. | | |
| Barrels, Empty—Flour, Sugar and Apple, prepaid..... | D1 | |
| do Ale, Oil and other iron hooped barrels and casks, prepaid. | 1½ | |
| do all kinds, C.L. 20,000 lbs., prepaid returned.—See Empties Returned..... | | 10 |
| Barrel Covers..... | 1 | 7 |
| Barytes..... | 3 | 5 |
| Baskets, wicker..... | 4-1 | |
| do stave and splint, nested..... | D1 | |
| do all kinds, C.L. 20,000 lbs..... | | 10 |
| Bath Brick, in barrels or boxes..... | 3 | |
| Bath Tubs, wood or tin..... | D1 | 6 |
| do do nested..... | 1 | 6 |
| Batting, in bundles, O.R..... | D1 | |
| do pressed, in bales or cases..... | 1 | |
| Baseball Bats, in bundles..... | 2 | |
| do in boxes..... | 3 | |
| Bay Rum, in glass or stone, packed in wood, O.R..... | 1 | |
| do in wood..... | 2 | |
| Beans.—See Grain. | | |
| Bedding.—See Household Goods. | | |
| Bedsteads, Iron.—See Iron. | | |
| Bedsteads, Wood.—See Furniture. | | |

| | | C.L. |
|--|-----|------|
| Bee Hives, set up..... | D 1 | 4 |
| do nested..... | 1 | 4 |
| do K.D., in burdles, or packed in boxes or hives..... | 3 | 5 |
| Bees, in Hives, O. R., released..... | 3-1 | 3 |
| Owners to load and unload. Man in charge of carload lots passed free. | | |
| Bees' Wax | 1 | |
| Beer.—See Ale. | | |
| Beets.—See Vegetables. | | |
| Bellows, O. R., released..... | 1 | |
| Bells, O. R..... | 1 | |
| do Small, in cases.—See Hardware. | | |
| Belting, Leather or Rubber, O. R | 2 | 4 |
| Bent Stuff.—See Carriage Goods. | | |
| Benzine or Benzole, in wood.—Same as Coal Oil. | | |
| Must not be taken for shipment by water. | | |
| Berries.—See Fruit. | | |
| Bicycles.—See Vehicles. | | |
| Billiard Tables and Fittings, K.D., boxed, O.R..... | 1 | |
| do not boxed. Not taken. | | |
| Binders' Boards, O.R..... | 3 | 5 |
| Bird Cages, in boxes, O. R..... | D 1 | |
| Biscuits, in boxes or barrels..... | 2 | 4 |
| Bitters.—Same as Liquors. | | |
| Blacking | 2 | 4 |
| Black Lead..... | 2 | 4 |
| Blankets, in bales..... | 1 | |
| Bleaching Salts..... | 4 | 5 |
| Blinds, Wooden.—See Joiners' Work. | | |
| Block Shells | 3 | 5 |
| Blocks, Butchers'..... | 3 | |
| do Pully or Tackle..... | 3 | 5 |
| Blowers, Iron Rotary..... | 2 | |
| Blue Stone or Vitriol, in kegs or boxes..... | 2 | 4 |
| Blueing, Liquid, Cake or Ball..... | 1 | |
| Boats, Racing.—Taken by special contract only. | | |
| Canoes, 20 feet and under, estimated weight 700 lbs. each, O. R., released..... | 1 | |
| Skiffs and Pleasure Boats, 15 feet and under, estimated weight 800 lbs. each, O. R., released..... | 1 | |
| Boats, 20 feet and under, estimated weight 1,200 lbs. each, O. R., released. | 1 | |
| do 30 feet and under, estimated weight 2,000 lbs. each, O. R., released... | 1 | |
| do over 30 feet long. Taken by special contract only. | | |
| do under 30 feet long, C.L. 20,000 lbs., O. R., released..... | | 6 |
| do Lumbermen's and Batteaux, 30 feet and under, estimated weight 2,000 lbs. each, O. R., released..... | 1 | |
| do Lumbermen's and Batteaux, C.L. 20,000 lbs., O. R., released..... | | 10 |
| Boilers, 28 feet and under, loaded and unloaded by owners... .. | 1 | 6 |
| do over 28 feet long. Taken by special contract only. | | |
| Boiler Flues or Tubes..... | 2 | 4 |
| Boiler Plates.—See Iron. | | |
| Bolster Plates.—See Iron. | | |
| Bolsters—Feather, Hair, &c..... | D 1 | |
| Bone Black..... | 3 | 5 |
| Bone Dust, in barrels or casks | 1 | 5 |
| Bones, in sacks or casks, less than 10,000 lbs..... | 3 | |
| do do over 10,000 lbs..... | 4 | |
| do in sacks, casks or bulk, C. L..... | | 10 |

| | C.L. | |
|---|------|----|
| Bonnets.—See Millinery. | | |
| Books, in boxes or cases..... | 1 | |
| Boots and Shoes, in trunks, O. R..... | 1½ | 4 |
| do in cases, O. R..... | 1 | 4 |
| Boot Crimps..... | 1 | |
| Boralumine | 3 | 5 |
| Borax | 3 | |
| Bottles.—See Glassware. | | |
| Bows.—See Carriage Goods. | | |
| Boxes, Wooden, Empty, prepaid..... | D 1 | |
| do do nested, or with inside divisions for bottles..... | 1 | |
| do do C.L. 20,000 lbs..... | | 10 |
| do Butter, Cheese, Grease, Fig, Spice or Bail, in crates, boxes or cases... | 1 | |
| do Paper, Empty, not boxed, O. R..... | 4 1 | |
| do do nested and crated, O. R..... | 3-1 | |
| do do nested and boxed, O. R..... | D 1 | |
| Box Stuff, in bundles or shooks..... | 3 | 6 |
| Brackets.—See Furniture. | | |
| Bran | 4 | 8 |
| Brandy.—See Liquors. | | |
| Brass, Car Brasses or Bearings..... | 2 | 5 |
| do manufactured, not otherwise specified..... | 1 | 4 |
| do in Sheets, Rolls, Rivets or Tubing..... | 2 | 4 |
| do Scrap | 3 | 6 |
| Bread, prepaid, O. R..... | 1 | |
| Bricks, Common..... | 4 | 10 |
| do Fire..... | 3 | 7 |
| Brick, for stove lining, loose, O. R..... | 1 | 7 |
| do do in boxes or barrels, O. R..... | 3 | 7 |
| Brick Machines, set up..... | 1 | 6 |
| do K. D..... | 3 | 6 |
| Brimstone, in packages..... | 2 | 4 |
| Bristles, in packages..... | 1 | |
| Britannia Ware, boxed..... | 1 | |
| Bromide of Ammonia, in boxes or barrels..... | 2 | 4 |
| do Potash, do do | 2 | 4 |
| do Soda, do do | 2 | 4 |
| Bromide, in iron drums..... | 3 | 4 |
| do in glass, packed in wood..... | 1 | |
| Brooms, in bales, bundles or racks..... | 1 | 5 |
| do boxed, handles detached..... | 2 | 5 |
| Broom Corn, pressed, in bales, O. R..... | 1 | 5 |
| Broom Handles.—See Handles. | | |
| Bronzeware, in boxes or cases..... | 1 | |
| Brush Backs, Wooden, in boxes..... | 3 | 5 |
| Brushes, in boxes..... | 2 | 4 |
| Buckets, Iron.—See Iron. | | |
| Buckets, Wooden.—See Woodenware. | | |
| Buckwheat.—See Grain. | | |
| Buckwheat Meal.—See Flour and Meal. | | |
| Buffalo Robes, in bales, O. R..... | 1 | 3 |
| Buggies.—See Vehicles. | | |
| Bulbs and Roots, in packages, prepaid, O. R..... | 1 | |
| Bungs, Wooden, in bags..... | 2 | 4 |
| do in boxes or barrels..... | 3 | 4 |
| Burial Cases, Wooden or Metallic, O. R., released..... | 1½ | 4 |
| do do do nested, O. R., released..... | 1 | 4 |

| | | C.L. |
|--|----|------|
| Burlaps..... | 3 | 5 |
| Burr Stones or Blocks..... | 3 | 5 |
| Butter, in crocks, jars, baskets or pails, O. R..... | 1 | 3 |
| do in tubs, firkins, kegs or barrels, O. R..... | 2 | 3 |
| Butter Tubs and Firkins..... | 1 | 6 |
| do do nested, covers in bdls..... | 2 | 6 |
| Butter-Workers, set up..... | 1½ | |
| Buttons, in cases or boxes..... | 1 | |

C.

| | | |
|--|-----|----|
| Cabbage.—See Vegetables. | | |
| Cables, Chain.—See Chain. | | |
| Calamine, in packages..... | 3 | |
| Caloric Engines..... | 1 | |
| Camphene, in wood only, O. R..... | 1 | |
| This freight must not be taken for shipment by water except by special contract. | | |
| Camphor Gum..... | 1 | |
| Canada plate..... | 3 | 5 |
| Candied Peel, in boxes or barrels..... | 1 | |
| Candles, Tallow..... | 3 | 5 |
| do Wax and Paraffine..... | 2 | 4 |
| Canes, Walking, in bundles..... | D 1 | |
| do do in boxes..... | 1 | |
| Cane Splints, in bundles..... | 1 | |
| Canned Goods—Fish, Vegetables, Berries, Fruit and Potted Meats..... | 3 | 5 |
| Cannon and Cannon Balls. Taken by special contract only. | | |
| Cant Hooks and Peaveys..... | 2 | |
| Canvas in rolls..... | 1 | |
| do in bales..... | 2 | |
| Capstans..... | 2 | |
| Carbon Points (Electric Light)..... | 1 | |
| Carboys, empty, O. R..... | 1 | 6 |
| Car Brasses.—See Brass. | | |
| Cardboard, in cases..... | 2 | |
| Cards, in cases.—Same as Stationery. | | |
| Carpenters' Tools, in chests..... | 1 | |
| Carpets and Carpeting, in bales, O. R. of chafing..... | 1 | 3 |
| Carpet Sweepers, loose, O. R..... | D 1 | |
| do do boxed..... | 1 | |
| Carriages.—See Vehicles. | | |
| Carriage Goods, as follows :— | | |
| Bodies, unfinished, without springs or wheels..... | 1½ | |
| Bows, in bundles..... | 1 | |
| Carriage Stuff, not otherwise specified..... | 2 | |
| Hubs..... | 3 | |
| Hub-Blocks..... | 4 | 10 |
| Running Gear, wheels off..... | 1½ | |
| Rims or Felloes..... | 3 | |
| Shafts, unfinished in bundles, Tongues and Poles..... | 3 | |
| Spokes, in bundles..... | 3 | |
| Thills, unfinished, in bundles..... | 3 | |
| do finished..... | D 1 | |
| Thimble Skeins, loose or in bundles..... | 1 | |
| do do in boxes..... | 3 | |
| Wheels, finished..... | 1½ | |

| | | C.L. |
|---|-----|------|
| Wheels, unfinished, in white..... | 1 | |
| Whiffletrees, unfinished, in bundles..... | 3 | |
| Carriage Goods and Bent Stuff (except Hub Blocks)..... | | 6 |
| Cars, Railway, on own wheels, O. R., released :— | | |
| Sleeping Cars..... each 15c. per mile. | | |
| Passenger Cars..... do 12c. do | | |
| Mail, Baggage or Express Cars..... do 10c. do | | |
| Freight Box Cars..... do 8c. do | | |
| Platform and Coal Cars..... do 6c. do | | |
| 4-Wheel Box, Platform or Coal Cars..... do 5c. do | | |
| Minimum charge, \$6. | | |
| Railway cars requiring transportation on other cars, taken by special contract only. | | |
| Cars, Street, 1-Horse, estimated weight 6,000 pounds..... | 1 | 4 |
| do do 2-Horse, do 8,000 do..... | 1 | 4 |
| Cars, Hand or Push, set up..... | 1 | 6 |
| do do K. D..... | 3 | 6 |
| Car Pushers..... | 3 | |
| Car springs, Rubber, Spiral or Elliptic..... | 3 | 5 |
| Car Wheels and Axles..... | 4 | 7 |
| Cartridges, Metallic (when authorized to be taken), closely and securely boxed..... | 1 | |
| Carts.—See Vehicles. | | |
| Cassia, in bales or boxes..... | 1 | |
| Castor Oil, in tin or glass, boxed..... | 1 | 4 |
| do in casks, O. R. of leakage..... | 2 | 4 |
| Catsup, in glass, boxed, O. R..... | 1 | |
| do in kegs or casks, O. R..... | 3 | |
| Cattle Food, Patent or Concentrated, in boxes, barrels or bags..... | 3 | 5 |
| do Chopped Straw, hay, Versilage and similar common Cattle Food..... | 4 | 8 |
| Cattle Tails..... | 2 | |
| Cedar Posts and Ties. Taken by special contract only. | | |
| Cement, in sacks or barrels..... | 4 | 10 |
| Chain, other than Cable, loose..... | 2 | 4 |
| do do in boxes or barrels..... | 3 | 5 |
| do Cable..... | 3 | 4 |
| Chalk, in boxes..... | 2 | |
| do in barrels or casks..... | 4 | |
| Charcoal, in sacks or Barrels..... | 2 | 7 |
| Cheese, in boxes or casks, O. R. from weather..... | 3 | 4 |
| Cheese Presses.—See Machinery. | | |
| Cheese Safes..... | 4 | 1 |
| Cheese Setters..... | 1 | |
| Cheese Vats, set up..... | D 1 | |
| do requiring a whole car for carriage (whether full capacity of car be occupied or otherwise), if 12,000 pounds or under, to be charged 20,000..... | | 10 |
| do if over 12,000 pounds, to be charged C. L..... | | 6 |
| Cheese Box Stock..... | 3 | 6 |
| Chicken Coops, prepaid..... | D 1 | |
| Chicory, in cases..... | 2 | 5 |
| do in bags or barrels..... | 3 | 5 |
| Children's Carriages, sleds, &c.—See Vehicles. | | |
| Chimney Pots, Earthenware..... | 2 | 4 |
| Chimney Pots, Zinc..... | D 1 | 5 |
| Chlorate of Potash, in kegs..... | 3 | 5 |

| | | C.L. |
|--|-----|------|
| Chloride of Lime, in boxes | 3 | 5 |
| do in casks or barrels..... | 4 | 5 |
| Chloride of Calcium, in boxes or barrels..... | 1 | |
| do in drums | 3 | |
| Chocolate, in boxes..... | 1 | |
| Churns, loose | D 1 | 6 |
| do boxed or racked | 1 | 6 |
| Cider. Same rates and conditions as Ale. | | |
| Cider Mills and Presses.— See Machinery. | | |
| Cigars, in cases, securely strapped | 1½ | |
| do not strapped. Not taken. | | |
| Cinnamon.—See Spices. | | |
| Cisterns, Wooden..... | D 1 | |
| do requiring a whole car for carriage (whether full capacity of car be occupied or otherwise), to be charged 20,000 lbs. | | 10 |
| Clams.—See Oysters. | | |
| Clay, Fire Pottery, &c..... | 4 | 10 |
| Clocks and Weights, boxed, O. R..... | 1 | |
| Clothes Lines.—See Cordage | | |
| Clothes Frames or Horses..... | 1 | |
| Clothes Pins, less than 50 boxes..... | 2 | |
| do 50 boxes and over..... | 3 | 5 |
| Clothes Wringers and Washers, not boxed | 1½ | |
| do boxed..... | 2 | |
| Clothing (not personal effects) in trunks..... | D 1 | |
| do boxed | 1 | |
| Clover Seed.—See Seed. | | |
| Cloves.—See Spices. | | |
| Coal, Mineral and Coke..... | 4 | 10 |
| Coal Facings | 3 | 5 |
| Coal Hods or Scuttles, O. R..... | 1 | |
| Coal Oil.—See Oils. | | |
| Cocoa, in boxes..... | 1 | |
| Cocoanuts, in bags | 1 | 4 |
| do in boxes, barrels or casks | 2 | 4 |
| do (dressed), in boxes..... | 1 | 4 |
| do in barrels | 2 | 4 |
| Cocoa Matting.—See Matting. | | |
| Coffee, Essence or Extract, in cases..... | 1 | |
| do roasted, ground or unground, in sacks, boxes, barrels, or tins crated. | 3 | 5 |
| do green, in sacks or barrels..... | 4 | 5 |
| Coffee Mills..... | 1 | |
| Coffins.—See Burial Cases. | | |
| Cogs, wooden, in boxes or barrels | 3 | |
| Combs, in cases..... | 1 | |
| Concentrated Lye | 2 | |
| Confectionery, O. R..... | 1 | 4 |
| Coopers' Flags..... | 1 | |
| Copperas..... | 2 | 4 |
| Copper Stills and Worms..... | D 1 | |
| do Bottoms, Bolts, Nails, Sheets, Rod, Wire and Ingots..... | 2 | 4 |
| do Vessels, very large. Taken by special contract only. | | |
| do Scrap and Pig..... | 3 | 6 |
| do Ore..... | 4 | 10 |
| do Oxide..... | 3 | |
| do Manufactured, not otherwise specified..... | 1 | |
| Copying Presses | 1 | |

| | C.L. | |
|---|------|----|
| Cordwood. Taken by special contract only. | | |
| Cordage, Rope and Rigging | 3 | 5 |
| do Clothes Lines, Small Cord and Twine | 2 | 4 |
| do Binding Cord for Harvesters, in bales or boxes. | 3 | 5 |
| Corks and Corkwood | 1 | 4 |
| Cork, ground, compressed in packages. | 3 | 5 |
| Cornices, Metallic, in frame or open box | 3-1 | |
| do K. D., well boxed. | 1 | |
| Cornices, Wooden..... | 1 | 6 |
| Cornice Poles, in bundles or cases | 1 | |
| Corn.—See grain. | | |
| Corn Cakes, in cases..... | 1 | |
| Corn Meal. Same as Flour and Meal. | | |
| Corn, Pop Corn..... | 2 | |
| do parched or popped..... | 1 | |
| Corn Sweet, dried | 2 | |
| Corn Cobs, C. L. 20,000 lbs..... | | 10 |
| Corn Husks. Same as Husks. | | |
| Corn Poppers.—See Hardware. | | |
| Cotton, raw, pressed in bales, O. R. of fire..... | 3 | 5 |
| do not pressed, in bags or sacks, O. R. of fire..... | 1 | 4 |
| Cottons, Domestic, in bales..... | 2 | 4 |
| do in cases..... | 1 | |
| Cotton Goods..... | 1 | |
| Cotton Seed Meal | 4 | 8 |
| Cotton Waste, not pressed, in bags or sacks, O. R. of fire..... | 1 | 4 |
| do pressed in bales, O. R. of fire | 3 | 5 |
| Crackers, in boxes or brls..... | 2 | 4 |
| Cracklings | 4 | 7 |
| Cranberries.—See Fruits. | | |
| Cricket Bats, Wickets, &c., in boxes..... | 1 | |
| Crowbars.—See Hardware. | | |
| Crayons, in boxes or barrels, O. R..... | 1 | |
| Cream Tartar, in cases..... | 1 | |
| Crockery and Stoneware, in barrels or boxes, O. R..... | 2 | 5 |
| do in crates or hogsheads, O. R..... | 3 | 5 |
| Cross Arms.—See Telegraph Supplies. | | |
| Croquet Sets..... | 1 | |
| Crucibles, O. R..... | 1 | |
| do in boxes or casks..... | 3 | |
| Cultivator Teeth, in bundles..... | 2 | 4 |
| do in boxes or casks | 3 | 4 |
| Curling Stones, O. R | 1 | |
| Currants.—See Fruit. | | |
| Curtain Fixtures, boxed or crated | 1 | |
| do Rollers and Slats, in bundles or boxes..... | 2 | |
| Cushions, Carriage or Sleigh, boxed..... | D 1 | |
| These articles must not be receipted for as part of any vehicle forwarded by railway. | | |
| Cutlery.—See Hardware. | | |

D

| | | |
|---|--|-----|
| Dates.—See Fruits. | | |
| Deck, Vault or Floor Lights.—See Glass. | | |
| Deer, in carcass, O.R..... | | D 1 |
| Dental Goods..... | | 1 |

| | | | |
|--|-----|------|----|
| Demijohns, Empty, O.R..... | D 1 | C.L. | 4 |
| do in casks or cases, O.R..... | 1 | | 4 |
| Derricks, too large to go into an ordinary box car, and necessitating a platform car for carriage, if 12,000 lbs. or under, to be charged 20,000 lbs | | | 10 |
| do if over 12,000 lbs. to be charged C.L.,..... | | | 6 |
| Desks.—See Furniture. | | | |
| Dirt Scrapers..... | 1 | | |
| Dressed Hogs, O.R. of weather..... | 3 | | 5 |
| Drugs and Medicines, in boxes, barrels or casks, not otherwise specified..... | 1 | | |
| Drums, in cases..... | 4-1 | | |
| Dry Goods, in trunks, O.R..... | D 1 | | |
| do in boxes or bales, O R. of chafing..... | 1 | | |
| Dualine. Not taken. | | | |
| Duck, in bales..... | 2 | | |
| Dumb-Bells, in boxes..... | 3 | | |
| Dye Stuff, not otherwise specified..... | 1 | | |
| do in sticks or bundles..... | 2 | | 4 |
| do in boxes, barrels or bags... .. | 3 | | 5 |
| Dynamite. Not taken. | | | |

E

| | | | |
|--|-----|--|----|
| Earth Closets, loose..... | 1½ | | |
| do racked..... | 1 | | |
| Earthenware, in boxes or barrels, O.R..... | 2 | | 5 |
| do in crates or hhd., O.R..... | 3 | | 5 |
| do Loose, O.R., taken in C.L. only. | | | 6 |
| do loaded and unloaded by owners | | | 10 |
| do Drain or Sewer Pipe..... | 4 | | 6 |
| Eavetroughs, Metallic..... | 3-1 | | 7 |
| do Wooden..... | 2 | | |
| Edge Tools.—See Hardware. | | | |
| Eggs, in baskets or pails, O.R..... | D 1 | | |
| do in boxes or barrels, O.R..... | 2 | | 4 |
| do in patent carriers, O.R..... | 2 | | 4 |
| Egg Cases and Carriers..... | D 1 | | |
| do do C.L., 20,000 lbs..... | | | 10 |
| Elbows, corrugated.—See Stove Pipe. | | | |
| Electroty po Plates, boxed, O.R., released..... | 1 | | |
| Elevator Buckets, Tin or Iron, in bundles, crated or boxed..... | 1 | | 6 |
| Elevators, for buildings..... | 1 | | |
| Emery, in cases..... | 2 | | |
| Emigrants' Movables.—See Household Goods. | | | |
| Empties, not otherwise specified, prepaid | D 1 | | |
| do do do C.L., 20,000 lbs..... | | | 10 |
| do returned from original consignee to original shipper, every package to be fully marked or addressed, any quantity, prepaid..... | 4 | | |
| do not fully marked or addressed. Not taken. | | | |
| Engines, Locomotive and Tenders on their own wheels, actual weight—Shippers must declare weight—O.R. released..... | | | 6 |
| Locomotive Engines must be accompanied by a person fully competent to take charge of and travel with them, who will be passed free under the same conditions and regulations as in case of man travelling in charge of live stock. | | | |
| Engines, Portable or Stationary.—See Machinery. | | | |
| Engravings.—See Pictures. | | | |
| Epsom or Glauber Salts.—See Salts. | | | |

| | | |
|--|-----|------|
| Essences and Extracts, in packages, not otherwise specified..... | 1 | O.L. |
| Evaporators..... | D 1 | |
| Excelsior, in bales..... | 1 | 4 |

This Freight must not be taken for shipment by water.

F

| | | |
|---|-----|---|
| Fancy Goods, in cases..... | 1½ | |
| Fans, Palm Leaf, in cases..... | 1½ | |
| Farina, in cases..... | 2 | 5 |
| do in bags or barrels..... | 3 | 5 |
| Faucets, Wooden, in barrels or boxes..... | 2 | |
| Feathers, in boxes..... | 4-1 | |
| do in sacks..... | D 1 | |
| Feather Dusters, in boxes..... | D 1 | |
| Feed Steamers and Evaporators, O.R..... | D 1 | |
| Felt Clippings, in boxes, barrels or bags..... | 3 | 5 |
| do for roofing..... | 4 | 5 |
| do boiler and pipe covering..... | 2 | 4 |
| Fence Posts and Rails. Taken by special contract only..... | 2 | |
| Fenders and Fire Irons, in boxes..... | 4 | 7 |
| Fertilizers, in bags or barrels..... | 4 | |
| Figs.—See Fruit. | | |
| Files.—See Hardware. | | |
| Filters, O.R..... | 1 | |
| Findings, Shoe and Leather, in cases..... | 1 | |
| Fire Arms, in boxes (not Government property)..... | 1 | |
| Fire Crackers and Fire Works, securely boxed, and marked to show contents, O.R..... | D 1 | |
| Fire Engines, Hand-brake, estimated weight 4,000 lbs., O.R..... | 1 | 6 |
| do Steam, estimated weight 8,000 lbs., O.R..... | 1 | 6 |
| Fire Extinguishers, Chemical, in boxes, O.R..... | 1 | |
| do do set up..... | D 1 | |
| do do 2-wheel, estimated weight 2,000 lbs., O.R.... | 1 | 6 |
| do do 4-wheel, estimated weight 6,000 lbs., O.R.... | 1 | 6 |
| Fire Kindlers, Wood, boxed..... | 3 | 6 |
| do Composition..... | 1 | |
| Fish, Fresh or Frozen, in packages or fish safes on wheels, prepaid or guaranteed, O.R..... | 1 | |
| Fish, Fresh, in packages or frozen in bulk, prepaid or guaranteed, O.R..... | | 4 |
| do in fish safes on wheels, prepaid or guaranteed, O.R..... | | 6 |
| Fish in bulk or in fish safes on wheels to be loaded and unloaded by owners. | | |
| do Salted; dried or smoked, in hampers, O.R..... | 1 | 4 |
| do do do in bundles, boxes or barrels, O.R..... | 2 | 4 |
| do Pickled, in barrels..... | 4 | 5 |
| do Canned.—See Canned Goods. | | |
| Fishing rods, in bundles or cases..... | D 1 | |
| Flax, in boxes, O.R..... | 2 | |
| do in bales, O.R..... | 3 | 5 |
| Flax Seed.—See Seeds. | | |
| Flax Seed Meal, in bags or barrels..... | 4 | 8 |
| Flocks, in sacks or boxes, O.R..... | 1 | |
| do Hard Pressed, in bales..... | 3 | 5 |
| Flour and Meal, in boxes and paper sacks, O.R. released..... | 3 | 6 |

| | | C.L. |
|---|-----|------|
| Flour and Meal, in bags or barrels, estimated weight 200 lbs. per brl..... | 4 | 8 |
| do mixed, in bags or brls..... | | 8 |
| Flour Spar, in packages..... | 3 | 6 |
| Fluters.—See Hardware. | | |
| Fly Traps, in boxes..... | D 1 | 5 |
| Foots..... | 4 | |
| Forges, Portable, O.R..... | 2 | |
| Forks, Hay and Manure, in bundles, O.R..... | 2 | 5 |
| do Wooden, in bundles, O.R..... | 1 | 5 |
| Fountains and Fixtures, Soda, boxed, O.R..... | D 1 | |
| Fowls.—See Poultry. | | |
| Frames, Picture or Looking Glass, in bundles, O.R..... | D 1 | |
| do do in boxes..... | 1 | |
| Freezers, Ice Cream..... | 1½ | |
| Fruits:— | | |
| Apple Cores or Parings, in boxes or barrels..... | 4 | 7 |
| Apple or Fruit Butter or Sauce, in glass or stone, O. R..... | 1 | 4 |
| do do in cans or wood, O. R..... | 2 | 4 |
| Apples, Evaporated or Dried, in bags..... | 1 | 4 |
| do do in boxes..... | 2 | 4 |
| do do in barrels..... | 3 | 5 |
| do Green, only carried at owner's risk of freezing; must be prepaid and released between the 1st of November and 30th April, as follows:— | | |
| do In bags or boxes..... | 1 | |
| do In brls., estimated at 150 lbs. per brl., as follows:— | | |
| do Under 50 barrels..... | 2 | |
| do Over 50 and under 100 barrels..... | 3 | |
| do 100 to 129 barrels..... | 4 | 5 |
| do Carloads of 130 barrels and over..... | | 8 |
| do In bulk..... | | 4 |
| Cranberries, prepaid, O.R..... | 2 | 3 |
| Oranges and Lemons, in packages, O. R..... | 1 | |
| Must be prepaid and released between the 1st of November and 30th April. | | |
| Fruit, Fresh, not otherwise specified, prepaid, O. R..... | 1 | 3 |
| do dried—Dates, Figs in drums, Raisins in boxes, not strapped..... | 1 | |
| do do Raisins in boxes, strapped, currants, prunes, figs and berries, in boxes..... | 2 | 4 |
| do do Currants, Raisins and Prunes, in barrels..... | 3 | 5 |
| do Canned.—See Canned Goods. | | |
| do preserved, not otherwise specified..... | 1 | 5 |
| do grapes, pressed in barrels, for wine making purposes..... | 3 | |
| do driers, galvanized iron..... | D 1 | |
| Fuller's earth, in cases..... | 2 | |
| Furnaces and Furnace Castings.—See Stoves. | | |
| Furniture. In less than carloads, O. R., released in each case, as follows:— | | |
| do Common, in white, set up..... | 1½ | |
| do do K.D., and closely boxed..... | 2 | |
| do Willow or Rattan..... | 4-1 | |
| do Tables (extension), common..... | 1½ | |
| do Bureaus, Wardrobes, Dressing Cases, Desks, Sideboards, wrapped or crated..... | 1½ | |
| do Bureau Glass Frames, K.D., in bundles..... | 1 | |
| do do do K.D. and closely boxed..... | 2 | |
| do Bedsteads, wooden, common, set up..... | 4-1 | |

| | | | C.L. |
|------------|---|-----|------|
| Furniture. | Bedsteads (common), finished, K.D. | 2 | |
| do | do do in white, K. D., and bundled | 3 | |
| do | do extra valuable, carved or elaborately finished, wrapped or crated | D 1 | |
| do | do (iron), set up | D 1 | |
| do | do do K.D. | 1 | |
| do | Camping Tables and Ironing Stands (combined) K.D., and tied together | 1 | |
| do | Chairs, set up and closely boxed | 1 | |
| do | do do crated | D 1 | |
| do | do Wood Seat, common, set up | D 1 | |
| do | do do K. D. | 2 | |
| do | do Cane, Reed, Split and perforated wood and hair seat, K.D., bundled or boxed | 1 | |
| do | do Cane, Reed, Split and perforated wood seat, set up | 3-1 | |
| do | do Willow or Rattan | 4-1 | |
| do | do Camp, in bundles | 1½ | |
| do | do Folding | D 1 | |
| do | do Stuffed Parlor Furniture, tête-à-têtes, and Sofa Lounges, set up | D 1 | |
| do | do Dentists' or Barbers' | D 1 | |
| do | Chair or Lounge Frames, set up | 3-1 | |
| do | do do backs and legs off | 1½ | |
| do | Cradles, Children's, wood or wicker work | 3-1 | |
| do | do do iron | 1½ | |
| do | Folding Beds or Cots, folded | 1 | |
| do | not otherwise specified, set up, wrapped or crated | D 1 | |
| do | do do and closely boxed | 1 | |
| do | Spring Beds, set up | D 1 | |
| do | do do rolled in bundles | 1 | |
| do | Spring Bed frames | D 1 | |
| do | Marble Slabs for Furniture, boxed or crated | 1 | |
| do | Mattresses, wire, K. D., and securely boxed | 3 | |
| do | do do wire, hair, &c., set up | D 1 | |
| do | do do wire, rolled or K. D., in bundles | 1 | |
| do | Bed, Sofa, or Chair Springs, in bundles | D 1 | |
| do | do do in boxes or bbls | 1 | |
| do | do do nested, in covered bundles | 1 | |
| do | Night Commodes | 1 | |
| do | Brackets, Wood, boxed | 1 | |
| do | Rattan, in bundles | 1 | |
| do | School Furniture, K. D., and packed | 2 | |
| do | do set up | 1 | |
| do | Church Furniture, K.D., Pew Ends, Backs, Seats, Mouldings, Chancel Rails, Altars, Pulpits | 1 | 6 |
| do | Furniture and Chair Stock, in rough | 3 | 6 |
| do | Furniture of all kinds, O. R. released | D 1 | 6 |
| do | Furs, in bales, not otherwise specified | 1 | |
| do | do in barrels or boxes | 1 | |
| do | Fuse | 1½ | |

G.

| | | |
|--|---|---|
| Gambier | 3 | 5 |
| Gamboge, in cases | 1 | |
| Game, in boxes or barrels, prepaid, O.R. | 1 | |
| Game Traps | 1 | |

| | C.L. | O.L. |
|---|------|------|
| Garden Seats, Rustic..... | 1 | |
| do Iron..... | 2 | |
| Gas Fixtures, in boxes, barrels or casks..... | 1 | |
| Gas Machines, O.R..... | D 1 | |
| do requiring a whole car for carriage (whether full capacity of car be occupied or otherwise), if 12,000 lbs. or under, to be charged 20,000 lbs..... | | 10 |
| If over 12,000 lbs. to be charged C.L..... | | 6 |
| Gas Meters..... | D 1 | |
| Gas Retorts.—See Retorts. | | |
| Gasoline.—Same as Coal Oil. Must not be taken for shipment by water. | | |
| Gelatine, in boxes..... | 1 | |
| Ginger, in cases..... | 1 | |
| Ginger Ale.—Same as Ale. | | |
| Ginseng..... | 1 | |
| Glass, Plate, boxed, loaded in box cars, O.R., released..... | D 1 | |
| do requiring a whole car for carriage (whether full capacity of car be occupied or otherwise) if 12,000 lbs. or under, to be charged 20,000 lbs., O.R., released..... | | 10 |
| If over 12,000 lbs., to be charged C.L., O.R., released..... | | 6 |
| Plate glass not in box cars to be loaded and unloaded by owners. | | |
| do Signs, O.R., released..... | D 1 | |
| Glass, Showcards, boxed, O.R., released..... | D 1 | |
| do Stained, boxed, O.R., released..... | D 1 | |
| do Common Window, boxed, O.R. released..... | 3 | 5 |
| do Broken or Scrap, in packages..... | 4 | 7 |
| do Eights—Deck, Vault or Floor..... | 3 | 5 |
| do Mirrors, well boxed, O.R. released..... | D 1 | |
| do Insulators, in barrels or boxes..... | 3 | 5 |
| Glassware, Bottles—Ale, Beer, Porter, Soda, Mineral Water, Brandy, Wine, Bitters, Fruit Jars, in packages..... | 3 | 5 |
| do not otherwise specified, in boxes or casks, O.R..... | 1 | 4 |
| do in crates..... | 2 | 4 |
| Gloves, Leather, Woollen or Cloth..... | 1 | |
| Glue, in boxes or barrels..... | 2 | 5 |
| Glue, Stock or Scrap, in sacks or barrels..... | 3 | 5 |
| do do in bulk..... | | 7 |
| Glucose, in packages..... | 4 | 5 |
| Glycerine, Refined, in glass or tin..... | 1 | |
| do Crude, in barrels or drums..... | 2 | 4 |
| do Nitro. Not taken. | | |
| Government Supplies. Taken by special contract only. | | |
| Grain, as follows:— | | |
| Barley, Pearl and Pot, in boxes or barrels..... | 3 | 5 |
| do Common..... | 4 | 8 |
| Beans, in bags, boxes or barrels..... | 4 | 8 |
| Buckwheat..... | 4 | 8 |
| Corn, Sweet, Pop, &c.—See Corn. | | |
| do Common..... | 4 | 8 |
| Malt..... | 4 | 8 |
| Oats..... | 4 | 8 |
| Peas, Dried or Split, in boxes..... | 3 | 5 |
| do Dried, Split, in bags or brls..... | 4 | 8 |
| do Dried, Common..... | 4 | 8 |
| Rye..... | 4 | 8 |
| Wheat..... | 4 | 8 |

| | C.L. |
|---|------|
| Granite.—See Marble. | |
| Grates and Grate Castings, O.R..... | 1 |
| Gravel..... | 10 |
| Gravestones.—See Marble. | |
| Grease, in cans or buckets..... | 2 |
| do in boxes or barrels..... | 4 5 |
| Grindstones, O.R..... | 4 5 |
| Groceries, not otherwise specified..... | 1 |
| Guano.—Same as Fertilizers. | |
| Gum, in packages..... | 1 |
| Gun Stocks and Barrels, in boxes | 1 |
| do in the rough, in boxes or bundles..... | 2 |
| Gunny..... | 3 5 |
| Guns.—See Fire Arms. | |
| Gunpowder. Taken by special contract only, and under special regulations. | |
| Gutta Percha and Gutta Percha Goods..... | 1 |
| Gypsum..... | 4 10 |

H.

| | |
|--|-----|
| Hair, in sacks..... | 1 |
| do Curled or Rope, pressed in bales..... | 2 4 |
| Hair, Plasterers', in sacks..... | 1 |
| do in barrels..... | 2 |
| do pressed in bales..... | 3 5 |
| Hams.—See Meats. | |
| Handles, Wood—Finished..... | 3 6 |
| do Rough..... | 4 7 |
| Hardware, in trunks..... | 1 |
| Hardware :— | |
| Bells, O.R..... | 1 |
| Cant-dogs, Clawbars, Crowbars..... | 3 5 |
| Cutlery, Corn Poppers..... | 1 |
| Cutter Bars..... | 3 5 |
| Drag Teeth, in packages..... | 3 5 |
| Files, in packages..... | 2 |
| Fluters..... | 1 |
| Forks, Hand, in bundles..... | 2 5 |
| Hay Knives, in bundles..... | 1 |
| do in boxes..... | 2 |
| Hammers, Sledge..... | 3 |
| Harrow Teeth, in packages..... | 3 5 |
| Hoes, in bundles..... | 1 5 |
| Jacks, Hand, loose..... | 2 |
| do boxed or crated..... | 3 |
| Pick-Axes, loose or in bundles..... | 2 |
| do in boxes or casks..... | 3 |
| Plough Beams, Iron..... | 3 5 |
| Plough Castings, Plough Points..... | 2 |
| Post Augers..... | 2 |
| Punches, Iron (power)..... | 3 |
| Rake Heads, Iron, in boxes..... | 3 |
| Rake Teeth, in packages..... | 3 5 |
| Reaper and Mower Knives..... | 3 |
| Rings (Bull or Hog), in boxes..... | 3 |
| Sad Irons, in boxes or barrels..... | 3 |

| | | C.L. |
|---|-----|------|
| Scoops, in bundles..... | 2 | 5 |
| Screws, Iron or Steel, in boxes..... | 3 | 5 |
| Screw and Strap Hinges..... | 3 | 5 |
| Scythes, in bundles..... | 1 | 5 |
| do in boxes..... | 2 | 5 |
| Scythe Snaths, in bundles.. | 1 | 5 |
| Shot, in bags..... | 1 | 5 |
| do in boxes or kegs..... | 3 | 5 |
| Shovels and Spades, in bundles..... | 2 | 5 |
| Tacks, in boxes..... | 2 | |
| T and Band Hinges, in bundles and packages..... | 3 | 5 |
| Wrenches, in packages..... | 3 | |
| General Hardware, not otherwise specified..... | 2 | |
| Harness.—See Saddlery. | | |
| Hats and Caps, other than straw goods, in boxes..... | 1 | |
| do in trunks..... | D 1 | |
| Hay, in bales..... | 3 | 10 |
| Ordinary 28 feet cars, minimum weight 20,000 lbs., larger cars, 24,000 lbs. Large hay cars, by special agreement. Hay must not be taken for shipment by water, unless specially authorized. | | |
| Heading.—See Lumber. | | |
| Headlights, not boxed, O.R..... | D 1 | |
| do boxed, O.R..... | 1 | |
| Hemp, in boxes, O.R. of fire and water..... | 2 | 5 |
| do in bales do do | 3 | 5 |
| do Seed.—See Seed. | | |
| do Machines.—See Machinery. | | |
| Hercules Powder. Not taken. | | |
| Herrings.—See Fish. | | |
| Hides and Skins :— | | |
| Hides, Dry, loose..... | 1 | 3 |
| do do pressed in bales..... | 3 | 5 |
| do Green, loose..... | 1 | 3 |
| do do booked or bundled..... | 3 | 5 |
| do Salted or Pickled, in barrels..... | 3 | 5 |
| Skins, Dry—Calf and Sheep, loose..... | 1 | 3 |
| do do do in bales..... | 2 | 4 |
| do do Deer and Goat, loose..... | D 1 | |
| do do do in bales..... | 2 | 4 |
| do do Peltries (Fur), loose..... | D 1 | |
| do do do in bales..... | 1 | |
| do Green, Calf and Sheep, and Sheep Pelts, loose..... | 1 | |
| do do do do in bales..... | 2 | 4 |
| do do Deer and Goat, loose..... | 1 | |
| do do do in bales..... | 2 | 3 |
| do do Peltries (Fur), loose..... | D 1 | |
| do do do in bales..... | 1 | |
| Hide Cuttings..... | 3 | 5 |
| High Wines.—See Liquors. | | |
| Hinges.—See Hardware. | | |
| Hobby Horses, set up..... | 4-1 | |
| do do and boxed..... | D 1 | |
| do K.D., and boxed | 1 | |
| Hogs, Dressed.—See Dressed Hogs. | | |
| Hominy..... | 2 | |
| Honey, in boxes, kegs or cans..... | 1 | 4 |
| do in barrels or casks..... | 2 | 4 |

| | | C.L. |
|---|---|------|
| Hoofs and Horns, in crates or bags, less than 10,000 lbs | 3 | |
| do 10,000lbs. or over..... | 4 | 10 |
| Hoops, Hop Poles, &c.—See Lumber. | | |
| Hops, in bags or boxes..... | 1 | |
| do pressed in bales, actual weight..... | 2 | 3 |
| Horse Nails.—See Nails. | | |
| Horse-Powers.—See Machinery. | | |
| Horse Shoes.—See Iron. | | |
| Hose, Leather, Rubber or other..... | 2 | 4 |
| Household Goods, O.R., released, prepaid..... | 1 | |
| do do Any shipment requiring a whole car for carriage, if 5,000 lbs. or under, to be charged 20,000 lbs..... | | 10 |
| do do If over 5,000 lbs. and under 10,000 lbs., to be charged 20,000 lbs..... | | |
| do do If over 10,000 lbs., to be charged C.L..... | | |
| do do including Live Stock (not over 10 head per car), to be charged C.L..... | | 6 |
| House Movers' Material..... | | 6 |
| Houses, Portable..... | | 7 |
| Hubs.—See Carriage Goods. | | |
| Husks and Hulls, in bags. | 1 | 10 |
| do in bales..... | 2 | 10 |

I.

| | | |
|---|-----|----|
| Ice, L.C.L, in tin boxes or safes, or C.L. in bulk, O.R., prepaid..... | 3 | 10 |
| Indigo, in cases..... | 1 | |
| Ink, in glass or stone, in packages, O.R. | 1 | |
| do in kegs, barrels or casks..... | 3 | 5 |
| Insulators.—See Telegraph Supplies. | | |
| Iron:— | | |
| Anchors, Anvils, and Heavy Forgings..... | 3 | 5 |
| Bar, Band, Boiler..... | 4 | 5 |
| Bloom..... | 4 | 5 |
| Bolts, Nuts, Rivets, Washers..... | 3 | 5 |
| Bedsteads, set up, O.R..... | D 1 | |
| do K.D., folded..... | 1 | |
| Bolsters and Boiler Plates..... | 3 | 5 |
| Bridge Material, in box cars. | 3 | 5 |
| do too large to go into an ordinary box car, and necessi- tating a platform car for carriage, if 12,000 lbs. or under, to be charged 20,000 lbs. | | 10 |
| Bridge Material, if over 12,000 lbs., to be charged C.L..... | | 6 |
| Buckets, nested..... | 2 | |
| Buggy Seats, set up..... | 2 | 4 |
| do nested..... | 3 | 4 |
| Castings, light, loose, in bundles, O.R. | 1 | 5 |
| do do in boxes or casks, O.R..... | 2 | 5 |
| do dressed and finished, O.R..... | 1 | 5 |
| do heavy, 100 lbs. per piece or over, O.R..... | 3 | 5 |
| Heavy Castings, over 1,000 lbs. per piece, to be loaded and unloaded by owners. | | |
| Chairs..... | 2 | 5 |
| Doors..... | 2 | 5 |
| Drums, empty..... | 1 | 5 |
| Fencing, Railing..... | 2 | 5 |

| | | O.L. |
|--|-----|------|
| Filings | 4 | 10 |
| Fountains, K. D. | 1 | 4 |
| Grates and Fronts, O.R. | 1 | 4 |
| do do K. D., and boxed. | 2 | 4 |
| Hoops | 3 | 5 |
| Horse Shoes | 3 | 5 |
| Mantels and Fronts, set up, O. R. | 1 | 4 |
| do do K. D., and boxed. | 2 | 4 |
| Metallic Shingles, in packages | 3 | 5 |
| Ore | 4 | 10 |
| Pig and Speigle | 4 | 10 |
| Pipe (gas and water, light) | 3 | 5 |
| Pipe, 5 in. diameter and over | 4 | 7 |
| do (Hot Air, Steam or Water-Coil).—Same as Radiators. | | |
| Pots, Pans and Stove Furniture | 1 | |
| Pulleys | 2 | |
| Pumps | 1 | |
| Rolls | 3 | 5 |
| Roofing | 3 | 5 |
| Russia (Sheet), O. R. | 1 | 4 |
| Safes, 10,000 lbs. each or over, O. R. | 2 | 4 |
| do under 10,000 lbs. each, O. R. | 3 | 4 |
| do of 1,000 lbs. each, or over, to be loaded and unloaded by owners. | | |
| Sash—Shutters | 2 | 5 |
| Scrap, including old rails, old wheels, &c. | 4 | 10 |
| Shafting—wheels and pulleys attached | 1 | 6 |
| do do detached | 2 | 6 |
| do requiring a whole car for carriage (whether full capacity of car be occupied or otherwise), if 12,000 lbs. or under, to be charged 20,000 lbs. | | 10 |
| do If over 12,000 lbs. to be charged C. L. | | 6 |
| Sheet, Sheet Galvanized, Sheet Tinned | 3 | 5 |
| Ship Knees | 3 | 5 |
| Sinks | 1 | |
| Smoke Stacks | 3-1 | |
| do requiring a whole car for carriage (whether full capacity of car be occupied or otherwise), if 12,000 lbs. or under, to be charged 20,000 lbs. | | 10 |
| do If over 12,000 lbs., to be charged C. L. | | 6 |
| Statuary and Ornamental Figures, O. R. | 1 | 4 |
| Stills and Worms | D 1 | |
| Tyres, other than R. R. Supplies | 3 | 5 |
| Vault and Prison Work | 3 | 5 |
| Vases | 1 | 4 |
| Vices | 3 | 5 |
| Water Wheels | 2 | 5 |
| Iron, for Railway Supplies, viz:— | | |
| Fish Plates, Spikes, Bolts | 4 | 7 |
| Frogs and Crossings | 4 | 7 |
| Chairs, Tyres | 4 | 7 |
| Wheels, Axles, Rails | 4 | 7 |
| Isinglass, in cases | 1 | |
| Ivory and Ivory Black, in packages | 1 | |
| Ivory Nuts, or Blocks, in packages | 3 | 4 |

J.

| | | C.L. |
|---|-----|------|
| Jacks, Hand, loose..... | 2 | |
| do boxed or crated..... | 3 | |
| Japanware, boxed or crated..... | 1 | |
| Japonica..... | 3 | 5 |
| Jellies.—See Preserves. | | |
| Jewellers' Scrap or Sweepings..... | 1 | |
| Joiners' Work (subject to Note at foot of this article) as follows:— | | |
| Blinds, Inside—Door and Window..... | 1 | |
| do Outside, with Slats, racked, O.R..... | 2 | |
| Balusters and Turned Work, O.R..... | 2 | |
| Counters, if in box cars, O.R..... | 1 | |
| Door Frames, O.R..... | 1 | |
| Doors, loose and racked, O.R..... | 2 | |
| Mantels, O.R..... | 1 | |
| Mouldings, in bundles, O.R..... | 1 | |
| do in boxes..... | 2 | |
| Panelled Work, O.R..... | 2 | |
| Planed and Moulded Boards, O.R..... | 3 | |
| Shelving, Baseboards, &c., O.R..... | 3 | |
| Sashes, Glazed, O.R..... | D 1 | |
| do Unglazed, O.R..... | 1 | |
| Shutters, close, O.R..... | 2 | |
| Joiners' Work, not otherwise specified..... | 1 | 6 |
| NOTE.—Joiners' work, requiring a whole car for carriage (whether full capacity of car be occupied or otherwise), if 12,000 lbs. or under, to be charged 20,000 lbs..... | | 10 |
| If over 12,000 lbs. to be charged C.L..... | | 6 |
| Junk..... | 3 | 5 |
| Jute..... | 3 | 6 |

K.

| | |
|--|----|
| Kaoline.—Same as Clay. | |
| Kalsomine.—Same as Paints. | |
| Knees, Ship.—See Lumber. | |
| do Iron.—See Iron. | |
| Knitting Machines, Hand, in boxes..... | 1½ |
| do Power.—See Machinery. | |

L.

| | | |
|---|-----|----|
| Lacrosses, in bundles..... | D 1 | |
| do in boxes..... | 1 | |
| Ladders..... | D 1 | 6 |
| do Step..... | 1 | 6 |
| Lamp Black..... | 1 | |
| Lamps and Lanterns, well packed, O.R..... | 1 | |
| Lard, in crocks, O.R..... | 1 | |
| do in boxes or buckets..... | 2 | |
| do in barrels or casks..... | 3 | 5 |
| Lasts, tied in bundles or sacks..... | 1 | 5 |
| do in boxes..... | 2 | 5 |
| Last Blocks..... | | 10 |

| | O.L. |
|--|--------------|
| Laths—See Lumber. | |
| Lawn Tennis Sets, in boxes | 1 |
| Lead, White or Red, in tins, loose..... | 2 |
| do do do packed in wood..... | 3 5 |
| do do in kegs, casks or drums..... | 3 5 |
| do Bar, Pig Sheet and Pipe..... | 3 5 |
| do Scrap..... | 4 7 |
| Leather, loose..... | 1 4 |
| do in bundles, rolls, boxes or bales..... | 3 5 |
| Leather Board..... | 3 5 |
| Leather, Patent, in boxes..... | 1 |
| Leather Scraps | 3 5 |
| Leather Belting.—See Belting. | |
| Lemons.—See Fruit. | |
| Lemon Syrup, in glass, packed in wood..... | 1 |
| do in wood..... | 2 |
| Licorice—Stick, Root or Mass..... | 1 |
| do Mass or Paste, in boxes..... | 2 |
| do Powdered, in barrels..... | 3 |
| Lightning Rods, in bundles..... | 1 |
| do in boxes..... | 3 4 |
| Lime, Common | 4 10 |
| Linseed.—See Seed. | |
| Linseed Meal, in bags or barrels | 3 5 |
| Liquors, in demijohns, O.R..... | D 1 |
| Foreign Wines, Spirits and Cordials, in glass, tins or jugs, securely packed in boxes or barrels, O.R..... | 1 3 |
| do Wines, Spirits and Cordials, in wood, less than 5 barrels, O.R. | 1 |
| do do do 5 barrels and over, O.R. | 2 4 |
| Native Wines, Spirits and Cordials, in glass, tins or jugs, securely packed in boxes or barrels, O.R..... | 1 4 |
| do Wines, Spirits and Cordials, in wood, less than 5 barrels, O.R... | 2 |
| do do do 5 barrels and over, O.R... | 3 5 |
| Litharge.—Same as Lead, Red. | |
| Lithographic Stones, in boxes, O.R..... | 1 |
| Live Stock will only be carried at owner's risk, to be loaded, unloaded and fed by owners or at their expense, as follows:— | |
| In car loads at not less than the following minimum weights:— | |
| Horses, 20,000 lbs..... | 9 |
| Cattle, 20,000 lbs..... | 9 |
| Hogs, S D., 20,000 lbs | 9 |
| do D.D., 25,000 lbs | 9 |
| Sheep, S.D., 18,000 lbs | 9 |
| do D.D., 24,000 lbs | 9 |
| Hogs, Sheep, Calves or Small Cattle must not be loaded under larger cattle in same car. | |
| When small and large animals are shipped together in same car they must be kept separate by a partition; this rule, however, will not apply to Milch Cows with their Calves. | |
| The owners or drovers may be taken free on the same train with their Live Stock, under the following regulations:— | |
| 1, 2 or 3 cars..... | one person. |
| 4, 5 or 6 cars..... | two persons. |
| 7, 8, 9 or 10 cars..... | three do |
| Over 10 cars in one lot..... | four do |
| Return passes will not be given. | |

C.L.

In less than carloads as follows:—

| | |
|---|---|
| Bulls, under one year old, 1,000 lbs. each..... | 1 |
| do one year and under two years old, 3,000 lbs. each..... | 1 |
| do over two years old, 4,000 lbs. each..... | 1 |

Cattle or Horned Animals:—

| | |
|--|---|
| One animal, 2,000 lbs..... | 1 |
| Two animals, 3,500 lbs..... | 1 |
| Three animals, 5,000 lbs..... | 1 |
| Each additional animal in same car, 1,000 lbs..... | 1 |

| | |
|--|---|
| Calves, under six months old, 500 lbs. each..... | 1 |
|--|---|

| | |
|--|---|
| Cow and Calf, together, 2,500 lbs..... | 1 |
|--|---|

| | |
|--|---|
| Colts, under six months old, each 1,000 lbs..... | 1 |
|--|---|

Hogs, Goats, Sheep and Lambs not crated not taken, except by special authority.

| | |
|--|-----|
| Hogs, Sheep, Lambs and other small animals, in boxes or crates, actual weight..... | D 1 |
|--|-----|

| | |
|---|---|
| Horses, Mules, &c. — One animal, 2,000 lbs..... | 1 |
|---|---|

| | |
|--------------------------------|---|
| do Two animals, 3,500 lbs..... | 1 |
|--------------------------------|---|

| | |
|----------------------------------|---|
| do Three animals, 5,000 lbs..... | 1 |
|----------------------------------|---|

| | |
|---|---|
| do Each additional animal in same car, 1,250 lbs..... | 1 |
|---|---|

| | |
|---|---|
| Mare and Foal, together, 2,500 lbs..... | 1 |
|---|---|

| | |
|---|---|
| Stallions and Jacks, 4,000 lbs. each..... | 1 |
|---|---|

Minimum charge for any one animal, \$1.00.

Above weights and rates are based upon and intended for animals of ordinary value only.

Race Horses and other valuable animals will be carried at the same weights and rates on condition that the owners sign a written agreement, as follows:—

“At owner’s risk of loss or damage arising from any cause whatever.”

This must be written on the face of the consignment note and receipt.

| | |
|--|---|
| Lobsters, Fresh, in casks or boxes, O.R..... | 1 |
|--|---|

do in tins.—See Canned Goods.

Logwood and Logwood Extract.—Same as Dye Stuff.

Looking Glasses.—See Glass Mirrors.

Lumber, Common and other, to be loaded and unloaded by owners, will only be carried at the convenience of the Company and at the risk of the owners, shippers furnishing their own stakes. Lumber, Common, to include:—

Ash, Birch, Beech, Cherry, Cedar, Chestnut, Elm, Hemlock, Hickory, Larch, Maple, Oak, Pine, Poplar, Spruce, Sycamore, Tamarack, Willow, Staves, Laths, Shingles, Clapboards, Bolts, Edgings, Slabs, Shooks, Heads, Hoops, Hoop and Hop Poles, Ship Knees, Blocks, Raftsmen’s Floats, Oars, Traverses, Toggles, and Withes, Poplar and Pulp Wood.....

4 10

Rails, Fence Posts, Telegraph Poles and Ties of all descriptions will only be taken by special contract.

Mahogany, Rosewood, Walnut, Lignum Vitæ and all other valuable hardwoods.....

3 7

NOTE.—All cars with Lumber should be loaded to their full capacity, as marked upon them, at C.L. rate per 100 lbs. Cars without capacity marked upon them should only be loaded with 24,000 lbs. All excess over the capacity of cars up to 2,000 lbs. each shall be charged proportionate C.L. rate, but if the excess be over 2,000 lbs. the whole excess over the capacity of the car shall be charged

C.L.

L.C.L. rate as above; and the Companies reserve the right to remove all the excess, at the expense of the owner, and forward the same on another car.

M.

| | | |
|---|-----|----|
| Macaroni..... | 1 | |
| Machine or Cattle Cards..... | 1 | |
| Machinery (subject to note at foot of this article), at O.R. in each case, as follows:— | | |
| Bark Mills..... | 1 | |
| Bolt Cutters..... | 1 | |
| Bran Dusters..... | D 1 | |
| Cards, Cotton or Woollen..... | D 1 | |
| Cob Mills..... | 1 | |
| Cotton Presses..... | 1 | |
| Cider Mill Presses..... | 1 | |
| Cheese Presses..... | 1 | |
| Ditching Machines.... | 1 | |
| Drag Saws, with horse-power, Sweep..... | 1½ | |
| Engines, Portable or Stationary..... | 1 | |
| Hemp Machines..... | 1 | |
| Horse-Powers, Sweep..... | 1½ | |
| do Tread.—See Agricultural Implements. | | |
| Knitting Machines, Power..... | 1½ | |
| Looms..... | 1½ | |
| Nail Machines..... | 3 | |
| Planing Machines and Jointers..... | 1 | |
| Printing Presses..... | 1 | |
| Purifiers, set up..... | D 1 | |
| do K. D., and boxed..... | 1 | |
| Saw Mills, Portable..... | 1 | |
| Sawing Machines..... | 4-1 | |
| Shearing Machines..... | 1½ | |
| Shingle Machines..... | 1 | |
| Smut Machines..... | 1½ | |
| Stumping Machines, K.D., detachable parts removed..... | 2 | |
| Machinery, not otherwise specified, in frame, O.R..... | 1½ | |
| do do closely boxed, O.R..... | 1 | |
| do Heavy, K.D., not otherwise specified, 1,000 lbs. per piece or over, with connections and detachable parts removed and boxed, O.R..... | 2 | |
| do All kinds..... | | 6 |
| NOTE.—Engines or machinery requiring a whole car for carriage (whether full capacity of car be occupied or otherwise), if 12,000 lbs. or under, to be charged 20,000 lbs..... | | 6 |
| If over 12,000 lbs., to be charged C.L..... | | 10 |
| Engines or machinery over 1,000 lbs. per piece to be loaded and unloaded by owners. | | |
| Machines, Sewing, set up, not boxed or racked, O.R..... | 3-1 | 2 |
| do set up, boxed or racked, O.R..... | 1 | 4 |
| do K.D., and boxed, O.R..... | 1 | 4 |
| Madder, in cases..... | | 2 |
| do in barrels or casks..... | | 3 |
| Magazines, returned empty, used in transporting gunpowder..... | | 4 |
| Majolica Ware.—Same as Crockery. | | |

| | | C. | L. |
|--|-----|----|----|
| Malt.—See Grain. | | | |
| Manilla, in bales, O.R..... | 3 | 5 | |
| Manure, Stable, in cattle cars only..... | | | 10 |
| Maple Sugar.—See Sugar. | | | |
| Maple Syrup.—See Syrup. | | | |
| Marble, Polished, Carved or lettered, not boxed. Not taken. | | | |
| do do boxed, O.R., prepaid..... | 1 | 5 | |
| do Slabs, Blocks or Spires, Polished, not Carved or Lettered, boxed, O.R. | 2 | 5 | |
| do do unwrought..... | 4 | 7 | |
| do Tile, O.R..... | 4 | 7 | |
| do Dust, in barrels..... | 4 | 7 | |
| do Blocks, Rough from Quarry..... | | | 10 |
| Marble, in boxes or casks..... | 2 | | |
| Masts. Taken by special contract only. | | | |
| Matches, completely covered in paper or wooden boxes and securely packed in cases, O.R..... | D 1 | 5 | |
| do packed as above, lots of 2,000 lbs. and over, O.R..... | 1 | 5 | |
| do loose in cases.—Not taken. | | | |
| Match Splints..... | 3 | 7 | |
| Mattresses.—See Furniture. | | | |
| Mats and Rugs..... | 1 | | |
| Matting—Cocoa, Hemp, &c..... | 1 | 4 | |
| Meal, in bags or bbls..... | 4 | 8 | |
| Measures, loose..... | D 1 | | |
| do nested..... | 1 | | |
| Meats, Fresh, prepaid, O.R..... | 1 | 4 | |
| do Mince, and Sausage, prepaid, O.R..... | 1 | 4 | |
| do Salted, Smoked or Dried, loose or in bags..... | 2 | 4 | |
| do do in boxes, barrels or casks..... | 3 | 5 | |
| Mechanics' Tools, in boxes..... | 1 | | |
| Medicines.—See Drugs. | | | |
| Melons, prepaid, O.R..... | 1 | 6 | |
| Merchandise—Shippers are required to give full description of contents of packages; all articles described as merchandise will be charged..... | D 1 | | |
| Metallic Packing, in packages..... | 3 | 4 | |
| Metallic Shingles.—See Iron. | | | |
| Methylated Spirits.—Same as Liquors (Native). | | | |
| Mica, manufactured, in packages..... | 1 | 4 | |
| Milk —Taken by special contract only. | | | |
| do Condensed.—Same as Canned Goods. | | | |
| Mill Boards.—Same as Binders' Boards. | | | |
| Millet.—See Seeds. | | | |
| Mill Dogs..... | 1 | | |
| Mill Feed..... | 4 | 8 | |
| Mill-Stones —See Stones. | | | |
| Millinery Goods, in cases..... | D 1 | | |
| Mineral Waters.—Same as Ale. | | | |
| Moccasins.—Same as Boots and Shoes. | | | |
| Models for Statuary and Stucco Work..... | D 1 | | |
| Molasses, in wood, O.R. of leakage..... | 3 | 5 | |
| Mops and Mop Sticks, in bundles..... | 1 | | |
| do do in boxes..... | 2 | | |
| Moss, in sacks..... | D 1 | | |
| do in bales..... | 1 | 4 | |
| Mouldings—Gilt or Finished, in bundles..... | D 1 | | |
| do do boxes..... | 1 | | |

| | O.L. |
|--|-------|
| Mouldings—Common Building.—See Joiners' Work. | |
| Mucilage, in glass, packed in boxes or barrels..... | 1 |
| do in wood..... | 2 |
| Musical Instruments, not boxed.—Not taken. | |
| do Pianos and Organs, boxed and released, O.R..... | 1 4 |
| do Church Organs, K.D., loaded and unloaded by owners, O.R..... | D 1 6 |
| do boxed, not otherwise specified, O.R..... | D 1 |
| Mustard..... | 2 |
| Mustard Seed..... | 2 |

N.

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|---|-----|
| Nails and Spikes, in bags..... | 2 5 |
| do in boxes or cases..... | 3 5 |
| do in kegs..... | 4 5 |
| Naphtha.—Same as Coal Oil. Must not be taken for shipment by water. | |
| Neck Yokes..... | 2 |
| Nitro-Glycerine.—Not taken. | |
| Nitrate of Soda.—See Soda. | |
| Nutmegs..... | 1 |
| Nuts, Edible, in bags, O.R..... | 1 |
| do in boxes or barrels..... | 2 4 |

O.

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| Oakum..... | 2 4 |
| Oars, Boat..... | 1 6 |
| Oats.—See Grain. | |
| Oatmeal, in packages..... | 4 8 |
| Ochre, in cans, kegs or boxes..... | 2 |
| do in barrels or casks..... | 3 5 |
| Oil Cans, Glass, in tin jackets, crated or boxed, O.R..... | 2 6 |
| Oil, except Coal or Mineral, in glass or stone, well packed, O.R..... | 1 |
| do do in kegs or cans, securely boxed, O.R..... | 2 4 |
| do do in wood, O.R..... | 3 5 |
| Oil, Coal or Mineral, in cans, securely boxed, O.R..... | 2 4 |
| do do in wood, less than 10 bbls., O.R..... | 1 |
| do do do 10 bbls. and over, O.R..... | 3 4 |
| Coal or mineral oil must not be taken for shipment by water. | |
| Oil Cake..... | 4 8 |
| Oil Cloth, in rolls, O.R..... | 1 |
| do in boxes..... | 2 |
| do requiring a whole car for carriage (whether full capacity of car be occupied or otherwise, if 12,000 lbs. or under, to be charged 20,000 lbs..... | 10 |
| do if over 12,000 lbs., to be charged C.L..... | 5 |
| Onions.—See Vegetables. | |
| Opticians' Instruments, O.R..... | 1 |
| Oranges.—See Fruits. | |
| Ore..... | 4 10 |
| Organs.—See Musical Instruments. | |
| Ornaments.—See Plaster of Paris. | |
| Ox Yokes..... | 2 |
| Oysters and Clams, Fresh, in cans or kegs, O.R..... | 1 3 |
| do Shell, in bags or barrels, O.R..... | 2 4 |
| do Pickled.—See Pickles. | |
| Oziers (Willow Reeds), in boxes, bales or bdl..... | 2 6 |

P.

C.L.

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|---|-----|----|
| Pails.—See Woodenware. | | |
| Paintings and Engravings, contents not to exceed \$50 in value, boxed and released..... | 3-1 | |
| do over \$50, not exceeding \$200 in value, boxed and released | 4-1 | |
| do over \$200. Taken by special contract only. Shippers must declare value. | | |
| Paints, Earth, in boxes, barrels or kegs | 3 | 5 |
| do not otherwise specified, in cases or cans, boxed..... | 1 | 4 |
| do do in bbls. or kegs..... | 3 | 5 |
| Palm Leaf, in bundles | 1½ | |
| Panorama and Theatrical Scenery, O.R..... | D 1 | 4 |
| Paper, Stationery, in boxes..... | 1 | |
| Paper Goods, such as Collars, &c., in boxes..... | 1 | |
| Paper Hangings, in bundles, O.R. of chafing..... | 1 | 3 |
| do do in boxes or pressed in bales..... | 2 | 4 |
| do Patterns, in cases, prepaid..... | 1 | |
| do Printing or Wrapping, O.R..... | 3 | 5 |
| do Building and Roofing, O.R..... | 4 | 5 |
| do Bags, in bundles or boxes, O.R..... | 2 | 5 |
| do Stock.—See Rags. | | |
| do Boxes.—See Boxes. | | |
| Papier Maché Goods..... | D 1 | |
| Pasteboard, in bundles..... | 2 | 5 |
| do in boxes..... | 3 | 5 |
| Paraffine Wax..... | 2 | 4 |
| do Candles.—See Candles. | | |
| Patterns, Wood or Metallic, O.R..... | 1½ | |
| Peaches.— See Fruits. | | |
| Peas.—See Grain. | | |
| do Green.—See Vegetables. | | |
| Pears.—See Fruit. | | |
| Peat | 3 | 10 |
| Pelts and Peltries.—See Hides and Skins. | | |
| Pencils, Slate, in boxes | 2 | |
| do Lead, in boxes..... | 1 | |
| Pepper.—See Spices. | | |
| Pepper Sauce..... | 1 | |
| Perfumery, in cases..... | 1½ | |
| Phosphate | 4 | 10 |
| Photographic Material..... | 1 | |
| Pianofortes.—See Musical Instruments. | | |
| Piano Legs and Stools, wrapped or crated..... | 1 | |
| do do boxed..... | 2 | |
| Pickles, in glass or stone, well packed, O.R..... | 1 | |
| do in kegs or barrels | 3 | 5 |
| Pictures, common, in bdl., O.R..... | D 1 | |
| do boxed..... | 1 | |
| Picture Frames.—See Frames. | | |
| Picture Frame Backing, in bundles..... | 4 | 7 |
| Pigs' Feet, in boxes or barrels..... | 3 | |
| Pillows, Feather, Hair, &c..... | D 1 | |
| Pill Boxes | D 1 | |
| Pile Drivers.—Same as Derricks. | | |
| Piles. Taken by special contract only. | | |

| | C.L. |
|---|------|
| Pimento, in boxes or barrels | 1 |
| Pins, Toilet, in boxes..... | 1 |
| Pine Apples, O.R., prepaid..... | 1 3 |
| Pipe Clay..... | 3 |
| Pipe, Drain or Sewer, Cement or Earthen, O.R..... | 3 7 |
| Pipe, Iron.—See Iron. | |
| Pipe, Wooden | 2 6 |
| Pipes, Smoking, in cases..... | 1 |
| Pitch, in barrels | 3 5 |
| Plants, in boxes, prepaid, O.R..... | D 1 |
| Plaster, Land..... | 4 10 |
| Plaster of Paris and Stucco, in barrels | 3 5 |
| do Ornaments, in packages, O.R., prepaid..... | D 1 |
| Plated Goods or Ware..... | 1 |
| Plate, Electrotype or Stereotype..... | 1 |
| Plumbago, Crude | 3 5 |
| Porcelain.—Same as Crockery. | |
| Pork.—See Meats. | |
| Porter.—See Ale. | |
| Potatoes, Evaporated.—Same as Fruits (Apples), Evaporated. | |
| do Sweet, in bags or boxes, O.R..... | 1 |
| do Common | 4 8 |
| Potatoes at O.R. of frost, and must be prepaid between 1st Nov. and 30th April. | |
| Pottery.—Same as Earthenware. | |
| Poultry, Live, in coops, minimum weight, S.D., 20,000 lbs. | 9 |
| do do do D.D., 25,000 lbs..... | 9 |
| do Dressed, O. R., prepaid..... | 1 3 |
| Preserves, in glass or stone, well packed, O. R..... | 1 |
| do in kegs or casks..... | 2 4 |
| Printed Matter, unbound, in bundles, O. R., prepaid..... | 1 |
| do do do in cases, prepaid..... | 2 |
| Prunes.—See Fruits, Dried. | |
| Pulleys and Blocks.—See Blocks. | |
| Pumice Stone..... | 2 |
| Pumps, Iron or Wood | 1 4 |
| Putty, in barrels or casks | 3 |

Q.

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| Quicksilver in iron flasks..... | 1 |
| Quinces.—See Fruit. | |
| Quills, in boxes | D 1 |

R.

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|---------------------------------------|------|
| Radiators | 2 4 |
| Rags and Paper Stock, in sacks | 3 10 |
| do do pressed in bales..... | 4 10 |
| Raisins.—See Fruit. | |
| Rattan.—See Furniture. | |
| Refrigerators | 1 |
| Rennets, in wood..... | 2 |
| Retorts, O. R..... | 2 |
| Resin..... | 3 5 |
| Rice, in packages | 3 5 |
| Road Scrapers.—See Machinery. | |

| | | |
|--|-----|--------|
| Roofing composition, in barrels or casks | 4 | O.L. 7 |
| do Material and Implements, in mixed lots..... | 4 | 7 |
| Roots, Garden.—See Bulbs and Roots. | | |
| Ropes.—See Cordage. | | |
| Rosewood.—See Lumber. | | |
| Rubber, Crude..... | 3 | 5 |
| Rubber Goods, in packages..... | 1 | 4 |
| do Belting, Hose and Packing..... | 2 | 4 |
| do Old, Scrap..... | | 5 |
| do Springs.—See Car Springs. | | |
| Rugs, in bales..... | 1 | |
| Rum.—See Liquors. | | |
| Rushes, in bales or boxes..... | 1 | |
| Rye.—See Grain. | | |
| Rustic Work, light and bulky..... | D 1 | 6 |

S.

SADDLERY:—

| | | |
|---|-----|----|
| Saddles and Harness, loose or in bundles..... | D 1 | |
| do do in boxes | 1 | |
| Saddle Trees..... | 1 | |
| Hames, in bundles..... | 1 | |
| do in boxes or casks | 2 | |
| Horse Collars, in sacks or bundles..... | D 1 | |
| do in boxes or barrels..... | 1 | |
| Saddlery Hardware, in boxes or barrels..... | 2 | |
| Saddlery and Harness..... | | 4 |
| Safes, Bread, Meat, Milk or Cheese | 4-1 | |
| do Iron.—See Iron. | | |
| Saleratus, in boxes or brls | 2 | |
| Salt, in small bags or boxes..... | 3 | |
| Salt, in sacks or barrels (or C.L in bulk)..... | 4 | 10 |
| Salts, Epsom and Glauber..... | 1 | |
| Saltpetre, in boxes..... | 2 | 5 |
| do in barrels..... | 3 | 5 |
| Sago..... | 1 | |
| Sand..... | | 10 |
| Sandpaper..... | 2 | 5 |
| Sand Screens | D 1 | |
| Sardines.—Same as Canned Goods. | | |
| Sashes.—See Joiners' Work. | | |
| Sashweights, in boxes..... | 2 | |
| Saur Kraut.—Same as Pickles. | | |
| Sausage Casings, in barrels or kegs..... | 2 | 5 |
| Sausages.—See Meats. | | |
| Sawdust and Shavings | 3 | 10 |
| Sawbucks, Wooden, packed in bundles..... | 2 | |
| Saws, loose or on boards..... | 1 | |
| do boxed | 2 | 5 |
| do Buck, in bundles..... | 1 | |
| Sawing Machines.—See Machinery. | | |
| Saw Mills, Portable.—See Machinery. | | |
| Scales and Scale Beams, not boxed | 1 | |
| do do boxed..... | 2 | |
| Scale Boards..... | 2 | 5 |
| do Weights, Metal | 3 | 5 |

| | O.L. |
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| Scoops, Spades and Shovels.—See Hardware. | |
| Screws, Wooden..... | 2 5 |
| Sculpture, prepaid, O.R., released..... | D 1 |
| Scythe Snaths.—See Hardware. | |
| Seythe Stones, in boxes..... | 3 5 |
| Sea Grass, pressed, in bales..... | 3 7 |
| Seed, Bird, in packages, O.R..... | 1 |
| do Garden, in boxes, O.R..... | 1 4 |
| do Blue Grass or Orchard, in bags or barrels, O.R..... | 1 |
| do Clover, Timothy or Red Top, O.R..... | 3 5 |
| do Flax or Hemp..... | 3 8 |
| do Field, not otherwise specified, in bags, boxes or barrels..... | 2 5 |
| Sewing Machines.—See Machinery. | |
| Shavings (Brewers') in bales..... | 2 4 |
| Shellac, Gum, in boxes or barrels..... | 1 |
| Shells, Sea, in packages, O.R..... | 1 |
| Shoddy..... | 2 5 |
| Shoes.—See Boots and Shoes. | |
| Shoe Findings..... | 1 |
| do Pegs, in boxes..... | 1 5 |
| do do in barrels or casks..... | 2 5 |
| Shooks.—See Lumber. | |
| Shorts.—See Bran. | |
| Short.—See Hardware. | |
| Shower Baths..... | D 1 |
| Show Cases, O.R., released..... | 3-1 |
| Shrubbery, loose, prepaid, O.R..... | D 1 |
| do in boxes or bundles, prepaid..... | 1 5 |
| Sieves..... | D 1 |
| do nested and boxed..... | 1 |
| Sign Boards.—Same as Advertising Boards. | |
| Sizing, in sacks or barrels..... | 2 |
| Slag, Mill, and Cinders, prepaid..... | 10 |
| Slate, Floor, in barrels or casks..... | 4 5 |
| do School, in boxes..... | 2 |
| do Roofing, O.R..... | 3 10 |
| do Manufactured or Marbleized, well boxed, O.R..... | 1 4 |
| Sleds and Sleighs, Children's or Hand.—See Vehicles. | |
| Sleigh Stuff.—See Carriage Goods. | |
| do Shoes, Iron and Steel..... | 3 5 |
| Smoke Stacks.—See Iron. | |
| Snowshoes, in bundles..... | D 1 |
| do in boxes..... | 1 |
| Snow Shovels, Wooden, in bundles..... | 1 |
| Snuff, in jars or bladders..... | 1½ |
| do in boxes, barrels, casks or kegs..... | 1 |
| Soap, Common, in boxes..... | 4 5 |
| do Fancy, in boxes..... | 1 |
| do Oil or Soft, in barrels..... | 4 5 |
| Soapstone, Crude..... | 4 10 |
| do Slabs and Manufactured Articles, O.R..... | 1 |
| do Dust..... | 4 7 |
| Soda, Bi-Carbonate, in boxes, kegs or barrels..... | 3 5 |
| do Ash or Sal Soda, in boxes, barrels or casks..... | 4 5 |
| do Caustic, in iron drums..... | 4 5 |
| do Nitrate, in iron drums..... | 3 5 |

| | | C.L. |
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| Soda, Salt Cake, in casks..... | 4 | 5 |
| do Water.—See Mineral Water. | | |
| Solder, in packages..... | 2 | |
| Spark Arresters..... | D 1 | |
| Spars. Taken by special contract only. | | |
| Spelter | 3 | |
| Spices—Cloves, Cinnamon, Pepper, Allspice, Nutmegs, &c..... | 1 | |
| Spinning Wheels..... | 1 | |
| do do Heads..... | D 1 | |
| Spirits.—See Liquors. | | |
| Spirits of Turpentine, in barrels, or in cans securely boxed, O.R. of leakage. | 2 | 4 |
| This freight must not be taken for shipment by water. | | |
| Spoke Drivers..... | 1½ | |
| Sponges..... | D 1 | |
| Spools, in crates..... | 2 | 5 |
| do in cases..... | 3 | 5 |
| do in bulk..... | | 7 |
| Springs, with Axles attached, wheels off..... | 1½ | |
| do Rubber, Steel, Volute, Spiral..... | 3 | 5 |
| do Carriage, Waggon and Seat..... | 2 | 5 |
| do Wire, coiled in bundles..... | D 1 | |
| do Wire, in boxes, barrels or casks..... | 1 | 4 |
| Stamped Ware, nested in boxes or barrels..... | 2 | 5 |
| do do in crates, O.R..... | 1 | |
| Starch, in boxes..... | 2 | 5 |
| do in barrels or casks..... | 3 | 5 |
| Stationery, in boxes..... | 1 | 4 |
| Statuary.—See Sculpture. | | |
| Stearine | 3 | 5 |
| Steam Gauges, boxed..... | 2 | |
| Steel.—Same as Iron. | | |
| Steel Castings.—See Iron. | | |
| Steam Shovels.—See Machinery. | | |
| Stone, Polished, Carved or Lettered, not boxed. Not taken. | | |
| do Polished, Carved or Lettered, boxed, prepaid, O.R..... | 1 | 5 |
| do Slabs, Blocks, Spires, Polished, not carved or lettered, in boxes, O.R. | 2 | 5 |
| do Slabs, in Blocks, Unwrought..... | 4 | 10 |
| do Coursing and Dimension | 4 | 10 |
| do Tiling (Floor) | 4 | 7 |
| do Rubble, Cobble and Field..... | | 10 |
| Stones, Grind..... | 4 | 5 |
| do Scythe and Whet..... | 3 | 5 |
| do Mill, Finished, O.R..... | 2 | 4 |
| do do Rough..... | 3 | 5 |
| Stoneware.—See Crockery. | | |
| Stoves, and Stove Furniture shipped with Stoves, O.R..... | 2 | 4 |
| do Oil, packed in boxes or crates, O.R..... | 1 | |
| do Gas O.R..... | 2 | 4 |
| Furnaces, O.R..... | 2 | 4 |
| do requiring a whole car for carriage (whether full capacity of car be occupied or otherwise), if 12,000 lbs. and under, to be charged 20,000 lbs..... | | 10 |
| if over 12,000 lbs. to be charged C.L..... | | 4 |
| Stove Boards, loose, O.R..... | 1 | 6 |
| do raked, O.R..... | 2 | 5 |
| Stove Brick or Lining.—See Fire Brick. | | |

| | | C.L. |
|--|-----|------|
| Stove Plates, O.R..... | 2 | |
| do boxed or crated..... | 3 | 5 |
| Stove Pipes and Elbows, Corrugated or other, loose or in bundles, O.R., released..... | 4-1 | 5 |
| do in crates or boxes, O.R., and released..... | D 1 | 5 |
| Stove Polish, Liquid..... | 1 | |
| Straw.—Same as Hay. | | |
| do Boards..... | 3 | 5 |
| do Goods, in cases..... | D 1 | |
| Stretcher Stock, in bundles..... | 4 | 7 |
| Stucco and Stucco Work.—See Plaster of Paris. | | |
| Sugar, in boxes or kegs..... | 2 | 5 |
| Sugar, in bags, barrels or hogsheads..... | 4 | 5 |
| do Lemon, Grape or Maple..... | 2 | 5 |
| do and Syrup, mixed, bbls, hhd., O.R. leakage..... | | 5 |
| Sugar Evaporators.—See Evaporators. | | |
| Sulphate of Copper..... | 2 | 4 |
| do Iron..... | 2 | 4 |
| do Zinc..... | 1 | |
| Sulphur, in boxes or kegs..... | 2 | 5 |
| do in barrels or casks..... | 3 | 5 |
| Sumac.—Same as Dye Stuffs. | | |
| Superphosphate of Lime, in barrels..... | 4 | 7 |
| Surgical Instruments, O.R..... | 1 | |
| Syrup, in glass or jugs, boxed, O.R..... | 2 | |
| do in kegs or barrels, O.R. of leakage..... | 3 | 5 |
| do Maple, in glass or tins, well packed..... | 2 | 4 |
| Switch Gates and Signal Material, Iron or Wood..... | 4 | 7 |

T.

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| Talc..... | 4 | 7 |
| Tallow.—Same as Grease. | | |
| Tamarinds, in jars, boxed..... | 1 | |
| Tanner's Scrap, in packages..... | 3 | 5 |
| Tapioca, in packages..... | 1 | |
| Tar, in kegs or buckets..... | 2 | |
| do in barrels..... | 4 | 7 |
| Tarpaulins..... | 2 | |
| Tartaric Acid, in cases or barrels..... | 1 | |
| Tea, in boxes, not matted..... | 1 | 3 |
| do do matted..... | 2 | 4 |
| Teasels..... | D 1 | 4 |
| Telegraph and Telephone Instruments and Fixtures, O.R..... | 1 | |
| Telegraph Supplies, viz. :— | | |
| Top Pins, in bags or boxes..... | 3 | 5 |
| Cross Arms, in bundles..... | 4 | 7 |
| Insulators, in bbls. or boxes..... | 3 | 5 |
| Tents, Awnings and Fixtures..... | 1 | |
| Tentpoles, in bundles..... | 2 | |
| Terra Alba Clay, in packages..... | 4 | 10 |
| Terra Cotta, O.R..... | 1 | |
| Terra Japonica.—Same as Japonica. | | |
| Theatrical Scenery, O.R..... | D 1 | 4 |
| Thimble Skeins.—See Carriage Goods. | | |
| Thread, in boxes..... | 1 | |

| | O.L. |
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| Tierces, Empty.—See Empties. | |
| Ties.— See Lumber. | |
| Tiles, Drain or Sewer..... | 4 10 |
| do Roofing..... | 3 7 |
| do Encaustic or Enamelled, for floor, O.R | 1 4 |
| Tile Machines.—Same as Brick Machines. | |
| Timber and Logs, under 28 ft. long.—Same as Lumber. . | |
| do do over 28 ft. long.—Taken by special contract only. | |
| Tin Foil..... | 1 |
| Tin, Pig or Plate..... | 3 5 |
| Tin Troughs.—Same as Eavetroughs. | |
| Tinware, loose, O.R..... | D 1 |
| do nested, O.R..... | 1½ |
| do in crates, O.R..... | 1½ |
| do in boxes or barrels..... | 1 4 |
| Tobacco, Unmanufactured, in bales..... | 1 5 |
| do do in hogsheads and cases..... | 3 5 |
| do Cut, in pails, loose or tied together..... | D 1 4 |
| do do do two or more, strapped together with metal or wood.. | 1 4 |
| do do in boxes or barrels..... | 1 5 |
| do Plug, in caddies, loose or together..... | D 1 4 |
| do do do two or three, strapped together with metal or wood | 1 |
| do do do four or more do do | 3 5 |
| do do in boxes or barrels..... | 3 5 |
| do Stems, in cases or hogsheads... .. | 3 5 |
| Toboggans..... | 3-1 |
| Tooth Picks, in boxes..... | 1 |
| Top Pins.—See Telegraph Supplies. | |
| Tow, in boxes, O. R..... | 2 |
| do pressed in bales..... | 3 5 |
| Toys, in boxes or crates, O.R..... | D 1 |
| do loose or in bundles, O.R..... | 4-1 |
| Trays, in racks or cases..... | 1 |
| Trees.—See Shrubby. | |
| Tricycles.— See Velocipedes. | |
| Tripe, salted or pickled..... | 3 5 |
| Tripoli..... | 2 |
| Trunks, empty, O.R..... | D 1 4 |
| do filled with Valises and Satchels, O. R..... | 1½ 4 |
| Trunks containing wearing apparel and personal effects will not be taken as freight unless with shipment of household goods. When they are offered for shipment, Agents will refer parties to Express Companies. | |
| Tubs, in nests.—See Woodenware. | |
| Turned Stuff.—See Joiners' Work. | |
| Turnips.—See Vegetables. | |
| Turpentine.—See Spirits of Turpentine. | |
| Twine.— See Cordage. | |
| Type, in boxes..... | 2 5 |
| Type Writers or Caligraphs, boxed or crated, O.R., released..... | D 1 |

U.

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| Umbrellas, in boxes..... | 1 |
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V.

| | D | C.L. |
|---|-----|------|
| Valises, loose, O.R..... | 1 | |
| do in trunks, O.R | 1½ | 4 |
| do in cases..... | 1 | 4 |
| Varnish, in cans when boxed, O.R | 1 | |
| do in wood, O.R. of leakage..... | 2 | |
| This freight must not be taken for shipment by water. | | |
| Vats Empty.—Same as Cheese Vats. | | |
| Vegetables, Evaporated.—Same as Fruits (Apples) Evaporated. | | |
| do Green, O. R. prepaid—Beans, Beets, Cabbage, Carrots, Cauli- flowers, Cucumbers, Onions, Parsnips, Peas and Tur- nips, in bags or crates..... | 1 | |
| do do in boxes or barrels..... | 3 | |
| do do in packages or bulk..... | | 8 |
| do do not otherwise specified..... | 1 | 8 |
| Vehicles at O. R. of chafing and breakage in each case, and subject to Note at foot of this article:— | | |
| Omnibuses, Stage Coaches, 5,000 lbs. each..... | 1 | |
| Hearses, Waggons and Sleighs, extra large, 5,000 lbs. each..... | 1 | |
| 2-Horse Buggies, Carriages, Hacks, Sleighs, Waggons, Express and Peddlers' Waggons, 3,000 lbs. each..... | 1 | |
| 1-Horse Buggy or Carriage, with Covered Top, 3,000 lbs. each..... | 1 | |
| 1-Horse Carriage, Buggy, Chaise, Waggon, Express or Peddlers' Waggon, Cab, Gig, Phaeton or Sleigh, 2,000 lbs. each..... | 1 | |
| 1-Horse Carriole, Calèche or Cutter, 1,000 lbs. each..... | 1 | |
| 1-Horse Carts, 2 Wheels, 1,000 lbs. each..... | 1 | |
| 1-Horse Sulkeys, 800 lbs. each..... | 1 | |
| Lumber Waggons, Common, set up, 2,400 lbs. each..... | 1 | |
| do do K. D., 1,200 lbs. each..... | 1 | |
| Farmers' Waggons, 1-Horse, set up, 2,000 lbs. each..... | 1 | |
| do do K. D., 1,000 lbs. each..... | 1 | |
| do 2-Horse, set up, 2,400 lbs. each..... | 1 | |
| do do K. D., 1,200 lbs. each..... | 1 | |
| Buck-board Buggies, set up, 1,000 lbs. each..... | 1 | |
| do K.D., 800 lbs. each..... | 1 | |
| Bob Sleds, set up, actual weight..... | 1½ | |
| do K. D., in pieces..... | 1 | |
| Buggies, Carriages and Sleighs, crated (wheels, shafts and poles removed and shipped separate)..... | 3-1 | |
| Buggies, Carriages and sleighs (wheels, shafts and poles taken off), all completely and closely boxed..... | D 1 | |
| Buggy and Sleigh Bodies, Unfinished in White, crated..... | 1½ | |
| Buggy and Sleigh Bodies, Unfinished in White, closely boxed..... | 1 | |
| Hose Carts or Reels, 1,500 lbs. each..... | 1 | |
| Hook and Ladder Waggons, 5,000 lbs. each..... | 1 | |
| Baggage Truck or Barrows, set up..... | 1½ | |
| do do K. D..... | 1 | |
| Vehicles—At O.R. of chafing and breakage in each case, and subject to note at foot of article. | | |
| Warehouse Trucks or Barrows, set up..... | 1½ | |
| do do K. D. | 1 | |
| Wheelbarrows, set up..... | 1½ | |
| do K. D. and nested | 1 | |
| Children's Carriages, set up..... | 4-1 | |
| do K. D. and crated..... | D 1 | |
| do K. D. and boxed..... | 1 | |

Vehicles—Continued.

| | D | C.L. |
|---|-----|------|
| Children's Carriage Bodies, Wicker or Willow, nested..... | D 1 | |
| do Sleds or Sleighs, set up, loose or in bundles..... | D 1 | |
| do do crated or boxed..... | 1 | |
| do Express Waggon, set up..... | D 1 | |
| do do nested and racked, wheels separate..... | 1½ | |
| do do K.D. and boxed..... | 1 | |
| Velocipedes, Bicycles and Tricycles..... | D 1 | |
| do do do crated..... | 1½ | |
| do do do closely boxed..... | 1 | |
| do Children's..... | 4-1 | |
| Vehicles, all kinds, C.L..... | | 6 |
| NOTE.—Above estimated weights are for Vehicles not too large to be loaded in an ordinary box car. Any single Vehicle too large to go in an ordinary box car, and necessitating a platform car for carriage, will not be taken at less than 5,000 lbs. | | |
| Veneering, Foreign, in boxes..... | 1 | 3 |
| do Native..... | 3 | 7 |
| Venison, prepaid, O.R..... | 1 | 4 |
| Vermicelli, in boxes..... | 1 | |
| Vinegar, in demijohns, O.R..... | 1 | |
| Vinegar, not otherwise specified.—Same rates and conditions as Ale. | | |
| Vitriol, Blue.—See Blue Stone. | | |
| Vitriol, Oil of.—Same rates and conditions as Acids. | | |

W.

| | | |
|---|-----|---|
| Wadding..... | D 1 | |
| do pressed in bales or cases..... | 1 | |
| Warp Beams, Empty, not boxed..... | D 1 | |
| do do boxed..... | 1 | |
| do Wrapped with Warp, not boxed, O.R..... | D 1 | 4 |
| do do crated or boxed..... | 1 | 4 |
| Warp, pressed in bales, O.R. of chafing..... | 3 | 5 |
| Washboards, Zinc and Wood..... | 2 | 5 |
| Washing Machines, set up, not boxed..... | 1½ | |
| do do boxed..... | 2 | |
| Water Lime.—See Cement. | | |
| Water Pipe.—See Iron. | | |
| Water Wheels, iron.—See Iron. | | |
| Wax, in boxes or barrels..... | 1 | |
| do Paraffine.—See Paraffine Wax. | | |
| Weights.—See Scales. | | |
| Whalebone..... | 1 | |
| Wheat.—See Grain. | | |
| Wheat Cracked, in boxes..... | 3 | |
| do do in bags..... | 4 | 8 |
| Wheelbarrows.—See Vehicles. | | |
| Whips, in bundles..... | 3-1 | |
| do do in boxes..... | 1 | |
| Whiskey.—See Liquors. | | |
| White Lead.—See Leads. | | |
| Whiting, in boxes..... | 2 | 5 |
| do do in barrels or casks..... | 4 | 5 |
| Wicker Work, not otherwise specified..... | 4-1 | |
| Wicking..... | 1 | |
| Willow Ware or Work, not otherwise specified..... | 4-1 | |
| do do Reeds.—See Oziers. | | |

| | C.L. |
|---|------|
| Window Frames.—See Joiners' Work. | |
| do Shades and Curtains, boxed | 1 |
| Windmills, boxed or crated, K. D..... | 1 6 |
| Wine.—See Liquors. | |
| Wire, Fine, in boxes..... | 2 4 |
| do Barb, Fence, and Telegraph, in coil..... | 4 5 |
| do Binding, for Harvesters | 4 5 |
| do Cloth | 1 4 |
| do do in rolls, 150 lbs. each or over | 2 4 |
| do Common, in coil..... | 3 5 |
| do Fencing or Railing..... | 1 4 |
| do Rope, in coil..... | 3 5 |
| do Truss Hooping in coil..... | 3 5 |
| do Work, not otherwise specified | D 1 |
| Wood Board..... | 3 5 |
| Wood Cuts, in boxes, O. R..... | 1 |
| Wood Pulp..... | 4 10 |
| Wood Spirits or Alcohol.—Same as Liquors. | |
| Wood, Turned.—See Joiners' Work. | |
| Woodenware— Buckets, Pails and Tubs, rested | 1 6 |
| do Not otherwise specified..... | 1 6 |
| Wool, Domestic, in sacks, any quantity..... | 1 |
| do Foreign Compressed, in bales..... | 3 5 |
| Woollen Goods..... | 1 |
| Wool Waste.—Same as Cotton Waste. | |

Y.

| | |
|------------------------------------|-----|
| Yarn, in bundles or boxes | 1 4 |
| do prassed in bales | 2 4 |
| Yeast, in kegs or barrels..... | 1 |
| do Powder and Cakes, in boxes..... | 2 |

Z.

| | |
|------------------------------|------|
| Zinc, in Sheet or Rolls..... | 2 5 |
| do Slabs or Pigs..... | 3 5 |
| do Scrap..... | 4 10 |

TABLE of Estimated Weights only to be used when Actual Weights cannot be ascertained.

| | Lbs. |
|--|-------|
| Alcohol, per bbl..... | 420 |
| Ale, Beer and Porter, per Imperial gallon..... | 10·60 |
| do do per wine do | 8·85 |
| Lager Beer, per Imperial gallon..... | 10·50 |
| do per wine do | 8·75 |
| (Weights of barrels to be added.) | |
| Apples, Green, per bushel..... | 56 |
| do per bbl..... | 150 |
| Barrels, Empty—Ale, Beer and Porter, per hhds..... | 125 |
| do do do bbl..... | 75 |
| do do do ½ bbl..... | 50 |
| do do do ¼ bbl..... | 35 |
| do Lager Beer, per bbl..... | 85 |
| do do ½ bbl..... | 52 |

| | Lbs. |
|---|-----------------|
| Barrels, Empty—Lager Beer, per $\frac{1}{4}$ bbl..... | 32 |
| do do do $\frac{1}{8}$ bbl..... | 20 |
| do do do $\frac{1}{8}$ bbl..... | 12 |
| Beef, per bbl..... | 350 |
| do per tierce..... | 480 |
| Brick, Common, each..... | 4 $\frac{1}{2}$ |
| do pressed do..... | 7 |
| do Fire do..... | 7 |
| Charcoal, per bushel..... | 22 |
| Cider, per bbl..... | 400 |
| Clay, per cubic yard..... | 3,000 |
| Coal, Anthracite:— | |
| Nut, per cubic foot..... | 50 |
| Stove do..... | 53 |
| Egg do..... | 55 |
| Bituminous:— | |
| Blossburg, per cubic foot..... | 53 |
| Cumberland do..... | 53 |
| Pittsburg do..... | 46 |
| Clover Hill do..... | 45 |
| Pictou do..... | 49 |
| Coke, per bushel..... | 40 |
| Fish, Salted or Pickled, per bbl..... | 300 |
| do do $\frac{1}{2}$ bbl..... | 160 |
| do do $\frac{1}{4}$ bbl..... | 80 |
| do do kit..... | 40 |
| Grain:— | |
| Barley, per bushel..... | 48 |
| Beans do..... | 60 |
| do per bbl..... | 250 |
| Buckwheat, per bushel..... | 48 |
| Corn (shelled) per bushel..... | 56 |
| do (in ear) do..... | 70 |
| Malt, per bushel..... | 38 |
| Oats do..... | 34 |
| Peas do..... | 60 |
| do (whole), per bbl..... | 260 |
| do (split) do..... | 240 |
| Rye, per bushel..... | 56 |
| Wheat do..... | 60 |
| Gravel, per cubic yard..... | 3,500 |
| High Wines, per bbl..... | 420 |
| Ice, per cubic foot..... | 57 |
| Lime, per bushel..... | 75 |
| Nails, per keg..... | 106 |
| Oils, per bbl..... | 400 |
| Oil, Petroleum, in bulk, in tank cars, per Imperial gallon..... | 8 |
| Onions, per bushel..... | 56 |
| do per bbl..... | 170 |
| Pitch, per bbl..... | 400 |
| Pork do..... | 320 |
| Potatoes, Common, per bbl..... | 180 |
| do do per bushel..... | 60 |
| Resin, per bbl..... | 280 |
| Salt, per bushel..... | 60 |
| do per bbl..... | 300 |

| | |
|--|--------|
| | Lbs. |
| Sand, per cubic yard..... | 3,000 |
| Seed, Blue Grass, per bushel..... | 14 |
| do Clover do | 60 |
| do Flax do | 56 |
| do Hemp do | 44 |
| do Hungarian do | 45 |
| do Millet do | 45 |
| do Timothy do | 45 |
| Stone, Cobble or Rubble, per cord of 128 feet..... | 13,000 |
| do do per toise of 216 feet..... | 22,000 |
| do Granite, dressed, per cubic foot..... | 166 |
| do Limestone do do | 170 |
| do Marble do do | 170 |
| do Sand or Free do do | 150 |
| do Slate do do | 170 |
| do Quartz, per cubic foot..... | 166 |
| Tar, per bbl..... | 400 |
| Turnips, per bushel..... | 56 |
| Vinegar, per bbl..... | 400 |
| Whiskey..... | 450 |

CORDWOOD.

| | | | |
|------------------|-------------------------|--------|-------|
| | | Green. | Dry. |
| | | Lbs. | Lbs. |
| Hickory, | per cord of 128 ft..... | 5,000 | 4,000 |
| Beech and Maple | do | 4,500 | 3,750 |
| Pine and Hemlock | do | 3,500 | 2,500 |
| Poplar | do | 5,000 | 4,000 |

STAVE BOLTS.

| | | |
|-------------|----------------------|-------|
| | | Lbs. |
| Oak, | green, per cord..... | 5,300 |
| Ash and Elm | do | 4,600 |
| Maple | do | 4,500 |

"Dry" Cordwood should be cut and piled at least 6 months.

To ascertain contents of a car of Cordwood or Stave Bolts:—Multiply the length, breadth and height (in feet) together, and divide by 128.

Thus:—Car 30 ft. long, 3 ft. 6 in. high, 8 ft. wide:—

$$30 \text{ ft.} \times 3 \text{ ft. 6 in.} \times 8 \text{ ft.} = 840 \div 128 = 656 \text{ cords.}$$

TABLE of Estimated Weights, &c.

| | | | |
|---|--------|-----------|-------|
| | Green. | Partly | Dry. |
| | Lbs. | Seasoned. | Lbs. |
| | | Lbs. | |
| White pine, white wood, basswood, per 1,000 feet..... | 3,500 | 3,000 | 2,700 |
| Butternut, chestnut, red pine, Norway or yellow pine, hemlock, spruce, per 1,000 feet..... | 4,000 | 3,500 | 3,000 |
| Ash, elm, maple, cherry, per 1,000 feet..... | 4,500 | 4,000 | 3,500 |
| Oak, walnut, hickory, birch, beech, per 1,000 feet..... | 5,000 | 4,500 | 4,000 |
| Shingles (18-inch), per 1,000..... | 375 | 350 | 325 |
| do (16-inch), per 1,000..... | 350 | 325 | 300 |
| Lath, per 1,000..... | 600 | 525 | 450 |
| Bark, per cord..... | 3,500 | 3,000 | 2,400 |
| Staves, finished, for oil, pork and beef barrels, per 1,000..... | 3,750 | 3,375 | 3,000 |
| Staves, sawed, unfinished, for oil, pork and beef barrels, per 1,000..... | 4,375 | 3,925 | 3,500 |
| Staves, rough, for oil, pork and beef barrels, per 1,000..... | 5,000 | 4,500 | 4,000 |
| Staves, manufactured, for flour barrels, per 1,000..... | 1,250 | 1,125 | 1,000 |

TABLE of Estimated Weights, &c.—Continued.

| Lumber, Etc. | Green, Lbs. | Partly Seasoned. Lbs. | Dry. Lbs. |
|--|----------------|-----------------------------|--------------|
| Cedar posts, or bolts, for block paving, per cord..... | 3,500 | 3,000 | 2,500 |
| Shingle bolts, per cord..... | 3,500 | 3,000 | 2,500 |
| Slabs—Hardwood, per cord..... | 5,000 | 4,000 | 3,000 |
| Pine, spruce and hemlock, per cord..... | 4,000 | 3,000 | 2,400 |
| Telegraph poles, per cord..... | 4,000 | 3,500 | 3,000 |
| Ties—Hemlock, pine, spruce, tamarac, each about..... | 160 | 150 | 130 |
| Cedar, sawn, pine, each about..... | 140 | 120 | 100 |
| Hoops, hoop poles, hop poles, per cord..... | 3,500 | 3,250 | 3,000 |

Above estimates are for "Dry Lumber," cut and piled 4 months or over; "Partly Seasoned," cut and piled at least 2 months, and all under 2 months cut is "Green."

To find contents in each measure of a car of lumber, multiply the length in feet, the width in feet, and the height in inches together, the product will give the number of feet, inch measure.

Thus:—Car 14 ft. long, 8 ft. wide, 60 in. high:— $14 \times 8 \times 60 = 6,720$ feet.
Allowance should be made for waste space (if any) between the boards.

CEDAR POSTS.

The following quantities of cedar posts, 9 feet long, are estimated to weigh 24,000 lbs.:

| | |
|------------------|------------------|
| 28 feet car..... | 4 ft. 9 in. high |
| 30 do | 4 ft. 6 in. " |
| 32 do | 4 ft. 3 in. " |
| 33 do | 4 ft. 0 in. " |
| 34 do | 3 ft. 10 in. " |

GRAIN IN BULK.

The quantity in a car can be ascertained with sufficient accuracy, by multiplying the internal length and breadth of the car together, and then by the height of the grain. Multiplying this product by 1,728 (number of inches in a square foot), and divide by 2,150 (number of square inches in a bushel).

Thus:—Car 27 ft. 6 in. \times 8 ft. 7½ in. \times 2 ft. 1 in. = 494 ft. 1 in. 8 pts.
Multiply by 1,728, and \div 2,150 = 400 nearly.

ROUND TIMBER.

1st. When all the sizes are in feet, multiply the length by the square of one quarter of the mean girth, and the product will give the volume in cubic feet.

2nd. When the length is in feet and the girth is in inches, multiply as above, and divide by 144.

3rd. When all the dimensions are in inches, multiply as above, and divide by 1,728.

Thus:—50 ft. long—girths 31.5 and 62.9 inches.

$$50 \times \left(\frac{31.5 + 62.9}{2} \div 4 \right)^2 = 50 \times 11.8^2 = 6,962, \text{ and } \frac{6962}{144} = 48,347 \text{ feet.}$$

$$\text{or } 50 \times \frac{31.5 + 62.9 \div 2^2}{16} \div 144 = \frac{111,392}{16} \div 144 = 48,347 \text{ feet.}$$

The mean girth of round timber may be obtained by taking the circumference at both ends and in the centre, adding them together, and dividing by 3.

The girth of spars should be arrived at by taking their diameter at one-third of their length from the abut or large end.

SQUARE TIMBER.

1st. When all the dimensions are in feet, multiply the product of the breadth by the depth, by the length, and the product will give the volume in cubic feet.

2nd. When one of the dimensions is in inches, and the other dimensions are in feet, multiply as above, and divide by 12.

3rd. When two of the dimensions are in inches, and the other dimension in feet, multiply as above and divide by 144.

Thus:—20 ft. long and 15 in. square:— $15 \times 15 \times 20 = 4,500$, and $4,500 \div 144 = 31.25$ cubic feet.

The following are found to be average weights of round and square timber:—

| | |
|--|-------------------------|
| White pine..... | 48 lbs. per cubic foot. |
| Hemlock, spruce, red pine..... | 55 “ |
| Ash, elm, maple, cherry, birch, beech..... | 60 “ |
| Oak, hickory..... | 65 “ |

EXTRACT from the Minutes of a Meeting of the Board of Directors of the Ontario and Quebec Railway Company, duly called and held at the Office of the Canadian Pacific Railway Company in Montreal, on Saturday, the 14th day of March, 1885.

PRESENT:

Mr. E. B. OSLER, in the Chair.

Mr. GEORGE STEPHEN,
R. B. ANGUS,
W. C. VAN HORNE,

HON. DONALD A. SMITH,
PETER MITCHELL.

Mr. Drinkwater, Secretary of the Canadian Pacific Railway Company, also attended, and acted as secretary of the meeting.

“The chairman stated that it was desirable to pass a by-law adopting the tariff of tolls, rates and fares to be charged for the conveyance of freight and passengers, as required by the Consolidated Railway Act.

“Whereupon it was unanimously resolved,

“That the following by-law be, and the same is hereby enacted and passed as the by-law of the company:—

“BY-LAW No. 31.

“The rate for the conveyance of passengers shall not exceed three and one-third cents per passenger per mile on all the company’s lines, and any extension of the same. An additional sum of ten cents may be charged for each ticket purchased on the company’s trains, in case where a passenger has entered the company’s cars at a station where tickets were sold, but has neglected to purchase a ticket at such station, or other duly authorized ticket office, before entering the cars.

“ And the following shall be the maximum mileage tariff of freight rates and tolls on the said lines and extensions:—

| Distances. | Classes in cents per 100 lbs. | | | | | | | | | |
|-----------------------------|-------------------------------|------|------|------|------|------|------|------|------|-------|
| | 1st. | 2nd. | 3rd. | 4th. | 5th. | 6th. | 7th. | 8th. | 9th. | 10th. |
| Not exceeding 5 miles..... | 8 | 7 | 6 | 5 | 4 | 4 | 4 | 3 | 3 | 3 |
| Over 5 and no. over 10..... | 10 | 8 | 7 | 6 | 5 | 5 | 4 | 4 | 4 | 4 |
| 10 do 15..... | 12 | 11 | 9 | 8 | 6 | 6 | 5 | 5 | 5 | 5 |
| 15 do 20..... | 14 | 12 | 11 | 9 | 7 | 6 | 6 | 6 | 6 | 6 |
| 20 do 25..... | 16 | 14 | 12 | 10 | 8 | 7 | 6 | 7 | 7 | 7 |
| 25 do 30..... | 18 | 16 | 14 | 11 | 9 | 8 | 7 | 8 | 7 | 7 |
| 30 do 35..... | 20 | 18 | 13 | 15 | 10 | 9 | 7 | 8 | 8 | 8 |
| 35 do 40..... | 22 | 19 | 17 | 14 | 11 | 10 | 8 | 9 | 8 | 7 |
| 40 do 45..... | 24 | 21 | 18 | 15 | 12 | 11 | 8 | 9 | 8 | 7 |
| 45 do 50..... | 24 | 21 | 18 | 15 | 12 | 11 | 9 | 10 | 9 | 7 |
| 50 do 55..... | 26 | 23 | 20 | 16 | 13 | 12 | 10 | 10 | 10 | 8 |
| 55 do 60..... | 26 | 23 | 20 | 16 | 13 | 12 | 10 | 11 | 10 | 8 |
| 60 do 65..... | 28 | 25 | 21 | 18 | 14 | 13 | 11 | 11 | 11 | 9 |
| 65 do 70..... | 28 | 25 | 21 | 18 | 14 | 13 | 11 | 12 | 11 | 9 |
| 70 do 75..... | 30 | 26 | 23 | 19 | 15 | 14 | 12 | 11 | 11 | 10 |
| 75 do 80..... | 32 | 28 | 24 | 20 | 16 | 14 | 12 | 13 | 12 | 10 |
| 80 do 85..... | 32 | 28 | 24 | 20 | 16 | 14 | 12 | 13 | 12 | 10 |
| 85 do 90..... | 34 | 30 | 26 | 21 | 17 | 15 | 13 | 14 | 12 | 11 |
| 90 do 95..... | 34 | 30 | 26 | 21 | 17 | 15 | 13 | 14 | 13 | 11 |
| 95 do 100..... | 36 | 32 | 27 | 23 | 18 | 16 | 13 | 14 | 13 | 11 |
| 100 do 110..... | 36 | 32 | 27 | 23 | 18 | 16 | 14 | 15 | 14 | 12 |
| 110 do 120..... | 38 | 33 | 29 | 24 | 19 | 17 | 14 | 15 | 14 | 12 |
| 120 do 130..... | 38 | 33 | 29 | 24 | 19 | 17 | 15 | 15 | 15 | 13 |
| 130 do 140..... | 40 | 35 | 30 | 25 | 20 | 18 | 15 | 16 | 16 | 13 |
| 140 do 150..... | 40 | 35 | 30 | 25 | 20 | 18 | 16 | 16 | 16 | 14 |
| 150 do 160..... | 42 | 37 | 32 | 26 | 21 | 19 | 16 | 17 | 17 | 14 |
| 160 do 170..... | 42 | 37 | 32 | 26 | 21 | 19 | 17 | 17 | 17 | 15 |
| 170 do 180..... | 44 | 39 | 33 | 28 | 22 | 20 | 17 | 18 | 18 | 15 |
| 180 do 190..... | 46 | 40 | 35 | 29 | 23 | 21 | 17 | 18 | 18 | 15 |
| 190 do 200..... | 46 | 40 | 35 | 29 | 23 | 21 | 18 | 19 | 19 | 16 |
| 200 do 210..... | 48 | 42 | 36 | 30 | 24 | 22 | 18 | 19 | 19 | 16 |
| 210 do 220..... | 48 | 42 | 36 | 30 | 24 | 22 | 18 | 19 | 20 | 16 |
| 220 do 230..... | 50 | 44 | 38 | 31 | 25 | 23 | 19 | 20 | 21 | 17 |
| 230 do 240..... | 50 | 44 | 38 | 31 | 25 | 23 | 19 | 20 | 21 | 17 |
| 240 do 250..... | 52 | 46 | 39 | 33 | 26 | 24 | 20 | 20 | 22 | 18 |
| 250 do 260..... | 54 | 47 | 41 | 34 | 27 | 25 | 20 | 21 | 23 | 18 |
| 260 do 270..... | 54 | 47 | 41 | 34 | 27 | 25 | 20 | 21 | 23 | 19 |
| 270 do 280..... | 56 | 49 | 42 | 35 | 28 | 26 | 20 | 21 | 23 | 19 |
| 280 do 290..... | 58 | 51 | 44 | 36 | 29 | 27 | 21 | 22 | 24 | 20 |
| 290 do 300..... | 60 | 53 | 45 | 38 | 30 | 28 | 21 | 22 | 24 | 20 |
| 300 do 325..... | 64 | 56 | 48 | 40 | 32 | 30 | 22 | 23 | 25 | 21 |
| 325 do 350..... | 66 | 58 | 50 | 41 | 33 | 31 | 23 | 24 | 26 | 22 |
| 350 do 375..... | 68 | 60 | 51 | 43 | 34 | 32 | 23 | 24 | 26 | 22 |
| 375 do 400..... | 70 | 61 | 53 | 44 | 35 | 33 | 24 | 25 | 27 | 23 |
| 400 do 425..... | 72 | 63 | 54 | 45 | 36 | 34 | 25 | 26 | 28 | 24 |
| 425 do 450..... | 76 | 67 | 57 | 48 | 38 | 36 | 26 | 27 | 29 | 25 |
| 450 do 475..... | 78 | 69 | 59 | 49 | 39 | 37 | 27 | 28 | 29 | 26 |
| 475 do 500..... | 80 | 70 | 60 | 50 | 40 | 38 | 28 | 29 | 30 | 27 |
| 500 do 525..... | 82 | 72 | 62 | 51 | 41 | 39 | 29 | 30 | 30 | 28 |
| 525 do 550..... | 84 | 74 | 63 | 53 | 42 | 40 | 30 | 31 | 31 | 29 |
| 550 do 575..... | 86 | 75 | 65 | 54 | 43 | 41 | 31 | 32 | 32 | 30 |
| 575 do 600..... | 90 | 79 | 68 | 56 | 45 | 43 | 33 | 34 | 35 | 32 |
| 600 do 625..... | 94 | 82 | 71 | 59 | 47 | 45 | 34 | 35 | 36 | 33 |
| 625 do 650..... | 98 | 86 | 74 | 61 | 49 | 47 | 36 | 37 | 38 | 35 |
| 650 do 675..... | 102 | 89 | 77 | 64 | 51 | 49 | 37 | 38 | 39 | 36 |
| 675 do 700..... | 106 | 93 | 80 | 66 | 53 | 51 | 38 | 39 | 40 | 37 |
| 700 do 725..... | 108 | 95 | 81 | 67 | 54 | 52 | 39 | 40 | 42 | 38 |
| 725 do 750..... | 112 | 98 | 84 | 70 | 56 | 54 | 41 | 42 | 43 | 40 |
| 750 do 775..... | 116 | 102 | 87 | 73 | 58 | 56 | 42 | 43 | 44 | 41 |
| 775 do 800..... | 120 | 105 | 90 | 75 | 60 | 58 | 44 | 45 | 46 | 43 |
| 800 do 825..... | 124 | 108 | 93 | 78 | 62 | 60 | 45 | 46 | 47 | 44 |

TARIFF of freight rates and tolls, &c.—*Continued.*

| Distances. | Classes in cents per 100 lbs. | | | | | | | | | |
|--------------------------------|-------------------------------|------|------|------|------|------|------|------|------|-------|
| | 1st. | 2nd. | 3rd. | 4th. | 5th. | 6th. | 7th. | 8th. | 9th. | 10th. |
| Over 825 and not over 850..... | 128 | 112 | 96 | 80 | 64 | 62 | 46 | 47 | 49 | 45 |
| 850 do 875..... | 132 | 116 | 99 | 83 | 66 | 64 | 47 | 49 | 50 | 46 |
| 875 do 900..... | 136 | 119 | 102 | 85 | 68 | 66 | 49 | 51 | 52 | 48 |
| 900 do 925..... | 140 | 123 | 105 | 88 | 70 | 68 | 50 | 52 | 53 | 49 |
| 925 do 950..... | 142 | 124 | 107 | 89 | 71 | 69 | 51 | 54 | 55 | 50 |
| 950 do 975..... | 146 | 128 | 110 | 91 | 73 | 71 | 52 | 55 | 56 | 51 |
| 975 do 1000..... | 150 | 131 | 113 | 94 | 75 | 73 | 54 | 56 | 57 | 53 |

Smalls.—No single shipment of freight from one consignor to one consignee will be charged less than for 100 lbs. 1st class rate; minimum charge, 35 cts.

Cartage.—Above rates are completed exclusively by cartage.

“The classes referred to in the foregoing tariff are those fixed by the Canadian joint freight classification, as the same shall be agreed upon from time to time by the various Canadian lines, a copy of the classification now in force being appended hereto.”

Certified a true extract.

H. W. NANTON, *Secretary.*

DEPARTMENT RAILWAYS AND CANALS, OTTAWA, 16th May, 1885.

SIR,—I have to inform you that, under date the 5th instant, an Order in Council passed, approving of By-law No. 31 of the Ontario and Quebec Railway, and adopted at a meeting of the board of directors of company, held the 14th of March last, whereby a tariff of maximum tolls, rates of fares for the conveyance of freights and passengers was established for this road.

I enclose a certified copy of the said order, so that the requirements of the Consolidated Railway Act, in respect of publication, may be fulfilled by your company.

I am, Sir, your obedient servant,

A. P. BRADLEY, *Secretary.*

H. W. NANTON, Esq., Secretary Ontario & Quebec Railway Co., Toronto.

THE CANADIAN PACIFIC RAILWAY COMPANY,

OFFICE OF THE SECRETARY, MONTREAL, 9th June, 1885.

SIR,—I have the honor to enclose certified copy of a resolution passed at a meeting of the directors of this company, held to-day, amending the by-law relating to the tariff of fares for the conveyance of emigrants.

That the cause for this amendment may be fully understood, a further resolution, giving the reason therefor, is also enclosed; and I am instructed respectfully to ask that the amendment to the by-law may receive the consideration of the Governor General in Council at the earliest convenient moment.

I have the honor to be, Sir, your obedient servant,

C. DRINKWATER, *Secretary.*

A. P. BRADLEY, Esq., Secretary, Dept. of Railways and Canals, Ottawa.

EXTRACT from the Minutes of the Regular Weekly Meeting of the Board of Directors of the Canadian Pacific Railway Company in Montreal, on Tuesday, the ninth day of June, 1885, at the hour of twelve o'clock, noon.

Present in person, Mr. George Stephen, Mr. R. B. Angus, Hon. Donald A. Smith, Mr. W. C. Van Horne, Mr. John Turnbull;
And by proxy, Mr. P. du P. Grenfell, Mr. C. D. Rose, Mr. H. S. Northcote.
Mr. C. Drinkwater, secretary of the company, also attended.

"In view of the extraordinary methods adopted by certain railway companies in the United States, for the purpose of diverting from Canada emigrants passing through the United States, on through tickets for points in Manitoba and the Canadian North West;

"It was resolved that by-law No. 50, fixing the tariff of tolls, rates and fares, be amended so that the section relating to the conveyance of emigrants shall read as follows:

"Emigrant fares, one-half first-class passengers rates except from Emerson and Gretna.

"And it was further resolved that the traffic officers of this company be instructed to make, from time to time, such special rates as may be necessary to promote emigration from points in the United States to Manitoba and the Canadian North-West, and that they be authorized to carry such emigrants free from Emerson or Gretna to points on the line of this railway if necessary, to fully counteract the adverse efforts of railway lines south of the international boundary."

Certified a true extract.

C. DRINKWATER, *Secretary.*

THE CANADIAN PACIFIC RAILWAY COMPANY,
OFFICE OF THE SECRETARY, MONTREAL, 18th July, 1885.

SIR,—I have the honor to enclose an amended by-law of this company relating to passenger fares, and to request that the same may be submitted to the Governor in Council for approval as required by law.

I am, Sir, your obedient servant,

C. DRINKWATER, *Secretary.*

A. P. BRADLEY, Secretary Department Railways and Canals.

EXTRACT from the Minutes of the Regular Weekly Meeting of the Board of Directors of the Canadian Pacific Railway Company held at the Office of the Company in Montreal, on Tuesday the 13th day of June, 1885, at the hour of twelve o'clock noon.

Present in person, Mr. George Stephen, president; W. C. Van Horne, vice-president; Hon. Donald A. Smith; Mr. Richard B. Angus; Mr. Sandford Fleming, C.E., C.M.G.

And by proxy, Mr. E. B. Osler, Mr. H. S. Northcote, Mr. P. du P. Grenfell, Mr. C. D. Rose.

Mr. C. Drinkwater, secretary of the company also attended.

Resolved, That existing By-law No. 50 establishing the tariff of tolls, rates and fares for passenger traffic on certain portions of the Canadian Pacific Railway be and the same is hereby amended by the addition of the following words thereto:—

"An additional sum of ten cents may be charged by the company for each ticket purchased on the company's trains in cases where a passenger has entered the company's cars at a station where tickets are sold, but has neglected to purchase a ticket at such station or other duly authorized ticket office before entering the cars."

Certified a true extract.

C. DRINKWATER, *Secretary.*

DEPARTMENT OF RAILWAYS AND CANALS,
OTTAWA, 23rd July, 1885.

Memorandum.—The undersigned has the honor to represent that the Canadian Pacific Railway Company have submitted for approval by your Excellency in Council, in conformity with the requirements of the Consolidated Railway Act, 42 Vic., chap. 9, sec. 17, a resolution adopted at a meeting of their directors, held on the 30th of June last, in the following terms:—

Resolved, That existing by-law No. 50, establishing the tariff of tolls, rates and fares for passenger traffic on certain portions of the Canadian Pacific Railway be and the same is hereby amended by the addition of the following words thereto :

An additional sum of 10 cents may be charged by the company for each ticket purchased on the company's trains, in cases where a passenger has entered the company's cars at a station where tickets are sold, but has neglected to purchase a ticket at such station or other duly authorized ticket office, before entering the cars. This the chief engineer is of opinion to be a reasonable provision.

The undersigned recommends that the said amendment be approved.

Respectfully submitted,

J. H. POPE, *Acting Minister Railways and Canals.*

CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 11th September, 1885.

On a memorandum, dated 23rd July, 1885, from the acting Minister of Railways and Canals, submitting a resolution adopted at a meeting of the Canadian Pacific Railway Company, held at Montreal on the 30th of June last, as follows:—

“Resolved: That existing by-law No. 50 establishing the tariff of tolls, rates and fares for passenger traffic on certain portions of the Canadian Pacific Railway be and the same is hereby amended by the addition of the following words thereto :

“An additional sum of ten cents may be charged by the Company for each ticket purchased on the Company's trains in cases where a passenger has entered the Company's cars at a station where tickets are sold, but has neglected to purchase a ticket at such station or other duly authorized ticket office before entering the cars.”

The Minister of Justice, to whom the said resolution was referred, is of opinion that under section 17 of the “Consolidated Railway Act, 1879,” Your Excellency in Council may approve of the by-law in question.

The Committee accordingly submit the same for Your Excellency's approval.

JOHN J. MCGEE, *Clerk Privy Council.*

The Minister of Railways and Canals.

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 17th September, 1885.

SIR,—I am directed to forward you the accompanying certified copy of the Order in Council dated 11th instant, authorizing the adoption of a resolution, amending by-law No. 50, establishing the tariff of tolls, rates and fares for passenger traffic on certain portions of the Canadian Pacific Railway.

I have the honor to be, Sir, your obedient servant,

A. P. BRADLEY, *Secretary.*

C. DRINKWATER, Esq., Secretary C.P.R. Co., Montreal.

CANADIAN PACIFIC RAILWAY RETURN—MISCELLANEOUS—FORM OF MORTGAGE BOND AND MODIFICATION OF THE SAME.

FORM OF MORTGAGE.

THE CANADIAN PACIFIC RAILWAY,
OFFICE OF THE SECRETARY, MONTREAL, 25th July, 1885.

SIR,—I have the honor to inform you that a mortgage deed securing the issue of £7,191,500 sterling, being the equivalent of \$35,000,000 first mortgage bonds, authorized by the Act of the recent Session respecting this Company, has been

executed in triplicate by the proper officers of the company, under authority of the Board of Directors at the meeting of the board held on the 24th inst., and that one copy of the said deed has this day been deposited in the office of the Secretary of State as required by the company's charter.

I am therefore instructed to apply for payment of the temporary loan of \$5,000,000, authorized by the said Act.

I beg further to state that since the date of the statement submitted by the president in his letter of the 18th March last, showing an expenditure upon the railway and branches and for other purposes outside the requirements of the contract of \$8,181,269, which statement was laid before Parliament, further expenditure has been made by the company of the same class, amounting on the 31st May last to the sum of \$1,601,535.67, as shown by the statement enclosed; forming together with the said sum of \$8,181,269, referred to in the said letter, an aggregate expenditure to that date, outside the contract, of \$9,782,804.67.

And I beg respectfully to request that the Government will authorize the company to receive out of the proceeds of the \$7,000,000 provided for that purpose by the said Act, the sum of \$4,782,804.67 forming, together with the temporary loan of \$5,000,000 already referred to, the sum of \$9,782,804.67, being the amount which the company now requires to provide for in excess of the expenditure under the contract.

I have the honor to be, Sir, your obedient servant,

C. DRINKWATER, *Secretary.*

Hon. J. H. POPE, Acting Minister of Railways, Ottawa.

STATEMENT of Expenditure on Main Line and Branches in excess of estimates received and beyond requirements of contract, from 1st January to 31st May, 1885.

| | |
|---|-----------------------|
| Amount of expenditure shown by statement accompanying the President's letter of 18th March last, and laid before Parliament..... | \$8,181,269 00 |
| Further expenditure of the same class made on the railway since 31st December, 1884, in excess of the requirements of the contract as follows:— | |
| Montreal to Biscotasing | 131,357 02 |
| Winnipeg to Rocky Mountains..... | 70,566 95 |
| On Government Lines..... | 72,916 43 |
| On equipment..... | 40,875 16 |
| On Branch Lines..... | 25,164 73 |
| On Main Line— | |
| Under Contract..... | \$5,298,464 09 |
| Less Estimates..... | 3,353,067 00 |
| | <u>\$1,945,397 09</u> |
| Decrease in stock of material | 184,714 71 |
| | <u>\$1,260,655 38</u> |
| | <u>\$9,782,804 69</u> |

Memo:—In addition to the above the Company has made the following expenditure since 1st January, 1885.

| | |
|---|-----------------------|
| Dividend paid..... | \$650,000 00 |
| Interest exchange..... | 426,298 89 |
| Dominion Government Guarantee Fund..... | 147,618 24 |
| Interest on Land Grant Bonds..... | 100,702 11 |
| Advances for purposes within the charter..... | 293,347 28 |
| | <u>\$1,617,966 52</u> |

C. DRINKWATER, *Secretary.*

CANADIAN GOVERNMENT RAILWAYS,
OFFICE OF THE CHIEF ENGINEER AND GENERAL MANAGER,
OTTAWA, 27th July, 1885.

SIR,—I have the honor to report that an application of the Canadian Pacific Railway Company has been referred to me under date of 25th instant, for the payment of the temporary loan of \$5,000,000, and also of bonds to the amount of \$4,782,804, making in all, as stated by the company, the sum of \$9,782,804, as provided by the Act of 48 Vic., intituled: "An Act to further amend the Acts respecting the Canadian Pacific Railway, and to provide for the completion and successful operation thereof."

I have the honor to state that as security for the temporary loan of \$5,000,000, the Government were to retain \$3,000,000 of the \$35,000,000 of first mortgage bonds. I am not aware that these bonds are at present in the Government's possession, but I believe that the mortgage deed has been prepared in accordance with the Act and deposited with the Secretary of State. But if this has been done, this Department, so far as I know, has not been advised of it by the Department of Secretary of State.

As I have stated, the authorized issue of first mortgage bonds is \$35,000,000, of which the Government take..... \$20,000,000
 And as security for temporary loan..... 8,000,000

| | |
|----------------------------|--------------|
| | \$28,000,000 |
| Leaving a balance of | \$ 7,000,000 |

This remainder, according to the Act, "shall be, from time to time, delivered by the Government to the company, to be applied by the latter, under the supervision of the Government, to payment for work done, or to be done, for the development, improvement and extension of the railway, its connections and equipment, and for the maintenance of the credit and efficiency of the company generally, to the satisfaction of the Government."

It is out of this fund that the sum of \$4,782,804, now asked for, would be paid.

After examining the company's books on the 1st January last, Mr. Miall reported a floating debt of..... \$6,895,462
 From which should be deducted the temporary loan of 5,000,000

| | |
|---------------------------|-------------|
| Leaving a balance of..... | \$1,895,462 |
|---------------------------|-------------|

to which the company may be considered fairly entitled. This, however, leaves an additional sum of \$2,837,342, of which they ask payment, and for which they put in a statement of expenditure which, however, I have no means of verifying. They, however, furnish, with their present application, a statement showing an expenditure in excess of the requirements of their contract amounting to \$9,782,804; and unless funds are available to liquidate their indebtedness their credit will suffer. I would, therefore, suggest that the sum of \$1,104,538 be paid to them in addition to the balance of \$1,895,462, making together a total of \$3,000,000.

It is stated in the Act that "if the bonds in the hands of the Government, or any part thereof, shall be sold by the company at a price satisfactory to the Government, the proceeds of such sale shall be paid into the hands of the Government, in the place and stead of the bonds so sold, and such proceeds shall be dealt with as is hereinbefore provided, with respect to the bonds they represent."

It is currently reported that \$15,000,000 of bonds have been sold, whether at a price satisfactory to the Government or otherwise, I am not informed; neither do I know whether the proceeds have been paid into the hands of the Government.

I have the honor to be, Sir, your obedient servant,

COLLINGWOOD SCHREIBER, *Chief Engineer and Gen. Man.*

A. P. BRADLEY, Esq., Secretary Department Railways and Canals.

OTTAWA, 28th July, 1885.

MEMORANDUM,—The undersigned has the honor to represent that under the Act relating to the Canadian Pacific Railway, passed last Session, authority was given for the grant of a temporary loan of \$5,000,000 to the Canadian Pacific Railway Company and for the following arrangement regarding this and the loan, viz:—

The company were to issue first mortgage bonds to the extent of.....\$35,000,000

Of such bonds there was to be retained by the Government as security for \$20,000,000 of the original loan to the amount of...\$20,000,000

And as security for the present contemplated loan..... 8,000,000

\$28,000,000

Leaving the balance with bonds.....\$ 7,000,000

With regard to this balance, it was provided by section No. 7, that they should be from time to time delivered by the Government to the company, to be applied by the company under the supervision of the Government, to the payment for work done, or to be done, for the development, improvement and extension of the railway and equipment, and for the maintenance of the credit and efficiency of the company generally to the satisfaction of the Government.

That under date the 25th instant the company have made application for the carrying out of this arrangement, the proper mortgage securing the issue of the said \$35,000,000 of bonds having been duly filed with the Hon. the Secretary of State.

That upon this application, the Chief Engineer has reported, under date the 27th instant, to the following effect, namely:

That after examining company's books on the 1st of January last, reported a floating debt of..... \$6,895,462

From which will be deducted the temporary loan of.... 5,000,000

Leaving a balance of \$1,895,462

to which the company may be considered fairly entitled. The company, however, furnish with their present application a statement showing an expenditure in excess of the requirements of their contract amounting to \$9,782,804, and the Chief Engineer, being satisfied that the amount is as stated, advises that a further sum be paid them of \$1,104,538, making a total of \$3,000,000.

The undersigned concurs in the foregoing and recommends that authority be given for payment accordingly.

Respectfully submitted,

J. H. POPE, *Acting Minister of Railways and Canals.*

CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 31st July, 1885.

On a memorandum, dated 28th July, 1885, from the Acting Minister of Railways and Canals, submitting that under the Act passed during the last Session of Parliament, relating to the Canadian Pacific Railway, authority was given for the grant of a temporary loan to the Canadian Pacific Railway Company of \$5,000,000, and for the following arrangement regarding this and the former loan, viz:—

The company to issue first mortgage bonds to the extent of.....\$35,000,000

Of such bonds, the Government to retain as security for \$20,000,000 of the original loan, the amount of.....\$20,000,000

| | | |
|--|-----------|-------------------------|
| And as security for the present contemplated loan..... | 8,000,000 | |
| | | <u>\$28,000,000</u> |
| Leaving balance of bonds..... | 7,000,000 | |
| | | <u><u>7,000,000</u></u> |

The Minister represents, with regard to the balance, that it was provided by section No. 7 of said Act, that they should be, "from time to time, delivered by the Government to the company, to be applied by the company, under the supervision of the Government, to the payment for work done, or to be done, for the development, improvement and extension of the railway, its construction and equipment, and for the maintenance of the credit and efficiency of the company generally, to the satisfaction of the Government."

The Minister further submits an application from the company, dated 25th July instant, for the carrying out of this arrangement, the proper mortgage deed securing the issue of the said \$35,000,000 of bonds having been duly approved by the Governor in Council, under date 29th July instant.

The Minister also represents that the Chief Engineer of Government Railways has reported to the following effect, viz. :—

| | |
|---|-------------|
| That after examining the company's books on the 1st of January last, Mr. Miall reported a floating debt of..... | \$6,895,462 |
| From which should be deducted the temporary loan of. | 5,000,000 |

| | |
|---------------------------|--------------------|
| Leaving a balance of..... | <u>\$1,895,462</u> |
|---------------------------|--------------------|

to which the company may be considered fairly entitled.

The company, however, furnish, with their present application, a statement showing an expenditure in excess of the requirements of their contract, amounting to \$9,782,804, and the Chief Engineer being satisfied that the amount is as set down, advises that a further sum be paid the company of \$1,104,538, making a total of \$3,000,000.

The Minister, on the report of the Chief Engineer, recommends that authority be given for payment accordingly.

The Committee submit the same for Your Excellency's approval.

JOHN J. MCGEE, *Clerk Privy Council.*

To the Honorable the Minister of Railways and Canals.

CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 20th day of July, 1885.

On a report, dated 17th July, 1885, from the Minister of Justice, submitting in pursuance of an Act passed during the recent Session of Parliament, intituled: "An Act further to amend the Acts respecting the Canadian Pacific Railway and to provide for the completion and successful operation thereof," the accompanying form of mortgage between the Canadian Pacific Railway Company and the trustees to be approved by the Government, which has been settled by Mr. Leith, Q.C., on behalf of the Crown, and by Mr. Abbott, Q.C., on behalf of the company, and recommending that the said form of mortgage be approved by Your Excellency under section 2 of the said Act.

The Minister further recommends that the company be authorized to modify the form of bond contained in the said form of mortgage in such a manner as may be determined upon to facilitate the advantageous negotiation of the bonds.

The Committee advise that the foregoing recommendation be approved.

The Committee further advise that the Right Honorable George Glenfell Glyn, Baron Wolverston, the Right Honorable Edward Charles Baring, Baron Revelstoke, and the Honorable Sir Charles Tupper, K.C.M.G., High Commissioner for Canada,

who have been named as trustees, and by whom the deed of mortgage referred to in the Act is to be executed, be approved by Your Excellency in Council, in pursuance of the provision contained in the second clause of the said Act.

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

JOHN J. MCGEE, *Clerk Privy Council.*

THE CANADIAN PACIFIC RAILWAY COMPANY,
OFFICE OF THE SECRETARY, MONTREAL, 24th July, 1885.

SIR,—I have the honor to state that a cablegram has been received from the president of the company stating that it is expedient, to facilitate the negotiation of the bonds of the company, that they should be altered by omitting from the form of bond the provision that there should be a certificate upon it signed by the trustees, and that the place for keeping the London register was arranged to be at the counting house of Messrs. Baring Bros. & Co., where also the bonds and their interest were to be payable. He further states that it was agreed that the place so fixed for the payment of the bonds and interest should not hereafter be changed, and he requests that the requisite alterations might be made in the bond and deed.

Under the terms of the Order in Council of the 20th instant, the company is authorized to make such changes in the form of the bonds as might be found expedient to facilitate the negotiation of them. But as these changes require a corresponding alteration in the deed, the company do not feel justified in making those alterations in the deed without the approbation of the Governor in Council.

I, therefore, submit a copy of the deed with the form of bond comprised in it, altered in such a way as to meet the requirements of the London financial agents of the company in respect of the form of bond, and I beg respectfully to ask that an Order in Council may be passed approving of these alterations.

The president and Messrs. Baring Bros. & Co. are most urgent that the mortgage deed should be executed, and it is also essential in the interest of the business of the company here that no time should be lost in doing so. I would, therefore, respectfully ask that you would be good enough to have the matter brought up at the first meeting of the Council, and as it is a matter which does not affect any of the remedies or rights of the Government, I venture to hope that the Order in Council may be passed to-morrow.

I have, &c.,

C. DRINKWATER, *Secretary.*

Hon. the Minister of Railways and Canals.

MORTGAGE.

THIS INDENTURE, made the twenty-fifth day of July, in the year of Our Lord one thousand eight hundred and eighty-five, between the Canadian Pacific Railway Company, a body corporate and politic, duly incorporated by letters patent under the Great Seal of the Dominion of Canada, party of the first part, hereinafter called the Company, and the Right Honorable George Grenfell Glyn, Baron Wolverton, the Right Honorable Edward Charles Baring, Baron Revelstoke, and the Honorable Sir Charles Tupper, K.C.M.G., High Commissioner for Canada, parties of the second part, hereinafter called the Trustees:

WITNESSETH:—

Whereas, by the charter of the company, the directors of the company are authorized and empowered, with the authority of the shareholders of the company, granted at a special general meeting thereof, duly called for the purpose, to issue first mortgage bonds to the extent of ten thousand dollars per mile of the Canadian Pacific Railway, for the purpose of raising money for prosecuting the said undertaking, which bonds it is hereby declared shall constitute a first mortgage and privilege upon the said railway, constructed or acquired, and to be hereafter constructed or acquired, and upon its property, real and personal, acquired and to be

thereafter acquired, including rolling stock and plant, and upon its tolls and revenues (after deduction from such tolls and revenues of working expenses) and upon the franchises of the company, the whole as should be declared and described in any deed of mortgage, as thereafter provided :

And whereas, it was further, by the said charter, provided, that the company might secure the said bonds by a deed or deeds of mortgage, executed by the company under the authority of its shareholders, expressed by a resolution passed at such special general meeting, which deed, it was thereby declared, might contain, amongst other things, such description of the property mortgaged by such deed, and such conditions respecting the payment of the bonds secured thereby, and of the interest thereon, and respecting the remedies which should be enjoyed by the holders of such bonds, or by any trustee or trustees for them, in default of such payment, and the manner of enforcing such remedies, and such provisions as to forfeitures and penalties, in default of such payment, as should be approved by such meeting ; and might also contain, with the approval aforesaid, authority to the trustee or trustees, upon such default, as one of such remedies, to take possession of the railway and property mortgaged, and to hold and run the same for the benefit of the bondholders thereof, for a time to be limited by such deed, or to sell the said railway and property, after such delay, and upon such terms and conditions as should be stated in such deed ; and might also, either directly by its terms, or indirectly by reference to the by-laws of the company, provide for the mode of enforcing and exercising the powers and authority to be conferred and defined by such deed, under the provisions of the said charter :

And whereas, by an Act of the Parliament of the Dominion, passed during the last preceding Session thereof, the power of the company to issue first mortgage bonds was extended ; and it was thereby authorized and empowered, with the authority of its shareholders, as provided by its charter, to issue such bonds to the extent of \$35,000,000, or the equivalent thereof, in sterling money of Great Britain, and to secure the payment thereof and of the interest thereon by a deed of mortgage, to be executed by the company to trustees to be approved by the Government, with the authority and of the tenor and purport and containing the conditions, remedies, provisions and powers authorized and provided for by the twenty-eighth section of the charter of the company, to such an extent, and in such manner and form, as should be approved by the Governor in Council :

And whereas, a special general meeting of the shareholders of the company was duly called and held on the eleventh day of May, 1885, at the office of the said company, at the city of Montreal, in Canada, for the purpose, amongst other things, of authorising the directors of the company to make and issue bonds secured by a deed of mortgage of the said railway and undertaking ; containing such of the conditions, stipulations and provisions authorized by the company's charter, and by the said last mentioned Act as the shareholders should approve of, and for the purpose of considering the form of such bonds and of such deed of mortgage, which said meeting has since been adjourned from time to time, and finally to the twentieth day of July, 1885, on which last mentioned day the said adjourned meeting was duly held for the purposes aforesaid :

And whereas, resolutions were duly passed at the said last mentioned meeting, whereby it was resolved, in effect, that the company should issue first mortgage bonds, under the said authority, for thirty-five million dollars (\$35,000,000), or the equivalent thereof in said sterling money, such bonds to be secured by a deed of mortgage, as authorized by the said charter and by the said last mentioned Act, containing a description of the property mortgaged by such deed, conditions respecting the payment of the bonds secured thereby and of the interest thereon, the remedies to be enjoyed by the holders thereof, and the enforcement of such remedies, and also provisions for forfeitures and penalties in default of payment ; the whole as specified in general terms in the said resolutions, and hereinafter more particularly described and detailed :

And whereas, a draft of this deed of mortgage and of the bonds and coupons therein referred to and in part recited, was duly submitted at the said meeting to the said shareholders, and each was, and the provisions in said draft were, duly approved and confirmed by a further resolution passed at the said meeting; and the said draft of this deed, and the names of the said trustees, were submitted to the Governor in Council, and were duly approved by an Order in Council, duly made and passed on the twentieth day of July, 1885; and this deed, and the bonds and coupons hereinafter set forth, conform in all respects to the said draft:

And whereas, the said company has caused the said bonds, to the extent of the sum of seven million one hundred and ninety-one thousand five hundred pounds sterling, to be signed and countersigned by its chief executive officers and duly sealed, the said bonds being in the form following, that is to say:—

£

DOMINION OF CANADA.

No.

THE CANADIAN PACIFIC RAILWAY COMPANY.

No.....

Five per cent. First Mortgage Bond.

The Canadian Pacific Railway Company, for value received, hereby promises to pay to the registered holder hereof, or if not registered to the bearer, the sum of pounds sterling money of Great Britain, on the first day of July, one thousand nine hundred and fifteen, at the counting house of Messrs. Baring Brothers & Company, in the city of London, England, with interest thereon at the rate of five per cent. per annum, payable half-yearly at the said place in like sterling money, on the first days of January and July in each year, on presentation and surrender of the interest coupons hereto annexed, as they severally become due.

This bond is one of a series of twenty-five thousand three hundred and fifteen bonds of like tenor and date, whereof two thousand six hundred are for one thousand pounds each, and are numbered consecutively from 1 to 2,600, inclusive; five thousand eight hundred are for five hundred pounds each, and are numbered consecutively from 2601 to 8400, inclusive; and sixteen thousand nine hundred and fifteen are for one hundred pounds each, and are numbered consecutively from 8401 to 25315, inclusive; the whole amounting in the aggregate to seven million one hundred and ninety-one thousand five hundred pounds sterling, the payment of all of which bonds, and the interest thereon, is secured by a deed of mortgage bearing even date herewith, duly executed by the said company to Lord Wolverton, Lord Revelstoke, and Sir Charles Tupper, as trustees, which conveys to the said trustees, by way of mortgage, the railway of the said company constructed or acquired, and to be hereafter constructed or acquired, the extensions thereof, its branch lines of railway (except the Algoma branch), its tolls and revenues, its stations, docks, shops, buildings and other appurtenances; its equipment, rolling stock and plant, acquired and to be acquired, and all its steamers and vessels (saving always, however, the rights of the holders of the existing mortgages on the extensions of the line of the said railway from Callander to Brockville and Montreal, as security for the unpaid balances of the purchase money of said extensions), the whole as described in the said deed of mortgage.

This bond may be registered on the books of the company, at its office in Montreal, or at the counting house of Messrs. Baring, Brothers & Company, in London aforesaid, after which no transfer, except upon the books of the company, will be valid; but it is not to be deemed registered until the name of the holder is registered on the back of the bond as well as on the books of the company. It may be exchanged by the holder for a registered certificate thereof; or it may be registered in favor of the bearer, after which it will be transferable by delivery alone until again registered in the name of the holder.

In witness whereof, the Canadian Pacific Railway Company has caused these presents to be signed by its president or vice-president and countersigned by its secretary, this twenty-fifth day of July, one thousand eight hundred and eighty-five.

President.

Secretary.

And each of the said coupons shall have the signature of the secretary affixed thereto by being engraved thereon and is in the form following, that is to say:—

INTEREST COUPON.

The Canadian Pacific Railway Company will pay the bearer, on the first day of _____ pounds sterling, at the counting house of Messrs. Baring Brothers & Company, in London, being half-yearly interest on bond No. _____

Secretary.

Now, therefore, this indenture witnesseth:—

That the company, for and in consideration of the premises, and for the purpose of securing the payment of said bonds so issued and to be issued, and the interest thereon as specified in the interest coupons thereto attached, and every part of the said principal and interest, as the same shall become payable according to the tenor of the said bonds, doth grant unto the trustees, their heirs and assigns, as joint tenants, and to their successors in the trust, the main line of the said railway, the extensions thereof, its branch lines of railway (except the Algoma branch), its tolls and revenues, the whole of its equipment, rolling stock and plant constructed or acquired, or hereafter to be constructed or acquired (saving always, however, the rights of the holders of the existing mortgages on the extensions of the line of the said railway from Callander to Brockville and Montreal, as security for the unpaid balances of the purchase-money of the said extensions)—together with all and singular the rights of way, road-bed, dépôt grounds and lands, and all tracks, bridges, viaducts, culverts, fences, dépôts, station grounds, station houses, elevators, docks and wharves, engine houses, car houses, freight houses, wood houses, machine shops and other shops, and all other structures and buildings whatsoever, now held or acquired, or hereinafter to be in anywise held or acquired by the company, its successors or assigns, for use in the construction, maintenance and operation of, and in connection with, the said railway, or any part thereof, now owned by it, or hereinafter constructed, or in anywise acquired; also all locomotives, tenders, passenger, baggage, freight, cattle and other cars, and all other rolling stock and equipment whatsoever, and all machinery, tools and implements, and all fuel, supplies and materials, now held or acquired or hereinafter to be held or acquired by the company, its successors or assigns, for constructing, maintaining, operating, repairing or replacing the said railway, its branches and extensions, or any part thereof, or any of the equipments or appurtenances thereof; also all its steamers and vessels; and also all income, rents, issues, profits and sums of money arising or to arise from said railway, the extensions and branches thereof (except the Algoma branch), and from all other property and premises hereby expressed to be conveyed, acquired and to be acquired, constructed and to be constructed, or from any of them; and also all rights, privileges, powers, immunities and exemptions, and all corporate and other franchises, now owned, held and enjoyed by the company, or hereinafter to be owned, held or enjoyed by or conferred upon it, its successors or assigns, in any way connected with or relating to the said railway and property, acquired and to be acquired, constructed and to be constructed, and all the reversion and reversions, remainder and remainders thereof, in trust, however, for the uses and purposes hereinafter mentioned.

To have and to hold the above described property, premises, things, rights, privileges, immunities and franchises, acquired and to be acquired, and hereby expressed to be conveyed, and intended to be, unto the trustees, their heirs, executors, administrators and assigns, according to the nature and quality thereof, as joint tenants, and to their successors in the said trust.

In trust, nevertheless, to and for the uses and purposes, and with powers and authority, and upon the conditions, hereinafter mentioned and set forth, viz. :—

Article First.—Until default shall be made by the company in the payment of the principal or interest of the said bonds hereby secured, or of some one or more of them; or until default shall be made by the company in respect of something herein required to be done, or some condition or covenant to be performed by it; the company shall be suffered and permitted to possess, manage and enjoy the said line of railway, and the extensions and branches thereof, and all other property expressed to be conveyed hereby, together with the equipment and appurtenances thereof, and the franchises appertaining thereto, and to take and use the rents, incomes, profits, tolls and issues thereof, in the same manner and with the same effect as if this deed had not been made, but subject or to be subject nevertheless to the lien of these presents.

Article Second.—And whereas the company is indebted to the Government of Canada in the sum of twenty million dollars bearing five per cent. interest, part of a loan made by the said Government to the company under the provisions of an Act of the Dominion Parliament passed in the forty-seventh year of Her Majesty's reign, chapter one, and it has been agreed between the said Government and the company that the said rate of interest shall be reduced to four per centum per annum, so long as the same and the said sum of twenty million dollars shall respectively be punctually paid when due, that time of payment should be of the essence of the agreement, and the return to five per cent. hereafter named should not be construed as a penalty, or in the nature thereof; that the said sum of twenty million dollars shall be repaid to the Government, on or before the first day of May, one thousand eight hundred and ninety-one, with interest payable half-yearly at the rate of four per centum per annum, subject to increase to five per cent. as herein provided; and that the Government shall receive and hold the amount of four million one hundred and nine thousand five hundred pounds sterling of the bonds hereby secured and the coupons thereto appended, as security for the repayment of the said sum of twenty million dollars on or before the said last mentioned day, in accordance with the said agreement and for the payment of the interest, respectively, and the said agreement has been embodied in an Act of the Parliament of the Dominion, passed during the last preceding session thereof; whereby it is provided in effect, that if the company should make default in the payment of the interest on the said sum of twenty million dollars, payable half yearly, at the said rate of four per cent. per annum, or of the principal thereof, at the time when any instalment of the said interest or the said principal shall become due, respectively, the interest upon the said debt shall thereafter be computed and payable, at the said original rate of five per centum per annum, and such default shall be equivalent to a default in the payment of the interest on the bonds hereby secured, the issue whereof is authorized by the said Act, and shall entitle the Government to the same remedies as if default had been made in payment of the interest or principal of the said bonds: And it was thereby further provided in effect, that if the company should remain in default in respect of either the principal or interest on the said sum of twenty million dollars for a period of six months, the trustees hereunder should be authorized and empowered to take possession of the property mortgaged, and should exercise all or any of the powers conferred upon them by the terms of the present deed in pursuance thereof; as if the principal of the bonds hereby secured were in default:

Now, therefore, the company hereby further covenants, binds and obliges itself to and with the said trustees, that forthwith, upon the execution of the bonds hereby secured, it will deliver to the Government a portion thereof, amounting to the said sum of four million one hundred and nine thousand five hundred pounds, with the coupons appended thereto, as security as aforesaid, and will duly pay to the Receiver-General of the Dominion of Canada for the time being, the interest on the said sum of twenty million dollars half-yearly on the days respectively next preceding the days whereon the said coupons shall become payable, at the rate of four per cent. per annum, and also the principal of the said sum on or before the said first day of May

one thousand eight hundred and ninety-one, in conformity with the said agreement and with the said Act. This covenant is without prejudice to the increase in the rate of interest, and to other provisions herein, on default in payment of the said bonds or of the coupons thereon; it being understood and agreed that on default in payment, as aforesaid, of either the said principal sum or of the said interest at four per cent., the said Government shall be entitled to enforcement of the coupons at the rate of five per cent., payable after any such default.

Article Third.—In case default shall be made in the payment of any interest to accrue on any of the aforesaid bonds to be issued by the company, when such interest shall become payable according to the tenor of such bond or the terms of any coupon thereto annexed, and such default shall continue for the period of six months; or in case default shall be made in the observance or performance of any other matter or thing in these presents mentioned, and agreed or required to be observed and performed by the company, and such default shall continue for the period of six months; then and from thenceforth, and in either of such cases it shall be lawful for the trustees, personally or by their or his attorneys or agents, to enter into and upon all and singular the railway and premises hereby conveyed or intended so to be, acquired or constructed, and to be acquired or constructed, or any part thereof, and thenceforth to have, hold, possess and use the said railway and premises, and each and every part and parcel thereof, then subject to the lien of these presents, with full power, for the period of three months thereafter, and afterwards until a sale and subsequent delivery of the said railway shall have been made as herein provided; to operate and conduct the business of the said railway by their superintendents, managers and servants or attorneys or agents, and to make, from time to time, all repairs and replacements, and such needful alterations, additions and improvements thereto, as may seem to them to be judicious, and to collect and receive all tolls, fares, freights, incomes, rents, issues and profits of the same, and of every part thereof; and, after deducting the expenses of operating the said railway and conducting the business thereof, and of all the said repairs, replacements, alterations, additions and improvements and all payments which may be made or may be due for taxes, assessments, charges or liens, prior to the lien of these presents upon the said premises, or any part thereof as well as just compensation for their own services, and for the services of such attorneys and counsel and all other agents and persons as shall have been by them employed, and all other charges and expenses reasonably incurred in or about the execution of the trusts or powers by this indenture created; the trustees shall apply the moneys arising from such collections and receipts, as aforesaid, to the payment of interest on the said bonds, in the order in which such interest shall have become and shall become due, ratably to the person entitled to such interest, and if, after paying in full the interest which shall have accrued on the said bonds, a surplus of the moneys arising, as aforesaid, shall remain; and the principal of the said bonds shall not be due, and such surplus or any part thereof shall not be required, in the judgment of the trustees, for the protection of the property, or to provide for the instalment of interest next thereafter to fall due, the same shall be paid over to the company; but in case the principal of said bonds shall have become due, the surplus arising, as aforesaid, shall be reserved, to be applied to the payment of said bonds, upon a sale of the said railway and premises, as hereinafter provided.

Article Fourth.—In case default shall be made in the payment of interest on the said bonds, or any of them, as aforesaid, and shall continue, as aforesaid, for the period of six months thereafter; or, in case default shall be made in the payment of the principal of the said bonds, or any of them, or any part thereof, or in the payment of the principal of the said sum of twenty million dollars, when the same shall respectively become due and payable, and shall continue for a period of six months thereafter, it shall be lawful for the trustees, after such entry as aforesaid, or after other entry, or without entry, personally or by their attorneys or agents, to sell and dispose of the said railway, and all and singular the property, rights and franchises hereinbefore expressed to be conveyed, and which shall be then subject to the lien of

these presents, at public auction in the city of Montreal, in the Province of Quebec, and at such time as the trustees shall appoint, having first given notice of the time and place of such sale, by advertisement published not less than three times a week for three successive months, in one or more daily newspapers published in the city of Montreal, in one or more daily newspapers published in the said city of New York, and in one or more daily newspapers published in the said city of London. And, after such notice, it shall be lawful for the trustees to make such sale, with or under any special conditions as to upset price, reserved bid or otherwise; or as to receiving the price or consideration of such sale in whole or in part in bonds secured hereunder, which may be prescribed or authorized by the bondholders in the manner hereinafter provided; also with power to rescind or vary any contract of sale that may have been entered into thereat, and resell with or under any of the powers herein. And the trustees may stop, suspend, or adjourn such sale, from time to time, in their discretion, and if so adjourning, make the same, with or under any of the powers herein, after one month's notice thereof, published as hereinbefore provided, at the time and place to which the same shall be so adjourned, and make and deliver to the purchaser or purchasers of the said railway and premises, or any part thereof, good and sufficient deed or deeds in the law for the same, which sale, made as aforesaid, shall be a perpetual bar, both in law and equity, against the company and its assigns, and all other persons claiming the said premises or any part or parcel thereof, by, from, through or under the company or its assigns. And, after deducting from the proceeds of such sale just allowances for all expenses thereof, including attorneys' and counsel fees, and all other expenses, advances or liabilities, which may have been made or incurred by the trustees in operating or maintaining the said railway and premises, or in managing the business thereof, and all payments by them made for taxes or assessments, and for charges and liens prior to the lien of these presents on the said premises or any part thereof, as well as reasonable compensation for their own services and any other expenses or charges referred to in article third, it shall be lawful for the trustees, and it shall be their duty, to apply the residue of the moneys arising from such sale to the payment of the principal and accrued and unpaid interest on all the said bonds which shall then be outstanding, without discrimination or preference as between principal and accrued and unpaid interest, or as between the holders of said bonds or of any coupons issued therewith, but equally and ratably to all such bond and coupon holders; and if, after the payment and satisfaction of said bonds, principal and interest, a surplus of the said proceeds shall remain, to pay such surplus to the company or its assigns. And it is hereby declared and agreed, that the receipt of the trustees shall be a sufficient discharge to the purchaser or purchasers at such sale for his or their purchase-money; and that after payment of such purchase money, and having such receipt, such purchaser or purchasers shall not be obliged to enquire into the application of such purchase-money upon or for the trusts or purposes of these presents, or be in any manner whatsoever answerable for any loss, misapplication or non-application of such purchase-money, or of any part thereof, nor shall he or they at any time be obliged to enquire at any time into the necessity, expediency or authority of or for any such sale.

Article Fifth.—In case default shall be made in the payment of any half yearly instalment of interest on any of the said bonds, when such interest shall become payable according to the tenor of such bond or of any coupon thereto annexed, and such instalment of interest shall remain unpaid and in arrear for a period of six months after the same shall have become payable as aforesaid, and been demanded; or if default be made by the company in the payment to the Government of Canada, on the first day of May, 1891, of the said sum of \$20,000,000, and such default shall continue for six months thereafter, then and from thenceforth the principal sum of each of the bonds aforesaid shall, upon a declaration of the trustees to that effect, become and be immediately due and payable, notwithstanding that the time limited in the said bonds for the payment thereof may not then have elapsed; but a majority in interest of the holders of all the bonds aforesaid which shall then be outstanding, and upon which default in the payment of interest shall have been made and shall

be continuing, shall have the power, with the assent of the Government of Canada, previous to the payment to it of the said sum of \$20,000,000, and after such payment without such assent; by an instrument in writing under their hands and seals, or by a vote at a meeting duly convened and held as hereinafter provided, at any time before the actual payment and acceptance of the interest in arrear, to instruct the trustees to declare such principal sum due; or to cancel any declaration already made to that effect; or to waive the right so to declare; on such terms and conditions as such majority in interest shall prescribe: Provided always, that no act or omission either of the trustees or of the bondholders in the premises, shall extend to, or be taken in any manner whatsoever to affect, any subsequent default, or the rights resulting therefrom.

Article Sixth.—It shall be the duty of the trustees to exercise the power of entry hereby granted, or the power of sale hereby granted, or both, or to proceed by suit or suits in equity or at law, to enforce the rights of bondholders in the several cases of default herein specified, on the part of the company, or its assigns, in the manner, and subject to the qualifications herein expressed, upon the requisition of bondholders as herein prescribed, as follows:—

I. In case default shall be made in the payment of any semi-annual instalment of interest to accrue on any of the said bonds to be issued as herein provided, and such default shall continue as aforesaid; or in case default shall be made in the payment to the Government of Canada of the said sum of \$20,000,000, as hereinbefore provided, for a period of six months; then and in every such case, upon a requisition in writing signed by the holder or holders of said bonds to an aggregate amount of not less than one-fifth of the amount of said bonds then outstanding, and adequate and proper indemnification of the trustees against the costs, expenses and liabilities to be by them incurred, it shall be the duty of the trustees to proceed to enforce the rights of the bondholders under these presents, by such proceeding authorized by these presents or by law, as they shall be in such requisition directed to take by the said proportion of bondholders; or, if such requisition contains no such direction, then by entry, sale, or suit or suits in equity or at law, as they, being advised by counsel learned in the law, shall deem most expedient for the interest of the holders of said bonds; the rights of entry and sale hereinbefore granted being intended as cumulative remedies, additional to all other remedies allowed by law for the execution and enforcement of the trusts hereof: Provided nevertheless, that it shall be lawful for a majority in interest of the holders of said bonds for the time being, with the assent of the Government of Canada previous to the payment to it of the said sum of twenty million dollars, and after such payment, without such assent, by an instrument under their hands and seals, or by a vote at a meeting duly convened and held as hereinafter provided, to direct the trustees to waive such default, upon such terms as may be directed by such majority in such instrument, or by such vote, with the assent of the Government, if required under the conditions hereof. And it is hereby provided and expressly agreed, that no holder of bonds or coupons, secured to be paid hereby, shall have the right to institute any suit or proceeding for the foreclosure of this indenture, or to the execution of the trusts thereof, except upon and after the refusal or neglect of the trustees hereunder to proceed to act in the premises, upon requisition and indemnification as aforesaid; but it shall nevertheless be lawful for a majority in interest of the holders of said bonds, for the time being, to direct the party or parties bringing any such suit or proceeding, to waive the default or defaults on which it is founded, in like manner, and with or without the like assent of the Government, as is hereinbefore provided for a direction to the trustees to waive default. And it is hereby further declared and provided that no action taken by the trustees or by the bondholders under this clause, shall prejudice or in any manner affect the powers or rights of the trustees, or of the bondholders, in the event of any subsequent default or breach of condition or covenant herein.

II.—If the company shall make default or breach in the performance or observance of any other condition, obligation or requirement by the said bonds or by this present deed imposed upon them, then and in such case, the trustees shall, upon a requi-

sition in manner aforesaid, of not less than one-fifth in interest of the bondholders, for the time being, and upon adequate and proper indemnification of the trustees against the costs, expenses and liabilities to be by them incurred, proceed to enforce the rights of the bondholders under these presents in the manner by the first clause of this article provided, subject to a power in such majority at any time to direct, in manner aforesaid, the trustees to waive such default or breach, upon reparation therefor to the satisfaction of such majority being made. And it is hereby provided that no action taken by the trustees or by the bondholders, under this clause, shall prejudice or in any manner affect the powers or rights of the trustees or of the bondholders, in the event of any subsequent default or breach of condition or covenant herein.

Article Seventh.—The trustees shall, at all times during the continuance of the trust hereby created, have power and authority, to be exercised in their own discretion and not otherwise, to convey or release from the lien and operation of these presents, to any party who may be designated in writing by the company to receive the same, any portion of the lands and premises which are conveyed hereby, or which are at any time acquired or held by the company for use in connection with the said railway or extension thereof, or the construction, maintenance or operation thereof, but which in the judgment of the trustees it shall be unnecessary longer to retain for use in connection therewith. And the trustees shall also have power and authority to allow the company, from time to time, to dispose of, in its discretion, such portions of the equipment, machinery and implements at any time acquired or held for the use of the said railway, or the extension thereof, as shall have become unfit or unnecessary for such use.

Article Eighth.—All bonds, hereby secured, shall be payable to bearer, and be negotiable and pass by delivery, unless registered for the time being, in the name of the owners thereof in the manner hereinafter provided; and the company shall keep at its transfer office in the city of Montreal, and at the counting house of Messrs. Baring, Brothers & Company in the city of London, a bond register in which every holder of a bond shall be entitled to have his name and address and the number of the bond held by him entered, upon presenting at either of the said places a written statement of the said particulars and verifying his title to such bond by the production thereof; and every such registration of ownership shall be properly certified on the bond. After such registration of ownership of any such bond, so certified thereon, no transfer shall be made or shall be valid except in writing, in a suitable transfer book, to be kept by the company at each of the said places for such transfers, signed by the party registered as the owner thereof for the time being, or his legal representatives, or his or their agent or attorney thereunto duly authorized. And the fact of every such transfer shall be entered upon the said last mentioned transfer book, so as to show the number of the bond transferred, and the name and address of the transferee, unless any such transfer shall be to bearer, in which case it shall be so entered; and every such transfer shall be noted on the bond, and if the last transfer be to bearer, it shall restore to it transferability by delivery; but every such bond shall be subject to successive registrations and transfers to bearer as aforesaid, at the option of each holder.

Article Ninth.—Any bond hereby secured may be surrendered to the company by the holder thereof, and upon his request a registered certificate of such bond, containing the description and particulars thereof, shall be issued to him in its place and stead. And thereafter, upon production of such certificate, he shall, from time to time, receive the interest accrued upon such bond when due, and the principal thereof at maturity, and shall be entitled to all the rights, privileges and remedies as a bondholder. And upon the surrender of such certificate he shall be entitled to have such bond returned to him on demand.

Article Tenth.—The trustees, or any trustee hereunder, may take such legal advice and employ such assistance as may be necessary in their judgment to the proper discharge of their duties, and shall be entitled to reasonable compensation for any and all services which may hereafter be rendered by them, or either of them, in said trust, which compensation the company hereby promises and agrees to pay; but

in case the company shall make default in such payment, the same may be retained by the trustees out of any trust moneys coming into their hands.

Article Eleventh.—The trustees shall not, nor shall any trustee hereunder, be answerable for the default or misconduct of any agent or attorney by them appointed under or pursuant to these presents, if such agent or attorney be selected with reasonable care, nor for any error or mistake made by them in good faith, but only for personal misconduct or gross negligence in the execution of said trusts, and not the one for the other or others of them, or the acts or defaults of the other or others.

Article Twelfth.—Any one of the trustees may resign his trust and be discharged from all further duty thereunder, or liability thereafter accruing, upon giving three months' notice in writing to the company, if such resignation takes place before any default by the company in the payment of any interest or principal, or in any of the conditions hereof; or after such default, upon giving a like notice to the company and to the bondholders, at the same time calling a meeting of the bondholders to accept his resignation and appoint his successor; or upon such shorter notice as the company or the bondholders as the case may be, may accept as sufficient. Any one of the trustees may be removed from office by the vote of a majority in interest of such of the holders of said bonds, as shall be present or represented at a meeting of the said bondholders duly held, and attested by an instrument in writing, under the hands and seals of the persons so voting.

Article Thirteenth.—In the case of the resignation, death, removal from office, or incapacity to act, of any one or more of the trustees, before any default by the company in the payment of interest or principal, or in any of the conditions hereof, a successor or successors shall be at once appointed to fill such vacancy, by the surviving or remaining trustee or trustees, if any, with the consent of the board of directors of the company, or of its assigns, or, in case no trustee survives or remains, by the said board of directors, subject however to the approval of the Government of Canada, if any portion of the said sum of twenty million dollars then remains unpaid. If such vacancy is not filled within thirty days after it occurs, any competent court may appoint a trustee or trustees to fill such vacancy on the petition of any holder or holders of such bonds, to the amount of not less than one-fifth part in interest of all such bonds then outstanding, upon reasonable notice to the company, its successors or assigns, and to the surviving trustee or trustees, if any; and the person or persons so appointed shall be a trustee or trustees under this instrument. But if after such default a vacancy shall occur from any cause, in the office of trustee, such vacancy shall be filled by the bondholders, at a meeting thereof, called and held in the manner hereinafter provided. And from thenceforth, on any new appointment under this article, each person so appointed shall be vested with the same powers, rights and interests, and charged with the same duties and responsibilities, as if he had been named among the parties of the second part to this instrument, in place of the trustee to whom he succeeds, without any further assurance, conveyance, act or deed; but there shall be immediately executed all such conveyances or other instruments as may be necessary or suitable for the purpose of assuring to the new trustee so appointed, a full joint estate in the premises.

Article Fourteenth.—Meetings of the bondholders under this deed of trust, may be called in such mode as may be fixed by regulations prescribed or established by the bondholders; and the bondholders may vote at such meeting personally or by proxy; and the quorum may be defined, and such other regulations or by-laws in respect of such meetings may be from time to time established, altered or repealed, by the bondholders, acting by the majority in interest, as to them shall seem expedient; and until the bondholders shall define the quorum, and make such regulations or by-laws, such powers may be exercised by the trustees. And the trustees shall have the right, at or before any meeting of bondholders, to require that any act or resolution of the bondholders, affecting the duties of the trustees, shall be authenticated by the signatures of all the persons assenting thereto, as well as by a minute of the proceedings of the meeting. And whenever and as often as any contingency shall arise, in which the action of the holders of the bonds accrued hereby shall be

necessary, or in which the said bondholders are herein declared to have any discretionary voice or power, it shall be the duty of the trustees, and such trustees shall be and are hereby authorized and required, to call a meeting of the holders of bonds secured hereby, to be held in the said city of London, and in the absence of any regulation or by-law determining the notice to be given of such meeting, it shall be notified to the bondholders by advertisement (the expenses whereof shall be a liability of the company, and may be defrayed if necessary from the trust fund) to be published three times in each week for six weeks, in at least two daily newspapers of good circulation among the business community in said city, and also for a like number of times in two daily newspapers in like circulation in the said city of Montreal; and in default of such meeting being called by the trustees within thirty days after notification to them in writing by any bondholder, of the necessity therefor, or in case the trust shall be wholly vacant, it shall be competent for any holder or holders of said bonds, to the aggregate amount of at least one-fifth of the entire outstanding bonds of the company, to call such meeting; and at such meeting so convened, the holders of the said bonds shall be competent to exercise in person, or by proxy, by the vote of the majority in interest of those present or represented at such meeting, all the powers and authority conferred upon them by these presents. But, until otherwise provided, pursuant to the provisions of this instrument in that behalf, a majority in interest of the holders of the outstanding bonds for the time being, shall be required to constitute a quorum at any such meeting.

Article Fifteenth.—The word “trustees,” wherever used in this indenture, shall in all cases be construed to mean any one person or more persons, who for the time being shall be trustee or trustees, whether such person or persons be the said parties of the second part, or any successor or successors of said parties of the second part appointed hereunder. And so long as there are three Trustees hereunder, a majority of them may perform the duties hereby imposed upon the trustees. In case of a vacancy in said trust, the surviving or continuing trustees or trustee, if there be any, shall be competent to exercise, until the appointment of new co-trustees or a new co-trustee, any and all powers and authorities herein granted to the said parties of the second part.

Article Sixteenth.—If the Company, or its assigns, shall pay the principal of each and every of the bonds secured by this instrument, when the same shall become payable, and all interest coupons thereon, as they shall from time to time mature, according to the tenor of such bonds and coupons, respectively, and shall well and truly do and observe every other matter and thing provided or mentioned in these presents, to be by it or them done and observed, then and in that case, all the estate right, title and interest of the trustees by these presents created, shall cease, determine, and become void; otherwise the same shall remain in full force and virtue. And upon any such determination of such interest, the trustees shall execute such reconveyance and reassignment of the premises, as may be necessary or expedient.

Article Seventeenth.—The company, in consideration of the premises, hereby covenants and agrees to and with the trustees, and their successors in trust created by these presents, that whenever and as often as the company shall hereafter acquire any additional property, rights, franchises or things whatsoever, pertaining to, or for use upon, the said railway, branches and extensions hereinbefore conveyed, or upon any part thereof, the company and its assigns, shall and will acquire, possess and hold the same, and every part and parcel thereof, upon and subject to the trusts of this indenture, until conveyance thereof, in pursuance of the covenants herein contained, shall be duly made and delivered to the trustees, for the benefit of the trust by these presents created.

Article Eighteenth.—And the company, for itself and its assigns, hereby covenants and agrees to and with the trustees, and their successors in the trust created by these presents, that the bonds hereby secured or intended so to be, shall be issued only at such times and in such amounts as hereinbefore limited; that the company will, in each and every year ensuing the date hereof, faithfully use and apply the net earnings and income to be from time to time derived from said railway, branches

and extensions, or from any part thereof (after discharging its obligations upon or with respect to prior liens thereon), or so much of such net earnings and income as may be necessary for that purpose, to the payment of the interest accruing in such year, on said bonds, when the same shall become due, until all the said bonds shall be fully paid and satisfied; and that it will seasonably, in each and every year, pay and discharge all taxes and assessments of every sort and description which may be lawfully imposed, levied or assessed upon all or any part of the franchises or other property herein and hereby conveyed, or intended or contemplated so to be, so as to keep the mortgaged premises free and clear from any incumbrance by reason thereof; and that it will, from time to time, and at all times hereafter, and as often as thereunto requested by the trustees under this indenture, execute, deliver and acknowledge all such further deeds, conveyances and assurances in the law, for the better assuring unto the trustees, upon the trusts herein expressed, the railway, branches, and extensions aforesaid, acquired or to be acquired, constructed or to be constructed, together with their equipments, appurtenances and franchises, and all and singular the lands, property and things, hereinbefore mentioned or described, acquired and to be acquired and granted or conveyed, or agreed or intended or contemplated to be granted or conveyed, to the trustees, or their successors in the trust created by these presents, as by the trustees, or by their counsel learned in the law, shall be reasonably advised, devised or required.

In witness whereof, the Canadian Pacific Railway Company has caused its corporate seal to be hereunto affixed, and these presents to be signed by its vice-president in the absence of its president, and by its secretary; and the said parties of the second part, to evidence their acceptance of the said trust, have likewise signed and sealed these presents.

The Canadian Pacific Railway Company, by

Signed W. C. VAN HORNE, *Vice-President.*

[L.S.]

Witnesses as to the signature of }
Sir Charles Tupper, }
B. S. MACINNIS, }
G. B. MAOPHERSON. }

C. DRINKWATER, *Secretary.*

CHARLES TUPPER, *Trustee.*

Witnesses as to the signature of }
Lord Wolverton. }
GEOFFREY C. GLYN, }
THEODORE WAINGLO, }
Valet to Lord Wolverton. }

WOLVERTON, *Trustee.*

Witness to signature of Lord }
Revelstoke. }
WM. J. WALPOLE. }

REVELSTOKE, *Trustee.*

48-49 VICTORIA.

CHAPTER 57.

An Act further to amend the Acts respecting the Canadian Pacific Railway, and to provide for the completion and successful operation thereof.

[Assented to 20th July, 1885.]

WHEREAS the Canadian Pacific Railway Company have represented, that although the advance provided for by the Act of the now last Session of this Parliament, chapter 1, is sufficient for the construction and equipment of the railway, according to the provisions of the contract of construction, within the period contemplated by the said Act, yet that the large development of traffic which has already taken place on the line of railway, and the immediate increase which is expected, render it necessary to provide effectively for the requirements of such traffic upon

the completion of the railway, by the improvement of the railway itself, the extension of its station and siding accommodation, the creation of additional terminal facilities at various points thereon, and the provision of additional equipment; that by reason of the stringency of the provisions of the said Act, the company cannot raise funds for such purposes upon the security of its property, and that it has been unable to sell any part of its shares remaining in the hands of the Government; and the company have therefore applied for authority to issue first mortgage bonds on their property and franchises, for a re-arrangement of the lien and security created by the said Act thereon, and for a temporary advance to be repaid from the sale of part of the said bonds: And, whereas, in order that the character of the railway and its facilities for the transport of traffic across the continent may be of the highest possible class, it is expedient to grant the application of the company to such extent and in such manner as shall be consistent with the security of the advances already made and to be made to the company: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The Canadian Pacific Railway Company, under the authority of its shareholders, as provided by the twenty-eighth section of its charter, may issue and deliver to the Government first mortgage bonds to the extent of thirty-five million dollars, or the equivalent thereof in sterling money of Great Britain, bearing five per cent. per annum interest, for a term not exceeding fifty years, such bonds to constitute and be a first lien and charge on the entire property of the company, real and personal, now owned or hereafter to be acquired or owned by it (save and except the lands granted or to be granted by the Government to the company under the contract between Her Majesty and the company and the Acts relating thereto), including its main line of railway with its tolls and revenues, the extensions thereof, its branch lines of railway (except the Algoma Branch), the whole of its equipment, rolling stock and plant, and all its steamers and vessels; saving always, however, the rights of the holders of the existing mortgages on the extensions of the line of the railway from Callander to Brockville and Montreal, as security for the unpaid balances of the purchase money of the said extensions.

2. The company may secure the payment of the said bonds and of the interest thereon by a deed of mortgage executed by the company to trustees to be approved by the Government, with the authority and of the tenor and purport, and containing the conditions, remedies, provisions and powers authorized and provided for by the twenty-eighth section of the charter of the company, to such extent and in such manner and form as shall be approved by the Governor in Council; and the provisions of the thirty-fifth section of the charter of the company shall apply to the bonds to be issued, or to any mortgage deed to be executed, under this Act.

3. Upon the issue and delivery of the said bonds to the Government, the lien and charge created by the Act forty-seventh Victoria, chapter one, intituled "An Act to amend the Act intituled 'An Act respecting the Canadian Pacific Railway,' and for other purposes," upon the railway, revenues and property of the company affected by the said bonds and by the deed of mortgage securing the same, shall cease to exist, and shall be released and discharged in respect of the railway, revenues and property so affected, and the shares in the capital stock of the company, to the extent of thirty-five million dollars, now in the hands of the Government, shall be cancelled and destroyed; and no further issue of stock shall be made without the special authority of Parliament; but the Algoma branch shall still remain charged with the lien and charge created by the said Act; and the interest of the company in any railway lines leased to it, shall also be charged with the said lien and charge to the same extent and in the same manner as if the same had been expressly included, as being so charged, with the property and securities mentioned in the said Act: Provided, that the rights vested in the Canadian Pacific Railway Company to exercise, from time to time, any powers granted to any of the companies whose lines are leased to it may be so exercised if and when such exercise is specifically sanctioned by the Governor in Council.

4. The time for the payment of the entire loan to the company of twenty-nine million eight hundred and eighty thousand nine hundred and twelve dollars, shall be fixed at the first day of May, one thousand eight hundred and ninety-one; and so long as default shall not occur in the payment or principal or interest at the times when they shall respectively become due, the interest upon the said loan shall be computed at the rate of four per cent per annum; but the company may, at any time, pay the amount of the said debt, or any part thereof, in sums of not less than one million dollars; and if such payment be made on account of the sum of twenty million dollars hereinafter mentioned, a corresponding amount of bonds shall be returned to the company.

5. As security for the payment of twenty million dollars of the said loan and of the interest thereon, the Government shall hold and retain twenty million dollars of the said first mortgage bonds, and, in respect of such bonds, shall have all the rights of bondholders, except as to the rate of interest, as provided in the next preceding section; and upon payment of any half-yearly instalment of such interest, the half-yearly coupons attached to the said bonds, corresponding to such half-yearly payment of interest, shall be cancelled and surrendered to the company; but if the company makes default in the payment of the interest on the said sum of twenty million dollars, or of the principal thereof, at the time when the same shall become due respectively, the rate of interest upon the whole loan shall thereafter be computed at the rate of five per cent per annum; and such default shall be equivalent to a default in the payment of the interest on the said bonds, and shall entitle the Government to the same remedies as if default had been made in the payment of the interest or principal of the said bonds; and upon the company remaining in default in respect of either the principal or interest on the said twenty million dollars for a period of six months the trustees shall be authorized and empowered to take possession of the property mortgaged and shall exercise all or any of the powers conferred upon them by the terms of the mortgage deed in pursuance thereof, as if the principal of the bonds were in default.

6. As security for the payment of the balance of the said loan, amounting to the sum of nine million eight hundred and eighty thousand nine hundred and twelve dollars, and the interest thereon, the Government shall have a first lien and mortgage, subject to the outstanding land grant bonds, on the whole of the unsold lands forming the remaining part of the company's land grant earned and to be hereafter earned, such principal and interest to be paid out of the net proceeds of the sale of such lands; and the Government shall continue to hold and retain the entire amount of land grant bonds now in its custody and possession, as provided by the said Act, applying the moneys applicable to the land grant bonds in the hands of the Government, over and above the sum of five million dollars referred to in the paragraph numbered two of section five of the said Act, to the interest and principal of the said sum of nine million eight hundred and eighty thousand nine hundred and twelve dollars, instead of the purposes provided by the paragraph numbered one of section five of the said Act. And if the net proceeds of such sales, to be made from time to time in due course, shall be insufficient to pay the interest on the said last mentioned amount as the same shall fall due, or the principal thereof when the same shall become due, the Governor in Council may order the sale by the trustees of such lands, or any part thereof, in such manner as shall be fixed by such order, in satisfaction of the interest or principal in respect of which default has occurred; and after the sale of the whole of such lands any deficiency in the proceeds thereof to pay the amount charged thereon shall be a charge upon the company's entire revenue, after providing for its fixed charges, and by preference over the shareholders. And no further or other charge shall be created on the property mortgaged as security for the said first mortgage bonds until the said sum of nine million eight hundred and eighty thousand nine hundred and twelve dollars, and interest, and also the said sum of twenty million dollars, and interest, shall have been paid in full. And after payment out of the proceeds of such lands of the outstanding land grant bonds, and of the said sum of nine million eight hundred and eighty thousand nine hundred and twelve dollars, and interest, the

remainder of such lands shall remain charged with a first lien and privilege in favor of the Government as additional security for the payment of the said sum of twenty million dollars, and interest.

7. The Government may make a temporary loan to the company of five million dollars, to be repaid by the company to the Government on or before the first day of July, one thousand eight hundred and eighty-six, with interest at the rate of four per cent. per annum, payable on the first day of January and the first day of July, one thousand eight hundred and eighty-six, the company to have the right to repay the said loan by instalments of not less than one million dollars each, and to receive on the payment thereof a corresponding proportion of the amount of the said bonds held as security therefor; and after reserving part of the said bonds to the amount of eight million dollars, to be held by the Government as security for the said temporary loan, and to be delivered to the company on payment to the Government of the said sum of five million dollars, and interest in whole or in part in proportion to such payment, the remainder of the said bonds shall be, from time to time, delivered by the Government to the company, to be applied by the company, under the supervision of the Government, to the payment for work done or to be done for the development, improvement and extension of the railway, its connections and equipment, and for the maintenance of the credit and efficiency of the company generally, to the satisfaction of the Government: and if the bonds in the hands of the Government, or any part thereof, shall be sold by the company at a price satisfactory to the Government, the proceeds of such sale shall be paid into the hands of the Government in the place and stead of the bonds so sold, and such proceeds shall be dealt with as is hereinbefore provided with respect to the bonds they represent.

8. The proportion of the moneys realized by the trustees of the land grant bonds, applicable under section six of this Act to the payment of the amount of the said bonds held by the Government, over and above the sum of five million dollars in bonds referred to in the said section, and after the redemption of the land grant bonds, the proceeds of all sales of land granted or to be granted to the company, under the aforesaid contract, realized as provided by the said Act, shall be applied to the payment of the interest and principal of the said sum of nine million eight hundred and eighty thousand nine hundred and twelve dollars, and, after payment thereof in full, towards the payment to the Government of the interest and principal of the said sum of twenty million dollars.

9. The said Act forty-seventh Victoria, chapter one, shall remain in force, except in so far as it is affected by the provisions hereof.

10. If, at any time, any line connecting with the United States system of railways shall be in course of construction to a point on the River St. Mary's, and there shall be a probability of the early completion thereof, and the company shall desire to continue the Algoma Branch to a junction with such line, the Governor in Council may, in his discretion, and upon such conditions as he shall determine, postpone the lien and charge thereon created by the said Act, and continued by this Act, so that the claim of the Government shall rank on the said branch next after the mortgage hereinafter mentioned; and in case the Governor in Council should permit the creation of such mortgage for the purpose of continuing the said branch as aforesaid, the whole branch line so extended shall be charged to the same extent as the present Algoma Branch now is charged, but subject to such mortgage; and the Governor in Council may, by Order in Council, authorize the company to exercise, in respect of the said branch, the power of mortgaging the same in manner and form as provided by its charter with respect to mortgaging the main line thereof, to such extent per mile as shall be fixed by such Order; the proceeds of such mortgage to be applied exclusively to the construction of the extension of the said branch to such junction.

CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 29th July, 1885.

On a memorandum, dated 25th July, 1885, from the Minister of Justice, submitting a communication, dated 24th inst., from the Secretary of the Canadian Pacific

Railway Company, requesting that certain modifications might be made in the form of the mortgage deed and bond approved by your Excellency in Council on the 20th July, inst.; such alterations being requisite to facilitate the negotiation of the bonds of the company.

The Minister states that these modifications appear to be necessary to facilitate the negotiations as requested by the president of the company, and he, the Minister, therefore recommends the approval of the form of deed and bond as submitted in correct form with the said communication of the 24th inst.

The Committee submit the same for Your Excellency's approval.

JOHN J. MCGEE, *Clerk Privy Council.*

Hon. the Minister Railways and Canals.

CANADIAN PACIFIC RAILWAY RETURN—MISCELLANEOUS—TRANSFER
TO CANADIAN PACIFIC RAILWAY COMPANY OF LINE
BETWEEN PORT MOODY AND SAVONA'S FERRY.

(*Memorandum.*)

OTTAWA, 25th July, 1885.

The undersigned has the honor to represent that under the 18th section of the Act 44 Vic., chap. 1 (1883), approving and ratifying the contract dated the 21st of October, 1880, made with the Canadian Pacific Railway Company, it was provided as follows:—

"Pending the completion of the Eastern and Central Sections of the said railway, as described in the said contract, the Government may also transfer to the said company the possession and right of work and run the several portions of the Canadian Pacific Railway as described in the said Act 37 Vic., chap. 14, which are already constructed and as the same shall be hereafter completed."

That in pursuance of this clause possession of certain portions of the road under construction by the Government has already been so transferred, and the portion in British Columbia, namely, between Savona's Ferry, Lake Kamloops and Port Moody, 213 miles, being now completed, and it being desirable that the company should obtain possession and control of the line from the coast eastwards at as early a date as possible, the undersigned would recommend that authority be given for the transfer, as provided by the above-cited clause, of the possession of the said portion, with right to work and run the same.

Respectfully submitted.

J. H. POPE, *Acting Minister of Railways and Canals.*

CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 29th July, 1885.

On a memorandum, dated 25th July, 1885, from the Acting Minister of Railways and Canals, submitting that under the 5th section of the Act 44 Victoria, chap. 1, (1881) approving and ratifying the contract dated the 21st October, 1880, made with the Canadian Pacific Railway Company, it was provided as follows:—

"Pending the completion of the Eastern and Central Sections of the said railway as described in the said contract, the Government may also transfer to the said company the possession, the right to work and run the several portions of the Canadian Pacific Railway as described in the said Act 37 Victoria, chap. 14, which are already constructed and as the same shall be hereafter completed."

The Minister represents that in pursuance of this clause possession of certain portions of the road under construction by the Government has already been so transferred, and the portion in British Columbia, namely between Savona's Ferry, Lake Kamloops and Port Moody, 213 miles; being now completed, and it being desirable

that the company should obtain possession and control of the line from the coast eastwards at as early a date as possible, the Minister recommends that authority be given for the transfer, as provided for by the clause above cited, of the possession of the said portion, with right to work and run the same.

The Committee advise that authority be granted in accordance therewith.

JOHN J. MCGEE, *Clerk Privy Council*

The Hon. the Minister of Railways and Canals.

CANADIAN PACIFIC RAILWAY—MISCELLANEOUS—SILVER MINING AND
LAND COMPANY CLAIM.

3 BUILDING AND LOAN CHAMBERS, TORONTO STREET,
TORONTO, 13th July, 1885.

SIR,—We beg to advise you that we have claimed from the Canadian Pacific Railway Company payment for 75 acres of land belonging to our clients, the Superior Silver Mining and Land Company, and being part of location 3, 5, 7, 8, 9, 10, and 11, in the township of McGregor, near Port Arthur, and to which the railway company have taken possession of. Our clients are willing to accept \$5 per acre in order to procure an early settlement and will, if desired, give a conveyance to the Company, at the company's expense.

We are your obedient servants,

SMITH, SMITH & RAE.

Hon. the Minister of Railways and Canals, Ottawa.

OTTAWA, 15th July, 1885.

SIRS,—I am directed to acknowledge the receipt of your letter of the 13th instant, advising this Department of your having claimed from the Canadian Pacific Railway Company—payment for 75 acres of land in the township of McGregor, Port Arthur, taken possession of by them, and which you state is the property of your clients, the Superior Silver Mining Land Company.

I am, Sirs, your obedient servant,

A. P. BRADLEY, *Secretary*.

Messrs. Smith, Smith & Rae, Barristers, &c., Toronto.

OTTAWA, 25th July, 1885.

SIRS,—In reply to your letter of the 13th instant, relative to a claim preferred by you on behalf of the Superior Silver Mining and Land Company, for payment for 75 acres of land near Port Arthur, taken for purposes of Canadian Pacific Railway, I am instructed to say that the road is being built by that company and the Department is not at all liable for the compensation you ask for.

I am, Sirs, your obedient servant,

A. P. BRADLEY, *Secretary*.

Messrs. Smith, Smith & Rae, Barristers, &c., Toronto.

**RETURN REQUIRED BY THE MINISTER OF RAILWAYS AND CANALS
SHOWING THE CONDITIONS OF THE CAPITAL AND REVENUE AC-
COUNT, &c., &c., OF THE RAILWAYS IN THE DOMINION OF CANADA.**

CANADIAN PACIFIC RAILWAY.

RETURN by the Canadian Pacific Railway of the Capital Account of said Railway ;
also the Revenue and Expenditure, &c., for the Year ended 30th June, 1885.

No. 1.—CAPITAL ACCOUNT.

| | Authorized. | Subscribed. | Paid up. | Rate of Interest or Dividend. |
|--|--------------|-------------|---------------|--|
| | \$ | \$ | \$ cts. | |
| Total amount of ordinary share capital.... | 100,000,000 | 65,000,000 | 65,000,000 00 | 3 per cent. guar- antee by Do- minion Gov- ernment until August, 1893. |
| Bonds specially secured by land grant..... | 25,000,000 | | | |
| Amount sold..... | \$10,387,500 | | | |
| do reserved..... | 7,360,500 | | | |
| Balance outstanding, amount in Treasury, \$616,500..... | | | 3,027,000 00 | 5 per cent. |
| Government loans..... | 29,880,912 | | 20,606,000 00 | Acct. of con- struction. |
| do bonuses..... | 25,000,000 | | 7,380,912 00 | Acct. of guaran- tee fund. |
| Municipal bonuses..... | 370,000 | 370,000 | 49,600,896 87 | |
| Capital from other sources..... | | | 370,000 00 | |
| | | | 11,571,391 32 | |

No. 2.—LOANS OR BONUSES FROM GOVERNMENTS OR MUNICIPALITIES.

| From what source. | Amount of Loan Granted. | Amount of Bonus Granted. | Amount of Land Granted. |
|--------------------|-------------------------------|--------------------------------|-------------------------------|
| | \$ | \$ | Acres. |
| Governments— | | | |
| Dominion..... | 29,880,912 | | 25,000,000 |
| do | | 25,000,000 | |
| Municipalities— | | | |
| Winnipeg city..... | | 200,000 | |
| Morris..... | | 100,000 | |
| Selkirk..... | | 35,000 | |
| St. Andrews..... | | 35,000 | |

No. 3.—BONDS OR OTHER SECURITIES NEGOTIATED BY THE COMPANY.

| Amounts. | Rates of Interest. | Date of Sale. | Prices Realized. |
|------------|------------------------------|--|---|
| \$ | | | \$ |
| 10,387,500 | 5 per cent. land grant bond. | October, 1881..... August, 1884..... November, 1884..... January, 1885..... | 10,000,000 at 92 77,500 96 200,000 95 110,000 95 |

Canada Central bonds assumed by the company—
 1st mortgage bonds, maturing 1899.....
 Interest payable by Government.....
 Sinking fund payable by company.....
 Company's liability..... \$ 850,000
 £200,000 2nd mortgage 6 per cent. bonds, maturing 1910..... 973,333
 Purchase of Q.M.O. and O. Railway—
 Payable to Province of Quebec, under contract 4th March,
 1882, at 5 per cent..... 3,500,000

No. 4.—SALES OF LAND MADE BY THE COMPANY.

| Lands Sold. | Price per Acre. | Amount. |
|-----------------------|-----------------|---------------|
| | | \$ cts. |
| 3,469,628 acres | | 10,034,252 15 |
| Town sites..... | | 505,674 60 |

No. 5.—FLOATING DEBT.

| Total Amount. | Rate of Interest. | Remarks. |
|---------------|-------------------|----------------|
| \$ cts. | | |
| 4,631,357 26 | 7 per cent..... | Secured. |
| 6,940,034 06 | | Open accounts. |
| 11,571,391 32 | | |

No. 6 —CHARACTERISTICS OF ROAD, &C.

| OWNED. | | Miles. | |
|---|--|---------|--|
| Length of main line from Montreal to St. Stephen..... | | 2,385·8 | } Deduct Manitoba South-Western. 2,773 70 50 00 2,723 00 |
| do branch from Winnipeg to Emerson..... | | 66 | |
| do do do Manitou..... | | 102·4 | |
| do do Rosenfeld to Gretna..... | | 13·9 | |
| do do Winnipeg to Stonewall..... | | 19·8 | |
| do do do Selkirk..... | | 22 | |
| do do Emerson to Rosenfeld..... | | 22 | |
| do do Winnipeg to end of tract of Manitoba and South-Western... | | 50·7 | |
| do do St. Thérèse to St. Lin..... | | 15 | |
| do do do St. Eustache..... | | 8 | |
| do do St. Lin Junction to St. Jérôme..... | | 11 | |
| do do Buckingham Junction to Buckingham Village..... | | 4·1 | |
| do do Carleton Junction to Brockville..... | | 45·5 | |
| do do Hull to Aylmer..... | | 7·5 | |

No. 6.—CHARACTERISTICS OF ROAD, &c.

| LEASED. | | Miles. | |
|---|-------------|---------------------|-----------|
| Length of main line from Toronto Junction to Smith's Falls..... | | 211 | |
| do do do St. Thomas..... | | 116·2 | |
| do do do Owen Sound..... | | 116·5 | |
| do do do Parkdale..... | | 31·7 | |
| do branch from Streetsville Junction to Millerville Junction..... | | 31·6 | |
| do do Orangeville to Teeswater..... | | 69 | |
| do do Cataract to Elvia..... | | 27·5 | |
| do do Ottawa to Prescott..... | | 54 | |
| Total mileage..... | | 3,402·2 | |
| Deduct, Ottawa to Prescott (St. Lawrence and Ottawa R'y.)..... | | 54 | |
| Length of road laid with iron rails..... | | 3,348·2 | |
| do do steel rails..... | | 54 | |
| do sidings..... | | 3,348·2 | |
| do double track..... | | 180·8 | |
| Weight of rail per yard, main line, iron..... | { 56 lbs... | 50 | |
| | { 40 lbs... | 4 | |
| do do do steel..... | { 60 lbs... | 1,328·5 | |
| | { 56 lbs... | 1,749·1 | |
| do do branches, iron..... | { 56 lbs... | 50 | |
| | { 40 lbs... | 4 | |
| do do do steel..... | { 56 lbs... | 154·2 | |
| | { 60 lbs... | 119·7 | |
| Number of engine houses and shops..... | | | 30 |
| do engines owned by the company..... | | | 288 |
| do do special trust..... | | | 27 |
| do first class passenger cars owned by the company..... | | | 91 |
| do do do special trust..... | | | 9 |
| do second class and immigrant cars owned by the company..... | | | 74 |
| do do do special trust..... | | | 12 |
| do baggage, mail and express cars owned by the company..... | | | 45 |
| do do do special trust..... | | | 13 |
| do cattle and box cars owned by the company..... | | | 2,652 |
| do do do special trust..... | | | 375 |
| do platform cars owned by the company..... | | | 4,309 |
| do do do special trust..... | | | 91 |
| do sleeping, parlor and miscellaneous cars owned by the company..... | | | 35 |
| do do do do special trust..... | | | 8 |
| do vans, tool cars, snow ploughs, &c., owned by the company..... | | | 223 |
| do do do do special trust..... | | | 18 |
| do ties to a mile, main line..... | | | 2,640 |
| do do do branches..... | | | 2,640 |
| Nature of fastenings used to secure joint or rail..... | | Angles & Fishplates | |
| Number of grain elevators..... | | | 3 |
| Capacity of do at Port Arthur..... | Bush. | | 350,000 |
| do do at Fort William..... | do | | 1,350,000 |
| do do at Owen Sound..... | do | | 250,000 |
| Number of level road crossings at which watchmen are employed..... | | | 21 |
| do do without watchmen..... | | | 779 |
| do overhead bridges..... | | | 20 |
| Height of do above rail level—Not less than, O. and Q., 21ft. ; E.D., 20ft. 6in. ; C.V.R., 19ft. ; T.G. and B., 16ft. 4in..... | | | |
| Number of level crossings of other railways..... | | | 26 |
| do junctions with other railways..... | | | 28 |
| do do branch lines..... | | | 15 |
| Radius of sharpest curve..... | | 6° 30' | |
| Number of feet per mile of heaviest gradient..... | | | 79 |
| Gauge of railway..... | | 4ft. 8½in. | |

No. 7.—ACTUAL COST OF RAILWAY AND ROLLING STOCK.

| | \$ | cts. |
|---|-------------------|-----------|
| 1. Cost of land and land damages..... | 499,858 | 07 |
| 2. Cost in connection with administration of land grant in aid..... | 279,503 | 94 |
| 3. Cost of grading, masonry and bridging, station buildings, &c., &c..... | 68,314,945 | 13 |
| 4. Cost of rolling stock of all kinds, including workshops..... | 9,276,081 | 97 |
| Canaca Central Railway..... | \$3,870,123 | 60 |
| Q.M.O. and O. do..... | 3,787,385 | 54 |
| | 7,657,509 | 14 |
| Total..... | 86,027,898 | 25 |

No. 8.—OPERATIONS OF THE YEAR, AND NUMBER OF MILES RUN.

| | |
|---|-------------------|
| 1. Miles run by passenger trains..... | 1,760,365 |
| 2. do freight trains..... | 2,639,369 |
| 3. do mixed trains..... | 943,528 |
| 4. Total miles run by trains..... | 5,343,261 |
| 5. do engines..... | 7,218,993 |
| 6. Total number of passengers carried..... | 1,427,367 |
| 7. do tons of freight (of 2,000 lbs.) carried..... | 1,655,969 |
| 8. Average rate of speed of passenger trains..... | 24 miles per hour |
| Western Division..... | 27 do |
| Eastern do..... | 15 do |
| 9. do freight trains..... | 15 do |
| Western do..... | 174 tons. |
| Eastern do..... | 215 do |
| 10. Average weight of passenger trains in motion..... | 288 do |
| Western do..... | 305 do |
| 11. do freight do..... | |

No. 9.—DESCRIPTION OF FREIGHT CARRIED.

| | | Weight in Tons. |
|---|-------------|------------------|
| 1. Flour, in barrels..... | 915,129 | 91,513 |
| 2. Grain, in bushels..... | 7,842,343 | 203,008 |
| 3. Live stock, head..... | 162,396 | 50,414 |
| 4. Lumber of all kinds, excepting firewood, feet..... | 263,812,390 | 355,942 |
| 5. Firewood, number of cords of 128 cubic feet..... | 73,577 | 118,583 |
| 6. Manufactured goods..... | | 393,219 |
| 7. All other articles..... | | 443,290 |
| Total weight carried..... | | 1,655,969 |

No. 10.—EARNINGS OF THE RAILWAYS.

| | \$ | cts. |
|--|------------------|-----------|
| 1. From passenger traffic..... | 2,472,894 | 21 |
| 2. From freight traffic..... | 3,893,725 | 36 |
| 3. From mails and express freight..... | 254,462 | 26 |
| 4. From other sources..... | 295,787 | 46 |
| Total..... | 6,928,869 | 29 |

No. 13.—OPERATING EXPENSES—(A) Maintenance of Line, Buildings, &c.

| | \$ | cts. |
|--|----------------|-----------|
| 1. Wages, &c., of labor employed on track, including sidings | 574,601 | 82 |
| 2. Cost of steel rails and fastenings..... | 536 | 87 |
| 3. Repairs of bridges and culverts | 72,735 | 85 |
| 4. Repairs and renewals of buildings..... | 40,038 | 23 |
| 5. Repairs of fencing..... | 23,902 | 37 |
| 6. Clearing snow | 81,418 | 67 |
| Total..... | 793,233 | 81 |

(B) Working and Repairs of Engines.

| | \$ | cts. |
|--|------------------|-----------|
| 1. Wages of enginemen, firemen and cleaners..... | 451,656 | 85 |
| 2. Cost of coal and wood for fuel..... | 921,109 | 08 |
| 3. Repairs of engines and tenders..... | 239,155 | 45 |
| 4. Oil, tallow, waste, &c., for engines..... | 35,565 | 34 |
| 5. Pumping engines..... | 89,188 | 02 |
| 6. Repairs of tools and machinery..... | 25,169 | 66 |
| Total | 1,761,784 | 30 |

(C) Working and Repairs of Cars.

| | \$ | cts. |
|--|----------------|-----------|
| 1. Wages and material for repair of passenger cars | 123,168 | 81 |
| 2. do do freight cars and snow ploughs..... | 224,486 | 24 |
| Total..... | 347,655 | 05 |

(D) General and Operating Expenses.

| | \$ | cts. |
|---|------------------|-----------|
| 1. Office expenses, including directors, auditors, management, travelling expenses, stationery, &c..... | 304,533 | 91 |
| 2. Station agents, clerks, porters, &c..... | 470,517 | 57 |
| 3. Conductors, baggagemen and brakemen..... | 332,987 | 20 |
| 4. Compensation for personal injuries..... | 13,958 | 26 |
| 5. Loss or damage to freight..... | 15,173 | 02 |
| 6. Cattle killed..... | 4,144 | 67 |
| 7. Small stores, including lights, lamps and signals..... | 208,087 | 51 |
| 8. All other charges..... | 305,444 | 43 |
| Total..... | 1,654,846 | 57 |

No. 14.—SUMMARY of Operating Expenses.

| | \$ | cts. |
|--|------------------|-----------|
| (A.) Maintenance of line, building, &c..... | 793,233 | 81 |
| (B.) Cost of working and repairs to engines..... | 1,761,784 | 30 |
| (C.) do do cars..... | 347,655 | 05 |
| (D.) Cost of general operating expenses..... | 1,654,846 | 57 |
| Total cost of operating railway..... | 4,557,519 | 73 |

No. 15.—ACCIDENTS.

| Cause of Accident. | Passengers. | | Employees. | | Others. | | Total. | |
|--|-------------|-----------|------------|------------|-----------|-----------|-----------|------------|
| | Killed. | Injured. | Killed. | Injured. | Killed. | Injured. | Killed. | Injured. |
| Fell from cars or engines..... | 1 | ..... | 5 | 11 | 1 | ..... | 7 | 11 |
| Jumping on or off trains or engines when in motion..... | ..... | 2 | 2 | 9 | 1 | 1 | 3 | 12 |
| Walking, standing, lying, sitting or being on track..... | ..... | 1 | 2 | ..... | 8 | 12 | 10 | 13 |
| At work on or near the track making up trains..... | ..... | ..... | ..... | 6 | ..... | ..... | ..... | 6 |
| Coupling cars..... | ..... | ..... | 1 | 54 | ..... | ..... | 1 | 54 |
| Collision, or by trains thrown from track..... | 1 | 9 | 2 | 13 | 1 | 4 | 4 | 26 |
| Explosions..... | ..... | ..... | ..... | 1 | ..... | ..... | ..... | 1 |
| Striking bridges..... | ..... | ..... | ..... | 1 | ..... | ..... | ..... | 1 |
| Other causes..... | ..... | ..... | ..... | 18 | 2 | 8 | 2 | 26 |
| Total | 2 | 12 | 13 | 112 | 13 | 25 | 28 | 149 |

STATEMENT of the date of each Accident, the place where it occurred, the cause and the extent of injury inflicted upon each person, and the name of such person.

EASTERN DIVISION.

| Date. | Name. | Place. | Nature of Accident or Cause. |
|-------------|---------------------|------------------------|---|
| 1884. | | | |
| July 7... | Jos. Wright..... | Montreal..... | Killed; by coal pile falling on him. |
| do 12... | W. Vansickler..... | Ingersoll..... | Finger crushed; uncoupling cars. |
| do 28... | J. Anderson..... | Cardwell Junc..... | Injured internally; fell off train. |
| Aug. 8... | J. Flannery..... | Earanville..... | Arm broken; coupling. |
| do 13... | A. McLean..... | Berkley..... | Fingers taken off; coupling. |
| do 23... | H. Burk..... | Mountain Grove..... | Foot injured; getting on train. |
| do 23... | T. Garlin..... | Cooksville..... | Arm broken, 2 places; fell off train. |
| do 26... | Aggie Neward..... | Ingersoll..... | Killed; walking on track. |
| do 9... | — Gautant..... | Ottawa..... | Killed; fell between cars in motion. |
| do 12... | Unknown..... | ¾ mile east of Thurso. | Found dead on track, with forehead bruised. |
| do 13... | Mrs. J. Letam..... | 2½ miles east Bissets. | Killed; riding on handcar and struck by train. |
| do 14... | Unknown..... | Jack. E. Junc..... | do walking on track do |
| do 28... | Jos. Lynch..... | Ottawa..... | Foot badly injured; turning an engine. |
| Sept. 18... | J. Holt..... | Toronto..... | Two fingers taken off; coupling cars |
| do 29... | P. Mallon..... | Indian River..... | Slightly injured internally; walking on track. |
| do 1... | J. Manchester..... | Pembroke..... | Killed; struck by bridge, knocked under cars. |
| do 20... | W. Edey..... | Renfrew..... | do engine ran off track and upset. |
| do 23... | Unknown..... | Ottawa..... | One leg cut off; lying on track intoxicated. |
| do 23... | do..... | Brockville..... | Leg badly crushed; crossing track between cars. |
| do 27... | C. McIntyre..... | Wahnapetah..... | Killed; fell off top of train between cars. |
| Oct. 6... | T. Brennan..... | Indian River..... | Killed; walking on track. |
| do 13... | W. Crassin..... | Humber Summit..... | Slightly injured; crossing track. |
| do 18... | J. Goodfellow..... | Streetsville..... | Killed; fell off train. |
| do 30... | Mrs. Bleir..... | Riverdale..... | do walking on track. |
| do 5... | Unknown..... | Mattawa..... | Lying on track, apparently dead, train passing over him. |
| do 14... | do..... | Mile End..... | Killed; walking on track. |
| do 16... | — Deslauriers..... | Montreal..... | Seriously injured while intoxicated; fell over revetment wall at station. |
| do 21... | G. Rollin..... | do..... | Eye injured; gauge glass of engine exploded. |
| do 29... | E. Dumball..... | Sudbury..... | Right foot crushed; struck by engine. |
| do 31... | W. Anderson..... | Pakenham..... | Finger on right hand cut off; coupling. |
| Nov. 3... | S. S. Blacking..... | Ottawa..... | Badly injured; thrown from train by tel. wire. |
| do 13... | J. Fanning..... | Carleton Junc..... | Right hand badly injured; coupling. |
| do 17... | — Cavanagh..... | Pembroke..... | do crushed do |

STATEMENT of the date of each Accident, &c. — *Continued.*EASTERN DIVISION—*Continued.*

| Date. | Name. | Place | Nature of Accident or Cause. |
|------------|---------------------|--------------------|--|
| 1884 | | | |
| Nov. 19... | — Leclair | Brockville | Struck on head by hook ; broken bell cord. |
| do 23... | P. McMahon | North Bay | do lever of semaphore. |
| do 28... | J. Phillips | Brockville | Fell against gauge glass of engine, cutting lips. |
| do 26... | A. McLellan | Pembroke | Seriously injured ; driving across track. |
| Dec. 3... | Bird (brakeman) | Cardwell Junc. | Finger broken ; fell off train. |
| do 3... | Burton do | Teeswater | Arm taken off ; coupling. |
| do 3... | Smith do | Ingersoll | Leg injured ; fell off car. |
| do 3... | D. McCarthy (bkman) | Havelock | Finger taken off ; coupling. |
| do 11... | M. O'Halloran do | Flanagan's Siding | Ends of fingers taken off ; coupling. |
| do 23... | B. Dutton do | North Toronto | Hand jammed ; coupling. |
| do 24... | W. Mulligan do | Woodstock | One finger taken off ; coupling. |
| do 26... | F. McCallom | Smith's Falls | Temporarily disabled ; fell off tender. |
| do 28... | J. Johnson | Parkdale | Hand slightly injured ; coupling. |
| do 13... | J. Murphy | Pugamassing | Right hand injured ; coupling cars. |
| do — | — Dowsley | Buckingham | do do |
| do 24... | — Davis | Hochelaga | Left hand injured ; turning engine. |
| 1885. | | | |
| Jan. 1... | R. Percival | Church's Falls | Two fingers taken off ; coupling. |
| do 6... | E. Booth | Brampton | Leg broken ; jumping off engine. |
| do 9... | Unknown | Toronto Junc. | Foot crushed ; climbing over buffers. |
| do 12... | Mrs. K. Kert | Norwood | Two toes taken off ; getting off train in motion. |
| do 13... | Woman | Orumbo | Cut on head do do |
| do 20... | Coalman McPherson | Parkdale | Index finger taken off ; coupling. |
| do 23... | M. McDonald | Smith's Falls | Killed ; train off track. |
| do 23... | O. Bonsecour | do | do do |
| do 23... | Ex-Mess. Crickton | do | Injured do |
| do 23... | J. J. Whelan | do | do do |
| Jan. 23... | J. B. McDonald | Smith's Falls | Injured ; train off track. |
| do 23... | W. Barastin | do | do do |
| do 23... | J. Hutton | do | do do |
| do 23... | J. Lefrac | do | do do |
| do 25... | W. Nelson | Belmont | Two fingers taken off ; coupling. |
| do 18... | S. Courtney | Montreal | Both legs fractured ; coming up on elevator at Montreal station. |
| do 29... | J. Palmer | Rockliffe | Leg fractured ; coupling. |
| Feb. 5... | — Champagne | Chalk River | Hand crushed ; coupling. |
| do 6... | B'kman Carnovsky | Galt | Two fingers smashed ; coupling. |
| do 9... | Lady | Sheffield | Injured ; track spreading. |
| do 11... | B'kman Collins | Church's Falls | Thigh badly cut ; coupling. |
| do 17... | H. Swan | Cardwell Junc. | Hand crushed do |
| do 17... | B'kman Chapman | Havelock | Hand badly bruised do |
| do 18... | W. J. Chapman | do | Right hand squeezed ; coupling. |
| do 18... | Shopman Gray | Orangeville | Neck and hands burned ; cab of engine on fire. |
| Mar. 3... | B'kman Webb | Streetsville Junc. | Arm slightly hurt ; switch flew open. |
| do 8... | do Reynolds | Woodstock | Right leg taken off ; uncoupling. |
| do 15... | A. Harris | Williamsford | Right arm broken ; walking on track. |
| do 17... | Switchman Elgie | Havlock | Foot crushed ; uncoupling. |
| do 21... | A. McDonald | Fall River | Back and head hurt ; track spreading. |
| do 21... | J. E. Richards | do | Back hurt ; track spreading. |
| do 22... | J. Mulligan | Maybery | Injured ; handcar struck. |
| do 28... | Sectionman | Ivanhoe | Foot hurt do |
| do 31... | B'kman Moriarity | Erin | Foot and hand hurt ; fell off car. |
| do 2... | J. Hardman | North Bay | Foot bruised by plank falling on it. |
| do 7... | H. Montgomery | Carleton Junc. | Hand injured by machinery through carelessness. |
| do 10... | — Miller | Ottawa | Collar bone broke in collision. |
| do 11... | — Powell | do | Hand injured by machinery through carelessness. |
| do 15... | M. Sheedy | Petawawa | Slightly bruised ; driving on track intoxicated. |
| April 3... | D. Shea | Mono Road | Leg broken ; fell off car. |
| do 10... | — Cahill | Perth | Injured ; lying on track. |
| do 14... | J. Ashley | Parkdale | Finger hurt ; coupling. |
| do 16... | G. Barnes | Havelock | Thumb do |
| do 23... | J. Brady | Brampton | Killed ; lying on track. |

STATEMENT of the date of each Accident, &c.—Continued.

EASTERN DIVISION—Concluded.

| Date. | Name. | Place. | Nature of Accident or Cause. |
|-------------|--------------------|------------------------|---|
| 1885. | | | |
| April 24... | M. Riendeau | Montreal..... | Slightly injured; fell from revetment wall, Montreal station. |
| do 20... | P. Turcot..... | Sault au Recollet... | Driving across track in front of moving train. |
| May 5... | H. Vetro..... | Green River..... | Foot cut; chopping wood. |
| do 13... | J. Ambrose..... | Campbellville..... | Killed; jumping off train. |
| do 21... | L. Prissin..... | do | Injured do |
| do 21... | J. Danstin..... | Agincourt..... | do train struck a cow. |
| do 21... | A. Meance..... | do | do do |
| do 21... | J. Plutio..... | do | do do |
| do 27... | E. Murphy..... | do | do do |
| do 1... | N. Downey..... | 18th Siding..... | Killed; coupling. |
| do 6... | S. Dill..... | 23rd Siding..... | do fell off train in motion. |
| do 8... | G. Larose..... | Montreal..... | Legs broken; fell over revetment wall, Montreal. |
| do 22... | Unknown..... | Biscotasing..... | Foot injured; attempting to board train. |
| do 26... | R. Lamourie..... | Archer..... | Slightly injured; coupling. |
| June 2... | J. Chapman..... | Owen Sound..... | Finger taken off; steam shovel. |
| do 6... | A. Clancy..... | Bathurst..... | Injured slightly; tank delivery pipe. |
| do 9... | Unknown..... | Owen Sound..... | do fell against switch. |
| do 16... | Mr. Moffatt..... | Peterboro'..... | do team ran away. |
| do 16... | Mr. Armstrong..... | do | do do |
| do 21... | C. Metarg..... | Green River..... | Ankle sprained; fell off train. |
| do 24... | J. Smith..... | Orangeville..... | Foot hurt; turning engine. |
| do 26... | B. McAllister..... | Havelock..... | Hand crushed; coupling. |
| do 27... | F. Drennan..... | Belmont..... | Killed; lying on track. |
| do 28... | J. Smith..... | Owen Sound..... | Index finger taken off; coupling. |
| do 28... | J. Sanderson..... | Streetsville Junc..... | Hand hurt; coupling. |
| do — | A. Hill..... | North Bay..... | Killed when shunting cars. |

WESTERN DIVISION.

| | | | |
|---------------|-------------------------|------------------------------|--|
| 1884. | | | |
| July 3... | Geo. Bastion | 5 miles W. of Ross-land..... | Knee injured; jumping from train. |
| do 4... | Jos. Mosescorolsky..... | Langevin..... | Killed; attempting to get on trucks of coach. |
| do 11... | Henry Larose..... | Winnipeg..... | 3 fingers crushed; coupling cars, yard train. |
| do 16... | Chas. Hannaberry..... | do | Right foot crushed; attempting to board engine in motion. |
| do 17... | John Coney..... | Clinmore..... | Wrist sprained; dump giving away and engine turning on side. |
| do 17... | Jas. Fouran..... | do | Scalded do do |
| do 17... | Jno. Clancy..... | Port Arthur..... | Face injured; fell between cars in motion. |
| do 18... | Frank Servais..... | Winnipeg..... | Left hand bruised; coupling. |
| do 18... | Wm. McLaughlin..... | Eagle River..... | Hip joint sprained; jumping from train in motion. |
| do 26... | Jas Mainwaring..... | Vermillion Bay..... | Right hand cut off; lying on track intoxicated. |
| Aug. do 1... | Dan. McDonald..... | Summit..... | Shoulder bruised; jumping from engine. |
| do 6... | C. Brabazon..... | Carberry..... | Arm and leg broken; walking on track. |
| do 26... | Eliza Bell..... | Melbourne..... | Killed; fell or threw herself from train in motion; was of unsound mind. |
| do 26... | Jno. T. Lynes..... | Rat Portage..... | Right hand burnt; applying coal oil to valves of engine. |
| do 28... | Arthur Denman..... | 5 miles W. of Calgary..... | Knee injured; jumping from train in collision with cars on track. |
| Sept. do 1... | George Budd..... | Elkhorn..... | Hand bruised; coupling cars. |
| do 7... | Wm. Johnston..... | Moose Jaw..... | Right leg injured; ran against switch stand. |
| do 16... | Jno. Gould..... | 2 miles W. of Ross-land..... | Left leg broken and face injured; trestle giving way under engine. |
| do 16... | Geo. Mordan..... | do | Back, chest and leg bruised do |
| do 16... | Jno. Parish..... | do | Leg and thigh injured do |
| do 18... | Richard Parrott..... | Gull Lake..... | Hand crushed; coupling. |
| do 18... | T. Tucker..... | Regina..... | 3rd finger on left hand broken; falling off ladder on car. |

STATEMENT of the date of each Accident, &c.—*Concluded.*WESTERN DIVISION—*Concluded.*

| Date. | Name. | Place. | Nature of Accident or Cause. |
|------------|-----------------------|------------------------------|---|
| 1884. | | | |
| Oct. 2... | W. Bently..... | Fort William..... | Killed; getting on train in motion. |
| do 4... | Alex. McCloy..... | Parrywood..... | Face scalded; driving plug in tube sheet. |
| do 8... | Arthur Healey..... | Langevin..... | Forefinger right hand injured; coupling. |
| do 10... | Jerry Harrigan..... | Rennie..... | Right leg injured and rib fractured; rails expanding. |
| do 12... | Wm. Murdock..... | Winnipeg..... | Fingers crushed; coupling. |
| do 13... | Jas. Hawkes..... | Near Crowtoot..... | do uncoupling engine. |
| do 14... | A. McDonald..... | do..... | Hand injured; coupling cars on work train. |
| do 15... | Angus Kerr..... | Headingly..... | Knee injured; struck knee on engine tank. |
| do 19... | John Hughes..... | Fort William..... | Killed; fell or jumped off construction train. |
| do 23... | L. Darling..... | 2 miles W. of Hawk Lake..... | Left ankle injured; thrown off train while fixing snatch-block on car. |
| do 23... | Tupper Jance..... | Swift Current..... | Left hand crushed; coupling. |
| do 28... | David Salwan..... | 6 miles N. of Gretna..... | 2 ribs broken; crossing track with team. |
| do 31... | Thos. Hewitt..... | Calgary..... | Hand and arm injured; coupling. |
| Nov. 4... | Samuel Law..... | Winnipeg..... | Left ankle injured; running to switch, slipped on ice. |
| do 8... | Samuel Bell..... | Rat Portage..... | Killed; lying intoxicated on track. |
| do 5... | Thos. Dearson..... | do..... | do do |
| do 10... | John Reddie..... | Rennie..... | do jumping from coach in collision. |
| do 10... | Chas. Erickson..... | do..... | Face injured in same accident. |
| do 10... | O. W. Adams..... | do..... | Spine do do |
| do 10... | Thos. Rutherford..... | do..... | Slightly do do |
| do 10... | David Morgan..... | do..... | do do do |
| do 19... | D. McKenzie..... | Banff..... | Testicle injured; struck with reversing lever of engine. |
| do 24... | F. Blackely..... | Vermillion Bay..... | Right hand crushed; coupling cars. |
| Dec. 31... | Ed. Bennett..... | Indian Head..... | Left do do |
| 1885. | | | |
| Jan. 13... | John Garvey..... | Parrywood..... | Leg injured; train striking handcar. |
| Feb. 4... | Frank Gabo..... | Strathmore..... | Finger crushed; coupling work train. |
| Feb. 12... | Arthur Hackett..... | Hawk Lake..... | Finger cut off left hand; coupling extra train. |
| April 2... | W. Romaine..... | Qu' Appelle..... | do of left hand crushed do |
| do 18... | D. Lamb..... | Winnipeg..... | First two fingers of left hand crushed. |
| May 5... | Eug. Taylor..... | Medicine Hat..... | Legs slightly injured; sitting with legs hanging out of boarding car side door. |
| do 19... | F. McMahon..... | Winnipeg..... | Foot bruised while coupling. |
| do 21... | S. Botsford..... | ½ mile of Murray Park..... | Concussion on back; equalizing lever broke, throwing him off engine. |
| June 8... | William Read..... | Moherty House..... | Legs injured; attempting to get on gravel train, carried over bridge, legs striking ties. |

NAMES AND RESIDENCES OF DIRECTORS AND OFFICERS OF THE COMPANY.

Geo. Stephen, Montreal.
 W. C. Van Horne do
 R. B. Angus do
 Hon. D. A. Smith do
 Edmund B. Osler, Toronto.
 Sandford Fleming, C.E., C.M.G., Ottawa.
 Geo. R. Harris, Boston.
 H. S. Northcote, London.
 N. L. Scott, Erie, Penn.
 P. du P. Grenfell, London.
 R. V. Martinsen, Amsterdam and New York.
 C. D. Rose, London.
 Geo. Stephen, President.
 W. C. Van Horne, Vice-President.
 Charles Drinkwater, Secretary.
 J. M. Edgar, Western Division Superintendent.
 W. White, Eastern and Ontario Division Superintendent.
 The following is the official name and address of the Company:—
 The Canadian Pacific Railway Company, Montreal, Que.

CANADA,
 PROVINCE OF QUEBEC,
 COUNTY OF HOCHELAGA, }
 TO WIT:

AFFIDAVIT FOR PRESIDENT, OR, IN HIS
 ABSENCE, FOR VICE-PRESIDENT
 OR MANAGER.

I, William C. Van Horne, of the city of Montreal, in the county of Hochelaga, and province aforesaid, Vice-President of the Canadian Pacific Railway Company, being duly sworn, make oath and say:—

That, to the best of my knowledge, information and belief, the foregoing returns are true and correct.

Sworn before me at the city of Montreal, }
 in the county of Hochelaga, this 22nd }
 day of December, A.D. 1885.

W. C. VAN HORNE.

R. T. HENEKER,

Commissioner for taking Affidavits for the Province of Quebec.

CANADA,
 PROVINCE OF QUEBEC,
 COUNTY OF HOCHELAGA. }
 TO WIT:

AFFIDAVIT FOR SECRETARY,
 OR SOME OTHER CHIEF OFFICER.

I, Isaac G. Ogden, of the city of Montreal, in the county of Hochelaga and province aforesaid, Auditor of the Canadian Pacific Railway Company, being duly sworn, make oath and say:—

That, to the best of my knowledge, information and belief, the foregoing returns are true and correct.

Sworn before me at the city of Montreal, }
 in the county of Hochelaga, this 22nd }
 day of December, A.D. 1885.

J. G. OGDEN.

R. T. HENEKER,

Commissioner for taking Affidavits in the Province of Quebec.

MANITOBA SOUTH-WESTERN COLONIZATION RAILWAY.

Location and General Description of Manitoba South-Western Colonization Railway.

Runs through the Counties of Selkirk and Marquette with terminus at Winnipeg, and connects with the Canadian Pacific Railway. Line runs in a westerly direction from Winnipeg to Headingly, on the north side of the Assiniboine River, through level, open prairie. Thence in a south-westerly direction, crossing the Assiniboine River, and passing through Townships ten, nine, eight, and seven, in Ranges one, two, three and four, west of first principal meridian, through level prairie to the present end of track.

CAPITAL ACCOUNT.

| | Authorized. | Subscribed. | Paid up. | Rate of interest or Dividend |
|---|-------------|-------------|----------|------------------------------|
| | \$ | \$ | \$ | |
| Total amount of ordinary share capital.... | 1,000,000 | 700,000 | 700,000 | |

CHARACTERISTICS OF ROAD, &C.

| | |
|--|--------------|
| Length of main line from Winnipeg to end of track..... | 50.701 miles |
| Mileage in operation..... | 50.701 |
| Weight of rail per yard, main line steel..... | 56 lbs. |
| Number of ties to a mile, main line..... | 2,640 |
| Nature of fastenings used to secure joint or rail..... | Fish plates. |
| Number of level road crossings without watchmen..... | 16 |
| Number of level crossings of other railways..... | 1 |
| Number of junctions with other railways..... | 1 |
| Radius of sharpest curve..... | 1,332.6' |
| Number of feet per mile of heaviest gradient..... | 26.4' |
| Gauge of railway..... | 4 ft. 8½ in. |

Names and Residences of Directors and Officers of the Company.

- Hon. Donald A. Smith, Montreal.
- John M. Egan, Winnipeg.
- William C. Van Horne, Montreal.
- R. B. Angus, Montreal.
- John H. McTavish, Winnipeg.
- J. A. M. Aikins, Winnipeg.
- D. M. Telford, Winnipeg.
- J. S. Aikins, Winnipeg.
- L. A. Hamilton, Winnipeg.
- Hon. Donald A. Smith, President, Montreal.
- John H. Van Zile, Secretary, Winnipeg.

CANADA,
 Province of Manitoba, }
 County of Selkirk, }
 To wit: }

AFFIDAVIT FOR PRESIDENT, OR IN HIS ABSENCE, FOR VICE-PRESIDENT OR MANAGER.

I, John M. Egan, of the city of Winnipeg, in the county of Selkirk, and Province aforesaid, vice-president of the Manitoba South-Western Colonization Railway Company, being duly sworn, make oath and say:

That, to the best of my knowledge, information and belief, the foregoing returns are true and correct.

Sworn before me at the city of Winnipeg,
in the county of Selkirk, this 29th day
of August, A.D. 1885.

JNO. M. EGAN.

THOMAS NIXON,
A Justice of the Peace in and for the said County.

CANADA,
Province of Manitoba,
County of Selkirk,
To wit:

AFFIDAVIT FOR SECRETARY OR SOME OTHER CHIEF OFFICER.

I, John H. Van Zile, of the city of Winnipeg, in the county of Selkirk, and Province aforesaid, Secretary of the Manitoba South-Western Colonization Railway Company, being duly sworn, make oath and say:

That, to the best of my knowledge, information and belief, the foregoing returns are true and correct.

Sworn before me at the city of Winnipeg,
in the county of Selkirk, this 29th day
of August, A.D. 1885.

JOHN H. VAN ZILE.

THOMAS NIXON,
A Justice of the Peace in and for the said County.

ONTARIO AND QUEBEC RAILWAY.

CAPITAL ACCOUNT.

| | Authorized. | Subscribed. | Paid up. | Rate of Interest or Dividend. |
|--|-------------|-------------|-----------|-------------------------------|
| | \$ | \$ | \$ | |
| Total amount of ordinary share capital ... | 2,000,000 | 2,000,000 | 2,000,000 | 6 per cent. |
| Debentures ..... | ..... | 9,590,000 | 9,590,000 | 5 per cent. |

Names of Directors and Officers of the Company.

- | | | |
|------------------|-------------------|-----------------------|
| E. B. Osler, | R. B. Angus, | Hon. P. Mitchell, |
| W. C. Van Horne, | D. McIntyre, | Hon. J. J. C. Abbott, |
| Geo. Stephen, | Hon. D. A. Smith, | A. B. Chaffee. |
| E. B. Osler, | - - | President. |
| W. C. Van Horne, | - - | Vice-President. |

CANADA,
Province of Quebec,
County of Hochelaga,
To wit:

AFFIDAVIT FOR SECRETARY OR SOME OTHER CHIEF OFFICER.

I, Harry Whanton, of the city of Montreal, in the county of Hochelaga, and Province aforesaid, Secretary of the Ontario and Quebec Railway Company, being duly sworn, make oath and say:

That, to the best of my knowledge, information and belief, the foregoing returns are true and correct.

Sworn before me at the city of Montreal,
in the county of Hochelaga, this 22nd
day of December, A.D. 1885.

H. WHANTON.

R. T. HENEKER.
Commissioner for taking affidavits for the Province of Quebec.

THE TORONTO, GREY AND BRUCE RAILWAY.

Counties through which the Road runs, the Terminal Points, Connections, &c.

Counties.—York, Peel, Dufferin, Wellington, Simcoe, Grey, Huron and Bruce.
Terminal Points.—Toronto, Owen Sound, and Teeswater.

Connections.—Grand Trunk Railway, Canadian Pacific Railway, at Toronto ; Northern and North-Western Railway, at Cardwell Junction ; Credit Valley Railway, at Toronto and Orangeville.

The main lines runs from Toronto to Owen Sound, and a branch from Orangeville Junction to Teeswater.

CAPITAL ACCOUNT.

| | Authorized. | Subscribed. | Paid up. | Rate of interest or Dividend. |
|---|-------------|-------------|---------------------|-------------------------------|
| | \$ | \$ | \$ | |
| Total amount of ordinary share capital... | 1,000,000 | 813,800 | 785,490 00 | 4 per cent. |
| do first mortgage bonds..... | 3,500,000 | 3,500,000 | ..... |  |
| do Government loans..... | ..... | ..... | 377,938 00 | |
| do Municipal loans..... | ..... | ..... | 969,561 44 | |
| do Capital from other sources..... | ..... | ..... | 322,583 30 | |
| Total capital..... | | | 2,455,572 74 | |

LOANS or BONUSES from Governments or Municipalities.

| | Amount of Bonus Granted. |
|---------------------|--------------------------|
| Governments— | |
| Ontario..... | \$ 375,282 00 |
| Dominion..... | 2,656 00 |
| Total..... | \$ 377,938 00 |

| | Amount of Loan Granted. |
|---------------------------|-------------------------|
| Municipalities— | |
| Albion..... | \$ 40,000 00 |
| Caledon..... | 45,000 00 |
| Mono..... | 45,000 00 |
| Amaranth..... | 30,000 00 |
| Arthur..... | 35,000 00 |
| Orangeville..... | 15,000 00 |
| Mount Forest..... | 20,000 00 |
| Toronto..... | 350,000 00 |
| Grey (Group)..... | 300,000 00 |
| Owen Sound..... | 5,000 00 |
| Minto..... | 15,000 00 |
| Howick..... | 35,000 00 |
| Gorrie and Worrester..... | 5,000 00 |
| Teeswater..... | 5,000 00 |
| Culross..... | 38,000 00 |
| Turnberry..... | 5,000 00 |
| | \$ 988,000 00 |
| Realizing..... | 959,561 44 |
| Total..... | 969,561 44 |

BONDS or other securities negotiated by the Company.

| Amount. | Rate of interest. | Date of sale. |
|--------------|-------------------|---------------|
| \$3,500,000. | 4 per cent. | July, 1884. |

ACTUAL cost of railway and rolling stock.

| | |
|--|-----------------------|
| 1. Cost of land and damages..... | \$ 138,251 89 |
| 2. Cost of grading, masonry and bridging, station buildings, &c., &c..... | 3,729,049 52 |
| 3. Cost of rolling stock of all kinds, including work-shops..... | 573,297 06 |
| 4. Cost of changing gauge from 3 feet 6 inches to standard gauge of 4 feet 8½ inches. New equipment and new works in connection therewith..... | 1,106,739 65 |
| Total | \$5,547,338 12 |

The above figures show actual cost of railway, but contractors having been paid in bonds and stock and Government debentures, it is impossible to give real cash cost.

Names and Residences of Directors and Officers of the Company.

E. B. Osler,
 Wm. Hendrie,
 W. White,
 H. W. Narton,
 M. C. Hannond,
 John McNab,
 E. B. Osler, Vice-President,
 Mr. Wm. Hendrie, President,
 H. E. Suckling, General Manager.

CANADA,
 Province of Quebec,
 County of Hochelaga,
 To wit :

AFFIDAVIT FOR SECRETARY OR SOME OTHER CHIEF OFFICER OF THE LEASING LINE OF RAILWAY.

I, Isaac G. Ogden, Esq., of the city of Montreal, in the county of Hochelaga, and Province aforesaid, auditor of the Canadian Pacific Railway Company, being duly sworn, make oath and say :
 That, to the best of my knowledge, information and belief, the foregoing returns are true and correct.

Sworn before me, at the city of Montreal, }
 in the county of Hochelaga, this twenty- }
 seventh day of December, A.D. 1885. }

J. G. OGDEN.

R. T. HENEKER,

Commissioner for taking affidavits for the Province of Quebec.

CANADIAN PACIFIC RAILWAY RETURN — MISCELLANEOUS — A. S. FAREWELL—OBJECTION TO CROSSING HIS LAND ON THE COLUMBIA RIVER.

OTTAWA, 16th June, 1885.

SIR,—I am directed to transfer to your Department the enclosed letter from A. S. Farewell, requesting that the Canadian Pacific Railway Company be not allowed to carry its line over his land on the east bank of the Columbia River, near Eagle Pass, British Columbia.

I have the honor to be, Sir, your obedient servant,

A. GOBELL, *Secretary*.

A. P. BRADLEY, Esq., Secretary Department Railways and Canals.

FAREWELL, WEST CROSSING, COLUMBIA RIVER, 25th May, 1885.

SIR,—I have the honor to inform you that I purchased 1,175 acres of land from the British Columbia Government last year, and obtained a Crown grant for the same last January.

This land is situated on the left bank of the Columbia River, opposite Eagle Pass. My land includes the mouth of the Illecilliwait River (or Moberly Creek). Late last autumn the Canadian Pacific Railway engineers were engaged running lines, &c., down Moberly Creek and across my property. On the 2nd February, 1885, I wrote W. C. Van Horne, Esq., General Manager of the Canadian Pacific Railway, as follows:—

“VICTORIA, B.C., 2nd February, 1885.

“W. C. VAN HORNE, Esq., General Manager of Canadian Pacific Railway, Montreal.

“SIR,—As the owner by provincial Crown grant of lot 6, group 1, Kootenay District, which comprises 1,175 acres on the east bank of the Columbia River, opposite Eagle Pass, extending northerly about two and a half miles from the mouth of the Illecilliwait River and including the bed of the Columbia River to the middle, I beg to state that I have been informed that the railway company wish to carry the line across my land in order to reach Eagle Pass from the Illecilliwait valley. Having before me propositions to utilize this property, it will be convenient that I should hear from you with a view to suitable arrangements as far as the railway company is concerned.

“I am, Sir, your obedient servant,

“A. S. FAREWELL.”

“P.S.—My land being within the ‘central section’ will not come under the Government Railway Act.

“A. S. F.

On the 2nd of April, 1885, I telegraphed Mr. VanHorne, as follows:—

“VICTORIA, B.C., 2nd April, 1885.

“GENERAL MANAGER C.P.R., MONTREAL,—I intend immediately eject intruders second crossing, Columbia. Is company's answer my letter, 2nd February, on way?”

I received no answer to either of the above communications up to the present date.

I have received no notification from the railway company as to what land they require for railway purposes; and further, no map or plan or extract from the book of reference has been deposited in this district, as far as I have been able to ascertain.

Under these circumstances I have to request that you will not sanction any Act whatsoever of the company affecting my property.

I have the honor to be, Sir, your obedient servant,

A. S. FAREWELL.

The Hon. the Minister of Public Works, Ottawa.

THE CANADIAN PACIFIC RAILWAY COMPANY,
OFFICE OF THE SECRETARY, MONTREAL, 26th June, 1885.

SIR,—I beg to acknowledge receipt of your letter of the 25th instant enclosing copy of a letter from Mr. A. S. Farewell, of British Columbia, respecting his claim to certain lands at second crossing of the Columbia River.

I beg to inform you that this matter has already been in correspondence, and counsel has given opinion that Mr. Farewell's claim is not a valid one, and that the grant which was made by the Local Government is illegal.

The Department of the Interior informed me by letter on 17th instant that the subject was then before the law officers of the Crown.

I have the honor to be, Sir, your obedient servant,

C. DRINKWATER, *Secretary.*

A. P. BRADLEY, Esq., Secretary Department of Railways and Canals, Ottawa.

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 25th June, 1885.

SIR,—I am directed to enclose you herewith a copy of a letter from Mr. A. S. Farewell, which has been transferred here from the Department of Public Works, in which he requests that your company be not allowed to carry the line of railway over his land on the east bank of the Columbia River, near Eagle Pass, British Columbia.

I am, Sir, your obedient servant,

A. P. BRADLEY, *Secretary.*

C. DRINKWATER, Esq., Secretary Canadian Pacific Railway Company, Montreal.

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 25th June, 1885.

SIR,—I am directed to acknowledge the receipt of your letter, &c., which has been transferred here from the Department of Public Works, in which you request that the Canadian Pacific Railway Company be not allowed to carry the line of railway over your land on the east bank of the Columbia River.

I am, Sir, your obedient servant,

A. P. BRADLEY, *Secretary.*

A. S. FAREWELL, Esq., Farewell, West Crossing Columbia River, B.C.

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 28th July, 1885.

SIR,—In reply to your letter of the 25th of May last, addressed to the Hon. the Minister of Public Works and transferred to this Department, being in relation to the passage of the line of the Canadian Pacific Railway across lands at the second crossing of the Columbia River in your possession, as to which you offer objection and request the assistance of this Department in maintaining the same, I am directed to inform you that the matter is one with which this Department cannot interfere.

I am, Sir, your obedient servant,

A. P. BRADLEY, *Secretary.*

A. S. FAREWELL, Esq., West Crossing, Columbia River, B. C.

RETURN

(856)

Of Correspondence between the Canadian Pacific Railway Company and the Department of the Interior, as required by Resolution of the House of Commons of the 20th February, 1882.

OTTAWA, 11th March, 1886.

SIR,—I have the honor to submit the following summary of the contents of the papers herewith, being copies of the correspondence between this Department and the Canadian Pacific Railway Company, during the past year, required by resolution of the House of Commons, to be presented within fifteen days of the opening of each Session.

These papers consist of two parts, the contents of which may be summarized as follows:—

PART I.

1st. With regard to timber on the odd sections in the Turtle Mountain district, within the land reserved for the Manitoba and South-Western Railway Company:

On the 22nd January, 1885, Mr. Drinkwater wrote, protesting against licenses being granted to cut timber on any portion of those sections. On the 27th May he was informed in writing, the matter having in the meantime been discussed verbally with the company's officers, that until the lands are earned by the company, the Minister of the Interior thought it advisable to permit the licenses to run. On the 14th August, Mr. Drinkwater wrote again on this point, stating that the company were proceeding vigorously with the construction of the road, and that although the land grant had not yet been made to them their rights to the timber should be protected. On the 27th August, he was replied to in terms similar to those of the letter of the 27th May. On the 16th September, Mr. Drinkwater was written to again and told that the parties who held licenses had erected mills, and that the settlement required the production of lumber, but that on the expiration of the then existing licenses, which would occur in May, 1886, they would not be renewed.

2nd. With reference to trespasses committed on timber berths on Bow River, and also on Government land.

On the 22nd November, the Crown Timber agent at Calgary wrote the Department stating that the Canadian Pacific Railway Company had been cutting timber about Silver City for the purposes of snow fences, and for fence posts for their experimental farms. On the 27th May, Mr. Drinkwater had his attention called to this matter, and on the same day he was written to, asking him to cause returns to be made of all timber cut on the Eau Claire and Bow River Lumber Company's limit, west of Calgary, and reminding him that the agents at Calgary and Winnipeg had repeatedly tried to obtain this information, but could not; That Mr. Ross, the manager of construction, had been asked for it, and that his reply was that Mr. Holt, who had charge of that branch of the company's business, had ceased to be in his employ, and he could not prepare the return, but he suggested that somebody be appointed to make an investigation. It was understood here that Mr. Holt was still a contractor under the company, and it was pointed out to Mr. Drinkwater that in that event there should be no difficulty in obtaining this information. On the 26th June, Mr. Drinkwater enclosed a letter from Mr. Deacon, of Winnipeg, in which the statement was made that the timber got out for snow fences was only brush from about two or three

inches in diameter, and that the fencing used on the company's farms had been purchased in Winnipeg. Mr. Drinkwater, in a letter dated 5th June, as to the trespass on the Eau Claire and Bow River Company's lease, stated that this timber was taken off these lands before the lease was granted, and therefore the company are not required to pay anything. On August 5th he was written to again on this matter, and told that the berths were leased to the Eau Claire and Bow River Lumber Company prior to the construction of the road west of Calgary, and that repeated efforts had been made to obtain a return of the timber taken off the limits by the Canadian Pacific Railway Company, but without result.

3rd. Selling odd-numbered sections within grazing leases.

The correspondence under this head is not important. The manner in which such sections are to be withdrawn from the operation of grazing leases when earned by the railway company is provided for in the lease.

4th. There is a letter addressed to the Minister by Mr. Drinkwater, dated the 10th September, 1885, alluding to several matters. First, the Winnipeg station grounds, which he states should be enlarged; second, the Mennonite Reserve, the odd-numbered sections in which, remaining undisposed of, he thinks should be granted to the company; third, urging action to set aside the sales by the British Columbia Government of certain choice lots along the road, which if not cancelled will prove very detrimental to the company; fourth, the final arrangement of where the western limit of the company's land grant should be fixed, and what area of ground around each station should be granted the company by the Government.

5th. The next subject of correspondence is the alleged waste of Crown timber by contractors of the company on the Rocky Mountain and British Columbia sections of the road. In a letter dated the 28th October last, Mr. Higginson, the agent of this Department, drew the Minister's attention to this matter, and on the 7th November, he wrote to Mr. Ross, manager of the construction, asking him to take certain action to protect the Government interest particularly in reference to timber seized by him (Higginson) which was sawn up by one Mackenzie, at Angus. On the 7th December, 1885, Mr. Higginson was written to, and his action in regard to the letter addressed to Mr. Ross approved. On the same day Mr. Drinkwater was urged to arrange that the matter be attended to. On the 4th January, 1886, Mr. Drinkwater replied, enclosing a letter from Mr. Ross in which the latter denies Mr. Higginson's statement as to the waste; and saying in effect that the company have taken every step possible to prevent such waste.

PART II.

On the 4th February, 1885, the Secretary of the Department of Railways and Canals asked to have certain lands on the Stonewall Branch set aside for railway purposes. On the 24th March he was replied to, and his attention is directed to the fact that nearly all the lands designated were school sections with which the Government has no power to deal.

2. On the 27th April, the Agent at Brandon was written to, asking if there were any reason why certain odd sections which the Canadian Pacific Railway Company had requested should be patented to them should not be so patented. This precaution was taken because the township maps showed slight improvements on these lands at the time of survey. On the same date the commissioner at Winnipeg and the agent at Regina were written to the same effect. On 7th May a telegram was received from the agent at Regina, stating that there are no claims against such of the lands applied for as lay within his agency and on the 12th May the agent at Brandon answered to the same effect. On the 19th May, the commissioner reported on the whole matter, and after some further correspondence, Mr. Drinkwater was told the purport of these reports on the 26th June.

On the 21st September, the commissioner of Dominion Lands was written to, respecting a particular quarter section to which the records of this Department showed that one Edwards had at one time preferred a claim. The correspondence

shows that Edwards had no valid claim, and there was no objection to the issue of patent to the company.

On the 14th November the commissioner at Winnipeg was instructed to make further investigation respecting odd numbered sections which it was possible might be squatted on, and for which the Canadian Pacific Railway Company might apply for patents; and on the 1st March, 1886, Mr. Drinkwater was communicated with, as to the result of these enquiries.

Correspondence took place between Mr. Drinkwater and the Department at several times during the year respecting odd sections sold inadvertently by both the Government and the company, which is closed by a letter dated the 16th June, sending him copy of an Order in Council of the 6th March, 1883, by which this whole matter was arranged.

The next correspondence has reference to the examination and acceptance or rejection by the company of lands falling to them as part of their grant, and is mainly composed of lists. On the 21st September, 1885, the company's secretary gave notice of the acceptance of some which were formerly in the list of lands proposed by the company to be rejected; and on the 12th August he wrote accepting others which the company formerly proposed to reject.

The remainder of the correspondence has reference to exchanges of land between the Government and the company for the convenience of settlers.

I have the honor to be, Sir, your obedient servant,

A. M. BURGESS, *Deputy Minister of the Interior.*

PART I.

COPY OF GENERAL CORRESPONDENCE.

THE CANADIAN PACIFIC RAILWAY COMPANY,

OFFICE OF THE SECRETARY, MONTREAL, 23rd February, 1886.

SIR,—I have the honor to request that the following sections may be withdrawn from the ranching leases by which they are covered, namely, sections 5, 9 and 21, township 21, range 28, west 4.

This company has entered into agreements for the sale of these sections for settlement purposes, and I shall be glad to know when the notice of withdrawal has been given.

I have the honor to be, Sir, your obedient servant,

C. DRINKWATER, *Secretary.*

JNO. R. HALL, Esq., Secretary Department of the Interior, Ottawa.

DEPARTMENT OF THE INTERIOR, OTTAWA, 24th February, 1886.

SIR,—I am directed by the Minister of the Interior to acknowledge the receipt of your letter of the 16th instant (ref. 38778), and to state in reply, that a schedule showing the lands actually patented to the Canadian Pacific Railway Company was forwarded to you on the 17th instant, and that no patents have as yet been issued to the company for any of the lands comprising the right of way, station grounds, &c.

I am also to ask whether you require a list of the lands patented through which the line runs, and out of which the right of way has been reserved.

I have the honor to be, Sir, your obedient servant,

P. B. DOUGLAS, *Assistant Secretary.*

A. P. BRADLEY, Esq., Secretary Department of Railways and Canals, Ottawa.

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 16th February, 1886.

SIR,—Referring to your letter of the 10th instant, I have the honor to say that the information respecting the lands handed over to the Canadian Pacific Railway Company, asked for by my letter of the 18th ult., would comprise lands actually

patented to the company as portions of their land grant of 25,000,000 acres, and lands for right of way, station grounds, &c., as to which patents may have been issued in their favor from the Crown, as donors of such lands, or as to which they may have been placed in possession without having as yet received patents therefor.

I have the honor to be, Sir, your obedient servant,

A. P. BRADLEY, *Secretary.*

A. M. BURGESS, Esq., Deputy Minister of the Interior, Ottawa.

DEPARTMENT OF THE INTERIOR, OTTAWA, 17th February, 1886.

SIR,—With reference to your letter of the 18th ultimo (ref. 38557), I am directed by the Minister of the Interior to enclose herewith a copy of a list, on file here, of lands in Manitoba and the North-West Territories which have been patented to the Canadian Pacific Railway Company up to the 31st ultimo.

I have the honor to be, Sir, your obedient servant,

P. B. DOUGLAS, *Assistant Secretary.*

A. P. BRADLEY, Esq., Secretary Department of Railways and Canals, Ottawa.

LIST of Lands in Manitoba and the North-West Territories, patented to the Canadian Pacific Railway Company, up to the 31st January, 1886. (Grant No. 33b).

| Section. | Part of Section. | Township. | Range. | Meridian. | When Patented. |
|----------|---------------------------------------|-----------|---------|-----------|----------------|
| 1883. | | | | | |
| 5 | Whole | 11 | 12 West | 1st | 24th December. |
| 35 | do | 10 | 16 do | do | 21st do |
| 27 | do | 10 | 18 do | do | 21st do |
| 17 | do | 10 | 21 do | do | 21st do |
| 23 | do | 9 | 24 do | do | 21st do |
| 3 | do | 12 | 28 do | do | 21st do |
| 33 | do | 11 | 28 do | do | 21st do |
| 3 | do | 13 | 30 do | do | 21st do |
| 33 | do | 13 | 31 do | do | 26th do |
| 21 | do | 14 | 32 do | do | 26th do |
| 9 | do | 15 | 33 do | do | 26th do |
| 31 | do | 15 | 1 do | 2nd | 22nd do |
| 7 | do | 16 | 2 do | do | 22nd do |
| 19 | do | 16 | 3 do | do | 22nd do |
| 25 | do | 16 | 5 do | do | 22nd do |
| 7 | do | 17 | 8 do | do | 22nd do |
| 21 | do | 18 | 14 do | do | 22nd November. |
| 27 | do | 18 | 14 do | do | 22nd do |
| 19 | do | 17 | 19 do | do | 22nd do |
| 25 | do | 17 | 20 do | do | 22nd do |
| 33 | do | 16 | 26 do | do | 22nd do |
| 1884. | | | | | |
| 33 | S.E. $\frac{1}{4}$ | 11 | 10 do | 1st | 5th March. |
| 13 | Whole | 10 | 19 do | do | 6th do |
| 15 | do | 10 | 19 do | do | 6th do |
| 25 | do | 9 | 23 do | do | 5th do |
| 9 | do | 17 | 22 do | 2nd | 5th do. |
| 15 | Fractional whole | 24 | 1 do | 5th | 2nd April. |
| 34 | N.W. $\frac{1}{4}$ | 11 | 28 do | 1st | 24th do |
| 4 | S.E. $\frac{1}{4}$ | 12 | 28 do | do | 25th do |
| 26 | N.E. $\frac{1}{4}$ | 16 | 5 do | 2nd | 8th May. |
| 18 | S. $\frac{1}{2}$ | 17 | 8 do | do | 25th April. |
| 34 | W. $\frac{1}{2}$ | 17 | 11 do | do | 28th do |
| 12 | N.W. $\frac{1}{4}$ | 17 | 10 do | do | 26th do |
| 17 | Whole | 17 | 7 do | do | 20th June. |
| 31 | W. $\frac{1}{2}$ | 17 | 8 do | do | 23rd do |
| 31 | Whole | 17 | 12 do | do | 20th do |
| 35 | N.W. $\frac{1}{4}$ | 17 | 12 do | do | 20th do |
| 13 | Fractional W. $\frac{1}{2}$ | 17 | 13 do | do | 21st do |
| 35 | N. $\frac{1}{2}$ & S.E. $\frac{1}{4}$ | 17 | 13 do | do | 21st do |
| 27 | Whole | 17 | 14 do | do | 21st do |

LIST of Lands, &c.—Continued.

| Section. | Part of Section. | Township. | Range. | Meridian. | When Patented. | | | | |
|----------|----------------------------|-----------|--------------|-----------|----------------|-----|-------------|----------|---------|
| 1 | Whole | 18 | 11 West..... | 2nd..... | 20th do | | | | |
| 3 | do | | | | | | | | |
| 9 | do | | | | | | | | |
| 15 | do | | | | | | | | |
| 17 | do | | | | | | | | |
| 19 | do | | | | | | | | |
| 21 | do | | | | | | | | |
| 23 | do | | | | | | | | |
| 27 | do | | | | | | | | |
| 31 | do | | | | | | | | |
| 1 | do | 18 | 12 do | do | 21st do | | | | |
| 3 | do | | | | | | | | |
| 13 | do | | | | | | | | |
| 23 | do | | | | | | | | |
| 25 | do | | | | | | | | |
| 27 | do | | | | | | | | |
| 35 | do | | | | | | | | |
| 3 | do | | | | | | | | |
| 5 | do | | | | | | | | |
| 7 | do | | | | | | | | |
| 9 | do | 18 | 14 do ... | do | 19th do | | | | |
| 13 | Whole | | | | | | | | |
| 17 | do | | | | | | | | |
| 23 | do | | | | | | | | |
| 31 | do | | | | | | | | |
| 33 | N $\frac{1}{2}$ | | | | | | | | |
| 35 | Whole | | | | | | | | |
| 7 | Fractional whole | | | | | 19a | 11 do | do | 23rd do |
| 1 | Whole | | | | | | | | |
| 3 | do | | | | | | | | |
| 1 | do | | | | | | | | |
| 3 | do | | | | | | | | |
| 5 | do | | | | | | | | |
| 7 | do | | | | | | | | |
| 9 | do | | | | | | | | |
| 13 | do | | | | | | | | |
| 17 | do | | | | | | | | |
| 7 | do | 20 | 10 do | do | 19th do | | | | |
| 9 | do | | | | | | | | |
| 1 | do | | | | | | | | |
| 13 | do | | | | | | | | |
| 15 | do | | | | | | | | |
| 19 | do | | | | | | | | |
| 21 | do | | | | | | | | |
| 23 | do | | | | | | | | |
| 25 | do | | | | | | | | |
| 27 | do | | | | | | | | |
| 31 | do | | | | | | | | |
| 35 | do | 19 | 12 do | do | 20th do | | | | |
| 3 | do | | | | | | | | |
| 15 | NE $\frac{1}{4}$ | | | | | | | | |
| 19 | E $\frac{1}{2}$ | | | | | | | | |
| 23 | Fractional W $\frac{1}{2}$ | | | | | | | | |
| 27 | do NE $\frac{1}{4}$ | | | | | | | | |
| 31 | N $\frac{1}{2}$ | | | | | | | | |
| 25 | Fractional whole | | | | | | | | |
| 27 | N $\frac{1}{2}$ | | | | | | | | |
| 33 | E $\frac{1}{2}$ | | | | | | | | |
| 35 | W $\frac{1}{2}$ | | | | | | | | |
| 3 | SW $\frac{1}{4}$ | 19 | 13 do | do | 19th do | | | | |
| 9 | NW $\frac{1}{4}$ | | | | | | | | |
| 15 | Whole | | | | | | | | |
| 19 | do | | | | | | | | |
| 23 | W $\frac{1}{2}$ | | | | | | | | |
| 31 | E $\frac{1}{2}$ | | | | | | | | |
| 33 | W $\frac{1}{2}$ | | | | | | | | |
| 20 | 11 do | | | | | 20 | do | do | 23rd do |
| 1 | do | | | | | | | | |
| 3 | do | | | | | | | | |
| 5 | do | | | | | | | | |
| 7 | do | | | | | | | | |
| 9 | do | | | | | | | | |
| 11 | do | | | | | | | | |
| 13 | do | | | | | | | | |
| 15 | do | | | | | | | | |
| 17 | do | | | | | | | | |

LIST of Lands, &c.—Continued.

| Section. | Part of Section. | Township. | Range. | Meridian. | When Patented. |
|----------|---|-----------|---------------|-----------|----------------|
| | | | | | 1884. |
| 1 | S $\frac{1}{2}$ | 20 | 12 West | 2nd..... | 20th June. |
| 15 | NE $\frac{1}{4}$ | | | | |
| 23 | E $\frac{1}{2}$ | | | | |
| 3 | S $\frac{1}{2}$ | 20 | 13 do | do | 23rd do |
| 13 | Fractional whole..... | | | | |
| 15 | Whole..... | 20 | 14 do | do | 23rd do |
| 17 | Fractional whole..... | | | | |
| 21 | Whole..... | | | | |
| 23 | do | 21 | 12 do | do | 23rd do |
| 27 | E $\frac{1}{2}$ | | | | |
| 13 | S $\frac{1}{2}$ | | | | |
| 15 | S $\frac{1}{2}$ | 21 | 13 do | do | 18th do |
| 3 | Fractional NE $\frac{1}{4}$ | | | | |
| 15 | Whole..... | | | | |
| 17 | E $\frac{1}{2}$ and E $\frac{1}{2}$ of W $\frac{1}{2}$ | 21 | 14 do | do | 9th do |
| 23 | E $\frac{1}{2}$ | | | | |
| 1 | Fractional whole | | | | |
| 5 | E $\frac{1}{2}$ | 21 | 18 do | do | 21st June. |
| 9 | Whole..... | | | | |
| 13 | Fractional SW $\frac{1}{4}$ | | | | |
| 15 | W $\frac{1}{2}$ | 16 | 18 do | do | 23rd do |
| 21 | Part of fractional W $\frac{1}{2}$ lying south of the Fishing Lakes..... | | | | |
| 25 | Whole..... | | | | |
| 31 | Whole..... | 16 | 19 do | do | 23rd do |
| 25 | do | | | | |
| 33 | do | | | | |
| 9 | do | 16 | 20 do | do | 23rd do |
| 1 | do | | | | |
| 15 | do | | | | |
| 21 | do | 17 | 19 do | do | 9th do |
| 13 | do | | | | |
| 19 | do | | | | |
| 21 | do | 17 | 21 do | do | 24th do |
| 35 | do | | | | |
| 3 | do | | | | |
| 13 | do | 18 | 19 do | do | 23rd do |
| 19 | do | | | | |
| 21 | do | | | | |
| 31 | do | 18 | 20 do | do | 23rd do |
| 17 | do | | | | |
| 21 | do | | | | |
| 23 | do | 18 | 21 do | do | 21st do |
| 25 | do | | | | |
| 33 | do | | | | |
| 1 | do | 19 | 21 do | do | 26th do |
| 15 | do | | | | |
| 5 | do | | | | |
| 7 | do | 19 | 20 do | do | 18th do |
| 1 | do | | | | |
| 3 | do | | | | |
| 5 | do | 19 | 20 do | do | 18th do |
| 7 | do | | | | |
| 23 | do | | | | |
| 21 | do | 10 | 20 do | 1st | 20th do |
| 1 | do | | | | |
| 13 | do | | | | |
| 25 | do | 19 | 21 do | 2nd..... | 20th do |
| 33 | do | | | | |
| 33 | Fractional whole..... | | | | |
| 3 | Whole..... | 20 | 20 do | do | 19th do |
| 5 | do | | | | |
| 9 | do | | | | |
| 19 | W. $\frac{1}{2}$ | | | | |

LIST of Lands, &c.—Continued.

| Section. | Part of Section. | Township. | Range. | Meridian. | When Patented. | | | | |
|----------|------------------|-----------|---------|-----------|----------------|----|-------|-----|---------|
| | | | | | 1884. | | | | |
| 1 | Whole | 20 | 21 West | 2nd | 17th June. | | | | |
| 13 | do | | | | | | | | |
| 23 | do | | | | | | | | |
| 33 | do | | | | | 17 | 11 do | do | 23rd do |
| 13 | do | | | | | 18 | 16 do | do | 23rd do |
| 3 | do | | | | | 18 | 17 do | do | 24th do |
| 33 | do | | | | | 17 | 18 do | do | 24th do |
| 15 | do | | | | | 17 | 21 do | do | 24th do |
| 31 | do | | | | | 16 | 23 do | do | 24th do |
| 27 | do | | | | | 16 | 25 do | do | 24th do |
| 25 | do | | | | | 15 | 14 do | 3rd | 24th do |
| 15 | do | | | | | 11 | 26 do | do | 19th do |
| 5 | do | | | | | 17 | 19 do | 2nd | 9th do |
| 27 | do | 9 | 1 do | do | 9th August. | | | | |
| 31 | do | | | | | | | | |
| 1 | do | | | | | | | | |
| 3 | do | | | | | | | | |
| 5 | do | | | | | | | | |
| 7 | do | | | | | | | | |
| 9 | do | | | | | | | | |
| 13 | do | | | | | 16 | 18 do | do | 7th do |
| 15 | do | | | | | | | | |
| 17 | do | | | | | | | | |
| 19 | do | | | | | | | | |
| 21 | do | | | | | | | | |
| 23 | do | | | | | | | | |
| 25 | do | | | | | | | | |
| 27 | do | 16 | 18 do | 2nd | 7th August. | | | | |
| 33 | do | | | | | | | | |
| 35 | do | | | | | | | | |
| 1 | do | | | | | | | | |
| 3 | do | | | | | | | | |
| 5 | do | | | | | | | | |
| 7 | do | | | | | | | | |
| 9 | do | | | | | | | | |
| 13 | do | | | | | | | | |
| 15 | do | 16 | 19 do | do | 8th do | | | | |
| 17 | do | | | | | | | | |
| 19 | do | | | | | | | | |
| 21 | do | | | | | | | | |
| 23 | do | | | | | | | | |
| 27 | do | | | | | | | | |
| 31 | do | | | | | | | | |
| 35 | do | | | | | | | | |
| 19 | E. } Whole | 20 | 20 do | do | 7th do | | | | |
| 3 | do | | | | | | | | |
| 7 | do | | | | | | | | |
| 9 | do | | | | | | | | |
| 13 | do | | | | | | | | |
| 17 | do | | | | | | | | |
| 23 | do | 17 | 19 do | do | 8th do | | | | |
| 25 | do | | | | | | | | |
| 27 | do | | | | | | | | |
| 31 | do | | | | | | | | |
| 33 | do | | | | | | | | |
| 35 | do | | | | | | | | |
| 1 | do | | | | | | | | |
| 5 | do | | | | | | | | |
| 7 | do | | | | | | | | |
| 9 | do | | | | | | | | |
| 15 | do | 18 | 19 do | do | 8th do | | | | |
| 17 | do | | | | | | | | |
| 23 | do | | | | | | | | |
| 25 | do | | | | | | | | |
| 27 | do | | | | | | | | |
| 33 | do | | | | | | | | |
| 35 | do | | | | | | | | |

LIST of Lands, &c.—Continued.

| Section. | Part of Section. | Township. | Range. | Meridian. | When Patented. |
|----------|------------------|-----------|---------------|-----------|----------------|
| | | | | | 1884. |
| 1 | Whole..... | 18 | 20 West | 2nd | 12th August. |
| 3 | do | | | | |
| 5 | do | | | | |
| 7 | do | | | | |
| 9 | do | | | | |
| 13 | do | | | | |
| 15 | do | | | | |
| 19 | do | | | | |
| 27 | do | | | | |
| 31 | do | | | | |
| 35 | do | 19 | 19 do | do | 8th do |
| 1 | do | | | | |
| 3 | do | | | | |
| 9 | do | | | | |
| 13 | do | | | | |
| 15 | do | | | | |
| 17 | do | | | | |
| 19 | do | | | | |
| 21 | do | | | | |
| 23 | do | | | | |
| 25 | do | 19 | 19 do | do | 8th do |
| 27 | do | | | | |
| 31 | do | | | | |
| 33 | do | | | | |
| 35 | do | | | | |
| 1 | do | | | | |
| 3 | do | | | | |
| 5 | do | | | | |
| 7 | do | | | | |
| 9 | do | | | | |
| 13 | do | 16 | 20 do | do | 8th do |
| 15 | do | | | | |
| 17 | do | | | | |
| 19 | do | | | | |
| 21 | do | | | | |
| 23 | do | | | | |
| 25 | do | | | | |
| 27 | do | | | | |
| 31 | do | | | | |
| 35 | do | | | | |
| 9 | do | 19 | 20 do | do | 8th do |
| 13 | do | | | | |
| 15 | do | | | | |
| 17 | do | | | | |
| 19 | do | | | | |
| 21 | do | | | | |
| 23 | do | | | | |
| 25 | do | | | | |
| 27 | do | | | | |
| 31 | do | | | | |
| 35 | do | 17 | 21 do | do | 8th do |
| 1 | do | | | | |
| 3 | do | | | | |
| 5 | do | | | | |
| 7 | do | | | | |
| 9 | do | | | | |
| 17 | do | | | | |
| 23 | do | | | | |
| 25 | do | | | | |
| 27 | do | | | | |
| 31 | do | | | | |
| 33 | do | | | | |

LIST of LANDS, &c.—Continued.

| Section. | Part of Section. | Township. | Range. | Meridian. | When Patented. | | | | |
|----------|---|-----------|---------------|-----------|----------------|----|-------------|-----------|-------------------|
| | | | | | 1884. | | | | |
| 3 | Whole..... | 18 | 21 West | 2nd | 8th August. | | | | |
| 5 | do | | | | | | | | |
| 7 | do | | | | | | | | |
| 9 | do | | | | | | | | |
| 13 | do | | | | | | | | |
| 17 | do | | | | | | | | |
| 19 | do | | | | | | | | |
| 21 | do | | | | | | | | |
| 23 | do | | | | | | | | |
| 25 | do | | | | | | | | |
| 27 | do | 16 | 26 do | do | 9th October. | | | | |
| 31 | do | | | | | | | | |
| 33 | do | | | | | | | | |
| 35 | do | | | | | | | | |
| 1 | do | | | | | | | | |
| 3 | do | | | | | | | | |
| 5 | do | | | | | | | | |
| 7 | do | | | | | | | | |
| 13 | do | | | | | | | | |
| 15 | do | | | | | | | | |
| 17 | do | 16 | 26 West | do | 9th do | | | | |
| 19 | do | | | | | | | | |
| 21 | do | | | | | | | | |
| 23 | do | | | | | | | | |
| 25 | do | | | | | | | | |
| 27 | do | | | | | | | | |
| 31 | do | | | | | | | | |
| 35 | do | | | | | | | | |
| 17 | W $\frac{1}{2}$ of NW $\frac{1}{4}$ | | | | | | | | |
| 19 | Whole..... | | | | | 21 | 13 do | do | 22nd do |
| 33 | S $\frac{1}{2}$ | 18 | 14 do | do | 20th do | | | | |
| 27 | Fractional W $\frac{1}{2}$ | 19 | 12 do | do | 21st do | | | | |
| 1 | Whole..... | 16 | 8 do | do | 9th December. | | | | |
| 3 | do | | | | | | | | |
| 5 | do | | | | | | | | |
| 7 | do | | | | | | | | |
| 9 | Fractional whole..... | | | | | | | | |
| 13 | Whole..... | | | | | | | | |
| 15 | do | | | | | | | | |
| 17 | do | | | | | | | | |
| 19 | do | | | | | | | | |
| 21 | do | | | | | | | | |
| 23 | do | 16 | 8 do | do | 6th do | | | | |
| 25 | do | | | | | | | | |
| 27 | do | | | | | | | | |
| 31 | do | | | | | | | | |
| 33 | do | | | | | | | | |
| 35 | do | | | | | | | | |
| 21 | Fractional SE $\frac{1}{4}$ | | | | | 21 | 14 do | do | 10th do |
| 27 | do | | | | | 19 | 12 do | do | 11th do |
| 35 | Whole..... | | | | | 2 | 27 do | 1st | 11th March. 1885. |
| 13 | do | | | | | 3 | 28 do | do | 10th do |
| 21 | do | 2 | 30 do | do | 11th do | | | | |
| 15 | do | | | | | | | | |
| 17 | do | | | | | | | | |
| 21 | do | | | | | | | | |
| 31 | do | 4 | 20 do | do | 9th May. | | | | |
| 35 | do | 5 | 21 do | do | 9th do | | | | |
| 17 | do | 5 | 24 do | do | 9th do | | | | |
| 33 | do | 6 | 15 do | do | 9th do | | | | |
| 19 | do | 6 | 19 do | do | 9th do | | | | |
| 5 | do | 6 | 23 do | do | 9th do | | | | |
| 9 | do | | | | | | | | |
| 21 | Fractional whole..... | | | | | | | | |

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| Section. | Part of Section. | Town-ship. | Range. | Meridian. | When Patented. |
|----------|---|------------|--------------|-----------|----------------|
| | | | | | 1885. |
| 5 | Whole..... | 7 | 14 West..... | 1st..... | 9th May. |
| 9 | do..... | | | | |
| 1 | do..... | | | | |
| 9 | do..... | | | | |
| 17 | S $\frac{1}{2}$ | 7 | 15 do..... | do..... | 9th do |
| 35 | Fractional whole..... | | | | |
| 1 | Whole..... | 7 | 16 do..... | do..... | 9th do |
| 19 | do..... | | | | |
| 33 | do..... | | | | |
| 5 | do..... | | | | |
| 23 | Fractional whole..... | 7 | 17 do..... | do..... | 9th do |
| 33 | Whole..... | | | | |
| 21 | do..... | 7 | 18 do..... | do..... | 9th do |
| 15 | do..... | | | | |
| 19 | Fractional whole..... | 7 | 19 do..... | do..... | 9th do |
| 21 | do..... | | | | |
| 23 | do..... | | | | |
| 27 | Whole..... | 7 | 26 do..... | do..... | 9th do |
| 21 | do..... | | | | |
| 23 | do..... | | | | |
| 27 | do..... | | | | |
| 25 | do..... | 7 | 27 do..... | do..... | 9th do |
| 33 | do..... | | | | |
| 1 | do..... | 8 | 17 do..... | do..... | 9th do |
| 3 | do..... | | | | |
| 7 | do..... | | | | |
| 15 | do..... | | | | |
| 19 | do..... | 8 | 18 do..... | do..... | 30th June. |
| 23 | N. $\frac{1}{2}$ | | | | |
| 27 | Whole..... | 8 | 19 do..... | do..... | 9th May. |
| 19 | do..... | | | | |
| 27 | do..... | | | | |
| 31 | do..... | | | | |
| 1 | do..... | 8 | 20 do..... | do..... | 9th do |
| 31 | do..... | | | | |
| 13 | do..... | 8 | 22 do..... | do..... | 9th do |
| 1 | do..... | | | | |
| 13 | do..... | | | | |
| 1 | do..... | | | | |
| 13 | do..... | 8 | 24 do..... | do..... | 9th do |
| 23 | do..... | | | | |
| 1 | do..... | 8 | 28 do..... | do..... | 9th do |
| 9 | do..... | | | | |
| 35 | N. $\frac{1}{2}$ & S.E. $\frac{1}{4}$ | | | | |
| 17 | N.E. $\frac{1}{4}$ | | | | |
| 17 | Whole..... | 9 | 18 do..... | do..... | 27th June. |
| 25 | do..... | | | | |
| 5 | do..... | | | | |
| 15 | do..... | | | | |
| 33 | do..... | 9 | 19 do..... | do..... | 9th May. |
| 33 | do..... | | | | |
| 7 | do..... | 9 | 20 do..... | do..... | 9th do |
| 1 | do..... | | | | |
| 15 | do..... | | | | |
| 25 | do..... | | | | |
| 31 | do..... | 9 | 21 do..... | do..... | 9th do |
| 1 | do..... | | | | |
| 15 | Whole, fractional..... | 9 | 22 do..... | do..... | 9th do |
| 31 | do..... | | | | |
| 1 | do..... | | | | |
| 2 | do..... | | | | |
| 15 | do..... | 9 | 25 do..... | do..... | 9th do |
| 31 | do..... | | | | |
| 7 | do..... | 9 | 26 do..... | do..... | 9th do |
| 13 | do..... | | | | |
| 1 | do..... | | | | |
| 1 | do..... | | | | |
| 13 | do..... | 9 | 27 do..... | do..... | 9th do |
| 1 | do..... | | | | |
| 31 | do..... | 9 | 28 do..... | do..... | 9th do |
| 7 | do..... | | | | |
| 1 | do..... | | | | |
| 1 | do..... | | | | |
| 10 | do..... | 10 | 13 do..... | do..... | 9th do |
| 31 | do..... | | | | |
| 3 | Whole, fractional..... | 10 | 18 do..... | do..... | 27th June. |
| 31 | S. $\frac{1}{2}$ | | | | |
| 9 | Whole..... | 10 | 19 do..... | do..... | 9th May. |
| 25 | do..... | | | | |
| 33 | N. W. $\frac{1}{4}$ | | | | |
| 33 | Whole, fractional..... | | | | |
| | | 10 | 20 do..... | do..... | 12th do |

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| Section. | Part of Section. | Township. | Range. | Meridian. | When Patented. | | | | |
|----------|---------------------------------------|-----------|---------|-----------|----------------|----|-------|----|---------|
| | | | | | 1886. | | | | |
| 23 | Whole | 10 | 21 West | 1st | 30th June. | | | | |
| 25 | do | | | | | | | | |
| 19 | do | | | | | | | | |
| 26 | do | | | | | | | | |
| 27 | do | | | | | | | | |
| 31 | do | | | | | | | | |
| 15 | do | | | | | | | | |
| 19 | do | | | | | | | | |
| 35 | do | | | | | | | | |
| 17 | do | | | | | | | | |
| 19 | do | 10 | 28 do | do | 12th do | | | | |
| 35 | do | | | | | | | | |
| 17 | do | | | | | | | | |
| 19 | do | | | | | | | | |
| 27 | do | | | | | | | | |
| 7 | N. $\frac{1}{2}$ | | | | | | | | |
| 33 | Whole | | | | | | | | |
| 13 | N. W. $\frac{1}{4}$ | | | | | | | | |
| 33 | Whole | | | | | | | | |
| 13 | do | | | | | 11 | 16 do | do | 9th do |
| 19 | do | | | | | | | | |
| 9 | S. $\frac{1}{2}$ & N.E. $\frac{1}{4}$ | | | | | | | | |
| 15 | Whole | | | | | | | | |
| 19 | do | | | | | | | | |
| 33 | do | | | | | | | | |
| 15 | do | | | | | | | | |
| 19 | do | | | | | | | | |
| 25 | do | | | | | | | | |
| 1 | do | | | | | | | | |
| 23 | do | 11 | 22 do | do | 9th May. | | | | |
| 25 | do | | | | | | | | |
| 35 | do | | | | | | | | |
| 5 | Fractional whole | | | | | | | | |
| 23 | Whole | | | | | | | | |
| 5 | do | | | | | | | | |
| 7 | do | | | | | | | | |
| 13 | do | | | | | | | | |
| 35 | N. $\frac{1}{2}$ | | | | | | | | |
| 3 | Whole | | | | | 11 | 23 do | do | 9th do |
| 23 | do | | | | | | | | |
| 27 | do | | | | | | | | |
| 33 | do | | | | | | | | |
| 5 | do | | | | | | | | |
| 9 | do | | | | | | | | |
| 21 | do | | | | | | | | |
| 23 | do | | | | | | | | |
| 1 | do | | | | | | | | |
| 15 | S. W. $\frac{1}{4}$ | 11 | 24 do | do | 9th do | | | | |
| 25 | Whole | | | | | | | | |
| 33 | do | | | | | | | | |
| 3 | do | | | | | | | | |
| 1 | do | | | | | | | | |
| 3 | do | | | | | | | | |
| 5 | do | | | | | | | | |
| 3 | do | | | | | | | | |
| 1 | do | | | | | | | | |
| 15 | do | | | | | 12 | 18 do | do | 12th do |
| 15 | do | | | | | | | | |
| 31 | do | | | | | | | | |
| 1 | S. $\frac{1}{2}$ | | | | | | | | |
| 27 | Whole | | | | | | | | |
| 13 | N. $\frac{1}{2}$ | | | | | | | | |
| 33 | Whole | 12 | 22 do | do | 12th do | | | | |
| 35 | do | | | | | | | | |
| 25 | do | | | | | | | | |
| 35 | do | | | | | | | | |
| 3 | do | | | | | | | | |
| 1 | do | | | | | | | | |
| 15 | do | | | | | | | | |
| 15 | do | | | | | | | | |
| 31 | do | | | | | | | | |
| 1 | S. $\frac{1}{2}$ | | | | | 12 | 23 do | do | 12th do |
| 27 | Whole | | | | | | | | |
| 13 | N. $\frac{1}{2}$ | | | | | | | | |
| 33 | Whole | | | | | | | | |
| 35 | do | | | | | | | | |
| 25 | do | | | | | | | | |
| 35 | do | | | | | | | | |
| 3 | do | | | | | | | | |
| 35 | do | | | | | | | | |
| 3 | do | 13 | 17 do | do | 12th do | | | | |
| 35 | do | | | | | | | | |
| 3 | do | 13 | 23 do | do | 12th do | | | | |
| 35 | do | | | | | | | | |
| 35 | do | 13 | 24 do | do | 12th do | | | | |
| 3 | do | | | | | | | | |

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| Section. | Part of Section. | Town-ship. | Range. | Meridian. | When Patented. |
|----------|---|------------|---------------|-----------|----------------|
| | | | | | 1885. |
| 21 | Whole..... | 13 | 28 West | 1st | 12th May |
| 5 | do | 13 | 29 do | do | 12th do |
| 17 | do | | | | |
| 23 | do | | | | |
| 7 | do | | | | |
| 5 | do | 13 | 30 do | do | 15th do |
| 7 | do | | | | |
| 15 | do | | | | |
| 17 | do | | | | |
| 19 | do | | | | |
| 23 | do | | | | |
| 27 | do | 13 | 31 do | do | 15th do |
| 35 | do | | | | |
| 27 | S. $\frac{1}{2}$ | 14 | 12 do | do | 13th do |
| 9 | Whole..... | 14 | 15 do | do | 13th do |
| 19 | W. $\frac{1}{2}$ | | | | |
| 31 | N. $\frac{1}{2}$ & S.W. $\frac{1}{2}$ | | | | |
| 3 | Whole..... | 14 | 16 do | do | 13th do |
| 31 | S.E. $\frac{1}{2}$ & N.W. $\frac{1}{2}$ | | | | |
| 1 | Whole..... | 14 | 21 do | do | 13th do |
| 3 | do | | | | |
| 35 | W. $\frac{1}{2}$ & S.E. $\frac{1}{2}$ | 14 | 25 do | do | 13th do |
| 7 | Whole..... | 14 | 26 do | do | 13th do |
| 25 | do | 14 | 27 do | do | 13th do |
| 23 | Whole..... | 14 | 27 do | 1st..... | 13th do |
| 3 | do | 14 | 28 do | do | 13th do |
| 7 | do | 14 | 29 do | do | 13th do |
| 15 | do | | | | |
| 17 | do | | | | |
| 23 | do | | | | |
| 3 | do | | | | |
| 5 | do | | | | |
| 3 | N. W. $\frac{1}{2}$ | 15 | 1 East..... | do | 13th do |
| 5 | E. $\frac{1}{2}$ | 15 | 26 West | do | 12th do |
| 3 | Whole..... | 15 | 29 do | do | 13th do |
| 5 | do | | | | |
| 17 | do | 15 | 31 do | do | 15th do |
| 27 | do | | | | |
| 19 | do | 5 | 2 do | 2nd..... | 15th do |
| 7 | do | 13 | 1 do | do | 13th do |
| 23 | do | | | | |
| 27 | do | 13 | 2 do | do | 15th do |
| 23 | do | | | | |
| 3 | do | 14 | 3 do | do | 13th do |
| 17 | do | 14 | 1 do | do | 15th do |
| 19 | do | | | | |
| 27 | do | | | | |
| 31 | do | | | | |
| 35 | do | | | | |
| 15 | do | | | | |
| 23 | do | 14 | 2 do | do | 15th do |
| 27 | do | | | | |
| 5 | do | 14 | 2 do | do | 15th do |
| 17 | do | 14 | 5 do | do | 15th do |
| 27 | do | 15 | 2 do | do | 13th do |
| 5 | do | | | | |
| 7 | do | 15 | 3 do | do | 15th do |
| 31 | do | | | | |
| 35 | do | 15 | 4 do | do | 15th do |
| 23 | Whole, fractional..... | | | | |
| 27 | do | 15 | 7 do | do | 15th do |
| 31 | do | 15 | 8 do | do | 15th do |
| 23 | fractional..... | 16 | 1 do | do | 27th do |
| 7 | do | 16 | 2 do | do | 27th do |
| 23 | do | | | | |
| 27 | do | 16 | 4 do | do | 22nd do |
| 3 | do | 16 | 4 do | do | 22nd do |

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| Section. | Part of Section. | Town-ship. | Range. | Meridian. | When Patented. | | | | |
|----------|--|-----------------|---------|-----------|----------------|----|-------|----|---------|
| | | | | | 1885. | | | | |
| 9 | Whole | 15 | 17 West | 2nd. | 26th May. | | | | |
| 13 | do | | | | | | | | |
| 16 | do | | | | | | | | |
| 17 | do | | | | | | | | |
| 21 | do | | | | | | | | |
| 23 | do | | | | | | | | |
| 25 | do | | | | | | | | |
| 27 | do | | | | | | | | |
| 31 | do | | | | | | | | |
| 33 | do | | | | | | | | |
| 35 | do | | | | | | | | |
| 3 | do | | | | | 16 | 3 do | do | 26th do |
| 17 | do | | | | | | | | |
| 23 | do | | | | | | | | |
| 27 | do | | | | | | | | |
| 35 | fractional. | | | | | 18 | 5 do | do | 27th do |
| 23 | do | | | | | | | | |
| 27 | do | | | | | 16 | 6 do | do | 27th do |
| 35 | do | | | | | | | | |
| 27 | do | | | | | 16 | 17 do | do | 27th do |
| 31 | do | | | | | | | | |
| 1 | do | | | | | | | | |
| 3 | do | | | | | | | | |
| 5 | do | | | | | | | | |
| 7 | do | | | | | | | | |
| 9 | do | | | | | | | | |
| 15 | do | | | | | | | | |
| 17 | do | | | | | | | | |
| 19 | do | | | | | | | | |
| 21 | do | | | | | | | | |
| 27 | do | | | | | | | | |
| 31 | do | | | | | | | | |
| 33 | do | | | | | | | | |
| 31 | do | 16 | 9 do | do | 27th do | | | | |
| 35 | do | | | | | | | | |
| 3 | do | 16 | 24 do | do | 27th do | | | | |
| 3 | do | 19 ^a | 9 do | do | 27th do | | | | |
| 3 | do | 19 ^a | 10 do | do | 27th do | | | | |
| 5 | do | 17 | 7 do | do | 26th do | | | | |
| 3 | do | | | | | | | | |
| 5 | do | 17 | 9 do | do | 26th do | | | | |
| 15 | do | | | | | | | | |
| 17 | do | 17 | 10 do | do | 26th do | | | | |
| 3 | do | | | | | | | | |
| 17 | do | 17 | 17 do | do | 26th do | | | | |
| 3 | do | | | | | | | | |
| 5 | do | 17 | 23 do | do | 27th do | | | | |
| 27 | do | | | | | | | | |
| 23 | fractional | 18 | 9 do | do | 27th do | | | | |
| 27 | do | | | | | | | | |
| 31 | do | 18 | 10 do | do | 11th June. | | | | |
| 35 | do | | | | | | | | |
| 17 | do | 18 | 17 do | do | 11th do | | | | |
| 33 | S. $\frac{1}{2}$ | 14 | 15 do | 1st | 17th do | | | | |
| 27 | Whole | 24 | 1 do | 5th | 11th do | | | | |
| 9 | W. $\frac{1}{2}$ and N. E. $\frac{1}{4}$ | | | | | | | | |
| 7 | Whole. | 22 | 14 do | 2nd | 11th do | | | | |
| 27 | do | 4 | 20 do | 1st | 11th do | | | | |
| 27 | do | 5 | 19 do | do | 11th do | | | | |
| 27 | do | 5 | 20 do | do | 11th do | | | | |
| 5 | do | 5 | 21 do | 2nd | | | | | |

LIST of Lands, &c.—Continued.

| Section. | Part of Section. | Township. | Range. | Meridian. | When Patented. |
|----------|-----------------------------------|-----------|--------------|-----------|----------------|
| | | | | | 1885. |
| 17 | Whole..... | 5 | 22 West..... | 2nd..... | 12th June. |
| 35 | do..... | | | | |
| 31 | do..... | 7 | 25 do..... | do..... | 12th do |
| 33 | do..... | 9 | 19 do..... | do..... | 12th do |
| 5 | do..... | 12 | 16 do..... | do..... | 27th May. |
| 17 | do..... | | | | |
| 19 | do..... | 12 | 21 do..... | do..... | 17th June. |
| 23 | do..... | | | | |
| 27 | W. $\frac{1}{4}$ | 14 | 26 do..... | 1st..... | 27th May. |
| 19 | Whole..... | 9 | 1 do..... | 2nd..... | 5th June. |
| 17 | do..... | 15 | 4 do..... | do..... | 5th do |
| 21 | Fractional S. $\frac{1}{4}$ | 10 | 18 do..... | 1st..... | 1st do |
| 3 | Whole..... | | | | |
| 13 | do..... | 8 | 3 do..... | 4th..... | 15th do |
| 25 | do fractional..... | | | | |
| 13 | do..... | 12 | 23 do..... | 1st..... | 27th May. |
| 5 | do..... | 12 | 27 do..... | do..... | 27th do |
| 35 | S. $\frac{1}{4}$ | 13 | 22 do..... | do..... | 12th June. |
| 9 | Whole..... | 13 | 23 do..... | do..... | 12th do |
| 15 | do..... | 15 | 26 do..... | do..... | 12th do |
| 9 | do..... | 16 | 22 do..... | 2nd..... | 12th do |
| 17 | E. $\frac{1}{4}$ | 7 | 16 do..... | 1st..... | 11th do |
| 3 | Whole..... | 14 | 12 do..... | do..... | 12th do |
| 5 | do..... | 14 | 18 do..... | do..... | 13th do |
| 9 | do..... | | | | |
| 25 | do..... | 14 | 3 do..... | 2nd..... | 15th do |
| 27 | do..... | 15 | 4 do..... | do..... | 15th do |
| 3 | do..... | 8 | 17 do..... | do..... | 13th do |
| 17 | do..... | 9 | 27 do..... | do..... | 13th do |
| 15 | do..... | 12 | 19 do..... | do..... | 13th do |
| 13 | do..... | 13 | 20 do..... | do..... | 11th do |
| 9 | N.W. $\frac{1}{4}$ | 13 | 27 do..... | do..... | 13th do |
| 31 | Whole..... | 15 | 23 do..... | 2nd..... | 15th do |
| 13 | do..... | 9 | 18 do..... | 1st..... | 15th do |
| 5 | do..... | 9 | 19 do..... | do..... | 15th do |
| 27 | do..... | 11 | 20 do..... | do..... | 15th do |
| 17 | do..... | 12 | 16 do..... | do..... | 15th do |
| 23 | do..... | 13 | 16 do..... | do..... | 11th do |
| 19 | do..... | 19 | 21 do..... | 2nd..... | 15th do |
| 25 | do..... | 14 | 18 do..... | 1st..... | 15th do |
| 5 | S.W. $\frac{1}{4}$ | | | | |
| 9 | Whole..... | 10 | 22 do..... | do..... | 30th do |
| 15 | do..... | | | | |
| 7 | do..... | | | | |
| 17 | N. $\frac{1}{4}$ | 11 | 17 do..... | do..... | 27th do |
| 1 | Whole..... | 17 | 27 do..... | do..... | 27th do |
| 5 | do..... | 8 | 3 do..... | 2nd..... | 27th do |
| 17 | do..... | 8 | 1 do..... | 4th..... | 2nd September. |
| 1 | do..... | 22 | 16 do..... | 5th..... | 13th October. |
| 17 | do..... | 7 | 16 do..... | 1st..... | 7th do |
| 21 | do..... | 9 | 19 do..... | do..... | 13th do |
| 33 | do..... | 11 | 11 do..... | do..... | 13th do |
| 31 | S.W. $\frac{1}{4}$ | 15 | 29 do..... | do..... | 7th do |
| 3 | Whole..... | | | | |
| 7 | do..... | 16 | 9 do..... | do..... | 7th do |
| 9 | do..... | | | | |
| 15 | do..... | 13 | 16 do..... | do..... | 13th do |
| 17 | do..... | | | | |
| 27 | do..... | 10 | 27 do..... | do..... | 10th do |
| 5 | do..... | 7 | 22 do..... | do..... | 10th do |
| 27 | do..... | | | | |
| 7 | fractional..... | | | | |
| 27 | do..... | 8 | 19 do..... | do..... | 10th do |
| 1 | N.W. $\frac{1}{4}$ | | | | |
| 7 | Whole..... | 10 | 25 do..... | do..... | 10th do |
| 35 | do..... | 10 | 21 do..... | do..... | 10th do |
| 27 | N.W. $\frac{1}{4}$ | 6 | 13 do..... | do..... | 12th do |
| 27 | W. $\frac{1}{4}$ | 8 | 24 do..... | do..... | 12th do |

LIST of Lands, &c.—Continued.

| Section. | Part of Section. | Township. | Range. | Meridian. | When Patented. |
|----------|---|-----------|---------|-----------|----------------|
| | | | | | 1885. |
| 7 | S.W. $\frac{1}{4}$ | 12 | 24 West | 1st | 12th October. |
| 9 | E. $\frac{1}{2}$ | 13 | 30 do | do | 13th do |
| 5 | Whole | 8 | 17 do | do | 12th do |
| 15 | do | 11 | 20 do | do | 12th do |
| 23 | N.W. $\frac{1}{4}$ | 12 | 28 do | do | 12th do |
| 19 | do | 14 | 17 do | do | 12th do |
| 17 | Whole | 8 | 19 do | do | 12th do |
| 9 | do | 12 | 22 do | do | 7th do |
| 33 | N. $\frac{1}{2}$ | 14 | 26 do | do | 12th do |
| 35 | do | 10 | 25 do | do | 12th do |
| 3 | N.W. $\frac{1}{4}$ | 7 | 14 do | do | 12th do |
| 31 | Whole | 17 | 26 do | 2nd | 13th do |
| 35 | do | | | | |
| 5 | do | | | | |
| 35 | do | 11 | 20 do | 1st | 12th do |
| 15 | N.W. $\frac{1}{4}$ | 1 | 1 East | do | 13th do |
| 17 | Whole | | | | |
| 27 | E. $\frac{1}{2}$ | | | | |
| 35 | N. $\frac{1}{2}$ | | | | |
| 3 | N. $\frac{1}{2}$ and S.W. $\frac{1}{4}$ | 3 | 3 West | do | 13th do |
| 9 | S. $\frac{1}{2}$ | | | | |
| 17 | do | | | | |
| 19 | do | | | | |
| 13 | W. $\frac{1}{2}$ & S.E. $\frac{1}{4}$ | 3 | 4 do | do | 13th do |
| 15 | S. $\frac{1}{2}$ | | | | |
| 23 | Whole | | | | |
| 33 | N.W. $\frac{1}{4}$ | | | | |
| 35 | Whole | 1 | 4 do | do | 13th do |
| 9 | N. $\frac{1}{2}$ | | | | |
| 27 | S. $\frac{1}{2}$ | 3 | 5 do | do | 13th do |
| 15 | S.W. $\frac{1}{4}$ | 13 | 22 do | do | 31st do |
| 15 | E. $\frac{1}{2}$ | 9 | 1 do | 2nd | 31st do |
| 33 | Whole | 15 | 7 do | do | 31st do |
| 9 | N.E. $\frac{1}{4}$ | 22 | 1 do | 5th | 31st do |
| 3 | N. $\frac{1}{2}$ | 15 | 27 do | 1st | 31st do |
| 3 | S.W. $\frac{1}{4}$ | 14 | 3 do | 2nd | 30th do |
| 17 | N.W. $\frac{1}{4}$ | 10 | 25 do | 1st | 31st do |
| 31 | S.E. $\frac{1}{4}$ | 11 | 29 do | do | 31st do |
| 5 | Whole | 16 | 5 do | 2nd | 31st do |
| 7 | do | | | | |
| 23 | S.W. $\frac{1}{4}$ | 11 | 14 do | 1st | 31st do |
| 35 | Whole | 8 | 18 do | do | 31st do |
| 17 | W. $\frac{1}{2}$ | 16 | 22 do | 2nd | 30th November. |
| 31 | Whole | 8 | 17 do | 1st | 30th do |
| 25 | S. $\frac{1}{2}$ | 9 | 18 do | do | 30th do |
| 9 | N.E. $\frac{1}{4}$ | 12 | 21 do | do | 30th do |
| 1 | S.E. $\frac{1}{4}$ | 10 | 19 do | do | 28th do |
| 7 | do | | | | |
| 1 | E. $\frac{1}{2}$ | 13 | 21 do | do | 30th do |
| 25 | do | 10 | 27 do | do | 30th do |
| 13 | S. $\frac{1}{2}$ | 8 | 18 do | do | 28th do |
| 21 | N.E. $\frac{1}{4}$ | | | | |
| 35 | S.E. $\frac{1}{4}$ | 18 | 15 do | 2nd | 30th do |
| 1 | W. $\frac{1}{2}$ | 22 | 29 do | 4th | 30th do |
| 31 | Whole, fractional | 12 | 5 do | do | 30th do |
| 1 | W. $\frac{1}{2}$ | 12 | 24 do | 1st | 25th do |
| 9 | S.E. $\frac{1}{4}$ | 12 | 18 do | do | 25th do |
| 3 | S.W. $\frac{1}{4}$ | 7 | 13 do | do | 25th do |
| 21 | N. $\frac{1}{2}$ | 7 | 16 do | do | 25th do |
| 33 | W. $\frac{1}{2}$ | 11 | 19 do | do | 25th do |
| 13 | N.E. $\frac{1}{4}$ | 12 | 14 do | do | 25th do |
| 19 | S.E. $\frac{1}{4}$ | 17 | 22 do | 2nd | 25th do |

LIST of Lands, &c.—*Concluded.*

| Section. | Part of Section. | Townships. | Range. | Meridian. | When Patented. |
|----------|--------------------------|------------|--------------|-----------|----------------|
| | | | | | 1886. |
| 9 | N. $\frac{1}{2}$ | 9 | 19 West..... | 1st..... | 4th January. |
| 27 | do..... | 10 | 21 do..... | do..... | 8th do |
| 19 | do..... | 9 | 22 do..... | do..... | 8th do |
| 31 | S.E. $\frac{1}{4}$ | 11 | 16 do..... | do..... | 4th do |
| 23 | N.W. $\frac{1}{4}$ | 8 | 20 do..... | do..... | 4th do |
| 19 | N.E. $\frac{1}{4}$ | 10 | 26 do..... | do..... | 4th do |
| 25 | S.W. $\frac{1}{4}$ | 11 | 18 do..... | do..... | 4th do |
| 35 | N.E. $\frac{1}{4}$ | | | | |
| 15 | S.E. $\frac{1}{4}$ | 11 | 17 do..... | do..... | 4th do |
| 1 | S.W. $\frac{1}{4}$ | 9 | 18 do..... | do..... | 18th do |
| 7 | Whole..... | 11 | 24 do..... | do..... | 18th do |
| 35 | E. $\frac{1}{2}$ | 6 | 22 do..... | do..... | 18th do |
| 1 | Whole..... | 12 | 16 do..... | do..... | 29th do |
| 15 | S.W. $\frac{1}{4}$ | | | | |
| 19 | N.W. $\frac{1}{4}$ | 7 | 19 do..... | do..... | 29th do |
| 23 | W. $\frac{1}{2}$ | 10 | 25 do..... | do..... | 29th do |
| 35 | Whole..... | 9 | 19 do..... | do..... | 29th do |
| 5 | W. $\frac{1}{2}$ | 10 | 17 do..... | do..... | 29th do |
| 7 | do..... | 10 | 19 do..... | do..... | 29th do |
| 19 | N. $\frac{1}{2}$ | 10 | 21 do..... | do..... | 29th do |
| 27 | S. $\frac{1}{2}$ | 11 | 19 do..... | do..... | 29th do |
| 23 | Whole..... | 11 | 26 do..... | do..... | 29th do |

Part of lot 35 parish of St. John, Manitoba, for station grounds, &c., 18th January, 1883.
Memorandum of the area of the above lands—Total area 436,219 $\frac{3}{4}$ acres.

DEPARTMENT OF THE INTERIOR, OTTAWA, 10th February, 1886.

SIR,—I am directed by the Minister of the Interior to acknowledge the receipt of your letter of the 18th of January last, ref. 38,557, relative to the land grant to the Canadian Pacific Railway Company, and to inform you that a statement of the land patented to the said company is being prepared and will be forwarded when completed.

I am also to ask for an explanation of the second paragraph of your letter which calls for a statement of the lands of which they have otherwise been placed in possession, as the Deputy Minister is at a loss to understand the expression.

I have the honor to be, Sir, your obedient servant,

P. B. DOUGLAS, *Assistant Secretary.*

A. P. BRADLEY, Esq., Secretary Department of Railways and Canals, Ottawa.

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 18th January, 1886.

SIR,—In reply to your letter of the 9th inst., I have the honor to say that the information relative to the grant of land to the Canadian Pacific Railway, required by this office, comprises, 1st, a statement of the lands patented to them; 2nd, a statement of the lands of which they have otherwise been placed in possession.

I have the honor to be, Sir, your obedient servant,

A. P. BRADLEY, *Secretary.*

A. M. BURGESS, Esq., Deputy Minister of the Interior, Ottawa.

DEPARTMENT OF THE INTERIOR, OTTAWA, 9th January, 1886.

SIR,—I am directed by the Deputy Minister of the Interior to acknowledge the receipt of your letter of the 30th ultimo, asking to be furnished with a statement showing the action, if any, taken with regard to the land grant to the Canadian

Pacific Railway Company during the past fiscal year, and the subsequent period up to the 31st ultimo, and to ask you to state whether it is a statement of the lands patented to the company that you require.

I have the honor to be, Sir, your obedient servant,

P. B. DOUGLASS, *Assistant Secretary.*

A. P. BRADLEY, Esq., Secretary Department of Railways and Canals, Ottawa.

THE CANADIAN PACIFIC RAILWAY COMPANY,

OFFICE OF THE SECRETARY, MONTREAL, 4th January, 1886.

SIR,—Referring to your letter of the 20th November, enclosing copy of a communication from Mr. T. S. Higginson, timber agent of the Department, complaining of alleged waste of timber by the contractors for this company, the matter has been fully enquired into and Mr. James Ross, manager of construction of the Mountain district, reports as follows :—

“ I would say, in reference to Mr. Higginson’s statement that I instructed our contractors to waste all the siding off the logs which they were sawing for our bridges, that no such instructions were ever issued by me, and to substantiate what I say Mr. Higginson will admit that no such waste took place, our contractors sawing the slabs into lumber which they held for our own use.”

With reference to Mr. Higginson’s suggestion, that the company should be restricted to a particular section on which to cut timber, I am directed to state that such a course would be impracticable. The work of cutting has ceased for the present, and will not be resumed until spring, and considering the character of the country, you will readily understand that it would be impracticable to draw logs any great distance to a saw mill.

I may add that there is every desire on the part of this company to preserve the timber and prevent its waste, and most positive instructions have been given to this effect.

I have the honor to be, Sir, your obedient servant,

C. DRINKWATER, *Secretary.*

JOHN R. HALL, Esq., Secretary Department of the Interior, Ottawa.

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 30th December, 1885.

SIR,—I have the honor, by direction, to request that you will be pleased to furnish me with a statement showing the action, if any, taken with regard to the land grant to the Canadian Pacific Railway during the past fiscal year, and the subsequent period up to the 30th instant.

I have the honor to be, Sir, your obedient servant,

A. P. BRADLEY, *Secretary.*

A. M. BURGESS, Esq., Deputy Minister of the Interior, Ottawa.

DEPARTMENT OF THE INTERIOR, OTTAWA, 7th December, 1885.

SIR,—The attention of the Minister of the Interior has been called to the fact that parties cutting timber for the use of the Canadian Pacific Railway are not provided with any authority from the company to show that the timber they are cutting is intended to be used in the construction of the railway. This makes it impossible for the officers of this Department to discriminate between trespassers and those who are cutting for the railway company. It has, therefore, been decided that before cutting any timber on Dominion lands, whether for the construction of the Canadian Pacific Railway or otherwise, a permit must be obtained from the Crown timber agent or officer of the Government having charge of the timber on the Crown domain in the particular locality.

Will you be kind enough to instruct your superintendents of construction to obtain for each man cutting timber for the company a permit or authorization therefor, from the nearest agent of this Department, which he should be prepared to exhibit to any forest ranger of the Government who may question his right to cut.

I have, on more than one occasion, called your attention to this subject in conversation, and you have informed me that your views entirely coincided with mine, but such instructions as you have issued have apparently been entirely disregarded.

I have &c.,

A. M. BURGESS, *Deputy Minister of the Interior.*

C. DRINKWATER, Esq., Secretary Canadian Pacific Railway Company, Montreal.

DEPARTMENT OF THE INTERIOR, OTTAWA, 7th December, 1885.

SIR,—I am directed by the Minister of the Interior to acknowledge the receipt of your letter of the 9th ult., enclosing copy of a letter addressed by you to James Ross, Esq., on the 7th ult., and to say that you have his entire support in the stand you have taken in regard to the dues collectable upon timber cut for the use of the Canadian Pacific Railway. The Minister wishes you to levy dues upon all the timber you find cut without authority, whether it be for the Canadian Pacific Railway or not. The onus of showing that it is for the use of the company should rest with the company's officials, and I beg therewith to enclose for your information and guidance, a copy of a letter this day addressed to the company's secretary on this subject.

I have the honor to be, Sir, your obedient servant,

JOHN R. HALL, *Secretary.*

T. S. HIGGINSON, Esq., of the Department of the Interior, Kamloops, B.C.

(*Memorandum.*)

DEPARTMENT OF THE PRIVY COUNCIL, OTTAWA, 1st December, 1885.

With respect to your verbal request for any Order in Council granting to the Canadian Pacific Railway the right of way through the disputed territory, I find nothing further to bear on the subject than Order in Council, 12th December, 1882, copy of which was sent you, and also an Order in Council, 11th June, 1884, granting to the Canadian Pacific Railway the power to expropriate from Carrot River eastwards to the River Nepigon additional width to make 200 feet, under clause of 44 Victoria, chapter 46.

J. J. MCGEE, *Clerk Privy Council.*

A. M. BURGESS, Esq., Deputy Minister of the Interior.

ANGUS, B. C., 9th November, 1885.

SIR,—I have the honor to enclose copy of letter sent by me to Mr. Ross, manager of construction, in the mountains, which I trust will meet with your approval.

I have the honor to remain your obedient servant,

T. S. HIGGINSON.

P.S.—I leave to-morrow for Kamloops, to which place please address me until I advise you otherwise.

T. S. H.

Hon. the Minister of the Interior, Ottawa.

ANGUS, B. C., 7th November, 1885.

DEAR SIR,—Some weeks ago I mentioned to you that John McKenzie, of this place, had, while sawing timber for construction of Canadian Pacific Railway, removed and sold from Dominion lands \$7,000 worth of their timber, which, according to the Dominion Lands Act of 1883, is a felony. I would, at the time, have prosecuted him, but feared it might have possibly, directly or indirectly, have interfered with the construction of the Canadian Pacific Railway. This, in all my actions, I have studiously avoided doing. The time has come when I must take action to secure the penalty of \$2,000. I am instructed to collect for his thus disposing of the property alluded to, and I have in consequence seized, this day, all the sawn lumber at his mill, and also some in this village, and placed in hands of Deputy Sheriff Kinkup. This will not in the least interfere with the requirements of the Canadian Pacific Rail-

way as I have instructed Kinkup to deliver you any and all of it if required, you paying me as agent of the Honorable Minister of the Interior for such lumber so taken at the same prices as you would have paid Mr. Kinkup.

Considering the peculiar relation existing between the Dominion Government and the Canadian Pacific Railway Company I feel certain they would, if made aware of this felony, approve of your retaining a sum of money in your hands, and I presume it is coming to him, if not directly then indirectly, sufficient to meet the penalty alluded to.

You will therefore please accept this as a notification to retain said amount.

If you have any delicacy about accepting this notification, you will please submit this letter to Mr. Van Horn, while here, who I feel certain will accede to my request, and give you instruction accordingly.

Your obedient servant,

T. S. HIGGINSON.

JAMES ROSS, Esq., Manager of C.P.R. Construction, Donald.

DEPARTMENT OF THE INTERIOR, OTTAWA, 2nd December, 1885.

SIR,—I am directed to enclose, herewith, for your information, a copy of a letter dated the 20th ultimo, to Mr. C. Drinkwater, Secretary of the Canadian Pacific Railway Company, with respect to the way in which the employees of the Canadian Pacific Railway Company are wasting the timber along the line of the said railway, in the Province of British Columbia.

I have the honor to be, Sir, your obedient servant,

P. B. DOUGLAS, *Assistant Secretary.*

T. S. HIGGINSON, Esq., Kamloops, *via* Victoria, B.C.

THE CANADIAN PACIFIC RAILWAY COMPANY,

OFFICE OF THE SECRETARY, MONTREAL, 26th November, 1885.

SIR,—I have the honor to acknowledge the receipt of your letter of the 20th instant enclosing an extract from a letter from Mr. Higginson, agent of the Department, respecting the cutting of timber in the Rocky Mountains.

The matter will be at once enquired into.

I have the honor to be, Sir, your obedient servant,

C. DRINKWATER, *Secretary.*

P. B. DOUGLAS, Esq., Assistant Secretary Department of the Interior, Ottawa.

DEPARTMENT OF THE INTERIOR, OTTAWA, 20th November, 1885.

SIR,—I am directed to enclose herewith an extract of a letter dated the 28th of October, 1885, addressed to the Minister of the Interior, by Mr. T. S. Higginson, an agent of this Department, and to request you to submit it to the directors of your company.

The Deputy Minister desires me to say that after having so frequently impressed upon you and the directors of your company, the necessity of using the timber on the public domain with the utmost economy, he is surprised to find that it has been wasted by your employees in the manner stated by Mr. Higginson.

I have, &c.,

P. B. DOUGLAS, *Assistant Secretary.*

C. DRINKWATER, Esq., Secretary Canadian Pacific Railway Company, Montreal.

DONALD, 28th October, 1885.

SIR,—I have the honor to report having telegraphed you this day, and that McKenzie wished to ship half a million feet of sawn lumber from here to Calgary, returns to be made there monthly as sold. I added that I could see no objections, as the agent there can collect the dues monthly from him, at the rate of \$4 per thousand feet, as per your letter to me of the 27th May last, No. 11464, in reference to application of T. L. Fox, for permission to remove some (sawn under same condi-

tions) to Calgary for sale. This lumber is the sidings or boards cut from the logs when squaring them for construction purposes of the Canadian Pacific Railway. He has about one million feet in all, one-half of which he intends shipping to Calgary for sale this fall.

To show you the utter disregard which some of the Canadian Pacific Railway officials have for Dominion timber out here, he was instructed by James Ross, superintendent of construction, to waste all the sidings, by that I mean he was instructed to cut four large slabs off the logs instead of sawing them into boards. I warned him that the Government would not permit such wholesale destruction of their property. The Canadian Pacific Railway will, in all probability, require next year at least thirty millions of feet of timber for snow sheds. I think it of much importance, and would suggest that we give them a certain amount of territory and compel them to cut it clean, instead of doing as they have been, cutting where they found it most convenient, skimming over much ground and leaving much valuable timber behind them to rot.

I have the honor to remain your obedient servant,
T. S. HIGGINSON.

To the Hon. THOMAS WHITE, Minister of the Interior, Ottawa.

DEPARTMENT OF THE INTERIOR, OTTAWA, 18th September, 1885.

SIR,—I am directed to acknowledge the receipt of your letter of the 20th ultimo, enclosing a copy of a letter of even date therewith to Mr. F. M. Egan, General Superintendent of the Canadian Pacific Railway Company from you, concerning the cutting of cordwood, and to say that the action you have taken in this case meets with the Minister's approval.

In compliance with the request made by you, I enclose herewith a plan showing the timber limits that have been granted along the line of the Canadian Pacific Railway, west of Stoney Indian Reserve, to the second crossing of the Columbia River.

I have the honor to be, Sir, your obedient servant,
P. B. DOUGLAS, *Assistant Secretary*.

T. S. HIGGINSON, Esq., Donald, End of C.P.R. Track, *via* Calgary, B.C.

DEPARTMENT OF THE INTERIOR, OTTAWA, 16th September, 1885.

SIR,—I am directed by the Minister of the Interior to acknowledge the receipt of your letter of the 10th instant, referring, amongst other things, to the cutting of timber on the odd numbered sections within the reserve for the Manitoba and South-Western Railway.

It appears that there are at present only three licenses in force in those townships held by Messrs. Williams and Harrison, Samuel Smith and George Morton, respectively.

These parties have built mills and incurred expenses which they, doubtless, would not have incurred had they not possessed such licenses, given at a time when this Department was entitled to include the odd sections therein. It would therefore be unjust to put a summary stop to their operations; but they have been notified that when their licenses expire, at the end of the current year, any renewal therefor will not cover the odd numbered sections.

I have the honor to be, Sir, your obedient servant,
JOHN R. HALL, *Secretary*.

C. DRINKWATER, Esq., Secretary Canadian Pacific Railway Company, Montreal.

DEPARTMENT OF THE INTERIOR, OTTAWA, 16th September, 1885.

SIR,—I am directed by the Minister of the Interior to acknowledge the receipt of your letter of the 10th instant, referring, among other matters, to the question of the ownership of the odd numbered sections in Mennonite reserve, and to say that orders have been given for the immediate issue of patents to your company for the lands sold by them in this reserve, as shown by the list on file here; but it must be

distinctly understood that this action does not in any way prejudice the question of the proprietorship of the odd numbered sections in that reserve, after it shall have ceased to be a Mennonite reserve.

I have the honor to be, Sir, your obedient servant,

JOHN R. HALL, *Secretary.*

C. DRINKWATER, Esq., Secretary Canadian Pacific Railway Company, Montreal.

DEPARTMENT OF THE INTERIOR, OTTAWA, 16th September, 1885.

SIR,—I am directed by the Minister of the Interior to acknowledge the receipt of your letter of the 10th instant, referring, among things, to the claim of Messrs. Wright and Farewell, and to say that in pursuance of a recent Order in Council on this matter, all the papers on file in this Department relating thereto have been forwarded to the Minister of Justice for necessary action.

I have the honor to be, Sir, your obedient servant,

JOHN R. HALL, *Secretary.*

C. DRINKWATER, Esq., Secretary Canadian Pacific Railway Company, Montreal.

THE CANADIAN PACIFIC RAILWAY COMPANY,
OFFICE OF THE SECRETARY, MONTREAL, 10th September, 1885.

SIR,—I have the honor respectfully to request your attention to certain matters in which this company is interested, which have been for some time under the consideration of the Government.

The Winnipeg Station Grounds.

As this matter is probably one, the negotiation of which will rest more particularly with the Department of Railways, I only refer to it to inform you that this company has made a formal application, through the Secretary of State, for a reconsideration of the Order in Council referring to this matter, and I beg to request your favorable consideration of the request, when it shall come officially before you.

The Mennonite Reserve.

The lands which have hitherto been considered as appertaining to the Mennonite Reserve are covered by the express terms of the Order in Council granting to this company uneven numbered sections south of the railway belt, in the Province of Manitoba, yet the Government have given notice of their intention to sell certain of the unappropriated lots in the Mennonite neighborhood. While unaware that the Government entertained any objection to these lands being included in the land grant to this company, certain sections of them were sold by this company; and in December, 1883, this company was assured by the Department that patents would be issued to them for the lots sold, pending the decision of the larger questions as to whether or no they were entitled to the unappropriated lots in that vicinity.

I have now therefore respectfully to ask the reconsideration of the claim of the company to the uneven numbered lots in what is known as the Mennonite Reserve. And also that the letters patent may issue for the lots sold, of which a memorandum is in your Department.

In connection with this subject, I would remark, that while if the lands continue to be set apart for Mennonite settlement, there might be a question as to their being covered by the Order in Council, it seems to this company that there can be no such questions when it is proposed to allow them to be settled by persons who are not Mennonites.

Wright and Farewell's Claim, Columbia River.

I have also respectfully to beg your attention to this matter, upon which the Department has reported, and a reference been made to the Minister of Justice. This company is informed that that Department has reported upon it and that it only waits the order of the Governor in Council upon these reports.

Under the circumstances, I think, you are aware of the importance of a speedy decision. I would respectfully ask that the matter may be placed in the hands of the law officers of the Crown as soon as practicable.

The Terminus of the Railway Belt and the Station Grounds beyond it.

There has for some time past been correspondence between this company and the Government on this point as to where the railway belt shall be held to terminate.

The question as to the quantity of land which shall be granted to the company at each station west of the terminus of the fertile belt has also been discussed with the Department, but, I believe, has not been finally settled. It is very desirable that both of these matters should be closed, and an agreement having that object is now in the hands of the Department, approved by the Minister of Justice, requiring only that the quantity to be granted for the station grounds shall be filled in.

I am instructed to represent that it is important to this company that it should not be restricted in its control of the grounds in the immediate vicinity of its stations, more especially in the country in which the portion of the line in question lies.

Although the company is entitled under its charter to sufficient ground at its stations, the company will, if a section is granted it, at each station west of the point named, accept the same as a portion of its land grant. This will help to make up the deficiency which undoubtedly exists in the railway belt. If you should deem it desirable that I should call upon you at Ottawa for the discussion of any of these matters, or that any further information should be furnished in relation thereto, I shall be happy to meet your wishes.

I beg to refer also to a matter in which this company is indirectly interested, in connection with the extension of the Manitoba and South-Western Railway. As you are probably aware this company has undertaken its construction, and is using its means and credit in doing so, relying upon the land grant which the Government have undertaken to make to that railway company, as the work progresses. This company learned some time ago that the Government were issuing licenses to cut timber on portions of the belt reserved for this purpose, and immediately called the attention of the Government to the effect of such licenses upon the value of the promised land grant.

The Government stated in reply that it could not stop the issue of timber licenses until the land had been earned, and referred the company to the conditions on which licenses were issued in respect of the lands reserved for this company's land grant. A remonstrance was sent to the Government, but the same answer was returned.

I find, however, on reference to the conditions referred to, that the issue of timber licenses ceased wherever this company's railway was located, the intention evidently being that as soon as the lands to be granted were ascertained by their relation to the location of the company's line, the cutting of timber would cease. This is all that the company asks in respect of the Manitoba land grant.

The company's line has been located, the location approved by the Government, and work is proceeding upon it with such rapidity that probably the entire extensions will be completed before the end of the current year.

Under these circumstances, as there is no longer any doubt as to the exact locality of the lands to which the company will be entitled, and I venture to say no doubt as to the land grant coming into operation, I am sure it is unnecessary for me to point out to you the injustice of depriving the lands of a considerable portion of their value, while the work is proceeding upon the faith of receiving the lands, without any stipulation that they might be so depreciated. On this subject also I would venture to ask your consideration of the company's position.

I have the honor to be, Sir, your obedient servant,

C. DRINKWATER, *Secretary.*

Honorable the Minister of the Interior, Ottawa.

DEPARTMENT OF THE INTERIOR,
CROWN TIMBER OFFICE, CALGARY. 12th September, 1885.

SIR,—I have the honor to acknowledge the receipt of your letter of the 2nd inst., file No. 323, enclosing a copy of one from J. M. Egan, Esq., general superintendent of the Canadian Pacific Railway Company, in which he states that the operating department, through their agents or any other parties, have not cut any timber whatever in the Bow River Valley, west of Calgary.

In reply beg to refer you to my letter of 7th May, 1884, No. 130, enclosing statement of Mr. Matheson, the company's tie and fuel inspector, also to my letter of 3rd November last, enclosing one from Mr. James Ross, superintendent of construction. Mr. Ross' letter has reference to piling and bridge timber.

From these facts I must say that Mr. Egan is wrong.

I have the honor to be, Sir, your obedient servant,

C. L. GAVIN, C.L.A.

The Secretary of the Department of the Interior, Ottawa.

DEPARTMENT OF THE INTERIOR, OTTAWA, 2nd September, 1885.

SIR,—Referring to your letter of the 22nd of November last, in which you state that the Canadian Pacific Railway Company had been, and were at that date, cutting timber on the Bow River above Silver City, for the purpose of fencing, &c., I beg to say that on the 27th May last, a copy of your letter was sent to Mr. Drinkwater, secretary of the Canadian Pacific Railway Company, and he was informed that this Department had disposed of all the berths on Bow River, with the exception of berth "M," and that his company had no right to cut timber on any of the berths adjoining that river without special permission from this Department, and he was requested to notify the company's agents that they are not to cut any more timber on the Bow River east of the summit of the Rocky Mountains, and that they are required to make a detailed return to the Crown timber agent at Calgary, showing all timber cut and the locality or localities at which the cutting took place.

On the 26th June last, a letter was received here from Mr. Drinkwater enclosing a copy of a letter from Mr. Egan, the general superintendent of the western division, with respect to your statement, a copy of which is enclosed herewith.

I have the honor to be, Sir, your obedient servant,

P. B. DOUGLAS, *Assistant Secretary.*

The Crown Timber Agent, Calgary, N.W.T.

DEPARTMENT OF THE INTERIOR, OTTAWA, 27th August, 1885.

SIR,—In reply to your letter of the 14th instant, concerning the issuing of licenses to cut timber on lands within the Manitoba South-Western Colonization Railway Company's belt, I am directed by the Minister of the Interior to refer you to a letter to you from this Department, dated the 27th May, last, in which you were informed "that when the company is entitled to have these lands granted to it in accordance with the provisions of the Order in Council dated the 6th April, 1885, they will be withdrawn from the operation of licenses, as provided for in clause 9 of the form of license," and to say that the decision conveyed in that letter cannot be altered.

I have the honor to be, Sir, your obedient servant,

P. B. DOUGLAS, *Assistant Secretary.*

C. DRINKWATER, Esq., Secretary Canadian Pacific Railway Company, Montreal.

DONALD, 20th August, 1885.

SIR,—I have the honor to inform you that I have this day written to J. M. Egan, general superintendent Canadian Pacific Railway west, in reference to the cutting of cordwood (a copy of which letter I beg now to enclose), and trust it will meet with your approval. Please let me know if I am correct in presuming that you do not wish any cordwood or ties cut (in future) upon lands which have been sold as

timber berths to the Eau Claire Lumbering Company, Sir A. T. Galt and others, on the Bow River; if so, I would like to have a sketch of those sold, and showing as near as possible the distance from the most westerly line of the most westerly limit to summit of the Rockies. Although, as the Canadian Pacific Railway use coal going west, the possibility is that all the wood they will require will be west of the summit.

I have the honor to remain your obedient servant,

T. S. HIGGINSON.

Hon. THOMAS WHITE, Minister of the Interior, Ottawa.

DONALD, B.C., 20th August, 1885.

DEAR SIR.—Will you please let me know if your company wish to cut any cord-wood west of Calgary this coming fall or winter, as if so it will be necessary for your man in charge of such to apply to me in order that I may select places where the timber is of comparatively little economic value for other purposes.

Truly yours,

T. S. HIGGINSON, *Crown Timber Agent, &c.*

J. M. EGAN, Esq., General Superintendent C.P.R. West, Winnipeg.

DEPARTMENT OF THE INTERIOR, OTTAWA, 27th May, 1885.

SIR,—I am instructed by the Deputy Minister of the Interior to inform you that in September last, he suggested to Mr. Drinkwater, secretary of the Canadian Pacific Railway Company, that Mr. James Ross should be instructed to give permits to cut timber west of Calgary.

I am to say that if you find anyone with timber in their possession which has not been cut under a permit from Mr. Ross or this Department, you are to seize the same.

I have the honor to be, Sir, your obedient servant,

P. B. DOUGLAS, *Assistant Secretary.*

T. S. HIGGINSON, Esq., Beaver Creek, C.P.R. track, B.C.

THE CANADIAN PACIFIC RAILWAY COMPANY,

OFFICE OF THE SECRETARY, MONTREAL, 14th August, 1885.

SIR,—I have the honor to call your attention to the fact that by an Order in Council recently passed, certain lands along the line of the Manitoba and South-Western Colonization Railway Company have been appropriated to that company as a grant in aid of the construction of its railway. But the company are informed that timber licenses are being granted over the lands comprised within the belt thus located to this company.

I am, therefore, instructed respectfully to point out that these lands will lose a large portion of their value if the timber is cut off of them, and certainly this would not be conformable to the spirit of the grant made by the Government. Moreover, the line is being rapidly located for expropriation purposes, and the work is being vigorously commenced upon it, with a view to the construction of a large portion of it this autumn.

Under these circumstances I am respectfully instructed to urge upon the Government to reserve the lands so appropriated to this company from the operation of licenses to cut timber.

I have the honor to be, Sir, your obedient servant,

C. DRINKWATER, *Secretary.*

Hon. Minister of the Interior, Ottawa.

THE CANADIAN PACIFIC RAILWAY COMPANY,

OFFICE OF THE SECRETARY, MONTREAL, 12th August, 1885.

SIR,—I beg to acknowledge the receipt of your letter of the 5th instant, respecting timber cut on the berths of the Eau Claire and Bow River Lumber Company.

I will take an opportunity of discussing this matter with the Deputy Minister of the Interior, at an early date.

In the meantime, I have instructed the company's agent to at once send me a return of the timber cut as required by the Department.

I am, Sir, your obedient servant,
C. DRINKWATER, *Secretary*.

P. B. DOUGLAS, Esq., Assistant Secretary Department of Interior, Ottawa.

DEPARTMENT OF THE INTERIOR, OTTAWA, 5th August, 1885.

SIR,—I am directed to acknowledge the receipt of your letter of the 5th June, in which you state that you have received a letter from this Department, dated the 27th of May, last, respecting the claim of the Eau Claire and Bow River Lumber Company for the value of certain timber taken by your company for construction purposes, from the limits west of Calgary. You also say that the matter has been under enquiry, and that the limits in question had not been acquired by the Eau Claire Company at the time the timber was cut by your company, and that you are directed to state that the Eau Claire Company has no claim against the Canadian Pacific Railway Company who are entitled to take timber from public lands, under clause 19 of their charter, which provides that, "it is lawful for the company to take from any public lands adjacent to, and near the line of railway, stone, timber, etc."

In reply, I am to say that in the letter from this Department, referred to by you, no mention is made of any claim of the Eau Claire and Bow River Lumber Company, but you were informed that repeated efforts had been made by the Crown timber agents at Winnipeg and Calgary to obtain from your company's agent a return of timber cut on Dominion lands and on berths accorded to the Eau Claire and Bow River Lumber Company, but up to the date of that letter without any satisfactory result.

I am further to say that the assertion made in your letter that the limits on Bow River had not been acquired by the Eau Claire and Bow River Lumber Company at the time the timber was cut on the Bow River for railway construction purposes is not correct, as the limits on that river were accorded to the said company on the 7th of July, 1883, which was prior to the date of the commencement of the construction of the railway through the limits in question.

I am to draw your attention to the fact that your company's agent, no doubt in contravention to your instructions, have not assisted the Crown timber agents when the latter have been endeavoring to procure proper returns of the timber cut by your company or its contractors, but, on the contrary, have thrown every possible obstruction in their way. The Deputy Minister, on his way to Calgary last summer, heard Mr. Holt, who was then assistant to Mr. Ross, say in very objectionable language, that he would take care that the Department of the Interior got no return from him of the timber cut.

I am again to request that you will be so good as to cause the return asked for in my letter to you of the 27th of May, last, to be made at as early a date as possible.

I have the honor to be, Sir, your obedient servant,

P. B. DOUGLAS, *Assistant Secretary*.

C. DRINKWATER, Esq., Secretary Canadian Pacific Railway Company, Montreal.

DEPARTMENT OF THE INTERIOR, OTTAWA, 29th July, 1885.

SIR,—I beg to acknowledge the receipt of your letter of the 24th instant, and in reply to the last paragraph thereof, I have to say that the Minister of the Interior has recommended to Council that the lease to Messrs. McMichael & Young be cancelled.

I have, &c.,

JOHN R. HALL, *Secretary*.

C. DRINKWATER, Esq., Secretary Canadian Pacific Railway Company, Montreal.

THE CANADIAN PACIFIC RAILWAY COMPANY,
OFFICE OF THE SECRETARY, MONTREAL, 24th July, 1885.

SIR,—Referring to your letter of the 3rd instant, respecting the sale of odd sections covered by ranche leases.

The notice you refer to was simply a general one advising all ranche holders that the odd-numbered sections, within the railway belt, were open for sale.

You correctly describe the understanding that we should notify the Government of all definite applications for purchase of any sections covered by ranche leases, in order that the lands applied for might be withdrawn from the operation of such leases, and this will be done in all cases before sales are concluded.

The only lands within the limits of Messrs. McMichael & Young, which we are likely to sell at present, is that portion of Section 5, Township 22, Range 28, west of 4, lying south of Bow River.

Will you be good enough, therefore, to notify the lessee of the withdrawal of this portion, informing me when the same has been done.

I am, Sir, your obedient servant,
C. DRINKWATER, *Secretary*.

JOHN R. HALL, Esq., Secretary Department of the Interior, Ottawa.

DEPARTMENT OF THE INTERIOR, OTTAWA, 3rd July, 1885.

SIR,—I am directed by the Minister of the Interior to say that Messrs. McMichael & Young have informed the Department that your company has notified them that you are selling the odd-numbered sections within their ranche, or are offering them for sale. The understanding was that you should return to the Government a list of the ranche lands applied for to you by intending purchasers; that upon this list being furnished we should notify the lessees of ranches accordingly, and that such lands should thereupon be withdrawn from their leaseholders. This has been done whenever the notification has been received. This notice to McMichael & Young appears to have emanated from the land commissioner of your company at Winnipeg. It would seem to be inconsistent with the plan adopted between the Government and the company, and I shall be obliged if you will be good enough to take the necessary steps to ascertain whether the statements of Messrs. McMichael & Young are correct. The Minister of the Interior thinks that the understanding already arrived at is reasonable.

I have the honor, to be, Sir, your obedient servant,
JOHN R. HALL, *Secretary*.

C. DRINKWATER, Esq., Secretary Canadian Pacific Railway Company, Montreal.

THE CANADIAN PACIFIC RAILWAY COMPANY,
OFFICE OF THE SECRETARY, MONTREAL, 26th June, 1885.

SIR,—Referring to your letter of the 27th May, enclosing copy of a letter from the Crown timber agent at Calgary, complaining that this company were cutting timber on the timber berths on Bow River, I beg to enclose for your information, copy of a letter from the general superintendent of the western division, in reply to the Crown timber agent's statement.

I have the honor to be, Sir, your obedient servant,
C. DRINKWATER, *Secretary*.

P. B. DOUGLAS, Esq., Assistant Secretary Department of the Interior, Ottawa.

WINNIPEG, MANITOBA, 22nd June, 1885.

DEAR SIR,—I return you the enclosed correspondence and will state in reply to your letter of 15th June, that the operating department through their agents or any other parties have not cut any timber whatever in the Bow River valley west of Calgary.

So far as the snow fencing is concerned, which is spoken of by the Crown timber agent, the same was some small brush not over three inches in diameter that was taken from the right of way at Laffan and other places where the right of way was not cleared, and brought east of Calgary to be used on the prairie. There was but a few car loads of this taken.

The company have not taken any dry posts for the use of their farms along the line. The fence posts used in fencing these farms were purchased in Winnipeg by the land department, and shipped west to the different stations where the farms are located.

Yours truly,

J. M. EGAN, *General Superintendent.*

W. C. VAN HORNE, Esq., Vice-President.

THE CANADIAN PACIFIC RAILWAY COMPANY,
OFFICE OF THE SECRETARY, MONTREAL, 9th June, 1885.

SIR,—I beg to acknowledge receipt of your letter of the 27th ultimo, respecting cutting of timber on Bow River, the subject of which will receive attention.

I have the honor to be, Sir, your obedient servant,

C. DRINKWATER, *Secretary.*

P. B. DOUGLAS, Esq., Assistant Secretary Department of the Interior, Ottawa.

THE CANADIAN PACIFIC RAILWAY COMPANY,
OFFICE OF THE SECRETARY, MONTREAL, 5th June, 1885.

SIR,—I beg to acknowledge receipt of your letter of the 27th ultimo, respecting the claim of the Eau Claire and Bow River Lumber Companies for their value of certain timber taken by this company for construction purposes from the limits west of Calgary. This matter has been already under enquiry, and I beg to draw your attention to the fact that the limits in question had not been acquired by the Eau Claire Company at the time the timber was cut by this company.

I am directed, therefore, respectfully to state that the Eau Claire Company has no claim against this company, who are entitled to take timber from public lands under clause 19 of their charter, which provided that "it is lawful for the company to take from any public lands adjacent to, and near the line of railway, stone, timber, &c."

I have the honor to be, Sir, your obedient servant,

C. DRINKWATER, *Secretary.*

P. B. DOUGLAS, Esq., Assistant Secretary Department of the Interior, Ottawa.

DEPARTMENT OF THE INTERIOR, OTTAWA, 27th May, 1885.

SIR,—In reply to your letter of the 22nd December, 1884, and the 22nd January, 1885, in which you request that, in renewing the timber licenses for the year 1885, the odd-numbered sections within the Canadian Pacific Railway Co.'s belt, and in Southern Manitoba, and also those in the territory reserved for the Manitoba South-Western Railway, be excluded from such licenses, I am directed by the Minister to say that all the lands under license south of the line of the Canadian Pacific Railway, with the exception of one quarter section, are within the belt of the Manitoba and North-Western Railway Company, and that when that company is entitled to have these lands granted to it in accordance with the provisions of the Order in Council dated the 6th of April, 1885, they will be withdrawn from the operation of licenses, as provided for in clause 9 of the form of license, of which a copy is enclosed herewith.

I also enclose, for your information, a schedule showing the lands covered by license, situated within the boundaries of the territory reserved for the Canadian Pacific Railway and the Manitoba South-Western Railway Companies.

I have the honor to be, Sir, your obedient servant,

P. B. DOUGLAS, *Assistant Secretary.*

C. DRINKWATER, Esq., Secretary Canadian Pacific Railway Company, Montreal.

SCHEDULE of Timber Licenses falling within the Boundaries of the Land Subsidies of the Canadian Pacific Railway and the Manitoba and South Western Railway, East of the 3rd Meridian.

| Name. | Description. | Date of License. | Area. | | Remarks. |
|------------------------|--|------------------|-----------------|-----------------|------------------------------|
| | | | Sq. m. | Sq. m. | |
| Williams & Harrison... | Secs. 1, 2, 3, 12 and 13, Tp. 1, Range 1, Range 19, W. of the 1st Meridian..... | 9th Feb., 1881. | 5 | 3 | M. & S. W. Ry. land subsidy. |
| Samuel Smith | Secs. 34, 35 and 36, Tp. 1, Range 21, and Secs. 1, 2, 3, in Tp. 2, Range 21, W. of the 1st Meridian | 1st April, 1881 | 6 | 3 | do do |
| John Parker | N. $\frac{1}{2}$ Sec. 20, N.E. $\frac{1}{4}$ Sec. 19, and S.E. $\frac{1}{4}$ Sec. 30, Tp. 1, Range 8, W. of 1st Meridian | 29th Jan., 1884 | 1 | $\frac{1}{4}$ | C. P. R. do |
| Geo. Morton | Secs. 31, 32 and 33, and W. $\frac{1}{2}$ Sec. 6, in Tp. 1, Range 20; S.W. $\frac{1}{4}$ Sec. 25, Tp. 1, Range 21, and Secs. 5 and 6, in Tp. 2, Range 20, W. of 1st Meridian ..... | ..... | 5 $\frac{1}{4}$ | 3 $\frac{1}{4}$ | M. & S. W. Ry. do |

DEPARTMENT OF THE INTERIOR, OTTAWA, 27th May, 1885.

SIR,—I am directed by the Minister of the Interior to inform you that repeated efforts have been made by the Crown timber agents at Winnipeg and Calgary to obtain from your company's agents a return of timber cut on Dominion lands and on the berths accorded to the Eau Claire and Bow River Lumber Company, west of Calgary, but up to this date, without any satisfactory result.

I am to enclose herewith a copy of a letter dated the 24th October last, from Mr. James Ross to Mr. C. L. Gouin, Crown timber agent at Calgary, in reply to a request from the latter for the return in question, in which Mr. Ross states "that Mr. Holt is not in the employ of the company and Mr. Dawler, the engineer, who had charge of all such matters, has died since the return has been asked for, that these are the only parties conversant with the case, and as it is impossible to secure Mr. Holt's services, or arrive at the information possessed by Mr. Dawler, he suggests the best way would be to appoint some party to investigate the limits and thus endeavor to arrive at a correct result."

It has been reported to this Department that Mr. Holt is now in the employ of your company, as contractor, and if this is the case there should be no trouble in obtaining from him the requisite return.

As this matter has been standing for some time, and as it is of the utmost importance that some immediate action should be taken, I am to request that you will be so good as to give it your earliest attention.

I have the honor to be, Sir, your obedient servant,

P. B. DOUGLAS, *Assistant Secretary.*

C. DRINKWATER, Esq., Secretary Canadian Pacific Railway Company, Montreal.

DEPARTMENT OF THE INTERIOR, OTTAWA, 27th May, 1885.

SIR,—I am directed by the Minister of the Interior to enclose herewith a copy of a letter dated the 22nd November last, from the Crown timber agent at Calgary, and to say that all the timber berths on the Bow River, with the exception of berth "M," have been disposed of by this Department, and that your company has no right to cut timber in any of the berths adjoining that river, without special permission from this Department.

I am to draw your attention to your letter to this Department, dated the 27th November last, in which you state that your company has no use for construction purposes of the timber limits east of the summit of the Rocky Mountains, and that there is no objections to the proposed action of the Department in disposing of timber limits there. Notwithstanding what is stated in your letter, that company's agents appear still to be cutting timber on the limits in question.

I am to request that you will have the agents immediately notified that they are not to cut any more timber on Bow River east of the summit of the Rocky Mountains, and that they are required to make a detailed return to the Crown timber agent at Calgary, showing all timber cut and the locality or localities where the cutting took place.

I have the honor to be, Sir, your obedient servant,
P. B. DOUGLAS, *Assistant Secretary.*

C. DRINKWATER, Esq., Secretary Canadian Pacific Railway Company, Montreal.

THE CANADIAN PACIFIC RAILWAY COMPANY,
OFFICE OF THE SECRETARY, MONTREAL, 22nd January, 1885.

SIR,—I had the honor to write you on the 19th December, in relation to the renewal of timber licenses within the railway belt, and in Southern Manitoba.

Will you please inform me what has been done in this matter?

I am advised, by telegraph from Winnipeg, that the lessees under the leases of last year are now cutting timber on the odd sections in the Pembina Mountains. I may say that the company particularly desire to preserve these limits in so far as the odd sections are concerned.

I am, &c.

C. DRINKWATER, *Secretary.*

JOHN R. HALL, Esq., Secretary Department of the Interior, Ottawa.

THE CANADIAN PACIFIC RAILWAY COMPANY,
OFFICE OF THE SECRETARY, MONTREAL, 22nd December, 1884.

Timber Licenses.

DEAR SIR,—Referring to my letter of the 19th instant, I am directed to ask, on behalf of the Manitoba South-Western Railway Company, that as regards the timber berths within that company's land grant the odd sections may, in like manner, be reserved from any renewal of licenses for the coming year, and particularly in respect to the Turtle Mountain district.

I have the honor to be, Sir, your obedient servant.

C. DRINKWATER, *Secretary.*

JOHN R. HALL, Esq., Secretary Department of the Interior, Ottawa.

THE CANADIAN PACIFIC RAILWAY COMPANY,
OFFICE OF THE SECRETARY, MONTREAL, 19th December, 1884.

SIR,—In renewing timber leases for the coming year, I am instructed to ask that odd sections, within the railway belt and in Southern Manitoba, be excluded from such leases.

I am, Sir, your obedient servant.

C. DRINKWATER, *Secretary.*

JOHN R. HALL, Esq., Secretary Department of the Interior, Ottawa.

CROWN TIMBER OFFICE, CALGARY, 22nd November, 1884.

SIR,—I have the honor to inform you that the Canadian Pacific Railway Company have been and are cutting timber above Silver City for the purpose of snow fencing; said timber will average five inches at the butt. They are also cutting and freighting dry fence posts for the use of their farms along the line.

Will you be good enough to inform me whether the said company are allowed to cut timber indiscriminately wherever they choose.

I have the honor to be, Sir, your obedient servant,
C. L. GOUIN, *Crown Timber Agent.*

Deputy Minister of the Interior, Ottawa.

PART II.

COPY OF CORRESPONDENCE *RE* ISSUE OF LETTERS PATENT.

DEPARTMENT OF THE INTERIOR, OTTAWA, 1st March, 1886.

SIR,—I have the honor, by direction of the Minister of the Interior, to acknowledge the receipt of your letter of the 28th January last, enclosing a list of lands in Manitoba and the North-West Territories, and requesting that patents may be issued in favor of the Canadian Pacific Railway Company covering the lands described therein; and in reply, to inform you that patents therefor are now in course of preparation, with the exception of the south half of Section 13, in Township 14, Range 20, west of the First Meridian, which is evidently a clerical error, as the Order in Council mentions the south half of Section 31, in the same township and range. The patent for the lands requested by you will be issued in accordance with the said Order in Council.

I have the honor to be, Sir, your obedient servant,
P. B. DOUGLAS, *Assistant Secretary.*

C. DRINKWATER, Esq., Secretary Canadian Pacific Railway Company, Montreal.

DEPARTMENT OF THE INTERIOR, OTTAWA, 1st March, 1886.

SIR,—I have the honor, by direction of the Minister of the Interior, to acknowledge the receipt of your letter of the 31st December last, requesting that a patent may issue in favor of the Canadian Pacific Railway Company, for Section 33, in Township 23, Range 1, west of the Fifth Meridian, and, in reply, to inform you that a patent is in course of preparation for the east half only of that section.

Regarding the west half of this section, one Joseph Butlin lays claim to it, and the inspector of the Dominion lands recommends that he be allowed to make entry or part of that half section.

As there appears to be some doubt as to Butlin's claim to that part of the north-west quarter of the said section, which contains a stone quarry, copies of the papers in connection therewith have been forwarded to the commissioner of Dominion lands for investigation and decision, with the request that if the land board considered Butlin entitled to the whole of the north-west quarter, he, the commissioner, would inform the land commissioner of your company of such decision.

If, however, the land board decides that the north-west quarter part thereof of the section in question goes to your company, the right of the company to that land is to be submitted for the consideration of the Minister.

I have the honor to be, Sir, your obedient servant,
P. B. DOUGLAS, *Assistant Secretary.*

C. DRINKWATER, Esq., Secretary Canadian Pacific Railway Company, Montreal.

THE CANADIAN PACIFIC RAILWAY COMPANY,
OFFICE OF THE SECRETARY, MONTREAL, 19th February, 1886.

SIR,—I beg to request that patents, covering the lands mentioned in the enclosed list, may issue in favor of this company.

I have the honor to be, Sir, your obedient servant,
C. DRINKWATER, *Secretary.*

JOHN R. HALL, Esq., Secretary, Department of the Interior, Ottawa.

LANDS for which Patents are required by Canadian Pacific Railway Company.

| Township. | Range. | Meridian. | Section. |
|-----------|--------|-----------|---|
| | | W. | |
| 11 | 18 | 1 | S.W. $\frac{1}{4}$ 21. |
| 7 | 10 | 1 | N. $\frac{1}{4}$ 33. |
| 13 | 20 | 1 | N.W. $\frac{1}{4}$ 7. |
| 11 | 13 | 1 | N.W. $\frac{1}{4}$ 19. |
| 10 | 18 | 1 | S.E. $\frac{1}{4}$ 7. |
| 8 | 26 | 1 | W. $\frac{1}{2}$ 17. |
| 19 | 15 | 2 | W. $\frac{1}{2}$ 23 and all S. |
| 20 | 15 | 2 | All 3 and 5. |
| 19 | 15 | 2 | All 1, 3, 7, 9, 13, 15, 17, 19, 21, 25, 27, 31, 33, 35 and E. $\frac{1}{2}$ 23. |
| 19 | 16 | 2 | All 13, 23, 25, 27, 31, 33, 35 and E. $\frac{1}{2}$ 19. |
| 14 | 27 | 1 | N.E. $\frac{1}{4}$ 23. |
| 9 | 17 | 1 | All 17. |
| 7 | 19 | 1 | W. $\frac{1}{2}$ 31. |
| 9 | 20 | 1 | N. $\frac{1}{4}$ 23. |
| 10 | 18 | 1 | N.E. $\frac{1}{4}$ 3. |
| 14 | 25 | 1 | N.E. $\frac{1}{4}$ 25. |
| 10 | 12 | 1 | S.W. $\frac{1}{4}$ 15. |
| 12 | 23 | 1 | S.E. $\frac{1}{4}$ 5. |
| 14 | 26 | 1 | N.E. $\frac{1}{4}$ 13 |
| 21 | 22 | 4 | All 5. Fractional. |

DEPARTMENT OF THE INTERIOR, OTTAWA, 15th February, 1886.

SIR,—I am directed by the Minister of the Interior to enclose, herewith, nine letters patent to the Canadian Pacific Railway Company, covering the lands mentioned in the accompanying form of receipt, which please sign and return to me.

I have the honor to be, Sir, your obedient servant,

P. B. DOUGLAS, *Assistant Secretary.*

C. DRINKWATER, *Secretary Canadian Pacific Railway Company, Montreal.*

MONTREAL.

Received from the Honorable the Minister of the Interior, letters patent issued in the name of the Canadian Pacific Railway Company, covering the following lands, viz.:—

| Section. | Township. | Range. | Meridian. |
|----------------------------------|-----------|----------|-----------|
| Whole of 1, } | 12 | 16 West. | 1st. |
| S.W. $\frac{1}{4}$ of 15 } | 12 | 16 West. | 1st. |
| W. $\frac{1}{2}$ of 5..... | 10 | 17 do | do |
| N.W. $\frac{1}{4}$ of 19..... | 7 | 19 do | do |
| Whole of 35..... | 9 | 19 do | do |
| W. $\frac{1}{2}$ of 7..... | 10 | 19 do | do |
| S. $\frac{1}{2}$ of 27..... | 11 | 19 do | do |
| N. $\frac{1}{4}$ of 19..... | 10 | 21 do | do |
| W. $\frac{1}{2}$ of 23..... | 10 | 25 do | do |
| Whole of 23..... | 11 | 26 do | do |

Secretary Canadian Pacific Railway Company.

THE CANADIAN PACIFIC RAILWAY COMPANY,

OFFICE OF THE SECRETARY, MONTREAL, 28th January, 1886.

SIR,—I beg to request that patents may issue in favor of this company, covering the lands mentioned on the enclosed list.

I have the honor to be, Sir, your obedient servant,

C. DRINKWATER, *Secretary.*

J. R. HALL, Esq., *Secretary Department of the Interior, Ottawa.*

LANDS for which Patents are required by Canadian Pacific Railway Company.

| Township. | Range. | Meridian. | Sections. |
|-----------|--------|-----------|---|
| | | W. | |
| 11 | 19 | 1 | W. $\frac{1}{2}$ 23. |
| 10 | 21 | 1 | S. $\frac{1}{2}$ 27. |
| 14 | 16 | 1 | N. E. $\frac{1}{4}$ 1. |
| 7 | 22 | 1 | N. $\frac{1}{2}$ 17. |
| 12 | 16 | 1 | All 7. |
| 11 | 16 | 1 | W. $\frac{1}{2}$ 19. |
| 7 | 17 | 1 | N. W. $\frac{1}{4}$ 13. |
| 12 | 17 | 1 | E. $\frac{1}{2}$ 23. |
| 9 | 18 | 1 | S. E. $\frac{1}{4}$ 15. |
| 10 | 18 | 1 | N. E. $\frac{1}{2}$ 7. |
| 9 | 19 | 1 | S. E. $\frac{1}{4}$ 3. |
| 8 | 19 | 1 | W. $\frac{1}{2}$ 35. |
| 8 | 18 | 1 | S. W. $\frac{1}{4}$ 25. |
| 13 | 22 | 1 | All 31, and W. $\frac{1}{2}$ 33. |
| 14 | 20 | 1 | $\frac{1}{2}$ 15. All 21. S. $\frac{1}{2}$ 13. E. $\frac{1}{2}$ and S. W. $\frac{1}{4}$ 35, and S. E. $\frac{1}{4}$ 17. |
| 14 | 21 | 1 | N. W. $\frac{1}{4}$ 13. All 17. All 19. All 21. W. $\frac{1}{2}$ 23. All 27. All 31. All 33, and S. $\frac{1}{2}$ 35. |
| 14 | 22 | 1 | All 5. All 7. All 23. W. $\frac{1}{2}$ and S. E. $\frac{1}{4}$ 25. All 33 and W. $\frac{1}{2}$ 35. |
| 15 | 26 | 1 | All 15. E. $\frac{1}{2}$ 17. All 19. All 1. All 3. E. $\frac{1}{2}$ 7. |
| 15 | 27 | 1 | All 13. N. $\frac{1}{2}$ and S. W. $\frac{1}{4}$ 23. S. $\frac{1}{2}$ 25. S. E. $\frac{1}{4}$ 31. N. W. $\frac{1}{4}$ 35. |
| 13 | 23 | 1 | All 25, 27, 35. |
| 13 | 24 | 1 | All 25. N. $\frac{1}{2}$ 27. All 33. |
| 13 | 25 | 1 | All 35. |
| 14 | 25 | 1 | N. W. $\frac{1}{4}$ 7. All 9. E. $\frac{1}{2}$ 17. All 19. S. $\frac{1}{2}$ and N. E. $\frac{1}{4}$ 21. W. $\frac{1}{2}$ 23. E. $\frac{1}{2}$ 31. |
| 14 | 26 | 1 | All 25. |
| 17 | 10 | 2 | N. E. $\frac{1}{4}$ 25. All 27. All 33. |
| 18 | 10 | 2 | All 1. All 5. All 7. All 17. |
| 17 | 9 | 2 | E. $\frac{1}{2}$ 19. All 21. All 31. All 33. |
| 18 | 9 | 2 | All 5. All 9. S. E. $\frac{1}{4}$ 7. |

DEPARTMENT OF THE INTERIOR, OTTAWA, 27th January, 1886.

SIR,—I am directed by the Minister of the Interior to enclose herewith eleven letters patent to the Canadian Pacific Railway Company, covering the lands mentioned in the accompanying form of receipt, which please sign and return to me.

I have the honor to be, Sir, your obedient servant,

P. B. DOUGLAS, *Assistant Secretary.*

C. DRINKWATER, Esq., Secretary Canadian Pacific Railway Company, Montreal.

MONTREAL, 1886.

Received from the Honorable the Minister of the Interior letters patent, issued in the name of the Canadian Pacific Railway Company, covering the following lands, viz. :—

| Section. | Township. | Range. | Meridian. |
|---|-----------|---------|-----------|
| S. E. $\frac{1}{4}$ of 31..... | 11 | 16 West | 1st. |
| S. E. $\frac{1}{4}$ of 15..... | 11 | 17 do | do |
| S. W. $\frac{1}{4}$ 1..... | 9 | 18 do | do |
| S. W. $\frac{1}{4}$ of 25, N. E. $\frac{1}{4}$ of 35..... | 11 | 18 do | do |
| N. $\frac{1}{2}$ of 9..... | 9 | 19 do | do |
| N. W. $\frac{1}{4}$ of 23..... | 8 | 20 do | do |
| N. $\frac{1}{2}$ of 27..... | 10 | 21 do | do |
| E. $\frac{1}{2}$ of 35..... | 6 | 22 do | do |
| N. $\frac{1}{2}$ of 19..... | 9 | 22 do | do |
| Whole of 7..... | 11 | 24 do | do |
| N. E. $\frac{1}{4}$ of 19..... | 10 | 26 do | do |

All being in the Province of Manitoba.

Secretary Canadian Pacific Railway Company.

DEPARTMENT OF THE INTERIOR, OTTAWA, 20th January, 1886.

SIR,—I have the honor, by direction of the Minister of the Interior, to acknowledge the receipt of your letter of the 4th instant, requesting that patents may be issued in the name of the Canadian Pacific Railway Company for certain lands in Manitoba, and in reply to inform you that patents therefor are now in course of preparation.

I have the honor to be, Sir, your obedient servant,

P. B. DOUGLAS, *Assistant Secretary.*

C. DRINKWATER, Secretary Canadian Pacific Railway Company, Montreal.

DEPARTMENT OF THE INTERIOR, OTTAWA, 20th January, 1886.

SIR,—I am directed by the Minister of the Interior to acknowledge the receipt of your letter of the 2nd instant, referring to my letter to you of the 5th ultimo, respecting the issue of a patent for Section 1, and the S.W. $\frac{1}{4}$ of Section 15, in Township 12, Range 16, west of the 1st Meridian, and in reply to inform you that although your application was distinctly for the above lands, by an error the patent issued for Section 1 and the S.W. $\frac{1}{4}$ of Section 15, in Township 12, Range 18, west of the 1st Meridian.

In explanation of my letter to you of the 5th ultimo, I may say that all the entries in the books described the lands as being in Township 12, Range 16, west, but the error arose in writing in the patent Range 18 instead of 16. However, the corrections have now been made, and as you have signified your intention of accepting the land in question, a patent will now be prepared for Section 1 and the S.W. $\frac{1}{4}$ of Section 15, in Township 12, Range 16, west of the 1st Meridian.

I have the honor to be, Sir, your obedient servant,

P. B. DOUGLAS, *Assistant Secretary.*

C. DRINKWATER, Esq., Secretary Canadian Pacific Railway Company, Montreal.

DEPARTMENT OF THE INTERIOR, OTTAWA, 20th January, 1886.

SIR,—I have the honor, by direction of the Minister of the Interior, to acknowledge the receipt of your letter of the 2nd instant, requesting that the N.W. $\frac{1}{4}$ of Section 7, in Township 14, Range 1, east of the 1st Meridian, may be added to the list of lands accepted by the Canadian Pacific Railway Company, and, in reply, to inform you that your request has been complied with.

I have the honor to be, Sir, your obedient servant,

P. B. DOUGLAS, *Assistant Secretary.*

C. DRINKWATER, Esq., Secretary Canadian Pacific Railway Company, Montreal.

THE CANADIAN PACIFIC RAILWAY COMPANY,

OFFICE OF THE SECRETARY, MONTREAL, 4th January, 1886.

SIR,—I beg to request that patents may issue in favor of this company, covering the undermentioned sections of lands:—

| Section. | Township. | Range. | Meridian. |
|-----------------------------|-----------|---------|-----------|
| N.W. $\frac{1}{4}$ 19 | 7 | 19 West | 1st. |
| W. $\frac{1}{2}$ 23 | 10 | 25 do | do |
| All 35 | 9 | 19 do | do |
| W. $\frac{1}{2}$ 5 | 10 | 17 do | do |
| W. $\frac{1}{2}$ 7 | 10 | 19 do | do |
| W. $\frac{1}{2}$ 19 | 10 | 21 do | do |
| S. $\frac{1}{2}$ 27 | 11 | 19 do | do |
| All 23 | 11 | 26 do | do |

I have the honor to be, Sir, your obedient servant,

C. DRINKWATER, *Secretary.*

JOHN R. HALL, Esq., Secretary Department of the Interior, Ottawa.

THE CANADIAN PACIFIC RAILWAY COMPANY,
OFFICE OF THE SECRETARY, MONTREAL, 2nd January, 1886.

SIR,—Referring to your letter of the 5th ultimo, file No. 82030-2, letter No. 100907, respecting the patent for Section 1 and S.W. $\frac{1}{4}$ 15, Township 12, Range 16, W. 1, which you say was issued on the 12th May, last, you will find, I think, that the patent as issued, No. 146, conveyed the whole of Section 1 and S.W. $\frac{1}{4}$ 15, Township 12, Range 18, W. 1; not Section 1 and S.W. $\frac{1}{4}$ 15, Township 12, Range 16, W. 1 as Section 1 and S.W. $\frac{1}{4}$ 15, Township 12, Range 18, W. 1, is land which the company will accept. We will retain the patent, but shall be glad to receive the patent for Section 1 and S.W. $\frac{1}{4}$ 15, Township 12, Range 16, W. 1, as originally applied for.

I have the honor to be, Sir, your obedient servant,
C. DRINKWATER, *Secretary.*

JOHN R. HALL, Esq., Secretary Department of the Interior, Ottawa.

THE CANADIAN PACIFIC RAILWAY COMPANY,
OFFICE OF THE SECRETARY, MONTREAL, 2nd January, 1885.

SIR,—I beg to request that the N.W. $\frac{1}{4}$ of Section 7, Township 14, Range 1, east, may be added to the list of lands accepted by this company.

I have the honor to be, Sir, your obedient servant,
C. DRINKWATER, *Secretary.*

JOHN R. HALL, Esq., Secretary Department of the Interior, Ottawa.

THE CANADIAN PACIFIC RAILWAY COMPANY,
OFFICE OF THE SECRETARY, MONTREAL, 31st December, 1885.

SIR,—I beg to request that a patent may issue in this company's favor, covering Section 33, Township 23, Range 1, W. 5.

I have the honor to be, Sir, your obedient servant,
C. DRINKWATER, *Secretary.*

JOHN R. HALL, Esq., Secretary Department of the Interior, Ottawa.

DEPARTMENT OF THE INTERIOR, OTTAWA, 8th January, 1886.

SIR,—I am directed by the Minister of the Interior to acknowledge the receipt of your letter of the 29th ultimo, requesting that patents may be issued in favor of the Canadian Pacific Railway Company for certain lands in Manitoba, and in reply to inform you that patents therefor are now in course of preparation.

I have the honor to be, Sir, your obedient servant,
P. B. DOUGLAS, *Assistant Secretary.*

C. DRINKWATER, Esq., Secretary Canadian Pacific Railway Company, Montreal.

DEPARTMENT OF THE INTERIOR, OTTAWA, 4th January, 1886.

SIR,—I am directed by the Minister of the Interior to enclose herewith seventeen letters patent to the Canadian Pacific Railway Company, covering the lands mentioned in the accompanying form of receipt, which please sign and return to me.

I have the honor to be, Sir, your obedient servant,
P. B. DOUGLAS, *Assistant Secretary.*

C. DRINKWATER, Esq., Secretary Canadian Pacific Railway Company, Montreal.

MONTREAL, 1886.

Received from the Honorable the Minister of the Interior letters patent, issued in the name of the Canadian Pacific Railway Company, covering the following lands, viz. :—

| Section. | Township. | Range. | Meridian. |
|--------------------------------|-----------|----------|-----------|
| S. W. $\frac{1}{4}$ of 3..... | 7 | 13 West. | 1st. |
| N. E. $\frac{1}{4}$ of 13..... | 12 | 14 do | do |
| N. $\frac{1}{2}$ of 21..... | 7 | 16 do | do |
| Whole of 31..... | 8 | 17 do | do |
| 35a—18 | 273 | | |

| Section. | Township. | Range. | Meridian. |
|--|-----------|----------|-----------|
| S. $\frac{1}{2}$ of 13, N. E. $\frac{1}{4}$ of 21..... | 8 | 18 West. | 1st. |
| S. $\frac{1}{2}$ of 25..... | 9 | 18 do | do |
| S. E. $\frac{1}{4}$ of 9..... | 12 | 18 do | do |
| S. E. $\frac{1}{4}$ of 1, S. E. $\frac{1}{4}$ 7..... | 10 | 19 do | do |
| W. $\frac{1}{2}$ of 33..... | 11 | 19 do | do |
| N. E. $\frac{1}{4}$ of 9..... | 12 | 21 do | do |
| E. $\frac{1}{2}$ of 1..... | 13 | 21 do | do |
| W. $\frac{1}{2}$ of 1..... | 12 | 24 do | do |
| E. $\frac{1}{2}$ of 25..... | 10 | 27 do | do |
| S. E. $\frac{1}{4}$ of 35..... | 18 | 15 do | 2nd |
| W. $\frac{1}{2}$ or 17..... | 16 | 22 do | do |
| S. E. $\frac{1}{4}$ of 19..... | 17 | 22 do | do |
| W. $\frac{1}{2}$ of 1..... | 21 | 29 do | 4th |

Secretary Canadian Pacific Railway Company.

THE CANADIAN PACIFIC RAILWAY COMPANY,
OFFICE OF THE SECRETARY, MONTREAL, 29th December, 1885.

SIR,—I beg to request that patents may issue in favor of this company for the undermentioned sections of land :—

| Section. | Township. | Range. | Meridian. |
|-------------------------------|-----------|--------|-----------|
| S. W. $\frac{1}{4}$ of 1..... | 9 | 18 | 1st. |
| All of 7..... | 11 | 24 | do |
| E $\frac{1}{2}$ of 35..... | 6 | 22 | do |

I have the honor to be, Sir, your obedient servant,

C. DRINKWATER, *Secretary.*

JOHN R. HALL, Esq., Secretary Department of the Interior, Ottawa.

DEPARTMENT OF THE INTERIOR, OTTAWA, 30th December, 1885.

SIR,—I have the honor, by direction of the Minister of the Interior, to acknowledge the receipt of your letter of the 16th instant, requesting that patents may be issued in favor of the Canadian Pacific Railway Company for certain lands in Manitoba, and, in reply, to inform you that patents therefor are in course of preparation.

I have the honor to be, Sir, your obedient servant,

P. B. DOUGLAS, *Assistant Secretary.*

C. DRINKWATER, Esq., Secretary Canadian Pacific Railway Company, Montreal.

THE CANADIAN PACIFIC RAILWAY COMPANY,
OFFICE OF THE SECRETARY, MONTREAL, 16th December, 1885.

SIR,—I have the honor to request that patents may issue, in this company's favor, for the undermentioned sections of land :—

| Section. | Township. | Range. | Meridian. |
|----------------------------|-----------|----------|-----------|
| S.E. $\frac{1}{4}$ 31..... | 11 | 16 West. | 1st. |
| N.W. $\frac{1}{4}$ 23..... | 8 | 20 do | do |
| N.E. $\frac{1}{4}$ 19..... | 10 | 26 do | do |
| S.W. $\frac{1}{4}$ 25..... | 11 | 18 do | do |
| S.E. $\frac{1}{4}$ 15..... | 11 | 17 do | do |
| N.E. $\frac{1}{4}$ 35..... | 11 | 18 do | do |

I am, Sir, your obedient servant,

C. DRINKWATER, *Secretary.*

JOHN R. HALL, Esq., Secretary Department of the Interior, Ottawa.

DEPARTMENT OF THE INTERIOR, OTTAWA, 15th December, 1885.

SIR,—I have the honor, by direction of the Minister of the Interior, to acknowledge the receipt of your letter of the 7th instant, requesting that patents may be

issued in favor of the Canadian Pacific Railway Company for certain lands in Manitoba, and, in reply, to inform you that patents therefor are in course of preparation.

I have the honor to be, Sir, your obedient servant,
 P. B. DOUGLAS, *Assistant Secretary.*

C. DRINKWATER, Esq., Secretary Canadian Pacific Railway Company, Montreal.

THE CANADIAN PACIFIC RAILWAY COMPANY,
 OFFICE OF THE SECRETARY, MONTREAL, 7th December, 1885.

SIR,—I beg to request that patents may issue in this company's favor for the undermentioned sections of land:—

| Section. | Township. | Range. | Meridian. |
|--------------------------|-----------|----------|-----------|
| N. $\frac{1}{2}$ 9..... | 9 | 19 West. | 1st. |
| W. $\frac{1}{2}$ 27..... | 10 | 21 do | do |
| W. $\frac{1}{2}$ 19..... | 9 | 22 do | do |

I have the honor to be, Sir, your obedient servant,
 C. DRINKWATER, *Secretary.*

JOHN R. HALL, Esq., Secretary Department of the Interior, Ottawa.

DEPARTMENT OF THE INTERIOR, OTTAWA, 5th December, 1885.

SIR,—I have the honor, by direction of the Minister of the Interior, to acknowledge the receipt of your letter of the 28th ultimo, requesting that a patent may be issued in favor of the Canadian Pacific Railway Company for Section 31, in Township 12, Range 5, west of the 4th Meridian, and, in reply, to inform you that a patent therefor is in course of preparation.

I have the honor to be, Sir, your obedient servant,
 P. B. DOUGLAS, *Assistant Secretary.*

C. DRINKWATER, Esq., Secretary Canadian Pacific Railway Company, Montreal.

DEPARTMENT OF THE INTERIOR, OTTAWA, 5th December, 1885.

SIR,—I have the honor, by direction of the Minister of the Interior, to acknowledge the receipt of your letter of the 26th ultimo, requesting that patents may be issued in favor of the Canadian Pacific Railway Company for certain lands in Manitoba and the North-West Territories, and, in reply, to inform you that patents for the lands in question are in course of preparation, with the exception of the whole of Section 1, and the south-west quarter of Section 15, in Townships 12, Range 16, west of the 1st Meridian, for which a patent was issued on the 12th of May, 1885, and sent to you on the 17th June following.

I have the honor to be, Sir, your obedient servant,
 P. B. DOUGLAS, *Assistant Secretary.*

C. DRINKWATER, Esq., Secretary Canadian Pacific Railway Company, Montreal.

(Telegram.)

DEPARTMENT OF THE INTERIOR, OTTAWA, 2nd December, 1885.

To C. DRINKWATER, Montreal.

Patent for Section 31, Township 12, Range 5, west of 4th Meridian, dated 30th ultimo., going through.

JOHN R. HALL.

CANADIAN PACIFIC RAILWAY COMPANY,
 P. R. STATION, 2nd December, 1885.

The following message received at S. B. Time, 11.00,
 35a—18 $\frac{1}{2}$ 275

(By Telegraph from Montreal.)

To JOHN R. HALL, Department of the Interior.

My letter of 28th November. Get patent through to-day if possible. Please wire me if this can be done, as matter is very urgent.

C. DRINKWATER.

THE CANADIAN PACIFIC RAILWAY COMPANY,
OFFICE OF THE SECRETARY, MONTREAL, 28th November, 1885.

SIR,—I have the honor to apply for patent in favor of this company for Section 31, Township 12, Range 5, west 4th Meridian, "Medicine Hat townsite."

I shall be glad to get this at your earliest convenience.

I have the honor to be, Sir, your obedient servant,

C. DRINKWATER, *Secretary.*

JOHN R. HALL, Esq., Secretary Department of the Interior, Ottawa.

THE CANADIAN PACIFIC RAILWAY COMPANY,
OFFICE OF THE SECRETARY, MONTREAL, 26th November, 1885.

SIR,—I beg to request that patents may issue, in this company's favor, covering the undermentioned lands:—

| Section. | Township. | Range. | Meridian: |
|--|-----------|----------|-----------|
| W. $\frac{1}{2}$ of 1..... | 12 | 24 West. | 1st. |
| S.E. $\frac{1}{4}$ of 9..... | 12 | 18 do | do |
| S.W. $\frac{1}{4}$ of 3..... | 7 | 13 do | do |
| N. $\frac{1}{2}$ of 21..... | 7 | 16 do | do |
| W. $\frac{1}{4}$ of 33..... | 11 | 19 do | do |
| N.E. $\frac{1}{4}$ of 13..... | 12 | 14 do | do |
| Whole of 1, } S.W. $\frac{1}{4}$ of 15. } | 12 | 16 do | do |
| S.E. $\frac{1}{4}$ of 19..... | 19 | 22 do | do |

I have the honor to be, Sir, your obedient servant,

C. DRINKWATER, *Secretary.*

JOHN R. HALL, Esq., Secretary Department of the Interior, Ottawa.

DEPARTMENT OF THE INTERIOR, OTTAWA, 24th November, 1885.

SIR,—I am directed by the Minister of the Interior to enclose, herewith, ten letters patent to the Canadian Pacific Railway Company, covering the lands mentioned in the accompanying form of receipt, which please sign and return to me.

I have the honor to be, Sir, your obedient servant,

P. B. DOUGLAS, *Assistant Secretary.*

C. DRINKWATER Esq., Secretary Canadian Pacific Railway Company, Montreal.

MONTREAL, 1885.

Received from the Honorable the Minister of the Interior letters patent, issued in the name of the Canadian Pacific Railway Company, covering the following lands, viz.:—

| Section. | Township | Range. | Meridian. |
|-------------------------------|----------|----------|-----------|
| S.W. $\frac{1}{4}$ of 23..... | 11 | 14 West. | 1st. |
| Whole of 35..... | 8 | 13 do | do |
| S.W. $\frac{1}{4}$ of 1..... | 13 | 24 do | do |
| N.W. $\frac{1}{4}$ of 17..... | 10 | 25 do | do |
| N. $\frac{1}{2}$ of 3..... | 15 | 27 do | do |
| S.E. $\frac{1}{4}$ of 31..... | 11 | 29 do | do |
| E. $\frac{1}{2}$ of 15..... | 9 | 1 do | 2nd. |
| S.W. $\frac{1}{4}$ of 3..... | 14 | 3 do | do |
| Whole of 33..... | 15 | 7 do | do |
| N.E. $\frac{1}{4}$ of 9..... | 22 | 1 do | 1st. |

Secretary Canadian Pacific Railway Company.

DEPARTMENT OF THE INTERIOR, OTTAWA, 14th November, 1885.

SIR.—With reference to your letter of the 26th ultimo, asking for information concerning the N.E. $\frac{1}{4}$ of Section 33, Township 7, Range 11 W., the S.W. $\frac{1}{4}$ of Section 7, Township 8, Range 11 W., and the S.E. $\frac{1}{4}$ of Section 15, Township 7, Range 12 W., to enable you to reply to the enquiry made by the land commissioners of the Canadian Pacific Railway Company in relation thereto, I have the honor, by the direction of the Minister of the Interior, to inform you that patents have not issued for these lands, and that according to the books of this office they are vacant, no entry appearing recorded against any one of the parcels mentioned. I am further to say that these lands, being odd-numbered sections situated south of the Canadian Pacific Railway belt in Manitoba, they are, properly speaking, the lands of that company, and may be patented accordingly whenever the company express a desire to have the patents issued.

I have the honor to be, Sir, your obedient servant,
P. B. DOUGLAS, *Assistant Secretary*.

H. H. SMITH, Commissioner of Dominion Lands, Winnipeg.

DEPARTMENT OF THE INTERIOR, OTTAWA, 14th November, 1885.

SIR.—I have the honor, by direction of the Minister of the Interior, to acknowledge the receipt of your letter of the 9th instant, requesting that patents may be issued in favor of the Canadian Pacific Railway Company for certain lands in Manitoba and the North-West Territories, and, in reply, to inform you that patents for the lands in question are in course of preparation.

I have the honor to be, Sir, your obedient servant,
P. B. DOUGLAS, *Assistant Secretary*.

C. DRINKWATER, Esq., Secretary Canadian Pacific Railway Company, Montreal.

DEPARTMENT OF THE INTERIOR, OTTAWA, 14th November, 1885.

SIR.—With regard to your letter of the 2nd instant, referring me to my letter to you of the 16th of May last, respecting the application of the Canadian Pacific Railway Company for a patent for the W. $\frac{1}{4}$ of Section 17, in Township 16, Range 22, west of the 2nd Meridian, and asking if the Dominion Lands Commissioner has reported thereon; I am directed by the Minister of the Interior to inform you that the Dominion Lands Commissioner has reported thereon favorably to your company, and that a patent for the land in question is now in course of preparation.

I have the honor to be, Sir, your obedient servant,
P. B. DOUGLAS, *Assistant Secretary*.

C. DRINKWATER, Esq., Secretary Canadian Pacific Railway Company, Montreal.

DEPARTMENT OF THE INTERIOR, OTTAWA, 14th November, 1885.

SIR.—With reference to my letter to you of the 21st September last, in relation to the issue of a patent in favor of the Canadian Pacific Railway Company for Section 31, in Township 8, Range 17, West of the 1st Meridian, I have the honor, by direction of the Minister of the Interior, to inform you that the result of the enquiry relating thereto being satisfactory, a patent for this land is now in course of preparation.

I have the honor to be, Sir, your obedient servant,
P. B. DOUGLAS, *Assistant Secretary*.

C. DRINKWATER, Esq., Secretary Canadian Pacific Railway Company, Montreal.

DEPARTMENT OF THE INTERIOR, OTTAWA, 14th November, 1885.

SIR.—I have the honor, by direction of the Minister of the Interior, to acknowledge the receipt of your letter of the 14th ultimo, referring to my letter to you of the 21st September last, and stating that Section 35, in Township 8, Range 18, West

of the 1st Meridian, should have been applied for instead of Section 35, in Township 18, Range 8, West of the 1st Meridian, and, in reply, to inform you that a patent is in course of preparation for the first mentioned land.

I have the honor to be, Sir, your obedient servant,

P. B. DOUGLAS, *Assistant Secretary.*

C. DRINKWATER, Esq., Secretary, Canadian Pacific Railway Company, Montreal.

THE CANADIAN PACIFIC RAILWAY COMPANY,

OFFICE OF THE SECRETARY, MONTREAL, 9th November, 1885.

SIR,—I beg to request, on behalf of this company, that patents may issue in its favor for the undermentioned sections of land :—

| Section | Township. | Range. | Meridian. |
|--------------------------------|-----------|---------|-----------|
| S. $\frac{1}{2}$ of 25..... | 9 | 18 West | 1st. |
| N. E. $\frac{1}{4}$ of 9..... | 12 | 21 do | do |
| S. E. $\frac{1}{4}$ of 7..... | 10 | 19 do | do |
| E. $\frac{1}{2}$ of 1..... | 13 | 21 do | do |
| S. E. $\frac{1}{4}$ of 1..... | 10 | 19 do | do |
| E. $\frac{1}{2}$ of 25..... | 10 | 27 do | do |
| S. $\frac{1}{2}$ of 13..... | 8 | 18 do | do |
| N. E. $\frac{1}{4}$ of 21..... | 8 | 18 do | do |
| S. E. $\frac{1}{4}$ of 35..... | 18 | 15 do | 2nd |
| W. $\frac{1}{2}$ of 1..... | 22 | 29 do | 4th |

I have the honor to be, Sir, your obedient servant,

C. DRINKWATER, *Secretary.*

JOHN R. HALL, Esq., Secretary Department of the Interior, Ottawa.

THE CANADIAN PACIFIC RAILWAY COMPANY,

OFFICE OF THE SECRETARY, MONTREAL, 2nd November, 1885.

SIR,—I beg to refer to your letter of the 16th of May last, respecting the application of this company for patents for the W. $\frac{1}{2}$ of Section 17, Township 16, Range 22, West 2nd Meridian, and to ask whether the Dominion lands commissioner has reported thereon. I am advised that the supposed squatter is the purchaser from the company.

I have the honor to be, Sir, your obedient servant,

C. DRINKWATER, *Secretary.*

JOHN R. HALL, Esq., Secretary Department of the Interior, Ottawa.

OFFICE OF THE DOMINION LANDS COMMISSIONER,

WINNIPEG, 26th October, 1885.

SIR,—I have the honor, by direction of the commissioner, to inform you that the Land Commissioner of the Canadian Pacific Railway Company writes that the N.E. $\frac{1}{4}$ Section 33, Township 7, Range 11 west; S.W. $\frac{1}{4}$ Section 7, Township 8, Range 11 west, and the S. E. $\frac{1}{4}$ Section 15, Township 7, Range 12 west, which the company consider to fall to them under their charter, and which have been dealt with by them, are advertised in the *Manitoba Gazette* as patented lands. He states that they have not been patented to the company, and enquires what disposition of them has been made.

The only papers affecting any of these lands on record in this office are instructions from your office (ref. 46725 on 22155) dated 4th July, 1882, to the effect that the sale of the S.E. $\frac{1}{4}$ Section 15, Township 7, Range 12 west, by the Canadian Pacific Railway, must take precedence of the sale by the agent at Nelsonville.

The commissioner asks to be afforded information to enable him to reply to Mr. McTavish's enquiry.

I have the honor to be, Sir, your obedient servant,

GEORGE YOUNG, *For the Secretary.*

The Secretary Department of the Interior, Ottawa.

OFFICE OF THE DOMINION LANDS COMMISSIONER,
WINNIPEG, 28th October, 1885.

SIR,—In further reference to your letter of the 21st September, (82030 No. 1 on 91986) I am directed by the commissioner to say that it appears from the records of this office that the claims preferred by Messrs. B. Edmunds and John Stady to Section 31, Township 18, Range 17 west principal Meridian, were not recognized by the land board.

Both persons were informed that they would require to arrange with the Canadian Pacific Railway Company for the lands respectively claimed by them, and it is understood, from a report recently received from one of the homestead inspectors, that Mr. Edmunds purchased the E. ½ of the section from the company.

I have the honor to be, Sir, your obedient servant,

GEORGE YOUNG, *For the Secretary.*

The Secretary Department of the Interior, Ottawa.

DEPARTMENT OF THE INTERIOR, OTTAWA, 26th October, 1885.

SIR,—I am directed by the Minister of the Interior to enclose, herewith, thirty-three letters patent to the Canadian Pacific Railway Company, covering the lands mentioned in the accompanying form of receipt, which please sign and return to me.

I have the honor to be, Sir, your obedient servant,

P. B. DOUGLAS, *Assistant Secretary.*

C. DRINKWATER, Esq., Secretary Canadian Pacific Railway Company, Montreal.

MONTREAL, 1885.

Received from the Honorable the Minister of the Interior, letters patent, issued in the name of the Canadian Pacific Railway Company, covering the following lands, viz.:

| Section. | Township. | Range. | Meridian. |
|---|--|--|--|
| N.W. ¼ of 15 } Whole of 17 } E. ½ 27..... } N. ½ 35..... } N. ½ & S.W. ¼ 3 } S. ½ 9..... } S. ½ 17..... } S. ½ 19..... } N. ½ 9..... } W. ½ & S.E. ¼ 13 } S. ½ 15..... } Whole 23..... } N.W. ¼ 33..... } Whole 35..... } S. ½ 27..... } S.W. ¼ 33..... } N.W. ¼ 35..... } do 3..... } Whole 17..... } Whole 9 } do 15 } do 17 } do 5..... } N.W. ¼ 19..... } Whole 17..... } | 1 1 3 3 1 3 1 3 3 6 7 7 13 8 14 8 | 1 East 3 West 4 do 4 do 5 do 11 do 13 do 14 do 16 do 16 do 17 do 17 do 19 do | 1st. do do do do do do do do do do do do do do |

| Section. | Township. | Range. | Meridian. |
|---|-----------|----------|-----------|
| Whole 5 } N. W. $\frac{1}{4}$ 27 } | 8 | 19 East. | 1st. |
| Whole 21..... | 9 | 19 do | do |
| do 35..... | 11 | 20 do | do |
| do 15..... | 11 | 20 do | do |
| do 7..... | 12 | 21 do | do |
| do 7 (fractional)..... | 7 | 22 do | do |
| do 9..... | 12 | 22 do | do |
| W. $\frac{1}{2}$ 27..... | 8 | 24 do | do |
| S. W. $\frac{1}{4}$ 7..... | 12 | 24 do | do |
| Whole 1..... | 10 | 25 do | do |
| N. $\frac{1}{2}$ 35..... | 10 | 25 do | do |
| N. $\frac{1}{2}$ 33..... | 14 | 26 do | do |
| Whole 27..... | 10 | 27 do | do |
| N. W. $\frac{1}{4}$ 23..... | 12 | 28 do | do |
| Whole 31..... | 15 | 29 do | do |
| do 3 } do 7 } | 16 | 29 do | do |
| E. $\frac{1}{2}$ 9..... | 13 | 30 do | do |
| Whole 31 } do 35 } | 17 | 26 do | 2nd |
| do 5..... | 18 | 26 do | do |
| do 5..... | 22 | 1 do | 5th |

Secretary Canadian Pacific Railway Company.

THE CANADIAN PACIFIC RAILWAY COMPANY,

OFFICE OF THE SECRETARY, MONTREAL, 20th October, 1885.

DEAR SIR, —Referring to my letter of the 14th instant, respecting the half section to be surrendered to Dr. Meyer, I now enclose the abstract of title of Section 5, Township 15, Range 3, west 2nd Meridian.

Yours truly,

C. DRINKWATER, *Secretary.*

P. B. DOUGLAS, Esq., Assistant Secretary Department of the Interior, Ottawa.

REGISTRATION OFFICE FOR THE REGISTRATION DISTRICT OF REGINA, IN THE PROVISIONAL DISTRICT OF ASSINIBOIA, IN THE NORTH-WEST TERRITORIES OF THE DOMINION OF CANADA.
 Abstract of the Title of Section number 5, in Township number 15, in Range number 3, West of the 2nd Principal Meridian, in the North-West Territories of the Dominion of Canada.

| Number of Instrument | Nature of Instrument | Date of Instrument | Date of Registry | Grantor | Grantee | Quantity of Land | Consideration, amount of Mortgage, &c. | Remarks |
|----------------------|----------------------|--------------------|------------------|------------------------------|--|-------------------|--|------------|
| 257... | Deed of trust..... | March 15, 1884... | July 24, 1884... | C. P. R. Co, et al..... | Gerrit, W., Vis., (Trustee).... | 34,880 acres..... | \$ 104,640 00 | North half |
| 989... | Deed..... | May 30, 1885... | Aug. 24, 1885... | Gerrit, W., Vis., et al..... | The Netherlands American Land Company..... | Several acres.... | 1 00 | North half |

I certify that the above are all instruments registered in this office mentioning the above Section number 5, Township number 15, in Range number 3, West of the 2nd Principal Meridian, in the North-West Territories of the Dominion of Canada.

GEO. A. MONTGOMERY,
 Registrar for the Registration District of Regina.

REGINA, N. W.T., 12th October, A.D. 1885.

DEPARTMENT OF THE INTERIOR, OTTAWA, 20th October, 1885.

SIR,—In compliance with the request made in your letter dated the 14th instant, I am directed to say that Section 15, in Township 21, Range 28, west of the 4th Meridian, has been withdrawn from the operation of the grazing lease of Ranch No. 11.

I have the honor to be, Sir, your obedient servant,

P. B. DOUGLAS, *Assistant Secretary.*

C. DRINKWATER, Esq., Secretary Canadian Pacific Railway Company, Montreal.

THE CANADIAN PACIFIC RAILWAY COMPANY,

OFFICE OF THE SECRETARY, MONTREAL, 14th October, 1885.

SIR,—I have the honor to request that Section 15, Township 21, Range 28, west 4th Meridian, in ranche No. 11, may be withdrawn from the ranche lease, as an agreement has been entered into for the sale of this section.

I am, Sir, your obedient servant,

C. DRINKWATER, *Secretary.*

JOHN R. HALL, Esq., Secretary Department of the Interior, Ottawa.

THE CANADIAN PACIFIC RAILWAY COMPANY,

OFFICE OF THE SECRETARY, MONTREAL, 14th October, 1885.

SIR,—Referring to your letter of the 21st September (file 82030, No. 1, letter No. 95078), I beg to state that Section 35, Township 8, Range 18, west 1st Meridian, should have been applied for instead of Section 35, Township 18, Range 8, west 1st Meridian. I would be glad for the issue of the patent therefor.

I have the honor to be, Sir, your obedient servant,

C. DRINKWATER, *Secretary.*

P. B. DOUGLAS, Esq., Assistant Secretary Department of the Interior, Ottawa.

THE CANADIAN PACIFIC RAILWAY COMPANY,

OFFICE OF THE SECRETARY, MONTREAL, 14th October, 1885.

SIR,—Referring to your letter of the 21st ult., (file 82030, No. 1, letter No. 93304), I beg to state that the patent for Section 35, Township 18, Range 25, west 2nd Meridian, is not required at present. What we desire now is that the section be considered as forming portion of this company's land grant.

I have the honor to be, Sir, your obedient servant,

C. DRINKWATER, *Secretary.*

P. B. DOUGLAS, Esq., Assistant Secretary Department of the Interior, Ottawa.

THE CANADIAN PACIFIC RAILWAY COMPANY,

OFFICE OF THE SECRETARY, MONTREAL, 14th October, 1885.

SIR,—Referring to your letter of the 21st ult. (file 82030, No. 1, letter No. 91916), I beg to state that the half section to be surrendered to Dr. Meyer, is the S.½ of Section 5, Township 15, Range 3, west 2nd Meridian, and not the north half as mentioned in your letter. An abstract from the registry office has been applied for and will be forwarded as soon as received.

I have the honor to be, Sir, your obedient servant,

C. DRINKWATER, *Secretary.*

P. B. DOUGLAS, Esq., Assistant Secretary Department of the Interior, Ottawa.

DEPARTMENT OF THE INTERIOR, OTTAWA, 17th October, 1885.

SIR,—I am directed by the Minister of the Interior to inform you, in reply to your letter of the 7th instant, that patents for the lands mentioned in that letter, which are the following, are being duly prepared in favor of your company:—

| Section. | Township. | Range. | Meridian. |
|---------------------------------|-----------|---------|-----------|
| S. W. $\frac{1}{4}$ of 3..... | 14 | 3 West. | 2nd. |
| N. W. $\frac{1}{4}$ of 17..... | 10 | 25 do | 1st. |
| S. E. $\frac{1}{4}$ of 31..... | 11 | 29 do | do |
| All of 5 and 7..... | 16 | 5 do | 2nd. |
| S. W. $\frac{1}{4}$ of 23 | 11 | 12 do | 1st. |

I have the honor to be, Sir, your obedient servant,

P. B. DOUGLAS, *Assistant Secretary.*

C. DRINKWATER, Esq., Secretary Canadian Pacific Railway Company, Montreal.

DEPARTMENT OF THE INTERIOR, OTTAWA, 17th October, 1885.

SIR,—I am directed by the Minister of the Interior to inform you, in reply to your letter of the 28th ultimo, that patents for the lands mentioned in that letter, which are the followin g, are being duly prepared in favor of your company :—

| Section. | Township. | Range. | Meridian. |
|-------------------------------|-----------|----------|-----------|
| S.W. $\frac{1}{4}$ of 15..... | 13 | 22 West. | 1st. |
| N. $\frac{1}{2}$ of 3..... | 15 | 27 do | do |
| E. $\frac{1}{2}$ of 15..... | 9 | 1 do | 2nd. |
| All of 33..... | 15 | 7 do | do |
| N.E. $\frac{1}{4}$ of 9..... | 22 | 1 do | 5th. |

I have the honor to be, Sir, your obedient servant,

P. B. DOUGLAS, *Assistant Secretary.*

C. DRINKWATER, Secretary Canadian Pacific Railway Company, Montreal.

THE CANADIAN PACIFIC RAILWAY COMPANY,

OFFICE OF THE SECRETARY, MONTREAL, 7th October, 1885.

SIR,—I have the honor to request that patents may issue in favor of this company for the undermentioned sections of land :—

| Section. | Township. | Range. | Meridian. |
|--------------------------------|-----------|---------|-----------|
| S.W. $\frac{1}{4}$ of 3 | 14 | 3 West. | 2nd. |
| N.W. $\frac{1}{4}$ of 17 | 10 | 25 do | 1st. |
| S.E. $\frac{1}{4}$ of 15..... | 11 | 29 do | do |
| All of 5 and 7..... | 16 | 5 do | 2nd. |
| S.W. $\frac{1}{4}$ 23..... | 11 | 14 do | 1st. |

I am, Sir, your obedient servant,

C. DRINKWATER, *Secretary.*

JOHN R. HALL, Esq., Secretary of the Department of the Interior, Ottawa.

OFFICE OF THE DOMINION LANDS COMMISSIONER,

WINNIPEG, 2nd October, 1885.

SIR.—I have the honor to acknowledge the receipt of your letter of 21st ult., 82030, No. 1, on 91986, and, in reply, am directed by the commissioner to say that as the records of this office appear to afford no information as to the claim of Mr. B. Edmunds to the E. $\frac{1}{4}$ Section 31, Township 8, Range 18, west Principal Meridian, one of the homestead inspectors has been instructed to examine the land, and to report fully as to the facts of the case.

The result of his enquiry will, in due course, be communicated to you.

I have the honor to be, Sir, your obedient servant,

S. R. BURPÉ, *Secretary.*

The Secretary Department of the Interior, Ottawa.

THE CANADIAN PACIFIC RAILWAY COMPANY,
OFFICE OF THE SECRETARY, MONTREAL, 28th September, 1885.

SIR,—I have the honor to request that patents for the following lands may issue in favor of this company:—

| Section. | Township. | Range. | Meridian. |
|----------------------------|-----------|--------|-----------|
| S.W. $\frac{1}{4}$ 15..... | 13 | 22 | 1st. |
| N. $\frac{1}{2}$ 3..... | 15 | 27 | do |
| E. $\frac{1}{2}$ 15..... | 9 | 1 | 2nd. |
| All 33..... | 15 | 7 | do |
| N.E. $\frac{1}{4}$ 9..... | 22 | 1 | 5th. |

I am, Sir, your obedient servant,

C. DRINKWATER, *Secretary.*

JOHN R. HALL, Esq., Secretary Department of the Interior, Ottawa.

DEPARTMENT OF THE INTERIOR, OTTAWA, 21st September, 1885.

SIR,—I have the honor, by direction of the Minister of the Interior, to acknowledge the receipt of your letter of the 10th instant, requesting that patents may issue in favor of the Canadian Pacific Railway Company for Section 35, in Township 11, Range 20, west Principal Meridian, and Section 35, in Township 18, Range 8, west of the 1st Meridian, and, in reply, to inform you that a patent for Section 35, in Township 11, Range 20 west of the Principal Meridian, is in course of preparation, but that a patent cannot be issued for the other Section above-mentioned, for the reason that, were the township surveys extended to include that section, it would be found to be situated not only outside the 24-mile belt of your company, but within the boundaries of Lake Manitoba.

I have the honor to be, Sir, your obedient servant,

P. B. DOUGLAS, *Assistant Secretary.*

C. DRINKWATER, Esq., Secretary Canadian Pacific Railway Company, Montreal.

THE CANADIAN PACIFIC RAILWAY COMPANY,
OFFICE OF THE SECRETARY, MONTREAL, 10th September, 1885.

SIR,—I beg to request, on behalf of this company, that patents may issue in its favor for the following sections:—Section 35, Township 11, Range 20, west 1st Meridian, and Section 35, Township 8, Range 18, west 1st Meridian.

As we are required to show title in these cases, it is important that we should receive the patents as soon as possible.

I have the honor to be, Sir, your obedient servant,

C. DRINKWATER, *Secretary.*

JOHN R. HALL, Esq., Secretary Department of the Interior, Ottawa.

DEPARTMENT OF THE INTERIOR, OTTAWA, 21st September, 1885.

SIR,—I have the honor, by direction of the Minister of the Interior, to acknowledge the receipt of your letter of the 9th instant, requesting that patents may issue in favor of the Canadian Pacific Railway Company for certain lands in Manitoba and the North-West Territories, and, in reply, to inform you that patents for the lands in question are in course of preparation.

I have the honor to be, Sir, your obedient servant,

P. B. DOUGLAS, *Assistant Secretary.*

C. DRINKWATER, Esq., Secretary Canadian Pacific Railway Company, Montreal.

THE CANADIAN PACIFIC RAILWAY COMPANY,
OFFICE OF THE SECRETARY, MONTREAL, 9th September, 1885.

SIR,—I have the honor to request, on behalf of this company, that patents may issue in its favor for the following sections of land:—

| Section. | Township. | Range. | Meridian. |
|----------------------------|-----------|----------|-----------|
| 15..... | 11 | 20 West. | 1st. |
| N.W. $\frac{1}{4}$ 23..... | 12 | 28 do | do |
| N.W. $\frac{1}{4}$ 19..... | 14 | 17 do | do |
| All 17..... | 8 | 19 do | do |
| do 9..... | 12 | 22 do | do |
| N. $\frac{1}{4}$ 33..... | 14 | 26 do | do |
| N. $\frac{1}{4}$ 35..... | 10 | 25 do | do |
| N.W. $\frac{1}{4}$ 3..... | 7 | 14 do | do |
| All 31 and 35..... | 17 | 26 do | 2nd |
| do 5..... | 18 | 26 do | do |

I am, Sir, your obedient servant,

C. DRINKWATER, *Secretary.*

J. R. HALL, Esq., Secretary Department of the Interior, Ottawa.

DEPARTMENT OF THE INTERIOR, OTTAWA, 21st September, 1885.

SIR,—I have the honor, by direction of the Minister of the Interior, to acknowledge the receipt of your letter of the 12th ultimo, in reference to the issue of a patent for Sections 23 and 25, in Township 10, Range 21, west of the 1st Meridian, and calling the secretary's attention to my letter to you of the 26th June last, in which it was stated that a patent would issue for Sections 23 and 35, and, in reply, to inform you that a patent issued in favor of your company for Sections 23 and 25 and not 23 and 35 as stated in my said letter, and, also, that the patent in question was sent to you on the 17th of last July.

I am to ask you if you wish a patent to be issued in favor of your company for Section 35, in Township 10, Range 21, west of the Principal Meridian.

I have the honor to be, Sir, your obedient servant,

P. B. DOUGLAS, *Assistant Secretary.*

C. DRINKWATER, Esq., Secretary Canadian Pacific Railway Company, Montreal.

THE CANADIAN PACIFIC RAILWAY COMPANY,

OFFICE OF THE SECRETARY, MONTREAL, 12th August, 1885.

SIR,—Referring to your letter, No. 82030, of the 26th June last, I beg to point out that the patents applied for in Township 10, Range 21, west 1st Meridian, were for Sections 23 and 25. Your letter says they will issue for 23 and 35. If patent for 35 has been issued, there is no necessity for cancelling it, as it is a section we shall accept. I have, however, to ask that patent for Section 25 be also granted.

I have the honor to be, Sir, your obedient servant,

C. DRINKWATER, *Secretary.*

JOHN R. HALL, Esq., Secretary Department of Interior, Ottawa.

DEPARTMENT OF THE INTERIOR, OTTAWA, 21st September, 1885.

SIR,—I have the honor, by direction of the Minister of the Interior, to acknowledge the receipt of your letter of the 12th ultimo, requesting that Section 35, in Township 18, Range 25, west of the 2nd Meridian, which is marked as rejected on the schedule of accepted and rejected lands received here, may be transferred to the accepted list, and, in reply, to inform you that the section in question has been transferred to the accepted list.

I am to ask you if it is your wish that a patent issue in favor of your company for this section.

I have the honor to be, Sir, your obedient servant,

P. B. DOUGLAS, *Assistant Secretary.*

C. DRINKWATER, Esq., Secretary Canadian Pacific Railway Company, Montreal.

THE CANADIAN PACIFIC RAILWAY COMPANY,

OFFICE OF THE SECRETARY, MONTREAL, 12th August, 1885.

SIR,—I am advised by our land department that Section 35, Township 18, Range 25, west 2nd Meridian, has been sold. As this section was marked on the lists deposited by this company as "rejected," I shall be obliged by your having it transferred to the "accepted" list.

I have the honor to be, Sir, your obedient servant,

C. DRINKWATER, *Secretary.*

J. R. HALL, Esq., Secretary Department of the Interior, Ottawa.

DEPARTMENT OF THE INTERIOR, OTTAWA, 21st September, 1885.

SIR,—I have the honor, by direction of the Minister of the Interior, to ask you to state if there is anything of record in your office with reference to the claim of one B. Edmunds to the E. $\frac{1}{2}$ of Section 31, in Township 8, Range 17, west of the 1st Meridian, and, if so, to inform him of the nature of such claim and of any decision you may have given in the matter.

The secretary of the Canadian Pacific Railway Company has applied for a patent of the whole of the section in question, and as the township plan shows Edmunds to have squatted upon one-half of it, he has been informed that, for this reason, the land will not be patented to the company until the receipt here of such information as will warrant no further delay in the issue of the patent.

I have the honor to be, Sir, your obedient servant,

P. B. DOUGLAS, *Assistant Secretary.*

The Commissioner of Dominion Lands, Winnipeg, Man.

DEPARTMENT OF THE INTERIOR, OTTAWA, 21st September, 1885.

SIR,—I have the honor, by direction of the Minister of the Interior, to acknowledge the receipt of your letter of the 15th July last, requesting that patents may issue in favor of the Canadian Pacific Railway Company for certain lands in Manitoba and the North-West Territories, and, in reply, to inform you that patents are now in course of preparation for the lands in question, with the exception of Section 31, in Township 8, Range 17, west of the 1st Meridian.

Owing to the plan of the township showing one B. Edmunds to have squatted upon the east half of this section, a patent will not issue for it until, upon enquiry, the nature of Edmunds' claim has been ascertained.

The commissioner of Dominion lands has been written to with reference to this matter, and, if the answer thereto is favorable to your company, a patent for the section in question will be issued.

I have the honor to be, Sir, your obedient servant,

P. B. DOUGLAS, *Assistant Secretary.*

C. DRINKWATER, Esq., Secretary Canadian Pacific Railway Company, Montreal.

THE CANADIAN PACIFIC RAILWAY COMPANY,

OFFICE OF THE SECRETARY, MONTREAL, 15th July, 1885.

SIR,—I have the honor to request, on behalf of this company, that patents may issue in its favor for the undermentioned lands :—

| Section. | Township. | Range. | Meridian. |
|-------------------------------|-----------|----------|-----------|
| 17..... | 7 | 16 West. | 1st. |
| 31..... | 8 | 17 do | do |
| 21..... | 9 | 19 do | do |
| S.W. $\frac{1}{4}$ of 33..... | 11 | 11 do | do |
| 31..... | 15 | 29 do | do |
| 3 and 7..... | 16 | 29 do | do |
| 15..... | 13 | 16 do | do |
| 27..... | 10 | 27 do | do |

| Section. | Township. | Range. | Meridian. |
|-------------------------------|-----------|----------|-----------|
| 7..... | 7 | 22 West. | 1st. |
| 5..... | 8 | 17 do | do |
| 5..... | 8 | 19 do | do |
| 1..... | 10 | 25 do | do |
| 7..... | 12 | 21 do | do |
| 9 and 17..... | 13 | 16 do | do |
| N.W. $\frac{1}{4}$ of 35..... | 6 | 13 do | do |
| N.W. $\frac{1}{4}$ of 27..... | 8 | 19 do | do |
| W. $\frac{1}{2}$ of 27..... | 8 | 24 do | do |
| S.W. $\frac{1}{4}$ of 7..... | 12 | 24 do | do |
| E. $\frac{1}{2}$ of 9..... | 13 | 30 do | do |

I am, Sir, your obedient servant,

C. DRINKWATER, *Secretary.*

JOHN R. HALL, Esq., Secretary Department of the Interior, Ottawa.

DEPARTMENT OF THE INTERIOR, OTTAWA, 21st September, 1885.

SIR,—I have the honor, by direction of the Minister of the Interior, to acknowledge the receipt of your letter of the 15th of July, 1885, enclosing a letter from Mr. McTavish, land commissioner of the Canadian Pacific Railway Company, relative to the surrender to the Government of the north half of Section 5, in Township 15, Range 3, west of the 2nd Meridian, which has been patented to the said company, and the granting to them of another half section in lieu thereof, and, in reply, I am to inform you that the Deputy Minister has approved of such transfer, subject, however, to the condition that an extract from the registry office be filed here, showing that there is no instrument on record affecting the land in question.

A deed of surrender of the north half of Section 5, Township 15, Section 3, west of the 2nd Meridian, is in course of preparation, and, when ready, will be forwarded to you for execution.

I have the honor to be, Sir, your obedient servant,

P. B. DOUGLAS, *Assistant Secretary.*

C. DRINKWATER, Esq., Secretary Canadian Pacific Railway Company, Montreal.

THE CANADIAN PACIFIC RAILWAY COMPANY,

OFFICE OF THE SECRETARY, MONTREAL, 15th July, 1885.

DEAR SIR,—I enclose letter from Mr. McTavish, relating to Section 5, Township 15, Range 3, west 2nd Meridian, the S. $\frac{1}{2}$ of which, it has been agreed with the Dominion lands commissioner, shall be transferred to Dr. Meyer, under the homestead regulations.

I also beg to return the patent for this section to be exchanged for one for the N. $\frac{1}{2}$ only, should the Department concur in the proposed transfer, and agree to substitute therefor half of an even-numbered section.

Yours truly,

C. DRINKWATER, *Secretary.*

A. M. BURGESS, Esq., Deputy Minister of the Interior, Ottawa.

LAND DEPARTMENT, CANADIAN PACIFIC RAILWAY COMPANY,

WINNIPEG, MAN., 26th June, 1885.

DEAR SIR,—On the 5th February last (List No. 1) I requested that patent should issue for Section 5, Township 15, Range 3, west 2nd Meridian, north half of which had been sold. The south half has been selected by Dr. Meyer, in connection with his colony, and I have agreed with the Dominion lands commissioner here that he shall have the privilege of taking the same under homestead regulations, the Government to give us half of an even-numbered section in lieu.

Will you please request the Department at Ottawa to issue a patent of only the N $\frac{1}{2}$, instead of the whole section. If already issued, I presume it could be cancelled.

Yours truly,

J. H. McTAVISH, *Land Commissioner.*

C. DRINKWATER, Esq., Secretary Canadian Pacific Railway Company, Montreal.

DEPARTMENT OF THE INTERIOR, OTTAWA, 17th July, 1885.

SIR,—I am directed by the Minister to enclose herewith nine letters patent to the Canadian Pacific Railway Company, covering the lands mentioned in the accompanying form of receipt, which please sign and return to me.

I have the honor to be, Sir, your obedient servant,

JOHN R. HALL, *Secretary.*

C. DRINKWATER, Esq., Secretary Canadian Pacific Railway Company, Montreal.

MONTREAL, July, 1885.

Received from the Minister of the Interior letters patent issued in the name of the Canadian Pacific Railway Company, covering the following lands, viz.:—

| Section. | Township. | Range. | Meridian. |
|---|-----------|---------|-----------|
| S. $\frac{1}{2}$ 33..... | 14 | 15 West | 1st. |
| N. $\frac{1}{2}$ 7..... | 11 | 17 do | do |
| Whole 19 } N. $\frac{1}{2}$ 23... } Whole 27 } | 8 | 18 do | do |
| N. $\frac{1}{2}$ of S.E. $\frac{1}{4}$ 1 } N.E. $\frac{1}{4}$ 9 } Whole 35... } | 9 | 18 do | do |
| Whole (fr.) 1 } S. $\frac{1}{2}$ 31..... } | 10 | 18 do | do |
| Whole 23 } do 25 } do 17 } | 10 | 21 do | do |
| do 19 } do 23 } | 12 | 21 do | do |
| do 5 } do 9 } do 15 } | 10 | 22 do | do |
| do 17..... | 17 | 27 do | 2nd. |

Secretary Canadian Pacific Railway Company.

DEPARTMENT OF THE INTERIOR,

DOMINION LANDS OFFICE, BIRTLE, 4th July, 1885.

SIR,—I have the honor to acknowledge the receipt of your letter, dated the 16th May, No. 87119, in reference to the sale of S. $\frac{1}{2}$ Section 23, Township 13, Range 24, west, to Henry W. Ruttan.

I would beg leave to say that this sale was made in error. It was the intention to have sold Section 27, in same township and range, but the clerk employed at that time in making out the list of lands open for sale, from the map furnished by the Canadian Pacific Railway Company, inserted Section 23 instead of Section 27, hence the mistake arose.

Mr. Ruttan was afterwards spoken to in regard to the matter, and expressed his willingness that the change should be made from the S. $\frac{1}{2}$ of Section 23 to the E. $\frac{1}{2}$ of Section 27.

He has been again written to concerning the change.

I have the honor to be, Sir, your obedient servant,

M. HARRIS, *Late Acting Agent of Dominion Lands.*

Secretary, Department of the Interior, Ottawa.

DEPARTMENT OF THE INTERIOR, OTTAWA, 2nd July, 1885.

SIR,—I am directed by the Minister of the Interior to enclose herewith twenty-three letters patent to the Canadian Pacific Railway Company, covering the lands mentioned in the accompanying form of receipt, which please sign and return to me.

I have the honor to be, Sir, your obedient servant,

JOHN R. HALL, *Secretary.*

C. DRINKWATER, Esq., Secretary Canadian Pacific Railway Company, Montreal.

MONTREAL, 1885.

Received from the Minister of the Interior, letters patent issued in the name of the Canadian Pacific Railway Company, covering the following lands, viz.:—

| Section. | Township. | Range. | Meridian. |
|-----------------------------|-----------|----------|-----------|
| Whole of 9..... | 15 | 26 West. | 1st. |
| do 17, 35..... | 5 | 22 do | do |
| do 31..... | 7 | 25 do | do |
| do 3..... | 13 | 27 do | do |
| do 15..... | 9 | 27 do | do |
| do 33..... | 9 | 19 do | do |
| do 5..... | 9 | 19 do | do |
| do 13..... | 12 | 19 do | do |
| S. $\frac{1}{2}$ of 35..... | 13 | 22 do | do |
| Whole of 5..... | 14 | 12 do | do |
| do 17..... | 12 | 16 do | do |
| do 9..... | 14 | 18 do | do |
| S. W. $\frac{1}{4}$ 25..... | 14 | 18 do | do |
| Whole of 17..... | 8 | 17 do | do |
| do 13..... | 9 | 18 do | do |
| do 27..... | 11 | 20 do | do |
| do 9, 15..... | 13 | 23 do | do |
| do 3..... | 15 | 4 do | 2nd. |
| do 25 and 27..... | 14 | 3 do | do |
| E. $\frac{1}{2}$ of 17..... | 16 | 22 do | do |
| Whole of 31..... | 15 | 23 do | do |
| do 19..... | 19 | 21 do | do |
| do 3 | | | |
| do 13, (fractional) 25..... | 8 | 3 do | 4th. |

Secretary Canadian Pacific Railway Company.

DEPARTMENT OF THE INTERIOR, OTTAWA, 26th June, 1885.

SIR,—I am directed by the Minister of the Interior to inform you, in answer to your letter of the 17th instant, respecting the E. $\frac{1}{2}$ of Section 25, Township 14, Range 25, west of the Principal Meridian, that the patent therefor was issued to Wm. N. Miller, on the 26th July, 1882.

I have the honor to be, Sir, your obedient servant,

P. B. DOUGLAS, *Assistant Secretary.*

C. DRINKWATER, Esq., Secretary Canadian Pacific Railway Company, Montreal.

THE CANADIAN PACIFIC RAILWAY COMPANY,

OFFICE OF THE SECRETARY, MONTREAL, 17th June, 1885.

SIR,—Referring to your letter of the 16th May last, respecting the issue of certain patents, you intimate that patent for the E. $\frac{1}{2}$ Section 25, Township 14, Range 25, west 1st Meridian, cannot issue as the half section has been disposed of by the Department, and patent issued therefor. Our land commissioner states that this half section is outside the railway belt, and was sold by this company before the limits

of the belt were properly defined. It was afterwards ascertained that the half section had been purchased from the Government by a Mr. W. N. Miller, from whom this company holds deed in exchange for a half section north of Calgary.

I shall be glad to know if patent were issued for the half section in question to Mr. Miller.

I am, Sir, your obedient servant,

C. DRINKWATER, *Secretary.*

P. B. DOUGLAS, Esq., Assistant Secretary, Department of the Interior, Ottawa.

DEPARTMENT OF THE INTERIOR, OTTAWA, 25th June, 1885.

SIR,—I am directed by the Minister of the Interior to inform you, in answer to your letter of the 17th instant, respecting the issue of letters patent to the Canadian Pacific Railway Company, for Section 5, Township 22, Range 1, west of the 5th Principal Meridian, that the plan of that township has been received here, and that a patent for the said section is now in due course of preparation, in the name of the company.

I have the honor to be, Sir, your obedient servant,

P. B. DOUGLAS, *Assistant Secretary.*

C. DRINKWATER, Esq., Secretary Canadian Pacific Railway Company, Montreal.

THE CANADIAN PACIFIC RAILWAY COMPANY,

OFFICE OF THE SECRETARY, MONTREAL, 17th June, 1885.

SIR,—With reference to your letter of the 16th May last, in which you state that certain patents applied for are in course of preparation, but intimating that patent for Section 5, Township 22, Range 1, W. of 5th Meridian, cannot issue, inasmuch as the township plan had not been received by the Department.

I am informed by our land commissioner, that he has lately received from the Department a plan of this township, certified for the surveyor general, on 17th March, 1884. This being the case, I presume there will now be no difficulty in the way of the issue of the patent.

I am, Sir, your obedient servant,

C. DRINKWATER, *Secretary.*

P. B. DOUGLAS, Esq., Assistant Secretary Department of the Interior, Ottawa.

DEPARTMENT OF THE INTERIOR, OTTAWA, 26th June, 1885.

SIR,—With reference to the Order in Council of the 6th March, 1883, referred to in one of your letters of the 17th instant, I am directed by the Minister of the Interior to enclose herewith a memorandum showing how the lands mentioned in the schedule annexed to the said Order in Council stand at present in the books here, and to state that the Minister wishes to be advised of any action which may have been taken by the company with regard to such lands, or any of them, as it appears that several of the sections or parts of sections of the lands in question have been disposed of other than to the company.

I have the honor to be, Sir, your obedient servant,

P. B. DOUGLAS, *Assistant Secretary.*

C. DRINKWATER, Esq., Secretary Canadian Pacific Railway Company, Montreal.

CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 6th March, 1883.

On a memorandum, dated 20th February, 1883, from the Minister of the Interior, representing that certain lands, although situated outside of the twenty-four mile belt of the main line of the Canadian Pacific Railway, were sold by the company, and that these lands consist of two classes, those sold through error of the company's

officials, and those which were understood to fall within the twenty-four mile limit, owing to an erroneous delineation of the boundaries of the belt shown upon the earlier published maps of the Department. A copy of one of these maps, illustrating the manner in which the last mentioned error arose, and showing the sections included in both the classes specified, is herewith attached.

The Minister submits an application from the company to have these lands conveyed to them as part of their subsidy, and he, the Minister, regarding the application as a reasonable one, recommends that the lands in question, as enumerated in the annexed schedule, be conveyed to the Canadian Pacific Railway Company as part of their subsidy.

The committee concur in the foregoing recommendation and submit the same for Your Excellency's approval.

JOHN J. MCGEE.

To the Honorable the Minister of the Interior.

MEMORANDUM to be enclosed to Secretary of the Canadian Pacific Railway Company in Ref. $\frac{090389}{82030}$.

| Town-ship. | Range | Section. | Remarks. |
|------------|-------|---|---|
| 13 | 22 | 31, W. $\frac{1}{2}$ of 33..... | Vacant. |
| 14 | 15 | N. $\frac{1}{2}$ of 31, S. $\frac{1}{2}$ of 33..... | Both patented to C.P.R. Co. |
| 14 | 20 | N. $\frac{1}{2}$ of 15, 21, S. $\frac{1}{2}$ of 31, E. $\frac{1}{2}$ and S.W. $\frac{1}{4}$ 35, S.E. $\frac{1}{4}$ 17..... | Vacant. |
| 14 | 21 | N.W. $\frac{1}{4}$ 13, 17, 19, 21, W. $\frac{1}{2}$ 23, 27, 31, 33, S. $\frac{1}{2}$ 35..... | do |
| 14 | 22 | 7, 23, W. $\frac{1}{2}$ and S.E. $\frac{1}{4}$ 25, 33, W. $\frac{1}{2}$ 35, 5..... | do |
| 15 | 26 | 15, E. $\frac{1}{2}$ of 17, 19, 1, 3, E. $\frac{1}{2}$ of 5, E. $\frac{1}{2}$ 7, 9..... | All vacant, except Section 9, patented C.P.R. Co. |
| 15 | 27 | 13, N. $\frac{1}{2}$ and S.W. $\frac{1}{4}$ of 23, S. $\frac{1}{2}$ of 25, S.E. $\frac{1}{4}$ 31, N.W. $\frac{1}{4}$ 35..... | All vacant, except S.W. $\frac{1}{4}$ 23, patented C.P.R. Co. |
| 16 | 27 | N.E. $\frac{1}{4}$ 3..... | Sale in name of T. Wells, patented. |
| 13 | 23 | 25, 27, 35..... | Vacant. |
| 13 | 24 | 25, N. $\frac{1}{2}$ of 27, 33, 35..... | All vacant, except Section 35, patented C.P.R. Co. |
| 13 | 25 | 35..... | Vacant. |
| 14 | 25 | 3, N.W. $\frac{1}{4}$ 7, 9, N.W. $\frac{1}{4}$ 15, N. $\frac{1}{2}$ and S.E. $\frac{1}{4}$ 17, 19, S. $\frac{1}{2}$ and N.E. $\frac{1}{4}$ 21, W. $\frac{1}{2}$ of 23 and E. $\frac{1}{2}$ of 31..... | All vacant, except Section 3, patented C.P.R. Co.; N.W. $\frac{1}{4}$ 15 patented C. Baxter, and N.W. $\frac{1}{4}$ 17, sale in name of C. Phelps. |
| 14 | 26 | N. $\frac{1}{2}$ 13, 25, N. $\frac{1}{2}$ and S.W. $\frac{1}{4}$ 27, 33, S. $\frac{1}{2}$ and N.W. $\frac{1}{4}$ 35..... | N.W. $\frac{1}{4}$ 13, sale in name of C. Phelps, and the E. $\frac{1}{2}$ 27, a sale in name of W. H. Cross, and subsequently patented to J. Wardrope; N.W. $\frac{1}{4}$ and S.W. $\frac{1}{4}$ of 27, patented to C.P.R. Co.; S. $\frac{1}{2}$ and N.W. $\frac{1}{4}$ 35, patented to C.P.R. Co.; others vacant. |

All west of first meridian.

(Ref. 57908.)

SCHEDULE of Lands proposed to be granted to the Canadian Pacific Railway, accompanying the memorandum to Council, dated 20th February, 1883.

| Township. | Range. | Section. | Number of Sections. |
|-------------|--------|--|---------------------|
| 13 | 22 | 31, west half of 33 | 1½ |
| 14 | 15 | North half of 31, south half of 33..... | 1 |
| 14 | 20 | North half of 15, 21, south half of 31, east half and south-west quarter 35, south-east quarter 17..... | 3 |
| 14 | 21 | North-west quarter 13, 17, 19, 21, west half 23, 27, 31, 33, south half 35. | 7½ |
| 14 | 22 | 7, 23, west half and south-east quarter 25, 33, west half of 35, 5..... | 5½ |
| 15 | 26 | 15, east half of 17, 19, 13, east half of 5, east half of 7, 9..... | 6½ |
| 15 | 27 | 13, north half and south-west quarter of 23, south half of 25, south-east quarter 31, north-west quarter of 35 | 2½ |
| 16 | 27 | North-east quarter of 3 | ¼ |
| 13 | 23 | 25, 27, 35..... | 3 |
| 13 | 24 | 25, north half of 27, 33, 35..... | 3½ |
| 13 | 25 | 35..... | 1 |
| 14 | 25 | 3, north-west quarter of 7, 9, north-west quarter of 15, north half and south-east quarter 17, 19, south half and north-east quarter 21, west half of 23, east half of 31..... | 6 |
| 14 | 26 | North half of 13, 25, north half and south-west quarter 27, 33, south half and north-west quarter of 35..... | 4 |
| Total | | | 45 |

All west of the first meridian, and containing twenty-nine thousand eight hundred acres, more or less.

DEPARTMENT OF THE INTERIOR, OTTAWA, 26th June, 1885.

SIR,—I am directed by the Minister of the Interior to inform you, in answer to the first paragraph of your letter of the 17th instant, respecting the issue to the Canadian Pacific Railway Company of a patent for the N. E. ¼ of Section 27, Township 14, Range 26, west of the Principal Meridian, that as that quarter section was sold to W. H. Cross, on the 20th November, 1882, the Order in Council of the 6th March, 1883, referred to by you, is inoperative, in so far as it relates to the quarter section in question and the conveyance thereof to the company.

As regards the second paragraph of your letter, respecting Section 1, Township 8, Range 3, west of the 4th Principal Meridian, I am to inform you that the Department of Indian Affairs has withdrawn all claim thereto, and that a patent therefor in favor of the company is now in the course of preparation.

I am to add that a memorandum, containing other information concerning the lands specified in the schedule annexed to the said Order in Council, will be forwarded to you under cover of a separate letter.

I have the honor to be, Sir, your obedient servant,

P. B. DOUGLAS, *Assistant Secretary.*

C. DRINKWATER, Esq., Secretary Canadian Pacific Railway Company, Montreal.

THE CANADIAN PACIFIC RAILWAY COMPANY,
OFFICE OF THE SECRETARY, MONTREAL, 17th June, 1885.

SIR,—Referring to your letter of 16th May, respecting the issue of certain patents applied for by this company, you intimate that patents cannot issue for N.E. ¼ Section 27, Township 14, Range 26, west of 1st meridian, inasmuch as that quarter section has been already disposed of. I beg to refer you to a letter to me from the secretary of the Department, dated 14th March, 1883. This letter enclosed a copy of an Order in Council, dated 6th March, 1883, authorizing the conveyance to this

company of certain lands which, through error, were sold by the company though not within the 24-mile belt.

I beg to draw your attention to the fact that the quarter section, the subject of this letter, is included in the schedule of lands referred to in that Order in Council (Section 1, Township 8 Range 3, west 4th Meridian).

Your letter states that, according to the official plan, this section is an Indian farm. I am advised, however, that the Indian Department will not object to this section being conveyed to the company.

I am, Sir, your obedient servant,

C. DRINKWATER, *Secretary.*

P. B. DOUGLAS, Esq., Assistant Secretary Department of the Interior, Ottawa.

DEPARTMENT OF THE INTERIOR, OTTAWA, 26th June, 1885.

SIR,—I am directed by the Minister of the Interior to inform you, in answer to your letter of the 17th instant, respecting the S. $\frac{1}{4}$ of Section 23, Township 13, Range 24, west of the Principal Meridian, that although the statement made in one of my letters, dated the 16th May last, that that half section is outside of the "twenty-four mile belt," is incorrect, still it is quite impossible to grant such half section to the Canadian Pacific Railway Company, as a patent has already been issued therefor to Henry A. Ruttan, as stated in my said letter of the 16th ultimo.

I am to add that the report of the agent of Dominion lands at Birtle, explaining why the half-section in question was sold by him, has not yet been received here.

I have the honor to be, Sir, your obedient servant,

P. B. DOUGLAS, *Assistant Secretary.*

C. DRINKWATER, Esq., Secretary Canadian Pacific Railway Company, Montreal.

THE CANADIAN PACIFIC RAILWAY COMPANY,

OFFICE OF THE SECRETARY, MONTREAL, 17th June, 1885.

SIR,—With reference to your letter of the 15th May last, respecting S. $\frac{1}{4}$ Section 23, Township 13, Range 24, west of 1st Meridian, sold by the agent of Dominion lands to one Mr. Henry Ruttan. You state in your letter that "so far as the data in this Department show, he (Dominion lands agent) was justified in selling the land, as it is situated immediately without the twenty-four mile belt of the railway." I would respectfully point out that this section appears within the railway belt as laid down by the Department on the official map forwarded to me by the Deputy Minister on the 1st August, 1882. This map was forwarded by me to the land commissioner, and acted upon by him. Under these circumstances, I hope there will be no difficulty in confirming the company in the title thereto. As I have already stated, the whole section was disposed of by the company on the 4th March, 1882.

I have the honor to be, Sir, your obedient servant,

C. DRINKWATER, *Secretary.*

P. B. DOUGLAS, Esq., Assistant Secretary Department of the Interior, Ottawa.

DEPARTMENT OF THE INTERIOR, OTTAWA, 26th June, 1885.

SIR,—With reference to my letters $\frac{85157}{82030}$ of 27th April, 1885, and $\frac{85234}{82030}$ of 16th May, 1885, informing you that patents for certain lands in Manitoba and the North-West Territories could not issue to the Canadian Pacific Railway Company until enquiries had been made concerning them, owing to the township plans showing them to be either squatted upon or used for other purposes, I am directed by the Minister of the Interior to inform you that satisfactory answers, favorable to the company, have been received, and that patents are now issuing to your company for the following lands, namely:—

| Section. | Township. | Range. | Meridian. |
|--|-----------|---------|-----------|
| 19, N. $\frac{1}{2}$ 23 and 27..... | 8 | 18 West | 1st. |
| N. $\frac{1}{2}$ and S.E. $\frac{1}{4}$ 1, N.E. $\frac{1}{4}$ 9 and 35.... | 9 | 18 do | do |
| Fractional 1, and S. $\frac{1}{2}$ of 31..... | 10 | 18 do | do |
| 23 and 35..... | 10 | 21 do | do |
| 5, 9 and 15..... | 10 | 22 do | do |
| N. $\frac{1}{2}$ of 7..... | 11 | 17 do | do |
| 17..... | 17 | 27 do | 2nd |
| 1..... | 8 | 3 do | 4th |

I have the honor to be, Sir, your obedient servant,

P. B. DOUGLAS, *Assistant Secretary.*

C. DRINKWATER, Esq., Secretary Canadian Pacific Railway Company, Montreal.

MONTREAL, 1885.

Received from the Honorable the Minister of the Interior eleven letters patent to the Canadian Pacific Railway Company, covering the following lands, viz. :—

| Section. | Township. | Range. | Meridian. |
|---|-----------|---------|-----------|
| Whole 3..... | 7 | 16 West | 1st. |
| do 23..... | 13 | 16 do | do |
| N.W. $\frac{1}{4}$ 9..... | 13 | 20 do | do |
| Whole 27..... | 4 | 20 do | do |
| do 5..... | 5 | 21 do | do |
| do 27..... | 5 | 19 do | do |
| do 27..... | 5 | 20 do | do |
| do 7..... | 22 | 14 do | 2nd |
| do 35..... | 18 | 10 do | do |
| do 17..... | 18 | 17 do | do |
| do 27..... | 24 | 1 do | 5th |
| W. $\frac{1}{2}$ & N.E. $\frac{1}{4}$ 9 } | | | |

Secretary Canadian Pacific Railway Company.

OTTAWA, 19th June, 1885.

SIR,—I am directed by the Minister of the Interior to enclose herewith eleven letters patent to the Canadian Pacific Railway Company, covering the land mentioned in the accompanying form of receipt, which please sign and return to me.

I have the honor to be, Sir, your obedient servant,

P. B. DOUGLAS, *Assistant Secretary.*

C. DRINKWATER, Esq., Secretary Canadian Pacific Railway Company, Montreal.

DEPARTMENT OF THE INTERIOR, OTTAWA, 17th June, 1885.

SIR,—I am directed by the Minister of the Interior to enclose herewith eighty-two letters patent to the Canadian Pacific Railway Company, covering the land mentioned in the accompanying form of receipt, which please sign and return to me.

I have the honor to be, Sir, your obedient servant,

P. B. DOUGLAS, *Assistant Secretary.*

DRINKWATER, Esq., Secretary Canadian Pacific Railway Company, Montreal.

OFFICE OF THE DOMINION LANDS COMMISSIONER, WINNIPEG, 30th May, 1885.

SIR,—In reply to your letter dated 10th instant, 86352 on 82030, I am directed by the commissioner to inform you that the records of this office do not show that any application has ever been filed here in reference to the W. $\frac{1}{2}$ Section 17, 16, 22, west 2nd Meridian.

I have the honor to be, Sir, your obedient servant,

J. R. BURPE, *Secretary.*

Secretary Department of the Interior, Ottawa.

MONTREAL, 1885.

Received from the Honorable the Minister of the Interior, letters patent issued in the name of the Canadian Pacific Railway Company, covering the following lands ;

| Section. | Township. | Range. | Meridian. |
|---|-----------|----------|-----------|
| Whole 5 | 12 | 27 West | 1st. |
| do 13 | 12 | 23 do | do |
| do 13 | 8 | 24 do | do |
| do Fractional S. $\frac{1}{2}$ 21..... | 10 | 18 do | do |
| do 1, 15..... | 9 | 25 do | do |
| do 17, 25..... | 9 | 19 do | do |
| do 21, 23, 27..... | 7 | 26 do | do |
| do 3, 9..... } | 10 | 19 do | do |
| do & N.W. $\frac{1}{4}$ 25 } | 10 | 19 do | do |
| do 25..... | 9 | 27 do | do |
| do 25, 33..... | 7 | 27 do | do |
| do E. $\frac{1}{2}$ 5..... | 15 | 26 do | do |
| do 7, 25..... | 14 | 27 do | do |
| do 1..... | 14 | 21 do | do |
| do 17..... | 5 | 24 do | do |
| do 3..... | 12 | 21 do | do |
| S. $\frac{1}{2}$ & N.E. $\frac{1}{4}$ 9.. } | 11 | 22 do | do |
| Whole 15, 19, 33 } | 11 | 22 do | do |
| do 3..... | 13 | 23 do | do |
| do 35..... | 13 | 24 do | do |
| do 25, 27, 31..... | 10 | 26 do | do |
| W. $\frac{1}{2}$ S.E. $\frac{1}{4}$ 35..... | 11 | 26 do | do |
| Whole 5, 9, 21 and 23..... | 11 | 28 do | do |
| do 15..... | 12 | 28 do | do |
| S. $\frac{1}{2}$ 1..... } | 13 | 15 do | do |
| Whole 27..... } | 13 | 15 do | do |
| do 9, W. $\frac{1}{2}$ 19.... } | 14 | 15 do | do |
| N. $\frac{1}{2}$ S.W. $\frac{1}{4}$ of 31.... } | 14 | 15 do | do |
| N. $\frac{1}{2}$ of 13 and whole of 33 and 35..... | 13 | 16 do | do |
| Whole 1 and S.W. $\frac{1}{4}$ 15..... | 12 | 18 do | do |
| N.W. $\frac{1}{4}$ 3..... | 15 | 1 East. | do |
| Whole 27..... | 11 | 11 West. | do |
| S. $\frac{1}{2}$ 27..... | 14 | 12 do | do |
| Whole 7 and 13..... | 10 | 13 do | do |
| N. $\frac{1}{2}$ 35..... | 12 | 14 do | do |
| Whole 1 and S. $\frac{1}{2}$ 17, and whole 9, and whole (Fractional) of 35..... | 7 | 15 do | do |
| Whole 25 and 33..... | 12 | 17 do | do |
| do 13 | 11 | 20 do | do |
| do 19 | 11 | 21 do | do |
| do (Fractional) 23. } | 16 | 5 do | 2nd. |
| do 27 and 35..... } | 16 | 5 do | 2nd. |
| do 3 and 5..... | 19A | 10 do | do |
| do 15, 23, 27..... | 14 | 2 do | do |
| do 3 | 16 | 4 do | do |
| do 27, 31 | 16 | 6 do | do |
| do 1, 3, 5, 7, 9..... } | 16 | 17 do | do |
| do 15, 17, 19, 21, 27, 31, 33. } | 16 | 17 do | do |
| do 19..... | 9 | 1 do | 2nd. |
| do 17 | 15 | 4 do | do |
| do 33..... | 6 | 15 do | 1st. |
| do (Frac'l) 19 ; whole (frac'l) 21. | | | |

| Section. | Township. | Range. | Meridian. |
|---|-----------|----------|-----------|
| Whole (Frac'l 23; whole (frac'l) 27.. | 7 | 22 West. | 1st. |
| do 1, 31 | 8 | 22 do | do |
| do 1, 8, 7, 15 | 8 | 17 do | do |
| do 27, 31 | 8 | 20 do | do |
| do 5, 15, 33 | 9 | 20 do | do |
| do 19..... | 8 | 19 do | do |
| do (Fractional) 33..... | 10 | 20 do | do |
| do do 7 | 9 | 22 do | do |
| do 15, 31..... | 12 | 29 do | do |
| do 5, 17, 23..... | 13 | 29 do | do |
| do 3, 7, 15, 17, 23..... | 14 | 29 do | do |
| do 3, 5, 17..... | 15 | 29 do | do |
| do 27..... | 15 | 31 do | do |
| do 3, 23, 27, 33 | 11 | 27 do | do |
| do 1, 13, 23..... | 8 | 28 do | do |
| do 1, 3, 15, 31..... | 9 | 28 do | do |
| do 15, 19, 35 | 10 | 28 do | do |
| do 21..... | 13 | 28 do | do |
| do 23..... | 14 | 28 do | do |
| do 17, 19 | 10 | 29 do | do |
| do 1..... | 12 | 27 do | do |
| do 35..... | 5 | 21 do | do |
| do 33..... | 9 | 21 do | do |
| do 15, 19, 25 | 11 | 23 do | do |
| do 3..... | 12 | 24 do | do |
| do 19..... | 10 | 25 do | do |
| do 31 | 9 | 26 do | do |
| do 5, 7, 13..... | 11 | 26 do | do |
| do 3..... | 14 | 25 do | do |
| do (Fractional) 5 } | 11 | 25 do | do |
| do do 23 } | | | |
| do 5, 7, 15, 17, 19..... | 13 | 30 do | do |
| do 23, 27, 35..... | 13 | 31 do | do |
| do 25, 35..... | 13 | 17 do | do |
| do 1, 23, 25 and 35..... | 11 | 24 do | do |
| do 33 and N. $\frac{1}{2}$ of 7..... | 11 | 16 do | do |
| do 3, S E $\frac{1}{4}$ and N.W. $\frac{1}{4}$ of 31..... | 14 | 16 do | do |
| do 33, N.W. $\frac{1}{4}$ 13..... | 11 | 18 do | do |
| do 5..... | 12 | 22 do | do |

Secretary Canadian Pacific Railway Company.

DEPARTMENT OF THE INTERIOR, OTTAWA, 6th June, 1885.

SIR,—I am directed by the Minister of the Interior to enclose herewith thirty-five letters patent to the Canadian Pacific Railway Company, covering the land mentioned in the accompanying form of receipt, which please sign and return to me.

I have the honor to be, Sir, your obedient servant,

P. B. DOUGLAS, *Assistant Secretary.*

C. DRINKWATER, Esq., *Secretary Canadian Pacific Railway Company, Montreal.*

MONTREAL, 1885.

Received from the Honorable the Minister of the Interior letters patent, issued in the name of the Canadian Pacific Railway Company, covering the following lands, viz. :—

| Section. | Township. | Range. | Meridian. |
|-----------------------------------|-----------|----------|-----------|
| W. $\frac{1}{2}$ 27..... | 14 | 26 West. | 1st. |
| Whole 5..... | 12 | 16 do | do |
| do 5.....5 } | | | |
| Fractional whole 23 } | 7 | 17 do | do |
| Whole 33..... } | | | |
| do 1, 19, 33..... | 7 | 16 do | do |
| do 5 and 9..... | 7 | 14 do | do |
| do 19..... | 6 | 19 do | do |
| do 15..... | 7 | 19 do | do |
| do 31..... | 4 | 20 do | do |
| do 1 and 3..... | 12 | 23 do | do |
| do 21..... | 7 | 18 do | do |
| do 5 and 9..... } | | | |
| Fractional whole 21. } | 6 | 23 do | do |
| Whole 27..... | 13 | 2 do | 2nd. |
| do 17 and 27..... | 15 | 2 do | do |
| do 23..... | 14 | 3 do | do |
| do 5, 7, 31, 35..... | 15 | 3 do | do |
| do (fractional) 23..... | 15 | | |
| do do 27..... | 15 | 4 do | do |
| do 5..... | 14 | 5 do | do |
| do 31..... | 15 | 7 do | do |
| do (Fractional) 23..... | 15 | 8 do | do |
| do 19..... | 5 | 2 do | do |
| do 7 and 23..... | 13 | 1 do | do |
| do 3, 17, 19 } | | | |
| do 27, 31, 35 } | 14 | 1 do | do |
| do 23 and 27..... | 16 | 2 do | do |
| do 3, 17, 23, } | | | |
| do 27 frac. and 35 } | 16 | 3 do | do |
| do 3 and 5..... | 17 | 7 do | do |
| do 3..... | 19 A. | 9 do | do |
| do 3..... | 17 | 10 do | do |
| do 7..... | 16 | 1 do | do |
| do 31 and 35..... | 16 | 9 do | do |
| do 3, 5, 15 and 17..... | 17 | 9 do | do |
| do 9, 13, 15 17. } | | | |
| do 21, 23, 26 27 } | 15 | 17 do | do |
| do 31, 33 and 35 } | | | |
| do 3 and 5..... | 17 | 17 do | do |
| do 27..... | 17 | 23 do | do |
| do 3..... | 16 | 24 do | do |
| Fractional 23, 27, 31 and 35..... | 18 | 9 do | do |

OTTAWA, 30th May, 1885.

SIR,—In reply to your letter of the 16th instant, I have the honor to inform you that this Department no longer requires Section 1, Township 8, Range 3, west of the 4th Meridian, as it has ceased to operate a farm in that locality.

I have the honor to be, Sir, your obedient servant,

L. VANKOUGHNET,

Deputy of the Superintendent General of Indian Affairs.

A. M. BURGESS, Esq., Deputy Minister of the Interior, Ottawa.

DEPARTMENT OF THE INTERIOR,

DOMINION LANDS OFFICE, REGINA, 22nd May, 1885.

SIR,—I have the honor to acknowledge the receipt of your letter, dated the 16th instant, No. 86352 on 82030-1, and, in reply, to inform you that there is no claim registered against Section 17, Township 16, Range 22, west of 2nd Meridian, and I know no reason why the land should not be included in the grant to the Canadian Pacific Railway.

I have the honor to be, Sir, your obedient servant,

W. H. STEPHENSON, *Agent Dominion Lands.*

The Secretary Department of the Interior, Ottawa.

OFFICE OF THE DOMINION LAND COMMISSIONER, WINNIPEG, 19th May, 1885.

SIR,—I am directed by the commissioner to acknowledge the receipt of your letter dated 27th ultimo, 85157 on 82030-1 enclosing copies of two letters, addressed to the agents for the Souris and Qu'Appelle districts, and enquiring whether the records of this office disclose anything in reference to the several parcels of lands mentioned therein.

In reply, I am to inform you that the only piece of land among the parcels in question, concerning which the records of this office afford any information, is the S. W. $\frac{1}{4}$ Section 1, Township 9, Range 18, west Meridian, referred to in the surveyor general's letter of the 6th of March, 1882, ref. 27662, and of the 23rd of March, 1882, ref. 43326.

I have the honor to be, Sir, your obedient servant,

J. R. BURPE, *Secretary.*

The Secretary Department of the Interior, Ottawa.

DEPARTMENT OF THE INTERIOR,

DOMINION LANDS OFFICE, BRANDON, 12th May, 1885.

SIR,—I have the honor to acknowledge the receipt of your letter, dated the 27th ultimo (ref. 85157 on 82030-1), and, in reply, beg to say that all of the lands therein mentioned are vacant, that the squatters referred to have either not applied for entries or have abandoned their claims, and that I know no reason why the lands should not be included in the grant to the Canadian Pacific Railway Company.

I have the honor to be, Sir, your obedient servant,

ARTHUR W. REYNOLDS, *Agent of Dominion Lands.*

The Secretary of the Department of the Interior, Ottawa.

Telegram from Regina, N.W.T.

To P. B. DOUGLAS, Assistant Secretary Department of the Interior.

OTTAWA, 7th May.

No claim in this office registered against seventeen, seventeen, twenty-seven.

W. H. STEPHENSON.

DEPARTMENT OF THE INTERIOR, OTTAWA, 16th May, 1885.

SIR,—I have the honor, by direction of the Minister of the Interior, to acknowledge the receipt of your letter of the 30th ultimo, requesting that patents may issue in favor of the Canadian Pacific Railway Company for certain lands in Manitoba and the North-West Territories, and, in reply, to inform you that patents are now in course of preparation for the same.

I have the honor to be, Sir, your obedient servant,

P. B. DOUGLAS, *Assistant Secretary.*

C. DRINKWATER, Esq., Secretary Canadian Pacific Railway Company, Montreal.

THE CANADIAN PACIFIC RAILWAY COMPANY,

OFFICE OF THE SECRETARY, MONTREAL, 30th April, 1885.

SIR,—I have the honor to request, on behalf of this company, that patents may issue in its favor for the following lands:—

| Section. | Township. | Range. | Meridian. |
|-------------|-----------|----------|-----------|
| All 13..... | 9 | 18 West. | 1st. |
| do 5..... | 9 | 19 do | do |
| do 27..... | 11 | 20 do | do |
| do 17..... | 12 | 16 do | do |
| do 23..... | 13 | 16 do | do |
| do 19..... | 19 | 21 do | 2nd. |

I am, Sir, your obedient servant,

C. DRINKWATER, *Secretary.*

JOHN R. HALL, Esq., Secretary Department of the Interior, Ottawa.

DEPARTMENT OF THE INTERIOR, OTTAWA, 16th May, 1885.

SIR,—I have the honor, by direction of the Minister of the Interior, to acknowledge the receipt of your letter of the 21st ultimo, requesting that Section 35, in Township 19, Range 7, west of 2nd Meridian, which is marked as rejected on the schedules received here, may be included in the accepted list, and, in reply, to state that this correction will forthwith be made.

I have the honor to be, Sir, your obedient servant,

P. B. DOUGLAS, *Assistant Secretary.*

C. DRINKWATER, Esq., Secretary Canadian Pacific Railway Company, Montreal.

THE CANADIAN PACIFIC RAILWAY COMPANY,

OFFICE OF THE SECRETARY, MONTREAL, 21st April, 1885.

SIR,—I have the honor to request that Section 35, Township 19, Range 7, west of 2nd Meridian, which is marked as rejected by this company on the schedule transmitted to the Department, may be included in the accepted list.

I am, Sir, your obedient servant,

C. DRINKWATER, *Secretary.*

JOHN R. HALL, Esq., Secretary Department of the Interior, Ottawa.

DEPARTMENT OF THE INTERIOR, OTTAWA, 16th May, 1885.

SIR,—I have the honor, by direction of the Minister of the Interior, to acknowledge the receipt of your letter of the 20th ultimo, requesting that patents may issue in favor of the Canadian Pacific Railway Company for Section 23, Township 12, Range 21, west of 1st Meridian, and Section 31, Township 15, Range 23, west of the 2nd Meridian, and, in reply, to inform you that patents are now in course of preparation for the same.

I have the honor to be, Sir, your obedient servant,

P. B. DOUGLAS, *Assistant Secretary.*

C. DRINKWATER, Esq., Secretary Canadian Pacific Railway Company, Montreal.

THE CANADIAN PACIFIC RAILWAY COMPANY,

OFFICE OF THE SECRETARY, MONTREAL, 20th April, 1885.

SIR,—I have the honor to request, on behalf of this company, that patents may issue in their favor for the following lands:—

| Section. | Township. | Range. | Meridian. |
|----------|-----------|----------|-----------|
| 23..... | 12 | 21 West. | 1st. |
| 31..... | 15 | 23 do | 2nd. |

I am, Sir, your obedient servant,

C. DRINKWATER, *Secretary.*

JOHN R. HALL, Esq., Secretary Department of the Interior, Ottawa.

DEPARTMENT OF THE INTERIOR, OTTAWA, 16th May, 1885.

SIR,—I have the honor, by direction of the Minister of the Interior, to acknowledge the receipt of your letter of the 10th ultimo, requesting that patents may issue in favor of the Canadian Pacific Railway Company for certain lands in Manitoba and

the North-West Territories, and in reply to inform you that patents are now in course of preparation for the same, with the exception of the E. $\frac{1}{2}$ of Section 25, Township 14, Range 25, west of the Principal Meridian, which has been disposed of by the Department, and for which a patent has issued.

I have the honor to be, Sir, your obedient servant,

P. B. DOUGLAS, *Assistant Secretary.*

C. DRINKWATER, Esq., Secretary Canadian Pacific Railway Company, Montreal.

THE CANADIAN PACIFIC RAILWAY COMPANY.

OFFICE OF THE SECRETARY, MONTREAL, 10th April, 1886.

SIR,—I have the honor to request, on behalf of the Canadian Pacific Railway Company, that patents may issue in their favor for the following lands:—

| Section. | Township. | Range. | Meridian. |
|-------------------------------|-----------|---------|-----------|
| 17 | 8 | 17 West | 1st. |
| 15 | 9 | 27 do | do |
| 13 | 12 | 19 do | do |
| N.W. $\frac{1}{4}$ of 9 | 13 | 20 do | do |
| 3 | 13 | 27 do | do |
| E. $\frac{1}{2}$ of 25..... | 14 | 25 do | do |
| 27 | 14 | 3 do | 2nd. |

I am, Sir, your obedient servant,

C. DRINKWATER, *Secretary.*

JOHN R. HALL, Esq., Secretary Department of the Interior, Ottawa.

LIST No. 6.—*Lands for which Government Patents are required.*

| Deed. | Township. | Range. | Meridian. | Section. |
|-----------|-----------|--------|-----------|--------------------------------|
| 226 & 234 | 7 | 22 | 1st | All 27 previously applied for. |
| 228 | 8 | 17 | do | do 17 |
| 230 | 9 | 27 | do | do 15 |
| 227 | 12 | 19 | do | do 13 |
| 231 | 13 | 20 | do | N.W. $\frac{1}{4}$ 9 |
| 232 | 13 | 27 | do | All 3 |
| 233 | 14 | 25 | do | E. $\frac{1}{2}$ 25 |
| 229 | 14 | 3 | 2nd | All 27 |

WINNIPEG, 1st April, 1885.

LAND DEPARTMENT, CANADIAN PACIFIC RAILWAY COMPANY,

WINNIPEG, MANITOBA, 1st April, 1885.

DEAR SIR,—I forward to you by separate registered packet, the undermentioned deeds (in duplicate) for execution, and enclose a list of lands for which Government patents are required.

| No. | Section. | Township. | Range. | Meridian. |
|------------------------------------|-------------------------------|-----------|--------|-----------|
| 226, Robt. Sharman..... | S.W. $\frac{1}{4}$ | 27 7 | 22 | 1st. |
| 227, John Fraser..... | S.E. $\frac{1}{4}$ | 13 12 | 19 | do |
| 228, William Lamb..... | E. $\frac{1}{2}$ | 17 8 | 17 | do |
| 229, M. Kennedy..... | W. $\frac{1}{2}$ | 27 14 | 3 | 2nd. |
| 230, Robt. Gillon..... | All | 15 9 | 27 | 1st. |
| 231, Dan. Reid..... | N.W. $\frac{1}{4}$ | 9 13 | 20 | do |
| 232, Maj.-Gen. Hyde R. Pigott..... | All | 3 13 | 27 | do |
| 233, Joseph Hanna..... | S.E. | 25 14 | 25 | do |
| 234, Robt. Sharman..... | N.E. | 27 7 | 22 | do |
| 8, Massey Manufacturing Co'y.... | Lots 16-18, block 16, Gretna. | | | |

Yours faithfully,

J. H. McTAVISH, *Assistant Land Commissioner.*

C. DRINKWATER, Esq., Secretary Canadian Pacific Railway Company, Montreal.

DEPARTMENT OF THE INTERIOR, OTTAWA, 16th May, 1885.

SIR,—I have the honor, by direction of the Minister of the Interior, to acknowledge the receipt of your letter of the 8th ultimo, enclosing a statement of corrections to be made in the schedule which accompanied your letter to Mr. Hall, of the 23rd December last, and in reply to state that these corrections will be made forthwith.

I have the honor to be, Sir, your obedient servant,
P. B. DOUGLAS, *Assistant Secretary*.

C. DRINKWATER, Esq., Secretary Canadian Pacific Railway Company, Montreal.

THE CANADIAN PACIFIC RAILWAY COMPANY,
OFFICE OF THE SECRETARY, MONTREAL, 8th April, 1883.

SIR,—With my letter of the 23rd December last I had the honor to transmit schedules of lands which had been examined at that date, indicating such as it was proposed to accept and reject in terms of the company's contract.

I now beg to enclose statements of corrections, which further examination of the reports of the land department show to be necessary, and I shall be obliged if you will have the corrections made in the schedules sent you.

I have the honor to be, Sir, your obedient servant,
C. DRINKWATER, *Secretary*.

JOHN R. HALL, Esq., Secretary Department of the Interior, Ottawa.

CORRECTIONS to List of Accepted and Rejected Lands West of 1st Principal Meridian.

| Range. | Accepted. | Rejected. |
|-------------------------------|---|-----------|
| | <i>Township 2.</i> | |
| 1E 28 | (S.W. 19), for examination | |
| | Add 7..... | |
| | <i>Township 3.</i> | |
| 1E 5W | N.E. 19 | |
| | Should read W. 19, S. $\frac{1}{2}$ 27 | |
| | <i>Township 4.</i> | |
| 1E 7W 10 34 | Strike out N.E. 21, being homestead | |
| | For examination (N and S.W. 1, frac. 13)..... | |
| | do (S.W. 13, frac. 17, frac. 19)..... | |
| | For 21 and 33 read, frac. E. $\frac{1}{2}$ 21, frac. E. $\frac{1}{2}$ 33..... | |
| | <i>Township 5.</i> | |
| 7 9 10 | (27), for examination | |
| | (S.E. 3) do | |
| | Add S.W. 25..... | |
| | <i>Township 6.</i> | |
| 5 6 10 | N.E. 31..... | |
| | For N. 25, read N. 27 | |
| | For examination (frac. 5, 7, 19, N.W. 21, N.W. 33)..... | |
| | <i>Township 13.</i> | |
| 2E 2W 3 6 7 32 | Add (N. 35) for examination | |
| | For examination (N.E. 33, W. 25, N.E. 35)..... | |
| | do (N. 31, N.E. 35)..... | |
| | do (N.E. 1, S.W. 13)..... | |
| | do (E. 33)..... | |
| | Accept all | |

CORRECTIONS to List of Accepted and Rejected Lands West of 1st Principal Meridian.

| Range. | Accepted. | Rejected. |
|--------|--|--|
| | <i>Township 14.</i> | <i>Township 14.</i> |
| 2E | For examination (N.W. 15) | |
| 13 | Add 1 | Strike out all. |
| | For examination (S. 3, S. and N.E. 5, N. and S.W. 7, 19).... | (Reserved for examination). |
| 14 | Add N.W. 19..... | |
| 15 | do 13..... | For N. and S.E. 13, read E. 13- |
| 16 | do 25..... | |
| 19 | For 1, read N. $\frac{1}{2}$ and S.E. 1..... | |
| 22 | For S. and N.W. 25, read W. 25..... | |
| | <i>Township 7.</i> | |
| 11 | Strike out N.E. 21, sold by Government..... | |
| 15 | For S. 9, read all 9; for all 17, read S. 17..... | |
| 17 | For all 13, read N. 13..... | |
| | <i>Township 8.</i> | <i>Township 8.</i> |
| 21 | For S. 33, read all 33 | Strike out N. 33, being Can. N.W. Land Co. |
| | <i>Township 9.</i> | <i>Township 9.</i> |
| 17 | All 15 | Strike out 15. |
| 18 | Strike out 21; E. 21 stands..... | |
| | <i>Township 10.</i> | <i>Township 10.</i> |
| 9 | For 3, read N. $\frac{1}{2}$ and S.E. $\frac{1}{2}$ 3..... | |
| | For 9, read N. $\frac{1}{2}$ and S.E. $\frac{1}{2}$ 9..... | |
| 14 | For N. 23, read all 23 | |
| 15 | Add W. 23..... | Add 15. |
| 19 | do 25..... | |
| 23 | Strike out 25..... | |
| 24 | For all 5, read N. $\frac{1}{2}$ and S.E. 5, for examination | |
| | <i>Township 11.</i> | <i>Township 11.</i> |
| 3 | N.E. 33, add..... | |
| 6 | ..... | Add S.E. 7. |
| 14 | For all 27, read E. 27..... | |
| 20 | Included twice; strike out first insertion..... | |
| 22 | Include 1 | Strike out 1. |
| | <i>Township 12.</i> | |
| 14 | For N.W. 35, read N. $\frac{1}{2}$ 35..... | |
| 34 | Frac. 1, frac. 13, frac. 25, insert..... | |
| | <i>Township 15.</i> | |
| 3E | For examination (3, 5, 9, 17; S. 21) | |
| 9 | do (W. 7, N. 27)..... | |
| 11 | do (S.W. 9) | |

CORRECTION to List of Accepted and Rejected Lands West of the 2nd Principal Meridian.

| Range. | Accepted. | Rejected. |
|--------|--|--------------------------------|
| | <i>Township 6.</i> | <i>Township 6.</i> |
| 6 | Strike out 17, 19 | Add 17, 19. |
| | <i>Township 8.</i> | <i>Township 8.</i> |
| 12 | Add to list 3, 13, 17, 19, 21, 23, 25, 31, 33, 35..... | Add 17. |
| 13 | Strike out 17 | |
| | <i>Township 9.</i> | <i>Township 9.</i> |
| 13 | Strike out 31 | Add 31. |
| 17 | For examination..... | do 23. |
| 19 | ..... |  |
| | <i>Township 11.</i> | <i>Township 11.</i> |
| 1 | Strike out 35..... | Add 35. |
| | <i>Township 12.</i> | <i>Township 12.</i> |
| 16 | Strike out 21..... | Insert 21. |
| 25 | For examination (31, 33, 35) | |
| 26 | do (35) | |
| 27 | do (33, 35) | |
| | <i>Township 19.</i> | |
| 2 | 35 outside belt | |
| | <i>Township 19A.</i> | |
| 1-12 | Should be south halves of 7 and 9 | |
| | <i>Township 20.</i> | |
| 16-17 | Should be south portions of 19, 21, 23..... | |
| | <i>Township 21.</i> | <i>Township 21.</i> |
| 11 | 25 is outside belt | |
| 16 | Add fractions 13, 15 and 17 | |
| 18 | do 15, 17 | Withdraw 15, 17, being C. N.-W |
| 23 | do 1 | Land Col. S. |

C. P. R. LAND DEPARTMENT, WINNIPEG, 17th March, 1885.

DEPARTMENT OF THE INTERIOR, OTTAWA, 16th May, 1885.

SIR,—I am directed by the Minister to instruct you to inform me, without delay, on what grounds you made the sale to Mr. Henry N. Rattan of the S. $\frac{1}{2}$ of Section 23, Township 13, Range 24, west of 1st Meridian, on the 16th November, 1882, as it appears that the whole of this section was sold by the Canadian Pacific Railway Company in March of the same year.

I have the honor to be, Sir, your obedient servant,
P. B. DOUGLAS, Assistant Secretary.

Agent of Dominion Lands, Birtle, Man.

DEPARTMENT OF THE INTERIOR, OTTAWA, 16th May, 1885.

SIR,—I have the honor, by direction of the Minister of the Interior, to acknowledge the receipt of your letter of the 1st ultimo, enclosing a copy of a letter from

your company's land commissioner, respecting a claim to the S. $\frac{1}{2}$ of Section 23, Township 13, Range 24, west of 1st Meridian, and, in reply, to state that the agent of Dominion lands reported this land as a sale to Henry N. Ruttan. That it was sold to him on the 16th of November, 1882. And, further, that a patent for the same issued to Mr. Ruttan on the 3rd July, 1884.

The agent of Dominion lands will be written to for his reasons for making this sale, although, so far as the dates in this Department shows, he was justified in so doing, as the land is situated immediately without the 24-mile belt of the railway.

I have the honor to be, Sir, your obedient servant,

P. B. DOUGLAS, *Assistant Secretary.*

C. DRINKWATER, Esq., Secretary Canadian Pacific Railway Company, Montreal.

THE CANADIAN PACIFIC RAILWAY COMPANY,

OFFICE OF THE SECRETARY, MONTREAL, 1st April, 1885.

SIR,—I beg to enclose copy of a letter from this company's land commissioner, dated 26th March, respecting S. $\frac{1}{2}$ Section 23, Township 13, Range 24, west, 1st Meridian, upon which a claim is made under a sale by the Dominion lands agent at Birtle. The section in question having been already disposed of by this company, I shall be obliged if you will have the same confirmed and the claim removed.

I have the honor to be, Sir, your obedient servant,

C. DRINKWATER, *Secretary.*

A. M. BURGESS, Esq., Deputy Minister of the Interior, Ottawa.

WINNIPEG, 26th March, 1885.

DEAR SIR,—Claim has been made to the S. $\frac{1}{2}$ Section 23, Township 13, Range 24, 1st Meridian, under a sale by the Dominion lands agent, Birtle, to Henry N. Ruttan, dated 16th November, 1882.

This is clearly within our belt and there has never been any question as to its being so.

It is shown on the old maps of the Department of the Interior as falling to the Canadian Pacific Railway, and was not reported by the Dominion lands agent as having been disposed of in any way when we made inquiries previous to placing our lands on the market.

The whole section was sold by us on the 4th March, 1882, and application should be made to the Government to confirm the company in its title.

Yours truly,

J. H. McTAVISH, *Land Commissioner.*

C. DRINKWATER, Esq., Secretary Canadian Pacific Railway Company, Montreal.

DEPARTMENT OF THE INTERIOR, OTTAWA, 16th May, 1885.

SIR,—I have the honor, by direction of the Minister of the Interior, to acknowledge the receipt of your letter of the 28th March last, requesting that a patent may issue in favor of the Canadian Pacific Railway Company, for the W. $\frac{1}{2}$ and N.E. $\frac{1}{4}$ of Section 9, in Township 24, Range 1, west of the 5th Meridian, and, in reply, to inform you that a patent to said company for the lands mentioned is now in course of preparation.

I have the honor to be, Sir, your obedient servant,

P. B. DOUGLAS, *Assistant Secretary.*

C. DRINKWATER, Esq., Secretary Canadian Pacific Railway Company, Montreal.

THE CANADIAN PACIFIC RAILWAY COMPANY,

OFFICE OF THE SECRETARY, MONTREAL, 28th March, 1885.

SIR,—I beg to apply, on behalf of this company, for a patent for the W. $\frac{1}{2}$ and N.E. $\frac{1}{4}$ Section 9, Township 24, Range 1, west of the 5th Meridian.

I have the honor to be, Sir, your obedient servant,

C. DRINKWATER, *Secretary.*

JOHN R. HALL, Esq., Secretary Department of the Interior, Ottawa.

DEPARTMENT OF THE INTERIOR, OTTAWA, 10th May, 1885.

SIR,—With reference to your memorandum of the 26th March last, requesting that the enclosures with your letter of the 4th February last be returned to you, I have the honor, by direction of the Minister, to enclose the same, herewith, being descriptions of right of way of the Stonewall Branch of the Canadian Pacific Railway across the following lands, namely:—

| Section. | Township. | Range. | County. |
|-----------------------------|-----------|---------|----------|
| N.W. $\frac{1}{4}$ 11..... | 12 | 2 East. | Selkirk. |
| S.E. $\frac{1}{4}$ 3 | 13 | 2 do | Lisgar. |
| N.E. $\frac{1}{4}$ 29 | 13 | 2 do | do |
| S.E. $\frac{1}{4}$ 29..... | 13 | 2 do | do |
| S.W. $\frac{1}{4}$ 29..... | 13 | 2 do | do |
| N.W. $\frac{1}{4}$ 29..... | 13 | 2 do | do |

I have the honor to be, Sir, your obedient servant,
P. B. DOUGLAS, *Assistant Secretary.*

A. P. BRADLEY, Secretary Department Railways and Canals, Ottawa.

(Memorandum.)

To P. B. DOUGLAS, Esq.

Will you please return enclosure No. 35719, enclosed to you with our letter dated 4th February, last, to which you reply 24th inst. No. 84610.

A. P. BRADLEY, *Secretary.*

Answer.
Enclosures returned.

DEPARTMENT OF THE INTERIOR, OTTAWA, 10th May, 1885.

SIR,—I have the honor, by direction of the Minister of the Interior, to acknowledge the receipt of your letter of the 26th March last, requesting that a patent may issue in favor of the Canadian Pacific Railway Company for Section 9, Township 14, Range 18, west of the Principal Meridian, and, in reply, to inform you that a patent for that section to your company is now in course of preparation.

I have the honor to be, Sir, your obedient servant,
P. B. DOUGLAS, *Assistant Secretary.*

C. DRINKWATER, Esq., Secretary Canadian Pacific Railway Company, Montreal.

THE CANADIAN PACIFIC RAILWAY COMPANY,
OFFICE OF THE SECRETARY, MONTREAL, 26th March, 1885.

SIR,—I have the honor to request, on behalf of the Canadian Pacific Railway Company, that patents may issue in their favor for the following land:—All Section 9, Township 14, Range 18, west 1st Meridian.

I am, Sir, your obedient servant,
C. DRINKWATER, *Secretary.*

JOHN R. HALL, Esq., Secretary Department of the Interior, Ottawa.

DEPARTMENT OF THE INTERIOR, OTTAWA, 10th May, 1885.

SIR,—I have the honor, by direction of the Minister of the Interior, to acknowledge the receipt of your letter of the 21st March last, asking that patents may issue in favor of the Canadian Pacific Railway Company, for certain lands in Manitoba and the North-West Territories, and, in reply, to inform you that patents are now in course of preparation for the lands in question, with the exception of Section 5, Township 22, Range 1, west of the 5th Meridian, the plan of which township has not yet been received here.

I have the honor to be, Sir, your obedient servant,
P. B. DOUGLAS, *Assistant Secretary.*

C. DRINKWATER, Esq., Secretary Canadian Pacific Railway Company, Montreal.

THE CANADIAN PACIFIC RAILWAY COMPANY,
OFFICE OF THE SECRETARY, MONTREAL, 21st March, 1885.

SIR,—I have the honor to request, on behalf of the Canadian Pacific Railway Company, that patents may issue in their favor for the following lands:—

| Section. | Township. | Range. | Meridian. |
|------------------------------|-----------|----------|-----------|
| All 3..... | 7 | 16 West. | 1st. |
| do 5..... | 14 | 12 do | do |
| S. W. $\frac{1}{4}$ 25 | 14 | 18 do | do |
| All 25..... | 14 | 3 do | 2nd. |
| do 3..... | 15 | 4 do | do |
| do 5..... | 22 | 1 do | 5th. |

I have the honor to be, Sir, your obedient servant,

C. DRINKWATER, *Secretary.*

JOHN R. HALL, Esq., Secretary Department of the Interior, Ottawa.

DEPARTMENT OF THE INTERIOR, OTTAWA, 1st May, 1885.

SIR,—I have the honor, by direction of the Minister, to enclose herewith a copy of a letter addressed to the agent of Dominion lands for Qu'Appelle district, in relation to the W. $\frac{1}{2}$ of Section 17, in Township 16, Range 22, west of the 2nd Meridian, asked for by the Canadian Pacific Railway Company, and part of which is shown by the township plan to have been ploughed.

I am to ask you if any information respecting the land in question has ever been recorded in your office, or if any application has been filed with you in regard to the same.

I have the honor to be, Sir, your obedient servant,

P. B. DOUGLAS, *Assistant Secretary.*

H. H. SMITH, Esq., Commissioner of Dominion Lands, Winnipeg.

DEPARTMENT OF THE INTERIOR, OTTAWA, 10th May, 1885.

SIR,—I have the honor, by direction of the Minister, to request you to inform me, without delay, whether or not the W. $\frac{1}{2}$ of Section 17, in Township 16, Range 22, west of the 2nd Meridian, is vacant, as the township plan shows ploughing to have been done on a part of this half-section.

If no entry has been made therefor, do you know any reason why this land should not be included in the grant to the Canadian Pacific Railway Company?

I have the honor to be, Sir, your obedient servant,

P. B. DOUGLAS, *Assistant Secretary.*

Agent of Dominion Lands, Regina, N.W.T.

DEPARTMENT OF THE INTERIOR, OTTAWA, 10th May, 1885.

SIR,—I have the honor, by direction of the Minister of the Interior, to acknowledge the receipt of your letter of 16th March, requesting that patents may issue in favor of the Canadian Pacific Railway Company for certain lands in Manitoba and the North-West Territories.

In answer, I am to state that patents are now in course of preparation for the lands in question, with the exception of the N.W. $\frac{1}{4}$ of Section 35, in Township 13, Range 22, west of 1st Meridian, which has been disposed of by the Department, and the W. $\frac{1}{2}$ of Section 17, Township 16, Range 22, west of 2nd Meridian, which the township plan shows to have been occupied by a squatter.

With reference to this latter half-section, I may state that the Dominion lands agent and commissioner of Dominion lands have both been written to respecting it. If found vacant it will be patented to the company.

I have the honor to be, Sir, your obedient servant,

P. B. DOUGLAS, *Assistant Secretary.*

C. DRINKWATER, Esq., Secretary Canadian Pacific Railway Company, Montreal.

THE CANADIAN PACIFIC RAILWAY COMPANY,

OFFICE OF THE SECRETARY, MONTREAL, 16th March, 1885.

SIR,—I have the honor to request, on behalf of the Canadian Pacific Railway Company, that patents may issue in their favor for the following lands :—

| Section. | Township. | Range. | Meridian. |
|---|-----------|---------|-----------|
| All 33..... | 10 | 22 West | 1st |
| S $\frac{1}{2}$ 21..... | 10 | 18 do | do |
| All 13..... | 12 | 23 do | do |
| All 5..... | 12 | 27 do | do |
| S $\frac{1}{2}$ and N. W. $\frac{1}{4}$ 35..... | 13 | 22 do | do |
| All 15 and 9..... | 13 | 23 do | do |
| All 9..... | 15 | 26 do | do |
| All 17..... | 16 | 22 do | 2nd |

I have the honor to be, Sir, your obedient servant,
C. DRINKWATER, *Secretary.*

JOHN R. HALL, Esq., Secretary Department of the Interior, Ottawa.

DEPARTMENT OF THE INTERIOR, OTTAWA, 10th May, 1885.

SIR,—I have the honor, by direction of the Minister of the Interior, to ask you to be good enough to inform me if Section 1, in Township 8, Range 3, west of the 4th Meridian, is still used as an Indian farm, as the official plan of this township shows it to be appropriated for that purpose. The secretary of the Canadian Pacific Railway Company has applied for a patent for this section, the land lying within that railway's 48-mile belt, and he has been informed that the plan of the township in question shows the land applied for to have been used as an Indian farm, and that no action can be taken in relation thereto until enquiry has been made of you as to whether it is now so used or not.

I have the honor to be, Sir, your obedient servant,
P. B. DOUGLAS, *Assistant Secretary.*

L. VANKOUGHNET, Esq., Deputy of the Superintendent General of Indian Affairs.

DEPARTMENT OF THE INTERIOR, OTTAWA, 16th May, 1885.

SIR,—With reference to your letter of the 6th March last, enclosing schedule of lands required by the Canadian Pacific Railway Company, and asking that patents may issue therefor in its favor, I have the honor, by direction of the Minister, to inform you that patents are now in course of preparation for the same, with the exception of the N. E. $\frac{1}{4}$ of Section 27, in Township 14, Range 26, west of 1st Meridian, which has already been disposed of, and Section 1, Township 8, Range 3, west of the 4th Meridian, which is, according to the official plan of this township, an Indian farm.

Before any steps can be taken to issue to your company a patent for this last-mentioned section, enquiry will be made of the Indian Department if this land is used as the plan denotes.

I have the honor to be, Sir, your obedient servant,
P. B. DOUGLAS, *Assistant Secretary.*

C. DRINKWATER, Esq., Secretary Canadian Pacific Railway Company, Montreal.

THE CANADIAN PACIFIC RAILWAY COMPANY,

OFFICE OF THE SECRETARY, MONTREAL, 6th March, 1885.

SIR,—I have the honor to request, on behalf of this company, that patents may issue in their favor for the lands mentioned in the attached list.

I have the honor to be, Sir, your obedient servant,
C. DRINKWATER, *Secretary.*

JOHN R. HALL, Esq., Secretary Department of the Interior, Ottawa.

List of Lands Deeded by Canadian Pacific Railway Company, and Government Patents required.

| Tp. | R. | M. | Sections. | Patent required. |
|-------|-------|-------|--|--|
| 4 | 20 | 1 | S $\frac{1}{2}$ and NW $\frac{1}{4}$ 27..... | All 27. |
| 5 | 19 | 1 | SW $\frac{1}{4}$ 27..... | All 27. |
| 5 | 20 | 1 | SW $\frac{1}{4}$ 27..... | All 27. |
| 5 | 21 | 1 | SW $\frac{1}{4}$ 5..... | All 5. |
| 5 | 22 | 1 | SW $\frac{1}{4}$ 17..... | All 17. |
| 7 | 25 | 1 | W $\frac{1}{4}$ 31..... | All 31. |
| 9 | 19 | 1 | E $\frac{1}{4}$ 33..... | All 33. |
| 12 | 16 | 1 | NW 5..... | All 5. |
| 12 | 21 | 1 | All 17..... | All 17. |
| 12 | 21 | 1 | All 19..... | All 19. |
| 14 | 26 | 1 | NW $\frac{1}{4}$ 27..... | N $\frac{1}{2}$ and W $\frac{1}{2}$ SW 27. |
| 9 | 1 | 2 | SW 19..... | All 19. |
| 15 | 4 | 2 | SE 17..... | All 17. |
| 8 | 3 | 4 | All 1..... | All 1. |
| ..... | ..... | ..... | All 3..... | All 3. |
| ..... | ..... | ..... | NW $\frac{1}{4}$ 25..... | All 25. |
| ..... | ..... | ..... | All 13..... | All 13. |

DEPARTMENT OF THE INTERIOR, OTTAWA, 27th April, 1885.

SIR.—I have the honor, by direction of the Minister, to acknowledge the receipt of your letter of the 17th of February last, enclosing a schedule of lands required by the Canadian Pacific Railway Company, and asking that patents should issue therefor in its favor.

In answer, I am to state that patents are now in course of preparation for the lands mentioned in the said schedule, with the exception of the following, that is to say:—

| Section. | Township. | Range. | Meridian. |
|--|-----------|---------|-----------|
| All of 15, 17, 19, 21, 23, and 33..... | 2 | 27 West | 1st. |
| S. $\frac{1}{2}$ 17 and S. $\frac{1}{2}$ 19..... | 3 | 3 do | do |
| All of 23..... | 3 | 4 do | do |
| W. $\frac{1}{2}$ of 19..... | 3 | 5 do | do |
| N.W. $\frac{1}{4}$ of 23 and W. $\frac{1}{2}$ of 27..... | 8 | 18 do | do |
| S. $\frac{1}{2}$ of 1..... | 9 | 18 do | do |
| N.E. $\frac{1}{4}$ of 9 and W. $\frac{1}{2}$ of 1..... | 10 | 18 do | do |
| W. $\frac{1}{2}$ of 25..... | 10 | 21 do | do |
| All of 5, N.W. $\frac{1}{4}$ of 9 and E. $\frac{1}{2}$ of 15... .. | 10 | 22 do | do |
| N.W. $\frac{1}{4}$ of 7..... | 11 | 17 do | do |
| S. $\frac{1}{2}$ of 17..... | 17 | 27 do | 2nd. |
| All of 13..... | 26 | 5 do | 5th. |

I am also to state, with reference to these lands, that those in Township 2, Range 27 west of 1st Meridian, Township 3, Range 3 west, Township 3, Range 4 west, and Township 3, Range 5 west, are in the Manitoba and South-Western Railway belts. That Township 25, Range 5 west of 5th Meridian, is not surveyed, and that with respect to the other lands, I have written to the Dominion lands agents and the Commissioner of Dominion lands, enquiring whether any entries have been made or applications filed in relation to the same, as the township plans show them to have been squatted upon.

Section 35, in Township 2, Range 27 west, 1st Meridian, Sections 13 and 21, in Township 2, Range 28 west, and Sections 15, 17 and 21, in Township 2, Range 30

west although being in the Manitoba and South-Western Railway Company's belt, have been granted to the Canadian Pacific Railway Company for special reasons.

I have the honor to be, Sir, your obedient servant,

A. M. BURGESS, *Deputy Minister of the Interior.*

C. DRINKWATER, Esq., Secretary Canadian Pacific Railway Company, Montreal.

DEPARTMENT OF THE INTERIOR, OTTAWA, 27th April, 1885.

SIR,—I have the honor, by direction of the Minister, to enclose herewith copies of two letters, addressed to the Dominion lands agents for Souris and Qu'Appelle districts, in relation to certain lands in odd-numbered sections, asked for by the Canadian Pacific Railway Company, and which are shown, by the township plans, to have been squatted upon.

I am to ask you if any information respecting the lands in question has ever been recorded in your office, or if any applications have been filed with you in regard to any of them.

I have the honor to be, Sir, your obedient servant,

P. B. DOUGLAS, *Assistant Secretary.*

H. H. SMITH, Esq., Commissioner of Dominion Lands, Winnipeg.

DEPARTMENT OF THE INTERIOR, OTTAWA, 27th April, 1885.

SIR,—I have the honor, by direction of the Minister, to instruct you to inform me, without delay, if the S. $\frac{1}{2}$ of Section 17, in Township 17, Range 27, west of the 2nd Meridian, is vacant.

The township plan shows a house built and land ploughed on this half section.

If no entry has been made therefor, do you know any reason why this land should not be included in the grant to the Canadian Pacific Railway Company?

I have the honor to be, Sir, your obedient servant,

P. B. DOUGLAS, *Assistant Secretary.*

Agent of Dominion Lands, Regina, N.W.T.

DEPARTMENT OF THE INTERIOR, OTTAWA, 27th April, 1885.

SIR,—I have the honor, by direction of the Minister, to instruct you to inform me, without delay, if the following lands are vacant. The N.W. $\frac{1}{4}$ of Section 23, and the W. $\frac{1}{2}$ of 27, in Township 8, Range 18, west of 1st Meridian; the S. $\frac{1}{2}$ of 1, and the N.E. $\frac{1}{4}$ of 9, in Township 9, Range 18, west of 1st Meridian; the W. $\frac{1}{2}$ of 1, in Township 10, Range 18, west of 1st Meridian; the W. $\frac{1}{2}$ of 25, in Township 10, Range 21, west of 1st Meridian; the whole of 5, the N.W. $\frac{1}{4}$ of 9, and the E. $\frac{1}{2}$ of 15, in Township 10, Range 22, west of 1st Meridian, and the N.W. $\frac{1}{4}$ of 7, in Township 11, Range 17, west of 1st Meridian.

The township plan of Township 8, Range 18, west, shows on the N.W. $\frac{1}{4}$ of 23 one acre ploughed by one John Screech; the N.W. $\frac{1}{4}$ of 27, 5 acres ploughed and a house in course of erection by one A. C. Killam; the S.W. $\frac{1}{4}$ of 27, 10 acres ploughed and a log house erected by one C. H. Killam. On the plan of Township 9, Range 18 west, the S.W. $\frac{1}{4}$ of 1, shows land ploughed; the S.E. $\frac{1}{4}$ of 1, land ploughed by one Chas. Stewart, and the N.E. $\frac{1}{4}$ of 9, land ploughed by one S. F. McKay. On the plan of Township 10, Range 18 west, the S.W. $\frac{1}{4}$ of 1 shows houses erected by one Wm. Currie; the N.W. $\frac{1}{4}$ of 1, a house erected and land ploughed. On the plan of Township 10, Range 21 west, the W. $\frac{1}{2}$ of 25 shows land ploughed. On the plan of Township 10, Range 22 west, the whole of 5, the N.W. $\frac{1}{4}$ of 9, and the S.E. $\frac{1}{4}$ of 15, shows land ploughed, and the N.E. $\frac{1}{4}$ of 15, land ploughed and a house erected. On the books in this office the N.W. $\frac{1}{4}$ of Section 7, Township 11, Range 17 west, is entered to one Robert Carter, as a homestead, dated 21st April, 1879.

Have those, whose names appear as squatters on the township plans above mentioned, ever applied to make entries?

If they have not, and the other lands are vacant, do you know any reason why these lands should not be included in the grant to the Canadian Pacific Railway Company?

I have the honor to be, Sir, your obedient servant,
P. B. DOUGLAS, *Assistant Secretary.*
 Agent of Dominion Lands, Brandon, Manitoba.

THE CANADIAN PACIFIC RAILWAY COMPANY,
 OFFICE OF THE SECRETARY, MONTREAL, 17th February, 1885.

SIR,—I have the honor to request, on behalf of this company, that patents may issue in their favor for the lands mentioned in the attached lists.

I have the honor to be, Sir, your obedient servant,
C. DRINKWATER, *Secretary.*
JOHN R. HALL, Esq., Secretary Department of the Interior, Ottawa.

LIST of Land Deeded by Canadian Pacific Railway Company, and Government Patents required.

WEST OF FIRST MERIDIAN.

| TOWNSHIP 2. | | | | | TOWNSHIP 6. | | | | | |
|-------------|--------------|-------------|-------|------------------|--------------|--------------|-------------|---------|------------------|-----|
| Range. | Section. | Con. | Deed. | Patent required. | Range. | Section. | Con. | Deed. | Patent required. | |
| 27 | All 15 | 0196 | 153 | 15. | 15 | All 33..... | 15 | 51 | 33. | |
| | All 17..... | 0196 | 153 | 17. | | 19 | W ½ 19..... | 0133 | 15 | 19. |
| | All 19..... | 0196 | 153 | 19. | 23 | | All 5..... | 484 | 174 | 5. |
| | All 21..... | 0196 | 153 | 21. | | All 9..... | 73 | 149 | 9. | |
| | All 23..... | 0196 | 153 | 23. | | W ½ 21..... | 403 | 184 | 21. | |
| | 28 | All 33..... | 0196 | 153 | 33. | TOWNSHIP 7 | | | | |
| | | All 35..... | 0197 | 154 | 35. | | | | | |
| 30 | All 13..... | 0197 | 154 | 13. | 14 | NE ¼ 5..... | 1543 | 115 | 5. | |
| | All 21..... | 0197 | 154 | 21. | | NE ¼ 9..... | 1544 | 168 | 9. | |
| 3 | All 15..... | 0197 | 154 | 15. | 15 | NW ¼ 1..... | 950 | 135 | 1. | |
| | All 17..... | 0197 | 154 | 17. | | SE ¼ 9..... | 205 | 101 | 9. | |
| | All 21..... | 0197 | 154 | 21. | SW ¼ 17..... | 106 | 102 | S ½ 17. | | |
| 4 | All 19..... | 0197 | 153 | 19. | SE ¼ 35..... | 2137 | 164 | } 35. | | |
| | All 23..... | 0197 | 154 | 23. | SW ¼ 35..... | 2140 | 116 | | } 35. | |
| | All 27..... | 0197 | 154 | 27. | 16 | SW ¼ 1..... | 165 | 138 | | 1. |
| All 31..... | 0197 | 154 | 31. | All 19..... | | 56 | 56 | 19. | | |
| 5 | All 35..... | 0197 | 154 | 35. | 17 | SW ¼ 33..... | 204 | 49 | 33. | |
| | All 1..... | 0197 | 154 | 1. | | N ½ 5..... | 119 | 173 | 5. | |
| | All 5..... | 0197 | 154 | 5. | SW 23..... | 7 | 167 | } 23. | | |
| All 9..... | 0197 | 154 | 9. | E 33..... | 238 | 168 | } 23. | | | |
| All 13..... | 0197 | 154 | 13. | 18 | NE ¼ 21..... | 1480 | | 113 | 33. | |
| All 17..... | 0197 | 154 | 17. | | 19 | SW ¼ 15..... | 34 | 105 | 15. | |
| All 21..... | 0197 | 154 | 21. | 22 | | W ½ 19..... | 193 | 152 | 19. | |
| All 25..... | 0197 | 154 | 25. | | All 21..... | 122 | 57 | 21. | | |
| All 29..... | 0197 | 154 | 29. | All 23..... | 299 | 77-79 | 23. | | | |
| All 33..... | 0197 | 154 | 33. | SE 27..... | 88 | 199 | 27. | | | |
| All 37..... | 0197 | 154 | 37. | 26 | All 21..... | 131 | 86 | 21. | | |
| All 41..... | 0197 | 154 | 41. | | All 23..... | 129 | 87 | 23. | | |
| All 45..... | 0197 | 154 | 45. | All 27..... | 130 | 88 | 27. | | | |
| All 49..... | 0197 | 154 | 49. | 27 | All 25..... | 132 | 85 | 25. | | |
| All 53..... | 0197 | 154 | 53. | | N ½ 33..... | 563 | 82 | 33. | | |

LIST of Land Deeded by Canadian Pacific Railway Company, &c.—Continued.
WEST OF FIRST MERIDIAN—Continued.

| TOWNSHIP 8. | | | | | TOWNSHIP 10—Concluded. | | | | |
|----------------|----------------|------|-------|------------------|------------------------|----------------|----------------|-------|------------------|
| Range. | Section. | Con. | Deed | Patent required. | Range. | Section. | Con. | Deed. | Patent required. |
| 17 | NW 1/4 1..... | 735 | 169 | 1. | 21 | W 1/4 23..... | 1483 | 136 | 23. |
| | NW 1/4 3..... | 692 | 160 | 3. | | SW 1/4 25..... | 355 | 36 | 25. |
| 18 | W 1/4 7..... | 23 | 71 | 7. | 22 | All 5..... | 283 | 53 | 5. |
| | NW 1/4 15..... | 103 | 176 | 15. | | S 1/4 9..... | 155 | 132 | 9. |
| 19 | SW 1/4 19..... | 0049 | 48 | 19. | 25 | SW 1/4 15..... | 4 | 131 | 15. |
| | N 1/4 23..... | 11 | 11-50 | N 1/4 23. | | All 19..... | 1294 | 190 | 19. |
| 20 | All 27..... | 598 | 139 | 27. | 26 | W 1/4 25..... | 0191 | 127 | 25. |
| | N 1/4 19..... | 31 | 175 | 19. | | All 27..... | 2478 | 61 | 27. |
| 22 | All 27..... | 400 | 194 | 17. | 28 | All 31..... | 0169 | 65 | 31. |
| | All 31..... | 411 | 186 | 31. | | All 15..... | 0169 | 65 | 15. |
| 24 | NW 1/4 1..... | 257 | 73 | 1. | 29 | All 19..... | 0169 | 65 | 19. |
| | NW 1/4 31..... | 0146 | 25 | 31. | | All 35..... | 0169 | 65 | 35. |
| 28 | All 13..... | 1570 | 107 | 13. | | E 1/4 17..... | 0169 | 65 | 17. |
| | E 1/4 1..... | 768 | 119 | 1. | | N 1/4 19..... | 0169 | 65 | 19. |
| | SE 1/4 13..... | 771 | 148 | 13. | | | | | |
| | NW 1/4 23..... | 766 | 93 | 23. | | | | | |
| TOWNSHIP 9. | | | | | TOWNSHIP 11. | | | | |
| 18 | NE 1/4 1..... | 918 | 180 | 1. | 11 | N and SE 27... | 0185 | 104 | 27. |
| | NE 1/4 9..... | 272 | 42 | NE 9. | | 16 | NW 7..... | 391 | 27 | N 1/4 7. |
| 19 | E 1/4 35..... | 718 | 109 | } 35. | 17 | | S 1/4 33..... | 1836 | 192 | 33. |
| | NW 1/4 35..... | 719 | 110 | | | } 25. | N 1/4 7..... | 112 | 63 | N 1/4 7. |
| 20 | NE 1/4 25..... | 353 | 197 | } 33. | 18 | | NW 1/4 13..... | 54 | 165 | NW 13. |
| | SE 1/4 25..... | 68 | 83 | | | All 33..... | 216 | 124 | 33. |
| 21 | All 17..... | 243 | 157 | 17. | 20 | E 1/4 13..... | 76 | 133 | 13. |
| | W 1/4 5..... | 946 | 34 | 5. | | 21 | SE 1/4 19..... | 690 | 159 | 19. |
| 22 | NE 1/4 15..... | 149 | 46 | 15. | 22 | | S 1/4 9..... | 93 | 29 | S 1/4 and NE 9. |
| | NE 1/4 33..... | 115 | 62 | 33. | | S 1/4 15..... | 788 | 103 | 15. |
| 23 | NE 1/4 33..... | 1611 | 191 | } 33. | 23 | All 19..... | 92 | 28 | 19. |
| | SE 1/4 33..... | 1665 | 155 | | | N 1/4 33..... | 320 | 185 | 33. |
| 25 | SW 1/4 7..... | 1732 | 17 | 7. | 24 | W 1/4 15..... | 427 | 5 | 15. |
| | All 1..... | 764 | 35 | 1. | | W 1/4 19..... | 657 | 69 | 19. |
| 27 | All 15..... | 0143 | 22 | 15. | 25 | NE 1/4 25..... | 602 | 20 | 25. |
| | NW 1/4 31..... | 22 5 | 146 | 31 | | 26 | All 1..... | 607 | 68 | 1. |
| 28 | NE 1/4 25..... | 1985 | 145 | } 25. | 27 | | All 23..... | 617 | 67 | 23. |
| | NW 1/4 25..... | 2029 | 144 | | | All 25..... | 618 | 23 | 25. |
| | S 1/4 1..... | 2036 | 118 | 1. | 28 | All 35..... | 622 | 24 | 35. |
| | N 1/4 3..... | 2456 | 134 | 3. | | W 1/4 5..... | 0169 | 65 | 5. |
| | All 15..... | 0169 | 65 | 15. | 26 | NE 1/4 23..... | 0193 | 129 | } 23. |
| | All 31..... | 0169 | 65 | 31. | | W 1/4 23..... | 0193 | 130 | |
| | | | | | 27 | All 5..... | 0169 | 65 | 5. |
| | | | | | | All 7..... | 0169 | 65 | 7. |
| | | | | | 28 | SW 13..... | 773 | 171 | 13. |
| | | | | | | All 3..... | 0169 | 65 | 3. |
| | | | | | 29 | All 23..... | 0169 | 65 | 23. |
| | | | | | | All 27..... | 1578 | 189 | 27. |
| | | | | | 30 | SE 33..... | 1579 | 198 | 33. |
| | | | | | | E 5..... | 1358 | 75 | 5. |
| | | | | | 31 | NE 1/4 9..... | 1344 | 162 | 9. |
| | | | | | | NE 1/4 21..... | 969 | 90 | 21. |
| | | | | | 32 | All 23..... | 0169 | 65 | 23. |
| | | | | | | | | | |
| TOWNSHIP 10. | | | | | TOWNSHIP 12. | | | | |
| 13 | SW 1/4 7..... | 144 | 163 | } 7. | 14 | NW 1/4 35..... | 0132 | 14 | N 1/4 35. |
| | E 1/4 7..... | 145 | 158 | | | 16 | NW 1/4 1..... | 1815 | 123 |
| 18 | SE 1/4 13..... | 1816 | 92 | 13. | | | | | |
| | All 1..... | 717 | 108 | 1. | | | | | |
| 19 | S 1/4 31..... | 218 | 140 | S 31. | | | | | |
| | All 3..... | 1 | 16 | 3. | | | | | |
| 20 | All 9..... | 306 | 33 | 9. | | | | | |
| | SE 1/4 13..... | 349 | 41 | } NW 25. | | | | | |
| NW 1/4 25..... | 282 | 2 | } 33. | | | | | | |
| | SW 1/4 33..... | 1190 | | 114 | | | | | |

LIST of Land Deeded by Canadian Pacific Railway Company, &c.—Continued.

WEST OF FIRST MERIDIAN—Concluded.

| TOWNSHIP 12—Concluded. | | | | | TOWNSHIP 13—Concluded. | | | | |
|------------------------|--------------|-------|-------|------------------|------------------------|--------------|-------------|-------|------------------|
| Range. | Section. | Con. | Deed. | Patent required. | Range. | Section. | Con. | Deed. | Patent required. |
| 17 | SW ¼ 15..... | 303 | 181 | SW 15. | 31 | All 23..... | 0170 | ..... | 23. |
| | All 25..... | 1517 | 11 | 25. | | All 27..... | 0170 | ..... | 27. |
| | SE 3..... | 176 | 182 | 33. | | All 35..... | 0170 | ..... | 35. |
| 21 | E 3..... | 729 | 72 | 3. | | | | | |
| 23 | N 1..... | 1172 | 19 | } 1. | | | | | |
| | SW ¼ 1..... | 1173 | 18 | | | | | | |
| | All 3..... | 467 | 117 | 3. | | | | | |
| 22 | S ¼ 5..... | 1420 | 89 | 5. | | | | | |
| 24 | E ¼ 3..... | 667 | 84 | 3. | | | | | |
| 27 | S ¼ 1..... | 992 | 161 | 1. | | | | | |
| 28 | SE ¼ 15..... | 1033 | 76 | 15. | | | | | |
| 29 | All 15..... | 0169 | 65 | 15. | | | | | |
| | All 31..... | 0169 | 65 | 31. | | | | | |
| TOWNSHIP 13. | | | | | TOWNSHIP 14. | | | | |
| 16 | SW ¼ 1..... | 943 | 141 | } S ¼ 1. | 12 | SW ¼ 27..... | 1374 | 178 | S ¼ 27. |
| | SE ¼ 1..... | 947 | 142 | | | 15 | NW ¼ 9..... | 953 | 47 | 9. |
| | N ¼ 27..... | 167 | 177 | 27. | | SW ¼ 19..... | 571 | 150 | W ¼ 19. |
| 16 | NE ¼ 13..... | 1188 | 31 | N ¼ 13. | | NW ¼ 31..... | 596 | 40 | } N and SW 31. |
| | NE ¼ 33..... | 1452 | 94 | 33. | | NE ¼ 31..... | 43 | 120 | |
| | W ¼ 35..... | 127 | 183 | 35. | | S ¼ 33..... | 70 | 44 | |
| 17 | E ¼ 25..... | 1880 | 128 | 25. | 16 | N ¼ 3..... | 368 | 143 | 3. |
| | E ¼ 35..... | 2097 | 100 | 35. | | SE ¼ 31..... | 948 | 151 | SE and NW 31. |
| 23 | S ¼ 3..... | 699 | 1 | 3. | 21 | S ¼ 1..... | 2241 | 43 | 1. |
| 24 | SE ¼ 35..... | 1114 | 193 | 35. | 25 | All 3..... | 1304 | 121 | 3. |
| 28 | SE ¼ 21..... | 1150 | 112 | 21. | 26 | NW ¼ 35..... | 1683 | 179 | W ¼ and SE 35. |
| 29 | SW ¼ 5..... | 709 | 156 | 5. | 27 | W ¼ 7..... | 0139 | 21 | 7. |
| | E ¼ 17..... | 0169 | 65 | 17. | | All 25..... | 1744 | 39 | 25. |
| | N ¼ 23..... | 0169 | 65 | 23. | 28 | All 23..... | 813 | 59-60 | 23. |
| 30 | S ¼ 3..... | ..... | ..... | ..... | 29 | All 3..... | 0183 | 96 | 3. |
| | All 5..... | 0170 | 66 | 5. | | All 7..... | 0183 | 96 | 7. |
| | All 7..... | 0170 | ..... | 7. | | All 15..... | 0183 | 96 | 15. |
| | All 15..... | 0170 | ..... | 15. | | All 17..... | 0183 | 96 | 17. |
| | All 17..... | 0170 | ..... | 17. | | All 23..... | 0183 | 96 | 23. |
| | All 19..... | 0170 | ..... | 19. | | | | | |
| TOWNSHIP 15. | | | | | TOWNSHIP 15. | | | | |
| | | | | | 1E | NW ¼ 3..... | 0144 | 26 | NW 3. |
| | | | | | 26 | E ¼ 5..... | 1321 | 80 | E 5. |
| | | | | | 29 | All 3..... | 0183 | 96 | 3. |
| | | | | | | All 5..... | 0183 | 96 | 5. |
| | | | | | | All 17..... | 0183 | 96 | 17. |
| | | | | | 31 | NE ¼ 27..... | 1887 | 122 | 27. |

WEST OF SECOND MERIDIAN.

| TOWNSHIP 5. | | | | | TOWNSHIP 14. | | | | |
|--------------|-------------|--------|----|-----|--------------|----------------|------|-------|-----|
| 2 | N ¼ 19..... | 0112a | 10 | 19. | 1 | S ¼ 3..... | 0170 | 66 | 3. |
| TOWNSHIP 13. | | | | | | All 17..... | 0170 | 66 | 17. |
| 1 | SE ¼ 7..... | 0150 | 30 | 7. | | All 19..... | 0170 | 66 | 19. |
| | N ¼ 23..... | 0174 | 81 | 23. | | All 27..... | 0170 | 66 | 27. |
| 2 | W ¼ 27..... | 0123-4 | 52 | 27. | | All 31..... | 0170 | 66 | 31. |
| | | | | | | All 35..... | 0170 | 66 | 35. |
| | | | | | 2 | S and NE 15... | 0170 | 66 | 15. |
| | | | | | | All 23..... | 0170 | 66 | 23. |
| | | | | | | All 27..... | 0170 | ..... | 27. |
| | | | | | 3 | E 23..... | 0164 | 53 | 23. |
| | | | | | 5 | E 5..... | 0134 | 13 | 5. |

LIST of Land Deeded by Canadian Pacific Railway Company, &c.—*Concluded.*

WEST OF SECOND MERIDIAN—*Concluded.*

| TOWNSHIP 15. | | | | | TOWNSHIP 16— <i>Concluded.</i> | | | | |
|--------------|--|--------|-------|--|--------------------------------|----------------|-------|-------|------------------|
| Range. | Section. | Con. | Deed. | Patent required. | Range. | Section. | Con. | Deed. | Patent required. |
| 2 | All 17..... | 0170 | 66 | 17. | 24 | NE 3..... | 1641 | 19 | 3. |
| | All 27..... | 0170 | ..... | 27. | 26 | All 17..... | 0059a | 9 | |
| 3 | N 5..... | 0170 | ..... | 5. | | All 19..... | 0000a | 3 | |
| | All 7..... | 0170 | ..... | 7. | | All 23..... | 0157 | 45 | |
| | All 31..... | 0170 | ..... | 31. | | All 27..... | 0000b | 4 | |
| | All 35..... | 0170 | ..... | 35. | TOWNSHIP 19a. | | | | |
| 4 | All 23..... | 0170 | ..... | 23. | 9 | All 3..... | 0170 | 66 | 3. |
| | All 27..... | 0170 | ..... | 27. | 10 | All 3..... | 0170 | 66 | 3. |
| 7 | All 31..... | 1905-8 | 32 | 31. | | All 5..... | 0170 | 66 | 5. |
| 8 | SW ¼ 23..... | 0189 | 111 | 23. | TOWNSHIP 17. | | | | |
| 17 | All 9..... | 0179 | 91 | 9. | 7 | All 3..... | 0170 | 66 | 3. |
| | All 13..... | 0179 | 91 | 13. | | S ½ 5..... | 0170 | 66 | 5. |
| | All 15..... | 0179 | 91 | 15. | 9 | All 3..... | 0170 | 66 | 3. |
| | All 17..... | 0179 | 91 | 17. | | All 5..... | 0170 | 66 | 5. |
| | All 21..... | 0179 | 91 | 21. | | All 15..... | 0170 | 66 | 15. |
| | All 23..... | 0179 | 91 | 23. | 10 | All 17..... | 0170 | 66 | 17. |
| | All 25..... | 0179 | 91 | 25. | 17 | S and NE 3.... | 0170 | 66 | 3. |
| | All 27..... | 0179 | 91 | 27. | | All 17..... | 0170 | 66 | 17. |
| | All 31..... | 0179 | 91 | 31. | 23 | W 3..... | 0170 | 91 | 3. |
| | All 33..... | 0179 | 91 | 33. | | All 5..... | 0170 | 91 | 5. |
| | All 35..... | 0179 | 91 | 35. | 19 | All 5..... | 2065 | 7 | |
| TOWNSHIP 16. | | | | | | All 9..... | 2066 | 8 | |
| 1 | All 7..... | 0170 | 66 | 7. | | All 17..... | 0176 | 74 | |
| 2 | All 23..... | 0170 | 66 | 23. | 23 | SW 27..... | 2185 | 170 | 27. |
| | All 27..... | 0170 | 66 | 27. | 27 | S ½ 17..... | 2172 | 137 | 17. |
| 3 | All 3..... | 0170 | 66 | 3. | TOWNSHIP 18. | | | | |
| | All 17..... | 0170 | 66 | 17. | 9 | All 23..... | 0170 | 66 | 23. |
| | All 23..... | 0170 | 66 | 23. | | All 27..... | 0170 | 66 | 27. |
| | All 27..... | 0170 | 66 | 27. | | All 31..... | 0170 | 66 | 31. |
| | All 35..... | 0170 | 66 | 35. | | All 35..... | 0170 | 66 | 35. |
| 4 | All 3..... | 0170 | 66 | 3. | 10 | All 35..... | 0170 | 66 | 35. |
| 5 | W ½ 23..... | 0170 | 66 | 23. | 17 | SE ¼ 17..... | 0179 | 91 | 17. |
| | S ½ 27..... | 0170 | 66 | 27. | 19 | All 5..... | 2078 | 6 | |
| | W ½ 35..... | 0170 | 66 | 35. | TOWNSHIP 24. | | | | |
| 6 | All 27 and 31. | 0170 | 66 | 27, 31. | 5 | E ½ 13..... | 0202 | 196 | 13. |
| 8 | All 15 and 23. | 0170 | 66 | | TOWNSHIP 26. | | | | |
| | All 31..... | 0163 | 38a | | | | | | |
| | All 33..... | 2411 | 95 | | | | | | |
| 9 | E 31..... | 0170 | 66 | 31. | | | | | |
| | NE 35..... | 0051 | 12 | 35. | | | | | |
| 17 | 1, 3, 5, 7, 9, 15, 17, 19, 21, 27, 31, 33. | 0179 | 91 | 1, 3, 5, 7, 9, 15, 17, 19, 21, 27, 31, 33. | | | | | |

WEST OF FIFTH MERIDIAN.

| TOWNSHIP 24. | | | | | TOWNSHIP 26. | | | | |
|--------------|-------------|------|----|--|--------------|-------------|------|-----|-----|
| 1 | S ½ 27..... | 0156 | 37 | | 5 | E ½ 13..... | 0202 | 196 | 13. |

DEPARTMENT OF THE INTERIOR, OTTAWA, 24th March, 1885.

SIR,—I am directed by the Minister of the Interior to acknowledge the receipt of your letter of the 10th ultimo, pointing out an error in the description of the right of way through Section 32, Township 16, Range 24, west of the 2nd Meridian, and in reply to inform you that the correction has been made accordingly.

I have the honor to be, Sir, your obedient servant,

P. B. DOUGLAS, *Assistant Secretary.*

C. DRINKWATER, Esq., Secretary Canadian Pacific Railway Company, Montreal.

THE CANADIAN PACIFIC RAILWAY COMPANY,

OFFICE OF THE SECRETARY, MONTREAL, 10th February, 1885.

SIR,—In looking over the plans and descriptions of right of way and station grounds required by the company, and filed in your Department, I find that the right of way in Section 32, Township 16, Range 24, west 2nd Meridian, is described correctly, but in the final summing up is referred to as being on the N.E. and N.W. quarters, instead of on the S. $\frac{1}{2}$. I shall be much obliged if you will have this correction made.

I am, Sir, your obedient servant,

C. DRINKWATER, *Secretary.*

JOHN R. HALL, Esq., Secretary Department of the Interior, Ottawa.

DEPARTMENT OF THE INTERIOR, OTTAWA, 24th March, 1885.

SIR,—I am directed by the Minister of the Interior to acknowledge the receipt of your letter of the 7th ultimo, requesting that patents may issue in favor of the Canadian Pacific Railway Company for the S. $\frac{1}{2}$ Section 33, Township 14, Range 15, west of the 1st Meridian, and for the whole of Section 27, Township 24, Range 1, west of the 5th Meridian, and, in reply, to inform you that patents will be prepared accordingly for these lands.

I have the honor to be, Sir, your obedient servant,

P. B. DOUGLAS, *Assistant Secretary.*

C. DRINKWATER, Esq., Secretary Canadian Pacific Railway Company, Montreal.

THE CANADIAN PACIFIC RAILWAY COMPANY,

OFFICE OF THE SECRETARY, MONTREAL, 7th February, 1885.

SIR,—I have the honor to request, on behalf of this company, that patents may issue in their favor for the following sections of land, situate in Manitoba and the North-West Territories :—

| Section. | Township. | Range. | Meridian. |
|--------------------------|-----------|----------|-----------|
| S. $\frac{1}{2}$ 33..... | 14 | 15 West. | 1st. |
| All 27..... | 24 | 1 do | 5th. |

I have the honor to be, Sir, your obedient servant,

C. DRINKWATER, *Secretary.*

JOHN R. HALL, Esq., Secretary Department of the Interior, Ottawa.

DEPARTMENT OF THE INTERIOR, OTTAWA, 24th March, 1885.

SIR,—I am directed by the Minister of the Interior to acknowledge the receipt of your letter of the 7th ultimo, and, in reply, to inform you that the plan and description of right of way and station grounds at Austin (S.E. $\frac{1}{4}$ 29), enclosed therewith, have been filed of record in their proper place.

I have the honor to be, Sir, your obedient servant,

P. B. DOUGLAS, *Assistant Secretary.*

C. DRINKWATER, Esq., Secretary Canadian Pacific Railway Company, Montreal

THE CANADIAN PACIFIC RAILWAY COMPANY,
OFFICE OF THE SECRETARY, MONTREAL, 7th February, 1885.

SIR,—I beg to enclose herewith a certified plan and description of right of way and station grounds at Austin, in the Province of Manitoba. This was omitted from similar plans of right of way previously deposited, and I beg to ask that the same may be filed therewith.

I have the honor to be, Sir, your obedient servant,
C. DRINKWATER, *Secretary.*

JOHN R. HALL, Esq., Secretary Department of the Interior, Ottawa.

DEPARTMENT OF THE INTERIOR, OTTAWA, 24th March, 1885.

SIR,—I am directed by the Minister of the Interior to acknowledge the receipt of your letter of the 4th ultimo, with a list and descriptions of certain lands in the Province of Manitoba which you request may be set apart for Canadian Pacific Railway purposes.

In reply I beg to state that all the lands referred to, with the exception of the S. E. $\frac{1}{4}$ of Section 3, Township 13, Range 2, east, are appropriated by law for school endowment—see Section 19 of Dominion Lands Act—and consequently it is not within the power of the Minister to comply with your request. I enclose a copy of an opinion of the Honorable the Minister of Justice on the subject of appropriating school lands for railway purposes.

I have the honor to be, Sir, your obedient servant,
P. B. DOUGLAS, *Assistant Secretary.*

A. P. BRADLEY, Esq., Secretary Department of Railways and Canals.

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 4th February, 1885.

SIR,—In the year 1880 certain school lands in the counties of Selkirk and Lisgar, Manitoba, as shown on plans, and described herein being:—

| Section. | Township. | Range. | County. |
|--------------------------------|-----------|--------|----------|
| N.E. $\frac{1}{4}$ of 11 | 12 | 2 East | Selkirk. |
| S.E. $\frac{1}{4}$ of 3 | 13 | 2 do | Lisgar. |
| N.E. $\frac{1}{4}$ of 29 | 13 | 2 do | do |
| S.E. $\frac{1}{4}$ of 29..... | 13 | 2 do | do |
| S.W. $\frac{1}{4}$ of 29..... | 13 | 2 do | do |
| N. W. $\frac{1}{4}$ of 29..... | 13 | 2 do | do |

Were taken possession of and used for stations and right of way of the Stonewall Branch of the Canadian Pacific Railway. I am now instructed to request that the necessary steps may be taken by your Department so that these lands may be set apart for Canadian Pacific Railway purposes, and that the acting Minister of Railways and Canals may be notified so soon as this has been done.

Your obedient servant,
A. P. BRADLEY, *Secretary.*

JOHN R. HALL, Esq., Secretary Department of the Interior, Ottawa.

CANADIAN PACIFIC RAILWAY.

“A.”

(35c.)

Specification of combined passenger and freight building. One to be erected at North Bend, one at Chinaman's Ranche, and one at Pennie's on the Canadian Pacific Railway, in British Columbia.

1. The materials required for the framing and finishing of the walls, partitions, roof, &c., to be of the best quality of their several kinds. The timber for the carpenter work may be spruce, that for the joiner work and sheathing to be of white pine. The timber to be cut die square, perfectly sound, free from shakes, large or loose knots, and all other defects.
2. The general dimensions, height of rooms and internal arrangements are shown on the drawings.
3. The buildings and platforms will be erected on cedar or tamarac mud sills firmly bedded. The ground over the several sites will be excavated and levelled where necessary for this purpose.
4. The frame work consists of a sill and wall plate, 6 in. x 4 in., half checked at joinings and corners and spiked. Upright posts 6 in. x 6 in., to be set at each corner of building, on each side of door and window openings and under brackets. Intermediate posts, 6 in. x 4 in., to be placed at distances not exceeding 4 ft. The girts, 6 in. x 2 in., to be placed about 2 ft. 6 in. apart, gained into posts and properly nailed. Outer walls to have studding necessary for lathing purposes. All to be properly trimmed for doors and windows.
5. The outer walls of the building to be covered with 1 in. rough square edged merchantable pine lumber, in widths of 9 inches, of sufficient length to reach from the lower side of sill to under side of roof boarding, and nailed properly with 3 in. cut nails.
6. After the boards are nailed on, the joints are to be covered with best 3 in. x 1 in. battens of pine, cut in one length, same as boards, and nailed with 2½ in. cut nails.
7. The roof to be constructed as shown, the rafters to be of 9 x 2 placed at 2 ft. 6 in. centres and connected by a collar beam 9 x 2. The rafters to project 7 ft. over the walls of the buildings.
8. The projecting portions of roof to be supported by good strong pine brackets, made from 6 in. x 6 in. scantling, having moulded ends, and to be strongly bolted to posts of buildings.
9. The rafters to be covered with 1 inch pine or spruce, matched boards, not more than 9 inches wide, the joints broken where practicable, and properly nailed with 3 inch cut nails, three nails to each board on each bearing.
10. The roof boards to be covered with the best pine or cedar shingles laid in mortar, and not more than 4 inches to the weather, well nailed to boards about six inches above the butt.
11. The roof to be finished with saddle boards 6 inches broad, and a ridge roll 2½ inches diameter.
12. The underside of projections of roof shall be covered with 1 inch well seasoned pine boards, planed, grooved and tongued, and not more than 4 inches wide. The ends of the rafters and roof boarding to be finished off with box cornice and fascia boarding, to detail, as shown on drawing.

13. The floor joists to be 12 in. x 3 in. planks, 18 inches from centres, bridged with two rows of 1 in. x 3 in. crossed bridging. The joists in office and waiting rooms to be covered with a double floor. First with 1 inch boards nailed with 3 inch cut spikes, then with 1½ inch planed, grooved and tongued flooring nailed to floor below with 4 inch cut spikes. The joists in office and waiting rooms to be counterfloored. Fillets, 1 in. x 1½ in., well nailed, covered with rough boarding, and to have a good coat of hair mortar.

14. The partition walls between freight rooms and offices to be of 2 in. x 6 in. studding. The other partitions will be set throughout as shown by the plans. studs 2 in. x 4 in. set 16 inches from centres. Studs for door jambs and projecting angles to be 4 in. x 4 in. or set double.

15. Fix grounds around the window and door openings, and for top of base and skirting to finish flush with the plastering, and finish all angles with corner bead.

16. The windows to have double frames, pulley stiles 1½ inches thick, sashes 2 inches thick, throated and moulded, single hung, furnished with pulleys, cords and weights, and with all necessary fastenings; to have outside and inside linings, and wickets placed where shown on plan. The glass for windows and transoms to be of 21 oz. Chance's Smethwick.

17. The outside doors of waiting rooms to be as shown on drawing, framed of 2 inch pine plank with panels and mouldings, provided with strong hinges, latches and approved locks. The inside doors to be 1½ inches thick, framed with panels and mouldings, and provided with all necessary hinges and locks. The freight room doors to be made from 2 inch seasoned pine, and fitted in with two thicknesses of grooved and tongued stuff placed diagonally and well fastened. To slide on rollers from centre to each side in a frame built inside, and to be provided with rollers, fastenings and locks.

18. The walls of the waiting rooms, office, baggage room and closets to be sheathed to the height of four feet with pine sheathing, planed, matched and beaded, put on vertically, and finished with a neat cap. The walls under the sheathing to receive a coat of plaster.

19. The ceilings, walls and partitions of the offices, waiting rooms, baggage room and closets to be lathed, breaking joint, with good sound laths, and the whole to be covered with three coats of plaster, the first coat to have sufficient hair mixed with it to ensure perfect adhesion. The mortar to be composed of fresh burned lime and clean coarse sand to approval.

20. The inside of the freight room to be lined with 1 in. pine boards 9 in. wide from the floor upwards to a height of 8 ft. 6 in. The whole to be well nailed with 3 in. cut nails to posts and girts. The floors to be of good sound 3 in. plank, well nailed to joists with 6 in. cut spikes.

21. A "Moulds" earth closet, of approved pattern, to be furnished and put in where shown or directed; to have seat fitted up in the usual manner; the seat to have a cover secured at the back with two butt hinges in each building.

22. A strong platform will be framed, from 3 in. plank, as may be directed, to carry chimney, which will be built of best quality of brick, finished at top as shown on drawings in each building.

23. The whole of the internal and external woodwork, except the shingles, to be properly primed, knotted and stopped, and will be painted with three coats of best anti-corrosive paint and linseed oil, of an approved light stone color. The shingles to be painted two coats anti-corrosive paint and linseed oil and finished of an approved slate color.

24. The platforms to be of the dimensions shown on the plan, supported on flatted cedar or tamarac sills and joists as shown, the whole to be planked crosswise with good sound 3 in. plank, the edge next the track to be level with the surface of the rail, and the platform to incline upwards four inches, to the level of the floor of waiting room. In front of freight room a freight platform, 8 ft. wide and 3 ft. 9 in. above top of rail, to be built as shown for each building.

25. This specification, together with the plan exhibited, are to be taken as giving a general idea of the work required, and any omissions in either are not to be considered as invalidating the contract, and parties tendering must embrace everything in their tender, whether mentioned or not, as they will be required to complete the work according to the true intent and meaning of this specification and plan for the contract rate.

26. The contractor shall, at his own expense, from time to time, insure against loss by fire, and make the policies over to the Minister of Railways and Canals, for the amount of moneys advanced on the work.

27. The contractor finding all materials and labor, shall complete the buildings for the contract price. He shall commence operations immediately after the contract has been executed, and make such progress as shall secure their completion, ready for occupation, by the time mentioned in the form of tender.

COLLINGWOOD SCHREIBER, *Engineer-in-Chief.*

OTTAWA, 1st October, 1884.

THIS INDENTURE made the ninth day of May, one thousand eight hundred and eighty-five, between Andrew Onderdonk, of Yale, British Columbia, hereafter called "the contractor" of the first part, and Her Majesty Queen Victoria represented herein by the Minister of Railways and Canals of Canada, hereinafter called the "Minister," of the second part, WITNESSETH, that in consideration of the covenants and agreements on the part of Her Majesty hereinafter contained, the contractor covenants and agrees with Her Majesty as follows:—

1. In this contract the word "work" or "works" shall, unless the context require a different meaning, mean the whole of the work and the materials, matters and things required to be done, furnished and performed by the contractor under this contract. The word "engineer" shall mean the Chief Engineer for the time being having control over the work, and shall extend to and include any of his assistants acting under his instructions, and all instructions or directions, or certificates given, or decisions made by anyone acting for the Chief Engineer, shall be subject to his approval, and may be cancelled, altered, modified and changed, as to him may seem fit.

2. All covenants and agreements herein contained shall be binding on and extend to the executors and administrators of the contractor and shall extend to and be binding upon the successors of Her Majesty, and wherever in this contract Her Majesty is referred to, such reference shall include her successors, and wherever the contractor is referred to, such reference shall include his executors and administrators.

3. That the contractor will, at his own expense, provide all and every kind of labor, machinery and other plant, materials, articles, and things whatsoever necessary for the due execution and completion of all and every the works set out or referred to in the specifications hereunto annexed, marked A, and set out or referred to in the plans and drawings prepared and to be prepared for the purposes of the work, and will execute and fully complete the respective portions of such works and deliver the same complete to Her Majesty, on or before the first day of July, eighteen hundred and eighty-five. The said work to be constructed of the best materials of their several kinds, and finished in the best and most workmanlike manner, in the manner required by and in strict conformity with the said specifications and drawings relating thereto and the working and detail drawings which may from time to time be furnished (which said specifications and drawings are hereby declared to be part of this contract); and to the complete satisfaction of the Chief Engineer for the time being having control over the work.

4. That the several parts of this contract shall be taken together, to explain each other, and to make the whole consistent; and if it be found that anything has been omitted or mis-stated, which is necessary for the proper performance and completion of any part of the work contemplated, the contractor will, at his own expense, execute the same as if it had been properly described, and the decision of the engineer shall be final as to any such error or omission, and the correction of any such error

or omission shall not be deemed to be an addition to or deviation from the works hereby contracted for.

5. The Chief Engineer, with the sanction of the Minister, shall be at liberty at any time, either before the commencement or during the construction of the works or any portion thereof, to order any work to be done, and to make any changes which he may deem expedient in the grades, the width of cuttings and fillings, the dimensions, character, nature, location or position of the works, or any part or parts thereof, or in any other thing connected with the works, whether or not such changes diminish the work to be done, or the cost of doing the same, and the contractor shall immediately comply with all written requisitions of the engineer in that behalf, but the contractor shall not make any change in or addition to, or omission, or deviation from the works, unless directed by the engineer, and shall not be entitled to any payment for any change, addition or deviation, unless such change, addition, omission or deviation, shall have been first directed in writing by the engineer, and notified to the contractor in writing, nor unless the price to be paid for any additional work shall have been previously fixed by the Minister in writing, and the decision of the engineer as to whether any such change or deviation increases or diminishes the cost of the work, and as to the amount to be paid or deducted, as the case may be, in respect thereof, shall be final, and the obtaining of his certificate shall be a condition precedent to the right of the contractor to be paid therefor. If any such change or alteration constitutes, in the opinion of the said engineer, a deduction from the works, his decision as to the amount to be deducted on account thereof shall be final and binding.

6. That all the clauses of this contract shall apply to any changes, additions or deviations, in like manner, and to the same extent, as to the works at present projected, and no changes, additions, deviations or variations shall annul or invalidate this contract.

7. No compensation shall, in any case, be claimed by the contractor for any loss of anticipated profits.

8. That the engineer shall be the sole judge of work and material in respect of both quantity and quality, and his decision on all questions in dispute with regard to work or material, or as to the meaning or intention of this contract and the plans, specifications and drawings shall be final, and no works or extra or additional works or changes shall be deemed to have been executed, nor shall the contractor be entitled to payment for the same, unless the same shall have been executed to the satisfaction of the engineer, as evidenced by his certificate in writing, which certificate shall be a condition precedent to the right of the contractor to be paid therefor.

9. It is hereby distinctly understood and agreed, that the respective portions of the works set out or referred to in the list or schedule of prices to be paid for the different kinds of work, include not merely the particular kind of work or materials mentioned in said list or schedule, but also all and every kind of work, labor, tools and plant, materials, articles and things whatsoever necessary for the full execution and completing ready for use of the respective portions of the works to the satisfaction of the engineer. And in case of dispute as to what work, labor, materials, tools, and plant are or are not so included, the decision of the engineer shall be final and conclusive.

10. A competent foreman is to be kept on the ground by the contractor during all the working hours, to receive the orders of the engineer, and should the person so appointed be deemed by the engineer incompetent, or conduct himself improperly, he may be discharged by the engineer, and another shall at once be appointed in his stead; such foreman shall be considered as the lawful representative of the contractor, and shall have full power to carry out all requisitions and instructions of the said engineer.

11. In case any material, or other things in the opinion of the engineer not in accordance with the said several parts of this contract, or not sufficiently sound or otherwise unsuitable for the respective works, be used for or brought to the intended works, or any part thereof, or in case any work be improperly executed, the engineer may require the contractor to remove the same, and to provide proper material or

other things, or properly re-execute the work, as the case may be, and thereupon the contractor shall and will immediately comply with the said requisition, and if twenty-four hours shall elapse and such requisition shall not have been complied with, the engineer may cause such material, or other thing, or such work, to be removed; and in any such case the contractor shall pay to Her Majesty all such damages and expense as shall be incurred in the removal of such material, materials, or other things, or of such work; or Her Majesty may, in her discretion, retain and deduct such damages and expenses from any amounts payable to the contractor.

12. All machinery and other plant, materials and things whatsoever, provided by the contractor for the works hereby contracted for, and not rejected under the provisions of the last preceding clause, shall from the time of their being so provided become and, until the final completion of the said works, shall be the property of Her Majesty for the purposes of the said works, and the same shall on no account be taken away, or used or disposed of except for the purposes of the said works, without the consent in writing of the engineer, and Her Majesty shall not be answerable for any loss or damage whatsoever which may happen to such machinery or other plant, material or things; provided always, that upon the completion of the works and upon payment by the contractor of all such moneys, if any, as shall be due from him to Her Majesty such of the said machinery and other plant, material and things as shall not have been used and converted in the works, and shall remain undisposed of shall, upon demand, be delivered up to the contractor.

13. If the engineer shall at any time consider the number of workmen, horses, or quantity of machinery or other plant, or the quantity of proper materials, respectively employed or provided by the contractor on or for the said works, to be insufficient for the advancement thereof towards completion within the limited times, or that the works are, or some part thereof is not being carried on with due diligence, then in every such case the said engineer may, by written notice to the contractor, require him to employ or provide such additional workmen, horses, machinery or other plant, or materials, as the engineer may think necessary, and in case the contractor shall not thereupon within three days, or such other longer period as may be fixed by any such notice, in all respects comply therewith, then the engineer may, either on behalf of Her Majesty, or if he see fit, may, as the agent of and on account of the contractor, but in either case at the expense of the contractor, provide and employ such additional workmen, horses, machinery and other plant, or any thereof or such additional and materials respectively, as he may think proper, and may pay such additional workmen such wages, and for such additional horses, machinery or other plant, and materials respectively, such prices as he may think proper, and all such wages and prices respectively, shall thereupon at once be repaid by the contractor, or the same may be retained and deducted out of any moneys at any time payable to the contractor; and Her Majesty may use, in the execution or advancement of the said work not only the horses, machinery and other plant, and materials so in any case provided by anyone on her behalf, but also all such as may have been or may be provided by or on behalf of the said contractor.

14. In case the contractor shall make default or delay in diligently continuing to execute or advance the works to the satisfaction of the engineer, and such default or delay shall continue for six days after notice in writing shall have been given by the engineer to the contractor requiring him to put an end to such default or delay, or in case the contractor shall become insolvent, or make an assignment for the benefit of creditors, or neglect either personally or by a skilful and competent agent to superintend the works, then in any of such cases Her Majesty may take the work out of the contractor's hands and employ such means as she may see fit to complete the work, and in such cases the contractor shall have no claim for any further payment in respect of the works performed, but shall, nevertheless, remain liable for all loss and damage which may be suffered by Her Majesty by reason of the non-completion by the contractor of the works; and all materials and things whatsoever, and all horses, machinery and other plant provided by him for the purposes of the works,

shall remain and be considered as the property of Her Majesty, for the purposes and according to the provisions and conditions contained in the twelfth clause hereof.

15. The contractor shall be at the risk of, and shall bear, all loss or damage whatsoever, from whatsoever cause arising, which may occur to the works, or any of them, until the same be fully and finally completed and delivered up to and accepted by the said Minister for the time being; and if any such loss or damage occur before such final completion, delivery and acceptance, the contractor shall immediately at his own expense repair, restore and re-execute the work so damaged, so that the whole works, or the respective parts thereof, may be completed within the time hereby limited.

16. The contractor shall not have or make any claim or demand, or bring any action or suit or petition against Her Majesty for any damage which he may sustain by reason of any delay in the progress of the work, arising from the acts of any of Her Majesty's agents, and it is agreed that in the event of any such delay the contractor shall have such further time for the completion of the works as may be fixed in that behalf by the Minister for the time being.

17. The contractor shall not make any assignment of this contract, or any sub-contract, for the execution of any of the works hereby contracted for; and in any event no such assignment or sub-contract even though consented to, shall exonerate the contractor from liability, under this contract, for the due performance of all the work hereby contracted for. In the event of any such assignment or sub-contract being made then the contractor shall not have or make any claim or demand upon Her Majesty for any future payments under this contract for any further or greater sum or sums than the sum or sums respectively at which the work or works so assigned or sub-contracted for shall have been undertaken to be executed by the assignee or sub-contractor; and in the event of any such assignment or sub-contract being made without such consent, Her Majesty may take the work out of the contractor's hands, and employ such means as she may see fit to complete the same; and in such case the contractor shall have no claim for any further payment in respect of the works performed, but shall, nevertheless, remain liable for all loss and damage which may be suffered by Her Majesty by reason of the non-completion by the contractor of the works; and all materials and things whatsoever, and all horses, machinery and other plant provided by him for the purposes of the works, shall remain and be considered as the property of Her Majesty, for the purposes and according to the provisions and conditions contained in the twelfth clause hereof.

18. Time shall be deemed to be of the essence of this contract.

19. The contractor shall be responsible for all damages claimable by any person or corporation whatsoever, in respect of any injury to persons or to lands, buildings, ships or other property, or in respect of any infringement of any right whatsoever, occasioned by the performance of the said works, or by any neglect or misfeasance or non-misfeasance on his part, and shall and will, at his own expense, make such temporary provisions as may be necessary for the protection of persons, or of lands, buildings, ships or other property, or for the uninterrupted enjoyment of all rights of persons or corporations, in and during the performance of the said works.

20. If the contractor fail, at any time, in paying the salaries or wages of any person employed by him upon or in respect of the said works, or any of them, and any part of such salary be one month in arrear, or if there be due to any such person one month's wages or salary, the engineer may notify the contractor to pay such salary or wages, and if two days elapse and the same be not paid in full up to the date of payment or to such other date as may be in accordance with the terms of employment of such person, then Her Majesty may pay to such person salary or wages from any date to any date, and to any amount which may be payable, and may charge the same to the contractor, and the contractor covenants with Her Majesty to repay at once any and every sum so paid.

21. The contractor will protect and will not remove or destroy, or permit to be removed or destroyed, the stakes, buoys and other marks placed on or about the said

works by the engineer of the works, and shall furnish the necessary assistance to correct or replace any stake or mark which through any cause may have been removed or destroyed.

22. Any notice or other communication mentioned in this contract to be notified or given to the contractor shall be deemed to be well and sufficiently notified, or given, if the same be left at the contractor's office or mailed in any post office, to the contractor or foreman, addressed to the address mentioned in this contract, or to the contractor's last known place of business.

23. And Her Majesty, in consideration of the premises, hereby covenants with the contractor that he will be paid for and in respect of the works hereby contracted for, and in the manner set out in the next clause hereof the several prices or sums following, viz., \$3,500 for each and every of the several station-houses at North Bend, Chinaman's Ranch and Pennie's respectively, on the line of the Canadian Pacific Railway in British Columbia.

24. Cash payments equal to about ninety per cent. of the value of the work done approximately made up from returns of progress measurements and computed at the prices agreed upon or determined under the provisions of this contract, will be made to the contractor monthly on the written certificate of the engineer that the work for or on account of which the certificate is granted, has been duly executed to his satisfaction, and stating the value of such work computed as above mentioned; and upon approval of such certificate by the Minister for the time being for the Dominion of Canada, and the said certificate and such approval thereof shall be a condition precedent to the right of the contractor to be paid the said ninety per cent. or any part thereof. The remaining ten per cent. shall be retained until the final completion of the whole work to the satisfaction of the chief engineer for the time being, having control over the work, and within two months after such completion the remaining ten per cent. will be paid. And it is hereby declared that the written certificate of the said engineer certifying to the final completion of said works to his satisfaction shall be a condition precedent to the right of the contractor to receive or be paid the said remaining ten per cent., or any part thereof.

25. It is intended that every allowance to which the contractor is fairly entitled, will be embraced in the engineer's monthly certificates; but should the contractor at any time have claims of any description which he considers are not included in the progress certificates, it will be necessary for him to make and repeat such claims in writing to the engineer, within fourteen days after the date of each and every certificate in which he allege such claims to have been omitted.

26. The contractor in presenting claims of the kind referred to in the last clause must accompany them with satisfactory evidence of their accuracy, and the reason why he thinks they should be allowed. Unless such claims are thus made during the progress of the work, within fourteen days, as in the preceding clause, and repeated, in writing, every month, until finally adjusted or rejected, it must be clearly understood that they shall be for ever shut out, and the contractor shall have no claim on Her Majesty in respect thereof.

27. The progress measurements and progress certificates shall not in any respect be taken as an acceptance of the work or release of the contractor from responsibility in respect thereof, but he shall at the conclusion of the work deliver over the same in good order, according to the true intent and meaning of this contract.

28. Her Majesty shall have the right to suspend operations from time to time at any particular point or points or upon the whole of the works, and in the event of such right being exercised so as to cause any delay to the contractor, then an extension of time equal to such delay or detention, to be fixed by the Minister as above provided for, shall be allowed him to complete the contract, but no such delay shall vitiate or avoid this contract or any part thereof or the obligation hereby imposed or any concurrent or other bond or security for the performance of this contract, nor

shall the contractor be entitled to any claim for damages by reason of any such suspension of operations. And at any time after operations have been suspended either in whole or in part—such operations may be again resumed and again suspended and resumed as Her Majesty may think proper. And upon the contractor receiving written notice on behalf of Her Majesty that the suspended operations are to be resumed, the contractor shall at once resume the operations and diligently carry on the same.

29. Should the amount now voted by Parliament and applicable towards payment for the work hereby contracted for, be at any time expended previous to the completion of the works, the Minister for the time being may give the contractor written notice to that effect. And upon receiving such notice the contractor may, if he thinks fit, stop the work—but in any case shall not be entitled to any payment for work done, beyond the amount voted and applicable as aforesaid—unless and until the necessary funds shall have been voted by Parliament in that behalf. And in no event shall the contractor have or make any claim upon Her Majesty for any damages or compensation by reason of the said suspension of payment, or by reason of any delay or loss caused by the stoppage of work.

30. The contractor shall not permit, allow, or encourage the sale of any spirituous liquors on near the works.

31. No work whatever shall at any time or place be carried on during Sunday, and the contractor shall take all necessary steps for preventing any foreman, or agent, or men from working or employing others on that day.

32. It is hereby agreed, that all matters of difference arising between the parties hereto, upon any matter connected with or arising out of this contract, the decision whereof is not hereby especially given to the engineer—shall be referred to the award and arbitration of the chief engineer for the time being, having control over the works, and the award of such engineer shall be final and conclusive; and it is hereby declared that such award shall be a condition precedent to the right of the contractor to receive or be paid any sum or sums on account, or by reason of such matters in difference.

33. It is distinctly declared that no implied contract of any kind whatsoever, by or on behalf of Her Majesty, shall arise or be implied from anything in this contract contained, or from any position or situation of the parties at any time, it being clearly understood and agreed that the express contracts, covenants and agreements herein contained and made by Her Majesty, are and shall be the only contracts, covenants and agreements upon which any rights against Her are to be founded.

34. This contract is hereby, pursuant to the provisions of the 8th section of the Statute 41st Victoria (1878), chapter 5, made subject to the express condition that no member of the House of Commons of Canada shall be admitted to any share or part of such contract, or to any benefit to arise therefrom.

35. In the event of it becoming advisable in the interests of the public to suspend the work hereby contracted for, or any portion thereof, at any time before its completion, and to put an end to this contract, the Minister for the time being shall have full power to stop the work and to cancel this contract, on giving due notice to that effect to the contractor. The contractor, however, will be entitled to receive payment for all sums then due for work already done, materials used or delivered, or ready to be used, or in course of preparation, together with such reasonable compensation as will cover all *bond fide* damages, if any, resulting therefrom, and as may then be agreed upon; or, in case of disagreement, as may be determined by the official arbitrators of the Dominion of Canada; it being understood, however, that no compensation will be allowed to or claimed by the contractor for materials procured for the works, after the date of the service of the notice above referred to, or for any loss of anticipated profits, either in respect of the works so suspended as aforesaid, or of the materials then procured for said works.

In WITNESS whereof, the contractor has hereto set his hand and seal and these presents have been signed and sealed by the said Minister, and countersigned by the

Secretary of the Department of Railways and Canals of Canada, on behalf of Her Majesty.

Signed, sealed and delivered by the
Contractor in presence of

W. D. MCKAY.

ANDREW ONDERDONK,

[L.S.]

Signed, sealed and delivered by the
Minister, and countersigned by the
Secretary of Railways and Canals
in the presence of

H. A. FISSIAULT.

J. H. POPE,
Acting Minister of Railways and Canals.

A. P. BRADLEY,
Secretary.

[L.S.]

CANADIAN PACIFIC RAILWAY.

“A.”

SPECIFICATION FOR TEN-STALL ENGINE HOUSE.

1. The building to be erected in such position as shall be pointed out by the engineer in charge of the works. To be of brick or stone, on foundation wall of stone, and to be built in strict accordance with the drawings, and with the true intent and meaning of this specification.

2. The contractor to excavate and level trenches for the foundation walls, engine pits, pipe race, drains and turn-table, to the depth of four feet below rail level, or to such other depth as may be necessary to reach solid strata, and of width sufficient to allow the walls to be built up with true faces in a thorough and workmanlike manner.

The whole surface of ground below round house floor to be levelled to a uniform depth of 18 inches below the top of foundations. Materials excavated from the trenches, &c., to be deposited as directed, after the spaces left around the walls have been thoroughly filled in and well rammed; no filling to be done until the mortar is perfectly set.

Should these excavations prove to be in the rock, the engineer to decide to what depth it may be necessary to go.

3. Foundation walls to be built of the form and dimensions shown on the drawings, or to such other depths as may be found necessary. They are to consist of first class random rubble masonry, the stones to be laid in mortar on their natural beds, and the beds and the vertical joints to be scabbled so as to make good bond. The top course to consist entirely of headers the full width of the wall. A plinth course of dressed stone to be set on the outer face of the wall, to be 18 inches deep and 9 inches wide, of good square stone well bedded and jointed, and to project one inch outside of walls and piers, and be in length on the wall at least three feet; a stone sill 4 feet by 9 inches by 8 inches, will be placed under each window.

4. A foundation of masonry, 2 feet square, with footings, to be built under each of the posts which support the roof; these foundations to be carried down at least to a depth of 4 feet below rail level, or deeper if required. They are each to be capped with a single cut stone 12 inches thick by 24 inches square, and the top of piers to be 3 inches above top of rail.

5. Pits, pipe races and drains to have two courses of flat cedars, the lower course laid lengthways and the upper course laid crossways of the pit. The latter to be full length timbers and all to extend one foot outside of the wall footings. Inside engine pits to be filled with earth on cross timbers to a sufficient depth and well rammed to proper shape for arched bottom of pit to be laid on. Broken snag stone will be substituted for the flatted cedars if ordered by the engineer.

6. Engine pits, ten in number, pipe walls and drains, to be of first-class random rubble masonry, laid in hydraulic cement mortar, the top course to consist entirely of headers the full width of the wall; the bricks or paving in the arched bottom must be laid on edge, bedded in concrete, and thoroughly grouted with hydraulic cement with a fall towards the drain. A pit drain, 12 inches diameter, must be

built as shown. Also an outlet drain, of the same dimensions, carried to a distance of 100 feet clear of the outer face of the building, in such direction and with such fall as the engineer shall determine. Cast iron drain pipe and box with loose cast-iron grating to be supplied and fixed to each pit; all drains must be laid in good approved cement.

7. The pit for the turn-table to be excavated to the diameter and depth shown on the drawings, or deeper, if found necessary. The masonry in connection therewith will be of a heavier class of stone than that specified for the walls of the building. All mortar used in turn-table masonry to be made with hydraulic cement. A turn-table to be finished and erected in accordance with the detailed plan, and when complete must turn evenly and be easily worked by one man.

8. All brickwork to be built of good, sound, well burnt bricks, free from lime and of uniform tint for the outside face of the walls. All bricks, if necessary, to be steeped in water before being used, and all exposed faces of brickwork to have straight and neatly struck joints.

9. Floor beams to be of Douglas fir or cedar, 12 by 10 inches; timber on pipe race and on pit walls to be of Douglas fir, 12 by 9 inches. Floor joists to be of Douglas fir, 12 by 4 inches, not more than 1 foot 6 inches centres, gained 1 foot 6 inches deep in floor beams, and 1 inch in timber on pit walls, joists resting on 6 by 4 inches wall plates on side of pit wall. Wall plates 6 by 4 inches for flooring to be laid on inside of foundations of outer walls. Flooring to be of Douglas fir 3 inches thick, close jointed and spiked to the floor joists, and to be loose over pipe races and boxes for water cocks. Drains to be covered with Douglas fir 3 inches thick. Door sills to be of oak 12 by 12 inches.

10. Door posts to be of Douglas fir, 12 by 12 inches; inside posts to be of Douglas fir, 10 by 10 inches; main rafters to be of Douglas fir, 10 by 10, 10 by 12 and 10 by 14 inches, as shown on drawing, and to be well supported from each post by 6 by 10 inch struts, as shown. Wall plates over doors to be of Douglas fir, 12 by 12 inches. T-plates bolted to each timber. Main rafters to be bedded into brickwork of wall not less than 12 inches, and secured by a $\frac{7}{8}$ -inch Palm bolt to pass through pier of wall, and have cast iron washer 10 inches diameter, and nut on outside. Palm bolts to be screwed to side of rafter by two $\frac{3}{4}$ -inch bolts, and have ends turned in and checked in timber. Wall plates over doors to be supported in centre by 6 by 8 inch struts from each door post, as shown. Door lintels to be of Douglas fir, 6 by 8 inches, to be secured to struts to suit. Doors to be 16 feet high as shown in drawing. Wall plates of red pine, 6 by 4 inches, to be laid outside top edge of outer wall to secure roofing boards, outside cornice, &c.

11. Roof joists to be of Douglas fir, 12 x 2 $\frac{1}{2}$ inches, to be not more than 1 foot 8 inches in centres, from wall to first post, from 1st to 2nd post not more than 2 feet centres, and from 2nd to 3rd post not more than 2 feet 6 inches between centres; to be well cross bridged at ends close to main rafter and also at intermediate distances of less than 6 feet; to be sheathed with clear Douglas fir boards, 1 $\frac{1}{2}$ inches thick, on top. Roof to be covered with 4-ply felt, pitch and gravel. Outside of roof to be furnished with fascia boards and mouldings, as shown. Roof to be made good to all eaves, lights, stacks, openings and projections.

12. The contractor to provide and lay longitudinal Douglas fir stringers, 12 by 6 inches, for carrying the rails from the turn-table over the engine pit walls to the walls of the building. These stringers to be laid on the flat and half-checked 12 inches at the ends, their upper sides level with underside of rail. Between the turn-table and pit walls to the outer walls of building, they will be laid on 6-inch flatted timber 8 feet long, and at 3 feet centres.

13. Window sills to be of oak, 4 feet by 5 feet by 8 inches; heads to be of oak 4 feet by 10 inches by 4 inches; windows to be 7 feet by 3 feet 2 inches, two in each bay. Spaces in framing over door lintels and over struts to wall plates to have windows inserted as shown in drawing; all to be glazed with $\frac{3}{8}$ -inch plain rolled glass, in lights to suit frames.

14. Doors to be of Douglas fir framed as in drawing with upper half glazed and lower half sheeted with clear Douglas fir sheeting $\frac{7}{8}$ inch thick; each door to be hung with three 4-inch gudgeon and strap hinges and fastenings with a wrought-iron swing bar and staple.

15. A cowl or smoke stack to be fitted over each pit, to consist of riveted iron plate of the size and description in use for such purposes by the Canadian Pacific Railway Company in Winnipeg, and to be fitted with tin conductors around their base so as to lead off moisture, fitted with Emerson cap on top, and made water-tight to roof by a suitable casting.

16. The whole of the internal and external woodwork usually painted, to be painted with two coats best anti-corrosive paint and linseed oil, the tint to be of an approved color; all woodwork to be properly knotted and stopped.

17. The contractor to provide and fix a sufficient number of ventilator gratings, 6 by 12 inches, to allow a proper circulation of air under the flooring. The water service pipes and fittings complete, to be provided by contractor and placed in position as shown in the drawings.

18. The water pipes will have 6-inch mains with 3-inch branches, having cock and box in flooring between each second pit together with the smoke jacks and heating pipes with carriers for same. Heating apparatus will be furnished and erected by the contractor in accordance with the drawings. Main supply and return pipes will be $1\frac{1}{2}$ inches diameter and will extend from the boiler house the whole length of the building. Coils will be of $\frac{3}{4}$ -inch pipes fitted with headers, cocks, &c., complete.

19. All material shall be subject to the approval or rejection of the engineer or other person duly appointed to superintend the work.

20. It is hereby fully understood that anything necessary to the full and complete execution of the work, according to the general intent and meaning of the drawings and specifications, is to be done, and all materials are to be furnished so as to fully execute the work in a workmanlike manner, whether herein particularly described or not.

Should anything appear to be omitted in either drawings, specifications, or both, which may be necessary to the proper performance and completion of the work, and is usual with buildings of this class, the contractor shall take no advantage of the same, but supply whatever may be wanting as though it had been particularly described.

In case of any alteration, addition or deduction, the price shall be agreed upon in writing before such work is performed, and no extras shall be allowed unless first agreed upon in writing and the price fixed.

The contractor shall preserve and protect the whole of the works, and repair at his own cost any injury done to the same by workmen, fire, or any other cause, and the contractor must assume all risks up to the time of completion.

The whole work to be done to the full and entire satisfaction of the Engineer in Chief, who shall have the power to reject any part or portions of the work not in strict accordance with the specifications and the drawings referred to.

COLLINGWOOD SCHREIBER,

Engineer-in-Chief.

OTTAWA, May, 1885.

THIS INDENTURE, made the thirteenth day of June, one thousand eight hundred and eighty-five, between George Jennings Wilson, of the City of Ottawa, in the Province of Ontario, contractor, and Frank Welcome McCrady, of the said City of Ottawa, contractor, hereafter called "the contractors" of the first part, and Her Majesty Queen Victoria, represented herein by the Minister of Railways and Canals of Canada, hereinafter called the "Minister," of the second part, WITNESSETH, that in consideration of the covenants and agreements on the part of Her Majesty hereinafter contained, the contractors covenant and agree with Her Majesty as follows:

1. In this contract the word "work" or "works" shall, unless the context require a different meaning, mean the whole of the work and the materials, matters and things required to be done, furnished and performed by the contractors under this contract. The word "engineer" shall mean the Chief Engineer for the time being having control over the work, and shall extend to and include any of his assistants acting under his instructions, and all instructions or directions, or certificates given, or decisions made by anyone acting for the Chief Engineer, shall be subject to his approval, and may be cancelled, altered, modified and changed as to him may seem fit.

2. All covenants and agreements herein contained shall be binding on and extend to the executors and administrators of the contractors, and shall extend to and be binding upon the successors of Her Majesty; and wherever in this contract Her Majesty is referred to, such reference shall include her successors, and wherever the contractors are referred to, such reference shall include their executors and administrators.

3. That the contractors will, at their own expense, provide all and every kind of labor, machinery and other plant, materials, articles, and things whatsoever necessary for the due execution and completion of all and every the works set out or referred to in the specifications hereunto annexed, marked A, and set out or referred to in the plans and drawings prepared and to be prepared for the purposes of the work, and will execute and fully complete the respective portions of such works and deliver the same complete to Her Majesty, on or before the first day of September, A. D. 1885. The said work to be constructed of the best materials of their several kinds, and finished in the best and most workmanlike manner, in the manner required by and in strict conformity with the said specifications and drawings relating thereto and the working and detail drawings which may from time to time be furnished (which said specifications and drawings are hereby declared to be part of this contract); and to the complete satisfaction of the Chief Engineer for the time being having control over the work.

4. That the several parts of this contract shall be taken together, to explain each other, and to make the whole consistent; and if it be found that anything has been omitted or mis-stated, which is necessary for the proper performance and completion of any part of the work contemplated, the contractors will, at their own expense, execute the same as if it had been properly described, and the decision of the engineer shall be final as to any such error or omission, and the correction of any such error or omission shall not be deemed to be an addition to or deviation from the works hereby contracted for.

5. The Chief Engineer, with the sanction of the Minister, shall be at liberty at any time, either before the commencement or during the construction of the works or any portion thereof, to order any work to be done, and to make any changes which he may deem expedient in the dimensions, character, nature, location or position of the works, or any part or parts thereof, or in any other thing connected with the works, whether or not such changes diminish the work to be done, or the cost of doing the same, and the contractors shall immediately comply with all written requisitions of the engineer in that behalf, but the contractors shall not make any change in or addition to, or omission or deviation from the works, unless directed by the engineer, and shall not be entitled to any payment for any change, addition or deviation, unless such change, addition, omission or deviation shall have been first directed in writing by the engineer, and notified to the contractors in writing, nor unless the price to be paid for any additional work shall have been previously fixed by the Minister in writing, and the decision of the engineer as to whether any such change or deviation increases or diminishes the cost of the work, and as to the amount to be paid or deducted as the case may be in respect thereof, shall be final, and the obtaining of his certificate shall be a condition precedent to the right of the contractors to be paid therefor. If any such change or alteration constitutes, in the opinion of the said engineer, a deduction from the works, his decision as to the amount to be deducted on account thereof shall be final and binding.

6. That all the clauses of this contract shall apply to any changes, additions or deviations, in like manner, and to the same extent, as to the works at present projected, and no changes, additions, deviations or variations shall annul or invalidate this contract.

7. No compensation shall, in any case, be claimed by the contractors for any loss of anticipated profits.

8. That the engineer shall be the sole judge of work and material in respect of both quantity and quality, and his decision on all questions in dispute with regard to work or material, or as to the meaning or intention of this contract and the plans, specifications and drawings shall be final, and no works or extra or additional works or changes shall be deemed to have been executed, nor shall the contractors be entitled to payment for the same, unless the same shall have been executed to the satisfaction of the engineer, as evidenced by his certificate in writing, which certificate shall be a condition precedent to the right of the contractors to be paid therefor.

9. It is hereby distinctly understood and agreed that the works set out or referred to in this contract include not merely the particular kind of work or materials mentioned, but also all and every kind of work, labor, tools and plant, materials, articles and things whatsoever necessary for the full execution and completing ready for use of the respective portions of the works to the satisfaction of the engineer. And in case of dispute as to what work, labor, materials, tools and plant are or are not so included the decision of the engineer shall be final and conclusive.

10. A competent foreman is to be kept on the ground by the contractors, during all the working hours, to receive the orders of the engineer, and should the person so appointed be deemed by the engineer incompetent, or conduct himself improperly, he may be discharged by the engineer, and another shall at once be appointed in his stead; such foreman shall be considered as the lawful representative of the contractors, and shall have full power to carry out all requisitions and instructions of the said engineer.

11. In case any material, or other things in the opinion of the engineer not in accordance with the said several parts of this contract, or not sufficiently sound or otherwise unsuitable for the respective works, be used for or brought to the intended works, or any part thereof, or in case any work be improperly executed, the engineer may require the contractors to remove the same, and to provide proper material or other things, or properly re-execute the work, as the case may be, and thereupon the contractors shall and will immediately comply with the said requisition, and if twenty-four hours shall elapse and such requisition shall not have been complied with, the engineer may cause such material, or other thing, or such work to be removed; and in any such case the contractors shall pay to Her Majesty all such damages and expense as shall be incurred in the removal of such material, materials, or other things, or of such work; or Her Majesty may, in her discretion, retain and deduct such damages and expenses from any amounts payable to the contractors.

12. All machinery and other plant, materials and things whatsoever, provided by the contractors for the works hereby contracted for, and not rejected under the provisions of the last preceding clause, shall from the time of their being so provided become, and until the final completion of the said works, shall be the property of Her Majesty for the purposes of the said works, and the same shall on no account be taken away, or used or disposed of except for the purposes of the said works, without the consent in writing of the engineer, and Her Majesty shall not be answerable for any loss or damage whatsoever which may happen to such machinery or other plant, material or things, provided always that upon the completion of the works and upon payment by the contractors of all such moneys, if any, as shall be due from them to Her Majesty, such of the said machinery and other plant, material and things as shall not have been used and converted in the works, and shall remain undisposed of shall, upon demand, be delivered up to the contractors.

13. If the engineer shall at any time consider the number of workmen, horses, or quantity of machinery or other plant, or the quantity of proper materials, respectively employed or provided by the contractors on or for the said works, to be

insufficient for the advancement thereof towards completion within the limited times, or that the works are, or some part thereof is not being carried on with due diligence, then in every such case the said engineer may, by written notice to the contractors, require them to employ or provide such additional workmen, horses, machinery or other plant, or materials, as the engineer may think necessary, and in case the contractors shall not thereupon within three days, or such other longer period as may be fixed by any such notice, in all respects comply therewith, then the engineer may, either on behalf of Her Majesty, or if he see fit, may, as the agent of and on account of the contractors, but in either case at the expense of the contractors, provide and employ such additional workmen, horses, machinery and other plant, or any thereof or such additional and materials respectively, as he may think proper, and may pay such additional workmen such wages, and for such additional horses, machinery or other plant, and materials respectively, such prices as he may think proper, and all such wages and prices respectively, shall thereupon at once be repaid by the contractors, or the same may be retained and deducted out of any moneys at any time payable to the contractors; and Her Majesty may use, in the execution or advancement of the said work not only the horses, machinery, and other plant, and materials so in any case provided by anyone on Her behalf, but also all such as may have been or may be provided by or on behalf of the said contractors.

14. In case the contractors shall make default or delay in diligently continuing to execute or advance the works to the satisfaction of the engineer, and such default or delay shall continue for six days after notice in writing shall have been given by the engineer to the contractors requiring them to put an end to such default or delay, or in case the contractors shall become insolvent, or make an assignment for the benefit of creditors, or neglect either personally or by a skilful or competent agent to superintend the works, then in any of such cases Her Majesty may take the work out of the contractors' hands and employ such means as she may see fit to complete the work, and in such cases the contractors shall have no claim for any further payment in respect of the works performed, but shall, nevertheless, remain liable for all loss and damage which may be suffered by Her Majesty by reason of the non-completion by the contractors of the works; and all materials and things whatsoever, and all horses, machinery and other plant provided by them for the purposes of the works, shall remain and be considered as the property of Her Majesty for the purposes and according to the provisions and conditions contained in the twelfth clause hereof.

15. The contractors shall be at the risk of, and shall bear, all loss or damage whatsoever, from whatsoever cause arising, which may occur to the works, or any of them, until the same be fully and finally completed and delivered up to and accepted by the said Minister for the time being; and if any such loss or damage occur before such final completion, delivery and acceptance, the contractors shall immediately at their own expense repair, restore and re-execute the work so damaged, so that the whole works, or the respective parts thereof, may be completed within the time hereby limited.

16. The contractors shall not have or make any claim or demand, or bring any action or suit or petition against Her Majesty for any damage which they may sustain by reason of any delay in the progress of the work, arising from the acts of any of Her Majesty's agents, and it is agreed that in the event of any such delay the contractors shall have such further time for the completion of the works as may be fixed in that behalf by the Minister for the time being.

17. The contractors shall not make any assignment of this contract, or any sub-contract, for the execution of any of the works hereby contracted for; and in any event no such assignment or sub-contract even though consented to, shall exonerate the contractors from liability, under this contract, for the due performance of all the work hereby contracted for. In the event of any such assignment or sub-contract being made then the contractors shall not have or make any claim or demand upon Her Majesty for any future payments under this contract for any further or greater sum or sums than the sum or sums respectively at which the work or works so

assigned or sub-contracted for shall have been undertaken to be executed by the assignee or sub-contractor; and in the event of any such assignment or sub-contract being made without such consent, Her Majesty may take the work out of the contractors' hands, and employ such means as she may see fit to complete the same; and in such case the contractors shall have no claim for any further payment in respect of the works performed, but shall, nevertheless, remain liable for all loss and damage which may be suffered by Her Majesty by reason of the non-completion by the contractors of the works; and all materials and things whatsoever, and all horses, machinery and other plant provided by them for the purposes of the works, shall remain and be considered as the property of Her Majesty for the purposes and according to the provisions and conditions contained in the twelfth clause hereof.

18. Time shall be deemed to be of the essence of this contract.

19. The contractors shall be responsible for all damages claimable by any person or corporation whatsoever, in respect of any injury to persons or to lands, buildings, ships or other property, or in respect of any infringement of any right whatsoever, occasioned by the performance of the said works, or by any neglect or misfeasance or non-misfeasance on their part, and shall and will at their own expense, make such temporary provisions as may be necessary for the protection of persons, or of lands, buildings, ships or other property, or for the uninterrupted enjoyment of all rights of persons or corporations, in and during the performance of the said works.

20. If the contractors fail at any time in paying the salaries or wages of any person employed by them upon or in respect of the said works, or any of them, and any part of such salary be one month in arrear, or if there be due to any such person one month's wages or salary, the engineer may notify the contractors to pay such salary or wages, and if two days elapse and the same be not paid in full up to the date of payment or to such other date as may be in accordance with the terms of employment of such person, then Her Majesty may pay to such person salary or wages from any date to any date, and to any amount which may be payable, and may charge the same to the contractors and the contractors covenant with Her Majesty to repay at once any and every sum so paid.

21. The contractors will protect and will not remove or destroy or permit to be removed or destroyed, the stakes, buoys and other marks placed on or about the said works by the engineer of the works, and shall furnish the necessary assistance to correct or replace any stake or mark which through any cause may have been removed or destroyed.

22. Any notice or other communication mentioned in this contract to be notified or given to the contractors shall be deemed to be well and sufficiently notified or given, if the same be left at the contractors' office or mailed in any post office, to the contractors or foreman, addressed to the address mentioned in this contract, or to the contractors' last known place of business.

23. And Her Majesty, in consideration of the premises, hereby covenants with the contractors, that they will be paid for and in respect of the works hereby contracted for, and in the manner set out in the next clause hereof the several prices or sums following, viz. :—

The sum in the whole of thirty-one thousand five hundred and twenty-five dollars and eighty-four cents of lawful money of Canada, for the engine house at North Bend.

24. Cash payments equal to about ninety per cent. of the value of the work done, approximately made up from returns of progress measurements and computed at the prices agreed upon or determined under the provisions of this contract, will be made to the contractors monthly on the written certificate of the engineer that the work for or on account of which the certificate is granted, has been duly executed to his satisfaction and stating the value of such work computed as above mentioned— and upon approval of such certificate by the Minister, for the time being for the Dominion of Canada, and the said certificate and such approval thereof shall be a condition precedent to the right of the contractors to be paid the said ninety per

cent. or any part thereof. The remaining ten per cent. shall be retained until the final completion of the whole of the work to the satisfaction of the Chief Engineer for the time being, having control over the work, and within two months after such completion the remaining ten per cent. will be paid. And it is hereby declared that the written certificate of the said engineer certifying to the final completion of said works to his satisfaction shall be a condition precedent to the right of the contractors to receive or be paid the said remaining ten per cent., or any part thereof.

25. It is intended that every allowance to which the contractors are fairly entitled, will be embraced in the engineer's monthly certificates; but should the contractors at any time have claims of any description which they consider are not included in the progress certificates, it will be necessary for them to make and repeat such claims in writing to the engineer, within fourteen days after the date of each and every certificate in which they allege such claims to have been omitted.

26. The contractors in presenting claims of the kind referred to in the last clause must accompany them with satisfactory evidence of their accuracy, and the reason why they think they should be allowed. Unless such claims are thus made during the progress of the work, within fourteen days, as in the preceding clause, and repeated, in writing, every month, until finally adjusted or rejected, it must be clearly understood that they shall be for ever shut out, and the contractors shall have no claim on Her Majesty in respect thereof.

27. The progress measurements and progress certificates shall not in any respect be taken as an acceptance of the work or release of the contractors from responsibility in respect thereof, but they shall at the conclusion of the work deliver over the same in good order, according to the true intent and meaning of this contract.

28. Her Majesty shall have the right to suspend operations from time to time at any particular point or points or upon the whole of the works, and in the event of such right being exercised so as to cause any delay to the contractors, then an extension of time equal to such delay or detention, to be fixed by the Minister as above provided for, shall be allowed them to complete the contract, but no such delay shall vitiate or avoid this contract or any part thereof or the obligation hereby imposed or any concurrent or other bond or security for the performance of this contract, nor shall the contractors be entitled to any claim for damages by reason of any such suspension of operations. And at any time after operations have been suspended either in whole or in part—such operations may be again resumed and again suspended and resumed as Her Majesty may think proper. And upon the contractors receiving written notice on behalf of Her Majesty that the suspended operations are to be resumed, the contractors shall at once resume the operations and diligently carry on the same.

29. Should the amount now voted by Parliament and applicable towards payment for the work hereby contracted for, be at any time expended previous to the completion of the works, the Minister for the time being may give the contractors written notice to that effect. And upon receiving such notice, the contractors may, if they think fit, stop the work—but in any case shall not be entitled to any payment for work done, beyond the amount voted and applicable as aforesaid—unless and until the necessary funds shall have been voted by Parliament in that behalf. And in no event shall the contractors have or make any claim upon Her Majesty for any damages or compensation by reason of the said suspension of payment, or by reason of any delay or loss caused by the stoppage of work.

30. The contractors shall not permit, allow, or encourage the sale of any spirituous liquors on or near the works.

31. No work whatever shall at any time or place be carried on during Sunday, and the contractors shall take all necessary steps for preventing any foreman, or agent, or men from working or employing others on that day.

32. It is hereby agreed, that all matters of difference arising between the parties hereto, upon any matter connected with or arising out of this contract, the decision whereof is not hereby especially given to the engineer—shall be referred to the award and arbitration of the Chief Engineer for the time being, having control over

the works, and the award of such engineer shall be final and conclusive; and it is hereby declared that such award shall be a condition precedent to the right of the contractors to receive or be paid any sum or sums on account, or by reason of such matters in difference.

33. It is distinctly declared that no implied contract of any kind whatsoever, by or on behalf of Her Majesty, shall arise or be implied from anything in this contract contained, or from any position or situation of the parties at any time, it being clearly understood and agreed that the express contracts, covenants and agreements herein contained and made by Her Majesty, are and shall be the only contracts, covenants and agreements upon which any rights against Her are to be founded.

34. This contract is hereby, pursuant to the provisions of the 8th section of the Statute 41st Victoria (1878), chapter 5, made subject to the express condition that no member of the House of Commons of Canada shall be admitted to any share or part of such contract, or to any benefit to arise therefrom.

35. In the event of it becoming advisable in the interests of the public to suspend the work hereby contracted for, or any portion thereof, at any time before its completion, and to put an end to this contract, the Minister for the time being shall have full power to stop the work and to cancel this contract, on giving due notice to that effect to the contractors. The contractors, however, will be entitled to receive payment for all sums then due for work already done, materials used or delivered, or ready to be used, or in course of preparation, together with such reasonable compensation as will cover all *bond fide* damages, if any, resulting therefrom, and as may then be agreed upon; or, in case of disagreement, as may be determined by the official arbitrators of the Dominion of Canada; it being understood, however, that no compensation will be allowed to or claimed by the contractors, for materials procured for the works, after the date of the service of the notice above referred to, or for any loss of anticipated profits, either in respect of the works so suspended as aforesaid, or of the materials then procured for said works.

IN WITNESS whereof, the contractors have hereto set their hands and seals, and these presents have been signed and sealed by the said Minister, and countersigned by the Secretary of the Department of Railways and Canals of Canada, on behalf of Her Majesty.

Signed, sealed and delivered by the
contractors, in presence of
H. A. FISSIAULT.

GEO. J. WILSON.

F. WELCOME McCRA DY.

[SEAL.]

[SEAL.]

Signed, sealed and delivered by the
Minister, and countersigned by
the Secretary of Railways and
Canals, in the presence of
H. A. FISSIAULT.

J. H. POPE,

Acting Minister of Railways and Canals.

A. P. BRADLEY,

Secretary.

[SEAL.]

CANADIAN PACIFIC RAILWAY.

" A "

SPECIFICATION OF IRON PILES FOR THE WHARF AT PORT MOODY, BRITISH COLUMBIA.

List of piles required.

| Number of Piles. | Length in Feet. |
|------------------|-----------------|
| 5 | 66 |
| 8..... | 62 |
| 2 | 60 |
| 7 | 58 |
| 7 | 56 |
| 14..... | 54 |
| 11..... | 52 |
| 41..... | 50 |
| 20..... | 48 |
| 24..... | 46 |
| 18..... | 44 |
| 7 | 42 |
| 15 | 40 |
| 16 | 38 |
| 9 | 36 |
| 4 | 34 |
| 4 | 32 |

212 piles.

212 cast iron caps.

212 cast iron points.

4 wrought iron driving caps.

1,700 wrought spikes, $4\frac{1}{2}$ inches long by $\frac{5}{8}$ inch square.

The piles are to be made of the best quality of wrought iron for resisting the injurious action of salt water.

The section of the segments is to be the same as shown on plan, or an approved one of equal strength and area.

The diameter of the cylindrical part not less than 9 inches and the thickness $\frac{5}{8}$ of an inch.

The rivets are to be $\frac{7}{8}$ inch diameter and spaced 6 inches between centres, except at the upper and lower ends, where the rivets are to be spaced 3 inches between centres as shown on plan.

All riveting done at the shops is to be machine riveting. When the segments are in the lengths, the abutting joints are to be not less than 4 feet apart, but in case it is necessary that the longest piles have to be made in two lengths, the abutting joints may then be not less than 2 feet apart. The splice plates are to be formed to fit solidly against the flanges. The spliced parts are to be fitted and bolted together at the works, and the rivet holes through the splice plates and flanges reamed out to admit the rivets, and each splice plate marked and bolted to the flange it has been fitted to.

The ends are to be faced off with a milling machine, to make true bearing surfaces for the cast iron caps and points.

There are to be four countersunk holes of $\frac{3}{8}$ of an inch diameter, in the lower end of each pile for spiking the wooden plugs.

The lengths of the piles given in foregoing list, are the extreme lengths from the caps to the points.

The inside surfaces of the segments and flanges are to have a good coat of hot coal tar varnish before they are riveted together, and a similar coat on the outside after they are finished.

The cast iron caps are to be 2 feet 2 inches long and 13 inches wide on their top surfaces. They are to have cylinders on their under sides, formed to fit unto and inside the end of the wrought iron piles, and with truly dressed shoulders 1 inch wide to bear on their ends. They are to be strengthened with brackets and have bolt holes through them, as shown on plan.

The cast iron pile points are to be formed partly cylindrical with curved conical points. The insides of the cylindrical parts are to be the same diameter as the inside of the wrought iron and the outside 2 inches larger. There are also to be four projections on each to extend the bearing surfaces under the flanges. The forms of the inside and outside are shown on plans. Four countersunk holes $\frac{7}{8}$ of an inch in diameter are to be drilled in each point to fasten them to the wood plugs with the $\frac{5}{8}$ inch square spikes.

The spikes are to be $4\frac{1}{2}$ inches long $\frac{5}{8}$ inch square, with chisel sharpened points, and heads to fit the countersunk holes.

Four driving caps are to be provided, formed as shown on plans. Each top plate of wrought iron is to be 13 inches diameter by 2 inches thick, slightly rounded on the upper surface. Attached to the under side are two pieces of $1\frac{1}{2}$ inch by 1-inch iron bent as shown, with their ends riveted to the plate. The distance from out to out of the bent pieces is to be the same as the inside diameter of the pile.

C. SCHREIBER, *Engineer-in-Chief Canadian Pacific Ry.*

J. TOMLINSON, *Bridge Engineer, Dept. Rys. & Canals.*

OTTAWA, 10th March, 1885.

ARTICLES OF AGREEMENT entered into this day of seventeenth of June, in the year of our Lord one thousand eight hundred and eighty-five, and made in duplicate between Messrs. Head, Wrightson and Company, on Stockton-on-Tees, London, England, owners of the Teesdale Iron Works (hereinafter called the contractors), of the first part, and Her Majesty Queen Victoria, represented herein by the Honorable the Minister of Railways and Canals for the Dominion of Canada (hereinafter called the Minister), of the second part, WITNESSETH, that the contractors, for and in consideration of the conditions and agreements hereinafter mentioned, doth hereby agree to and with Her Majesty, her successors and assigns, to manufacture, supply and deliver to the satisfaction of the said Minister, in full and perfect accordance with the terms and agreeably to the true intent and meaning of the specification hereunto annexed, marked "A" (which is hereby agreed and declared to be part and parcel of this agreement and to be taken and read as incorporated herewith), and which is hereinafter called the specification, two hundred and twelve iron piles, with caps and points; the said delivery of the same to be made by the contractors on the Canadian Pacific Railway wharf at Port Moody, Burrard Inlet, in the Province of British Columbia, in bond and free of all charges except customs duty, on or before the twentieth day of September, A. D. one thousand eight hundred and eighty-five; the said piles, caps and points being required for the said Port Moody wharf.

In consideration whereof Her Majesty's Minister doth hereby agree to pay the contractors the sum of twelve pounds nine shillings sterling for each ton of the said iron piles, caps and points hereinbefore mentioned (the ton weight for the purposes hereof being fixed at two thousand two hundred and forty pounds) the whole being payable as follows, that is to say:—the price of each shipment to be paid to the contractors on account of the same through the financial agent of the Government of Canada, or other duly authorized agent or banking house in British Columbia, on delivery thereof on the wharf at Port Moody as aforesaid, free of all charges except customs duty and upon production of the certificates of inspection by the inspector appointed by the Minister for such purpose.

And it is hereby agreed that the inspector who may be appointed in England by the Minister for such purpose shall have full power to reject any of the iron piles, caps or points which in his opinion are not fully and in all respects conformable to and in accordance with the specification and the agreement.

And it is further agreed that if, from strikes or extraordinary occurrences beyond their control the contractors shall be unable to complete the said deliveries or either of them within the time specified, a further period not exceeding three months shall be allowed for such incomplete delivery, and thereafter only such further time as the Minister may by writing allow for such purpose.

In witness whereof the contractors have hereunto set their hands and seals, and the Acting Minister of Railways and Canals hath hereunto set his hand and caused these presents to be sealed and to be countersigned by the Secretary of the Department of Railways and Canals for Canada, on the day and year first above written.

Signed, sealed and delivered by the }
 contractors, in presence of }
 GEO. W. WILCOX, }
 Stockton on Tees, Accountant. }
 JOHN T. ROBINSON, }
 60 Gilmour st., Stockton on Tees, }
 Ledger Clerk. }

HEAD, WRIGHTSON & CO.,
 [L.S.]

Signed, sealed and delivered by the }
 Minister and by the Secretary of }
 Railways and Canals, of Canada, }
 in presence of }
 H. A. FISSIAULT. }

J. H. POPE,
Acting Minister of Railways and Canals.
 A. P. BRADLEY,
Secretary.
 [L.S.]

RETURN

(35d.)

To an ADDRESS of the HOUSE OF COMMONS, dated 5th March, 1886;—For Copies of all correspondence between the Government, or any member of the Government, with the Canadian Pacific Railway Company and the North Shore Railway Company, and between the two Companies, concerning the prolongation of the line of the Canadian Pacific Railway to the Harbor of Quebec; of all contracts between the said two Railway Companies in reference to the same; of all Orders in Council passed in reference to the same, together with a statement of all moneys paid by the Government, and of the names of the persons to whom such payments were made; also in reference to the same and in conformity with the Acts 47 Victoria, Chapter 8, and 48-49 Victoria, Chapter 58.

By Command.

J. A. CHAPLEAU,

Secretary of State.

Department of the Secretary of State,
13th April, 1886.

CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by the Honorable the Deputy Governor General in Council on the 19th September, 1885.

The Committee of Council hereby respectfully recommend that on the transfer of possession of the North Shore Railway to the Government under the agreement to-day entered into between the Government and the Grand Trunk Railway Company of Canada—and on the execution of the agreement aforesaid by such Grand Trunk Railway Company, and on the transfer of the stock of the North Shore Railway Company to persons named by the Government—payment be made to the Grand Trunk Railway Company of the sum of five hundred and twenty-five thousand dollars, as specified in the said agreement.

JOHN J. MCGEE, *Clerk Privy Council.*

CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by the Honorable the Deputy Governor on the 19th September, 1885.

The Committee of Council have the honor to report that in order to carry out the provisions of the Act of last session, cap. 58, with respect to the procuring free access for the trains and traffic of the Canadian Pacific Railway Company to the harbor of Quebec, negotiations have been entered into under the 2nd and 3rd sections of the said Act and concluded, provisionally, between the Department of Railways and Canals and the Grand Trunk Railway Company of Canada (which railway has the control of the North Shore Railway and its stock) for the acquisition of the said North Shore Railway; and they submit a copy of the agreement made between the

Government of Canada and the said Grand Trunk Railway Company, embodying the results of the said negotiations for approval, and they further recommend that the Honorable John Henry Pope be authorized to execute the said agreement on behalf of the Government.

All of which is respectfully submitted for approval.

JOHN J. MCGEE, *Clerk Privy Council.*

AGREEMENT.

An agreement made this 19th day of September, in the year of Our Lord one thousand eight hundred and eighty-five, between

The Grand Trunk Railway Company of Canada, represented herein by Joseph Hickson, Esq., General Manager, hereinafter called the Company, and

Her Majesty the Queen, represented herein by the Minister of Railways and Canals of Canada, hereinafter called the Government :—

Whereas, by an Act of the Parliament of Canada, passed at the last Session thereof, intituled: "An Act to authorize the granting of further Subsidies to and making further provision for the construction and efficient operation of the Railways therein described," it was, among other things, provided, that if it should be expedient so to do in order to facilitate free access to the port of Quebec by the Canadian Pacific Railway Company, the Governor in Council might acquire the North Shore Railway and apply the sum of one million five hundred thousand dollars, or any part thereof, in aid of such acquisition ;

And whereas the company have been operating the said North Shore Railway under an agreement made with the North Shore Railway Company in regard thereto, and dated the twenty-seventh day of February, one thousand eight hundred and eighty-three ;

And whereas the Government have deemed it expedient to acquire the North Shore Railway ;

Now, therefore, this agreement witnesseth and the company and the Government agree to and with each other in the manner following, that is to say :—

1st. The company shall forthwith cause to be transferred to the Government, or to such person or persons or corporation as they shall name, all the shares in the stock of the North Shore Railway Company constituting the entire share capital thereof.

2nd. The company shall put the Government in possession of the said railway and its appurtenances, rolling stock, plant, equipment, tools, machinery, implements, stores, fuel, books of minutes and of account, title deeds, muniments, vouchers and documents without any exception whatsoever, as the same exists and are at the date hereof in use upon the said railway, its property and appurtenances, or held or controlled by the company, but the company shall have the free use of all books, deeds and papers which are requisite and necessary to the closing up of its business with the North Shore Railway Company and until such business is so closed up.

3rd. The company shall forthwith secure the resignation of all or such of the directors of the North Shore Company as the Government may desire, and the election to seats at the board of the directors of said company of such persons as the Government shall designate.

4th. The company shall forthwith cause to be delivered to the Government, with all coupons attached, one hundred and eighty thousand dollars of bonds of the North Shore Railway Company which are its property and remain in its treasury unused.

5th. The company shall retain and have the right to collect and get in all accounts due or accrued to the North Shore Railway Company up to the morning of the twentieth instant, and for that purpose, on giving notice to the Government, or to the person, persons or corporation named by them, as provided in the first paragraph hereof, the company shall, at its own cost and charges, be allowed to use the name of the North Shore Railway Company in any legal proceedings, or otherwise, for the purpose of making such collection.

6th. The company shall, except as herein otherwise provided, pay and discharge all accounts and debts incurred and all damages for breaches of contract entered into by the North Shore Railway Company between the fourth day of March, 1882, and the morning of the twentieth instant, and all other obligations and liabilities between the twentieth day of April, 1883, and the said morning of the twentieth instant.

7th. The company shall pay the wages of employes of the North Shore Railway Company of every rank and class whatsoever up to the morning of the twentieth instant.

8th. The company shall forthwith secure the cancellation of all contracts and agreements between the North Shore Railway Company and its employes, except men employed in the train department, the track department, the shops and the station service :

And the company declare and covenant that no time engagements have been made with any of the men so employed in the train department, the track department, the shops or the station service, for any period beyond the termination of the present year, and that all such employes are liable to dismissal at the pleasure of the company after the notice required by law in respect of similar engagements in the manner and upon the conditions usual with respect to railway companies and their employes.

9th. The company declare, covenant and agree, that of the contracts and agreements which have been entered into by the North Shore Railway Company since the company has been operating the North Shore Railway, none are in force and effect except those herein expressly mentioned.

10th. The Government shall, on the transfer of the stock of the North Shore Railway Company, the election of directors and the placing of an officer or person named by the Government, in charge of the North Shore Railway, with its appurtenances, rolling stock, plant, equipment, tools, machinery, implements, stores, fuel, books and muniments, as herein provided, pay to the company the sum of five hundred and twenty-five thousand dollars.

11th. The Government shall, as soon as the amount can be ascertained, and as the coal is delivered, pay to the company the value at its cost to the North Shore Railway Company, of all fuel purchased expressly for the use of the North Shore Railway for the business of the present autumn and coming winter.

12th. The Government shall either assume, or cause the person, persons or corporation named by them, as aforesaid, to assume, the liabilities of the North Shore Railway Company with respect to the following claims :—

| | |
|---|---------------|
| For the Palais Harbor property at Quebec..... | \$ 45,000 |
| For land at Quebec, due Robt. H. McGreevey..... | 15,000 |
| For land in Hochelaga, due to H. Robert, and payable in 1884..... | <u>22,500</u> |

13th. The company shall, by due and legal procedure, with such authority of the shareholders of the several companies thereto as may be necessary for that purpose, forthwith secure the cancellation of the following in part described agreements, that is to say :—

(a.) The agreement dated the thirty-first day of July, 1882, between the company and the North Shore Railway Company, respecting the Jacques Cartier Union Railway Company ;

(b.) The agreement dated the first of September, 1883, between the North Shore Railway Company and the Jacques Cartier Union Railway Company ;

(c.) The agreement dated the third of September, 1883, between the company, the North Shore Railway Company and the Jacques Cartier Union Railway Company.

14th. The company shall forthwith procure the North Shore Railway Company to be fully and absolutely released and discharged from all obligation and liability to and in favor of the holders of the bonds of the Jacques Cartier Union Railway Company, and more particularly the obligation and undertaking assumed by the North Shore Railway Company in and by the agreement of the thirty-first day of July, 1882,

and subsequent agreement aforesaid, to pay jointly with the company the interest upon the bonds of the Jacques Cartier Union Railway Company, such release and discharge to be effected in such manner that no present or subsequent holder of any of the bonds of the said Jacques Cartier Union Railway Company can have or maintain any action or recourse against the North Shore Railway Company for the said interests or any part thereof.

15th. The Government or the person, persons or corporation so named by them as aforesaid, shall cause the North Shore Railway Company to maintain, assume and carry out the obligations and conditions of the following in part described agreements that is to say:—

(a.) An agreement with the Government of Quebec in respect of the acquisition of the said North Shore Railway Company, dated the fourth day of March, 1882, and embodied in the Acts of the Legislature of the Province of Quebec, in the Session thereof held during the last mentioned year;

(b.) An agreement dated the fifteenth day of September, 1883, between the North Shore Railway Company and the Quebec and Lake St. John Railway Company.

16th. With respect to the said agreement between the company and the North Shore Railway Company, dated the twenty-seventh day of February, 1883, under which the company has been operating the North Shore Railway, it is mutually agreed as follows:—

(a.) The said agreement as to all matters between the company and the North Shore Railway Company shall be considered to be cancelled and shall be put an end to and the company renounce all claim, obligation or duty thereunder.

(b.) The company shall pay the interest accrued or accruing due on the mortgage debt of the North Shore Railway Company on the morning of the twentieth instant.

(c.) The Government shall, from time to time, and at all times hereafter indemnify and hold harmless or cause the person, persons or corporation so named by them, as aforesaid, to indemnify and hold harmless the company from any claim or demand which the holders present or future of the first mortgage bonds of the said North Shore Railway Company may have against the company in respect of any liability under the said agreement, to pay or provide for the payment of interest on such mortgage bonds and against all damage and injury that may arise out of any such claim or demand.

17th. The company expressly declare and covenant that the North Shore Railway, its property and appurtenances, substantially and as nearly as the circumstances of the case will admit thereof, comprise the same property as that of which they acquired control and possession on the twentieth day of April, 1883, and that since that date the same has not been incumbered by the North Shore Railway Company.

18th. The company shall indemnify and hold harmless the Government and the person, persons or corporation so named by them, as aforesaid, against all and every loss, damage, expense and injury which may be incurred or sustained by the Government, such person, persons or corporation, by reason of a breach of any declaration, covenant or agreement herein made by the company and on its part to be kept and performed.

And that the person, persons or corporation so named by the Government, as aforesaid, shall have every and all remedies and recourses against the company which the Government might or could have had hereunder and as fully and to the same extent and in the same manner as if each declaration, covenant, agreement and undertaking herein contained, was made with such person, persons or corporation and be they or it were privy hereto.

19th. The Government shall indemnify and hold harmless the company against all and every loss, damage, expense or injury which may be incurred or sustained by the company by reason of the breach of any declaration, covenant, agreement or undertaking herein made by the Government, and on their part to be kept and performed.

In witness whereof the Grand Trunk Railway Company of Canada has caused its seal to be hereto affixed and these presents to be signed by the said Joseph Hickson, its general manager, and the Minister of Railways and Canals has caused his seal to be hereto affixed, and these presents to be signed by himself and the secretary of his Department.

J. H. POPE, *Acting Minister of Railways and Canals.*
A. P. BRADLEY, *Secretary.*

Witness :

GEORGE W. BURBIDGE, Ottawa.

CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by the Honorable the Deputy Governor in Council on the 19th September, 1885.

The Committee of Council have the honor to report that, in order to carry out the provisions of the Act of last Session, Chapter 58, intituled: "An Act to authorize the granting of further subsidies to and making further provision for the construction and efficient operation of the railway therein described," with respect to the procuring free access by the Canadian Pacific Railway Company to the harbor of Quebec, an agreement has been entered into between the Government of Canada and the Grand Trunk Railway Company for the acquisition of the North Shore Railway, and they now submit copy of agreement between the Government of Canada and the Canadian Pacific Railway Company transferring to the said company, in accordance with the provisions of the 3rd section of the above cited Act, the said North Shore Railway, for approval, and they recommend that the Honorable John Henry Pope be authorized to execute the said agreement on behalf of the said Government.

All which is respectfully submitted for approval.

JOHN J. MCGEE, *Clerk Privy Council.*

To the Hon. the Minister of Railways and Canals.

EXTRACT from the minutes of an adjourned meeting of the Board of Directors of the Canadian Pacific Railway Company, held pursuant to resolution passed at the meeting held on Wednesday, 16th day of September, 1885, on this Thursday, 17th day of September, 1885, at the hour of 12 o'clock, noon, at the office of the company in Montreal.

Present in person.—Mr. George Stephen, President; Mr. W. C. Van Horne, Vice-President; Hon. Donald A. Smith, Mr. Sandford Fleming, C.E., C.M.G.

And by proxy.—Messrs. R. B. Angus, E. B. Osler, George R. Harris, H. S. Northcote, P. du P. Grenfell.

Mr. Drinkwater also attended.

The vice-president reported that he, with the consent of the company, had met the Government the previous afternoon for the purpose of considering and discussing a proposed agreement between the Grand Trunk Railway Company and the Government, preparatory to the transfer to this company of the North Shore Railway under the provisions of the Act of last session. That he had left Mr. Abbott in Ottawa, after deciding with him upon the line of action which this company should adopt with respect to the position of the Grand Trunk Railway Company and that of the various companies with whom agreements of different kinds had been made by the North Shore Railway Company, among which might be mentioned the agreement with the Richelieu and Ontario Navigation Company, made on the 30th March last, and agreements previously made with the Jacques Cartier Union Railway Company, the Canadian Express Company and the Shedden Company, at various times. That the position taken on behalf of this company in these and other respects was, as previously determined by the board, that all time contracts between the North Shore Railway Company and other companies and persons should be cancelled, including those above mentioned. That the Grand Trunk Railway Company should undertake to pay all the liabilities of every description of the North Shore Railway Company up to the date of transfer, thus placing this company in possession of the North Shore

Railway free of all liabilities whatever, except the bond issue, less a sum equivalent to about \$180,000 still in the treasury of the North Shore Railway Company, and except also the balance of price of three properties, two at Quebec and one at Hochelaga, amounting in all to about \$80,000. That, as previous correspondence showed, this company claimed satisfactory security, that the Grand Trunk Railway Company would perform the obligations it was to assume in respect of the payment of the debts and liabilities of the North Shore Railway Company, and that the Government should appropriate to this company, in aid of the proposed acquisition of the North Shore Railway, the balance of the grant of last session, after payment to the Grand Trunk Railway Company of the sum of \$525,000, that company retaining possession of the Jacques Cartier Union Railway, and causing the liability of the North Shore Railway Company, in respect of the bonds secured on that railway, to be discharged.

Whereupon it was resolved, that the position taken by the vice president on behalf of this company with the Government at Ottawa as to the terms of transfer of the North Shore Railway be and the same is hereby approved.

That the vice-president be and is hereby authorized to make arrangements with the Government on behalf of this company for the acceptance by this company of a transfer of the North Shore Railway upon such terms and conditions as he shall agree upon with them in conformity as nearly as may be with his report as confirmed by this board, and that the details of such arrangements shall be left to his discretion: Provided always, that the result of such arrangements shall in effect be that this company will receive the whole of the capital stock of the North Shore Railway Company, and obtain possession and control of its railway, subject to no other burdens than the amount of the bonds, including the balance of the purchase money of the railway, but less the sum of about \$180,000 still in the treasury, and subject to the payment of the balance of the price of the three properties referred to by the vice-president in his report to this meeting; that the obligation of the Grand Trunk Railway company to pay all the debts and indemnify this company against all the liabilities of the North Shore Railway Company, from its transfer by the Government of Quebec to the 20th September instant, be satisfactorily secured, and that the balance of the grant of Parliament at its last session of \$1,500,000, to aid this company in obtaining access to Quebec after payment of the sum of \$525,000 to the Grand Trunk Railway Company, be appropriated and used in such manner as practically to reduce the annual liability of this company to about \$200,000.

Certified a true copy.

C. DRINKWATER, *Secretary.*

AGREEMENT.

An agreement made this nineteenth day of September, in the year of Our Lord one thousand eight hundred and eighty-five, between

Her Majesty, herein acting and represented by the Minister of Railways and Canals of Canada, hereinafter called the "Government," and

The Canadian Pacific Railway Company, represented herein by William C. Van Horne, of the city of Montreal, vice-president of the said company, hereinafter called the "Company;"

Whereas it is, among other things, provided by an Act of the Parliament of Canada, passed at the last session thereof, intituled: "An Act to authorize the granting of further subsidies to, and making further provision for the construction and efficient operation of the railways therein described," that the Governor in Council might grant a subsidy with the subsidies theretofore granted, amounting to one million five hundred thousand dollars as an aid towards procuring free access by the company to the harbor of Quebec, and that if it should be expedient so to do, in order to facilitate the Canadian Pacific Railway Company in obtaining such free access, the Governor General in Council might acquire the North Shore Railway, and apply the said sum of one million five hundred thousand dollars, or any part thereof, in aid of such acquisition, and upon such acquisition might transfer and convey or

lease the said railway to the Canadian Pacific Railway Company, subject to such obligations as the Government might have assumed in acquiring it ;

And whereas the Government, deeming it expedient so to do, have acquired the North Shore Railway, in the manner, on the terms and conditions, and subject to the obligations set out in the agreement bearing even date herewith, and made between the Grand Trunk Railway Company of Canada and the Government, copy of which agreement is hereto attached ;

Now, therefore, this agreement witnesseth that the Government have under the said agreement, copy of which is attached, named the company as the corporation to which the Grand Trunk Railway Company of Canada shall transfer the shares in the stock of the North Shore Railway Company, and the company have named George Stephen, Esq., and the Honorable Donald A. Smith, both of the city of Montreal, as trustees to whom the said shares shall be so transferred for the company.

(2.) And the Government have transferred, and by these presents do transfer, to the company all the interest, right and title to and in the said North Shore Railway, and its appurtenances, rolling stock, plant, equipment, tools, machinery, implements, stores, fuel, books of minutes and of account, title deeds, muniments, vouchers and documents, which they acquired by virtue of the said in part recited agreement, and do subrogate the said company in and to all the rights, claims, demands and remedies whatsoever, which, under the said agreement, the Government could have had or exercised if this agreement had not been made.

(3.) In consideration of the premises the Government agree to apply and use part of the said sum of one million five hundred thousand dollars, to wit, the sum of nine hundred and seventy thousand dollars in aid of the said company in the acquisition of the said railway in the following manner, that is to say :—In the event of the net receipts of the operation of the said railway, after paying the operating expenses, thereof, proving insufficient to meet the interest on the first mortgage bonds of the said North Shore Railway Company, including those held by the Government of Quebec as collateral security for the balance of the price of the said railway, the Government will apply the interest on the said sum of nine hundred and seventy thousand dollars at the rate of four per cent. per annum, in whole or in part, as may be required, towards the payment of the deficiency. But if or when after payment of all such deficiencies, the net receipts of the said railway as aforesaid, shall be sufficient to pay the interest on the said bonds, the said company shall cease to have any further claim or demand upon the Government in respect of the said sum of money ; provided that as regards operating expenses the cost of no new works or renewals of a more expensive character than existing works were when new, shall be accounted as forming part of such operating expenses, unless the previous consent of the Minister of Railways and Canals has been obtained to their construction.

(4.) And the Government further agree and covenant with the company, that in case the Grand Trunk Railway Company of Canada shall fail to make good, and keep, or shall make default in any declaration, covenant, obligation, agreement or undertaking mentioned in the said agreement (copy of which is hereto attached) and on its part to be made good, kept or performed, the company shall have the right and liberty at its own option, but at its own cost and expense, to exercise in its own name, or in the name of Her Majesty, any right or remedy by action or proceeding which it may, by counsel learned in the law, be advised to take against the Grand Trunk Railway Company of Canada, or for the protection of its rights and interest.

And upon any judgment or award being rendered or made in respect of any such declaration, covenant, obligation, agreement or undertaking, granting redress to the company for the injury complained of, Her Majesty will by all ways and means open to Her, assist and aid the company to enforce such judgment or award, and for that purpose, if default is made by the Grand Trunk Railway Company to pay the amount thereof, and the company finds itself unable to levy such amount, and if the same may lawfully be done, will enforce payment thereof by retaining such amount out of such moneys as shall thereafter become due by the Government to the Grand Trunk Railway Company or in such other manner as the Government sees fit.

(5) And the company agree to and with the Government that it will accept, be bound by, fulfil and perform each and every declaration, covenant, obligation, agreement and undertaking which, by the said agreement (copy of which is hereto attached) the Government have made, incurred, entered into or given, and that it will, from time to time, and at all times hereafter, indemnify and hold harmless the Government from and against all claims, demands, damages, injuries, actions, costs and expenses which may happen or arise by reason of any such declaration, covenant, obligation, agreement or undertaking.

In witness whereof the Minister of Railways and Canals has caused his seal to be affixed to these presents, and the same to be signed by himself and the secretary of his Department, and the Canadian Pacific Railway Company has caused its seal to be affixed to these presents, and the same to be signed by the said William C. Van Horne, its vice-president.

(L.S.)

J. H. POPE, *for the Minister of Railways and Canals.*

A. P. BRADLEY, *Secretary.*

For the Canadian Pacific Railway Company:

(L.S.)

W. C. VAN HORNE, *Vice-president.*

C. DRINKWATER, *Secretary.*

Witness,

GEO. W. BURBIDGE, Ottawa.

GRAND TRUNK RAILWAY OF CANADA,

GENERAL MANAGER'S OFFICE, MONTREAL, 19th September, 1885.

DEAR SIR,—In reference to the agreement made between the Government and the Grand Trunk Railway Company to-day, it is understood that the company agree to secure the cancellation of the following contracts, made by the North Shore Company:—

1. A contract with the Grand Trunk Railway Company and the Richelieu and Ontario Navigation Company, dated the 31st March, 1885.

2. A contract between the North Shore Railway Company and the Canadian Express Company, dated the 11th January, 1884.

3. A contract (by letter only) between the North Shore Company and the Shedden Cartage Company, in respect of cartage.

The Government in respect of the last two contracts are to pay as compensation for the cancellation of the contracts, the sum of five thousand dollars (\$5,000).

Will you kindly confirm this arrangement?

I am, dear Sir, your obedient servant,

J. HICKSON, *General Manager.*

Hon. J. H. POPE, Ottawa.

DEPARTMENT RAILWAYS AND CANALS, OTTAWA, 21st September, 1885.

SIR,—With reference to your letter of the 19th instant, relative to the agreement between the Government and the Grand Trunk Railway Co. arrived at on that date, whereby the Grand Trunk Railway agreed to secure the cancellation of certain contracts made by the North Shore Railway Company, the Government in its turn agreeing to pay certain compensation in this connection, I hereby, by the direction of the Minister, and in compliance with your request, confirm the agreement as expressed in the terms of your letter, namely:—

1st. That the Grand Trunk Railway secure this cancellation of the following contracts made by the North Shore Company:—

(a.) A contract with the Grand Trunk Railway Company and the Richelieu and Ontario Navigation Company, dated the 30th of March, 1885.

(b.) A contract between the North Shore Railway Company and the Canadian Express Company, dated the 11th January, 1884.

(c.) A contract (by letter only) between the North Shore Company and the Shedden Cartage Company in respect of cartage.

2nd. That the Government pay as compensation for the cancellation of the two contracts last named the sum of five thousand dollars (\$5,000).

The Minister directs me to request that you will be pleased to carry out this arrangement without delay.

I am, Sir, your obedient servant,
A. P. BRADLEY, *Secretary.*

Jos. HICKSON, Esq., General Manager Grand Trunk Railway.

DEPARTMENT OF JUSTICE, OTTAWA, 23rd September, 1885.

SIR,—The transfer of the stock of the North Shore Railway Company having been made to persons named by the Government, as provided in the agreement, dated 19th September, between the Grand Trunk Railway Company and the Government and the Canadian Pacific Railway Company having been put in possession of the North Shore Railway, I have the honor to send you the following papers:—

1. Agreement with the Grand Trunk Company, executed by Mr. Joseph Hickson.
2. Agreement with the Canadian Pacific Railway Company, dated 19th instant.
3. Copy of the agreement with the Grand Trunk Railway Company, executed by Mr. Pope, which was not found necessary to use, and attached to which you will find the Order in Council of the 19th September, 1885.

4. Copy of an Order in Council of the 19th instant, stating the conditions on which the sum of \$525,000 should be paid to the Grand Trunk Railway Company.

5. The Shedden contract.

6. Agreement, dated 27th February, 1883, between the Grand Trunk Railway Company and the North Shore Railway Company.

7. Agreement with the Quebec and Lake St. John Railway Company, dated 15th September, 1883.

8. Agreement between the Grand Trunk Railway Company, the North Shore Railway Company and the Jacques Cartier Union Railway Company, dated 3rd September, 1883.

9. Agreement between the North Shore Railway Company and the Jacques Cartier Union Railway Company, dated 1st September, 1883;

10. Railways and Canals, file No. 37534 of '85, letter from W. C. Van Horne to the Hon. J. H. Pope, dated 5th September, 1885.

11. Railways and Canals, file No. 37569 of '85, letter from W. C. Van Horne to the Hon. J. H. Pope, dated 10th September, 1885.

12. Railways and Canals, file No. 37601 of '85, letter from W. C. Van Horne to the Hon. J. H. Pope, dated 14th September, 1885.

13. Telegram from Hon. J. H. Pope to C. Schreiber, dated 16th September, 1885.

These, I think, comprise all the papers which I had in the matter, except the contract with the Canadian Express Company which was taken to Council and which has not since been returned to me.

If the Minister of Railways and Canals thinks it best to have these arrangements printed, as I presume he will, seeing that they were drawn up and executed in considerable haste, I would be glad if he would send more copies of the contract with the Grand Trunk Railway Company to that company, and also copies of the contract with the Canadian Pacific Railway Company to that company.

I promised Mr. Drinkwater, the secretary of the latter company, that in case they were printed copies would be sent to him.

I am, Sir, your obedient servant,

GEO. W. BURBIDGE, *Deputy Minister of Justice.*

GRAND TRUNK RAILWAY OF CANADA,

TREASURER'S OFFICE, MONTREAL, 15th October, 1885.

SIR,—Enclosed, I beg to hand you certified copy of a resolution of the board of directors of the Richelieu and Ottawa Navigation Company, cancelling the agreement

between that company and the North Shore and Grand Trunk Railway Companies, which I have to ask you to be good enough to attach to the North Shore Company's copy of the agreement, now in possession of the Department.

I am, Sir, your obedient servant,

P. WRIGHT, *Treasurer.*

A. P. BRADLEY, Esq., Secretary Department of Railways and Canals, Ottawa.

GRAND TRUNK RAILWAY OF CANADA,
GENERAL MANAGER'S OFFICE, MONTREAL, 17th October, 1885.

SIR,—In compliance with the request contained in your letter, addressed to me on the 21st ultimo, I enclose herewith, a letter from the Shedden Company, intimating that the agreement between that company and the North Shore Railway Company in respect to cartage is cancelled.

I also enclose a notarial document evidencing that the agreement between the North Shore Railway Company and the Canadian Express Company is cancelled.

You have already had forwarded to you, a copy of the resolution of the Richelieu and Ontario Navigation Company's board agreeing to the cancellation of the contract between that company and the North Shore Railway Company.

I shall now feel obliged if the Hon. Minister of Railways will arrange for the remittance to this company of the \$5,000, the sum agreed upon as the consideration of the cancellation of the agreements with the Canadian Express Company and the Shedden Cartage Company.

I am, Sir, your obedient servant,

J. HICKSON, *General Manager.*

A. P. BRADLEY, Esq., Secretary Department of Railways and Canals, Ottawa.

(*Memorandum.*)

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 23rd October, 1885.

The undersigned has the honor to represent that in connection with the transfer of the North Shore Railway from the Grand Trunk Railway Company to the Canadian Pacific Railway Company, three contracts made by the North Shore Railway Company with the Richelieu and Ontario Navigation Company, the Canadian Express Company and the Shedden Cartage Company, respectively, have been cancelled.

In accordance with an understanding had with the Grand Trunk Railway Company and the Canadian Pacific Railway Company, the undersigned recommends that authority be given for the payment to the Grand Trunk Railway Company of the sum of \$5,000 as compensation for such cancellation, the amount to be taken from and charged against the Canadian Pacific Railway Company conformably with the terms of the Act 48-49 Vic., chap. 58 (1885), authorizing the conveyance of the road to them, subject to such obligations as the Government shall have assumed in acquiring it.

Respectfully submitted.

J. H. POPE, *Minister Railways and Canals.*

CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 31st October, 1885.

On a memorandum, dated 23rd October, 1885, from the Minister of Railways and Canals, representing that, in connection with the transfer of the North Shore Railway from the Grand Trunk Railway Company to the Canadian Pacific Railway Company, three contracts made by the North Shore Railway Company with the Richelieu and Ontario Navigation Company, the Canadian Express Company and the Shedden Cartage Company, respectively, have been cancelled.

The Minister recommends, in accordance with an understanding had with the Grand Trunk Railway Company and the Canadian Pacific Railway Company, that authority be given for the payment to the Grand Trunk Railway Company of the

sum of \$5,000, as compensation for such cancellation, the amount to be taken from and charged against the Canadian Pacific Railway Company, conformably with the terms of the Act 48-49 Vic., chap. 58 (1885), authorizing the conveyance of the road to them "subject to such obligations as the Government shall have assumed in acquiring it."

The Committee advise that the authority be granted accordingly.

JOHN J. MCGEE, *Clerk Privy Council.*

To the Hon. the Minister of Railways and Canals.

GRAND TRUNK RAILWAY OF CANADA,
GENERAL MANAGER'S OFFICE, MONTREAL, 27th November, 1885.

DEAR SIR,—Referring to your telegram to me of the 2nd October last, I enclose herewith the copy of a resolution under the seal of the company, passed by the board of directors, approving the agreement made between the company and Her Majesty the Queen, represented by the Minister of Railways, dated 19th September, 1885.

Yours faithfully,

J. HICKSON, *General Manager.*

A. P. BRADLEY, Esq., Secretary Railways and Canals, Ottawa.

EXTRACT from the minutes of a meeting of the Directors of the Grand Trunk Railway Company of Canada, held at the Office of the Company, Dashwood House, No. 9 New Broad Street, London, on Friday, 13th November, 1885.

PRESENT :

Sir Henry W. Tyler, M.P., president, in the chair.

Resolved, That the agreement dated the 19th day of September, 1885, between the Grand Trunk Railway Company of Canada, represented therein by Joseph Hickson, General Manager, and Her Majesty the Queen, represented herein by the Minister of Railways and Canals of Canada, be, and is hereby, approved.

H. W. TYLER, *President.*

J. B. BENTON, *Secretary.* [SEAL.]

RETURN

To (35e)
an ORDER of the HOUSE OF COMMONS, dated 29th March, 1886 ;—For copies of any agreements or contracts entered into between the Canadian Pacific Railway Company and the Northern Railway Company of Canada, and the Hamilton and North-Western Railway Company as lessees of the Northern and Pacific Junction line from Gravenhurst to Callander, providing for through rates and fares and proper traffic arrangements for freight and passengers over the line of the Canadian Pacific Railway as stipulated in the agreement of the 12th April, 1884, under which the Government granted the subsidy of \$12,000 per mile for the construction of the Railway from Gravenhurst to Callander.

By Command.

J. A. CHAPLEAU,

Secretary of State.

Department of the Secretary of State,
13th April, 1886.

THE CANADIAN PACIFIC RAILWAY COMPANY,

OFFICE OF THE SECRETARY, MONTREAL, 6th April, 1886.

SIR,—I beg to acknowledge receipt of your letter of the 5th instant, stating that, by an Order of the House of Commons, a Return has been called for "of any agreements or contracts entered into between the Canadian Pacific Railway Company and the Northern Railway Company of Canada, and the Hamilton and North-Western Railway Company, as lessees of the Northern and Pacific Junction line from Gravenhurst to Callander, providing for through rates and fares, and proper traffic arrangements for freight and passengers over the line of the Canadian Pacific Railway, as stipulated in the agreement of 12th April, 1884," &c.

I am directed to state in reply, that no such agreements or contracts have been entered into between the Canadian Pacific Railway Company and the companies named.

I have the honor to be, Sir, your obedient servant,

C. DRINKWATER, *Secretary.*

A. P. BRADLEY, Esq., Secretary Department of Railways and Canals, Ottawa.

COPIES

(35f)

Of letters from James A. Dickey, office of Government Inspecting Engineer, summit of the Selkirks, enclosing extracts from diary as to weather reports, snow slides, etc.

SUMMIT OF SELKIRKS, 9th December, 1885.

DEAR SIR,—I enclose extracts from diary, which I thought perhaps might be useful to you.

My headquarters are opposite Station 170, east of the summit of the Selkirks, being the best place to gain information concerning snow slides that it is possible to get. The company have another camp of engineers, six miles west of the summit, and also one eighteen miles west. These I visit as often as circumstances permit. Up to date, no snow slides have taken place on the side of the valley the railway is, but there have been several small ones on the opposite side, not in any instance, however, coming near the track.

Yours truly,

JAS. A. DICKEY.

COLLINGWOOD SCHREIBER, Esq., Engineer-in-Chief, Ottawa.

SUMMIT OF SELKIRKS, 16th December, 1885.

DEAR SIR,—I enclose herewith extracts from my diary up to 15th instant, and also "weather reports" up to 14th instant, taken at west end of loop, two and a half miles in direct line west of summit of Selkirks.

The first snow slide of the season, on the line of railway, came down on Sunday night last, at eleven o'clock, at Station 215, east of summit. It was a very small one, however, being only 200 feet wide, and 20 feet deep. I cut out a cubic foot of this slide, and found it weighed thirty-four pounds, so you can form an idea of the force with which it would strike any obstacle impeding its way.

It continues to snow, more or less, every day.

Yours truly,

JAS. A. DICKEY.

COLLINGWOOD SCHREIBER, Esq., Engineer-in-Chief, Ottawa.

SUMMIT OF SELKIRKS, 28th December, 1885.

I forward herewith extracts from my diary from 16th to 27th inst., inclusive, and weather report, taken at west end of loop, from 15th to 23rd inst., also inclusive.

The weather has been very mild since my last letter, with snow falling more or less nearly every day. In addition to those already reported, no snow slides have come down, excepting two small ones at Station 215, east of summit. If, however, they act in the same way as they did last year, I look for a large number to come down the early part of next month.

Yours truly,

JAS. A. DICKEY.

COLLINGWOOD SCHREIBER, Esq., Engineer-in-Chief, Ottawa.

SUMMIT OF SELKIRKS, 13th January, 1886.

DEAR SIR,—I enclose extracts from my diary from 28th December, 1885, to 9th January, 1886, inclusive.

On the 4th of this month snow slides came down at Stations 201, 215 and 230, east of summit of Selkirks. I ran a line of levels over the first two, and found quantity of snow in cut from 201 to 205.50 to be 7,221 cubic yards, equals 2,437 tons, at 25 per cubic foot; and in cut from 213.50 to 219.50 to be 14,220 cubic yards, equals 6,527 tons, at 34 lbs. per cubic foot. The slide at 230 was a very small one, being only 100 feet wide and 5 feet deep. These are the only slides that have taken place on the line of railway in the Selkirks up to this date.

Yours truly,

JAS. A. DICKEY.

COLLINGWOOD SCHREIBER, Esq., Engineer-in-Chief, Ottawa.

SUMMIT OF SELKIRKS, 23rd January, 1886.

DEAR SIR,—Accompanying this are meteorological observations for the month of December, 1885, and from the 1st to 22nd of this month inclusive, in the form of record you sent me in your letter of the 2nd inst, received here on the 18th inst. I am unable to give you any barometrical readings on account of my barometer being out of order, but in the weather report of Mr. Chisholm, C.E., of which I'll send you a copy, the readings of his barometer are given.

Since writing you on the 13th inst, we have had some cold weather, the thermometer going as low as 30 degrees the night before last.

On the 14th inst., another slide came down at 230, size 100 ft. wide and 10 ft. deep, and on the 18th one came down at Station 190 of the same size. This slide only came from the foot of the mountain side, but, nevertheless, it is packed hard on the track. Yesterday I noticed several pieces of ice 14 ft. by 16 ft. on top of the slides at 201 and 215 having evidently dropped from the extreme mountain top.

Yours truly,

JAS. A. DICKEY.

COLLINGWOOD SCHREIBER, Esq., Engineer-in-Chief, Ottawa.

SUMMIT OF SELKIRKS, 1st February, 1886.

DEAR SIR,—I enclose meteorological observations for the month of January, and also memo. of snow slides coming down during the same period on the east slope.

No slides have taken place on the west slope yet excepting a small one at Station 894. The slides which have come down to date, can easily be carried across the line of railway by sheds.

I hope to be able to forward you by next mail memo. showing exact breadth and depth of each slide.

Yours truly,

JAS. A. DICKEY.

COLLINGWOOD SCHREIBER, Esq., Engineer-in-Chief, Ottawa.

SUMMIT OF SELKIRKS, 20th February, 1886.

DEAR SIR,—I enclose meteorological observations and memo. of snow slides on the east slope of the Selkirks, from 1st to 19th instant, inclusive. Between these dates we have had an unusual amount of high wind, and this, no doubt, accounts for the heavy slides at Stations 19 and 300, as the constant drifting has filled the pockets in the mountain side with snow.

The weather is now quite mild, and the snow going rapidly under the influence of the warm winds. There is only about 3 feet of snow, at the present time, over the top of the rails.

Yours truly,

JAS. A. DICKEY.

COLLINGWOOD SCHREIBER, Esq., Engineer-in-Chief, Ottawa.

SUMMIT OF SELKIRKS, 13th March, 1886.

DEAR SIR,—I forward herewith my meteorological observations up to date, Mr. Chisholm's, for the month of February, and a memorandum showing the snow slides which have come down during the past winter on the west slope of the Selkirks.

As I anticipated, by putting in the loop, and getting the location into the bottom of the valley of the Illicilliwait, the track on the west slope is almost entirely removed from any danger from snow slides.

The only one of consequence is at Station 733, and this can be easily overcome by a shed which, when erected, will throw the snow entirely clear of the track into the river below, and this can also be said of the others excepting the one at the summit, where the grade will have to be lowered.

Although Mr. Chisholm's observations show a great deal of actual snow fallen, still on the level there is now only 5 feet, and but 4 feet twelve miles further west. Up to within a few days ago, since my last report to you, we have had beautiful weather, clear bright days, with cool nights. No slides have come down, and I feel pretty certain, from last year's experience, none will, excepting perhaps a few caused by the heat of the sun, which never amount to anything.

Yours truly,
JAS. DICKEY.

COLLINGWOOD SCHREIBER, Esq., Engineer-in-Chief, Ottawa.

SUMMIT OF SELKIRKS, 1st April, 1886.

DEAR SIR,—I enclose my meteorological observations for month of March, and copy of Mr. Chisholm's from the 1st to the 24th of same month. Since my last report, we have had more snow than I anticipated, but it was of a very light character and would offer no opposition to trains. For the past week the weather has been extremely fine and the snow is going rapidly. During this time the heat of the sun has brought down a few small snow slides, but they came slowly and a very small portion reached the track.

Yours truly,
JAS. A. DICKEY.

COLLINGWOOD SCHREIBER, Esq., Engineer-in-Chief, Ottawa.

CANADIAN PACIFIC RAILWAY, (CENTRAL SECTION),
OFFICE OF GOVERNMENT INSPECTING ENGINEER,
SUMMIT OF SELKIRKS, 10th April, 1886.

DEAR SIR,—Herewith I enclose meteorological observations from 1st to 9th inclusive.

The warm weather of the past ten days has brought down a great many snow slides from the mountain tops, but they only reached the track at five points, viz, at Stations No. 180, 202 and 215, on the 2nd, and at 255 and 265 on the 3rd, coming very slowly and doing no damage to speak of.

You can form, perhaps, a better opinion of how little these slides brought down by the heat of the sun have affected the line, when I tell you that six weeks ago a temporary telegraph line was erected from Stations 170 to 310, the poles being merely stuck in the snow, and it has only been disturbed twice.

There is about 2 feet of snow on the level here now.

Yours truly,
JAS. A. DICKEY.

COLLINGWOOD SCHREIBER, Esq., Engineer-in-Chief, Ottawa.

RETURN

(36)

Under Act 48-49 Victoria, Chapter 3, intituled: "An Act to provide for the taking of the Census in the Province of Manitoba, the North-West Territories, and the District of Keewatin.

By Command.

J. A. CHAPLEAU,

DEPARTMENT OF THE SECRETARY OF STATE,
6th March, 1886.

Secretary of State.

To His Excellency the Most Honorable the Marquis of Lansdowne, Governor General of Canada, &c., &c., &c.

MAY IT PLEASE YOUR EXCELLENCY,

I have the honor to submit a report of population and origins, by districts and sub-districts, in the three provisional districts of Assiniboia, Saskatchewan and Alberta, in the North-West Territories of Canada, taken with reference to Monday, 24th August, 1885, under the authority of the Act 48-49 Victoria, Chapter 3, intituled: "An Act to provide for the taking of the Census in the Province of Manitoba, the North-West Territories and the District of Keewatin."

The whole respectfully submitted.

JOHN CARLING, *Minister of Agriculture.*

DEPARTMENT OF AGRICULTURE, OTTAWA, 4th March, 1886.

STATEMENT of the Population for Three Provisional Districts of the North-West Territories.

| Districts and Sub-districts. | Popula- tion. | Males. | Females. |
|---------------------------------|------------------|--------|----------|
| <i>Assiniboia.</i> | | | |
| a. Broadview..... | 8,367 | 4,971 | 3,396 |
| b. Qu' Appelle and Regina | 9,540 | 5,575 | 3,965 |
| c. Moose Jaw | 2,616 | 1,745 | 871 |
| d. Swift Current..... | 363 | 237 | 126 |
| e. Maple Creek..... | 465 | 301 | 164 |
| f. Medicine Hat..... | 732 | 495 | 237 |
| Total | 22,083 | 13,324 | 8,759 |

STATEMENT of the Population for Three Provisional Districts, &c.—Continued.

| Districts and Sub-districts. | Popu- lation. | Males. | Females. |
|--|------------------|---------------|---------------|
| <i>Saskatchewan.</i> | | | |
| a. Carrot River..... | 1,770 | 888 | 882 |
| b. Prince Albert | 5,373 | 2,831 | 2,542 |
| c. Battleford..... | 3,603 | 1,728 | 1,875 |
| Total | 10,746 | 5,447 | 5,299 |
| <i>Alberta.</i> | | | |
| a. Edmonton..... | 5,616 | 2,890 | 2,726 |
| b. Calgary and Red Deer..... | 5,487 | 3,030 | 2,457 |
| c. Macleod..... | 4,460 | 2,422 | 2,038 |
| Total | 15,533 | 8,342 | 7,191 |
| Total for the Territories | 48,362 | 27,113 | 21,249 |

ORIGINS of the Population for Three Provisional Districts of the North-West Territories.

| | Whites. | Half- breeds. | Indians. | Total. |
|---------------------------------|---------------|------------------|---------------|---------------|
| <i>Assiniboia.</i> | | | | |
| a. Broadview..... | 6,760 | 84 | 1,523 | 8,367 |
| b. Qu' Appelle and Regina | 6,320 | 570 | 2,650 | 9,540 |
| c. Moose Jaw | 2,344 | 224 | 48 | 2,616 |
| d. Swift Current..... | 197 | 48 | 118 | 363 |
| e. Maple Creek..... | 296 | 91 | 78 | 465 |
| f. Medicine Hat..... | 657 | ..... | 75 | 732 |
| Total | 16,574 | 1,017 | 4,492 | 22,083 |
| <i>Saskatchewan.</i> | | | | |
| a. Carrot River..... | 128 | 69 | 1,573 | 1,770 |
| b. Prince Albert..... | 1,472 | 2,156 | 1,745 | 5,373 |
| c. Battleford | 292 | 369 | 2,942 | 3,603 |
| Total | 1,892 | 2,594 | 6,260 | 10,746 |
| <i>Alberta.</i> | | | | |
| a. Edmonton..... | 1,595 | 1,004 | 3,017 | 5,616 |
| b. Calgary and Red Deer..... | 2,069 | 207 | 3,191 | 5,467 |
| c. McLeod..... | 1,214 | 26 | 3,210 | 4,450 |
| Total | 4,878 | 1,237 | 9,418 | 15,533 |
| Grand Totals .. | 23,344 | 4,848 | 20,170 | 48,362 |

DEPARTMENT OF AGRICULTURE, OTTAWA, 23rd February, 1886.

RETURN

(39)

To an ORDER of the HOUSE OF COMMONS, dated 8th April, 1885;—For a statement of all sums entered in the Public Accounts of Canada as having been expended for Railways, Canals and Navigation in British Columbia, the North-West Territories, Keewatin, Manitoba, Ontario, Quebec, New Brunswick, Prince Edward Island, Nova Scotia proper and Cape Breton Island up to the 1st January, 1885; also the superficies and population of each of the said divisions of Canada, respectively.

By Command.

J. A. CHAPLEAU,

Secretary of State.

Department of the Secretary of State,
Ottawa, 9th March, 1886.

STATEMENT of Expenditure on Works mentioned from 1st July, 1867, to 31st December, 1884, as called for per Order of the House of Commons, dated 8th April, 1885. (Reference No. 58620.)

| Provinces. | Railways and Canals. | | | Public Works. | | | Grand Total. |
|------------------------------|----------------------|---------------|-----------------|--------------------------|--------------|--------------|----------------|
| | Railways. | Canals. | Total. | Harbors and Breakwaters. | Rivers. | Total. | |
| | \$ cts. | \$ cts. | \$ cts. | \$ cts. | \$ cts. | \$ cts. | |
| Nova Scotia "proper" | 10,352,051 15 | ..... | 10,352,051 15 | 603,166 49 | 106,112 80 | 709,279 29 | 11,061,330 44 |
| do Cape Breton ..... | ..... | ..... | 499,269 20 | 538,115 92 | 5,838 56 | 533,954 48 | 1,033,233 68 |
| Prince Edward Island | 540,104 89 | ..... | 540,104 89 | 359,245 29 | 45,143 54 | 404,388 83 | 944,493 72 |
| New Brunswick | 13,302,251 27 | 44,387 53 | 13,346,638 80 | 767,722 20 | 149,595 27 | 917,317 47 | 14,263,956 27 |
| Quebec | 10,038,312 20 | 11,229,119 40 | 21,267,431 60 | 740,929 10 | 479,694 38 | 1,220,623 48 | 22,477,985 08 |
| Ontario | 20,155,360 07 | 15,124,068 55 | 35,279,428 62 | 2,563,125 36 | 190,508 72 | 2,753,634 08 | 38,033,063 70 |
| Manitoba | 6,718,242 84 | ..... | 6,718,242 84 | 1,259 74 | 63,471 56 | 64,731 30 | 6,782,974 14 |
| North-West Territories | 6,856,068 70 | 32,675 65 | 6,888,734 35 | ..... | 26,537 71 | 26,537 71 | 6,914,272 06 |
| British Columbia | 14,671,229 11 | ..... | 14,671,229 11 | 119,960 00 | 48,610 77 | 168,560 77 | 14,839,789 88 |
| Generally | 12,256 68 | 42,575 12 | 54,831 70 | 20,764 12 | ..... | 20,764 12 | 75,595 82 |
| Totals | 81,634,868 81 | 26,972,095 45 | *108,606,962 26 | 5,704,278 22 | 1,115,413 31 | 6,819,691 53 | 115,426,663 79 |

* Expenditure up to 30th June, 1884, only, as per Appendix No. 28, Statement No. 5, of the Minister of Public Works' Report for 1883-84; information for next six months can only be furnished by the Department of "Railways and Canals."

O. DIONNE,
Accountant.

DEPARTMENT OF PUBLIC WORKS,
OTTAWA, 28th April, 1885.

RETURN

(41)

To an ADDRESS of the HOUSE OF COMMONS, dated 12th March, 1885;—For copies of all Reports, Orders in Council and correspondence not already ordered, on the subject of the effect of the decision of the Supreme Court as to the License Act of 1883, and of the steps to be taken to review the same, and of the steps to be taken under the Act meanwhile; with copies of all letters or telegrams to the Commissioners or Inspectors giving them instructions as to their conduct or action, or information as to the intentions or action of the Government.

By Command.

J. A. CHAPLEAU.

Department of the Secretary of State,
Ottawa, March, 1886.

Secretary of State.

DEPARTMENT OF INLAND REVENUE, OTTAWA, 17th March, 1885.

SIR,—In reply to your enquiry of the 10th inst., I beg to inform you that I know of no special provision as to summer hotels in the Act, except that in certain cases a discretionary power is given to the Board to exceed the legal maximum as to the number of licenses to be granted.

The Board must interpret the law.

I remain, Sir, your obedient servant,

E. MIALL, *Commissioner.*

U. H. ARCHARD, Esq., Chief License Inspector, Picton, Ont.

DEPARTMENT OF INLAND REVENUE, OTTAWA, 17th March, 1885.

SIR,—In reply to your communication of the 9th inst., in reference to the granting of licenses, I beg to state that the Department has no authority to interpret the law or to modify it.

The Board must assume the responsibility of their acts.

I remain, Sir, your obedient servant,

E. MIALL, *Commissioner.*

L. V. DUMAIS, Esq., Chief License Inspector, Fraserville, Que.

DEPARTMENT OF INLAND REVENUE, OTTAWA, 17th March, 1885.

SIR,—In reply to your communication of the 12th inst., I have to inform you that if there is but one warden in the district, then he is by law *ex-officio* second commissioner and may act as such without notice.

As to receiving applications the Board must determine their duty themselves—the Act determines what is legal. The Department cannot modify it.

The question of salaries is now being considered with a view to having a sum placed in the Supplementary Estimates.

I remain, Sir, your obedient servant,

E. MIALL, *Commissioner.*

A. M. GAGNIER, Esq., Chief License Inspector, St. Martine.

DEPARTMENT OF INLAND REVENUE, OTTAWA, 13th March, 1885.

SIR,—A communication addressed by yourself to Mr. Wood, M.P., has been placed in my hands by him with a request that a note should be taken of its contents and a reply sent thereto.

The most important enquiry appears to be in reference to the disposing of moneys of the license fund—a balance of some \$584 still being in the hands of the Board for disposal.

I am unable at present to authorize any payment to the commissioners. The report of the Minister on that behalf is now before the Privy Council and I hope to be able to communicate with you within a few days.

In respect, however, of the payment of the salary and expenses of the inspector, I have all along held that the authority conferred by the statute upon the Board of Commissioners would be sufficient to make these necessary advances on account of salary, even although the ultimate decision of the Governor in Council as to the extent of remuneration had not been taken, and I still think that your Board might take upon themselves the responsibility of advancing out of the funds now on hand, at least to the extent of half the salaries your Board have proposed to pay such inspectors.

In reference to proceedings for the incoming year, my telegram of the 17th ult. was intended to convey instructions to receive applications in precisely the same manner as last year, assuming the License Act of 1883 to be in force until its validity shall have been pronounced upon by the highest court.

I have the honor to be, Sir, your obedient servant,

E. MIALL, *Commissioner*.

His Hon. Judge H. S. McDONALD, Brockville.

DEPARTMENT OF INLAND REVENUE, OTTAWA, 9th March, 1885.

SIR,—I have the honor to direct your attention to the fact that the Nova Scotia legislation last year in respect of liquor licenses is at the present moment being appealed, and in order to prevent the taking out of Dominion licenses for the year now current.

I think, if my memory serves me well, it was anticipated that the said Nova Scotia legislation being discriminatory as against the licenses of the Dominion Government would be disallowed upon the same grounds as the Ontario Act was disallowed.

I am asked by the Board of Commissioners for Halifax whether this course will be taken and whether, if it is taken, the time can be extended within which application for licenses may be made.

The latter is, of course, a question of policy, not of law, but no doubt the recommendation of the Minister will depend largely upon your reply as to the determination which may be arrived at as to the disallowance or otherwise of the Act.

Yet another question comes from the same source.

The 40th section of the Liquor License Act, 2nd sub-section, provides: "That in any province in which, in order to the raising of a revenue for provincial, local or municipal purposes, a duty has been imposed under the authority of 'The British North America Act, 1867,' on any license, before the license issues, the person entitled thereto shall establish to the satisfaction of the chief inspector, that he has paid or tendered such duty."

Can this be held to refer to wholesale licenses or only to such licenses as are specifically mentioned in the "British North America Act?"

I have hitherto taken the ground, when my personal opinion has been asked, that the 92nd section of the "British North America Act" granted a province the right to legislate in respect of tavern, shop and auctioneer and other licenses for one purpose only, viz., for the raising of a revenue for municipal or local purposes, and if this interpretation is correct, they have an equal right to tax wholesale licenses for the purpose only of raising a revenue, provided the tax is not so burdensome as to restrict or restrain trade.

The question as to whether the regulation of wholesale business lies with the Dominion Government or the Provincial does not seem to me to affect the question as to whether, for the purposes of raising a revenue, they have the right to tax Dominion licenses.

One of the commissioners is at present in Ottawa and is desirous, if possible, of having these points determined before he returns to Halifax. May I ask you, if possible, to give the matter your early consideration.

I have the honor to be, Sir, your obedient servant,

E. MIALL, *Commissioner*.

Geo. W. BURBIDGE, Esq., Deputy Minister of Justice, Ottawa.

DEPARTMENT OF INLAND REVENUE, OTTAWA, 9th March, 1885.

SIR,—I reply to your letter of the 6th inst. I beg to inform you:—

That, in counties in which the Canada Temperance Act is in force, the licenses to be dealt with by the Board, are wholesale and medical.

In other districts those mentioned in the Liquor License Act, viz., hotel, saloon, wholesale, shop and vessel;

The inspectors will consult the Act and pay no heed to outside advice or information.

The question of remuneration is now under consideration.

I remain, Sir, your obedient servant,

E. MIALL, *Commissioner*.

R. GORDON, Esq., Inspector of Licenses, Tweed, Ont.

DEPARTMENT OF INLAND REVENUE, OTTAWA, 20th February, 1885.

SIR,—Perhaps my telegram of the 17th instant, instructing commissioners to proceed with the receiving applications and issuing of licenses for the incoming year, will hardly be a sufficient reply to your communication of the 16th inst., inasmuch as you raise the question whether, if it is intended that the Board should meet to consider such applications, they "shall entertain applications for hotel, saloon and shop licenses, or only for vessel and wholesale licenses."

I intended my instructions to be an intimation that the Liquor License Act of 1883 was still considered to be in force, inasmuch as the court of final adjudication had not yet pronounced upon it.

I have the honor to be, Sir, your obedient servant,

E. MIALL, *Commissioner*.

To His Honor JUDGE E. J. SENKLER, St. Catharines, Ont.

DEPARTMENT OF INLAND REVENUE, OTTAWA, 23rd February, 1885.

SIR,—I have the honor to acknowledge the receipt of your communication of the 19th inst. You state that, in Northumberland, the Scott Act is nominally in force, but that the inspector is perfectly useless and inactive, to the great disgust and vexation of the temperance party, and that they have petitioned for his removal; and you ask: "Is it the view of the Department that the Board has power to remove him for cause and appoint a new inspector, or must they refer the malcontents to the Department or the Government?" This seems to be the only point in your communication requiring comment from me.

In reply I would just state that the general view of the Liquor License Act of 1883, held by the Department, is that, so soon as the machinery provided by that Act for the administration of the law has been set in motion by the Government, the Board and not the Government should be the sole administrators. Still, I have no hesitation in expressing my personal opinion, which I think is shared by the Hon. the Minister, that, when the Scott Act is in force, its provisions should be maintained with all the authority the Board can exert, whether its provisions are reasonable or otherwise, they are law, and, though the temperance party within the county may be but a small minority of the electoral body, as in fact in most cases in the Mari-

time Provinces it is, still they have fulfilled the requirements of the law, and have possibly snatched a victory, and a legal one, from the apathy of the general body of electors. That, however, is not a matter for the consideration of the Government nor of the Board, and it seems to me to be clearly the duty of the commissioners to enforce the will of the people as expressed at the polls.

I notice also that by way of postscript you state that no licenses have been issued under the 99th section of the Temperance Act, nor have any applications been hitherto made for them, and you ask: "Must the Board wait till applications are made therefor, or should they make provision themselves to meet these very special cases and emergencies?"

I think that the whole spirit of the Act requires that where the ordinary sale of liquor is prohibited, special provisions should be made for its sale under such restrictions as the 99th section provides. There is nothing in the Liquor License Act providing that in such cases application for permission to sell medicinally should be made to the Board, and inasmuch as whenever the term "application" is used it is invariably followed by the words "for license," and these are enumerated as hotel, saloon, shop, vessel and wholesale licenses, it would seem that the permit to sell for medicinal purposes is not subject to the restrictions in respect of applications, &c., which prevail in respect of licenses mentioned in the Act. The wholesale license, however, provided under the 8th sub-section of the 99th section of the Canada Temperance Act being enumerated amongst the five classes of licenses legislated for in the Act of 1883 must be, I think, considered as being subject to all such restrictions, but I repeat that, upon these points, I am only giving my personal views. I think the Act requires that the commissioners should be the sole administrators of the law, and the courts the only authorities to which appeal can be had if the action of such commissioners is deemed to be illegal or *ultra vires*.

I have the honor to be, Sir, your obedient servant,

E. MIALL, *Commissioner*.

His Honor Judge WILKINSON, First Commissioner, Chatham, N. B.

(From Amherst.)

18th February, 1885.

Do you mean shop license? Answer at once please.

W. A. D. MORSE.

(From Bridgewater, N.S.)

18th February, 1885.

Do you refer to all licenses named in Act of eighty-three, or vessel and whole sale licenses?

M. B. DESBRISAY.

(From Bridgewater, N.S.)

18th February, 1885.

Your instructions refer to each of my counties. Scott Act considered in force in Queen and Shelburne.

M. B. DESBRISAY.

(From Victoria, B.C.)

19th February, 1885.

Telegram of seventeenth received; are all licenses named in the Act to be issued? McMillan has resigned. Only two commissioners at present for Victoria.

CAREY & CROASDAILE, *Commissioners*.

(From Orangeville, Ont.)

20th February, 1885.

Is it intended that our Board shall proceed to issue licenses, the Scott Act having been proclaimed in this county by the Government ?

M. McCARTHY.

(From Halifax, N. S.)

20th February, 1885.

Have you received my telegram ? Two hundred liquor dealers in meeting to-night await your answer so that they will know what to do.

JOHN C. O'MULLIN.

(From Halifax, N. S.)

19th February, 1885.

Will Government protect in courts from action under provincial legislation holders of saloon, hotel, shop licenses under authority Liquor License Act, 1883 ?
Answer.

JOHN C. O'MULLIN.

(Telegram sent to all the First Commissioners.)

17th February, 1885.

I am directed to instruct your Board to proceed in the matter of receiving and issuing of licenses for incoming year.

E. MIALL, *Commissioner.*

12th February, 1885.

W. A. D. MORSE, Amherst, N. S.

My telegram means to continue administering the law.

E. MIALL, *Commissioner.*

18th February, 1885.

M. B. DESBRISAY, Bridgewater, N. S.

Recent decision not final, proceed as last year.

E. MIALL, *Commissioner.*

18th February, 1885.

His Hon. JUDGE M. C. DESNOYER, Montreal,

Yes.

E. MIALL, *Commissioner.*

19th February, 1885.

M. B. DESBRISAY, Bridgewater, N.S.

My telegram simply intended to instruct you to act as if the "McCarthy Act" were in full force.

E. MIALL, *Commissioner.*

19th February, 1885.

Messrs. CARRY & CREASDAILE, License Commissioners, Victoria, B.C.

Consider Act as in full force. Will attend to the vacancy, meantime two is a quorum.

E. MIALL, *Commissioner.*

20th February, 1885.

(Copy of telegram sent to First Commissioners.)

Instructions of 17th inst., relative to Liquor License Act, of course only apply to wholesale and medicinal licenses in counties where the Scott Act has come into force by proclamation.

E. MIALL, *Commissioner*.

21st February, 1885.

JNO. C. O'MULLIN, Halifax, N.S.

The liquor dealers must exercise their own judgment in regard to the matter. They should take legal advice as to the course they should pursue. The Government here could not take part in any legal proceedings which might ensue.

JOHN COSTIGAN.

6th March, 1885.

SIR,—The following telegram was sent by the Hon. the Minister of Inland Revenue in answer to a similar enquiry from Halifax:—

“The liquor dealers must exercise their own judgment in regard to the matter. They should take legal advice as to the course they should pursue. The Government here could not take part in any legal proceedings which might ensue.”

I have the honor to be, Sir, your obedient servant,

E. MIALL, *Commissioner*.

LOUIS A. LAPOINTE, Esq., Montreal, Que.

RETURN

(43)

To AN ADDRESS OF THE HOUSE OF COMMONS, dated 1st March, 1886 ;—For a copy of the Report of the Medical men appointed by the Government to enquire into the mental condition of Louis Riel, after his conviction.

By Command.

J. A. CHAPLEAU,

Secretary of State.

Department of Secretary of State,
8th March, 1886.

Dr. A. Jukes to Lieutenant-Governor Dewdney.

REGINA, N.W.T., 6th November, 1885.

SIR,—In compliance with the request contained in a communication received by you from the Right Hon. Sir John A. Macdonald, that I should report without delay upon the mental condition of the prisoner, Louis Riel, now under my medical care, and how far I consider him accountable and responsible for his acts, I have the honor to report as follows :—

Louis Riel has been under my especial care, medically, as surgeon of this force, for upwards of five months since his arrival here as a prisoner. During that time I have visited him, with few exceptions, every day; have studied him closely and conversed with him long and frequently. I have personally a strong aversion to punishment by death. I believe that failing to establish his insanity his death is near at hand, but after careful and continuous examination of him under varying circumstances from day to day, I cannot escape the conviction that except upon certain purely religious questions having relation to what may be called Divine mysteries, he was when first entrusted to my care and still continues to be perfectly sane and accountable for his actions.

Under these circumstances my duty, though a painful one, is clear, and my opinion not hastily formed, equally so, viz., that Riel's peculiar views upon religious subjects which so strongly impress the ignorant and unreflecting with an idea of his madness, cannot rightly be regarded as interfering with or obscuring in the slightest degree his clear perception of duty or as rendering his judgment less sound in the affairs of everyday life. I therefore record my opinion that, with the reservation above made, Riel is a sane, clear-headed and accountable being, and responsible for his actions before God and man.

I have, &c.,

A. JUKES, *Senior Surgeon.*

The Hon. EDGAR DEWDNEY, Lieutenant-Governor, N. W. T.

Dr. Valade to Sir John A. Macdonald.

REGINA, N.W.T., 8th November, 1885.

SIR,—After having examined carefully Riel in private conversation with him and by testimony of persons who take care of him, I have come to the conclusion that he suffers under hallucinations on political and religious subjects, but on other points I believe him to be quite sensible and can distinguish right from wrong.

F. X. VALADE, *M.D.*

Right Hon. Sir JOE A. MACDONALD, G.C.B., Premier of Canada, Ottawa.

Dr. Lavell to Sir John A. Macdonald.

REGINA, N.W.T., 8th November, 1885.

SIR,—I have the honor to report that after giving conscientious consideration to the case of Louis Riel now confined here, under sentence of death, and fully appreciating the trust committed to me and all the consequences involved, I am of the opinion that the said Louis Riel, although holding and expressing foolish and peculiar views as to religion and general government, is an accountable being and capable of distinguishing right from wrong.

I have, &c.,

M. LAVELL, M.D.

The Right Hon. SIR JOHN A. MACDONALD, G.C.B., Premier of Canada, Ottawa.

MEMORANDUM

(48a)

Respecting the case of *The Queen v. Riel*, prepared at the request of the Committee of the Privy Council.

OTTAWA, 25th November, 1885.

The case of Louis Riel, convicted and executed for high treason, has excited unusual attention and interest, not merely in the Dominion of Canada but beyond its limits. Here it has been made the subject of party, religious and national feeling and discussion; and elsewhere it has been regarded by some as a case in which, for the first time in this generation, what is assumed to have been a political crime only, has been punished with death.

The opponents of the Government have asserted that the rebellion was provoked, if not justified, by their maladministration of the affairs of the North-West Territories, and inattention to the just claims of the half-breeds.

With this question, which has been made one of party politics, it is not thought becoming to deal here.

Upon such a charge, when made in a constitutional manner, the Government will be responsible to the representatives of the people, and before them they will be prepared to meet and disprove it.

Appeals to the animosities of race have been made in one of the Provinces, with momentary success. Should these prevail, the future of the country must suffer. Parliament will not meet for some time, and in the interval, unless some action is taken to remove these animosities, they will gain ground, and it will become more difficult to dispel belief in the grounds which are used to provoke them.

It is thought right, therefore, that the true facts of the case, and the considerations which have influenced the Government, should be known, so that those who desire to judge of their conduct impartially may have the information which is essential for that purpose.

It has been asserted that the trial was an unfair one, and before a tribunal not legally constituted; that the crime being one of rebellion and inspired by political motives, the sentence, according to modern custom and sentiment, should not have been carried out; and that the prisoner's state of mind was such as to relieve him from responsibility for his acts.

After the most anxious consideration of each one of these grounds the Government have felt it impossible to give effect to any of them, and have deemed it their duty to let the law take its course.

I am now desired, in a matter of such grave importance and responsibility, to place on record the considerations which have impelled them to this conclusion:

1. As to the jurisdiction of the court and the fairness of the trial.

It should be sufficient to say that the legality of the tribunal by which he was tried has been affirmed by the Privy Council, the highest court in the Empire, and has seemed to them so clear that the eminent counsel who represented the prisoner could not advance arguments against it which were thought even to require an answer.

It has been said that a jury composed of six only, and the absence of a grand jury, are features so inconsistent with the rights of British subjects that the prisoner had still ground of complaint; but, as was pointed out in the Privy Council, the same crime may be tried elsewhere in the British Empire, notably in India, without any jury, either grand or petty, and this mode of trial has been sanctioned by the Imperial Parliament.

It is to be observed also, that the offence was tried in the country in which it was committed, under the law as it then existed and had existed for years, and that this is a course of which no offender can fairly complain, while it is a right to which every criminal is entitled.

Of the competency of the court, which had been affirmed by the full court in Manitoba, the Government saw no reason to entertain doubt; but having regard to the exceptional character of the case, the usual course was departed from in the prisoner's favor, and a respite was granted, to enable him to apply to the ultimate tribunal in England, and thus to take advantage to the very utmost of every right which the law could afford to him.

The fairness of the trial has not been disputed by the prisoner's counsel, nor challenged either before the Court of Appeal in Manitoba or the Privy Council. It has, on the contrary, been admitted, not tacitly alone by this omission, but expressly and publicly. It may be well, however, to state shortly the facts, which show how the duty which the Government fully acknowledged both to the public and the prisoner has been fulfilled.

It was most desirable not only to ensure the impartial conduct of the trial, which would have been done by the appointment of any barrister of known standing, but to satisfy the public that this had been effected; and in view of this the prosecution was entrusted to two leading counsel in Ontario, known to be in sympathy with different political parties. With them was associated a French advocate of standing and ability in Quebec, and the personal presence and assistance of the Deputy Minister of Justice was given to them throughout the proceedings.

The procedure adopted and the course taken at the trial, to be now shortly stated, as it appears on the record, will show that every opportunity for the fullest defence was afforded; and it is needless to add, what is well known and recognised, that the prisoner was represented by counsel whose zeal and ability have made it impossible to suggest that his defence could in any hands have been more carefully or more ably conducted.

The charge was made against the prisoner on the 6th of July, 1885, and the trial was then fixed to take place on the 20th of that month, of which the prisoner was duly notified.

On the same day a copy of the charge, with a list of the jurors to be summoned and of the witnesses to be called, was duly served upon him, the Crown waiving the question whether this was a right which could be claimed, and desiring, as far as possible, to afford every privilege which, under any circumstances or before any tribunal, he could obtain, and which, consistently with the procedure otherwise prescribed in the Territory, could be granted to him.

On the day named the prisoner, having been arraigned, put in a plea to the jurisdiction, to which the Crown at once demurred, and this question was then argued at length. The grounds taken by the prisoner's counsel had been in effect decided unfavorably to their contention by the Court of Queen's Bench in Manitoba in a recent case, and the presiding judge held that it was therefore impossible for him to give effect to them.

This decision having been announced, the prisoner, by his counsel, then demurred to the information, which was alleged to be insufficient in form, and this demurrer having been argued, was also overruled.

The prisoner then pleaded not guilty, and his counsel applied for an adjournment until the next day, to enable them to prepare affidavits on which to apply for a further postponement of the trial; and, the Crown not objecting, the court adjourned.

On the following day, the 21st of July, the prisoner's counsel read affidavits to the effect that certain witnesses not then present were necessary for the defence, and that medical experts on the question of insanity were required by them from the Province of Quebec and from Toronto. They represented that the prisoner had not had means to procure the attendance of these witnesses, and desired an adjournment for a month, during which they would be able to obtain it.

In answer to this application, of which the Crown had no notice until the day previous, the Crown counsel pointed out that these medical witnesses, as well as some others in the North-West Territories who were wanted, could all be got within a week; and they offered, not only to consent to an adjournment for that time, but to join with the prisoner's counsel in procuring their attendance, and to pay their expenses.

The counsel for the prisoner accepted this offer, which the presiding judge said was a reasonable one, and the trial was adjourned until the 28th. In the meantime the witnesses were procured. They were present and were examined for the prisoner, and their expenses were paid by the Crown, the medical gentlemen being remunerated as experts at the same rate as those called for the prosecution. The other grounds which had been urged for delay were not further pressed.

The court met on the 28th. No further adjournment was asked for, and the trial proceeded continuously until it was concluded on the 1st of August. The exceptional privilege accorded to persons on trial for treason, of addressing the jury after their counsel, was allowed the prisoner and taken advantage of.

As to the general character of the tribunal, and the ample opportunity afforded to the prisoner to make his full defence, it may be well to repeat here the observations of the learned Chief Justice of Manitoba in his judgment upon the appeal.

"A good deal," he remarked, "has been said about the jury being composed of six only. There is no general law which says that a jury shall invariably consist of twelve, or of any particular number. In Manitoba, in civil cases, the jury is composed of twelve, but nine can find a verdict. In the North-West Territories Act, the Act itself declares that the jury shall consist of six, and this was the number of the jury in this instance. Would the stipendiary magistrate have been justified in empannelling twelve, when the Statute directs him to impanel six only? It was further complained that this power of life and death was too great to be entrusted to a stipendiary magistrate.

"What are the safeguards?

"The stipendiary magistrate must be a barrister of at least five years' standing. There must be associated with him a justice of the peace and a jury of six. The court must be an open public court. The prisoner is allowed to make full answer and defence by counsel. Section 77 permits him to appeal to the Court of Queen's Bench in Manitoba, when the evidence is produced, and he is again heard by counsel, and three judges re-consider his case. Again, the evidence taken by the stipendiary magistrate, or that caused to be taken by him, must, before the sentence is carried into effect, be forwarded to the Minister of Justice; and sub-section eight requires the stipendiary magistrate to postpone the execution from time to time, until such report is received, and the pleasure of the Governor thereon is communicated to the Lieutenant-Governor. Thus, before sentence is carried out the prisoner is heard twice in court, through counsel, and his case must have been considered in Council, and the pleasure of the Governor thereon communicated to the Lieutenant-Governor.

"It seems to me the law is not open to the charge of unduly or hastily confiding the power in the tribunals before which the prisoner has been heard. The sentence, when the prisoner appeals, cannot be carried into effect until his case has been three times heard, in the manner above stated."

The evidence of the prisoner's guilt, both upon written documents signed by himself and by other testimony, was so conclusive that it was not disputed by his

counsel. They contended, however, that he was not responsible for his acts, and rested their defence upon the ground of insanity.

The case was left to the jury in a very full charge, and the law, as regards the defence of insanity, clearly stated in a manner to which no exception was taken, either at the trial or in the Court of Queen's Bench of Manitoba, or before the Privy Council.

2. With regard to the sanity of the prisoner and his responsibility in law for his acts, there has been much public discussion.

Here again it should be sufficient to point out that this defence was expressly raised before the jury, the proper tribunal for its decision; that the propriety of their unanimous verdict was challenged before the full court in Manitoba, when the evidence was discussed at length and the verdict unanimously affirmed. Before the Privy Council no attempt was made to dispute the correctness of this decision.

The learned Chief Justice of Manitoba says in his judgment: "I have carefully read the evidence and it appears to me that the jury could not reasonably have come to any other conclusion than the verdict of guilty. There is not only evidence to support the verdict, but it vastly preponderates."

And again: "I think the evidence upon the question of insanity shows that the prisoner did know that he was acting illegally, and that he was responsible for his acts."

Mr. Justice Taylor's conclusion is: "After a critical examination of the evidence, I find it impossible to come to any other conclusion than that at which the jury arrived. The appellant is, beyond all doubt, a man of inordinate vanity, excitable, irritable, and impatient of contradiction. He seems to have at times acted in an extraordinary manner; to have said many strange things, and to have entertained, or at least professed to entertain, absurd views on religious and political subjects. But it all stops far short of establishing such unsoundness of mind as would render him irresponsible, not accountable for his actions. His course of conduct indeed shows, in many ways, that the whole of his apparently extraordinary conduct, his claims to Divine inspiration and the prophetic character, was only part of a cunningly devised scheme to gain, and hold, influence and power over the simple-minded people around him, and to secure personal immunity in the event of his ever being called to account for his actions. He seems to have had in view, while professing to champion the interests of the Métis, the securing of pecuniary advantage for himself."

And he adds, after reviewing the evidence: "Certainly the evidence entirely fails to relieve the appellant from responsibility for his conduct, if the rule laid down by the judges in reply to a question put to them by the House of Lords in MacNaghten's case, 10 Cl. & Fin. 200, be the sound one."

Mr. Justice Killam says: "I have read very carefully the report of the charge of the Magistrate, and it appears to have been so clearly put that the jury could have no doubt of their duty in case they thought the prisoner insane when he committed the acts in question. They could not have listened to that charge without understanding fully that to bring in a verdict of guilty was to declare emphatically their disbelief in the insanity of the prisoner."

And again: "In my opinion, the evidence was such that the jury would not have been justified in any other verdict than that which they gave. * * * I hesitate to add anything to the remarks of my brother Taylor upon the evidence on the question of insanity. I have read over very carefully all the evidence that was laid before the jury, and I could say nothing that would more fully express the opinions I have formed from its perusal than what is expressed by him. I agree with him also in saying that the prisoner has been ably and zealously defended, and that nothing that could assist his case appears to have been left untouched."

The organization and direction of such a movement is in itself irreconcilable with this defence; and the admitted facts appear wholly to displace it. The prisoner, eight months before this rebellion broke out, was living in the United States, where he had become naturalized under their laws, and was occupied as a school teacher. He was solicited to come, it is said, by a deputation of prominent men among the French

half-breeds who went to him from the North-West Territories, and, after a conference, requested him to return with them, and assist in obtaining certain rights which they claimed from the Dominion Government, and the redress of certain alleged grievances. He arrived in the Territories in July, 1884, and for a period of eight months was actively engaged in discussing, both publicly and privately, the matters for which he had come, addressing many public meetings upon them in a settlement composed of about six hundred French and a larger number of English half-breeds, together with others. The English half-breeds and other settlers observed his course, and saw reason to fear the outbreak which followed; but the suggestion of insanity never occurred, either to those who dreaded his influence in public matters over his race, and would have been glad to counteract it, or to the many hundreds who unhappily listened to him and were guided by his evil counsels to their ruin.

If, up to the eve of the resort to arms, his sanity was open to question, it is unaccountable that no one, either among his followers or his opponents, should have called public attention to it. If the Government had then attempted to place him under restraint as a lunatic, it is believed that no one would have been found to justify their action, and that those who now assert him to have been irresponsible would have been loud and well warranted in their protest. It may be well also to call attention to the obvious inconsistency of those persons—not a few—who have urged the alleged mal-administration of the affairs of the North-West Territories by the Government as a ground for interfering with the sentence, without ceasing to insist upon the plea of insanity. The prisoner cannot have been entitled to consideration both as the patriotic representative of his race and an irresponsible lunatic. It may be asked, too, if the leader was insane, upon what fair ground those who were persuaded by and followed him could be held responsible; and if not, who could have been punished for crimes which so unquestionably called for it?

It has been urged, however, that his nature was excitable, and his mental balance uncertain; that as the agitation increased his natural disposition overcame him, and that the resort to violence was the result of over-wrought feelings, ending in insanity, for which he cannot fairly be held accountable—that, in short, he was overcome by events not foreseen or intended by him.

A simple statement of the facts will show that this view is wholly without foundation; that throughout he controlled and created the events, and was the leader, not the follower; and that the resort to armed violence was designed and carried out by him deliberately, and with a premeditation which leaves no room whatever for this plea.

The first collision with the troops occurred at Duck Lake on the 26th of March, 1885.

On the 3rd of March previous the prisoner was at a meeting where there were about sixty of his followers, nearly all armed. He spoke at that meeting, and said that the police wanted to arrest him. "But these" he said, "are the real police," pointing to those present. On the 5th he told Charles Nolin that he had decided to induce the people to take up arms, and he had begun to speak to him of doing so as early as December previous.

On the 17th of March he said to Dr. G. Willoughby, sixty or seventy armed half-breeds being present, that they intended to strike a blow to assert their rights; and, pointing to the men: "You see now I have my police. In one week that little Government police will be wiped out of existence." He added that the time had come when he was to rule this country or perish in the attempt, and that the rebellion of fifteen years ago (in which he had also been the leader) "would not be a patch upon this one."

To Mr. Lash, whom on the 18th of March, at the head of his armed followers, he arrested, he said that the rebellion had commenced, and they intended to fight until the whole of the Saskatchewan Valley was in their hands; that he had been waiting fifteen years, and at last his opportunity had come; and that he would give the police every opportunity to surrender, but if they did not do so there would be bloodshed.

On the same day, he, with about fifty armed followers, came to the stores of the witnesses, Kerr and Walters, and demanded the arms and ammunition, the removal of which he superintended.

On the 20th, he said to Thomas McKay that this was Major Crozier's last opportunity of averting bloodshed, and that, unless he surrendered Fort Carlton, an attack would be made that night.

On the 21st the prisoner sent a demand, written and signed by himself, to the same Major Crozier, then in command of the Mounted Police at Fort Carlton, demanding an unconditional surrender of the fort and of his force, and threatening a war of extermination on refusal. This demand was not presented as written, because his messenger who carried it, on conferring with Major Crozier's representative, saw that it would be peremptorily rejected.

On the 26th the prisoner, with a force of between three and four hundred armed men, proceeded to attack the police and the volunteers, on their way from Fort Carleton to Duck Lake, and he himself gave the command to fire, when nine men were killed.

It has been made a question which side fired first on this occasion, but Riel's own statement to Capt. Young was that they were endeavoring to surround the Government force while Major Crozier was engaged in a parley with one of Riel's people; and that it was part of his plan to capture the police force, or some high Government official, in order to compel negotiations, has been stated by him to the Rev. Mr. Pitblado and to others, as well as to Capt. Young.

From that time until the suppression of the rebellion by the taking of Batoche, on the 12th of May, he was the unquestioned leader of the movement. Being urged by Mr. Astley, after the second engagement which took place at Fish Creek, to allow him to negotiate, he said to him, what he also repeated to the witness Ross, that they must have another victory first, when they would be able to make better terms with the Government; and to the end he remained, not merely in the ostensible, but in the actual control of the armed force, negotiating in that capacity with the commander of the troops, and with an authority never doubted by those who, being his prisoners, observed his conduct, or questioned by any one of those in arms under him.

It may be asserted with confidence that there never has been a rebellion more completely dependent upon one man; that had he at any moment so desired, it would have come to an end; and that had he been removed a day before the outbreak, it would, in all probability, never have occurred. A dispassionate perusal of the whole evidence will leave no room for doubt upon this point, and that this was his own opinion appears by his statement to Father André, to be presently referred to.

Finally, under this head, as regards the mental state of the prisoner, after his trial and before execution, careful enquiry was made into this question by medical experts employed confidentially by the Government for that purpose, and nothing was elicited showing any change in his mental powers or casting any doubt upon his perfect knowledge of his crime, or justifying the idea that he had not such mental capacity as to know the nature and quality of the act for which he was convicted, as to know that the act was wrong, and as to be able to control his own conduct.

3. It has been urged that the prisoner's crime was a political one, inspired by political motives alone; that a rebellion prompted only for the redress of alleged political grievances, differs widely from an ordinary crime, and that however erroneous may be the judgment of its leader, in endeavoring to redress the supposed wrongs of others, he is entitled, at least, to be regarded as unselfish, and as in his own view, patriotic.

This ground has been most earnestly considered, but the Government has been unable to recognize in the prisoner a political offender only, or to see that upon the evidence there can be any doubt that his motives were mainly selfish. On the contrary, it seems plain that he was willing at any moment, for the sake of gain, to

desert his deluded followers, and to abandon his efforts for the redress of their alleged grievances, if, under cover of them, he could have obtained satisfaction for his own personal money demands.

It is believed that many who have espoused his cause and desired to avert from him the sentence which the law pronounced must have been ignorant of this fact, or cannot duly have considered its proper effect, for it seems incredible that anyone knowing it could regard the prisoner as entitled to the character of a patriot, or adopt him as the representative of an honorable race.

It is to be remembered that the prisoner had left this country and gone to the United States, where he had become an American citizen. He was brought here, therefore, avowedly to represent the claims of others, although in his letter of acceptance to the delegates he mentioned his own grievances as enabling him to make common cause with them. It is clear, however, from the evidence of Dr. Willoughby and Mr. Astley, that from the beginning his own demand, which he himself claimed against the Government, was uppermost in his thoughts, and as early as December he attempted to make a direct bargain with the Government for its satisfaction.

Father André was a witness called on behalf of the prisoner, and there can be no reason whatever to question the correctness of his statement. His evidence on cross-examination by Mr. Casgrain was as follows:—

“Q. I believe in the month of December, 1884, you had an interview with Riel and Nolin, with regard to a certain sum of money which the prisoner claimed from the Federal Government? A. Not with Nolin. Nolin was not present at the interview.”

“Q. The prisoner was there? A. Yes.”

“Q. Will you please state what the prisoner asked of the Federal Government?

A. I had two interviews with the prisoner on that subject.”

“Q. The prisoner claimed a certain indemnity from the Federal Government, didn't he? A. When the prisoner made his claim I was there with another gentleman, and he asked from the Government \$100,000. We thought that was exorbitant, and the prisoner said ‘Wait a little; I will take at once \$35,000 cash.’”

“Q. And on that condition the prisoner was to leave the country, if the Government gave him the \$35,000? A. Yes, that was the condition he put.”

“Q. When was this? A. This was on the 23rd December, 1884.”

“Q. There was also another interview between you and the prisoner? A. There has been about twenty interviews between us.”

“Q. He was always after you to ask you to use your influence with the Federal Government to obtain this indemnity? A. The first time he spoke of it was on the 12th December. He had never spoken a word about it before, and on the 23rd of December he spoke about it again.”

“Q. He talked about it very frequently? A. On these two occasions only.”

“Q. That was his great occupation? A. Yes, at those times.”

“Q. Is it not true that the prisoner told you he himself was the half-breed question? A. He did not say so in express terms, but he conveyed that idea. He said: ‘If I am satisfied, the half-breeds will be.’ I must explain this. This objection was made to him, that even if the Government granted him the \$35,000 the half-breed question would remain the same, and he said, in answer to that: ‘If I am satisfied, the half-breeds will be.’”

“Q. Is it not a fact he told you he would even accept a less sum than the \$35,000? A. Yes. He said: ‘Use all the influence you can; you may not get all that, but get all you can, and if you get less we will see.’”

This evidence confirms that of Charles Nolin, a very prominent half-breed, at one time Minister of Agriculture in the Government of Manitoba, who had strongly sympathised with Riel and the movement, until armed rebellion became imminent, when he separated from him, and afterwards gave evidence for the Crown. This was his testimony:

“In the beginning of December, 1884, he began to show a desire to have money; he spoke to me about it first, I think.”

"Q. How much did he say he wanted? A. The first time he spoke of money I think he said he wanted \$10,000 or \$15,000."

"Q. From whom would he get the money? A. The first time he spoke about it he did not know any particular plan to get it; at the same time, he told me that he wanted to claim an indemnity from the Canadian Government. He said that the Canadian Government owed him about \$100,000, and then the question arose who the persons were whom he would have to talk to the Government about the indemnity. Some time after that the prisoner told me that he had an interview with Father André, and that he had made peace with the church; that since his arrival in the country he had tried to separate the people from the clergy; that until that time he was at open war almost with the clergy. He said that he went to the church with Father André, and in the presence of another priest and the Blessed Sacrament he had made peace, and said that he would never again do anything against the clergy. Father André told him he would use his influence with the Government to obtain for him \$35,000. He said that he would be contented with \$35,000 then, and that he would settle with the Government himself for the balance of the \$100,000. That agreement took place at Prince Albert. The agreement took place at St. Laurent, and then Father André went back to his mission at Prince Albert."

"Q. Before December were there meetings at which Riel spoke, and at which you were present? A. Yes."

"Q. How many? A. Till the 24th February. I assisted at seven meetings, to the best of my knowledge."

"Q. Did the prisoner tell you what he would do if the Government paid him the indemnity in question? A. Yes."

"Q. What did he tell you? A. He said if he got the money he wanted from the Government, he said he would go wherever the Government wished to send him. He had told that to Father André. If he was an embarrassment to the Government by remaining in the North-West he would even go to the Province of Quebec. He said also that if he got the money he would go to the United States and start a paper, and raise the other nationalities in the States. He said: 'Before the grass is that high in this country, you will see foreign armies in this country.' He said: 'I will commence by destroying Manitoba, and then I will come and destroy the North-West and take possession of the North-West.'"

Much has been made of the argument that the prisoner came here at the request of others, but for which he would have remained away, and that being here he desired to return to the United States, and would have done so were it not for the urgency of those who had induced him to come. As to this, Charles Nolin swore as follows:—

"Q. Was there a meeting about that time, about the 8th or 24th of February? A. A meeting?"

"Q. At which the prisoner spoke? A. There was a meeting on the 24th of February, when the prisoner was present."

"Q. What took place at that meeting; did the prisoner say anything about his departing for the United States? A. Yes."

"Q. What did the prisoner tell you about that? A. He told me that it would be well to try and make it appear as if they wanted to stop him going to the States. Five or six persons were appointed to go among the people, and when Riel's going away was spoken about, the people were to say 'No, no.' It was expected that Gagnon would be there, but he was not there. Riel never had any intention of leaving the country."

"Q. Who instructed the people to do that? A. Riel suggested that himself."

"Q. Was that put in practice? A. Yes."

The counsel for the other half-breeds who pleaded guilty also stated in court that Riel had himself procured the request to him to come to this country; and on two occasions in court these learned gentlemen most earnestly and indignantly denounced the prisoner as one who had misled and deceived their clients, and to whom all

the misery and ruin which this unhappy rebellion had brought upon them was to be attributed.

But if an unselfish desire could be credited to the prisoner to redress political wrongs even by armed rebellion, it would at least have been necessary to disprove the charge which lies against him, that in his own mind the claims of humanity had no place, but that he was prepared to carry out his designs by bringing upon an offending people all the horrors of an Indian rising with the outrages and atrocities which, as he knew full well, must inevitably accompany it. That this cannot be disproved, but that it is beyond all dispute true, the evidence makes plain.

From the beginning, even before Duck Lake, he was found in company with Indians armed, and to the end he availed himself of their assistance.

In that engagement, the first occasion of bloodshed, according to the evidence of the witnesses, Astley, Ross and William Tompkins, the Indians composed a large portion of his force—one-third, or thereabouts.

In a letter found in the camp of Poundmaker, an Indian Chief, in the prisoner's handwriting, and signed by him, after describing in most exaggerated language what is termed their victory at Duck Lake, it is said: "Praise God for the success He has given us. Capture all the police you possibly can. Preserve their arms. Take Fort Battle, but save the provisions, munitions and arms. Send a detachment to us of at least one hundred men."

In a draft letter, also in his handwriting, and proved at the trial, addressed to the French and English Métis from Battle River to Fort Pitt, the following expressions are found:—

"We will help you to take Fort Battle and Fort Pitt. * * * Try and have the news which we send to you conveyed as soon as possible to the Métis and Indians of Fort Pitt. Tell them to be on their guard; to prepare themselves for everything. * * * Take with you the Indians; gather them together everywhere. Take all the ammunition you can, in whatever stores they may be. Murmur, growl and threaten. Rouse up the Indians."

Other evidence to the same effect was given at the trial, and it may be added that in the scouting reports and Orders in Council the active employment of Indians in carrying on hostilities clearly appears.

It could not be overlooked either, upon an application for executive clemency, that upon the trials of One Arrow, Poundmaker, White Cap and other Indians, it was apparent that they were excited to the acts of rebellion by the prisoner and his emissaries. Many of these Indians so incited and acting with him from the commencement were refugee Sioux from the United States, said to have been concerned in the Minnesota massacre and the Custer affair, and therefore of a most dangerous class.

It is to the credit of the Indian chiefs that their influence was used to prevent barbarity, but by individuals among them several cold-blooded, deliberate murders were committed, for which the perpetrators now lie under sentence of death. These crimes took place during the rebellion, and can be attributed only to the excitement arising out of it.

4. Whether rebellion alone should be punished with death is a question upon which opinions may differ. Treason will probably ever remain what it always has been among civilized nations, the highest of all crimes; but each conviction for that offence must be treated and disposed of by the Executive Government upon its own merits, and with a full consideration of all the attendant circumstances. In this particular instance, it was a second offence and, as on the first occasion, accompanied by bloodshed under the direct and immediate order of the prisoner, and by the atrocity of attempting to incite an Indian warfare, the possible results of which the prisoner could and did thoroughly appreciate. In deciding upon the application for the commutation of the sentence passed upon the prisoner the Government were obliged to keep in view the need of exemplary and deterrent punishment for crime committed in a country situated in regard to settlement and population as are the North-West Territories; the isolation and defenceless position of the settlers already there; the horrors to which they would be exposed in the event of an Indian outbreak; the

effect upon intending settlers of any weakness in the administration of the law; and the consequences which must follow in such a country if it came to be believed that such crimes as Riel's could be committed, without incurring the extreme penalty of the law, by anyone who was either subject to delusions, or could lead people to believe that he was so subject. The crime of the prisoner was no constructive treason; it was accompanied by much bloodshed, inflicted by his own direct orders; and the Government have felt, upon a full and most earnest consideration of the case, that they would have been unworthy of the power with which they are entrusted by the whole people, and would have neglected their plain duty to all classes, had they interfered with the due execution of a sentence pronounced as the result of a just verdict, and sanctioned by a righteous law.

A. CAMPBELL, *Minister of Justice during the proceedings against Riel.*

RETURN

(43b)

To an ADDRESS of the HOUSE OF COMMONS, dated 5th March, 1886;—For copies of all Commissions, Letters, Telegrams or Instructions whatsoever, given, furnished or sent by the Government, by any Minister or Ministers, or any officer of the Department of Justice to His Honor Mr. Justice Hugh Richardson, in relation to the trial of Riel at Regina. Also copies of any instructions given to any person whomsoever on the staff of the Court presided over by the said Judge, and the Counsel representing the Government at the said trial.

By Command.

J. A. CHAPLEAU,

Secretary of State.

Department of the Secretary of State,
12th March, 1886.

DEPARTMENT OF JUSTICE, OTTAWA, 11th March, 1886.

Upon the reference by the Secretary of State of an Address of the Honorable the House of Commons for copies of all communications, letters, telegrams or instructions whatsoever, given, furnished, or sent by Government, by any Minister or Ministers, or any officer of the Department of Justice to His Honor Mr. Justice Richardson in relation to the trial of Riel at Regina;

Also for copies of any instructions given to any person whomsoever on the staff of the court presided over by the said Judge; and to the counsel representing the Government at the said trial, the undersigned has the honor to report:

No commissions, letters, telegrams, or instructions were given, furnished, or sent by the Minister of Justice or any officer of the Department of Justice to Judge Richardson or any person on the staff of the court presided over by him in relation to the trial of Riel at Regina.

Copy of the instructions given by the Minister of Justice to the counsel representing the Crown in the prosecution of Riel and others is herewith transmitted.

A. POWER, *for Deputy Minister of Justice.*

DEPARTMENT OF JUSTICE, OTTAWA, 20th June, 1885.

To Messrs. C. ROBINSON, Q.C.; B. B. OSLER, Q.C.; G. W. BURBIDGE, Deputy Minister of Justice; T. CHASE CASGRAIN and D. L. SCOTT.

GENTLEMEN,—In the matter of the prosecution of Riel and others, growing out of the recent rebellion in the North-West Territories, and in which you are engaged as counsel on behalf of the Crown, I have thought it best to send you this note of general instructions:—

(1.) Riel and all the leading men among the prisoners—white or half-breed—to be prosecuted for treason.

(2.) The Indians who committed the murders to be prosecuted for murder.

(3.) Other Indian chiefs and principal men to be prosecuted for treason.

(4.) I think after a certain number of convictions many prisoners will probably plead guilty.

(5.) I think it would be well at this stage that you should report to me for further instructions.

(6.) The object of the Government would be accomplished by the obtaining of a certain number of convictions. I should expect to hear of thirty or forty leading half-breeds or white men and leading Indians having been found guilty.

(7.) It may be, and from the information which the Government has it seems probable, that the rebellion has been encouraged actively by whites, particularly of Prince Albert. Nothing in the whole duty entrusted to you is, I apprehend, more important than that we should, if possible, find out some of the men who have, with far better knowledge than the half-breeds and Indians, stirred them up to rebellion, and your special attention is asked to this point.

I am, &c.,

A. CAMPBELL, *Minister of Justice.*

RETURN

(43c)

To an ADDRESS of the HOUSE OF COMMONS, dated 3rd March, 1886, For copies of all documents forming the record in the case of Her Majesty against Louis Riel, tried at Regina, including the jury list, the names of the jurors challenged, and by whom they were challenged, the list of the jurors empannelled, the motions and affidavits filed, the evidence, the incidents of the trial, the addresses of counsel and of the prisoner, the charge of the judge, the names of the judges or assistant judges who tried the case, the names of the counsel for the prosecution and for the defence; and, in short, of every document whatsoever relating to the trial, and also of the verdict and of the recommendation to the mercy of the Court.

By Command.

J. A. CHAPLEAU,

Secretary of State.

Department of Secretary of State,
15th March 1886.

CANADA,
North-West Territories. }

THE NORTH-WEST TERRITORIES ACT.

THE QUEEN vs. LOUIS RIEL.

The following is a list of the persons summoned by the undersigned, a stipendiary magistrate, in and for the said Territories, pursuant to the provisions of "The North-West Territories Act, 1880," and from whom the jury required in the trial of the charges against you, a copy of which is hereto annexed, are to be called :

| Name. | All in the North-West Territories, Canada. | | | | Profession or Addition. |
|---|--|-----------|--------|-----------|-------------------------|
| | Place of Abode. | | | | |
| | Section. | Township. | Range. | Meridian. | |
| Francis Cosgrave | 18 | 16 | 1 | W 2 | Farmer. |
| Benjamin Limoges..... | 24 | 16 | 3 | W 2 | do |
| Thomas Howard..... | 14 | 14 | 3 | W 2 | do |
| Peel Deane..... | 32 | 18 | 5 | W 2 | do |
| Walter Merryfield..... | 16 | 15 | 6 | W 2 | do |
| John Fotheringham..... | 32 | 15 | 8 | W 2 | do |
| Wm. D. Perley..... | 34 | 16 | 10 | W 2 | do |
| Thomas Gordon..... | 10 | 18 | 11 | W 2 | do |
| Robert C. Rigby..... | 26 | 18 | 12 | W 2 | do |
| Joseph Sheppard..... | 16 | 18 | 12 | W 2 | do |
| Edwin J. Brooks..... | 26 | 19 | 13 | W 2 | Merchant. |
| William Broley..... | 34 | 19 | 13 | W 2 | Farmer. |
| Owen Strickland..... | 20 | 20 | 12 | W 2 | do |
| Donald Gunn..... | 30 | 21 | 13 | W 2 | do |
| Wilton R. O. Papy..... | 16 | 21 | 14 | W 2 | do |
| Arthur Webster..... | 34 | 17 | 14 | W 2 | do |
| Adam Auld..... | 4 | 19 | 14 | W 2 | do |
| Malcolm A. McLane..... | 18 | 17 | 15 | W 2 | do |
| John B. Davis..... | 18 | 18 | 15 | W 2 | do |
| William O. Brooke..... | 16 | 18 | 15 | W 2 | do |
| Thomas Wright..... | 28 | 19 | 15 | W 2 | do |
| Henry T. Whittaker..... | 30 | 16 | 19 | W 2 | do |
| John McCallum..... | 22 | 18 | 19 | W 2 | do |
| Demetrius Woodward..... | 36 | 17 | 20 | W 2 | do |
| Peter McCallum..... | 2 | 18 | 24 | W 2 | do |
| Michael Sullivan..... | 28 | 16 | 25 | W 2 | do |
| Thomas Rogers..... | 16 | 17 | 25 | W 2 | do |
| Edward Eratt..... | 32 | 18 | 25 | W 2 | do |
| James W. Wrong..... | 30 | 16 | 28 | W 2 | do |
| James Watson..... | 30 | 16 | 26 | W 2 | do |
| John McIntyre..... | 8 | 17 | 19 | W 2 | do |
| Oliver T. Stone, Sussex..... | ..... | ..... | ..... | W 2 | do |
| Albert E. Fregent, Fort Qu'Appelle..... | ..... | ..... | ..... | W 2 | Merchant. |
| George Anderson, Greenfield..... | ..... | ..... | ..... | W 2 | Contractor. |
| Hy. J. Painter, Brandon..... | ..... | ..... | ..... | W 2 | Merchant. |
| Thomas Bull, Pense..... | ..... | ..... | ..... | W 2 | do |

Dated at Regina, N.-W.T., this sixth day of July, A.D., 1885.

HUGH RICHARDSON,

A Stipendiary Magistrate for the North-West Territories of Canada.

QUEEN vs. RIEL.

The Court assembled at 11 a. m., 20th July, 1885.

Mr. Justice Richardson.—I have to announce that Mr. Henry Le Jeune will be the associate justice for the approaching trial; Mr. Dixie Watson, clerk; Wallace McLean, J. S. Monahan, James T. Parkes and F. R. Marceau, official reporters. Mr. Sheriff, will you return the precept.

Precept handed by the sheriff to the clerk who reads the return and calls the list of jurors.

His Honor Mr. Justice Richardson.—The clerk will open the court.

Court opened by the clerk.

Mr. Justice Richardson.—Mr. Sheriff, will you bring in the prisoner.

Prisoner brought in and placed in the dock.

Mr. Justice Richardson.—Louis Riel, have you been furnished with a copy of the charge, of the panel of jurors, of the list of witnesses for the prosecution?

Prisoner.—Yes, your Honor.

Mr. Justice Richardson.—Arraign the prisoner.

The clerk reads the indictment as follows:—

Sixth day of July, in the year of Our Lord 1885, at the Town of Regina in the North-West Territories;

Before me, Hugh Richardson, one of the stipendiary magistrates of the North-West Territories, exercising criminal jurisdiction under the provisions of the North-West Act, 1880.

Louis Riel, you stand charged on oath before me as follows:

“The information and complaint of Alexander David Stewart, of the City of Hamilton, in the Province of Ontario, in the Dominion of Canada, chief of police, taken the sixth day of July, in the year of our Lord one thousand eight hundred and eighty-five, before the undersigned, one of Her Majesty's stipendiary magistrates in and for the said North-West Territories of Canada, who saith:

“1. That Louis Riel being a subject of our Lady the Queen, not regarding the duty of his allegiance, nor having the fear of God in his heart, but being moved and seduced by the instigation of the devil as a false traitor against our said Lady the Queen, and wholly withdrawing the allegiance, fidelity and obedience which every true and faithful subject of our said Lady the Queen should and of right ought to bear towards our said Lady the Queen in the year aforesaid, together with on the twenty-sixth day of March divers other false traitors to the said Alexander David Stewart unknown, armed and arrayed in a warlike manner, that is to say with guns, rifles, pistols, bayonets, and other weapons, being then unlawfully, maliciously and traitorously assembled and gathered together against our said Lady the Queen at the locality known as Duck Lake in the said the North-West Territories of Canada and within this realm, and did then maliciously and traitorously attempt and endeavor by force and arms to subvert and destroy the constitution and government of this realm as by law established, and deprive and depose our said Lady the Queen of and from the style, honor and kingly name of the Imperial Crown of this realm, in contempt of our said Lady the Queen and her laws, to the evil example of all others in the like case offending, contrary to the duty of the allegiance of him, the said Louis Riel, against the form of the statute in such case made and provided and against the peace of our said Lady the Queen, her Crown and dignity.

“2. And the said Alexander David Stewart further saith: That the said Louis Riel, being a subject of our Lady the Queen, not regarding the duty of his allegiance, nor having the fear of God in his heart, but being moved and seduced by the instigation of the devil as a false traitor against our said Lady the Queen and wholly withdrawing the allegiance, fidelity and obedience which every true and faithful subject of our said Lady the Queen should and of right ought to bear towards our said Lady the Queen, on the twenty-fourth day of April in the year aforesaid, together with divers other false traitors to the said Alexander David Stewart unknown, armed and arrayed in a warlike manner, that is to say, with guns, rifles, pistols, bayonets and

other weapons, being then unlawfully, maliciously and traitorously assembled and gathered together against our said Lady the Queen, most wickedly, maliciously and traitorously did levy and make war against our said Lady the Queen at the locality known as Fish Creek in the said the North-West Territories of Canada and within this realm, and did then maliciously and traitorously attempt and endeavor by force and arms to subvert and destroy the constitution and government of this realm as by law established, and deprive and depose our said Lady the Queen of and from the style, honor and kingly name of the Imperial Crown of this realm, in contempt of our said Lady the Queen and her laws, to the evil example of all others in the like case offending, contrary to the duty of the allegiance of him, the said Louis Riel, against the form of the statute in such case made and provided, and against the peace of our said Lady the Queen, her Crown and dignity.

"3. And the said Alexander David Stewart further saith: That the said Louis Riel being a subject of Our Lady the Queen, not regarding the duty of his allegiance nor having the fear of God in his heart, but being moved and seduced by the instigation of the devil as a traitor against our said Lady the Queen and wholly withdrawing the allegiance, fidelity and obedience which every true and faithful subject of our said Lady the Queen should and of right ought to bear towards our said Lady the Queen, on the ninth, tenth, eleventh and twelfth days of May in the year aforesaid, together with divers other false traitors to the said Alexander David Stewart unknown, armed and arrayed in a warlike manner, that is to say with guns, rifles, pistols, bayonets and other weapons, being then unlawfully, maliciously and traitorously assembled and gathered together against our said Lady the Queen, most wickedly, maliciously and traitorously did levy and made war against our said Lady the Queen at the locality known as Batoche, in the said the North-West Territories of Canada and within this realm, and did then maliciously and traitorously attempt and endeavor by force and arms to subvert and destroy the constitution and government of this realm as by law established, and deprive and depose our said Lady the Queen of and from the style, honor and kingly name of the Imperial Crown of this realm, in contempt of our said Lady the Queen and her laws, to the evil example of all others in like case offending, contrary to the duty to the allegiance of him, the said Louis Riel, against the form of the statute in such case made and provided, and against the peace of our said Lady the Queen, her Crown and dignity.

"4. And the said Alexander David Stewart further saith: That the said Louis Riel, then living within the Dominion of Canada and under the protection of our Sovereign Lady the Queen, not regarding the duty of his allegiance nor having the fear of God in his heart, but being moved and seduced by the instigation of the devil as a false traitor against our said Lady the Queen, and wholly withdrawing the allegiance, fidelity and obedience which he should and of right ought to bear towards our said Lady the Queen, on the twenty-sixth day of March in the year aforesaid, together with divers other false traitors to the said Alexander Stewart unknown, armed and arrayed in a war-like manner, that is to say with guns, rifles, pistols, bayonets and other weapons, being then unlawfully, maliciously and traitorously assembled and gathered together against our said Lady the Queen, most wickedly, maliciously and traitorously did levy and make war against our said Lady the Queen at the locality known as Duck Lake, in the said the North-West Territories of Canada and within this realm, and did then maliciously and traitorously attempt and endeavor by force and arms to subvert and destroy the constitution and government of this realm as by law established, and deprive and depose our said Lady the Queen of and from the style, honor and kingly name of the Imperial Crown of this realm, in contempt of our said Lady the Queen and her laws, to the evil example of all others in like case offending, contrary to the duty of the allegiance of him, the said Louis Riel, against the form of the statute in such case made and provided, and against the peace of our said Lady the Queen, her Crown and dignity.

"5. And the said Alexander David Stewart further saith: That the said Louis Riel, then living within the Dominion of Canada and under the protection of our Sovereign Lady the Queen, not regarding the duty of his allegiance, nor having the

fear of God in his heart, but being moved and seduced by the instigation of the devil as a false traitor against our said lady the Queen, and wholly withdrawing the allegiance, fidelity and obedience which he should and of right ought to bear towards our said Lady the Queen, on the twenty-fourth day of April in the year aforesaid, together with divers other false traitors to the said Alexander Stewart unknown, armed and arrayed in a warlike manner, that is to say, with guns, rifles, pistols, bayonets and other weapons, being then unlawfully, maliciously and traitorously assembled and gathered together against our said lady the Queen, most wickedly, maliciously and traitorously did levy and make war against our said Lady the Queen at the locality known as Fish Creek, in the said the North-West Territories of Canada and within this realm, and did then maliciously and traitorously attempt and endeavor by force and arms to subvert and destroy the constitution and Government of this realm as by law established, and deprive and depose our said Lady the Queen of and from the style, honor and kingly name of the Imperial Crown of this realm, in contempt of our said Lady the Queen and her laws, to the evil example of all others in like case offending, contrary to the allegiance of him, the said Louis Riel, against the form of the statute in such case made and provided, and against the peace of our said Lady the Queen, her Crown and dignity.

"6. And the said Alexander David Stewart further saith: That the said Louis Riel, then living within the Dominion of Canada and under the protection of our Sovereign Lady the Queen, not regarding the duty of his allegiance, nor having the fear of God in his heart, but being moved and seduced by the instigation of the devil as a false traitor against our said Lady the Queen, and wholly withdrawing the allegiance, fidelity and obedience which he should and of right ought to bear towards our said Lady the Queen, on the 9th, 10th, 11th and 12th days of May in the year aforesaid, together with divers other false traitors to the said Alexander David Stewart unknown, armed and arrayed in a warlike manner, that is to say, with guns, rifles, pistols, bayonets and other weapons, being then unlawfully, maliciously and traitorously assembled and gathered together against our said Lady the Queen, most wickedly, maliciously and traitorously did levy and make war against our said Lady the Queen at the locality known as Batoche, in the said North-West Territories of Canada and within this realm, and did then maliciously and traitorously attempt and endeavor by force and arms to subvert and destroy the constitution and Government of this realm as by law established, and deprive and depose our said Lady the Queen of and from the style, honor and kingly name of the Imperial Crown of this realm, in contempt of our said Lady the Queen and her laws, to the evil example of all others in like case offending, contrary to the duty of the allegiance of him, the said Louis Riel, against the form of the statute in such case made and provided, and against the peace of our said Lady the Queen, her Crown and dignity."

Sworn before me the day and year first above mentioned
at the town of Regina in the North-West Territories of Canada. } A. D. STEWART.

HUGH RICHARDSON,

A Stipendiary Magistrate in and for the North-West Territories of Canada.

Clerk.—Louis Riel, are you guilty or not guilty?

Mr. Justice Richardson.—Who appears for the prosecution?

Mr. Christopher Robinson, Q.C.—I appear with my learned friends B. B. Osler, Q.C., G. W. Burbidge, Q.C., D. L. Scott and T. C. Casgrain.

Mr. F. X. Lemieux.—I appear for the prisoner with Mr. Charles Fitzpatrick, J. N. Greenshields and T. C. Johnstone.

Mr. Lemieux: I hold in my hand a plea to the jurisdiction of the court, supported by the usual affidavits, and we have agreed that Mr. Fitzpatrick shall argue that part of the case. Will your Honor be kind enough to have the prisoner swear to the affidavit supporting this plea?

Mr. Justice Richardson.—The clerk may swear him now as the court is open. Affidavit sworn to by the prisoner.

Mr. Fitzpatrick.—May it please your Honor, I will now proceed to read to the court the plea to the jurisdiction of the court in this case and affidavit.

The Queen vs. Louis Riel—Charged under the North-West Territories Act, 1880.

And the said Louis Riel in his own proper person cometh into a court here, and having heard the information and complaint of Alexander David Stewart, of the city of Hamilton, in the Province of Ontario, in the Dominion of Canada, chief of police, taken the sixth day of July, in the year of our Lord one thousand eight hundred and eighty-five before Hugh Richardson, one of Her Majesty's stipendiary magistrates in and for the North-West Territories of Canada saith :—

That Hugh Richardson, Esq., one of Her Majesty's stipendiary magistrates of the North-West Territories of Canada, exercising criminal jurisdiction in open court with a justice of the peace and a jury of six, under the provisions of the North-West Territories Act, 1880, ought not to take cognizance of the offences in the said information charged and specified, because protesting that he is not guilty of the same, nevertheless, the said Louis Riel saith that the offences with which he is charged are punishable with death, and he should be committed for safe custody and sent for trial to Upper Canada, or to any court constituted in British Columbia taking cognizance of like offences committed therein, and because in virtue of the laws in force in the place where the said offences are charged to have been committed, the said Hugh Richardson, in open court with a justice of the peace and a jury of six, has no jurisdiction to try the offences charged in the said information.

Wherefore the said Louis Riel prays judgment if the said Hugh Richardson, in open court with a justice of the peace and a jury of six, now here, will take cognizance of the charges aforesaid.

Mr. Robinson.—I think it would be better to have an adjournment for a quarter of an hour or so in order to consider the plea. If we had a copy of the plea an adjournment would not be necessary.

Mr. Justice Richardson.—At this point we might determine what hours the court will sit.

Mr. Robinson.—What hours would your Honor suggest as most convenient to the court ?

Mr. Justice Richardson.—I would like to do a fair day's work. Commence at 8 o'clock in the morning, how would that suit ?

Mr. Robinson.—That is rather too early. As far as counsel are concerned, they would suggest from 10 to 6.

Mr. Justice Richardson.—With an intermission ?

Mr. Robinson.—Yes.

Mr. Justice Richardson.—I suppose if I don't yield quietly you will make me in the end.

Court here adjourned till 1 o'clock.

Resumed after adjournment.

His Honor Mr. Justice Richardson.—Before you proceed I understand there are quite a number of prisoners in custody.

Mr. Osler.—Seventy-three.

His Honor.—Going through all these will take a very long time. A great number of days. The prospects are that this case, if it does not close at once will take a considerable time and will be followed by the others. I think it would be unfair to the prisoners to keep them longer in custody than necessary, and I propose therefore, as there are other gentlemen having the same jurisdiction as myself, to ask the Government to send one of them to hold court so as to have the two courts sitting at the same time, if you gentlemen have no objection to that course.

Mr. Robinson.—We have no objection to that. We were talking about it this morning.

Mr. Fitzpatrick.—I will proceed to read our plea to the jurisdiction of the court as amended in some respects.

His Honor.—This will be substituted for the one put in my hands this morning.
Mr. Fitzpatrick reads the plea as amended. (*See plea p. 2.*)

Mr. Robinson.—In our view a formal plea to the jurisdiction is not necessary, nor a formal answer, we thought it only necessary for them to state their objection and for us to answer them.

And the said Christopher Robinson, one of Her Majesty's counsel learned in the law, who for our said present Sovereign Lady the Queen, in this behalf prosecuteth as to the said plea of him the said Louis Riel by him above pleaded as aforesaid for our said present Sovereign Lady the Queen saith:—

That the said plea and the matter therein contained are not sufficient in law to preclude the court here from their jurisdiction and to hear and determine the offences charged mentioned and specified in the said charge and above charged upon him the said Louis Riel in and by the said charge.

Wherefore for want of a proper and sufficient answer in this behalf he prayeth judgment and that the said Louis Riel may answer in court here to our said present Sovereign Lady the Queen touching and concerning the premises aforesaid.

Answer handed to the clerk and filed.

His Honor.—We have the plea to the jurisdiction and we have the demurrer.

Mr. Fitzpatrick.—We join issue upon the demurrer. In excepting to the jurisdiction of the court I beg leave to remark that it is an objection of counsel of the prisoner only, our opposition does not arise from apprehension as to the verdict of the jury ultimately being that Riel is innocent; but your Honor knows that even of technical objections where the life of a man is at stake it is the duty of his counsel to avail himself, and although we entertain no doubt of the acquittal of the prisoner, yet in the duty which we, as legal advisers, have to perform we feel ourselves compelled to neglect nothing that by possibility can lead to it. At the same time I must say on behalf of our client that it is his desire while declaring the respect for your Honors to take advantage of the opportunity now afforded him to claim for the people of the North-West Territories such full and ample enjoyment of the privileges of the British constitution as British subjects are entitled to have. This may perchance be the closing scene of his eventful career, but Louis Riel will not have lived and died for nothing if trial by jury, the palladium of our liberties, the bulwark of our constitution, the fairest mode of trial which the wisdom of centuries has been able to devise is guaranteed in all its purity to his fellow subjects. We therefore except to the jurisdiction of this court.

The proceedings here are instituted under the Act of 1880. It is my intention to examine how far the provisions of this Act are in force in this Territory. I shall, therefore, in the first instance, proceed to ascertain the laws in force in this country in 1763, and it shall be my endeavor to show what is meant by "trial by jury." I will examine the provisions of the Statute of 1880 and see in what respect they are repugnant to the provisions of the Magna Charta, how far they have been followed. I shall proceed to examine the power of Parliament to pass such an Act as that of 1880, and see if power does not exist elsewhere for the trial of the accused.

I may assume that the North-West Territories form part of the British dominions either as having been part of the territory covered by the Hudson Bay charter of 1670, or as part of Canada ceded to the English by the French in 1763. That is a point which has been debated but is not of sufficient interest in this case. If we consider the North-West Territories as forming part of the British Dominions by the original charter to the Hudson Bay Company, we must look upon the provisions of the Magna Charta guaranteeing trial by jury as the birthright of every British subject. Story 2, p. 540, "The right constitutes one of the fundamental articles of Magna Charta, in which it is declared *nulus homo capiatur, nec imprisonetur, aut exulet. aut aliquo modo destruat, etc., nisi per legale iudicium parium suorum vel per legem terre* —No man shall be arrested, nor imprisoned nor banished, nor deprived of life, etc., but by the judgment of his peers, or the law of the land." A trial by jury is generally understood to mean, *ex vi termini*, a trial by a jury of twelve men, impartially selected, who must unanimously concur in the guilt of the accused before a legal

conviction can be made. Any law therefore dispensing with any of these requisites may be considered unconstitutional. If we consider these Territories as forming part of Canada ceded to England by France, then the criminal law of the conquering power became the criminal law of these Territories. As to that it is not necessary for me to cite any authorities. I may, however, refer you to *Regina v. Coote*, L. R. 4, P. C. 599. If it is possible to have any doubts, I will call your attention to the debates on the Quebec Bill, which I hold in my hand. The question there arises as to whether trial by jury in civil matters is to form part of the law of the land. Lord North says: "If the Crown is interested in any question concerning a jury it is in criminal matters, and having duly considered the great protection afforded the subject by juries, we have universally given them a jury in all criminal cases." I say we may take it for granted that from 1763 trial by jury was an essential requisite in all criminal proceedings, especially when punishable by death. It becomes necessary to see what is the meaning of these terms in *Magna Charta*, "trial by jury," "due process of law." I shall proceed to examine that question. Story, 2nd vol., p. 541, in the foot note: "A trial by jury is understood to mean *ex vi termini*, a trial by a jury of twelve men, impartially selected, who must unanimously concur in the guilt of the accused before a legal conviction can be had. Any law, therefore, dispensing with the requisites may be considered unconstitutional." 2nd Kent, page 13 (foot note): "The law of the land in bills of right, says Chas. J. Ruffin, in the elaborate opinion delivered in *Hoke v. Henderson*, 4 Dev., N.C. Rep. 15 (and one replete with sound constitutional doctrines) does not mean merely an act of the legislature, for that construction would abrogate all restriction on legislative authority. This clause means that statutes which would deprive a citizen of the rights of person or property without a regular trial, according to the course and usage of the common law, and in private suits at common law, would not be the law of the land in the sense of the constitution. And the judgment of his peers means, trial by a jury of twelve men according to the course of the common law"—*Taylor v. Porter*, 4 Hill, p. 140; *Wilkinson v. Leland*, "2 Peters 657," the words law of the land do not mean a statute passed for tracking the enemy, that construction would render the restriction absolutely nugatory, and turn this part of the constitution into mere nonsense. See "*Wyndham v. The People*," 13 N. Y. Appeals 484; Potter on "The Constitution," p. 469, edition of '85, "The article is a restraint on the legislative as well as the executive and the judicial power of the Government."

Lord Coke says the words mean by the due process of law, which he afterwards explains to be by indictment or presentment of good and lawful men when such things be done in due manner or by writ original of the common law, *per legem terrae*, not *per legem et consuetudinem regis Anglicæ populi Anglicæ*, so as to bind both King and people. 37 Edward III, chap. 8, gives the true sense and meaning of these words. Hurd on the *Habeas corpus*, page 73, Mr. Spencer in his essay on the trial by jury, after an elaborate examination, critical and historical of the question states the legal import of the chapter as follows: "No freeman shall be arrested, or imprisoned, or deprived of his freehold, or his liberties, or free customs, or be outlawed or exiled, or in any manner destroyed (harméd), nor will we (the King) proceed against him, nor send anyone against him, by force of arms, unless according to (that is in execution of) the sentence of his peers, and (or as the case may require) the common law of England (as it was at the time of *Magna Charta*, 1215).

Leaving this branch of the case which I have treated at some length and which goes to show, and by which I have endeavored to show, what is the meaning of "trial by jury," I will draw your attention to the Imperial Act in reference to treason trials. No court but a superior court having original jurisdiction can try a case of treason. You will also find it laid down in section 2 of the bill of rights that there is a special provision made that in case of treason the jurors shall be freeholders. In section 2 you will also find that the Crown is to furnish a copy of the indictment and a list of the witnesses, a precaution taken in no other case except treason. The importance of the selection of a jury in the case of treason is obvious; in a case of that kind more than in any other case the Crown is a party to the suit and there-

fore special provision is made for the protection of the individual as against the Crown. So far do they go in England upon that point, that originally the appointment of the sheriff was taken out of the hands of the King and given to the people, so that, as Lord Coke says, it could not be suspected that the sheriff would be interested and would return a corrupt jury.

It will not be necessary for me to dwell any longer on these points. I think I have shown what are, under the provisions of the Magna Charta, the requirements of trial by jury. A special enactment provides for the case of treason. In the view of these decisions, and in the light of these authorities, let us examine the statute of 1880 and see in what respects the statute complies with these conditions. I wish to call your attention to section 74 of the Act: "The Governor may from time to time appoint by commission under the great seal one or more fit or proper persons, barristers-at-law or advocates of five years' standing in any of the Provinces, not exceeding three, to be and act as stipendiary magistrates or stipendiary magistrate within the North-West Territories, who shall hold office during pleasure, &c." The third paragraph of section 76 provides for certain offences, and sub-section five leaves it optional with the magistrate to exercise his jurisdiction or refuse, as he sees fit, and sub-section 9: "Persons required as jurors for a trial shall be summoned by the stipendiary magistrate from among such male persons as he may think suitable in that behalf; and then the jury required on such trial shall be called from the persons so summoned as such jurors and sworn by the stipendiary magistrate who presides at the trial." Now that section goes to the basis of the jury system, because the number is immaterial, whether 12, 20 or 25, if the summoning of the jury is not of such a nature as to guarantee a proper and fit trial. That is the point Lord Coke refers to when he says the appointment of the sheriff is taken out of the hands of the Crown, because, in a case in which the Crown might be a party, he might be suspected of having returned a corrupt jury, and surely this is one of these cases. Section 2 of the bill of rights says the jurors shall be freeholders; section 9 here says you may have the jurors you think suitable. I do not wish anything I may say to apply to the court as now constituted. I am arguing on abstract principles; it might be that a Scroggs or a Jeffries might occupy your place. I speak in that sense and with the intention, as I am instructed, of paying due respect to this court. I say there is no qualification required; the only qualification is that the jurors shall be male. American citizens may be brought here, people may be brought here from Quebec, who have no interest or knowledge of the country; such jurors might be brought here to try this case. Is that such a trial as there should be, according to the proper interpretation of the British constitution? The jury has been called the bulwark of our constitution. Now the magistrate can take any jurors he may think fit. What is the meaning of such a jury system? What can a jury mean when chosen under these circumstances? What does it mean, except that the jury is chosen not to try the case, but simply to register the decrees of the person who has chosen them. This is the position in which we now find ourselves. Is that trial by jury according to the law of the land? I submit it is impossible to put any such interpretation upon the law. It is impossible to read that section of the statute in the light of the authorities I have given your Honor and say that this is a provision for trial by jury.

The challenges are next provided for, under sub-section 10, the number being limited to six as against twenty under the English system. I have gone through these provisions which I thought it necessary to call the attention of the court to. I will also refer your Honor to page 642, 2nd volume of Story. "Mr. Justice Blackstone, with the warmth and pride becoming an Englishman, living under its blessed protection, has said: 'A celebrated French writer, who concludes that because Rome, Sparta and Carthage have lost their liberties, therefore those of England in time must perish, should have recollected that Rome, Sparta and Carthage, at the time when their liberties were lost, were strangers to trial by jury.'" I hardly think if trial by jury was under the statute of 1880 that Justice Blackstone would have spoken thus about it? It is true that we have trial by jury. But it is the shadow and not the

substance; chosen in such a way the jury is as worthless as the human body when the living one has fled. Have they the right to deprive us altogether of the right of trial by jury? It becomes us to examine whether the Federal Parliament can take away trial by jury. It is a moot point whether even the Imperial Parliament can take it away. According to some authorities Parliament can do anything except make a man into a woman, or a woman into a man. Harmon says that it possesses absolute power, and is as arbitrary in England as in Prussia, but there are other men, eminent statesmen, who hold there are restrictions and limitations upon the legislative power. Whether the Imperial Parliament has the power to do this is of very little moment. This statute was passed by the Federal Parliament here, and it becomes necessary to examine by virtue of what authority the Parliament has legislated for the North-West Territories. Counsel may say the North-West Territories formed part of the Dominion of Canada under section 146 of the North America Act. It is doubtful whether the North-West Territories were admitted under that Act. There is no enactment, nor any provision under the British North America Act which permits the Government to admit the North-West Territories on a different basis to the other Provinces. Presuming they were admitted under the British North America Act, we find in the very preamble that the Provinces are guaranteed a constitution similar in spirit to that of the United Kingdom. If there is any doubt as to that I would refer you to what was said by Lord Carnarvon at the time the Bill was introduced. If admitted under the Confederation Act I submit that the Confederation was in reality a treaty scheme between all the Provinces, and to which they were all parties, and that when the North-West Territories entered into this treaty they acquired the same rights as the other Provinces. Sir John Macdonald said that we must consider this scheme in the light of a treaty. Therefore that treaty is binding upon the high contracting parties, and it is not in the power of Parliament to alter any of the provisions guaranteed at that time. Now what would be said in the Province of Quebec, or in the Province of Ontario, if it pleased Parliament to deprive both or either of them of the right of trial by jury? Why then should the North-West Territories be deprived of the rights and privileges guaranteed to the other Provinces? Is there anything in the Act that says that Magna Charta, the right of trial by jury, shall not extend to these territories, but shall be given to the other Provinces? Is it because the North-West Territories have no voice in the legislation, because they have no power to send a representative to defend their rights? I say it is contrary to the British Constitution, it is contrary to the sound principles which should guide British statesmen, to imagine that her statesmen would have said: We give you power which shall be used in one way towards one set of subjects and in another towards another. It is impossible to imagine such a spirit guiding the British Parliament. It is a very doubtful point whether the North-West Territories form part of the Dominion of Canada under section 117 of the British North America Act, and it became necessary to pass the British North America Act of '71. Now if we consider that this statute of 1880 is passed by virtue of the powers conferred under section four of that Act, it must be read in the light of the Confederation Act. The Confederation Act granted the Federal Parliament certain well-defined powers, and the Local Parliaments, deriving their powers from the same source, are as absolute within the limits of the powers given them. But you take section 4 of this Act confers on the Federal Parliament not already conferred upon it, it is nothing more than adding additional powers to those conferred. To show that the powers given by the Confederation Act are not absolute, your Honor will find that it became necessary to pass the Act of 33 and 39 Vic. to remove any doubt as to the power of Parliament. Then in *Kiely v. Carson*, 72 Doutré, you will see the powers of the Legislature are limited. The power of the Federal Parliament is delegated to them by the Imperial Parliament, and on that point I will call your attention to *Taylor v. Porter*, 4 Hill, page 140: "The Legislature can only exercise such powers as are delegated to it, and when it transcends these limits its acts are entirely void." Mr. Story says: "The fundamental maxims of a free Government seem to require that the rights of personal liberty and private

property should be held sacred ; at least no court of justice in the country would be warranted in assuming the power to violate and disregard them, a power so repugnant to the common principles of justice and civil liberty, a power so repugnant lurked under any general grant of legislative authority, or ought to be implied from any general expression of the will of the people. The people ought not to be presumed to part with rights so vital to their security and well-being without very strong and direct expression of such an intention." As to the unalterable character of the Confederation scheme I would refer to 118 and 119 Doutre, "As to the unalterable character of the Bill, Lord Carnarvon repeatedly expressed himself." And Sir John Macdonald said, 119 Doutre, "As I stated in the parliamentary discussion, we must consider this scheme in the light of a treaty."

There may be reference made by my learned friends to the case of *Regina v. Bradshaw*, in which Mr. Justice Gwynne sat. Your Honor will see that in that case there is no reference whatever to the right of the Federal Parliament to legislate on the question of trial by jury. It was simply the case of an appeal from the quarter sessions, whether the two parties to the appeal might either consent or dispense with the right to a jury. Both parties consented to it, and when the matter came before Mr. Justice Gwynne he said the party having given his consent it did not lie with him to afterwards object to the fact that he hadn't had trial by jury.

But you will also probably be told that in civil cases the right exists to limit the number of the jury. For instance, in New Brunswick a jury of five may sit in civil cases.

Mr. Burbidge.—Five or seven.

Mr. Fitzpatrick.—All these difficulties disappear in view of the remarks of Lord North which I have already quoted. With reference to the jury in civil cases, under the Quebec Act it was decided that this question should be left to the exclusive jurisdiction, to the exclusive control of the Local Parliaments of the colonies at that time. It was decided that principle should be left entirely in their control, because that was a matter with which the Imperial Parliament had nothing to do. But a matter affecting civil rights is not a matter affecting the liberty of the subject. The people of different Provinces of New Brunswick assemble in their Parliaments and decide that in matters affecting purely civil rights that they, between themselves, will be satisfied with a jury of five or six. But how does that apply to the North-West Territories? Have the people of those territories been asked whether they would be content with a jury of six in cases of treason or where the penalty of the offence is death? I say there is no analogy between the two cases, and it is impossible that any such reasoning can apply to the present case.

Then, I know we may be told also that in view of the peculiar circumstances of this country, in view of the fact that there might be great difficulty in securing a jury of twelve in the territories, in view of all such difficulties, that it would be impossible for them to provide a jury such as is required under the English Act, and being impossible no one is obliged to do it. Now, if we take that reasoning, and they may possibly be disposed to go further and assert that the Imperial Parliament, with a full knowledge of the difficulties attending the situation must necessarily have desired to confer on the Parliament the right to modify trial by jury—but how can that argument stand in view of the fact that the North-West Territories have already been legislated for by the Imperial Parliament? These territories were no further advanced when the Acts of the Georges were passed than they are to-day. At that time they were no better able to provide a jury system than they are to-day. Why should the Federal Parliament, under delegated powers, assume to itself powers which the delegating powers didn't assume? If the Imperial Parliament didn't legislate in this way, why should the Federal Parliament assume to do it?

You will also hear from my learned friend, Mr. Greenshields, a complete argument on another point: Here we have 22 and 23 Vic. on the Statute book, in force to this day, providing that this case should not be tried before your Honor, but either in the Province of Upper Canada or in British Columbia. You will find it still in force in the Revised Edition. You will find that statute still in force, and on

the other hand we have our own statute for 1880. Now, which of these two statutes is to have force? Which of these two statutes is to prevail? The statute 28 Vic. says which is to prevail. It says the Imperial statute is the one that is to prevail, but as I said, it is not my intention to argue that question fully; the learned counsel who succeeds me will go into the matter in a very few minutes. I am now speaking to the argument which I had the honor to lay before this court. I have nothing further to say, except to repeat in substance what I have already pointed out. That is, that all we require, all we ask, is a fair trial by a jury of our peers; that is all any man can expect, and I say, that with men who are British subjects, having a knowledge of the British constitution, the descendants of those sturdy barons who wrung from their king on the plains of Runnymede that great charter, the inviolable birthright of every British subject, I say with men such as these we can have nothing to fear. But in this case here at the present time, we plead not so much the case of Louis Riel, but a case which has great interest for every subject in these North-West Territories. This is destined to be a great country, fruitful with promises of a brilliant future, but these promises will only be realized in so far as the principles of the British constitution are respected, those principles which made of the Mother Country the greatest land the sun has ever shone upon.

Mr. Greenshields.—The learned counsel who has just preceded me has gone very fully into the constitutional question of this case. The demurrer filed by the defence raises in effect here two questions before the court. The first is whether the court constituted as it now is, has authority under the statute of 1880 to try this case; and secondly, whether that statute, couched in the language in which it is, and by reason of the provisions contained therein, does not interfere and override entirely the provisions of Magna Charta. The learned counsel has gone into the latter point very fully. The first I shall now deal with. Previous to Confederation the North-West Territories were governed by the Imperial Parliament. The statutes providing for their government were passed by that Parliament, and in examining the statutes that are in existence and were in existence, and not repealed previous to Confederation, and since repealed, we find we have now on the Imperial statute book the statute of 1st and 2nd, George IV, chap. 66; the statute 22 and 23 Vic., chap. 26, and 28 and 29 Vic., chap. 23.

Now, on the one hand, we have these statutes of the Imperial Parliament remaining on the statute book and unrepealed, and we have, on the other hand, the statute of 1880 passed by the Dominion Parliament.

Now, let us see what is required and what courts are constituted by the Imperial statutes I have just alluded to. The first statute of the 1st and 2nd George IV, is entitled: "An Act for regulating the fur trade and establishing a criminal and civil jurisdiction within certain parts of North America."

Mr. Justice Richardson.—That has been repealed.

Mr. Greenshields.—Clause 5 has been repealed, but that is the only clause that is repealed, and in the chronological index to the statutes that statute appears, the index being issued in 1884 by the Imperial Parliament, as being still in force and on the statute book. Now, sections 10, 11 and 12 provide for the constitution of courts and the appointment of justices of the peace, who shall have certain jurisdiction as in the statute mentioned. Section 10 provides for the appointment of justices of the peace, who shall have jurisdiction to investigate, upon a commission issued from these Territories to Upper Canada for trial, and that their report on that shall avail as evidence. Section 11 provides that commissions may be issued to justices of the peace to hold courts of record for the trial of civil and criminal cases. The section is as follows: "And be it further enacted that it shall be lawful for His Majesty notwithstanding anything contained in this Act or in any charter granted to the said Governor and Company of Adventurers of England trading to Hudson Bay, from time to time, by any commission under the great seal, to authorise and empower any such persons so appointed justices of the peace as aforesaid to sit and hold courts of record for the trial of criminal offences and misdemeanors, and also of civil

causes, and it shall be lawful for His Majesty to order, direct and authorise the appointment of proper persons to act in aid of such courts and justices within the jurisdiction assigned to such courts and justices in any such commission; anything in this Act or in any charter of the Governor and Company of Merchant Adventurers of England trading to Hudson Bay to the contrary notwithstanding."

Section 12 then determines what the jurisdiction of the court so appointed is: "Provided always and be it further enacted, that such courts shall be constituted, as to the number of justices to preside therein, and as to such places within the said territories of the said company or any Indian territories or other parts of North America as aforesaid, and the times and manner of holding the same, as His Majesty may from time to time order and direct; but shall not try any offender upon any charge or indictment for any felony made the subject of capital punishment, or for any offence or passing sentence affecting the life of any offender, or adjudge or cause any offender to suffer capital punishment or transportation, or take cognizance of or try any civil action or suit in which the cause of such suit or action shall exceed in value the amount or sum of £200, and in every case of any offence subjecting the person committing the same to capital punishment or transportation, the court or any judge of any such court or any justice or justices of the peace before whom any such offender shall be brought, shall commit such offender to safe custody, and cause such offender to be sent in such custody for trial in the court of the Province of Upper Canada."

Now, we have that statute on the statute book, appointing a court of record and authorizing justices of the peace to preside over that court and to try cases up to a certain amount and offences up to a certain degree, but we have a positive enactment prohibiting the justices of the peace so appointed from trying any offence involving the death penalty.

Now, that section and that statute are still on the statute book so far as the North-West Territories are concerned. The statute I have in my hand is the Revised Statutes, volume 5, which states by foot notes here such portions of the statute as are repealed. Sections 6 to 13 are repealed as to Vancouver's Island and British Columbia, clearly showing that those sections are in force as to the North-West Territories, unless we can find they are repealed in some other way. That statute providing for this court gives the justices of the peace jurisdiction to try up to a certain amount, but absolutely prohibiting him from trying an offence involving the death penalty, but providing what they shall do, viz: "The court or any judge of any such court shall commit such offender to safe custody and shall cause such offender to be sent in such custody for trial in the court of the Province of Upper Canada." There was clearly delineated the rights and authorities under this statute which the justices of the peace enjoy. They could only try up to a certain amount, and offences of a certain kind. That statute remained on the statute book, and later on, the Act 22 and 23 Victoria, chapter 26, was passed. Now, your Honors will notice in reading this statute that the first statute referred to, gave the justices of the peace jurisdiction to investigate as it were, merely, and then to try as provided in section 12. The statute 22, and 23 Victoria, recites in the preamble this very statute of the 1st and 2nd George IV, and by the first clause extends the jurisdiction of the justices of the peace under certain limits and conditions and gives them a summary jurisdiction for certain offences that are mentioned in section 1. This section 1 has a proviso too, in the same sense that section 12 had, viz: "Provided always that where the offence with which any person is charged before any such justice or justices is one which is punishable with death, or one which in the opinion of such justice or justices ought, either on account of the inadequacy of the punishment which such justice or justices can inflict, or for any other reason, to be made the subject of prosecution in the ordinary way, rather than to be disposed of summarily, such justice or justices shall commit the offender to safe custody, and cause him to be sent in such custody for trial to Upper Canada, as provided by the said Act of King George IV, or where such justice or justices may see fit, to the Province of British Columbia; and such offender may be tried and dealt with by any court con-

stituted in British Columbia having cognizance of the like offences committed there; and such courts shall have the like powers and authorities for this purpose as under the said acts are given to any court in Canada in the like cases."

Now that statute was merely an extension to the powers of the justices of the peace. It gave the justice of the peace the right to send an offender to British Columbia, and gave them a summary jurisdiction for certain offences, excepting, of course, the offences as excepted in the statute of George IV; but it, in no way, repealed any of the provisions of the statute of George IV, and it constituted another court, by section No. 1; and section No. 2 comes in as a saving proviso for the court of record, which might be constituted under section 12 of the statute George IV. Section 2 is as follows: "Provided that nothing hereinbefore contained shall be taken to repeal or affect the provisions of the said Act of King George IV, concerning the establishment of courts of record in the said Territories; and where such courts are established, any offenders within the limits of the jurisdiction thereof, may be committed for trial to such courts, instead of the courts of Canada or British Columbia." Now this section 2 is put in this statute here for the purpose of avoiding any ambiguity or uncertainty that there might be with the powers given justices of the peace under the Act 22-23 Victoria, and might not be taken to supersede the powers enjoyed or granted them under the statute George IV, and the saving clause here is put in, which states that, notwithstanding the extended jurisdiction which is given here to the justices of the peace under section 1, that it will not in any way interfere with the courts of record that are provided for under the statute George IV, and that these courts of record as constituted under George IV, will have the jurisdiction to try the offences which they are given jurisdiction of under that statute.

It might be contended, on the part of the Crown, that the terms in which this proviso is couched, gave the courts established under George IV an extended jurisdiction to try all cases, on account, perhaps, of the wording which appears in the section, viz.: "Where such courts are established, any offenders within the limits of the jurisdiction hereof, may be committed for trial to such courts, instead of the courts of Canada or British Columbia." Now, the interpretation and meaning of that clause, which is put in here merely as a saving clause, is, as I previously explained, in order that there might be no uncertainty as to the powers that are intended to be given to justices of the peace under this statute, and the marginal note which I see here, reads: "Saving provisions of 1 and 2, George IV, as to courts of record"; but there is nothing in that section which states in any way that it is intended as an extension of the jurisdiction of the magistrates as they enjoy them under the statute George IV.

Now the words in section two are merely general terms, referring to the statute George IV, and I refer your Honors to Dwarrris, on Statutes, page 656: "for a statute which treats of things or persons of an inferior rank, cannot by general words, be extended to those of a superior"; and also Maxwell, page 297, reads: "That is, these general words must be construed, the general words as used in this section, must be construed as applicable only to the provisions of statute George IV to which it refers; so that we have them coming up to 22-23 Victoria; we have these two statutes which are in no way contradictory, the first giving justices of the peace certain powers, and the second extending the power of such justices of the peace, and we have a complete form established here in these two statutes for the trial of all kinds of offences, that is, offences involving a death penalty are to be sent to Upper Canada or British Columbia, and offences of a minor nature to be tried here. This was the law as contained in these two statutes, at least until the passing of the British North America Act, and particularly the amended Act of 1871. These two statutes were the only statutes under which criminal offenders could be tried in these Territories.

Now, my learned friend who has preceded me has shown that the powers enjoyed by the Dominion Parliament with regard to their legislation for the North-West Territories are delegated powers from the Imperial Parliament, and, being

delegated powers, the Dominion Parliament cannot exceed the powers that are clearly given them under the Imperial statutes forming the Confederation.

Now, we find the Dominion Parliament, in 1880, enacts the statute under which this court is now constituted. And this statute goes so far. It does not refer in any way to the Imperial statutes. It does not pretend in that statute to repeal it, which we do not admit it would have the power; but there is no provision that they repealed these two Imperial statutes.

We have the statute of 1880 passed which gives your Honors in court, with a jury of six, the right to try for capital offences, and to try offences to which the death penalty is attached. That statute—our contention is on the constitutional question—is entirely *ultra vires* of the Dominion Parliament, but the statute is there. We have, therefore, the statute of 1880 which gives your Honors the right to try all criminal cases involving the death penalty.

We have, on the other hand, these two Imperial statutes unrepealed, which, in positive terms, order the magistrate holding criminal jurisdiction in the North-West Territories, in all offences involving the death penalty, to send the criminal to Upper Canada or British Columbia.

Now, here it seems to us is a direct conflict of the question of the powers that might be enjoyed by the justices of the peace in these territories. Which statute is to prevail? Are we to follow the Imperial statutes, or are your Honors to take the provisions of the statute of 1880 as overriding the provisions of the Imperial statutes, and follow them? Now we have, fortunately for the court, an Imperial statute passed after the statute 22-23 Vic., chap. 63, Imperial statutes, intitled: "An Act to remove doubts as to the validity of Colonial Laws." The preamble of this statute reads as follows:—"Whereas doubts have been entertained respecting the validity of divers laws enacted or purporting to have been enacted by the legislature of certain of Her Majesty's colonies and respecting the powers of such legislation, and it is expedient such doubts should be removed, &c.," and then follow certain interpretation clauses defining what a colony is, what legislature and what colonial law is. Now the term legislature is defined here to signify the authority, other than the Imperial Parliament or Her Majesty in Council, competent to make laws for any colony. The term "colonial law" shall include laws made for any colony either by such legislature as aforesaid, or by Her Majesty in Council. Now this interpretation clause clearly brings this statute of 1880 within the purview of the statute 28-29 Vic., providing for the interpretation of it.

Section 2 of that statute meets the case exactly. Any colonial law which is or shall be in any respect repugnant to the provisions of any Act of Parliament extending to the colony to which such law may relate or repugnant to any order or regulation made under authority of such Act of Parliament, or having in the colony the force and effect of such Act shall be read subject to this Act, order or regulation, and shall, to the extent of such repugnancy, but not otherwise, be and remain absolutely void and inoperative.

Now our contention there is this, your Honors, that the statute of 1880 is the statute of a Colonial Legislature such as is defined by 22 and 23 Victoria; that that statute is passed under the delegated authority from the Imperial Parliament to the Dominion Parliament; without the amended Act of 1871 we contend the Dominion Parliament could have no possible right, would have no right whatever to pass this statute of 1880 or to legislate for the North-West Territories, and the fact that it was so construed till the Amendment Act of 1871 was passed, that they had not the right to legislate is clear from the fact that the Imperial Parliament in passing the statute of 1871 ratifies certain statutes that had been passed previously by the Dominion Parliament affecting the North-West Territories, and gives the Dominion Parliament, under section 4, all the rights it could have for the purpose of legislating for the North-West Territories.

Section 4 is this: "The Parliament of Canada, &c." Now we have there a delegated power to legislate for the North-West Territories. This statute, if it had been the intention of the Dominion Parliament to override all the provisions of the pre-

vious Imperial statute by the very statutes extending those powers, it naturally would have repealed that statute, and when they extended this delegated power to the Dominion Parliament, to legislate for the North-West Territories, it cannot be pretended that the Imperial Parliament did not intend that these two statutes of George the 4th and 22 and 23 Victoria should not remain in force. The Dominion Parliament therefore passed this statute of 1880 under the delegated authority given them by the 4th section of the amended constitution. Now that statute is a colonial statute within the terms and meaning of 28 and 29 Victoria, and we have, therefore, these two statutes, and the Act of 1880 on the statute book and the interpretation Act or the Act to remove doubts.

Which of these statutes is the court to follow? It seems to me the explanation is clear. The Imperial Parliament has limits placed upon the jurisdiction and right of the justices of the peace to try offences in this country. When they delegated that authority, they did not take from the justices of the peace in these territories the limits that they placed on their jurisdiction and we have therefore the two statutes directly repugnant, the one to the other, the one saying you shall not try and the other you shall try or you may try. The Statute of 1880 does not say that the magistrate shall try but that he may try.

Well, your Honors, if it was not the intention of the Imperial Parliament that these two statutes of George IV and 22 and 23 Victoria should remain on the statute book, and having merely the provision there that the justice of the peace may try, which is an optional right he has—and we may suppose a condition of affairs like this—supposing these two statutes are repealed, and that the Statute of 1880 is the only statute which governs the North-West Territories, and the magistrate under that statute exercising optional jurisdiction, he might say, I have an optional jurisdiction to try this case, I won't try this offence. It is purely optional on my part, I won't try this. What would be the outcome in a supposition of this kind? If, under the Imperial Statutes, the magistrate would not have the right to send the offender to Ontario or British Columbia, what would then be the result? If the magistrate said he would not try, then there would be no provision for the trial of criminals charged with such offence as this before us.

I say, then, we have these two statutes, and we have the Dominion statutes, and there is a repugnancy of jurisdiction, and the statute of 28 and 29 Vic. comes in clearly to solve the doubt as to what course can be followed; and that the court here has no jurisdiction whatever to try this man under these two statutes; that the court as now constituted has not by law the right to try this man, and it does not seem to us, where there are Imperial statutes on the one hand saying what shall be done, and with this statute of 1880 infringing, as it does, on the rights granted by Magna Charta, it does seem to us that if there is the slightest doubt in the minds of your Honors as to the right to try this case, as to the jurisdiction your Honors may have, that it is the duty of the magistrates in such a case as this to give effect to such a doubt as this, and not act under a statute so repugnant to the well known ideas and principles of the common law and the right of trial by jury. We do not say anything against the constitution of this court. We have the utmost respect for the court as well as for the gentlemen of the jury, but I say it is possible, under the provisions of this statute, that a Government desirous of ridding itself of particular men in these Territories, can, by a servile creature appointed as magistrate, with the absolute right to go out on the highway and streets and select his jury as he saw fit—might accomplish its ends in this way.

Mr. Justice Richardson.—Suit the jury to the occasion.

Mr. Greenshields.—Suit the jury to the occasion—exactly. Contending as we are for the abstract principle of trial by jury, as given us in this country; and inasmuch as this is a trial of great importance in the North-West Territories, and as it is a trial that will form a precedent for the future, it is only proper that the justices should, charged as they are here, guardians of the peace and liberties of the people, administer that law in the way that will be most conducive to the interest and liberties of the people of the North-West Territories.

Mr. Robinson.—We entirely agree with the remarks of my learned friend. It is clearly their duty to see that this prisoner is tried before a legal tribunal, properly constituted, and by no possibility that it be implied that there is any want of deference towards this tribunal in taking the objections they have taken before it. That was not merely the right of my learned friends, but the plain duty incumbent upon them, and no one will say that that duty has not been performed in the best possible spirit or that they have not brought to the performance of it all the zeal and ability which it was possible to bring. Now, if our answer to our learned friends' argument is comparatively short, it will not be from any want of respect for the arguments they have urged, but it will be because the principle upon which we think the question is to be determined is one which eliminates a very great deal of the arguments. In our opinion there is but one simple question, or I might perhaps say two questions—what had the Dominion Parliament a right to enact? and what have they enacted? As regards, therefore, the larger portion of my learned friends' argument, which was addressed to the reasonableness or unreasonableness of those different enactments, we decline to follow them into that argument at all. We have nothing to do whatever with the question whether what the Legislatures have enacted, if within their power, is reasonable or unreasonable. Those laws are Acts of Parliament, passed by British subjects for British subjects; they have existed for years, and until the past few months their validity has never been questioned. As regards their reasonableness or unreasonableness, I would say this also, that we must have regard always to the circumstances and conditions of the country for which the laws are enacted, and it is impossible that everything which my learned friend calls the fundamental principle of the British constitution can be extended to all parts of the Empire; but if they rely upon that argument, it is a further answer to say that there is no fundamental principle of the British constitution than the supremacy of Parliament. Neither the right of grand jury nor the petit jury, nor the right of a jury of any kind, is so much a fundamental principle of the British constitution as the supremacy of Parliament. It is not because we rely upon our own judgment that we decline to follow our learned friend into any discussion of the reasonableness or unreasonableness of enactments which have been passed by the Imperial or Dominion Parliaments. Very soon after Confederation this question came up in our courts, and over and over again sustained by a long series of decisions. It has been held that the Legislature of the Dominion of Canada or of any of the Provinces, acting within the subjects entrusted to their jurisdiction, are just as supreme as the Imperial Legislature. In 1872 the case of Queen against Goodhue, 19 Grant, decided in the Province of Ontario by the Courts of Chancery and Appeal that it was not open to a court of justice to question an Act of Parliament passed, not, I may observe, by the Dominion Parliament, to which different reasons might apply, but by a Provincial Parliament, on the ground that it was unreasonable or contrary to natural justice. When I say different reasons might apply, I refer to what your Honors know is a well-known distinction between our constitution and that of the United States. With us the reserve powers are left with the Dominion. In the constitution of the United States it is exactly the reverse. The reserve powers rest with the sovereign States, and it is by them that powers are granted to the Federal Parliament. The Federal Parliament is, in a certain sense, subservient. Here every power not given to the Provinces is given to the Federal Legislature. This was the earliest case I know of, but I could, with very little trouble, refer your Honors to several cases in the Supreme Court where the principle has been enunciated beyond question. Now, perhaps it is just as well I should take up first, shortly, that branch of the subject which my learned friends have discussed last, because it comes first in chronological order. The question is, whether there was any power to send this prisoner for trial to the courts of Upper Canada. I need hardly say that the question of the best tribunal and the proper tribunal, the legal tribunal, before which this offence should be tried, is one that has engaged the anxious consideration of all who have had the responsibility of advising the Crown, and admitting all the force and thoroughness and ability of my learned friends' argument, it has not brought to our attention any argument which

has previously escaped our consideration. It was thought, beyond all reasonable doubt, that there was no power to send this prisoner or any of the other prisoners to Upper Canada for trial, and I believe it is thought, and justly thought, also, that if there was a choice on the part of the Government of this Dominion whether these prisoners should be sent to Ontario for trial or tried in this country, it would not be consistent with public opinion nor with what would be regarded as the proper administration of justice that they should not be tried in these Territories. There are elementary principles of the criminal law just as there are fundamental principles of the British constitution, and one of these is, that crime should be tried in the territories where they are committed; another is, that it is always most desirable to pass any special legislation with a view to crimes which have been already committed. It was thought it was possible, and if it had been possible it would have been most undesirable, to take advantage of any enactment which would empower the Crown to send persons accused of this crime for trial to the Province of Ontario and out of the territory where the offence was committed.

Assuming that the statute of George IV has not been expressly repealed, our view was that it was so affected by subsequent legislation that it became impossible to act under it, and your Honors will find, that under the Statute Law Revision Act of 1872 and 1873 there is a class of statutes which are repealed as having ceased to be in force or become unnecessary, and we all know perfectly well that there is a large number of statutes which, though not expressly repealed in words, are in effect repealed, because, by virtue of subsequent legislation and of their inconsistency with the legislation, they have ceased to be in force and have become unnecessary.

Having explained that it was thought impossible, and if possible it would have been thought undesirable to attempt to take advantage of that statute, let us see whether there is any question that the subsequent statute removed all doubt as to the jurisdiction of this court. It would have been a sufficient answer to have reminded your Honors that within the last few weeks the jurisdiction of this court has been asserted in a capital offence and has been unanimously confirmed by the only Court of Appeal existing from it, the Court of Queen's Bench of Manitoba. It would be amply sufficient for us to cite this case unless my learned friends can point to some distinction between treason and murder.

Now, that there is no intention to except the crime of treason—on the contrary that the crime of treason was intended to be included in the jurisdiction of this court—your Honors will find in section 76, sub-section 10, where the enactment is that any person arraigned for treason or felony may challenge peremptorily so many jurors—being the plainest indication and enactment on the part of the legislature that it was intended to include within the jurisdiction of this court the crime of treason. It is very possible that that was put in by reason of what you are aware was the law, that a larger number of challenges were allowed to persons in treason than in any other felony, and it may perhaps have been thought that if it only said felony, although treason is felony, that special extension applying to the case of treason would not have been superseded; and therefore very possibly whoever framed the Act included the crime of treason in words.

Let us see then whether there is any serious room for doubt that by the effect of subsequent legislation on the part of the Imperial Parliament and of the Parliament of Canada the jurisdiction of this court is unquestioned. I do not know that the British North America Act has very much bearing on the case. Nothing, as I understand, affects it except section 146, and that shows that it was in contemplation of the Imperial Parliament at the time when they formed this Confederation that the North-West Territories and Rupert's Land would at a future time be admitted into the Confederation. I do not think it has any further bearing on the arguments.

Then the next statute is the Rupert's Land Imperial Act, 31 and 32 Vic., chap. 105, passed in 1868 (I am taking them in chronological order). That is to be found in the statute of 1869 at the beginning. It was passed, as your Honors are aware, as a matter of history when negotiations were going on for cession of the Hudson Bay Company's charter and for the admission of Rupert's Land into the

Dominion, and section 2 says that for the purposes of this Act the term "Rupert's Land" shall include the whole of the land or territories held or claimed to be held by the said Governor or company. I may say here, and probably it is not contested, that that definition clearly includes the district between which these crimes were committed. That is shown plainly by an Imperial Order in Council which enumerates the posts then held by the Hudson Bay Company, for example, Edmonton, which is very far westward of the district in question.

So, then, having enacted that Rupert's Land should include the whole of these territories, it proceeds, it shall be competent for Her Majesty by Order in Council to declare that Rupert's Land shall from date to be therein mentioned be admitted into and become part of the Dominion of Canada, and thereupon it shall be lawful for the Parliament of Canada from the date aforesaid "to make, ordain, and establish within the land or territory so admitted as aforesaid, all such laws, institutions and ordinances, and to constitute such court and officers as may be necessary for the peace, order, and good government of Her Majesty's subjects and others therein, provided that, till otherwise enacted by the said Parliament of Canada, all the powers, authority and jurisdiction of the several courts of justice now established in Rupert's Land and of the several officers thereof and of all magistrates and justices now acting within the said limits, shall continue in full force and effect therein."

Now is it possible to devise words more plainly conferring upon the Parliament of Canada the undoubted power then possessed by the Imperial Parliament to make laws for the good government of this country, both criminal and civil as they should think right.

That has always appeared to us to put the matter beyond question, not because we are disposed to adopt any doubtful construction of the Act, but because we cannot see how you could confer more ample and full power upon the legislature of Canada to be the law-givers for this country—to constitute such courts and to ordain such laws as they may think right for the Government.

Then the next statute, which we find is 32 and 33 Vic., chap. 3.

Mr. Justice Richardson.—That is a statute of Canada.

Mr. Robinson.—Yes. I am taking the statutes in chronological order. Your Honors will observe that first comes the Imperial Act which says that as soon as Rupert's Land is admitted the Parliament of Canada shall make laws for it. Let us now see what Parliament did under that power. That statute was passed on 22nd of June, 1869. It says that, whereas it is possible Her Majesty pursuant to the British North America Act, 1867, may admit Rupert's Land and the North-West Territory into the Union or Dominion of Canada before the next Session of Parliament, and whereas it is expedient to prepare for the transfer of the territories at the time appointed and to make some temporary provision for the civil government of the Province until more permanent arrangements can be made; therefore, in the first place said territories, both Rupert's Land and the north-western territory, when admitted shall be styled and known as the North-West Territories. Secondly, it shall be lawful for the Governor by the advice of the Privy Council, and subject to such conditions and restrictions as may seem meet to authorize and empower such officer as he may appoint Lieutenant-Governor of said territory to make provision for the administration of justice therein, and generally to make, ordain, and establish all such laws, institutions, and ordinances as may be necessary for the peace, order and good government of Her Majesty's subjects and others therein; provided that all Orders in Council, and all laws and ordinances so to be made as aforesaid shall be laid before both Houses of Parliament as soon as may conveniently may be after the enactment thereof respectively. That was the first provision made for temporary government.

Mr. Justice Richardson.—That was to govern by Order in Council?

Mr. Robinson.—Yes. Then the next enactment which we have is 33 Vic., chap. 31, which carves out of Rupert's Land and the North-West Territories the Province to be called Manitoba. All that I think is important in that statute is the 35th and 36th sections, "and with respect to such portions of Rupert's Land and the North-

Western Territory as is not included in the Province of Manitoba, it is hereby enacted that the Lieutenant Governor of the said Province shall be appointed by commission under the great seal of Canada, &c." And except as hereinbefore enacted and provided 32 and 33 Vic., chap. 3, is re-enacted, extended, and continued in force until the 1st day of January, 1871, and until the end of the Session of Parliament then next succeeding.

Then we have the Imperial statute, 34 and 35 Vic., chap. 28, the British North America Act of 1871, by which the two Acts of the Parliaments of Canada already mentioned, 32 and 33 Vic., chap. 3, and 33 Vic., chap. 3, shall be and be deemed to have been valid and effectual for all purposes whatsoever from the date at which they respectively received the assent in the Queen's name of the Governor General of the said Dominion of Canada.

So that we have this court of legislation. First, we have the Imperial Legislature saying to the Parliament of the Dominion, you can make such laws as you think proper for the government of Rupert's Land. Next, we have the Parliament of the Dominion under that power making laws, and then we have the Imperial Parliament again, in view of the enactments which they have passed, making this enactment valid.

Now is it possible to conceive any legislation more clearly enacted and validated both by the Imperial Parliament and by the Dominion Parliament?

It is not a question, therefore, of what the Dominion Parliament had power to do under the general power given to them by the Imperial Legislature, but it is a question of what the Imperial Parliament itself had power to do, for they have confirmed the enactment.

Then as your Honors are aware under those provisions we have a series of statutes beginning in '68 which, from time to time, have been passed for the government of the North-West Territories. I don't propose to call your attention particularly to these, because you are familiar with them all and because they are simply statutes enacting laws under which this court is now constituted. 32 and 33 Vic., chap. 3, is the first of them. 34 Vic., chap. 16, is the next. Then 36 Vic., chaps. 34 and 35, and then 38 Vic., chap. 48, and then the present Act, 40 Vic., chap. 7.

It is, however, to be observed that the argument of my learned friend, Mr. Greenshields, has addressed to Your Honors would have been equally valid and strong against the Act which allows trials of a particular class to take place before the Court of Queen's Bench in Manitoba where all the procedure to the absence of which they object so strongly is to be found because your Honors are aware that up, I think, to 37 Vic., cases of certain importance were to be tried before that court.

Mr. Justice Richardson.—That is the Act of '75 and '77.

Mr. Robinson.—Yes. They would have no more power to direct that the trial should take place in the Province of Manitoba or Lower Canada or anywhere else than to say that the trial shall take place here, because they would have been bound, according to the argument, by the Imperial enactment which says that for all time to come, notwithstanding the leave we have given to you, notwithstanding the power which we have conferred upon you, you must send all criminals of a certain class for trial to Upper Canada.

For these reasons it has been thought on the part of the Crown that nothing could be plainer than the course of legislation under which this court is constituted and from which it derives its jurisdiction, and we have referred to these statutes, not because we thought it necessary to go over this argument at length, for, as I have said, the question is already determined by the authoritative jurisdiction of the court at Manitoba, but because we think in a case of this gravity and importance it is desirable that the public should know that all who are interested in the administration of criminal justice should know that this court is not sitting in the exercise of doubtful jurisdiction, and this not merely in view of the cases we are here now to try, but in view of other capital cases which have already been tried, and in which sentences have already been pronounced and carried out within these territories.

Mr. Osler.—I have a word to add to the argument of my learned friend, Mr. Robinson, which I think covers all the ground.

I simply refer to the two Imperial statutes that my learned friends are relying upon—1 and 2 George IV, chap. 66, and 22 and 23 Vic., chap. 26. I point out that by the recital to 1 and 2 George IV, it was an Act for a special purpose, an Act reciting the troubles that had arisen between the Hudson Bay Company and the North-West Company of Canada, and the administration of justice being in the Hudson Bay Company providing an independent forum before which the crimes that had theretofore been prevalent could be tried, and that Act called for the appointment of special officers to carry it out.

Mr. Justice Richardson.—An independent tribunal?

Mr. Osler.—An independent tribunal. Those officers do not exist. The Act itself saves all the power of the Hudson Bay Company which they are by law entitled to exercise. They had full judicial power over the territory granted to them. It became important that when they were parties there should be an independent forum. This Act created that forum and pointed out officers through whom the Act should be carried out, and the prisoners conveyed to the Province remained for trial.

Then my learned friends have omitted to point out to your Honors that the Statute on which they rely so much, 22 and 23 Vic., chap. 26, is distinctly limited to the territories not in the possession of the Hudson Bay Company. Nothing herein contained shall extend to the territories heretofore granted to the Hudson Bay Company trading under that name, and nothing herein contained shall extend to the colony of British Columbia save as herein expressly provided.

Now as my learned friend who has preceded me has pointed out, it is unquestionable that these offences were committed—the offences charged here were committed, if committed at all, in the territory that had been immediately in possession of the Hudson Bay Company—Fort Carlton, for instance. Edmonton, and other forts are immediately in this territory.

So that we say that the Statute 22 and 23 Vic., Imperial Act does not apply territorially, and we say that 1 and 2 George IV was an Act limited in its scope and passed for a special immediate purpose, the necessity for which is over, and that they are not therefore Imperial Statutes clashing in any way with the authorized legislation of the Dominion. We admit the proposition of my learned friend that where an Imperial Act and a Colonial Act clash, the interpretation law has to guide, and there is the interpretation law which is to guide—the Imperial Statute referred to.

Mr. Justice Richardson.—That is to govern.

Mr. Osler.—That is to govern. But we say there is no such a position, and we say that the matter is in great simplicity. The power is delegated by the Imperial Legislature to the Dominion Parliament in the Acts referred to by my learned friend. The Dominion Parliament has exercised that power in the various Acts, the law now being contained in the Act of 1880. My learned friend's argument goes too far. It would vitiate the Acts under which justice in Manitoba is administered, for if these laws are still in force they remain unrepealed as to the territory that is now the Province of Manitoba.

The point being clear and one so fully covered and as we don't propose to reply to my learned friend's argument of convenience, I don't think that I need take up the time of the court by further remark. I might only add that as far as the unconstitutionality is concerned the law as to treason throughout the largest territory of the British Empire or the most populous India is administered without the aid of a grand or petit jury. The law of treason in India is administered by a stipendiary magistrate sitting unaided, who himself charges the accused and one who tries him for the offence. That is the legislation approved of by the Imperial Parliament and administered in a country where they have found it difficult to institute the ordinary and regular courts that are to be found in all older and more established countries. The jury system is essentially a court system, essentially impossible where a territory is of the extent of these territories not divided into judicial districts. This is not a question of convenience; that is not what you are administering here. We

are seeking the proper interpretation of the Statutes. We take them as we find them, and we say this court is properly constituted, having full power, and we pray that there may be judgment for the Crown upon the plea that has been put in.

I would just call your Honor's attention to the Imperial Order in Council of the 23rd June, 1870. It recites the surrender by the Hudson Bay Company and it sets out in the schedule a lot of posts, in fact defines the territory then in the possession of the Hudson Bay Company. There is in the Saskatchewan District the Edmonton House, Fort Pitt, Carlton House—this very territory.

Mr. Fitzpatrick, in reply.—The argument made use of by the learned counsel who leads for the Crown, sets out, in the first instance, the supremacy, the absolute supremacy, of Parliament, that is, of the Imperial Parliament, I apprehend. He sets that out as one of the fundamental principles of the British constitution.

Now, I said in my opening address that in so far as the Imperial Parliament is concerned, it was a very debatable point whether or not the Imperial Parliament was absolutely supreme. Your Honors will look at the treatise on Statutes, Dwarrris, page 480, where you will see that that has been more than once put in doubt. If a statute says a man shall be judge in his own case, such a law, being contrary to natural equity, shall be void. Such was the opinion of Lord Chief Justice Cockburn, influenced by the same powerful sense of justice. Lord Coke, when Chief Justice, fearlessly proclaimed that when an Act of Parliament was contrary to natural right or reason, &c., the common law shall control it, and adjudge it void; and Lord Holt, in the City of London *vs.* Woos, expressed the opinion that the observation of Lord Coke was a very reasonable and true saying.

So that in any case, with all due respect for what was stated by the counsel for the Crown, that is a debatable point, and I say that there are authorities which assert that the power of Parliament is absolutely supreme; but, as I have had occasion to say in my opening address, there are, on the other side, people, eminent jurists and eminent judges, who put that question beyond doubt.

However, let that be as it may, presuming the Imperial Parliament to be absolute—and here I might as well remark that the tribunal provided for the case of treason in India is a tribunal provided by the Imperial Parliament, if I mistake not, or by a statute passed in India subject to the approval of the Imperial Parliament.

Mr. Justice Richardson.—In that respect is not the constitution of India the same as that of Canada?

Mr. Fitzpatrick.—I am not in a position to say whether it is the same. I am doubtful of the point. I think it is not, however, but I am not in a position to give any very positive opinion upon that point. No doubt, under the Imperial Federation Act, the statutes of the federation are reserved for allowance or disallowance by the Queen. There is no doubt about that. They are subject to disallowance within a certain period of time; but supposing all that to be the case, here we have a statute passed by the Federal Parliament, under certain delegated powers, powers delegated to it by the Imperial Parliament. The learned counsel for the Crown referred to the case of Goodhue, where it is asserted that Local Legislatures within their own jurisdiction are absolute. There can be no doubt about that, and on that point I would just give the opinion of Lord North, when he introduced the Quebec Act. He says: A matter concerning civil rights is a matter with which the Imperial Parliament has no concern, but when it comes to be a case of trial by jury in a criminal case, then we have the right guaranteed of trial by jury. When it comes to be a matter of civil rights, that is a matter essentially within the purview of the Local Legislature, and, of course, is a matter left entirely to their control; but the question of delegated powers is one that is very strongly insisted upon by the Crown counsel. They say we have the most absolute power.

The statute 31 and 32 Victoria, chapter 105, the Rupert's Land Act, 1869, which delegates the powers, was read by him, the learned counsel for the Crown, and insisted upon by him as giving the most absolute power it is possible to convey. He insisted that the statute gave the Federal Parliament identically the same power as the Imperial Parliament, and it was impossible to give them any greater

powers. If that be the case, if that statute gave the Federal Parliament the most absolute power that the Imperial Parliament had itself, why did it think it necessary to pass the statute of 1871 to ratify the Acts passed by virtue of that delegated power? If this power were so absolute, if those powers of such an absolute character as to put the Federal Parliament in exactly the same position as the Imperial Parliament, why did it become necessary to ratify the legislation which had been had under this delegated power? Why was the statute of 1871 passed?

Mr. Robinson.—To ratify the formation of Manitoba.

Mr. Fitzpatrick.—In my opinion, which I give respectfully as it is contrary to that of my learned friend, Mr. Robinson, it is a matter of undoubted law that powers delegated as in this instance are always delegated subject to certain rights; for instance, as Judge Story says, where people assemble together and give to their representatives whom they elect to the Legislature certain powers, they say that this power must be exercised subject to the principles of the common law, and subject to certain restrictions. Now why should those powers delegated and transferred to the Federal Parliament be exercised with any greater freedom and without those same restrictions? Why should the powers delegated by the Imperial to the Federal Parliament be exercised in such a way that you can interpret them as meaning one thing with reference to one province, and a different thing with reference to another? It is all very well for the learned counsel to say this is not a case of convenience, that we are not to argue for convenience, but I say that these Acts, the Act of 1871 and the Federal Act, must all be read together, that it is impossible to separate them. Those Acts were for the purpose of forming federation of the different provinces and territories. They entered on an equal basis. The British subjects who composed this federation all had equal rights, and it is impossible for this court or any other court to decide in this country that what is law in the Province of Quebec, in so far as the criminal law is concerned, shall not be the law here; that the Legislature of the Province of Quebec shall have certain rights guaranteed to them by this treaty of federation, and that the inhabitants of the North-West Territories shall not have the same rights.

The learned counsel who leads for the Crown also said that it is impossible to find the tribunal before which this man can be tried, if not the tribunal now here. I say that, in my humble opinion, the tribunal can be found, and that tribunal can be found in the Imperial Statute 22 and 23 Victoria, which provides for the appointment of magistrates with certain defined powers. That statute also provides that those magistrates shall not go beyond a certain limit. The statute of 1880 provides another delegated power, provides for the appointment of magistrates. Now, in what respect are the Imperial Act and the Federal Act in conflict? They are in conflict purely and simply when it comes to be a question of deciding finally on those capital cases. Until such time the question of committing for trial is the same. Let the magistrate be appointed under the statute of 1880, or under the Imperial Act, he is appointed legally in either case, his powers are identical in either case, but when it comes to the question of trial then the powers are repugnant, and the two statutes are in conflict, and the Imperial Act must override the Federal Act. Mr. Osler, who argued last for the Crown, said that the Act 22 and 23 Victoria does not apply to the Hudson Bay Company territories at all, but that the Act of George IV does apply. If it is possible to read sections 1 and 2 of this Act so as to show that this Act does not apply to the same tribunal and territories as the Act of George IV, it is impossible for me to read anything in the statutes. This statute provides expressly that courts be appointed under George IV, the appointment of which is in the hands of the Imperial Parliament, and nothing in the previous Act contained shall be construed to be or be considered a repeal of that clause of the other statute.

Now if it does not apply at all to the same territories, what is the necessity for the saving clause? Why should section 1 say that the magistrate may be appointed under the first Act, and shall have more extended jurisdiction under this Act than they had before? What is the necessity of all that? I say that section of the statute must be read in connection with the other section. This statute begins in its

preamble by saying, whereas certain statutes are passed, among others the very statute that the learned counsel said was passed expressly for the Hudson Bay territory, and in view of that Act so passed those other enactments are made. It seems to me it is impossible to construe anything if we are to say that the statute of George provides for the appointment of magistrates in a court of record, and this statute says that nothing in the previous Act contained shall be construed to mean a repeal of that clause.

Now, if they are not to be read together, it is impossible to rely upon any statute. According to the learned counsel's reading of that statute, it is that this statute here was not intended to provide for the appointment of magistrates at all, that this court of record which is provided for by George IV should not exist in the Hudson Bay territory. It is impossible, to my mind, to put any such construction upon the statute, but even if this statute was not in force at all, the statute George IV provides for the method in which this trial should take place, and to what tribunal the prisoner should be sent.

The "Dwarris on Statutes" I refer to is not Potter's Dwarris. One is the English edition, the other the American.

Mr. Justice Richardson.—Now, if I understand the contention of Mr. Fitzpatrick, it is that this Act of 1880, so far as it relates to the trial of criminal offences such as this, is *ultra vires*.

Mr. Fitzpatrick.—My contention is that the Act of 1880, in so far as it relates to the trial of capital cases, is *ultra vires*.

Mr. Justice Richardson.—Well, as I cannot hold that, I must sustain the demurrer. I must now call upon Louis Riel to plead.

Prisoner pleads not guilty.

Mr. Johnstone.—With the permission of the court, I beg leave to demur to the information. It might be sufficient to demur *ore tenus*, or by oral exception to the information; yet as the information laid by the prosecution is itself formal, and a departure from the procedure hitherto of this court, I think it necessary to put in a written general demurrer as follows:—

CANADA—NORTH-WEST TERRITORIES.

QUEEN vs. LOUIS RIEL,

now charged before his Honor Hugh Richardson, stipendiary magistrate, and Henry Lejeune, Esquire, a justice of the peace, and a jury of six under the provisions of subsection 5, section 76 of the North-West Territories Act, 1880, on the information of Alexander David Stewart, the said Louis Riel, in his own proper person, cometh into court here and having heard said information read, sayeth that the said information and the matters therein contained in the manner and form as described and above stated and set forth, are not sufficient in law, and that the said Louis Riel is not bound by law of the land to answer the same;

Wherefore, for want of sufficient information, the said Louis Riel prays judgment.

Mr. Robinson.—You assign no special grounds of demurrer.

Mr. Johnstone.—No; it is the general form of demurrer prescribed by Archbold. It is given in the case of *Queen vs. Connor*.

Mr. Robinson.—I am not objecting to the form, but I am only pointing out this, that if it is intended to rest on any ground not already discussed, and you think it is desirable to point them out, we will answer them, but in the absence of that indication, we cannot do more than put in a general joinder. If he can point out in what respects he thinks it is insufficient, it will be proper.

Mr. Johnstone.—If the Crown choose to join in the demurrer, they will argue after the joinder is filed. I think the Crown should join or else it will have to remain as it is.

Mr. Robinson.—Then we put in a general joinder.

Mr. Johnstone.—The information, your Honors, contains in all six overt acts. Three of them purport to be laid against the prisoner as a British subject; the other

three are silent as to the nationality of the prisoner. The overt acts laid in the last three charges are identical with the overt acts mentioned in the first three clauses of the information. Admitting for the purpose of argument, the information can contain more than one charge, I contend that if my learned friends intended to rely upon the last three clauses of the information, and they also intended to prevent evidence being given of citizenship of the prisoner as a citizen in a foreign state, these clauses of the information should specify that the prisoner is a citizen of that foreign state and that that foreign state is at peace with Her Majesty. That question is settled by an address of a very eminent lawyer, the Hon. John Hillyard Cameron, in *Queen vs. School*, 26 U.C. Q.B. 212. The prisoner was one of the Fenians of 1866.

Mr. Justice Richardson.—Settled by Mr. Cameron, or did he represent the Crown? It was Judge Wilson who gave the judgment. I prefer you should read from the judgment instead of Mr. Cameron's opinion.

Mr. Johnstone.—Mr. Cameron proceeds to detail the case to the jury, and says the indictment declares that we are at peace with the United States. That is a fact known to all, but as a matter of form I will have to ask the question of one of the witnesses, in order to place it legally before you.

Mr. Justice Richardson.—Was that a prosecution under Edward III Act? Wasn't it under the 31 Victoria?

Mr. Johnstone.—It was under the Fenian Act. The clauses are the same.

Mr. Osler.—Totally different on that point.

Mr. Johnstone.—As I understand it, you are proceeding under 31 Victoria.

Mr. Osler.—You are misunderstanding us then. 25 Edward III is the one.

Mr. Justice Richardson.—I don't know that I comprehend the point that you are raising, Mr. Johnstone; will you put it to me again?

Mr. Johnstone.—Admitting that the information can contain more than one charge, the first three charges are proper in stating that the prisoner is a subject of Her Majesty, but in that respect the forms are identical with the forms given in works on criminal procedure; but the three last charges do not allege that the prisoner—

Mr. Justice Richardson.—What you say is that because the three last do not contain a nationality, they are bad?

Mr. Johnstone.—The information is double. If my learned friends have decided to leave the information in that shape and not declare against the prisoner as a subject of a foreign state at peace with Her Majesty, I say the information is double in this respect, that the overt acts mentioned in the three last clauses of the information are identical with those mentioned in the three former clauses which allege that the prisoner is a subject of Her Majesty.

Mr. Justice Richardson.—They cannot lay the same offence in different ways?

Mr. Johnstone.—Not in different ways, your Honor. The only difference is this that it does not allege—the several charges do not allege—that the prisoner is a British subject. Then it must be presumed that he is a British subject, and presuming that, then the information is double. It contains these charges twice over in the same words, the same identical words, the same overt acts.

Mr. Justice Richardson.—Then what do you want me to do?

Mr. Johnstone.—Well, we have demurred to the indictment, and we want your Honors to hold that the information is bad because it is double, or that is not double, that is just it.

Mr. Justice Richardson.—Have you the School case here? (This is to be produced.)

Mr. Robinson.—There is a McMahon case.

Mr. Johnstone.—In the School case, there are three counts.

Mr. Justice Richardson.—The case I refer to has six counts.

Mr. Johnstone.—They all charge the prisoner with being a subject of a foreign state at peace with Her Majesty.

Mr. Burbidge.—I think my learned friend is misapprehending the nature of the charge from the fact that he states that we have laid six overt acts in the charge. We have not done that. He is probably thinking of a count for compassing to levy war. In three counts we have charged him as a British subject and having violated his natural allegiance, and in three counts we have charged him with having acted contrary to his local allegiance. It is quite sufficient that a man may live in a country to be guilty of treason. With reference to the two sets of counts, I need do no more than refer to School's case. In that case, counsel for the prisoner were called upon to say whether their prisoner would be tried as an alien or a British subject, before the Crown was called upon to amend or to make any election. I need not pursue this question further I think.

Mr. Justice Richardson.—The Queen *vs.* School is the case I refer to. The prisoner was indicted on two separate counts; this was under the Fenian Act. I don't think there is anything in the objection of Mr. Johnstone, and I overrule it. Are there any other demurrers?

Mr. Osler.—The clerk will ask the prisoner whether he is guilty or not guilty?

Clerk.—Louis Riel, are you guilty or not guilty?

Prisoner.—I have the honor to answer the court I am not guilty.

Clerk.—Are you ready for your trial?

Mr. Fitzpatrick.—I have now to state that I have to ask an adjournment till to-morrow morning, to enable us to prepare some affidavits we require to produce, to show why we are not in a position to proceed with the trial at the present moment. It is possible that these affidavits should have been in court now, but, unfortunately for the defence, they have been at a disadvantage and have not been in a position to do work of any importance. I have therefore to ask the indulgence of the court. As soon as the affidavits are prepared, we will hand them to the learned counsel on the other side.

His Honor.—You propose that the court should rise, with a view of enabling you to prepare the necessary affidavits to ask for an adjournment?

Mr. Robinson.—To what time do they propose to ask the adjournment?

Mr. Fitzpatrick.—That is a matter that will have to be decided by the court when we have furnished the affidavits showing the witnesses we require and how we intend to produce them, and how it is we have not got them now. Some of the witnesses are in Montana, and the adjournment will not be a long one.

His Honor.—Montana is out of our jurisdiction, and we cannot bring them here.

Mr. Fitzpatrick.—It is to give us an opportunity of bringing them here.

Mr. Robinson.—Do I understand my learned friend that they will ask for an indefinite adjournment, not an adjournment to a definite day?

Mr. Greenshields.—Perhaps a month.

Mr. Robinson.—They must produce affidavits of the strongest possible character, and they must not consider we are not at liberty to oppose such an adjournment.

His Honor.—It is simply a matter of convenience this evening whether we adjourn now or go on for an hour and a half till 6 o'clock. Can't we make it early to-morrow morning?

Mr. Robinson.—I do not know that that will facilitate matters, as we have to consider the affidavits and prepare answers.

His Honor.—Jurors will understand that they are to be continually in attendance, as also witnesses on both sides. We will adjourn till 10 o'clock to-morrow.

Court then adjourned.

21st July, 1885.

The clerk opened the court at 10 o'clock.

His Honor Mr. Justice Richardson.—Call the jury.

The clerk calls over the list of jurors.

Thomas Pull—one of the jurors.—Your Honor, on account of being postmaster and contractor to carry the mails, I beg to be relieved.

His Honor.—I fear I have no power to relieve you now—you were fairly drawn out of a large number of names, and I do not think that I can discharge you now.

I have noticed several jurors who were summoned do not appear. Is it the desire that proceedings should be instituted against them?

Mr. Robinson.—Not if we can get on without them.

Mr. Lemieux.—Mr. Watson, will you please swear the prisoner to these affidavits.

The clerk swears the affidavits.

Mr. Greenshields.—Please your Honor, we renew the application made yesterday afternoon for an adjournment of this trial. In the interval since the adjournment we have had three affidavits prepared, two of the senior counsel, Messrs. Lemieux and Fitzpatrick, and one of the accused. We base our application to a large extent upon those affidavits.

His Honor.—Have they been shown to the counsel for the Crown?

Mr. Robinson.—We have seen them just lately; we will look over them again.

Mr. Greenshields read the three affidavits annexed hereto. These are the affidavits upon which we base our application for an adjournment of this trial, as the counsel for the defence feel that it is utterly impossible to do justice to the prisoner, if we are forced on at the present time with this trial. The charge is the most serious that can be preferred against a subject, that of treason, involving, as it does, the death penalty. We excepted to the jurisdiction and think the procedure of this court is an extraordinary one. The prisoner is arraigned yesterday for the first time, and is asked if he is ready to proceed immediately with his defence. In ordinary cases time is given for the preparation of the defence, and we do not see why this court should differ from the practice followed in the other courts of justice throughout Canada and the British Empire. We have put in three affidavits, and these establish it is an utter impossibility for the counsel for the defence, and an utter impossibility for the prisoner to make his defence before this court, because we could not obtain the attendance of these witnesses upon whom the defence rely. The prisoner is a man of little or no means, and we propose to make application to the court, to order its officers to issue subpoenas to the witnesses whose names we will give, and that the expenses be defrayed by the court.

His Honor.—The court is in possession of no funds.

Mr. Greenshields.—It is not usual that the court is in possession of funds for that purpose, but it is often the case that courts of justice on application to the Government have the funds provided for the defence. I did not suppose that your Honor had the funds in your pocket, but that it could be so obtained. We are defending this man on a very serious charge. Your Honor is appointed by the Government, and any representation made by this court as regards the defence of this man would be followed by the Government. It would be based on the affidavits, and with that would be an application for assistance to obtain those witnesses who are to be here.

Now, we must take into consideration the affidavit of the prisoner. He swears in this affidavit that Dumont, Dumas and Nault who were in Montana—these men are those who went to Montana at the solicitation of the half-breeds, and asked the prisoner to assist them in petitioning the Government, and have proper representation made that their rights might be obtained. It will no doubt strike the court as it does the counsel for the defence, that these matters are important for the defence of the prisoner. It is important that it be shown that this prisoner was in a foreign country, following his usual avocations, that these men came to him, and made representations as a committee representing the half-breeds, and asked him to assist these poor people in asking for their rights. It seems to me important to prove, as we can show by these witnesses, that when the prisoner came to the North-West Territories, he came upon the honest solicitation of the half-breeds and citizens of these territories who felt themselves aggrieved by the policy pursued by the Government as regards the lands. We want to prove that at the time the prisoner came into this country he came with pure and good motives, his motive being to assist these people in obtaining redress of the grievances which they unquestionably had, grievances which every public man, be he of either political party, will admit. We want these men to show that the prisoner came to this country honestly, to assist

his fellow citizens in obtaining redress of those grievances. Dumont, Dumas and the others I have named will come here on the assurance of counsel that they will be protected. Now we want these witnesses, we think we are in a position to obtain the attendance of these witnesses if the delay we ask is given. We also intend to ask this court to order that all documents, petitions, writings and representations—prayer after prayer, petition after petition was presented to the Government by the people asking for redress—be brought before this court. All these papers are in the possession of Mr. Burgess, the Deputy Minister of the Interior, and of Mr. Vankoughnet the Deputy Superintendent of Indian Affairs. Our desire in having these documents is to show that when the prisoner was asked in 1884 to come to the North-West Territories he was asked to come simply as a last resort of these people to whose petitions the Government, for some reason, did not take notice. We want these papers to show the state in which most of these people were, and to show that the prisoner came into the country in a legal and proper way to aid in redressing the grievances the half-breeds had been complaining of to the Government for years. In addition to that, there is the evidence of the doctors from Quebec. This defence, we are instructed by others than the prisoner to make.

Mr. Justice Richardson.—There are three in Montana.

Mr. Greenshields.—Two at Helena, and one at the Turtle Mountain. It is an undoubted fact, competent of proof, that the accused was confined in the Beauport asylum for a period of three years, from 1872 to 1875. The doctors whose names have been mentioned in the affidavits are to prove those facts, and also the condition of the prisoner's mind at that time.

Mr. Justice Richardson.—That is from Quebec.

Mr. Greenshields.—And Dr. Clark of Toronto. We desire that these witnesses should be here. When we left we expected that these gentlemen would be present here in Regina, but they are not here. The correspondence or communication we have had with them has been of the most limited kind, by telegraph, and we have not been able to arrive at a proper explanation as to why they are not here. We have also the affidavit of Mr. Lemieux who says that if time is given, he will immediately return to Quebec, and will return before this court with these three medical gentlemen. The court can see the necessity in a trial of this kind where life is involved, that we should be given the fullest opportunity to make a proper defence. What we want is a fair trial. That is what we are here for, and we should obtain the fullest and fairest trial, and it after a full and fair trial, the court and the jury find that the prisoner is guilty of the offence charged, we will have done our duty before the court and the people. The people of this country will be satisfied that no injustice has been done. If, after the production of such affidavits as these, the prisoner is forced on to trial on the charge of high treason, public feeling will not be satisfied. A trial of this kind in which the public are all interested must be a fair and impartial trial.

It seems to us there is every reason why the application should be granted, and no reason why it should be refused. The delay need not be the cause of any inconvenience, as it has been remarked that there are some sixty or seventy other prisoners awaiting trial, and their trials can be proceeded with.

Mr. Justice Richardson.—The convenience of counsel should not be considered in a case of this kind.

Mr. Greenshields.—I am referring to this only to show that there is no other reason why the application should not be granted. It is purely a matter of convenience. The witnesses can be kept here; they are under the control of the Crown; we find them here all the time. Witnesses whose names were given us by the prisoner give some testimony, but the moment we approach them to speak to them they stand back as though we were tainted with a plague, and say we are instructed to have no conversation with the defence. Our endeavors to obtain information have been frustrated by the counsel for the prosecution or some one for the Government, who have instructed every person not to recognize the counsel for the defence, and—

Mr. Osler.—You have no right to make such a statement.

Mr. Robinson.—There is nothing of that kind in the affidavit.

Mr. Greenshields.—We can furnish affidavits to that effect. I do not wish to make any charge that the counsel have instructed the witnesses to that effect. I say that the witnesses for the Crown would not talk to us because they said they had been instructed to have no conversation with the counsel for the defence. The names of many of them were the names given by the prisoner as witnesses for the defence, but we were unable to see them or to have any conversation with them, for what cause we do not know, but they said they were instructed not to have any conversation with us. We are unable to enter upon the trial now, and we ask that the trial be adjourned for a month from this time. There are some other witnesses who are in the country in addition to those whom we have named, and we ask that subpoenas be issued for them at the expense of the Government or the court or such other procedure as your Honor can take to procure their attendance. The witnesses from Quebec we do not ask the Crown to bring at their expense; we will bring them here ourselves. The other witnesses—

Mr. Justice Richardson.—The law in regard to witnesses is laid down. I think my powers are defined.

Mr. Greenshields.—I think upon proper representation being made to the Government—

Mr. Justice Richardson.—Have you seen the order of the 17th of June? The old one is repealed and a new one issued.

Mr. Greenshields.—I have not seen the one of the 17th June.

Mr. Justice Richardson.—It is simply a little more liberal.

Mr. Greenshields.—If we are forced on with this trial now we really have no defence to make; we could not have the witnesses here; we have no witnesses.

Mr. Fitzpatrick.—May it please your Honors. In connection with this case, I will simply say that at the time we were retained for the defence, it had been made to a very large extent apparent in our Province, that it would be almost impossible to secure such a trial for the prisoner as public opinion appeared unanimously to require. So far as we could gather from the press, and other modes of ascertaining the opinion of the public, the desire was that this man should have a full, fair and impartial trial, that every possible means should be afforded to him to make a full and complete defence, that after he had made his defence and had a fair chance of exculpating himself or explaining his position, then that the law should take its course; but that if a full and free and impartial trial, such as the public absolutely required, was not had, no satisfaction would be given to the public, and the public would not be in a position to say that Louis Riel was really guilty of the charges laid at his door.

With this object in view, and in view of the fact that the press throughout the country required and besought the Government to interfere in this case, for the purpose of forcing the Government to a certain extent to secure for the defendant all the means that might be considered necessary to have the trial, we were sent to Ottawa, and we went to Ottawa, and there had an interview with the Minister of Justice, and, being there, he replied very naturally: There is no provision in the law which enables me to furnish you with the means necessary to defend, but he also added that on a recommendation by the court, certain witnesses being produced, that it would be proper that their expenses would be paid, and action would be taken. This being the answer from the Government, of course then we had to go to the parties who were acting and who were really our clients in this case.

We then found ourselves in this position, that the Government were desirous of paying witnesses after they had been brought here, on recommendation by the court, and then we said: What is the use of that to us? How are the witnesses to be produced? Of course I can understand such an order as that being given in the Tichborne case for instance. In that case such an order was given, such a thing was done, but where, as in England, the distances to be covered are very short, where the means of getting witnesses is very simple, one can understand such an order. In a country like this where we have thousands of miles of territory to cover in order to get witnesses, such an order as that which the Government were anxious

to give us, and which the court now says is in existence, and which the court now says applies to this case is perfectly useless to us. It is perfectly useless for us to know that when the witnesses are here they will be paid. How are we going to get them here? that is the point. In view of those facts, subscriptions were organised throughout the Province of Quebec, and your Honor knows that it takes necessarily some time for the public to properly realise the importance of a case of this kind. It takes some little time for the public mind to be properly seized of the importance of a case of this kind. Before we had the answer from the Government, subscriptions were organised, and now, from telegrams received from Quebec, we believe that we can honestly come before this court, and say that a certain number of witnesses that are required will be produced before this court. Of course I don't wish to come before the court and say here that we can produce all the witnesses that are necessary for the defence, but I am instructed that the witnesses who are required from Quebec, will be sent here from Quebec. As to the other witnesses, I have nothing further to say than what has been already said by Mr. Greenshields, except, perhaps, that I have a letter which I communicated to the learned counsel for the Crown, from a gentleman who is in personal communication with Dumont and Dumas, from which I gather that these witnesses are ready to give us every assistance in their power, and I infer from that it will be possible if they are properly instructed as to the immunity which is guaranteed them by our laws, it is possible to infer from the letter that those men will be brought here, that they can be brought here, and that we may possibly be able to have them if the adjournment takes place.

Of course, I don't wish to bind myself here, standing as counsel for the defence; I don't wish to bind myself to anything I cannot do, and I would not undertake for the defence, under any circumstances, to say here I shall produce so and so. I do not bind myself that I can do it. All I say, all I can say as counsel, is that I am instructed that such witnesses can be produced, and I infer from the letter which I have and which I placed in the hands of the learned counsel for the Crown, and which I am prepared to lay before the court, that if it is possible I can say that a witness, Dumont or Dumas, can be brought here with immunity, we can produce them before this court. Those witnesses I am instructed will prove facts that are of the highest importance for the defence; they will prove that Mr. Riel if he had been listened to, not one drop of blood would have been shed.

Mr. Osler.—Confine yourself to the facts on the affidavit.

Mr. Justice Richardson.—I will hear anything that has not already been said.

Mr. Fitzpatrick.—As to speaking to the facts, I think the statement I made is covered by the affidavit, that the alleged rebellion was commenced and conducted under the direction of a council of fourteen persons, of which council the prisoner was not a member; that he did not participate in any engagement or permit or countenance any act of overt treason.

Of course it would be very humiliating for a counsel to be said to be not confining himself to the facts, to statements not already sworn to, but I have endeavored in all that I have said, as I shall endeavor all through this case, to restrict myself, so far as lies in my power, to the facts as they appear before the court, and I think the statement is borne out by my affidavit.

I don't wish to detain the court any further in this case, and so far as we are concerned, we think it is necessary for the accused that the postponement should be had, and we leave the matter with entire confidence in the hands of the court.

Mr. Justice Richardson.—What I understand you to suggest, at least the facts which you have put forward are these, that some witnesses who are not here ought to be here for the proper defence, and that some of them cannot be here because they have not got the funds?

Mr. Fitzpatrick.—Some of them we have not been able to procure, up to the present time, because we have not had the funds, but if a delay is granted to us, we are in expectation that we shall be able to produce those witnesses.

Mr. Justice Richardson.—There are three points covered by your application; firstly, necessary and material witnesses are not here; secondly, with regard to some

of them they have not the funds; thirdly, if a reasonable postponement is given, they can be produced, or rather, you believe they can be produced.

Mr. Fitzpatrick.—Yes, I believe they can be produced.

Mr. Robinson.—These affidavits we saw, at least I myself, only a few minutes before the court opened, and I have had time only to glance at them. I desire to give such answer as we think proper to give to them on the part of the Crown after proper consideration, and I ask your Honors, under the circumstances—I think it would be better to ask your Honors to allow us an interval of ten or fifteen minutes to consider what course it is right for the Crown to take.

Court postponed for a few minutes.

Mr. Robinson, resuming.—We have considered together the course which the Crown will take in answering this application. We have considered the matter with some anxiety, because we are quite aware that a serious responsibility rests upon us either in acceding to or opposing such an application. In the first place I must be permitted to say that I regret extremely that my learned friend, Mr. Greenshields, should have departed so far from what I regard as professional courtesy and professional etiquette, as to make the remarks which he thought it right to make in the discharge of his duty, and I must say that it is wholly new to me in the course of a very long professional career to hear a simple practice application of this kind, such as this application for adjournment or postponement of a trial, urged in such a tone and in such a spirit. As to part of his remarks, I understood, and I think everyone else must have understood that if they meant anything, they certainly meant to imply a threat against those acting for the Crown, that if they declined to accede to the contention, public opinion would be brought to bear upon them, and public opinion would not support them. We are answerable to public opinion, and we are perfectly content to be answerable to public opinion, but I repeat again my surprise that that tone of spirit and sort of address should have been thought necessary in a case of this description.

I will now say what I have to say, in answer to the application made. As to the application for postponement which is asked for, those who represent the Crown think it their duty to oppose it. To a certain extent, we think it right to accede to it so far as we have any voice in the matter. I will discuss the different grounds in a few moments on which this application is based. As regards what I am inclined to think is the main portion of the application and main grounds urged, I think it is an application made under circumstances and based upon grounds which are wholly without precedent. I speak now of the application for the postponement of this trial until Gabriel Dumont, Michel Dumas, and a Mr. Nault, should be brought from the United States where they are said now to be, to give evidence for the prisoner. It is a matter of history that a rebellion has broken out in this country. It is a matter of notoriety that those three men were not only participators in that rebellion, but were leading and active spirits concerned in it. It is a matter of notoriety that the result of their connection with that rebellion has led them to flee from justice. I don't believe there is an instance of any application having ever been made, still less of such an application ever being granted, as an application for adjournment of the trial of those who have not been successful in escaping from justice until those who have escaped are brought back under a safe conduct from the Crown to give evidence in their favor. We have no authority at all events, and we have no power whatever to give to any of those persons who have fled from justice anything approaching protection or safe conduct, if they choose to enter this province. If they enter it in innocence, they can prove their innocence. If they enter it guilty, they must take the chances of all others who are guilty.

There are other grounds which are urged. It is said that Mr. Vankoughnet and Mr. Burgess, two gentlemen employed in the public service of the Crown at Ottawa, have the custody of a large number of petitions and documents which it is necessary the prisoner should have for the purposes of his defence, and the purport of those petitions and documents is stated. They are petitions to the Government, applications to the Government, asking for redress of what were alleged to be certain grievances.

Those documents and those petitions I believe to be utterly inadmissible under any circumstances, as a defence in this case. We hear, for the first time, that an application for redress on constitutional grounds is evidence to form a justification for armed rebellion. If those documents were here they would be opposed as wholly inadmissible, and so far as we can judge, they are wholly inadmissible, as having any bearing whatever on this case; but I am not aware that any application was made to the Government to send Mr. Vankoughnet or Mr. Burgess here to allow an inspection or production of any of those documents, or to produce any of those documents at the trial. With regard to another application which my learned friends say they will think it right to make, or which they do make now, an application for an order for the production of all correspondence which was found in possession of the prisoner at Batoche, all I can say is, that we regard those documents as state documents, and many of them necessarily implicate others, and that we, in the discharge of our duty, should feel it necessary to refuse to any person acting for the prisoner an inspection of anything which can be in the nature of treasonable correspondence, or which could implicate others in any matter, and which it is in the public interest and in the interest of society to see properly punished.

With regard to the certificate of naturalization which the prisoner says is necessary for his defence, in our view the law is clear that the existence of that certificate would make no difference whatever. We have not that certificate ourselves. I am told we have never known where it was until we got a telegram this morning, and we heard that a certified copy of the certificate or the certificate itself is at Winnipeg. All that we can say with regard to that is, that we shall telegraph. We have telegraphed for it to Winnipeg, and it shall be got and produced, and they shall have the use of it. We can do nothing more with regard to that.

With regard to those witnesses who, it is said, will come from Quebec and will prove the state of the prisoner's mind ten or twelve years ago, it is not for me to say or to conjecture what possible weight that can have on the question of the state of prisoner's mind six months ago; but, however that may be, what we are told here is, that they desire, not a postponement of a few days until those witnesses can be telegraphed for and brought up, but the leading counsel for the defence comes and says he thought the witnesses would be here, and if you will allow him to go back to Quebec, he will go and bring them. I don't think an application based upon those grounds can be listened to. My learned friend, Mr. Greenshields, for whatever object I do not know, has recurred, to a certain extent, to an argument addressed to your Honors yesterday, and has endeavored to point out that his trial contrasts unfavorably with other trial in fairness, because the prisoner is now, for the first time, asked to go on with his trial at once. Far from that being the case, this trial contrasts most favorably with all other criminal trials in point of fairness with reference to the prisoner. The usual course in all ordinary trials is, that the prisoner is arraigned, and he is asked then if he is ready for trial, and a day is named at once. It is now 14 or 15 days since the day was named for this trial, and yesterday would be the day on which the trial would take place, and it is now for the first time, on the day after that day named, or rather we hear the contention made about which we heard for the first time the intention to make—declared only yesterday. It must have been well known too, perfectly well known, the very moment that the prisoner was captured, it must have been perfectly well known that his trial would take place as soon as could be made possible under the circumstances. There must have been the most full and amplest notice to all those interested in preparing for the trial, that it was necessary to take whatever steps might be necessary, without delay. Now, I do not desire to place the convenience of any person, for one instant, in the scale to weigh against what my learned friends say here, they are entitled to a perfect, fair and impartial trial of this case. Convenience has little to do with it. But it is not to be forgotten that a panel of 36 jurors are here; that almost as many witnesses have been summoned, and probably more, from all parts of the country, and that there are public officers here, whose detention here is of very great inconvenience to the public service of the Dominion.

All those things I suppose must give way to what is necessary to obtain an impartial trial, but it must be only such a delay as will be necessary to obtain that trial, and such a delay as in reason can be said to be desirable, in order to effect it. Under those circumstances, what those representing the Crown have thought, is that it would be right for them to accede to an adjournment or postponement of this case for one week. All those witnesses who are in this country can be got in a week, just as well as in a month or a year. The Crown will do more. The Crown will join with my learned friends in telegraphing to those three gentlemen who are at Quebec, or those three gentlemen who are at Prince Albert. I desire that to come from the Crown as well as from them, and the Crown will pay their expenses.

Mr. Justice Richardson.—With regard to witnesses, Mr. Robinson, near any police post in this country, they can be warned on telegraph, verbally warned, and it would simply involve the coming here of the person who warned them, in case warrants be disobeyed. It does not require a subpoena in this country. It would simply require the presence of the officer, or official or constable who warned them, in order to attach them.

Mr. Robinson.—I was not aware of that. Then there is no sort of difficulty in regard to witnesses living in these territories, principally at Prince Albert and Batoche. We will join in whatever steps are necessary to procure their attendance, and the Crown will pay their expenses.

Mr. Justice Richardson.—The statute is general—one of the succeeding sections to section 76, I think, applies generally to the Dominion.

Mr. Robinson.—Then there is no difficulty at all events about this. As regards the witnesses in Quebec, we take it for granted that my learned friends, having communication with them, will have no difficulty in getting them, on the Government joining in a telegram to them desiring them to come, and if the Beauport asylum is a Government institution, there will be no difficulty in getting them, and in doing that, I think we are doing all that in the discharge of our duty we can be asked to do properly.

In our view, we will consent to the postponement of the trial till this day week, and that will necessarily give the prisoner and my learned friends an adjournment of ten days, because the case for the Crown will no doubt occupy two or three days, and their witnesses will not be required till that is closed. That is the answer.

There is only one other matter to remark upon, which I had forgotten, and which I wish I had mentioned before, but my learned friend made some very strong and very inflammatory remarks about the treatment which he received from certain witnesses whom he alleged were witnesses for the Crown. All that I can say is that if the counsel desire to interview a witness subpoenaed on the other side, they must always take their chances as to the reception they meet from the witnesses. That is a matter in their own judgment and in their own discretion, about which they have no right to complain.

Mr. Greenshields.—My learned friend will reply to the main question of the application. I merely wish to rise to make a personal explanation.

Mr. Justice Richardson.—I understood you to disclaim any personal imputation.

Mr. Greenshields.—My learned friend, Mr. Robinson, rather stated that he was surprised at the vehemence and warmth with which I had urged the application for the adjournment. It may be true that a due realisation of the obligation resting upon me as one of the counsel for the defence, and the importance with which we deemed the application, I might perhaps have urged it with perhaps more warmth than the learned counsel, who seems much cooler, would have done, but in doing so, I did it because I felt now as we all have felt that unless this application were granted, unless we could obtain a postponement of this trial, this man's life was in danger.

We are charged with this defence, and if the defence is not properly made, and a verdict of guilty should follow and then execution, as counsel for the defence we cannot help but feel the responsibility that rests upon us in making an application of this kind, and far from intending to intimate for one moment that public opinion had anything to do with influencing the learned counsel, or intimidating them, the thing is

impossible, the learned counsel are too well known in this country and in the Dominion of Canada to be influenced in any way by any public sentiment or public opinion. What I wished to intimate was that this being a state trial, and the public at large being interested, and the case having gone so prominently before the public, as well as the events preceding the rebellion, that the public naturally expected that a fair trial should be given, and we felt that in the exercise of our duty in defending the prisoner, we had to a certain extent a public trust as well as the learned counsel representing the Crown, and that we wanted to do everything in our power in order that a fair trial should be obtained; and if I urged the application with warmth, it was the result entirely of the responsibility which I feel as one of the counsel, and of the intense importance which we attach to this application, feeling, as we do, that the result of this trial largely depends upon whether this application is granted or refused.

Mr. Fitzpatrick.—May it please your Honors. I on behalf of the defence assume the responsibility of accepting the delay which, as stated by the Crown counsel, the Crown is prepared to offer us.

Mr. Justice Richardson.—I think it is reasonable, Mr. Fitzpatrick. I think it is a reasonable time. I might perhaps have gone and stretched it a day or so, but not beyond that, because the means of communication are very quick now compared with what they were, and a witness can be got from Quebec and you are quite able to avail yourselves of the provisions of the Act that I referred to with regard to warnings.

Mr. Fitzpatrick.—I may as well state now as to the offer made by the counsel for the Crown of their concurrence in the way of remuneration of witnesses, we will consider whether or not we will accept that part of it or not.

Mr. Justice Richardson.—You must bear in mind that I am powerless to make any order. There is the Order in Council. It is not a provincial court, and I have no control over funds except in the limited way in which the Order in Council provides.

Mr. Fitzpatrick.—I read the Order in Council as conferring the very limited powers; however, that difficulty is all obviated by the offer made by the Crown.

Mr. Osler.—My learned friend will understand that that adjournment is necessarily peremptory.

Mr. Fitzpatrick.—That is all right.

Mr. Justice Richardson.—The order will be that the trial stands adjourned, that it proceeds peremptorily on Tuesday morning next, the 28th instant, at 10 o'clock. With regard to the jury I don't feel inclined to keep them in attendance and I propose to caution and warn them to return on Tuesday morning.

To the Jurymen.—You gentlemen in the audience who have been warned as jurors will understand from what has been said that your services will not be required now till Tuesday next at 10 a.m., and you are at liberty now to return to your homes if you please. The fees that are usual for the double journey will be paid by the Crown. Perhaps it is not necessary for me to make any remarks touching you personally, but knowing the fact that you are called upon to act as jurors in the case, kindly think of the position you occupy, and neither talk to anybody about the trial, nor allow any person to talk to you or bring you in conversation. The court was accordingly adjourned at 11.45 a.m. till the 28th July, at 10 a.m.

AFFIDAVITS FILED ON MOTION FOR ADJOURNMENT.

CANADA,
North-West Territories. }

The Queen vs. Louis Riel, charged under the North-West Territories Act of 1880.

I, Louis Riel, the said accused, being duly sworn do depose and say:

That Gabriel Dumont and Michel Dumas, now of Helena, in the United States of America, in the Territory of Montana, are essential and material witnesses to my defence;

That Napoléon Nault, of Turtle Mountain, in the United States, the Rev. Father Touze, of Sacré Cœur, the Rev. Father André, of St. Antoine, the Rev. Father Fourmond, of St. Laurent, all in the North-West Territories of Canada, L. Vankoughnet and A. M. Burgess, of Ottawa, in the Province of Ontario, are also essential and material witnesses for my defence;

That the said L. Vankoughnet is Deputy Minister of Indian Affairs, and the said A. M. Burgess is Deputy Minister of the Interior, both of whom are, in their official capacity, the custodians of various official documents, petitions and representations made by the half-breeds of the North-West Territories to the Government of the Dominion of Canada praying for the redress of their grievances, the refusal to grant which led to the legal agitation by the people to secure the redress of their wrongs. The said papers, petitions and documents, as nearly as I can now describe them, are as follows:—The report of Mr. Pearce relating to the settlement of Prince Albert, a letter of the said Pearce addressed to the Minister of the Interior, of date the 17th January, 1884; a letter from Mr. Deville, addressed to the Deputy Minister of the Interior, of date 7th February, 1884; a letter from Father Vegreville, addressed to Capt. Deville, of date 19th January, 1884; a petition by the inhabitants of St. Louis de Langevin, forwarded to Sir John A. Macdonald, on or about the 19th November, 1883; a letter from the Land Commissioner, Mr. Pearce, dated 14th September, 1883; a letter from Fathers Le Duc and Maloney, addressed to the Hon. D. L. Macpherson, Acting Minister of the Interior; a petition from the settlers of Prince Albert, in the North West Territories, forwarded during the winter of 1882-83, and signed by a large number of said settlers; a petition from St. Antoine de Padua, addressed to Sir John A. Macdonald as Minister of the Interior, of date the 4th September, 1882; a petition from Gabriel Dumont and others, of the 4th September, 1884, addressed to the Right Hon. Sir John A. Macdonald as Minister of the Interior; a petition presented by the Rev. Father André to the Lieutenant Governor in Council, in the month of June, 1881; a petition presented by the inhabitants of Prince Albert to the Minister of the Interior; a letter from Land Agent Duck, dated the 13th November, 1878, addressed to the Minister of the Interior; a petition by the French Canadians and half-breeds of Prince Albert, presented by Mr. Laird, to the Government of the Dominion of Canada; a resolution passed by the settlers of St. Laurent, on the 1st February, 1878, forwarded to the Government of the Dominion of Canada; a petition presented by the Qu'Appelle half-breeds, in August or September, 1881, to Sir John A. Macdonald, as Minister of the Interior; a resolution of the Council of the North-West Territories, of date 2nd August, 1878;

That I have reason to believe, and do verily believe, and am informed on reliable authority, that all of the aforementioned documents were duly forwarded to the Government of Canada and are now in the possession of the various Departments and can be procured by the above-named witnesses;

That all the above-named witnesses are material and essential to me in my defence, and will prove that the agitation in the North-West Territories was constitutional and for the rights of the people of said North-West;

That without the said witnesses being heard in court, I cannot make a proper defence to the present charges, and will be deprived of justice;

That I have no means with which to defray the expenses of the said witnesses, and to procure their attendance here in court or to retain counsel;

That unless the Government of this country or this honorable court do provide the means with which to secure the attendance of the above-named witnesses, before this court, that it is essential to my defence that the various papers, writings and documents taken from me at the time of my surrender to General Middleton, and taken by him and his officers from my house subsequently, should be placed in the hands of my counsel for their examination and consideration, previous to being put upon my trial;

That it is impossible for me to state the exact description of the said papers, writings and documents, as the excitement under which I was laboring during the time of my surrender and some days subsequently and previous thereto, rendered it

impossible for me to destroy the said documents; that I believe that among the said documents is a certificate of the courts of the United States of America that I was duly naturalized as a citizen of the United States, which I was; but if the said certificate is not among the said papers, it is essential to my defence that I should be given an opportunity of obtaining the said certificate, by means of which I can establish, that at the time of the commission of the alleged offences I was a citizen of the United States of America, and not a British subject, as charged in the said information;

That in order to properly prepare for my defence, I require at least a delay of one month, and I have signed

(Signed) LOUIS RIEL.

Sworn and acknowledged before me this }
21st day of July, 1885, at Regina, in }
the North-West Territories. }
(Signed) DIXIE WATSON, Clerk.

CANADA, }
North-West Territories. }

The Queen vs. Louis Riel.

François Xavier Lemieux, barrister, one of the counsel of Louis Riel, the accused, being duly sworn deposes and says:—

That in the course of last June towards the end of the month he was retained by persons interested on behalf of the accused, to undertake his defence;

That persons were instructed to cause to be brought to Regina, essential and necessary witnesses in the defence of Louis Riel, and believed to be such by the deponent;

That the witnesses above referred to are Dr. François Roy, of Quebec; Dr. Clark, of Toronto and Dr. A. Vallée, of Quebec;

That the deponent verily believes that the said witnesses would have reached Regina by this time, but by reason of misapprehension and circumstances beyond control, the said witnesses have failed or not been able to be present in order to give their evidence;

That from his experience as a counsel and advocate, swears that the said Drs. Roy, Vallée, and Clark are necessary material and indispensable witnesses for the defence of the accused, and moreover, are the sole witnesses capable of proving certain important facts relating to the said defence;

That the deponent verily believes that if a delay of one month is granted he can procure the said witnesses by going himself to Quebec and Toronto and that at the expiration of the said delay, the above-named witnesses will be present at the court to give evidence in favor of the accused.

And the deponent has signed.

(Signed) F. X. LEMIEUX.

Sworn before me at Regina this 21st day }
of July, 1885. }
(Signed) DIXIE WATSON, Clerk.

CANADA, }
North-West Territories, }
Regina, to wit: }

The Queen vs. Louis Riel, on trial under sub-section 5 of section 76 of the North-West Territories Act of 1880, before their Honors Hugh Richardson, S.M., and Henry Le Jeune, J.P., and a jury of six.

I, Charles Fitzpatrick, of the city of Quebec, one of the counsel of the above-named Louis Riel, make oath and say:—

1. I was retained for the defence of the said Louis Riel in the month of June last past, and immediately thereafter put myself in communication with my said client and others with the view of obtaining such information as would enable me to set up such defence as in the interests of my said client would be most beneficial.

2. Owing to the distance of Quebec from my client it was not until the 29th day of the said month of June I was instructed by the accused, and then only partially.

3. Since the receipt of the said instructions, I have been diligently endeavoring to obtain the attendance of the witnesses for the accused, but as he, the accused, is a man of little or no means and had to raise funds for his defence through his friends in the Province of Quebec, it was an utter impossibility to obtain their attendance in time for his trial.

4. I have been instructed since my arrival in Regina that the requisite funds have been raised to secure the attendance of the said witnesses for the defence, who are material and necessary and without whose evidence we cannot proceed to trial.

5. Some of the facts intended to be proved by such witnesses are that the accused for several years was insane, and had to be confined in a lunatic asylum in the Province of Quebec, and would get deranged, also the circumstances under which the accused left his home in Montana, and came to this country at the solicitation of his friends, was in the year one thousand eight hundred and eighty-five; the nature of the agitation in the North-West, and the constant advice given by the accused to limit the agitation to constitutional means and peaceful measures; the desire expressed by the accused to leave the country in the month of February now last past, and the objection of the people to his returning to Montana aforesaid; that the alleged rebellion was commenced and conducted under the direction of a council of fourteen persons of which council the prisoner was not a member, and that he did not participate in any engagement or commit or countenance any overt act of treason.

6. These facts can be proved by Gabriel Dumont, Michel Dumas, Napoléon Nault, Dr. Roy, of Quebec, Dr. Clark, of Toronto, and Dr. Vallée, of Quebec, whose attendance at the trial I verily believe can be secured if sufficient time for that purpose is granted to the defence.

Sworn before me at Regina, this }
21st day of July, 1885. }

(Signed) C. FITZPATRICK.

(Signed) DIXIE WATSON, Clerk.

TUESDAY, 28th July, 1885.

The court opened at 10 o'clock.

After, the following were challenged on behalf of the prisoner: Demetrius Woodward, John McIntyre, Thomas Rogers, Thomas Howard and William Braley; and on the part of the Crown, Michael Sullivan. The following jurors were sworn and empannelled:—Edward Erratt, Edwin J. Brooks, Walter Merryfield, Peel Dean and Francis Cosgrave.

Mr. Osler.—May it please your Honors, gentlemen of the jury: The prisoner stands before you charged with the highest crime known to the law, and you are charged with passing upon his life or death. It is for you to remove from your minds any impression you may have had, or possessed from the knowledge of public facts, as to his guilt or innocence. You must endeavor to bring upon the evidence, and upon the evidence alone, your reasoning; and upon the evidence, not upon your knowledge of that which is public property, you must pass upon his guilt or innocence. He is to be presumed, as everybody is in the criminal dock, innocent until the evidence brings home, to your satisfaction, guilt.

He is charged under six counts, the three last being in fact a repetition. He is charged first as a subject of our Sovereign Lady the Queen, not regarding his duty and allegiance, with levying war at Duck Lake, Fish Creek and Batoche.

Again he is charged with high treason, not as a subject, but as a person living within the protection of the law and owing that local allegiance which the law demands from everyone living in the country. He is charged in those two ways,

because it has been said, or suggested, and may be made out by the prisoner's counsel if they think it worth while, that he is an American citizen and is not under allegiance to the British Crown. And it is for that reason and as a mere matter of precaution, that there are six counts instead of only three in the indictment, a precautionary measure that it might be seen that that point had not been overlooked. Anyone may be guilty of treason who is living in the country, and so far has the law gone in that respect, that an alien enemy, although his country was at war with England was held, is held by English law to be guilty of high treason by reason of his domicile, although his duty to his country made him an alien enemy; and if you think it out it is necessary that it should be so.

Now, gentlemen, it may be proper for me, before considering the facts of the case, to point out shortly now you, sitting here as a jury of six, instead of as we generally see a panel of twelve, are charged with so serious a trial; the most serious trial that has ever probably taken place in Canada, and why you are here charged with such a duty without the preliminary of an ordinary enquiry by a grand jury of the county. I need not and do not intend to go into a lengthy discussion of the legal matters that were argued at the opening of the court. It is sufficient to say to you that by an Act of the Imperial Parliament passed in 1871, the Dominion Parliament were charged with making laws for the peace, order, and good government of these territories, from this Act from the supreme source of all power in the British realm is delegated power to the Dominion Parliament. The Dominion Parliament then passed various Acts regulating the government of these territories. The law is contained in the statute of 1876, and by that statute stipendiary magistrates are provided for, men learned in the law and of certain standing at the bar. They are charged with the administration of justice in serious cases, cases involving the penalty of death, with the aid and assistance of an associate justice of the peace, and with the intervention of a jury of six. By that statute that court is entitled to try any man on any charge, and by that statute treason is specially named as one of the charges which that court is competent to try.

A great deal has been said about there being no grand jury; it is only necessary for me to point out that the grand jury is essentially a feature of county organization. The grand jury is an accusing body, gathered fairly from the county, and charged to enquire as to the crimes committed in that county. From the nature of these territories it is impossible that grand juries can be summoned in the ordinary way, there are no criminal divisions, this territory is but one as far as the administration of criminal justice is concerned, and it would be impossible in the organization of courts of justice in these territories to organize them upon the same basis upon which, no doubt, they will be organized as soon as the country is more settled. Parliament has had to organize just such courts as they thought would fairly administer justice in the territories, having reference to the circumstances and sparseness of the population, and such as would administer justice, having regard to reasonable economy. I believe in this case the mileage of the jury panel brought together comes to something like 1,500 miles, so you see it would be impossible, until these North-West Territories are more settled, to have those organizations which we have in the older provinces. It has been suggested, however, that there were other methods of trial. It has been suggested that there are Acts in force enabling these trials to take place where there are grand juries and juries of twelve, that is to say in Upper Canada, or British Columbia. It has been also suggested that the Crown has the power to issue a special commission, and that by that commission such important crimes as the one now before us should be disposed of. There is grave doubt, as far as the Crown is concerned, whether the Acts in reference to trial in Upper Canada, or British Columbia, now apply. In reference to a special commission, the Crown have been unable to see their way towards organizing any court, although, no doubt, the prerogative rests in the Crown to issue a special commission for the delivery of any gaol from trial for any crime. The officers of the Crown have taken the responsibility of saying that the proper court is the court in the territories where the offence was committed. That the ordinary courts organized in the land should be the courts in which justice

should be administered to the insignificant criminal, or to the one of greater prominence and I think you will consider that that is the proper conclusion to arrive at. It is always to be avoided, if possible, the organizing of special courts for special purposes. Well, then you see, gentlemen, you are charged regularly and in a proper way with the duty of enquiring into this offence. The offence of treason, and treasonable crimes, has been the subject of a great deal of legislation. There are several Acts under which the Crown, in this case, could have proceeded; there is the Act known as the Fenian Act. That Act provides for the punishment of an alien, who, belonging to a country at peace with this country, endeavors to levy war or make a raid upon this country. Under that the Crown could have proceeded in this case if they chose to do so, but had they done so the burden of proof would have been on the Crown to make out that the accused here was an alien, a responsibility the Crown did not choose to assume.

There are other statutes for the protection of the Crown, such as the Act in relation to treason-felony which we have not thought it advisable to proceed under.

The prisoner has been indicted upon the statute of treason passed in the reign of Edward III, a statute that has been in force ever since that day, and which has been the foundation of the law of treason since that early period. And, under that clause in that Act declaring that a person who levies war against the king is guilty of high treason, the prisoner here stands charged. The charge, as I have already explained, is in the alternative position of subject or alien.

Now, I proceed, as shortly as consistent with the importance of the case, to open to you the facts which the Crown will sustain, or endeavor to sustain, by the evidence.

The prisoner is said to have resumed his domicile in this country sometime in the year 1884. About the beginning of July, or the latter end of June, 1884, we find him living in this country, in the district of the Saskatchewan. In that district there were supposed to be some 700 or 800 French half-breeds, and a good many more English half-breeds, and there were several Indian reservations not very far from where the prisoner made his headquarters. We first find him acting in concert with prominent men of both the English and French half-breeds and holding meetings. At those meetings apparently for some time nothing more than ordinary constitutional agitation for the redress of grievances, supposed or real, took place. The first overt act which we find against the prisoner is his calling his immediate friends—the French half-breeds—to bring their arms at the last of this series of public meetings; that meeting was held, I think, on the evening of the 3rd of March. At that meeting arms were brought. That is the first act that we find indicating that the prisoner intended to resort to violence. Now we find matters getting worse and worse, and on the 17th of March, we will give evidence of a statement made by the prisoner to the effect that he intended effecting a change in the government of the country, probably referring to that particular section of the country known as the Saskatchewan district; he stated that he intended to become the ruler of that country or perish in the attempt. We find him progressing from that until the 18th of March, when we find him sending out armed bodies of men, who took prisoners the Government Indian agent, Mr. Lash, and some store-keepers. We find them looting or taking possession of the contents of stores at and near Batoche; we find armed men stopping freighters and taking their freight from them. Matters had become very serious, and the authorities much alarmed. On the 21st of March the French half-breeds, speaking generally, may be said to have been in arms under the guidance of the prisoner, and they were then joined by Indians, Indians incited to rise, as I think the evidence will satisfy you, by the prisoner. On the 21st of March, Major Crozier, desiring to do all he could to avoid bloodshed, did all he could to get the armed men to disperse and go home. For that purpose two well known citizens of Prince Albert, Mr. McKay, I think himself a half-breed, and Mr. Hilliard Mitchell were asked to go and see the people. Well, on the morning of the 21st of March, there was a meeting. These two gentlemen proceeded to Batoche and met the prisoner and others there, they urged to the extent of their power and influence that the rank and file who had been induced to take up arms should disperse and go to their homes, and said: I believe that if the leaders

were given up, no blood having been shed, the rising in arms of these men would be overlooked. The result of the embassy was unfortunate, they remained in arms, the prisoner guiding their ideas and keeping them in rebellion. That morning it was arranged that McKay and Mitchell should go back for definite instructions to Major Crozier and that Major Crozier himself should meet Riel and endeavor to adjust matters on a peaceable ground; this did not take place, and it was arranged that two French half-breeds should meet McKay and Mitchell or two others whom Major Crozier should appoint, and these parties should be empowered to carry out any arrangements. As a result of that, Charles Nolin, a justice of the peace, and a French half-breed who will be called as a witness, with Lepine, were appointed to meet McKay and Mitchell; they did meet about eleven o'clock that night. Now, upon that occasion Nolin and Lepine were instructed by the prisoner in writing, and as this is a most important document containing a demand to Major Crozier to surrender Fort Carlton, I propose to read it to you. This document is in the prisoner's handwriting, it was written by him, and by him given to Charles Nolin to deliver. The terms of the half-breeds were that Carlton should be unconditionally surrendered, and that the police should be sent home under a safe conduct pass. That was the sole condition the prisoner and his associates dictated as the terms of peace; that Major Crozier, directed and ordered to keep the peace, should deliver up one of the forts of the country to rebels. The instructions of McKay and Mitchell were about the same as those they acted on in the morning, that is to say, that the rank and file would not be pursued if the leaders were given up. The emissaries being so far apart, this document was not delivered, and it was afterwards found among the papers captured after the fight at Batoche, in the council house of the so-called Provisional Government of the Saskatchewan. I will now read this paper:

ST. ANTOINE, N.W.T., 21st March, 1885.

To Major CROZIER, Commander of the Police at Forts Carlton and Battleford.

MAJOR,—The councillors of the Provisional Government of the Saskatchewan have the honor to communicate to you the following conditions of surrender: You will be required to give up completely the situation which the Canadian Government placed you in at Carlton and Battleford, together with all Government properties.

In case of acceptance you and your men will be set free on your parole of honor to keep the peace. And those who choose to leave the country will be furnished with teams and provisions to reach Qu'Appelle.

In case of non-acceptance we intend to attack you, when to-morrow, the Lord's day is over, and to commence without delay, a war of extermination upon those who have shown themselves hostile to our rights.

Messrs. Charles Nolin and Maxime Lepine are the gentlemen with whom you will have to treat.

Major, we respect you. Let the cause of humanity be a consolation to you for the reverses which the governmental misconduct has brought upon you.

LOUIS "DAVID" RIEL, *Excoede*.

Then follow the names of some of the prominent sympathizers of the prisoner and after them follows the signature of Philip Garnot, Secretary. Then on the other side is written:

ST. ANTHONY, 31st March, 1885.

To Messrs. CHARLES NOLIN and MAXIME LEPINE.

GENTLEMEN,—If Major Crozier accedes to the conditions of surrender, let him use the following formula and no others: "Because I love my neighbor as myself, for the sake of God and to prevent bloodshed, and principally the war of extermination which threatens the country, I agree to the above conditions of surrender."

If the Major writes this formula and signs it, inform him that we will receive him and his men Monday.

Yours,

LOUIS "DAVID" RIEL, *Exovede.*

Now, gentlemen, that document in itself, in the handwriting and over the signature of the prisoner, is direct evidence of treason, delivered, as it was, to gentlemen demanding the surrender of the fort.

It will be important to bear in mind throughout the evidence you hear that a few days before this, on the 18th of March, the prisoner declared himself to be about to proceed to create himself ruler of the country or perish in the attempt; then we find that followed up by arming and by this demand. It has been suggested that when the first conflict took place it was not with the consent of the prisoner, but that he was forced to it. This evidence would be a most complete refutation of that theory. That brings us to the 21st of March, when the four gentlemen met and failed in any way to come to terms. On one side the prisoner and his followers were insisting upon the capture of Carlton, and on the other Major Crozier insisting on the surrender of the leaders and the dispersal of the armed men. I will not go into the details, which you can best follow as the evidence is given. We will pass from the 21st to the 26th of March. On that day Thomas McKay, whom I have already named, being at Prince Albert with the Prince Albert volunteer company, which had been hastily formed, started out, under the direction of Major Crozier, to bring in some stores which were at Duck Lake, at Mitchell's store. On their way they were met by a body of armed men, and with the greatest possible difficulty bloodshed was then avoided by the prudence and great discretion of Mr. McKay. On that occasion matters went so far that some Indians entered the sleighs that McKay had for the purpose of bringing back the stores, and one of the leaders of that party fired, presumably over the heads of the men who were with McKay. The result was both parties turned back, and there was no actual contest. McKay sent forward a man to the fort to say that the enemy were in force, and as they came near the fort they met Crozier and the residue of the men coming out to their assistance. McKay's party turned back with Major Crozier, and they proceeded to about where the smaller party had turned back in the morning, and there took place what is known as the Duck Lake fight, the battle or contest of Duck Lake. There this man took on himself the terrible responsibility of ordering his armed men to fire on the police, and we will bring home to this man in the dock the personal responsibility of that act. The dead loyal lay on the field. The loyal men, outnumbered and crippled by the deep snow, in a position impossible to guard themselves or to make that contest which, under other circumstances, they would have been able to make, were forced to retire. That act of war constitutes the first and fourth counts with which the prisoner is charged. No constructive treason is the crime we seek to bring home. No treason such as may be made out from meetings, treasonable acts or letters, but we seek to bring home on those counts treason, involving the shedding of brave men's blood; treason which roused the whole country, treason sounding from the dead bodies lying on the blood-stained snow, and which brought a response from end to end of the land, which would make any man with treasonable ideas in his head tremble at the thought of the power invoked by such crime; that act of treason brought an armed force from the east, from every town and city; men rallied to protect the integrity of the country. The country prepared itself for the contest, rendered serious by the number of men in arms, and by the influence of the prisoner on the material he had to work upon. The seat of the trouble was in a distant part, and winter still binding the country, rendered communication difficult; nevertheless, a response was made, and a force of volunteers approached the rebels. Then we find the prisoner and his men organizing their forces, inciting the Indians and bringing them into their camp, endeavoring to arouse up the north, south and west. It will be shown that the prisoner, reckless of the results, endeavored to rouse the Indians, it will be shown to you under his own hand. All these acts will be brought home to

the prisoner. These preparations on his part occupied about a month. The troops had been from various causes delayed in their advance. However, a little before the 24th of April last, they approached the place where the rebels were entrenched, and on the 24th of April a contest takes place, the first contest between the volunteer forces under General Middleton and the armed rebels led by the prisoner and Gabriel Dumont, at all events directed by the prisoner. If he was not personally present at the fight at Fish Creek, it is the same thing. We charge him with levying war, and if you find he directed the body, gave orders and organized, it is the same thing as if he had a musket in his hand or gave the order to fire. We hold him responsible for the contest at Fish Creek, the particulars of which I need not detail to you; it is sufficient to say that many lives were lost on both sides, and a check was given, I do not say in any way a defeat to the loyal troops. It was absolutely necessary for the troops to remain where they were for some time after that before proceeding.

We find them, at the same time that the Fish Creek fight was going on, fortifying and preparing at Batoche, and the prisoner goes back the day of the Fish Creek fight from that position to Batoche, with a party of men, to finish the rifle pits they were preparing.

The further progress of the volunteers is staid until the advance of the 8th of May, and on the 9th opened the contest at Batoche, continuing the 10th and 11th, and which was ended on the 12th by the charge we have all heard of, resulting in the complete rout of the rebels and the complete victory of General Middleton and the troops under him, and the breaking up of the so-called Provisional Government. In that contest we will bring home to the prisoner active work. He was seen giving directions; he was heard giving directions. We will show to you that upon that occasion that the prisoner was the one who opened negotiations with General Middleton, and we will produce to you letters signed by him as being the person in authority, correspondence between himself as the leader on the one side, and General Middleton on the other. We will show you that upon that occasion as the rebels were being driven from the field, the prisoners, whom they had gathered together and kept confined till that time, were released.

On that occasion, immediately after the charge, were found the papers to which I have alluded, the one I have read and various other papers that will bring home to the prisoner the charge of treason, that will absolutely prove leadership on his part. These, then, gentlemen, are the counts charged in the indictment, and as I am instructed they will be amply sustained by very many witnesses as well as by the documents which I have alluded to. As the documents will be put in evidence and read I need not more than refer to them in a very short way. The first document we find is the one I have read to you, next we find a document in the prisoner's writing asking the authorities to come and take away their dead at Duck Lake. We find next a document evidently written after the Duck Lake fight to the half-breeds of Qu'Appelle, telling of the victory as he claimed and described it; there is a draft letter to the half-breeds of Fort Pitt and Battleford; a letter to the half-breeds and Indians of Battleford, in which he says amongst other things: "Justice orders us to take up arms." There is another document, it is not very clear where it was to go, but it is addressed "Dear Relatives," which I take to mean half-breeds, informing them of the Duck Lake fight and asking them to join the movement. There is a letter to the Indians and half-breeds at Fort Pitt and Battleford, in the writing of Octave Regnier, acting as secretary or in some capacity. That will be proved to have been dictated by the prisoner, that is the letter of the 1st of May, 1885, and is a letter inciting the Indians to rise; another letter describing them as under arms at St. Anthony, that is in the prisoner's writing, another document which shows the treasonable intent to form a new government. There was a letter found in the camp of Pouni-maker, the Indian, a letter written by the prisoner, a letter which will be read to you and which shows a deliberate attempt to bring on this country the calamity of an Indian war with all its attendant horrors. There are other papers which will be produced before you, but which I need not now refer to.

I believe the facts as I have opened them to you, will be fully and thoroughly sustained by the evidence. And there will be this further matter appear in evidence, that the prisoner was not there for the purpose so much of aiding the half-breeds, as he was there for the purpose of utilising the half-breeds for his own selfish ends. You will find throughout the evidence in this case that it was not so much the rights of the half-breeds he was seeking as the power and benefit of Louis Riel, and money that Louis Riel wanted to extract from the Government. It will appear that this so-called patriot, leader of an oppressed people, was willing to leave the country and go wherever the Government wanted him if he got a sum of money from the Government.

Gentlemen, when he found that the church to which he belonged, to which his principal supporters belonged, was against him in the movement, he had more ground to play upon his material and to feed his own vanity and ambition, had himself named as the leader and prophet of his new religion. The prophet of the Saskatchewan was the cry under which his poor dupes, and many of them should have known better, were supposed to rally, intending by combining religious power to follow on the North Saskatchewan, the methods of eastern leaders.

I think, gentlemen, you will be satisfied before this case is over that it is not a matter brought about by any wrongs and grievances that have existed, so much as a matter brought about by the personal ambition and vanity of the man on trial.

I think you will find the evidence shows that he was utterly careless of his methods, and had but one object, his own power, or money, and he did not care whose lives he sacrificed.

The Crown will show that the prisoner wanted to try everyone not in accord with his ideas, for high treason. He wanted to shoot them at once without even the intervention of a stipendiary magistrate and a jury of six; his associates had great difficulty in restraining him, and had he had his way, McKay would not be here to-day. The evidence will show that he desired blood, that his only object was to obtain money, or gratify his desire for power and he was altogether reckless of the means he employed to further his ends.

Dr. JOHN H. WILLOUGHBY sworn:—

Examined by Mr. Robinson:

- Q. You are a medical man? A. Yes.
- Q. Where are you practising? A. At Saskatoon.
- Q. How long there? A. I have been there since two years last May.
- Q. How far is Saskatoon from Batoche? A. About fifty miles.
- Q. Do you remember going to Batoche about the 16th March last? A. I do.
- Q. Did you go alone? A. No; I was accompanied by—
- Q. By whom? A. A half-breed named Norbert Welsh.
- Q. And at what house did you go to stop when you got to Batoche? A. I stopped with George Kerr.
- Q. Is that the Kerr Brothers? A. Yes, at their store.
- Q. Did you hear anything of any anticipated difficulty? A. I did.
- Q. Where? A. I heard it at Mr. Kerr's store.
- Q. How long did you remain at Batoche then? A. Two days.
- Q. You went on the 16th; when did you leave it? A. I remained over the 17th and left upon the 18th.
- Q. Did you see anyone on the 17th? Did you hear anything then of any disturbance anticipated? Did you hear any more of possible difficulties? A. I did hear rumors.
- Q. When you left Batoche whom did you go with? A. I left with Mr. Welsh and Mr. McIntosh.
- Q. Had Welsh any object in view? Did he desire to see any one from Batoche? A. We were leaving Batoche for Saskatoon.
- Q. You were with Welsh? A. Yes.
- Q. Was he desirous of seeing anyone as far as he explained to you? A. He was desirous of seeing Riel

- Q. Did you go with him for that purpose? A. I did.
- Q. Where did he expect to find Riel then? A. I hardly know where he expected to find him; he was informed on the road by Gabriel Dumont as to Riel's whereabouts.
- Q. Did you find Riel? A. Yes.
- Q. Where? A. At the house of a half-breed named Rocheleau.
- Q. What is his christian name? A. I don't remember.
- Q. How far south of Batoche was that? A. Six or seven miles.
- Q. Did you know Riel at that time? A. I had met him before.
- Q. How long before? A. About four months.
- Q. About the December or January before? A. Yes; in November, I believe.
- Q. Whereabouts? A. I met him at the house of Moïse Ouellette.
- Q. Had you been introduced and spoken to him then? A. I had spoken to him then.
- Q. You knew him by sight? A. Yes.
- Q. When you met him at Rocheleau's did he say anything to you? A. He did.
- Q. What did he say? A. Well, he told me the time had come for the half-breeds to assert their rights.
- Q. Do you mean that was the first thing or almost the first he said to you? Did he ask you any questions at all? A. When I entered the house I spoke to him. I sat opposite to him, and very little was said for a few moments. Presently he got up and passed in front of me and he suddenly stopped and turned to me and said, the time has come when it would have been well for a man to have been good, or to have led a good life.
- Q. Did he say any more then? A. I replied to that.
- Q. What did you say; do you remember? A. I cannot remember what I did say—something to the effect it would be better for a man to always lead a good life and be prepared for any emergency.
- Q. What took place next? A. Just at that time a large crowd of men drove up to the door of Rocheleau's house.
- Q. How many do you think? A. I would judge about sixty or seventy.
- Q. Were they half-breeds? A. Half-breeds.
- Q. Were they armed? A. They were.
- Q. All armed as far as you observed? A. No; there were some who were not armed.
- Q. Were the majority armed? A. The majority were armed. I only remember seeing one who was not armed.
- Q. What were the majority armed with? A. The majority, I believe, had shot guns—appeared to me to be shot guns. They were outside and I was in the house.
- Q. This would have been on the 17th March, if I understand it rightly? A. The 18th. It was on a Wednesday, I believe the 18th.
- Q. When this crowd came, did the prisoner say anything to you? A. It was just as they drove up he addressed me. He then said the half-breeds intended (he and his people I believe he put it) to strike a blow to gain their rights.
- Q. Did you make any answer? A. Yes; I replied there were different ways to gain their rights, the white settlers took a different way of having their grievances settled. He replied no one knew better than he did as to the grievances of the settlers, and he said I and my people have time and time again petitioned the Government to redress our grievances, and he said the only answer we received each time has been an increase of police.
- Q. He said they had time and time again petitioned the Government for redress and the only answer they received each time was an increase of the police? A. Yes.
- Q. What next did he say? A. He said, now I have my police, referring to the men at the door.
- Q. Those sixty or seventy men? A. Yes; he pointed to them and he said, you see now I have my police; in one week that little Government police will be wiped out of existence.

Q. Well, what next? A. I believe I said if he intended to attack the police or raise a rebellion, they should look after the protection of the settlers; there was no ill-will among the settlers towards the half-breeds.

Q. What next? A. He told me I was from Saskatoon, and as a settler of Saskatoon I had no right to speak for the welfare of the settlers, and charged the settlers at Saskatoon with having offered to aid the Mounted Police at Battleford to put down an Indian rising last autumn.

Q. Repeat that? A. He said that I, as a citizen of Saskatoon, had no right to ask protection, because—

Q. Because the people of Saskatoon had aided the police? A. He said they offered men to kill the Indians and half-breeds.

Q. That is the reason why he said the settlers of Saskatoon had no right to protection? A. He said we will now show Saskatoon, or the people of Saskatoon, who will do the killing.

Q. Go on? A. He made a statement as to my knowledge of his rebellion, that is of the former rebellion in 1870, and he said that he was an American citizen living in Montana and that the half-breeds had sent a deputation there to bring him to this country.

Q. What else? A. That in asking him to come they had told their plans, and he had replied to them to the effect that their plans were useless.

Q. Did he say what the plans were? A. No, I believe not, but that he had told them that he had plans, and that if they would assist him to carry out those plans he would go with them.

Q. Did he tell you what those plans were? A. Yes, he did.

Q. What were they? A. He said the time had now come when those plans were mature, that his proclamation was at Pembina, and that as soon as he struck the first blow here, that proclamation would go forth and he was to be joined by half-breeds and Indians and that the United States was at his back.

Q. Did he tell you anything more? A. He said that knowing him and his past history he might know that he meant what he said.

Q. Anything else? A. He said that the time had come now when he was to rule this country or perish in the attempt.

Q. Go on? A. We had a long conversation then as to the rights of the half-breeds, and he laid out his plans as to the Government of the country.

Q. What did he say as to the Government of the country? A. They were to have a new Government in the North-West. It was to be composed of God-fearing men, they would have no such Parliament as the House at Ottawa.

Q. Anything else? A. Then he stated how he intended to divide the country into seven portions.

Q. In what manner? A. It was to be divided into seven portions, but as to who were to have the seven, I cannot say.

Q. You mean to say you cannot say how these seven were to be apportioned? A. Yes, he mentioned Bavarians, Poles, Italians, Germans, Irish. There was to be a new Ireland in the North-West.

Q. Anything more? Did he say anything more about himself or his own plans? A. I recollect nothing further at the present time.

Q. You say he referred to the previous rebellion of 1870. What did he say in regard to that? A. He referred to that and he said that that rebellion—the rebellion of fifteen years ago would not be a patch upon this one.

Q. Did he say anything further with regard to that? A. He did. He spoke of the number that had been killed in that rebellion.

Q. What did he say as to that? A. I cannot state as to what he said but it was to the effect that this rebellion was to be of far greater extent than the former.

Q. Did he speak to the men who were there or they to him when you were there? A. There were several men there when the cutter drove up to the door. The majority of them stayed outside in the sleighs and some of them came in.

Q. Yes? A. They spoke in French, which I did not understand very well; but I understood him to tell them to go down to Champagne's house, and I understood him to be sending them there. Most of the men then drove off and a few staid behind.

Q. You cannot say what the asked him as your knowledge of French does not enable you to repeat the questions they asked him? A. No, I cannot say.

Q. Now what did you do then? Who left first, you or him? A. We had dinner.

Q. This conversation took place before dinner or during dinner? A. Partly before, during and after dinner.

Q. You had dinner and what took place next? A. Riel prepared to go then to follow the others.

Q. Well, what next? A. As he was leaving he asked me, he stated personally he had no ill-feeling towards me but that I was a Canadian, but he put it in his way as a Canadian I was a part of the Canadian Government, and in our hearts there could be no friendship towards each other.

Q. Well did you go before or after him? A. He left before me.

Q. Did he say where he was going? A. No, he did not.

Q. What did you do? A. I left immediately after he did and went on towards Clarke's Crossing, at the telegraph office.

Q. For what purpose? A. To make known what I had heard.

Q. To whom? A. My intention was to communicate with Regina, but when I got to Clarke's Crossing, the wire was down between Clarke's Crossing and Qu'Appelle.

Q. How far was it from Clarke's Crossing that you had taken dinner? A. Something over forty miles.

Q. Was that on your way to Saskatoon? A. It was.

Q. Then you intended to communicate with Regina but when you got to Clarke's Crossing the telegraph was down? A. Yes.

Q. What did you do? A. The only communication was with Battleford and I informed Colonel Morris.

Q. Who is Colonel Morris? A. He was in charge of the police at Battleford at that time.

Q. You informed him of what you had heard? A. Yes.

Q. What was Mr. Welsh doing all this time? Was he present at your conversation with Riel? A. He was.

Q. Did he, in Riel's presence, tell you anything or not? A. No, I believe not.

Q. Have you told me your whole conversation with Riel as far as you remember? A. I remember one point in regard to Orangeism.

Q. What was that? A. As Riel was leaving he expressed an opinion, he stated they would have no Orangeism in the North-West. I said I hoped by Orangeism he did not mean Protestantism. He turned excited and said he was glad I had mentioned it, that he certainly understood the difference between Protestantism and Orangeism, and he then spoke of the different religions and beliefs and illustrated it by the example of a tree; he took a tree—the true church was the large branch at the bottom of the tree, and the others as they departed from it got weaker, up to the top of the tree.

Q. He illustrated his ideas of the different religious bodies in that way? Have you told me now all you can remember of your conversation with him? A. Whilst speaking of sending a telegram last fall offering to aid the police—

Q. Sending which telegram? A. He stated of the Saskatoon people that he had been furnished with a copy of the telegram sent by the Saskatoon people to Battleford last fall, offering to kill off the half-breeds and Indians, and that in consequence the Saskatoon people had no right to ask for any protection; and that that was not the only telegram they had sent, that about eleven days before, I think he said, that they had again made such an offer. I mean that the people of Saskatoon had again made such an offer.

Q. Now, is there anything else he said to you that you can remember, or have you told me everything? A. I believe I have told you everything.

Q. You went back to Clarke's Crossing and communicated what you had heard to Colonel Morris, and from that time onwards where were you? A. I was at Saskatoon and Clarke's Crossing.

Then do you know anything more of your own knowledge of Riel in connection with this rebellion, I mean not what you have heard? A. No, I know nothing further.

Examined by Mr. Fitzpatrick:

Q. If I mistake not, you said you saw Riel for the first time about the month of November, 1884? A. About November.

Q. Did you see him for any length of time then? A. I did not.

Q. Did you—you never saw him again till the 17th of March, 1885? A. I believe not.

Q. During that interval of time you are aware there was an agitation going on throughout that section of the country? A. I was perfectly well aware of it.

Q. The first time you ever heard of any reference to an appeal to arms in connection with this agitation was during this interview in March last with Riel? A. That was the first I heard.

Q. Riel was not armed on that occasion? A. He was.

Q. What had he with him? A. As he left the house——

Q. I am speaking of the time you had the conversation in the house. Was he armed then? A. He was not armed at that time.

Q. When you first began talking with Riel, he first mentioned to you the fact that it now became necessary for all men to reflect that it is a good thing to live well? A. That was the first remark.

Q. Shortly after he made that remark he paced up and down the floor? A. That was before he made the remark.

Q. Then he began telling you about his intention to sub-divide these provinces into seven? A. He did not.

Q. He told you he intended giving the Province of Quebec to the Prussians or Germans? A. He did not.

Q. Did he say anything as to the manner he was going to divide? Did he refer to the Bavarians, Hungarians and other people? A. He did.

Q. What did he say he was going to do with these people? A. They were going to assist him in the rebellion, before this war was over, and that they would have their portion of the country.

Q. By country, what did he allude to? A. The North-West Territory.

Q. Exclusively? A. As I understood it.

Q. Would you now indicate to us the different people he expected to assist him? A. The Irish of the United States, the Germans, the Italians, Bavarians and Poles, and Germany and Ireland.

Q. We have had Germany and Ireland twice? A. Well, he put it twice. He put the Irish and Germans of the United States—then Germany itself was to come into line.

Q. Bavarians also? A. Yes.

Q. The Hungarians? A. I don't know. I don't believe he said anything as to the Hungarians.

Q. The Poles—did he intend to give them a chance too? A. He did.

Q. He also stated to you he was giving the Jews a portion of the province? A. Not that I remember. He did not mention them while I was there.

Q. Did he explain to you at that time as to what progress he had made towards completing the negotiation he had had with these people for their assistance? A. He did not.

Q. You did not think it necessary to ask him how he intended to carry out this agreement, or if he had made any endeavors to have an understanding about this? A. I did.

Q. What did he say about this? A. I tried to find from him his plans, to get what information I could, and he seemed unwilling. He took good care to unfold none of his plans.

Q. You said he had unfolded his plans as to sub-dividing the province? A. Yes.

Q. Did you ask him if he had entered into any negotiations with these different people mentioned, in order to get their assistance? A. No, I did not ask him that.

Q. You did not ask him how he expected to get these people into the country either, did you? A. No, I did not.

Q. Don't you think that would have been a very necessary question to put in order to get at the bottom of his plans? A. I believe not.

Q. You thought all these plans were very reasonable and acceptable? A. I had my own opinion regarding them.

Q. What is that opinion? Be good enough to let us know it? A. My opinion at that time was, that that was about the last that would be heard of it.

Q. You never heard anything of those plans before? A. From him?

Q. From him or anyone else? A. Nothing of that kind in regard to this country.

Q. In regard to the plan he submitted to you, did you ever hear of such a plan before? A. No, I never did.

Q. Did it strike you as being at all peculiar? A. Rather; a little.

Q. When he spoke to you on religious subjects, did you understand him to tell you that in his religion Christ was the foundation, and represented the trunk of the tree, and the different religions might be considered as representing the branches of the tree? A. I did.

Q. Did he say what position he occupied with reference to the trunk, or with reference to Christ? A. He stated his church was the strongest branch.

Q. During all this time, during all this conversation, I think you stated Mr. Welsh was present; was he not? A. He was.

Q. Where is Mr. Welsh now? A. I believe he is at Fort Qu'Appelle.

Q. That is about forty miles from here? A. About fifty miles.

Q. When you said Mr. Riel explained his religion was the strongest branch, did he say what his religion was? A. He did. He said the Roman Catholic church.

Q. He did not say anything further than that about his religion? A. No.

Q. Did he speak anything about the Pope? A. No, I believe not. Nothing that I can remember.

Q. You don't remember anything further of this conversation with Riel except what you have stated? A. I remember nothing further.

Q. Of course the plan he unfolded to you about the conquest of the North-West did not strike you as anything extraordinary for a man in his position to assert? A. It did, certainly.

Q. It appeared to you a very rational proposition? A. No, it did not.

Examined by Mr. Robinson:

Q. You said Riel was not armed in the house—did you see him armed at all? A. I saw him armed as he drove off from the house. He was supplied with a gun as he got into the sleigh.

Q. Do you know by whom he was supplied with the gun? A. No, I don't know. I could not say by whom it was given him.

THOMAS MCKAY, sworn:—

Examined by Mr. Robinson:

Q. Mr. McKay, where do you live? A. Prince Albert.

Q. You were born in this country? A. Yes.

Q. How long have you lived in Prince Albert? A. I have been in Prince Albert district since July, 1873.

Q. You remember, of course, the disturbance which took place in March last? A. Yes.

Q. Can you tell me when you first heard of that, and when you first took any part in consequence of it? A. I had heard of the agitation for some time in the early part of March. I heard that the prisoner was inciting the half-breeds to take up arms.

Q. Well? A. On the morning of the 20th, Capt. Moffatt and Capt. Moore came to my house between two and three o'clock in the morning, and they brought a letter from Major Crozier stating he had been informed on good authority that the French, under the leadership of the prisoner, had risen and taken Mr. Nash and some other prisoners and had robbed the stores of Walter and Baker, and Kerr Brothers. He also, in the same communication, asked for a detachment of some sixty or seventy volunteers to go up and reinforce the police at Fort Carlton.

Q. Well? A. I went down to the town and went to a number of the people there and told them what we had heard and asked them to meet us in James Elliott's rooms in town. We met there and decided—we thought that we could not spare the number of men as we had to look after the town and our families. We went out with something like forty men. Capt. Moore enrolled about forty men and we started about 2 o'clock in the afternoon of that day.

Q. For what place? A. Fort Carlton.

Q. How far was Fort Carleton from Prince Albert? A. Between forty and fifty miles.

Q. When did you get to Carlton? We arrived at Carlton between ten and eleven o'clock that night.

Q. What day was that? A. The 20th.

Q. Fort Carlton was then held by a force of mounted police under Major Crozier? A. Yes.

Q. You reported to him? A. Yes, reported to him.

Q. Did you remain there that night? A. When I arrived there, I found Mr. Mitchell, from Duck Lake, was at Fort Carlton. He had a letter from Mr. Riel, I believe. The letter I think was regarding the surrender of Fort Carlton. I did not see it. When I left Prince Albert, I had decided to go on to Batoche's where the rebels had made their headquarters. When I found Mr. Mitchell there, he asked me to go along with him that I might be of some use.

Q. For what purpose did you decide to go to Batoche's? A. To see if I could point out to them the danger they were getting into in taking up arms. I knew a great many of them were ignorant and did not know what they were doing, and I thought I might induce them to disperse. I went to see if I could be any use in preventing any outrage. An hour after I got there we went to Duck Lake and we found two or three of Riel's men there, Joseph and Baptiste Arcand. They had come from Batoche to meet Mr. Mitchell. I had a long conversation with them, and I invited them and tried to induce them to drop the movement. I told them at the same time that I had enrolled as a volunteer, that I was one of the first to put down my name as a volunteer, and at the same time I told them that anything they should say I should report to the commanding officer, and if there was anything they did not wish me to hear they should prepare themselves accordingly. After an hour or two's conversation with them, they went on to report at their headquarters that I was coming with Mr. Mitchell.

Q. They went before you to report that you were coming? A. Yes.

Q. What took place? A. We arrived at the river about eight or nine o'clock in the morning.

Q. You had travelled all night? A. Yes.

Q. You did not arrive that night? A. No. When we got to the river I found a number of armed men around Walter and Baker's store. A sentry hailed us and took us to the guard.

Q. How many armed men did you find? A. Twelve or fifteen outside. There were some more in the store.

Q. They took you to the guard? A. There was a sentry about fifteen or twenty yards on this side of the store.

Q. Did he stop you? A. He stopped us and took us on.

Q. Do you know his name? A. No.

Q. Where did he take you to? A. To the guard that was stationed around Walter and Baker's store.

Q. Well? A. Philip Garriépy came out and said he was deputed to show us across the river.

Q. You were then on the north side of the river? A. Yes. He got into the sleigh and took us across to their council room.

Q. Where was their council room? A. The council room at that time was a little building just south of the church. I do not know who it belonged to. It is burned down now. It was just near the church.

Q. Whom did you find in the council room? A. A number of men.

Q. Armed? A. Yes; they were armed.

Q. These twelve or fifteen men you have referred to, were they armed? A. Yes. Philip Garriépy was not armed but the rest were. We went into the council room and I went around the table and among them, and finally was introduced to the prisoner. That was the first time I had seen him.

Q. Where were you introduced to him? A. In the council room.

Q. You say that was the first time you had seen him? A. Yes.

Q. Who were in the council room when you were introduced to him? A. Quite a number. They were moving out and in.

Q. Would you say there was a dozen men in the room? A. Yes, more than that.

Q. Who introduced you to the prisoner? A. Mr. Mitchell introduced me to Mr. Riel as one of Her Majesty's soldiers.

Q. That is, Mr. Hillyard Mitchell? A. Yes. I shook hands with Mr. Riel and had a talk with him. I said, there appears to be great excitement here Mr. Riel. He said, no; there is no excitement at all, it was simply that the people were trying to redress their grievances, as they had asked repeatedly for their rights, that they had decided to make a demonstration. I told him that it was a very dangerous thing to resort to arms. He said he had been waiting fifteen long years, and that they had been imposed upon, and it was time now, after they had waited patiently, that their rights should be given, as the poor half-breeds had been imposed upon. I disputed his wisdom, and advised him to adopt different measures.

Q. Did he speak of himself at all in the matter? A. He accused me of having neglected my people. He said, if it was not for men like me their grievances would have been redressed long ago; that as no one took an interest in these people he had decided to take the lead in the matter.

Q. Well? A. He accused me of neglecting them. I told him it was simply a matter of opinion, that I had certainly taken an interest in them, and my interest in the country was the same as theirs, and that I had advised them time and again, and that I had not neglected them. I also said that he had neglected them a long time, if he took as deep an interest as he professed to. He became very excited, and got up and said, you don't know what we are after—it is blood, blood, we want blood; it is a war of extermination, everybody that is against us is to be driven out of the country. There were two curses in the country—the Government and the Hudson Bay Company.

Q. Yes? A. He turned to me and said, I was a traitor to his Government; that I was a speculator and a scoundrel, and robber and thief, and I don't know what all.

Q. He used very violent language to you? A. Yes. He finally said it was blood, and the first blood they wanted was mine. There was some little dishes on the table, and he got hold of a spoon and said, you have no blood, you are a traitor to your people; your blood is frozen, and all the little blood you have will be there in five minutes, putting the spoon up to my face and pointing to it. I said, if you think you are benefitting your cause by taking my blood you are quite welcome to it. He called his people, and the committee, and wanted to put me on trial for my life, and Garnot got up and went to the table with a sheet of paper, and Gabriel Dumont took a chair on a syrup keg, and Riel called up the witnesses against me. He said

I was a liar, and he told them that I had said all the people in that section of the country had risen against them. He said it was not so, that it was only the people in the town. He said he could prove I was a liar by Thomas Scott.

Q. Was Thomas Scott there? A. Yes; he said so.

Q. Well? A. He called for Garnot, the secretary, and called for the witnesses, and they would assent to what he said.

Q. Which of the two Arcands was there? A. Baptiste. He was putting words into their mouths, saying things I did not understand at all. When I saw what he was driving at, I says, I am here, and if you wish to hear me speak for myself, I will do so. I says, there is no necessity for Mr. Riel telling what I have to say. If you wish to hear me, I will speak, and if not, I wont. They said yes. I says, Mr. Riel, I suppose you understand Cree. He says yes. I did not speak French, and I says, I will speak in Cree. I spoke in Cree.

Q. You spoke in Cree, and told them what you have said? A. Yes, and what had occurred. Champagne got up and said—I told them Riel was threatening to take my life. I said, if you think by taking my life you will benefit your cause, you are welcome to do so. He said, no; they did not wish anything of that kind. They wanted to redress their grievances in a constitutional way. Riel then got up and said he had a committee meeting of importance going on upstairs, and he went upstairs.

Q. Did he return? A. I spoke to them for quite awhile and he occasionally came down and put his head down stairs and said I was speaking too loud, that I was annoying their committee meeting. When I said what I had to say, I asked for something to eat, that I was pretty hungry. I got something, and after I got through there was a lot of blankets in the corner, and I lay down there till Mitchell was ready.

Q. Where was Mitchell at the time? A. Up stairs. When he got through he came down with the prisoner and I told him to stay there awhile, and we left for Fort Carlton. When he came down, he apologised to me for what he had said, that he did not mean it to me personally, that he had the greatest respect for me personally but that it was my cause he was speaking against, and he wished to show he entertained great respect for me. He also apologised in French to the people there and he said as I was going out that he was very sorry I was against him, that he would be glad to have me with them and that it was not too late for me to join them yet. He also said this was Crozier's last opportunity of averting bloodshed, that unless he surrendered Fort Carlton, an attack would be made at twelve o'clock.

Q. He said if Major Crozier did not surrender, the attack would be made at twelve o'clock that night? A. Yes.

Q. Was there anything more? A. That was all I had to do with him then and I then left.

Q. What did you then do? A. I went to Carlton.

Q. That would have been on the morning of the 21st? A. Yes.

Q. About what time? A. One or two in the afternoon of the 21st.

Q. What happened on the way? A. I met a number of armed people coming into Batoche.

Q. How far from Batoche? A. About two miles.

Q. You met a number of armed people in sleighs? A. Yes, in sleighs, Indians and half-breeds.

Q. Indians from what reserve? A. I did not recognise the Indians.

A. How many sleighs full? A. Five or six. Five or six I met on the road, I spoke to them. I knew two or three of the men who were there. I asked them what all this was about. They jumped out of the sleigh and shook hands with me, and told me they had been sent for and taken by Albert Monkman who was driving the team.

Q. How many altogether were there? A. In one sleigh there were five and I think in another there were six. Altogether there must have been twenty or twenty-five.

Q. Were they all armed? A. I could not say because they were sitting down. I saw rifles and guns among them.

Q. You went back to Carlton? A. Yes.

Q. Did you meet many men on the way? A. That is all we met on the road. When we got to Duck Lake there was a trail coming from the east and west and we saw some sleighs passing there and some sleighs passing along the lake.

Q. Then when did you get to Duck Lake, or to Carlton, rather? A. About four o'clock.

Q. What was your object in returning to Carlton? A. I was just returning. As I was going away from the council room I overtook Emmanuel Champagne. He was walking along on the road with Jackson who was with Riel at that time. I told him to get into the rig and I thanked him for the stand he had taken. I told him if I could be of service to him in any way, I would never forget the services he had rendered me. He told me then they had decided to send two men to Major Crozier but they were afraid of treachery; that they were afraid they would be arrested. I says, you need not be afraid, I will be one of the party that will come out, and you may tell them they will not be interfered with at all. When we got to Carlton, Mitchell delivered the letter to Major Crozier, and I think it was asking him to meet him half way some time that night, and that Riel did not choose to meet Major Crozier himself but that he had sent two men.

Q. Did you go as representing Major Crozier? A. Yes. About an hour after we had reached there Charles Nolin and Maxime Lepine came up driving in a cutter. We were mounted. We told them what Major Crozier had said—that they should give us the names of the leaders of the movement, and that they would have to answer to the law, but that a great many of them who had been forced into the movement that they should be dealt leniently with. Nolin said Riel and his council demanded the unconditional surrender of Fort Carlton, and nothing else would satisfy them, and if they did so no harm would be done them, that they would give a safe conduct home. We said there was no use discussing the matter at all, as we said the matter could not be entertained at all—that all we had to say was to advise them to disperse and go home, and that the leaders of the movement would have to be answerable to the law. He then said he had a letter which he was told to hand us, but that it would be no use to hand it as Fort Carlton was not to be surrendered. I thanked them for the stand they had taken when I had been there that morning, and I returned to Carlton.

Q. Is that all that passed between you and Capt. Moore and Nolin and Lepine? A. Yes.

Q. Then what did you do? A. We returned to Carlton.

Q. How long did you remain there? A. I remained there until the night of the 24th.

Q. You had got as far as the 23rd. You gave me an account of your interview in the council chamber, of your trial. You spoke of Garnot, Philip Garnot, I think, you said? A. Yes, Philip Garnot.

Q. What capacity did he act in? A. As secretary.

Q. Of the council? A. Yes, taking notes of the evidence.

Q. Which was given against you? A. Yes.

Q. Well, did anyone ask him to act? A. Riel called for the secretary, and then Garnot came forward.

Q. And took his seat at the table? A. Yes, as secretary of the council.

Q. Now, on the 21st you got back to Carlton—how long did you remain there? A. Till the 24th.

Q. What did you do then? A. On the night of the 24th, between ten and eleven o'clock, Crozier asked me to go and see if I could hear anything of Major Irvine.

Q. Was he expected? A. We heard that he left Regina with reinforcements, but nothing had been heard of him.

Q. You heard that he had left Regina? A. That he was to leave at a certain time.

Q. And nothing had been heard of him up to that time? A. Yes.

Q. On the 24th Crozier asked you to go and see if you could find anything about him? A. I started and took the trail to Prince Albert. The wire was tapped about half way between Batoche to see if anything had been heard of him at Prince Albert before going any further. When about twenty-three miles out from Carlton I met two messengers with a note for Crozier. I opened the note and found that it was a note from Inspector Moffatt stating that he heard he was at the South Branch, and that he expected him that night. I found out that he had reached Prince Albert. I saw him and told him that I was sent by Major Crozier. I then returned to Fort Carlton, travelling all night, and got into Carlton about four o'clock in the afternoon.

Q. With Colonel Irvine? A. No, I left him. They had made a march that day of about seventy miles and he did not know whether he could make Carlton that day from there.

Q. You returned to Carlton? A. Yes.

Q. You got there between three and four o'clock? A. Between four and five.

Q. Having gone out and got tidings of Colonel Irvine you returned at that time? A. Yes.

Q. What did you do next? A. I overtook a messenger with a note from Colonel Irvine to Crozier saying that he could not leave that day, that he would the next, the 26th. I had been travelling all night and turned in early. After I turned in I was told that Crozier wanted to send Sergeant Stewart with teams and an escort for the purpose of getting some provisions and flour from the store belonging to Mitchell at Duck Lake, and that he wanted me to accompany the party, and we were to start at four o'clock the next morning, that would be the 26th. The next morning came and we got up and got ready. Sergeant Stewart sent out an advance guard of four men on ahead towards Duck Lake to see if the road was clear; we followed with the teams and sleighs. I was riding on about a quarter of a mile ahead of the teams looking out. When I got within three or four miles of Duck Lake I noticed on the road some people lying in the snow; there were marks; I took them to be Indians. I noticed them communicating the signal by walking backwards and forwards. I suspected they were watching the trail. I got to within about a mile and a half of Duck Lake. There is a ridge there a little to the north of the mail station. When I got there I saw some mounted policemen riding at a full gallop, and immediately after them there were some mounted men following them. I wheeled around and rode back as hard as I could make my horse go. There was a hill about a quarter of a mile away I wanted to get to before they came. When I got within sight of the men I threw up my hands and told them to prepare and get their rifles ready. I told them that they were following the mounted police. I told them to get their rifles and said not to fire, whatever they do I can ride out and if they want to fire they can have the first chance at me and you can defend yourselves. They were coming round the bluff. They were pretty close to the men. I saw they would overtake them. I knew they were excited, so I rode out as hard as I could. They then hauled up all but one man, who came right on and who never hauled up at all. It was Patrice Flary. I asked them what they were about. They said, what are you about? I said that we were going to Duck Lake to get Mitchell's provisions. They said there were a great many there. I asked whether they were at Duck Lake; they said yes. They said we had better go back. I turned around and went towards the sleighs. As I was getting near the sleighs a party of perhaps thirty or forty of them, very excited, came upon us. They were yelling and flourishing their rifles. They were very excited. Gabriel Dumont was of the party; he was very excited; jumped off his horse and loaded his rifle and cocked it and came up to me and threatened to blow out my brains. He and some others threatened to use their rifles. I told them to be quiet, that two could play at that game. Dumont talked very wildly; he wanted us to surrender. He said it was my fault that the people were not assisting them, and that I was to blame for all the trouble. I told them that we could not surrender, that I thought we had the best right to this property. Some of them jumped off their horses and went into the sleighs. I rode up and told the teamster to

hold on to his horses. They made one or two attempts to snatch the lines, Finally he fired his rifle over our heads. They all stepped off the road and we went on the road to Carlton ?

Q. Had any of the men got into the sleighs? A. Two of them went into one sleigh and they went to a second team to try and get the lines.

Q. Then there was nothing but the one shot fired? A. That is all.

Q. You returned to Carlton? A. Yes.

Q. How many teams had you upon that occasion? A. Seven or eight.

Q. How many policemen? A. A policeman in each team, Sergeant Stewart and some others.

Q. How many altogether? A. Fifteen or sixteen. There were twenty-two of us altogether; fifteen policemen I think.

Q. You returned to Carlton? A. Yes.

Q. What time did you get there? A. About ten o'clock.

Q. In the morning? A. Yes.

Q. What did you do then? A. As we returned to go back Sergeant Stewart sent a man to report what had taken place.

Q. You had sent in a man in advance to report what had taken place? A. Yes.

Q. Well? A. When we got near Carlton we met an advance guard coming out of Carlton. There were a number of teams. They were coming out of Carlton, and we wheeled around and went out with them.

Q. Who was in command of that party? A. Major Crozier.

Q. How many were there? A. Ninety-nine.

Q. How many constables? A. Fifty-six.

Q. Of the party that first met you, the time you turned back, you stated there were thirty-five or forty? A. Yes.

Q. How many were Indians and how many were half-breeds? A. There were some Indians and some half-breeds. I cannot tell you the proportion at all. I was not paying much attention. I kept my eye on Jim Owen and one or two others.

Q. You met the advance guard coming out of Carlton, in all there were ninety-nine? A. Yes.

Q. Major Crozier was in command? A. Yes.

Q. Were there any sleighs? A. Yes.

Q. How were the men? A. Some mounted and some in sleighs.

Q. What is the distance from Carlton to Duck Lake? A. About fourteen miles.

Q. Did you join and go back with them? A. Yes, the whole party.

Q. This would be on the 26th? A. Yes. We went on till we came to a house about four miles from Duck Lake, when the advance guard returned and reported that there were some Indians in the house (I believe it was Beardy's house), he was in the house.

Q. Was it upon his reserve? A. Yes.

Q. Well? A. The interpreter went over and he came back again; I do not know what occurred between them. We went on, and when we got to the same place where I returned back that morning, we saw the advance guard coming over the hill in the same way as in the morning.

Q. Was the advance guard retiring? A. Yes, at the same place as in the morning, and there was a number of men following them.

Q. About how many? A. I cannot tell you, they were coming over the hill and they were scattered all along the road; there appeared to be quite a number of them. Major Crozier told us to unhitch the horses and make a barricade and take the horses to the rear. When they came near, within half a-mile, they made use of a blanket as a flag.

Q. White blanket? A. Yes. Crozier went out and called his interpreter, and the two parties came near each other. They began to talk; in the meantime they were running on to the road behind us and getting behind the hills.

Q. They were changing their positions? A. Yes.

Q. Well, what then? A. While placing the sleighs I heard some one calling out that they were firing upon us, and let them have it. I said wait till we get hurt. Just then I turned my head kind of this way, and saw Major Crozier lift his hand in the direction the firing was from, and he said "fire now," and the firing began then and there was quite a skirmish for thirty or forty minutes after that.

Q. How long did it last? A. Thirty or forty minutes. I did not take time into consideration.

Q. How many were killed on your side? A. We left ten men upon the field, but one of them was wounded, and turned up afterwards.

Q. Who was that? A. Newett.

Q. The other nine? A. Were dead. One mounted policeman was killed and several were wounded; two died just after we got to Carlton.

Q. You brought two back with you? A. One, the others died after we got back to Carlton.

Q. What time did you get back to Carlton? A. It must have been about four o'clock in the afternoon.

Q. How many were killed on the other side; you did not know at the time? A. No.

Q. During the engagement how many men would you judge to be engaged upon the other side? A. We could not see them. I cannot tell that. Some were in the house, some were behind the hills. There were two sleighs with two Indians in each behind us, and one Indian who was mounted, that was the Indian that was talking to Major Crozier; he was killed when the firing began.

Q. Would your observation enable you to say how many were engaged upon the other side? A. The road seemed to be pretty well covered with them.

Q. Can you form any idea as to the number? A. The road was straight, and they seemed to cover a greater space than we covered, but I cannot say as to the number. They seemed to cover a greater space than we did.

Q. You cannot say the proportion of Indians and half-breeds? A. I cannot say. I saw five Indians; these Indians got behind us, one of them was killed.

Q. You did not recognize any of the people that were there? A. I did not recognize any person.

Q. You returned to Carlton and got there about four o'clock? A. Yes.

Q. What did you do then? A. They were some time attending the wounded. Colonel Irvine got in about half an hour after we got in, and I think it was that afternoon or the next morning that he decided to leave Carlton and go down to Prince Albert.

Q. Did you go with him? A. Yes.

Q. Was Carlton burnt? A. Yes; I believe it took fire accidentally, and part of it was burnt then.

Q. He decided to evacuate Carlton with his forces? A. Yes.

Q. And to retire on Prince Albert? A. Yes.

Q. What distance is that? A. Forty-six or fifty miles.

Q. Did you go with him to Prince Albert? A. Yes.

Q. What day was that? A. We left on the morning of the 28th, about one or two o'clock, and we got down that evening.

Q. You remained at Prince Albert during the rest of the rebellion? A. Yes.

Q. You have told me all you know about it? A. Yes. There may perhaps be some things which I have omitted. When Mitchell introduced me to the prisoner, he asked Mitchell whether I came of my own accord, or whether I came with him. When he heard I came with him, he said I was entitled to the same protection as he was, but if I came of my own accord, he would look after me, or something of that kind. The prisoner said I was entitled to the same protection as he was.

Q. Is there anything else that you remember? A. No, I cannot remember everything that took place; I do not remember anything else.

By Mr. Greenshields:

Q. The first time that you met the prisoner was in the council chamber? A. Yes.

- Q. And before that you never saw him? A. No.
- Q. Nor did you see him after that till in court? A. I saw him in court when he was first brought into court.
- Q. You had no conversation, nor did you see him from that time till he surrendered to General Middleton? A. No.
- Q. You never had any personal quarrel or trouble with him before? A. No, I never had any communication with him.
- Q. Did he appear excited when you were introduced by Mitchell? A. No, not at the time; a while after he became excited.
- Q. How long after was it till he got excited? A. I cannot tell.
- Q. Five or ten minutes? A. Perhaps a quarter of an hour.
- Q. During that interval you were talking to him all the time? A. He went away for a little while, and then he came back again; he went up stairs and came back again.
- Q. Tell us what he said when you were first introduced and shook hands with him. Did he speak first, or did you? A. I spoke first. I told him that we would shake hands, or something to that effect, and he said yes.
- Q. Now, what did you first begin to talk with him about? A. I told him—I said there appears to be great excitement here. He said, no excitement at all; everything was quiet, or something like that.
- Q. You said something about his having spoken about wanting to get their grievances redressed? A. Yes, I think I said there seemed to be a number of men armed, and he said that they had been asking for their rights for fifteen years, and they had not yet been granted, and they had decided to make a demonstration.
- Q. Did you have any conversation as to what their rights were? A. No, I had not with him.
- Q. Whom did you talk about it with? A. The rest of the people that were in.
- Q. That is, the council? A. Yes.
- Q. What was their statement to you regarding their rights? A. They did not seem to know—that they were entitled to scrip, and never got it.
- Q. Did they speak of having made any petitions to the Government for their rights? A. Yes, we discussed the matter. I had taken part myself in the petitions that were sent forward, and knew more about it than they did. It came out in this way: Gabriel Dumont said that I had taken no interest in the matter before; that I never advised them; that it was only now when matters had gone so far, that I advised them in the matter.
- Q. That was reproaching you because you had been instrumental in getting the rights of the half-breeds, the English half-breeds? A. We were entitled to scrip, but we never got it yet.
- Q. Have you got it since? A. No.
- Q. There is a commission sitting now? A. Yes.
- Q. Riel said that the only answer they got to every petition was an increase of police? A. No.
- Q. What was on the table when you went into the council chamber? A. Some tin dishes and some spoons; some fried bacon and some bannocks.
- Q. Any blood in the dishes? A. No; I did not see any.
- Q. Will you swear that there was not? Will you swear that some of them were not eating cooked blood at the time? A. Not that I saw.
- Q. How long after the conversation with him till he used the words "he wanted blood"? A. He left me and came back again. It was then he said it.
- Q. Was he in a very excited state of mind when he talked about blood? A. He became very excited. I told him that I did not think that he had adopted a wise way to redress their grievances.
- Q. In what position was he at that time? A. Standing, striking the table.
- Q. What did the prisoner say to you when Mitchell stated you were entitled to the same protection as Mitchell was? A. It was Riel said that, not Mitchell.

Q. Did't he say you were at liberty to return? A. He said I was entitled to the same protection as Mitchell.

Q. What did you understand? A. That I was at liberty to go as I pleased.

Q. You did not go as you pleased? A. Yes, I did.

Q. Was that before or after the conversation about the blood took place—was it before Riel told you he wanted blood that he told you you were free to go? A. It was before I had any conversation with him at all.

Q. The first thing he did on being introduced to you was to assure you that you were at liberty? A. Yes.

Q. You had no fear but that you were at perfect liberty to return? A. It did not make any difference to me.

Q. After telling you that you were at perfect liberty he spoke to you of his desire for blood? A. Yes, certainly.

Q. Did you have any other conversation with him that day? A. He said what I said at the time he went up stairs, he went up and he would occasionally put his head through and say that I was speaking too loud. After he came down he apologised and said that he had great respect for me personally, but it was my cause.

Q. On the whole he treated you civilly? A. No, he made use of language to me that was never before used to me.

Q. Did he have any conversation with you as to the object of the rebellion? A. He said they wanted their rights.

Q. Did he tell you anything about the administration of the North-West Territories? A. No.

Q. About a new church? A. No.

Q. No conversation about either of these matters? A. No.

Q. When he called for blood was it after he went down? He went away and came back and called for blood.

Q. And then he went upstairs? A. Yes.

Q. When he came down the next time he apologised for the language he used? A. Yes.

Q. Shortly after that you went away? A. Yes.

His Honor.—Any juror that desires to ask the witness any questions is at liberty to do so.

JOHN W. ASTLEY sworn:—

By Mr. Burbidge:

Q. You reside at Prince Albert? A. Yes.

Q. How long have you resided there? A. About three years.

Q. What is your occupation? A. Civil engineer, land surveyor, and explorer.

Q. In March last you were employed by Major Crozier? A. I left with the volunteers to go to Carlton.

Q. How were you employed? A. As volunteer and then I was used as scout.

Q. What time in March? A. About the 18th March.

Q. How long were you scout? A. I was scouting through the French settlement, the half-breed settlement, and the reserves till two o'clock on the morning of the 26th.

Q. Were you alone? A. Part of the time; part of the time H. Ross was with me.

Q. You posted a proclamation? A. Yes, I posted a proclamation from Crozier telling those who had been forced into rebellion that if they gave themselves into the charge of the police, they would be protected. I posted those as far as Lepine's and back by the other road in the most conspicuous places where I thought there would be a chance of their being seen, one in English and the other in French. I noticed in passing the road afterwards that these notices were nearly all torn down. I went over the road on the morning of the 26th to see if the French half-breeds were trying to intercept Major Crozier; Ross was with me. We were about the place where the battle took place. I was about thirty or forty yards on ahead of Ross, an Indian suddenly jumped alongside of me and pointed his rifle or shotgun at

my breast. I turned round to see if my partner was prisoner too, I saw that he was and that there were some sixteen or twenty of them all armed and as he was captured first I thought it best to give up quietly.

Q. Who appeared to be the leader of the party? A. Gabriel Dumont. There were about sixteen or twenty of them, part half-breeds and part Indians. We were taken to Duck Lake and put in the telegraph office till the morning; an armed guard was placed outside the building that night. Albert Monkman seemed to be in charge of Duck Lake at that time.

Q. How many men would be at Duck Lake at that time? A. Eighty or 100, that is taking into consideration those who were acting as outside guard. In the morning we were removed into the up stairs in what had been Mitchell's house.

Q. During that day did any more come in? A. After we were placed upstairs about noon or shortly after—before a lot of half-breeds and some Indians came from Batoche with the prisoner in command—that would be some time about noon.

Q. The accused was in command—how did you come to that conclusion? A. That morning he interviewed me and Ross and talked to us. He brought Bourget with him. He seemed to control and asked the questions. I was down stairs afterwards for a few minutes and I saw the prisoner beckoning to the men to fall in line and they fell in line.

Q. He was giving commands? A. Yes.

Q. After they were reinforced how many men had they altogether? A. I should say about 400 taking both Indians and half-breeds.

Q. How many Indians? A. About 150 Indians altogether.

Q. Did you see any other prisoners on the 26th? A. Lash, Tompkins, Simpson, McKean, and Woodcock were brought up into the same room. We heard some report of McKay having come near the building and being ordered back by Dumont. In the afternoon looking towards the west we noticed them running towards Carlton. Shortly after that all that were there except what I would call a fair sized guard, who remained around the building, went in the same direction. Shortly after the prisoners heard firing. I myself did not hear it. I heard the sound of a cannon that is all I can swear to. In about an hour or an hour and a half they returned bringing a wounded prisoner, Newitt, with them. He was shot through the leg and hammered on the head with a musket or something. I dressed his wound and the prisoner came upstairs and talked to us about this battle. He said that ourselves as prisoners might have been sent into his hands to show future people in what way he had conducted the war—pointing to the wounded prisoner and saying that he used that man humanely. He said the volunteers and the police fired first? I told him that from what I knew of Major Crozier he did not intend to fire first, that he had told me so. I suggested that perhaps a gun had gone off by accident and the prisoner admitted that that was perhaps so. He called on his men in the name of God or the Supreme Being, "I say unto you fire," and he explained that the troops were beaten by the bravery of his own soldiers.

Q. At this time were the stores looted? A. They were not looted when we went there, but before we left they were cleared out.

Q. You were taken to Carlton on what day? A. On the 31st of March we left Duck Lake for Carlton. When we got out in the yard Riel was there in person, some were getting into sleighs when he told us to march.

Q. Who was in command of the party that took you? A. Monkman. When we got to Carlton we remained there till the 3rd of April, we were then moved to Batoche.

Q. Who was in command taking you to Batoche? A. Andrew Jobin. In Batoche we were placed in a room in the lower floor of the store, afterwards we were put in the upper flat of the same store. Soon after I sent a communication to Riel in reference to Ross and the other prisoners, seeing what I could do towards getting an exchange. Riel came upstairs and told me he could not see things in the same light, but he would exchange us for Clarke, Sproat and McKay.

Q. The Hon. Lawrence Clarke? A. Yes; I said that could not be done.

Q. How were you treated as a prisoner? A. In the early part, well—as well as men could be under the situation, but after that when we were taken down into the cellar we could not have been treated worse.

Q. Did they take extra precautions at the time of Fish Creek? A. There was always a home guard left around the buildings. Just after the Fish Creek fight the Indians came back earlier and alarmed me as regards the safety of the prisoners. I thought as long as the half-breeds were there the Indians could not get at us, but if the home guards were taken away when the Indians came back earlier they might massacre the prisoners. After the Fish Creek fight I wrote to Riel asking him for an interview, that would be about the 26th of April. I had a long talk with him about the prisoners. I told him about the fears I entertained about the Indians and asked him if he would allow me to see the general or Irvine to try and effect an exchange. He refused to exchange.

Q. What did you say to him? A. I said, what do you want to keep us for? I said I suppose you wish that if you or your council get into danger you will want the prisoners for that purpose. Riel said, yes, certainly. I said to him to allow me to go and see either Irvine or the general about getting an exchange. I said: "You claim a victory at Fish Creek and Duck Lake, and I said let me go and see and try for terms." He said that he had gained two victories. I asked him if he would not allow me to do that. He said we must have another battle and he said: "If we gain another battle the terms will be better and he said if we lose it the terms will be the same as now." He said that after another battle he would allow me to go. From that day I was waiting, expecting that another battle would occur. On the last day, that would be the 12th of May, he came to the cellar and called my name in a hurry, and as I was getting out he told the rest of the prisoners what he was sending with me to the general in that message. I think the paper is there.

Q. Is that the paper? A. Yes, that is the message I carried out that morning (paper shown to witness).

Q. Did you see the prisoner right after that? A. Yes, right at the council chamber at Batoche. At the same time that he wrote that he wrote another message for Jackson to take. I took the message to the general. I also saw him write that one for Jackson.

Q. Is that it (shown witness)? Yes, that is the one that Jackson carried.

Q. He gave that to Jackson the same time he gave you yours? A. Yes, at the same time. One of us was supposed to go one way and the other the other. I rode to the general with that on horseback. The prisoner went with me until he passed me through his own lines. I went on, reached the general, and gave him the note. He read the note and took a few minutes to consider. I asked him to write a note to Riel. He wrote that note and I took it back to Riel. I think that note is among the papers there. Instead of allowing me to go back into the cellar the prisoner made me go into the church and he put an English speaking half-breed and an Indian to guard the church. In about half an hour or so Riel called for me again and I went with him among the women and the children. He wrote several notes but none of them seemed to please him and he tore them up, except one which seemed to suit him. I sat talking with him till he had finished writing and then I began to ask him whether it would not be better to let me see and try what terms I could get. I said that he could come with me and see the general. After talking a long time he left me and came back in a short time with Gabriel Dumont, but as I do not talk French I had to let the prisoner explain to Gabriel what we were talking about. Finally he said there was a great deal to consider. It would then be about one o'clock. About half-past one o'clock he had nearly agreed to what I proposed he should do. The firing then began and he at once turned to me and asked me what that meant. I told him that some of the Indians must have started it. I told him if he would write a note to the general thanking him and say nothing about fighting, but leave it to me, I would get the firing stopped, if possible. Anyway I would see what could be done. He then wrote a note and asked me to take it. I asked him to pass me through the lines.

Q. Is that the note (shown witness)? A. That is the note just as an excuse for me to get the firing stopped.

Q. That is the note? A. Yes; he wrote that in a tent or the council chamber and gave it to me. He went part of the way with me through his lines. In the position outside his own rifle pits the firing was pretty heavy. Riel went down into a low place till I overtook him; he was on horseback. Some of his men had left the rifle pits and gone to where he was. When I came up to him Riel asked for the note and put it into an envelope.

Q. Is that the envelope? A. Yes.

Q. Are those the words he wrote upon the envelope? A. Yes. He took the note out of my hands and wrote those words on the outside in my presence. He ordered the men who had left the rifle pits to go back again, and they went back along with me. I continued on, went to the general, and gave him the note. I did not call his attention to the memorandum on the outside of the note till the night time. I asked him how the fire began and he said the Sioux started, but that if Riel would get his men to stop firing that he would order his men to remain where they were and they would not advance any further. There was not time to write a letter. I went back and it took a long time to find Riel. I went among the women and the children and I found him. The firing was getting warm. I told him what the general had said, that if he would order his men to stop the firing he would do the same, and that he could come with me personally to the general. He hesitated for a time. At last I said there are not many minutes to waste; if you want to call the council together call them and let me address them. At last the prisoner said, "It is not necessary to call the council." He said he would do as I wished. I said you acknowledge you have the power to do as I wish without the council. He said, "Yes." I said for him to give the order to stop firing. He said, "You know the men I have; I cannot go among these men and tell them to stop firing." He said, "You know that." I told him I would go back and explain how everything stood and see if it was possible for the general to stop his men at a certain position; if he was willing to do as I wished, He was.

Q. That is willing to surrender? A. Yes, I went back and told the general what he said. He said that he could not accept it as a surrender unless Riel ceased firing. I knew he could not get his men to cease firing. I went back to try and keep the troops from getting at the women and children. I got the general to send a note to Riel offering the same terms as I had offered, that is that he should be kept safe till he had a fair trial.

Q. Did he speak to you of his personal safety? A. He had very little to say about the half-breeds. As far as regards himself seemed the principal object.

Q. What did he ask you in regard to himself? A. If I would explain what risk he ran personally himself. He said to me that we knew he never carried a rifle, of course, at the same time we had seen him carry a rifle on one occasion. I told him he ran no danger as I could look at it. He suggested that I should broach the subject of the church to the general and it would give him a chance to broach the subject when he came to be interviewed by the general. He would say that he was not to blame, that the council was to blame.

Q. During the time that you saw the prisoner there did you see him in command? A. He ordered the men into the pits on that occasion when some of them were leaving them. He took one half-breed and made him go back, saying that he would be able to do some fighting with the troops at all events.

Q. When did you see him armed? A. Some time before the Fish Creek fight, it must have been about a week before, I was talking to Riel before the council chamber one day, when a French half-breed came up with the report that the troops were coming. Shortly after, myself and the rest of the prisoners saw him passing the front of the house quickly with the half-breeds going towards the river, armed.

Q. During the eight days you were in the cellar were you bound at any time? A. They used to tie us up about supper time and leave us that way till next morning, that was for the last eight days. Delorme came down and threatened to shoot us if

we were loose when he returned. They used to tie our hands behind our backs and then release us in the morning again.

Q. It is suggested to ask you if when you were released on the 12th if anything was said to the prisoners? A. He told the other prisoners the message I took to the general that if the women and children were hurt or were wounded by the troops he would massacre the prisoners, or words to that effect, just the same as was in the note.

By Mr. Johnstone :

Q. Was the 26th of March the first occasion on which you saw the prisoner? A. No, I saw him in the settlement since last summer off and on, but not to know him as I know him now.

Q. How often did you see him from that time? A. Perhaps ten or twelve times.

Q. Where did you see him? A. At the Batoche settlement, Prince Albert and different parts of the Prince Albert district.

Q. Were you present at any of the meetings? A. I never attended any. I was at the Prince Albert meeting a few minutes but I took no interest in it at all.

Q. A few minutes at Prince Albert? A. Yes, just walked into the hall and saw the prisoner at the end of the hall.

Q. When did you commence to take an interest in him? A. When I went to Carlton as a volunteer, and when I undertook scouting.

Q. You went up from Prince Albert with the volunteers? A. Yes.

Q. How long did you remain at Carlton? A. About a day and then I went through the settlement.

Q. When you left Carlton where did you go? A. Past the Indian reserve, Duck Lake, and through the principal part of the French half-breed settlement. I did not go quite to Batoche.

Q. You returned when? A. Sometimes at night and sometimes in the day time.

Q. Did you see the prisoner at Batoche till the 26th? A. I did not go to Batoche.

Q. Now you were prisoner—who took you prisoner? A. Sixteen or twenty half-breeds took me. Gabriel Dumont was in charge of the scouting party.

Q. How long were you prisoner before you saw Riel and his men? A. From two o'clock that morning till about noon the same day, that is when he came in person from Batoche.

Q. How long was he at Duck Lake before you saw him? A. I saw him coming in the yard.

Q. Was he the first man that came into the yard? A. You could not see the yard. He was the first man I noticed. I knew him by sight.

Q. Were there others besides him? A. Yes.

Q. Was he mixed with the others? A. No, he was more advanced than the others; he was by himself.

Q. How was he dressed? A. A large check, common looking trousers, as well as I remember, about the same kind of tweed he wore most of the time. Riel was never very particular about his dress.

Q. How long was he there before he came to interview you and the other prisoners? A. I would say it might be perhaps half an hour.

Q. Did he come to see you or did he send for you? A. He came to see Ross and myself.

Q. To whom did he address himself first? A. I do not know. I may have been the spokesman.

Q. What did you say to him? A. I did not tell him exactly what I was there for. I gave him another story.

Q. What was the story? A. That I was travelling through the country making enquiries if that outfit was stopped at his headquarters.

Q. What was your object in telling him that? A. To get away from the place.

Q. Was the prisoner excited at that time? A. Not that I could see, he talked reasonably, as rather a clever man.

Q. What did he say. How long were you engaged in conversation with him at that time? A. Just while I explained to him.

Q. Did he tell you afterwards he found out you were not telling the truth? A. I don't think he found it out for five weeks.

Q. Did he say anything about church and state at that time? A. Not at that time.

Q. Did he talk about the rebellion? What did he say? That was the last you saw of him till you returned from Duck Lake? A. No; after the battle was over he came up and saw us.

Q. Did he say he was at that battle? A. Yes, that he had ordered the men to fire.

Q. He said that Crozier fired the first shot? A. He said that the volunteers or policemen fired the first shot. I said that I knew that Crozier would not fire the first shot, that perhaps one went off by accident, then he admitted that it might be so. He laid no stress on the first shot being fired.

Q. How long did you talk with him at that time? A. Quite a long time.

Q. How long? A. I would not say as to the time at all.

Q. How long did you converse with him? A. He talked to us prisoners.

Q. How many of you? A. Myself, Lash, the two Tompkins, Ross, McKean and Woodcock.

Q. Were the wounded prisoners with you at this time? A. Charley Newitt. I dressed his wounds. The prisoner asked him some questions.

Q. What did he ask him? A. He asked him whether he knew if the Hon. Lawrence Clark was among the volunteers. That was the principal thing.

Q. Did he give directions how the wounded man was to be treated? A. He left that in my hands, he hoped and expected I would do the best I could for the wounded prisoner.

Q. You say you were speaking to him for a considerable time, did he at this time strike you as being excited or excitable, or was he calm? A. He was cool enough, a little elated at his victory.

Q. Did he speak of dividing the territories? A. He mentioned about the half-breeds making certain claims and told us we had no business in that part of the country, that we belonged to Canada and that this country belonged to the Indians and half-breeds. I did not take much interest in what he was saying as I was dressing the wounded prisoner.

Q. Did you hear him talking of defeating the Government that time? A. Not as far as defeating the Government is concerned.

Q. What did he say about it? A. He told us what the ordinary claims were and said that we might have been sent to show how we conducted the war.

Q. Do you know did he say anything about saving the life of this wounded man? A. He said that he himself had stopped an Indian from killing that man. I told him that was the effect of raising the Indians and that was the way the Indians fought to kill a man when he was wounded.

Q. When had you a conversation with him again? A. The next day. I was down stairs a short time and I met him and had a talk with him about the Indians. I told him it was a bad thing to have anything to do with the Indians. He said that he could not help it that he was compelled to use the Indians. I told him that he was aware that he could not control the Indians.

Q. Who was present at that conversation? A. I was by myself just coming out of the door.

Q. Were there others around? A. Some half-breeds were stationed as guards, they were armed.

Q. During that occasion or on any occasion, did he speak of the church or of the Dominion of Canada? A. No, not of any importance except as regards Batoche.

Q. What did he say at Batoche about his church? A. He said he wanted me to mention to the General that he was to be recognized as the founder of the new

church and that if the subject was mentioned to the General he could continue the subject when he met him.

Q. What did you understand by founding a new church? A. I understood it as a sharp trick to get the upper hand of the unfortunate half-breeds.

Q. Did you understand that before? A. I looked upon it in that light.

Q. Were there other half-breeds listening at this conversation at Batoche? A. Lots of them were standing around but only an odd one could talk English, he spoke in English to me.

Q. When did you think it was to get the advantage of the half-breeds? A. I considered that he was using them for his own ends.

Q. Did you consider his actions eccentric? A. He seemed intelligent and in many respects a clever man.

Q. What did you say to General Middleton about this man? A. I told the general exactly what I knew about the matter.

Q. Did you tell the general that you had considerable influence over Riel and that he was a simple-minded man? A. No.

Q. You have had considerable to do with the working up of the evidence against Riel? A. Not that I am aware of.

Q. Have you been engaged in that line for the last month? A. Not working up evidence.

Q. Working up the case? A. No; I am here as a simple witness—I am no more than the others.

Q. Have you given instructions to the Crown about this prosecution? A. Not in any other light. I gave no instructions—it would be rather strange if they received instructions from me.

Q. Had you anything to do with preparing the papers or giving information? A. No; not in preparing the papers. I have only given my own information.

Q. Did Riel appear to have been engaged in these fights or was he afraid to fight? A. As far as I could see he was too much afraid to run his neck into unnecessary danger.

Q. You were not alarmed that you would receive injury at the hands of Riel or the half-breeds? A. At the hands of the Indians.

Q. Not injury from Riel? A. Not as far as the half-breeds were concerned. I knew Riel's object in keeping us, he admitted himself that that was his object.

Q. How many interviews had you with General Middleton altogether? A. One in the morning, one a little after the fire began and one after I could not get back.

Q. How many altogether? A. Three.

Q. During that time you had made arrangements as to the surrender of Riel to Middleton? A. He said he would do as I wished, but I could not get back because by that time the charge had begun and Riel was gone.

Q. What reason can you give for Riel's willingness to surrender himself? A. I told him what a kind man the general was, and he thought from the words of the note that what I said was true.

HAROLD ROSS, sworn:—

Examined by Mr. Scott:

Q. Where do you live Mr. Ross? A. At Prince Albert.

Q. What is your occupation? A. I am deputy sheriff.

Q. Where were you on the 20th March last? A. I was at Carlton.

Q. In what capacity? A. I went up as a volunteer under Capt. Moore.

Q. When did you go there—on the 20th? A. On the 18th, I think.

Q. On the 18th March you went there? A. Yes.

Q. Do you remember the 20th March? Were you doing anything on that day in your capacity of volunteer? A. Nothing, nothing particular at all.

Q. What duty were you engaged in after you went to Carlton? A. Chiefly volunteer.

Q. What description of duty? A. Just staying there, waiting for an attack on Carlton.

Q. How long did you stay there? A. I was there—we went on Thursday, and I was there until the 21st. The 21st would be on Sunday—on the 21st.

Q. What did you do at Carlton? A. I saw Major Crozier and he asked me if I would go out to Stoney Lake, between three and five miles from Carlton, and see certain English and Scotch half-breeds living there and ask them to come into the fort.

Q. Did you go? A. I went and they came in with me.

Q. When did you come in? A. We came in the same evening, or about, I suppose, six o'clock that night.

Q. Were you out after that again? A. On the following Monday morning I left with Mr. Astley. I went out scouting on Monday.

Q. Monday the 22nd? A. Yes, we went to Duck Lake, and from Duck Lake we went to the St. Laurent church mission.

Q. When did you go back to Carlton? A. Tuesday night, about eleven o'clock.

Q. On the 23rd? A. Yes, the 23rd, and on Wednesday I stayed there all day, and about eleven o'clock in the evening, half-past ten or eleven, Mr. Astley said that Major Crozier wants us to go out and see if the half-breeds would intercept Colonel Irvine on the route from Regina to Carlton, and we went out.

Q. About what time? A. Between half-past ten and eleven, as near as I can judge.

Q. On Wednesday night? A. On Wednesday night; yes.

Q. How far did you go? A. Well, somewhere near where the battle of Duck Lake was fought, and about a mile or so—between Duck Lake and Carlton—close to Duck Lake.

Q. Did anything happen there? A. We were taken prisoners by Gabriel Dumont, and between sixty and one hundred men.

Q. Did you know any of those besides Gabriel Dumont? A. No, I could not recognize any.

Q. Will you describe how you were taken prisoner? A. I heard a sort of noise behind me. The horse at first drew my attention to it by pricking up his ears, and a sort of stopping, and I turned around and saw a body of men behind me, and I called Mr. Astley's attention to it, and I wheeled my horse around and I was surrounded by half-breeds and Indians. And he told me to dismount. Gabriel Dumont came to me and recognized me and said, how are you, you are a scout, and he told me to dismount, that I was his prisoner, and I refused to dismount and they pulled me off the horse.

Q. Were they armed? A. They were all armed, everyone of them. Gabriel Dumont then felt my revolver, he felt it under my coat, and he got quite excited, and he went to take it away from me, and I drew the revolver out myself (witness showing how it was held, holding his right hand to his stomach), and I was covered by an Indian on my right with a gun, and there were two more behind me.

Q. Guns were pointed at you? A. Guns were pointed at me, and Mr. Astley called on me not to shoot; better hand over the revolver.

Q. And did you surrender? A. I did.

Q. And what was done with you? A. We were taken to Duck Lake and into the telegraph station.

Q. What was the aspect of Duck Lake at this time? A. Full of armed men, all around the post, guards all around the post, wherever we went, in front of the building, on the road, all around the building where we were imprisoned.

Q. Where were you put? A. In the telegraph office.

Q. What kind of a building is that? A. A very small building.

Q. How many storeys? A. A small little building, as large as an ordinary porch—

Q. How many storeys? A. One

Q. Was there anybody else in there besides you and Astley? A. No.

Q. I suppose Astley was taken with you? A. Yes; only the two of us.

Q. How long were you kept there? A. Till about nine o'clock the next morning, as near as I can judge.

Q. Did anything occur next morning? A. No, nothing particular.

Q. How long did you continue alone there? A. With Mr. Astley?

Q. Yes? A. Well, we were there until we were removed to Mitchell's house, upstairs.

Q. And when was that? A. That same morning about nine o'clock.

Q. This was on the 26th? A. On the 26th, we were there until the rest of the prisoners came over from Batoche.

Q. And what time was that? A. They came somewheres about noon.

Q. This was in the upper storey of Mitchell's house? A. Of Mitchell's house.

Q. And the other prisoners were sent up there too? A. Were sent up with us.

Q. Did you see any people about that morning? A. Outside?

Q. Yes? A. The square was full of armed men all the time.

Q. Was there a larger crowd there when the other prisoners were brought in than there was in the forenoon before? A. Yes, there was a good many came over with the other prisoners.

Q. How many armed men did you see there altogether? A. I should say there would be between 300 and 350 men, as near as I could judge; I did not count them.

Q. Of what nationality? A. French half-breeds and Indians.

Q. What proportion would be Indians? A. I should say near 100—between 75 and 100.

Q. Did anything occur that afternoon? A. That afternoon the battle of Duck Lake took place.

Q. How do you know? A. We could hear the shots.

Q. About what time? A. About half-past three or four in the afternoon, I should say.

Q. Did you see any of the men, armed men, going? A. I saw them all going; I saw about 300 going.

Q. In the direction of the battlefield? A. Yes. The first intimation I had that the battle was taking place was Albert Monkman coming upstairs where we were, and we asked him what was the matter, and he said there was a little fight going on. At that time they were all going then—

Q. All this armed force you had seen were hurrying in that direction? A. Hurrying in that direction.

Q. Did you hear any shooting and firing before going in Mitchell's? A. No, after that we heard rifle shots.

Q. Anything else? A. No, nothing else. I did not hear the cannon. They had a cannon there. I did not hear the gun.

Q. What occurred that afternoon after you heard the firing? A. Well, after we heard the firing, about half an hour afterwards they came back, some of them came back. Some of the men came up stairs, one Fiddler in particular.

Q. Did you see the prisoner Riel that afternoon? A. Yes, I saw Mr. Riel that afternoon.

Q. Where? A. He came up stairs.

Q. When, after the firing or before? A. He came up before the firing and he spoke to me up stairs.

Q. What did he say? A. He called me by name, and asked me how I was, spoke to me and said that I need not be afraid, that I would not suffer at his hands, something to that effect. I forget the exact words he said now, but then after the fight he came up.

Q. And what did he say then? A. The first thing he said was something about Newitt, one of the men that was brought in as a prisoner.

Q. What did he say about that? A. He said he thought he would be better with us than anybody else. We were his friends and we could look after him better than anybody else, and he put him upstairs, and then he and Mr. Astley were speaking something about the battle.

- Q. Did you hear the conversation between them? A. I heard the conversation.
- Q. What was it? A. Mr. Riel said the troops fired first, and Mr. Astley suggested that perhaps the shot went off by accident and Mr. Riel said—well he did not agree with him for some time afterwards, he said perhaps that was the way.
- Q. Did he say anything else? A. And he said, when I heard the shot I called on my men in the name of God to fire, and he seemed quite proud of it.
- Q. Did he say so? A. No, judging from his actions, that is all.
- Q. How long did you remain in the upper storey of Mitchell's store? A. Until the 31st. The morning of the 31st we were sent to Carlton.
- Q. By whom? A. By Mr. Riel himself; we came out in sleighs; he said we were going to Carlton.
- Q. How did you go to Carlton? A. In sleighs.
- Q. Did you go alone? A. No, seven of us together.
- Q. Seven persons? A. Yes.
- Q. Anybody besides the prisoners? A. The Indian and half-breed guards.
- Q. You were taken under guard to Carlton? A. Yes, under guard.
- Q. How long did you remain at Carlton? A. Until 3rd April.
- Q. Who was in command at Carlton? A. Albert Monkman.
- Q. Were there many men there? A. About 150 to 200.
- Q. Armed? A. All armed.
- Q. You were kept there until what day did you say? A. Until 3rd April.
- Q. What was done with you then? A. We were then ordered from Carlton. We were called up about two o'clock in the morning.
- Q. Ordered up where? A. For Batoche. We were called up about two o'clock in the morning, and we started for Batoche, and when we were leaving the buildings were set on fire.
- Q. Then the fort was deserted at the time you left? A. Yes, they deserted the fort.
- Q. And they marched to Batoche? A. Yes.
- Q. What was done with you when you reached Batoche? A. We were put in the lower flat of a house owned by Baptiste Boyer for that day and we were put up stairs in the second flat.
- Q. And how long did you remain there? A. We were there till the end of the campaign; that was our prison at the time of peace, and if there was any excitement, we were shoved into the cellar of an adjoining building.
- Q. How many times were you put down in the cellar? A. Three or four times.
- Q. Do you remember how long you were there the last time? A. About ten days.
- Q. Continuously? A. Yes.
- Q. In the cellar? A. In the cellar.
- Q. How many prisoners were there in the cellar? A. Seven.
- Q. What was the size of the place? A. About 16 feet square and 9 feet deep.
- Q. Any other precautions taken to prevent your escaping besides putting you in the cellar? A. Always a guard up stairs, and the trap was very well secured, so there was no chance of us escaping by knocking the trap up.
- Q. Anything else; were you shackled? A. We were tied every night, with our hands behind us.
- Q. When did you first see the prisoner after you were taken to Batoche? A. I saw him different times. I saw him every day nearly.
- Q. What was he doing? A. He would be out addressing the men, talking to them.
- Q. Could you say what was said to them? A. No, it was in French. I don't understand French—apparently giving orders.
- Q. You don't know? A. No, I couldn't say that.
- Q. Did he ever visit you during the time you were confined there? A. He came, I think it was two or three times—I am not sure of the number of visits—once in particular he came, and I asked him for a little exercise, and he said he would see

about it. He did not come back for some days, perhaps two days after that, and I heard him talking outside, and I went out, and he said that under the circumstances he couldn't allow us to go out at all, that we would have to stay in.

Q. Was that all the conversation you had with him? A. Yes, that is about all.

Q. When did you last see him? A. I saw him—

Q. That is, at Batoche? A. About eleven o'clock of the 12th, or a little earlier than that. It was at the time they called Mr. Astley, on the 12th of May, the day of the charge.

Q. Did he say anything to you that day? A. He came and opened the hatch in the cellar and called Mr. Astley. Mr. Astley, he said, come up and stop the troops advancing, for if they hurt any of our families, we will massacre all the prisoners in the cellar.

Q. That is what he said? A. That is what he said.

Y. Do you remember having any conversation with the prisoner after the Fish Creek battle? A. After the Fish Creek battle, I remember Riel one time—I can't tell you the day or date—saying that they had gained two victories, and they wanted to gain a third, and they could make better terms with the Government.

Q. That was after the Fish Creek fight? A. Yes, after the 24th of April.

Q. Where were you confined at this time—in the cellar or in the building?

A. We were taken out of the cellar and we were in the building.

Q. This was during one of his visits to you? A. Yes, during one of his visits.

Q. Was the building in which you were confined attacked, or the building above the cellar in which you were confined? Did they attack it at any time? A. No, not at all.

Q. Do you remember the shell? A. That was done by the troops. I think it was on the 11th May there was a shell went through the building.

Q. Did you see Riel shortly after that? A. I did not see him. He came to the cellar, the hatch, and asked me if we were all safe. I knew his voice, and we said we were, and he said, I am glad to hear it, and he went out of the building and came back again. We could hear him walking along the floor and he said I forgot to tell you you had better call on God for you are in His hands.

Q. Was that all he said? A. That is all he said.

By Mr. Fitzpatrick:

Q. Mr. Riel was not with the party that arrested you was he? A. He was not.

Q. The first time you saw Mr. Riel was after you were put in Mitchell's house was it not? A. I had seen him a year before that.

Q. On the occasion in question we are talking about? A. That was the first time I saw him.

Q. You say you saw the troops leave for the Duck Lake fight also? A. His troops yes, the rebels.

Q. Did you see Riel with them? A. No, not going away I did not see him.

Q. If he had been there, of course, you would have seen him? A. I saw him outside.

Q. When they were going away did you see Mr. Riel with them, going away to Duck Lake? A. I did not.

Q. Had he been with them you would have seen him would you not? A. I might not. There was a big crowd going away.

Q. There were 300 going out? A. Yes.

Q. And you said they were half an hour away, half an hour elapsed from the time they left till the time they came back? A. About half an hour I should say, perhaps a little more.

Q. When Mr. Riel saw you in Mitchell's, the first thing he said was that he was glad to see you? A. No, he did not say he was glad to see me. He said how do you do, you shan't suffer.

Q. Who wanted you to go down to the cellar at the time you were put in the cellar at Batoche. Who put you there? A. We were down different times. At

one time or twice Delorme, another time it was a French half-breed, his name I have forgotten.

Q. Neither of those times was Riel present when you were put down in the cellar? A. No, he was not.

Q. At the time you asked to go outside for exercise, Riel said to you that you had better not go out, because the Indians wanted to kill you did he not? A. He did not.

Q. Did he not give you to understand at that time that that was the reason? A. He did not.

Q. Did you not know that was the reason? A. I had a sort of an idea, the Sioux were rather dangerous at that time. It was not from any information from him.

Q. You knew very well the protectors you had there were the half-breeds as against the Indians? A. Certainly we did. We looked to the half-breeds for protection.

By Mr. Scott:

Q. You say, Mr. Ross, that Gabriel Dumont was the leader of the party who took you prisoner? A. He was.

Q. Did you see him afterwards? A. Yes.

Q. Where? A. I saw him at Batoche. I saw him at Duck Lake. I don't remember whether I saw him at Carlton or not.

Q. Did you see any others of the party who took you prisoner afterwards. A. One Indian is all I can remember.

Q. Then Gabriel Dumont formed part of the same party that you saw Riel in company with afterwards? A. Certainly.

PETER TOMPKINS, SWORN:—

Examined by Mr. Casgrain:

Q. Where did you live in the month of March last? A. At Duck Lake.

Q. Do you remember the 18th of March last? A. Yes.

Q. What happened on that day? A. Nothing particular happened to me on that day, till towards evening.

Q. Well, what happened towards evening? A. Towards evening I was up at the mail station, and the telegraph operator came up there for me and wanted me to go and repair the line. The telegraph line was down.

Q. Well, what did you do? A. I told him I would go.

Q. Did you go? A. I did.

Q. Well, what happened? A. I went and got a horse and rig and tried to get another man—I had considerable difficulty in getting another man—and finally I got my horse and brought it up to Duck Lake to the telegraph office, and the miller, Mr. McKean, volunteered to come along with me, and the operator got a message that we were to start for Duck Lake at 12 o'clock at night. Start about midnight at Duck Lake to repair the line.

Q. You repaired the line didn't you? A. I repaired the line in two different places.

Q. Well, what happened after you repaired the line? What happened to you? A. When we were repairing the line, there were about thirty half-breeds came rushing down on to us and arrested us.

Q. Did you know any of them? A. Yes.

Q. Who were they? A. I know the man that was in charge.

Q. Who was it? A. Joseph Delorme was one of the men arrested me, and Jean Baptiste Paranteau was the other.

Q. What did they do with you? A. They told us to surrender, in French, at least that is what I understood them to mean, and they took us down by Walters & Baker's store.

Q. Well, did you see anything strange at Walters & Baker's store? A. I saw them going through the store, looting everything there was in it.

Q. Who was going through the store? A. The half-breeds and Indians. There were not many Indians there.

Q. Were they armed? A. Yes, they were all armed.

Q. Whom else did you see there? Did you see in particular there anybody that you recognised? A. I saw quite a few there that I recognised. I saw Gabriel Dumont, and when we were sent upstairs I seen Mr. Lash, the Indian agent.

Q. You were taken upstairs in Walters & Baker's store? A. Yes, we were sent upstairs and I seen Lash, Marion, Joseph Gagnon, Mr. Walters, William Tompkins and quite a few others upstairs.

Q. What were they doing there? A. Most of them were prisoners. George Ness, was another man.

Q. Was there a guard there? A. Yes.

Q. Could you let yourself out of the house, could you have gotten out of the house? A. Not without a guard following us.

Q. There was a guard over you all the time? A. Yes.

Q. Well, how long did you stay there? How long were you kept there? A. We were kept there till about nine o'clock, I should judge, the next morning.

Q. That would be the 19th? A. Yes.

Q. Where were you taken to then? A. We were taken to the church across the road.

Q. What was the church used for at the time you were taken there? A. It appeared to be used as a council room and barracks and prison and a restaurant and everything else.

Q. Well, whom did you see there? A. I seen a whole church full of people there. I knew some of them and some of them I didn't know.

Q. Were the people armed? A. Yes.

Q. Were there any Indians there? A. Yes.

Q. What took place when they took you to the church? Was there anything done there by the rebels whom you saw? A. Yes, they brought some freighters there and the prisoner addressed the people there.

Q. What did he say? A. Well, he spoke in French and I did not understand what he said except towards the last. The last thing he said—I understood him to say—to tell his men—he asked them what was Carlton, or what was Prince Albert? They're nothing. March on my brave army. I understood him to say that.

Q. You heard the prisoner say that? A. I understood the prisoner to say that.

Q. To a crowd of people who were standing before him? A. Yes.

Q. Was this in the church or outside the church? A. In the church. He was addressing them from right in front of the altar.

Q. Well, who appeared to be the leader of the crowd there? A. The prisoner.

Q. Did anything else take place in the church that day? A. Yes, we had our dinner in the church, and there were two men tried or I understood them to be tried.

Q. Who were they? A. Tried by the prisoner.

Q. What for? A. For not being with him and his movement. They were Wm. Boyer and Charles Nolin.

Q. Well, were they acquitted or sentenced or what became of them? A. I don't know what became of Nolin, I didn't hear his trial, but Boyer, Mr. Riel had a talk with and when he was through talking, Mr. Boyer spoke in his own defence, and the prisoner said that instead of it being a dishonor to him, it was an honor. I understood him to say so. He was talking French.

Q. It was an honor to whom? A. To Boyer.

Q. Was this trial carried on before Riel only or before any others acting with him? A. No, Riel was standing on the platform and Boyer stood up from among us men and spoke in his own defence from there.

Q. Did you hear or see anything about that council while you were in that church? A. Yes, I understood them to be electing a council there.

Q. Did you see the council elected? A. Yes.

Q. Who were the councillors? A. I can name some of them. I can't name them all.

Q. Name some of them? A. Gabriel Dumont was the man who called them out. He called Baptiste Boyer, Joseph Delorme, Moise Ouellette, and several more I don't remember.

Q. Well, was this before or after this trial took place? A. I think it was after the trial took place.

Q. Well, where did you go from that church? How long were you kept there? A. We were kept there till about nine o'clock the next evening, and then we were sent down to Garnot's place.

Q. Philip Garnot's place? A. Yes.

Q. What capacity was he acting in, do you know? A. He was acting as secretary to the council.

Q. To Riel's council? A. Yes. We were told that we would be sent down there, and there would be a few men sent with us to look after us, that our word of honor would be taken that we would not escape. So about nine o'clock that evening we were sent down there, and there was about in the neighborhood of fifteen men came down to see whether we had kept our word of honor.

Q. Were these men armed? A. Yes.

Q. Well, how long did you stay in Philip Garnot's house? A. Well, I couldn't say. I don't remember how long we stayed there. We stayed there quite a while.

Q. Where did you go from Batoche? A. To Duck Lake.

Q. Did you go there of your own free will? A. No.

Q. How were you taken there? A. Taken there as prisoners, and by a strong guard.

Q. By whom? A. One of the guards told me it was by —

Q. You were taken there anyway to Duck Lake, under a strong guard? A. Yes.

Q. Of armed men? A. Of armed men.

Q. Where were you placed at Duck Lake? A. We were hurried up stairs into Mitchell's residence.

Q. Hillyard Mitchell's house? A. Yes.

Q. Did you meet anybody up stairs? A. Yes.

Q. Whom did you meet? A. Harold Ross and John Astley.

Q. The witness, Ross, who has just been heard? A. Yes.

Q. And what was done to you there, or what took place while you were there?

A. Just as we were coming to Duck Lake, Albert Monkman galloped out of the yard and came to meet us, and he ordered his men up to the front, and he said, the police are coming from Carlton. He ordered some men who were with us to the front, that the police were coming from Carlton, and in Cree, at the same time, he called for us again, and wanted to know who had his gun in our party, and then the man that was driving the team (the sleigh that we were in) put the whip to his horses, and got in as quick as he could, and then we were taken up stairs.

Q. And what happened while you were up there? A. Well, when we were up there, we could see quite a few of them going off towards Carlton.

Q. Quite a few of the half-breeds? A. Of the half-breeds, yes, and Indians.

Q. And how many were there going off altogether? A. I suppose, probably over 400, all that went.

Q. This was on the 26th day of March, wasn't it? A. I can't swear to the day.

Q. It was in the month of March last? A. Yes.

Q. Well, did you hear anything while you were up stairs in Mitchell's house? A. Yes.

Q. What did you hear? A. Well, I heard a cannon go off a couple of times, and then, when the half-breeds returned, Riel rode into the yard on horseback.

Q. The prisoner rode into the yard on horseback? A. Yes, and turned his horse around to the back of the building—the side of the building—and with his hat he was waving and cheering his men, and he thanked —

Q. He apparently came in with them, didn't he? A. Yes, he came in just along with them; the men came with him, the men behind him and some in front of him, and he waved his hat, cheering and hurrahing, and he thanked Ste. Marie, and St. Jean Baptiste, and St. Joseph, for his victories.

Q. Did anybody come up stairs into Mitchell's house while you were there, on that same occasion? A. After night?

Q. Yes? A. The prisoner came up stairs, and before he came up, Charles Newett, who was wounded on Duck Lake field, was brought to the door, and he helped him up.

Q. Who helped him up? A. The prisoners who were there.

Q. Helped him into the room? A. Garnot helped him up.

Q. Garnot was there too? A. Yes.

Q. Did you see Gabriel Dumont around there? A. Yes; Gabriel Dumont rode into the yard in a little while. I think it was after the prisoner had been cheering, he rode into the yard, and said in Cree, to bring out the prisoners and kill them.

Q. Well, you say that the prisoner went up into Mitchell's house with those some time after the volunteer was taken out, didn't you? A. Yes.

Q. Did he say anything there? A. Yes, I don't remember everything that he said there; I remember him speaking to the wounded man.

Q. Did he speak of the fight that had just taken place? A. Yes; one thing he said about the fight was that the volunteers or police had fired a shot first. They fired first, and when they fired he said—he told me distinctly that he ordered his men to fire in the name of the Father Almighty who created us, "fire;"—them is the words he used.

Q. Did he say anything else at that time? A. Nothing that I remember just now.

Q. Well, did anything take place after that. Did the prisoner go down then or did he come back? A. Afterwards he went down stairs and sometimes came to see us.

Q. Well, what was he doing there from the appearances from what you could see? A. From what we could see I thought at the time that he was running the whole thing.

Q. Whenever you had any communication to make to anybody, whom did you make it to? A. Well, if ever we wanted anything in particular we generally applied to Mr. Riel.

Q. The prisoner? A. Yes.

Q. Was any message sent to anybody at that time? A. I wrote a letter home myself.

Q. Well, was there anything else sent? A. There was one of our men, who was a prisoner there, was sent to Carlton with a message.

Q. By whom? A. By the prisoner.

Q. Who was sent? A. Thomas Sanderson.

Q. What for? A. He was sent to Carlton to tell Major Crozier to send some men and take the dead off the field—to tell them they were allowed to take their men off the field unmolested.

Q. Did the prisoner say anything further to you on that occasion? A. Nothing that I can remember just now.

Q. Well, did you remain at Duck Lake any length of time? A. We remained at Duck Lake quite a while; till after the police left Carlton. We remained at Duck Lake till a day or so after the police left Carlton.

Q. Then where did you go, to Carlton? A. We were taken to Carlton.

Q. By whom, by the half-breeds? A. By the half-breeds.

Q. Then where did you go or where were you taken to? A. When we left Carlton we were taken from Carlton to Batoche, by Duck Lake.

Q. Well, what took place at Carlton. Did anything take place at Carlton before you left? A. Yes; they had set fire to the police stables before we left.

Q. Who had? A. The half-breeds, and the whole place apparently was on fire. Just as we got up the hill we could see by the fire and smoke that there was more than one building on fire.

Q. You say you were taken to Batoche. To where were you taken at Batoche?
A. To Baptiste Boyer's store.

Q. How long were you kept there? A. We were kept there till about the time of the Fish Creek fight, when we were removed to the cellar.

Q. Who was with you at that time? A. There was seven of us, Mr. Lash, Mr. Astley, Mr. Ross and Mr. William Tompkins, Mr. McKean and Mr. Woodcock.

Q. Was there a guard over you? A. Yes, always a guard over us.

Q. Well, did you have occasion to see the prisoner during that time; during the time you were there? A. The prisoner used to come in and see us sometimes.

Q. Did he say anything to you? A. Yes; he used to speak with us every time he came in pretty near.

Q. What was he doing there that you could see of him? A. From what I could see of him, I thought that he was apparently the leader.

Q. Well, did you hear anybody giving orders there? A. Giving any orders?

Q. Yes, giving orders? A. Yes.

Q. Whom? A. I heard the prisoner ordering his men to go on guard one night.

Q. Well, if any orders were given, who gave them; who were they given by?

A. The orders that I heard were given by the prisoner.

Q. Well, did you stay at Baptiste Boyer's house all the time? A. We stayed there until we were removed to the cellar. How long were you kept in the cellar?

A. I don't recollect how long we were in the cellar the first time, we were kept there for several hours.

Q. Were you at liberty to go all round the cellar (or were you tied up, or how?

A. We were not tied till the time of the Fish Creek fight, or about that, before it, the day of the fight. Delorme came down to the cellar and ordered three guards to come down after him, and he ordered them to cock their guns, which were double-barrelled shot guns, and covered the men while they tied me hand and foot, and we were left that way till eleven o'clock next day—supposed to be that way.

Q. Did anything happen after that, before you were released? A. Every night we were tied, that we were in the cellar, mostly.

Q. How were you released? A. I was released by General Middleton's men.

Q. Before you were released, did you see the prisoner at all have any conversation with anybody in your presence? A. The day he came to the cellar after Mr. Astley, he did; the day that Batoche was taken.

Q. The day that Batoche was taken you saw him come to the cellar to see Mr. Astley? A. Yes; he came for Astley. He came there in a very excited manner; he was very much excited, and so were the men who were with him. We could tell by the way they flung the stones off the cellar door; they just sent them rolling all over the building, and he came to the door of the cellar, and the first words I heard him say was, Astley, Astley, come here and go tell Middleton if they—I think "massacre" was the word used—if they massacre our women and children, we will massacre your prisoners.

Q. Well, from that time till your release, did anything happen between you and the prisoner? A. No; I did not see the prisoner afterwards.

Examined by Mr. Fitzpatrick:

Q. You speak Cree very perfectly, do you not? A. Not perfectly. I speak Cree pretty well.

Q. You were arrested on what day? A. I was arrested about four o'clock of the 19th March.

Q. You saw Mr. Riel for the first time when? A. I ain't positive whether I saw him at Walter's store or at the church for the first time. I am certain of seeing him at the church, but I don't remember whether I saw him at Walter's or not.

Q. You saw him at the church? A. I seen him at the church, but I ain't positive whether I seen him at the store or not.

Q. Did you have any conversation with him? A. Yes.

Q. At the church? A. Yes.

Q. What did he say to you, and what did you say to him? A. I asked him if he would respect my property, and he said my property would be respected, and he gave me leave to take my horse out of the cutter, that some half-breed had kindly hitched him up to.

Q. Some half-breed had taken your horse and you told the half-breed to deliver your horse up to you and you got him back? A. No; some half-breed had hitched him up to a cutter and tied the horse up to a post, and I asked leave to undo him and feed him some hay, and he gave me permission to do so.

Q. And he told you your property would be respected? A. He told me it would.

Q. Now you heard Mr. Riel make a speech to his men, did you not? A. Yes.

Q. You heard him tell that Carlton and Prince Albert were nothing? A. Yes.

Q. And did not amount to anything? A. Yes.

Q. Was he very far from you when he made that little speech? A. No; he was about as far as you are from me now.

Q. That little speech was delivered by him to his men in French, was it not? A. Yes.

Q. You would have no objection now to repeat the little speech, the substantial words he used, would you? A. Well, as near as I can repeat the words he used—I don't know whether I can repeat them now or not—he said: "Qu'est-ce que c'est que Carlton? Qu'est-ce que c'est que Prince Albert? Rien. Marchons mes braves." Something pretty near that.

Q. You next heard him make that speech to his men after the men had come back from Duck Lake, did you not? A. Yes.

Q. Where was he at the time? A. He was sitting on horseback outside in the yard.

Q. And where were you? A. Up stairs in Mitchell's house looking out through the window.

Q. You were in the second storey of Mitchell's house, were you not? A. I was in the up stairs of the house.

Q. And he was down in the yard? A. Yes.

Q. And you heard all that he said no doubt? A. Well, I heard mostly all that he said, but I did not understand him—at least I did not understand all he said.

Q. Of course the windows were closed and he was down stairs? A. No; the windows were not closed; there was a pane of glass partly knocked out of the window and through this pane I was looking.

Q. Through the pane you were looking down at him? A. Yes, through the broken pane.

Q. And you heard what he said out in the yard? A. Yes, I heard what he said.

Q. You heard him make his speech there, saying he thanked the Lord and the Virgin Marie for his successes? A. I don't remember him thanking the Lord. I remember him thanking the Virgin Marie.

Q. Whom else did he thank? A. St. Jean Baptiste, St. Joseph and several other saints.

Q. He went through the whole list, didn't he? A. What do you mean by the whole list?

Q. How many more did he repeat? A. I don't remember how many more he said. He mentioned other saints.

Q. You next were present at the choosing of the council in the church, were you not? A. I was present at the council before I was to Duck Lake.

Q. That was in the church at Duck Lake, was it not? A. No, it was in the church at Batoche.

Q. Were there very many people there? A. Yes, the church was full.

Q. Did Riel take any part in the election? A. In the election of the council?

Q. Yes? A. I don't think he took much part, except he spoke in one man's favor whom somebody else rose objection against.

Q. As far as you can now recollect, that is all the part he took in the election? A. That is all.

Q. What he said of course was in French and you understood what he said?
A. No, I don't understand French.

Q. Well you understand sufficiently to know what Riel said on that occasion do you not? A. I understand some of it. I didn't understand everything he said.

Q. Did Riel at any time prevent Gabriel Dumont or anybody else from killing prisoners? A. Well, I don't know who prevented Gabriel Dumont at Duck Lake, he did not seem to act as a man as though he wanted to kill prisoners very bad. He just simply ordered them out, and then he seemed to quit there when he had ordered them out.

Q. That was Dumont? A. Yes, he did not seem to push matters ahead very much to try to get them out.

Q. Riel took no part in your arrest did he; was he present when you were arrested? A. No, he was not present when I was arrested.

Q. Was he present when you were put down in the cellar at Batoche; you were put down with the other prisoners of course? A. Yes. No, he was not present then.

Q. He was not down in the cellar at the time you were pinioned and tied there, either was he? A. No, but I have sent men to tell him we were tied. I have asked the guards to tell him we were tied.

Q. But he was not present at the time? A. No.

Q. At the time that the shell fired by the troops struck your house, he went there and asked after your safety, did he not? You were there with the other prisoners of course, in the cellar? A. Yes, I was there with the other prisoners in the cellar.

Q. You know the house was struck with a shell do you not? A. Yes, I know and I ought to know.

Q. Do you know also Riel came there after the house was struck? A. I don't know whether he came there after the house was struck or before the house was struck, but I am inclined to think it was before it was struck, and he asked if we were safe and alive and went out of the house and afterwards returned and spoke through the floor, and he says, I forgot to say a good word to you. Remember the Almighty, he said, we have all got religion, and then he went off.

Q. Very good advice? A. Kind of cool advice coming through the floor at that time.

Q. I suppose it would have been cooler had it gone through an icehouse, would'nt it? A. Probably.

Q. You know that he gave a prisoner that had been wounded at Duck Lake into custody of the prisoners that were at Mitchell's house do you not; or do you think you can remember that; a man named Newett? A. Newett was brought to us. I don't think Riel brought him there. I don't remember Riel bringing him there.

Q. You are quite sure also that Riel did not say anything to you about him when he was brought there; you are quite sure now on your oath that Mr. Riel did not tell Mr. Astley in your presence to take good care of that man? A. I can't swear that he didn't.

Q. You don't think he did do it, don't you? A. I can't swear he did nor yet I can't swear that he didn't.

Q. Your impression is that he didn't do it? A. No, I ain't got no impression about it.

Q. That fact did not remain sufficiently on your memory to be able to remember it of course? A. No, it did not. I don't remember him telling me—

Q. You don't remember anything about him at all; but you remember about the angels he gave praise to after the victory at Duck Lake? A. Yes.

WILLIAM TOMPKINS SWORN:—

Examined by Mr. Robinson:

Q. You are a brother of the last witness, I think, are you not? A. A cousin.

Q. You have been in the employment of the Indian Department in these territories, have you not? A. Yes.

Q. For how long? A. I have been in their employment now on and off for this last five years.

Q. In what capacity? A. As assistant farmer, and interpreter also.

Q. You were at Fort Carlton in the month of March, last, I believe? A. Yes.

Q. For how long had you been stationed there? A. Since the 15th August, up till that time.

Q. Do you recollect the 18th of March, last? A. Yes.

Q. Do you recollect leaving the fort on that day? A. Yes.

Q. With whom did you go? A. Mr. Lash, the Indian agent.

Q. And for what purpose? A. I did not know that.

Q. Did he ask you to go with him? A. Yes, he said I was to go.

Q. You were ordered by him to go, then? A. Yes.

Q. You were under his instructions, were you not? A. Yes.

Q. He was the Indian agent there? A. Yes.

Q. Just tell us what happened, you went with him I suppose? A. I went with him.

Q. Where to? A. One Arrow's reserve he started for.

Q. About how far from Carlton? A. Twenty miles.

Q. On horse-back or driving? A. Driving.

Q. Both in the sleigh? A. No, I was separate.

Q. Each had your own sleigh? A. Yes.

Q. What took place then? A. When we came as far as Duck Lake Mr. Lash stopped there a few minutes, and then he went on to the river and stopped at Walters & Baker's, and finally we got to the reserve and found the farm instructor not at home, and we fed the horses there, and the farm instructor drove up, and Mr. Lash stopped a little while, and then we started back. He wanted to buy some potatoes or something for the Indians, as far as I could understand, and we came to this place where I was taken prisoner, at Kerr's store.

Q. Who were you taken prisoner by? A. Mr. Riel.

Q. And were there others with you? A. Yes, there was Gabriel Dumont and a lot of others.

Q. About how many others? A. I should judge between sixty and one hundred.

Q. Were they half-breeds? A. Yes principally.

Q. Were they armed? A. Yes, not them all. They were not all armed at the time.

Q. Were the majority of them armed do you think? A. No, I don't think they were.

Q. And what were those armed with that were armed, as far as you observed? A. Guns.

Q. Well, who first stopped you? A. Gabriel.

Q. What did he say to you? A. He told us to remain there awhile.

Q. What happened then? A. Mr. Riel drove up and said he would detain us a few hours.

Q. Well, what happened? A. Well, we stopped there, remained there for about ten minutes I should think, and finally we were taken to the church.

Q. Under a guard? A. Yes.

Q. Did all these men go with you to the church, or only a small guard?

A. They all went with us, as far as I could see.

Q. And what was done then? A. Well, we went to church, and of course I don't understand the French language, but I understand the Cree, and as far as I could make out from the Indians they were trying to elect a council there, and we remained there all that night.

Q. Who was engaged in trying to elect a council? Was Dumont there? A. Gabriel was appointed to elect them, as far as I could find out,

Q. Was Mr. Riel there? A. Yes.

Q. And what part did he seem to be taking? A. Well, I couldn't say as he was taking any part.

Q. Then you were put in the church? A. Yes.

Q. Were you kept in the church that night? A. No; we were taken across to Walter's store, and we were kept there up stairs until the morning, and then they returned us back to the church again, and we remained there that night—not that night; we stopped there that night, and we were removed down to Philip Garnot's restaurant at Batoche. He was cooking there.

Q. Yes; and what happened then? A. First there was one of the councillors; he took our name as a word of honor, to go down there, if we would not try to escape; and we put down our names on the word of honor, and then they sent some guards along to be sure.

Q. How many guards did they send in addition to the word of honor? A. Well, there were two with me. I don't know how many there were with the rest.

Q. How many of you were sent down? A. Well, there were Mr. Lash and I, and George Ness and McKean, and Mr. Tompkins, my cousin.

Q. Were the guards armed? A. Yes, the guards that were with me were armed.

Q. What happened then? A. Well, we remained there until we went to Duck Lake.

Q. And what day did you go to Duck Lake? A. It was the 26th.

Q. And who took you there? A. The half-breeds took me there.

Q. Did you go with the other prisoners? A. Yes; all in one sleigh.

Q. And how many half-breeds went with you? A. Well, I should judge there were about sixty.

Q. Any Indians? A. Yes; some Indians.

Q. How many Indians do you think? A. I should think there would be about ten or twenty.

Q. Were the Indians also armed? A. Yes.

Q. What did they do with you at Duck Lake when you got there? A. They put us up stairs in Mr. Mitchell's house.

Q. Tell us what happened next? A. Well, the next thing that I heard was, we were ordered down to be shot in the afternoon. I met Mr. Astley and Mr. Ross there.

Q. The next thing you heard you were ordered down to be what? A. To be shot.

Q. In the afternoon—who by? A. Gabriel was the man that I thought ordered us.

Q. Was that before or after the affair at Duck Lake? A. After the affair.

Q. Well, tell us anything you can that took place before that affair. Did you see them going out to Duck Lake? A. Yes, I saw them going out.

Q. Where did they come from? A. The principal part of them were ahead when we got there.

Q. How many do you think were ahead of you? A. I should judge about 300.

Q. And then there were how many with you? A. Well, about sixty or seventy altogether—Indians and all.

Q. And of the 300, how many do you think were Indians? A. About 150.

Q. Well, they were ahead of you; did you get to Duck Lake before they left it, to the place where the fight took place, before they went out to where the fight took place? A. No, they were just going out. How I knew they were going to fight, Monkman came running by, and he said in Cree, asked an Indian where was his gun, or had he brought his gun with him, and he ordered them to the front, so I thought by that there was going to be a fight.

Q. Did you see Riel at that time? A. No.

Q. Well then did you hear any firing? A. Yes.

Q. How long after they had gone out did you hear the firing? A. I should judge about an hour or hour and a-half, to the best of my knowledge.

Q. Did you hear many shots fired? A. I heard quite a number.

Q. You heard it plainly, I suppose? A. Yes.

Q. What happened next? A. Well, then they all returned, and we were ordered out to be shot the next. Gabriel got wounded. I heard them talking about it down stairs.

Q. Well, who interfered to stop that, anyone that you know of? A. A half-breed told me, by the name of Magnus Burstein that he interfered.

Q. Well, you were not taken out and what happened next? A. Well, we were removed to Carlton next.

Q. Before that did you see Riel? Did you see Riel at Duck Lake? A. Yes, he came with the prisoners.

Q. And what did he say to you? A. He did not make any remark at all to me.

Q. Did he make any remark to anyone else in your hearing? A. He made a remark to Astley, or Astley made a remark to him. They were talking about the fight. He said that the police fired on them first, and Mr. Astley said that probably the gun might have gone off accidentally, and he said, perhaps so.

Q. Did he tell you anything more about the fight? A. The next day he allowed me to go out. Ross and I to take the bodies off the field.

Q. Before that he told Mr. Astley the police fired first, and Mr. Astley said, perhaps the gun went off accidentally, and he said perhaps so. Was there anything else spoken of as regards firing? A. He said he gave the word in the name of God to fire.

Q. He said he gave the word to whom? A. To his men.

Q. Did he say anything more about his men? A. No, he brought this Charles Newett up.

Q. Did he say anything more about his men or what any of them had done at the fight? A. No, nothing that I heard.

Q. Nothing that you remember? A. No.

Q. Well, did he say anything about yourselves? A. Oh, he said that probably we were brought in there for our life, to have our lives saved. Whereby if we had been out I suppose we would have been shot. That is the way I understood it.

Q. He said that probably you were brought in there for your lives' sake that if you had been out you might have been shot? A. Yes.

Q. Well, how long did you remain at Hillyard Mitchell's? A. We remained there until the 31st.

Q. And where were you taken then? A. To Carlton.

Q. By whom? A. Taken there by Baptiste Laplante. When he was driving the team. There were three guards in the cellar, as far as I can think.

Q. How many other half-breeds were there with you there? A. I should judge about fifteen altogether, twelve to fifteen.

Q. Any Indians? A. Yes.

Q. How many? A. Two.

Q. About fifteen half-breeds and two Indians? A. Yes.

Q. What was done with you there? A. We were placed in a house there up stairs.

Q. When you got there whom did you find in possession of Carlton? A. Monkman.

Q. With how many men? A. I should think about sixty.

Q. Were they armed? A. Yes.

Q. And how long did you remain there? A. We remained there till the 3rd April.

Q. What was done with you then? A. We had to go back to Batoche.

Q. What distance is that? A. Twenty miles.

Q. Under a guard? A. Yes.

Q. How many were in the guard? A. We went with all the crowd.

Q. The whole that were at Carlton? Yes.

Q. Did they burn before leaving? A. It was afire before I left. I could see the flames when I had left.

Q. Then the whole force went over with you to Batoche, about 100? A. Yes.

Q. They were armed as I understand? A. Yes.

Q. Then when you got to Batoche what was done with you? A. We were put in Baptiste Boyer's house.

Q. How long were you kept there? A. Kept there till the battle of Fish Creek.

Q. That would have been on the 24th April? A. 24th April.

Q. Under guard? A. Yes.

Q. And what happened on the 24th April? A. Well, before we were taken to the cellar I saw a man get up there and wave to the other party that were across the river to come on this side, and they started, and we were taken down to the cellar, and we did not hear anything more.

Q. Who took you into the cellar? Who was in command of the guard if there was one? A. I couldn't say who was in command.

Q. How long were you kept in the cellar? A. We were kept in till the battle of Fish Creek was over, and then we were taken out.

Q. That would only have been a day or two I suppose at that time? A. Yes.

Q. Well, how long were you left out of the cellar after that? A. Well, to the best of my knowledge, I think we were put down either that day or the next—I am not sure which.

Q. Now, while you were in Baptiste Boyer's house did you see Mr. Riel at all? A. Yes, I saw him around.

Q. Did he ever speak to you? A. No, he never had any conversation with me at all that I know of.

Q. Did he ever have any conversation with other persons in your presence? A. Yes.

Q. With whom? A. He used to converse with Mr. Astley.

Q. What did he say to Mr. Astley in your presence? A. Well, Mr. Astley told me—

Q. Never mind what Mr. Astley told you, but what did you hear him say to Mr. Astley? A. Well, I heard him say that he would exchange us for the Honorable Lawrence Clark and Mr. Thomas McKay and Col. Sproat.

Q. What did Mr. Astley say to that? A. Well, I don't know exactly what he said to that.

Q. You don't remember what the answer was? A. No.

Q. Then during all this time were you in the custody of an armed guard? A. Yes.

Q. Who appeared to be in command of the people there, the armed men? A. Riel, as far as I could see.

Q. Did you ever see him armed? A. Yes.

Q. What with? A. A Winchester rifle.

Q. You were left out of the cellar for a short time, and when were you put back there? A. I think we were moved back, but we came out—I think we were moved back either that day or the next.

Q. He came out about the day of the battle of Fish Creek, 24th? A. Yes.

Q. You moved, were moved back you mean on the 25th and 26th? A. Yes.

Q. How long did you remain there? A. The 24th was the battle of Fish Creek, and we were out on the 25th, I think, and then we were put back again right that next day.

Q. Then you were put back on the 26th, and how long did you remain there then? A. Remained there till I was released.

Q. That would be the 12th May? A. Yes.

Q. Who was there with you? A. In the cellar?

Q. Yes? A. There was Mr. Astley, Mr. Ross, Mr. Lash, Mr. McKean, Mr. Woodcock and myself.

Q. Was there any light in this cellar, or what sort of place was it? A. No, no light.

Q. No light at all? A. No.

Q. How did you get into it? A. Through a trap door.

Q. And that was closed, I suppose? A. Yes.

Q. Were you at liberty, or confined or tied in any way? A. We were tied for the last three nights.

Q. Hands, or hands and feet, or how? A. I was tied hands and feet; the others were only tied hands.

Q. Who was it that ordered you to be tied? A. Well, Delorme was the man that tied me.

Q. How was it done—was he armed? A. Yes, he was armed.

Q. Did he say anything when he did it? A. He said if he found us unloosed he would shoot us.

Q. Do you remember seeing Riel on the 12th, the day you were rescued? A. Yes.

Q. Where did you see him? A. He came to the trap door and took Mr. Astley out.

Q. What did he say to him? A. He said go and tell Gen. Middleton that (as far as I can understand) if he did not stop shelling the houses he would massacre the prisoners.

Q. Did Astley go? A. Yes.

Q. Were you there when Astley returned or did you see him? A. No.

Q. Then, have you told me all you know about the matter? A. Yes.

Q. Had you known Riel before this? A. I had seen him. I never was acquainted with him.

Q. How often had you seen him before this? A. I had seen him just once to my knowledge.

Q. And when would that have been? A. He was holding a meeting at a settlement.

Q. When? A. I forget the date.

Q. How long before this? A. I should judge about six months.

Examined by Mr. Greenshields:

Q. Were you present at the meeting? A. Yes.

Q. Did you hear any of the speeches at the meeting? A. Yes.

Q. What was the meeting held for? A. It was grievances, as far as I could find out.

Q. Grievances that the half-breeds contended they had against the Government? A. As far as I could understand, that was it. I wasn't there long.

Q. I think you stated in your examination-in-chief you did not understand French but you did understand Cree? A. Yes.

Q. And when you state what Mr. Riel said, did he speak in French or English then? A. When Mr. Riel was speaking?

Q. Yes? A. He was talking French.

Q. Somebody interpreted it for you? A. I asked an interpreter that had it interpreted to him; he told me; an Indian.

Q. So that what you know, then, is the statement you have proved that Mr. Riel made was interpreted to you by an Indian? A. An Indian that understood French.

Q. But you did not know what he said himself personally? A. No; I did not say I did.

Q. I think you said, also, that at the meeting of the council where you were present, when they were electing a council that Riel did not seem to be taking very much of a part in it? A. Yes.

Q. Now, you understood, did you not, that half-breeds during your arrest were really standing between you and the Indians—that is, you looked to them for protection? A. Yes, I did.

By Mr. Robinson :

Q. These conversations with Astley, were they in English, or how did Riel address him? A. In English.

Q. So that you understood them? A. Yes.

JOHN B. LASH sworn:—

Examined by Mr. Osler :

Q. I believe you are Indian agent for the Dominion Government at Fort Carlton? A. Carlton district.

Q. You had not been there very long at the time of the occurrence in question?

A. No, I went there in January.

Q. On the 18th of March I believe you were with the last witness? A. He was my interpreter.

Q. And you were taken prisoner? A. Yes, I was taken prisoner at Batoche.

Q. Relate how you were taken prisoner? A. I was returning from One Arrow's reserve, and when near Batoche I came down upon a crowd of armed men. Gabriel Dumont came forward and said Mr. Riel wanted to see me. While he was talking Riel drove down at a furious rate. He came forward and addressed me as Mr. agent. He says "I will have to detain you." I asked on what grounds he was going to detain me and he said the rebellion had commenced and that they intended fighting until the whole of the Saskatchewan valley was in their hands.

Q. That is what Riel told you himself? A. Yes.

Q. What else passed between you? A. Then he told me to give up my arms if I had any, to hand them over to Dumont.

Q. Then what was done? A. From that we were taken to the church.

Q. Who seemed to be in authority when Riel came up? A. He seemed to command the whole thing. It was by his orders that the mules I was driving were unhitched and he took possession of them and the trap.

Q. It was he told you the intentions of the party? A. Yes.

Q. About how many men were there in arms? A. I should say there was about forty or fifty in the mob.

Q. How were they armed? A. With guns, chiefly guns, and a variety of arms, rifles.

Q. Do you mean they were all firearms? A. Yes, all firearms.

Q. Then where were you put? A. We were taken down to the church, and remained there till about eight o'clock.

Q. The church at what place? A. At Batoche. Then we were sent to the south side of the river, to Walter's & Baker's store.

Q. About what time on the 18th? A. Between eight and nine in the evening.

Q. What was going on at Walter's & Baker's store? A. The store was being pillaged by the armed mob. We were put up stairs.

Q. Did you see Riel there that evening? A. No.

Q. You were put up stairs and whom did you find there? A. I found Walters, and his clerk, Mr. Hannipin. They were prisoners.

Q. Anyone else in the house? A. Not at that time.

Q. On the 19th what took place? A. That evening there was another prisoner brought in, Louis Marion.

Q. On the 19th what took place? A. Early in the morning there were two more prisoners brought in.

Q. Who were they? Tompkins and McKean.

Q. The men who had been repairing the telegraph lines? A. Yes, they stated so.

Q. What happened further on the 19th? A. We were then removed to the church and kept there all day.

Q. What happened at the church? A. There was a great deal of excitement going on, but it was spoken in French chiefly and I didn't understand it.

Q. Whom did you see at the church? Did you see the prisoner at the church? A. Yes.

- Q. What was he doing? A. Addressing the crowd.
- Q. Anything else? A. There was nothing I know of particularly.
- Q. Who was in charge that day so far as you saw? A. The prisoner.
- Q. Then, where did you go from the church, and when? A. They kept us there till about eight o'clock, and we had no blankets or anything, and a man by the name of Monkman came along and I spoke to him. He said he would see Mr. Riel, and see what could be done, and we were removed to Philip Garnot's house.
- Q. How long did you stay there? A. We remained there till the morning of the 26th.
- Q. Of March? A. Yes.
- Q. During that time had you any conversation with the prisoner? A. Several.
- Q. Can you give us anything of importance he said to you as to his intentions? A. On one occasion he said he had three enemies, and he enumerated them as the Government, the Hudson Bay Company and the police. He also stated to me he would give the police every opportunity to surrender, and if they didn't do so there would be bloodshed. On another occasion he told me he had heard the Lieutenant Governor was on his way up, and that he had sent an armed body to capture him.
- Q. Anything else? A. I cannot remember what his ordinary conversation was. On one occasion he said he would not release me on any account, as I was a Government official—that he would hold me as a hostage.
- Q. Anything else? Anything personal of himself, as to motives? A. Yes, he talked about as soon as they had the country, it would be divided up, and so forth. He was going to give a seventh to the Indians, a seventh to the half-breeds, and I don't know what was to become of the balance.
- Q. It was only two-sevenths he was going to give away apparently? A. That was all he stated to me.
- Q. Was anything said as to his intentions or movements? A. No, not that I am aware of. On one occasion he wanted me to join the movement. He said he would guarantee me a position in the service if I fell in with him.
- Q. What did he say? A. He said he would give me a position in the Government that they were to form.
- Q. Did he say anything about the Indians? A. Nothing out of the way.
- Q. Did he say what position they were taking? A. No; I don't remember any particular conversation about the Indians.
- Q. Was there anything said as to the length of time he had been considering these matters? A. Yes; he told me he had been waiting fifteen years, and at last his opportunity had come.
- Q. Then, where were you taken on the 26th? A. To Duck Lake.
- Q. And where were you put there? A. We were put above Mr. Mitchell's store—above his house, I should say.
- Q. That is, with the other prisoners? A. Yes.
- Q. Did you see Riel there at all before the fight? A. No; the main body had gone to the fight when we arrived there.
- Q. Did you see him after the fight? A. I saw him returning with the mob.
- Q. Who was he returning with? A. If my memory serves me, he was on horseback.
- Q. How many men about him? A. I should say between 300 and 400.
- Q. How were they armed, if armed? A. They were partly armed; armed with guns, rifles, and so forth.
- Q. Then did you hear Riel after that say anything? A. He came up with the wounded prisoner (the wounded volunteer), and he said, he will be better in your hands, as he is one of yourselves, or words to that effect.
- Q. Then what conversation took place in which the prisoner took part? A. On another occasion he came up, and was anxious to find out if Mr. Lawrence Clark was at the Duck Lake fight. I don't know that there was anything else particularly said by him.

- Q. Was there anything said by him as to which fired first? A. Yes, he claimed the police fired first, and then he told his men to fire—that is what he claimed.
- Q. Did you hear him make that claim, that he told his men to fire? A. Yes, I did.
- Q. Was that all you heard him say? A. That was all I remember at present.
- Q. Did you remain there any length of time, at Duck Lake? A. We remained there till the morning of the 31st.
- Q. What took place in the interval? A. One of the prisoners, Sanderson, he sent him to Carlton.
- Q. Who sent him? A. The prisoner.
- Q. For what purpose? A. With a message to Major Crozier, to send for the dead, and that he would not molest any parties coming for them.
- Q. Do you remember the day that was? A. Friday.
- Q. The Friday after the fight? A. Yes.
- Q. Did Sanderson return? A. Yes, he returned on Sunday.
- Q. Do you know, personally, of the dead being taken away by Sanderson? A. I didn't.
- Q. Then was anything said by Riel, at any time, as to who were with him in the movement? A. No, he never mentioned any names.
- Q. Not names, but what peoples? A. Yes; he told me the Indians were all with him, and the half-breeds, both French, English and Scotch.
- Q. Were with him? A. Were with him in the movement.
- Q. Then you were taken on the 31st where? A. Taken to Carlton.
- Q. All of you? A. Yes.
- Q. What was done with you there? A. We were kept there till the morning of the 3rd April, and then we were carted or walked the best part of the way to Batoche.
- Q. Where were you put in Batoche? A. In the bottom of a store, on arriving, and on the next day we were moved above the store.
- Q. You were kept above the store until when? A. We were kept above the store until some excitement sprang up there, and we were put down the cellar for a day or two, and we were taken out and put back again, and we remained there then till Thursday, the 23rd, and we were taken out of the cellar after the Fish Creek fight was over.
- Q. How were you treated in the cellar? A. Our hands were tied at nights.
- Q. Had you any communication with Riel during your stay at Batoche—any talk with him? A. I spoke to him several times about getting released.
- Q. What did he say to that? A. He refused it every time.
- Q. Give any reason? A. He said he might release the other prisoners but I was a Government official and he would not release me.
- Q. Did you ever see Riel armed? A. I did.
- Q. With what? A. It was a rifle of some kind.
- Q. When? A. Prior to the Fish Creek fight, I cannot give you the date.
- Q. Did Riel say anything about the Fish Creek fight? A. Yes, he claimed the victory there.
- Q. In talking to you? A. No, not to me personally. I heard of him claiming the victory and that is all.
- Q. Do you remember anything taking place on the day you were released? A. Yes, Riel came to the trap door. It was loaded with stones. He called Mr. Astley and says: "Come quick, go and see General Middleton," and he turned back and says "If our families are hurt in any way I will massacre the prisoners," addressing us all who were left in the cellar, six of us.
- Q. What occurred after that? A. Shortly after that we were released by the arrival of the troops.
- Mr. Fitzpatrick.—We do not wish to cross-examine this witness.

GEORGE NESS sworn :—

Examined by Mr. Burbidge :

- Q. You live near Batoche, Mr. Ness? A. Yes.
- Q. On which side of the river? A. On the east side of the river.
- Q. How far from Batoche? A. About two miles.
- Q. What is your occupation? A. Farmer.
- Q. You are a justice of the peace as well? A. Yes.
- Q. You know the prisoner? A. Yes.
- Q. When did you first see him? A. Somewhere in the month of July, about that time.
- Q. July, 1884? A. Yes, 1884.
- Q. Where did you see him then? A. I cannot say exactly the first place that I saw him, but I saw him around the settlement.
- Q. In the parish of St. Antoine? A. Yes.
- Q. Was he living there at that time? A. Yes, somewhere there.
- Q. Was his wife and children living there, too? A. Yes.
- Q. Do you know if he has continued to live in the country since then? A. Yes.
- Q. You know of his holding meetings? A. Yes, sir, I believe he was holding meetings.
- Q. Did you attend any of those meetings? A. I attended one of them.
- Q. One of the first meetings? A. No, this was on the 24th February.
- Q. Where was it held? A. In the church at St. Antoine.
- Q. Did anything of importance take place at that meeting, and if so tell us?
- A. I didn't continue all way through the meeting. I left when it was about half way through.
- Q. And you say it was conducted principally in French? A. Yes, it was conducted in French.
- Q. You understand French? A. Yes, I knew what they were saying.
- Q. Was that meeting attended by persons who afterwards remained loyal? A. Yes, several, and also by persons who were in the rebellion.
- Q. Did you take any part in the meeting yourself? A. No, sir, I was just listening. I heard there was to be a meeting and I just went out of curiosity.
- Q. Had you any reason for not taking part? A. I never did take any active part.
- Q. Had you any conversation with Riel soon after he came into the country?
- A. Yes, I talked to him several times.
- Q. In what month of 1884 would that be? A. It might have been the end of July or August.
- Q. What were you speaking about? A. He was talking of trying to assist the people in their grievances, to have their grievances righted.
- Q. Speaking of getting up an agitation? A. Yes, an agitation or bill of rights.
- Q. Did he at that time make any suggestion of using force? A. No, sir.
- Q. Did you see him frequently from that time forward? A. Yes.
- Q. You live in the same neighborhood? A. Yes. I have seen him there very often.
- Q. He attended church regularly? A. Yes.
- Q. Did you see anything or hear anything to lead you to suppose they would take up arms? A. No, nothing till the 17th of March.
- Q. Now, tell us what took place then? A. As I was proceeding home in the cutter I overtook one of my neighbors on the road. He was on foot and as is the custom of that part of the country I took him into my cutter as far as my place. He said, I believe Gabriel is inciting the Indians on One Arrow's reserve. I went home. I thought probably it might be true and I took and fed my horse and started for Carlton.
- Q. This was about three in the afternoon? A. About three, it was getting towards sunset. I went to Carlton and informed Major Crozier what I had heard. I

came there that night, it was late. I suppose it is about twenty miles to drive there. I asked permission to camp from the major and the next morning I saw him and he told me if I heard anything more to try and let him know as soon as possible. When I got back to Duck Lake Mr. Kerr told me, they are in arms already at the river, and they are going to take Carlton to-night. I thought it was my duty to send back to the major and inform him what was going on.

Q. You did so? A. I did so. I sent a letter by a special messenger.

Q. All this time your own family was about two miles from Batoche? A. Yes.

Q. After sending the message what did you do? A. I started for home to my family as I was anxious about them.

Q. What took place on the way home? A. On my way home, on the north side, or west side of the river at Walters' store, I heard there again that a mass meeting was to be held that evening.

Q. There was something really stirring them? A. Yes, there was something really the matter. I determined to go on.

Q. Did you do so? A. Yes. As I crossed the river I met another man. He was under arms already. He says they have taken up arms already. I said it was very foolish of them. Take the advice of a friend says I and leave that thing alone. So I continued on my way. When I got opposite Kerr Brothers' store I saw a big crowd there.

Q. Is Kerr Brothers' store on the east or west side? A. On the east side.

Q. Or on the south side as some say? A. Yes. As I got close to them I saw them coming on foot to the road. The store is perhaps about seventy or eighty feet from the road. Gabriel Dumont was in front. He says "bon jour." I took his hand and I says Gabriel, what is it you wish—it is not for nothing you stop me in this manner. He says, "where have you been to?" I said I have been to Duck Lake, and he says you have been doing something, you have been further than Duck Lake. I says, Gabriel, it is none of your business where I have been to. Well, he says, I will take you prisoner. I says you can do what you please. I says, if you want to kill me, I am ready. I asked him if he was at the head of affairs, and he said no, Mr. Riel, the prisoner here, was at the head. He says I will have to keep you prisoner till his arrival.

Q. How many people were with Dumont? A. There were probably forty or fifty or sixty.

Q. And they were principally your neighbors? A. Neighbors and Indians.

Q. People you knew well? A. Yes.

Q. And some Indians? A. Yes.

Q. How many Indians do you think were there? A. There might have been twenty or twenty-five.

Q. Did you say anything to these people A. I asked them who was taking me prisoner, whether they assisted Gabriel or not, and no one would answer me. I said it was a very foolish thing they were doing, that they would all be killed if they went on with it, if they meant rebellion.

Q. You made a speech to them? A. Yes. They said there is some more old men in the house. A young man said that. He says you better go and ask them if they will take him prisoner. They went back to the house and brought along two men.

Q. Who were they? A. Donald Ross and Calice Tourond. Tourond made a jump for my horse and caught him by the reins, and Ross consented.

Q. The people all consented to your arrest? A. Yes.

Q. Where did they take you to? A. Back to the store, about seventy or eighty feet from the road. Gabriel says you can get down and warm yourself; so I went in and warmed myself. While I was in the house I heard the people saying in French, they have taken Captain Gagnon.

Q. Who is he? A. A captain of the police force stationed at Carlton. All the people went out. I went out with them. I saw Mr. Lash.

Q. Had the prisoner arrived at this time? A. After I went out I saw Mr. Riel, and he was saying to Mr. Lash, have you any arms. Lash says, no, I never carry any arms.

Q. Who appeared to be in command after the prisoner arrived? A. Mr. Riel. He told me, he says you go down to the church; and we started almost immediately for the church.

Q. Did every one appear to obey him? A. Yes.

Q. Dumont and all the rest? A. Yes.

Q. Tell us about their taking you to church. A. When we got to the church they were in the front of the church. Mr. Riel commenced saying he was a prophet, that he could foresee events.

Q. Before that how many men were in arms—at the time you and Lash were taken prisoners to the church? A. Well, there might have been about fifty.

Q. How were they armed? A. With guns.

Q. Had any of them rifles? A. They might have had rifles. I didn't take that much notice.

Q. They were armed with firearms? A. Yes.

Q. Who was in charge of the church? A. Rev. Father Moulin.

Q. Did you see him on that occasion? A. When the crowd got to the church he came out and he wished to speak to the people. Mr. Riel says: No, we won't let him speak; take him away; take him away; we will tie him.

Q. He threatened to tie him? A. Yes. He says: Shall we take him prisoner? Some of them said: No, we will put a guard over him.

Q. Did he say anything about taking possession of the church at the same time? A. Yes. Riel says: I will take possession of the church. Father Moulin says: I protest your touching the church. Riel says: Look at him; he is a Protestant.

Q. The prisoner said that? A. Yes. Go away, says Riel, go away.

Q. What happened then? A. They went into the church then, and ordered us to go into the church.

Q. Ordered you prisoners? A. Yes, us prisoners: Mr. Riel jumped into my cutter as I was going to the church. He bowed very politely to me and said to take my horse.

Q. How long were you in the church? A. Probably quarter of an hour or half an hour.

Q. Where did they take you then? A. Across the river to Walter & Baker's store.

Q. Where did they put you then? A. Up stairs.

Q. Were there any prisoners in that store when you arrived? A. They took Mr. Lash and Tompkins.

Q. Did you find any prisoners when you got there? A. Mr. Walters was a prisoner with his assistant, Mr. Hannipin.

Q. Were you kept under guard at Walter & Baker's store? A. Yes, all the time.

Q. That would be on the night of the 18th still? A. Yes.

Q. Tell me if anything of importance took place that night. A. They brought in Louis Marion a prisoner on the 18th about nine or ten o'clock, and during the night I heard some one call out down stairs to go and cut the telegraph wire. I heard a noise as if they were going off to, and then several hours afterwards I heard them saying they could see a lantern, that some one was repairing the telegraph. I heard them as if they were starting off again.

Q. Did they bring in any more prisoners that night? A. They brought back Peter Tompkins and McKean, who had been repairing the telegraph.

Q. What took place on the 19th? A. On the morning of the 19th they took us back to the church again.

Q. Were you kept there all the day? A. Yes.

Q. As prisoners? A. Yes, as prisoners.

Q. Was the prisoner giving orders? A. Yes, he appeared to be at the head of affairs; he was giving orders.

Q. What was the chief event of that day as far as you can remember? A. He was giving orders to go and take William Boyer and Charles Nolin prisoners.

Q. Did you hear him say why they were to be taken prisoners? A. Because they would not take up arms.

Q. Did he say anything about because they had been movers up to that time? A. Because they had been movers and had left it at the time of the taking up of arms.

Q. Was Nolin tried? A. About his trial I cannot say exactly. I heard Riel saying he ought to be shot, or that they would shoot him.

Q. You understood Nolin and Boyer were to be shot? A. Yes, both of them.

Q. And because they would not join in the movement in taking up arms? A. In not taking up arms.

Q. Where did they take you from the church? A. In the evening they offered to take our word of honor we would not try to escape and they gave us a book to put our names down and they told us we would be more comfortable down at Garnot's house and they took us down there with a big guard in addition to our word of honor.

Q. Coming to the 20th, the next day, can you tell us anything of importance that occurred on that day? A. Yes, somewhere about the middle of the day Riel came down to see the prisoners.

Q. While you were at dinner? A. Yes, while we were at dinner.

Q. And addressed you all? A. Yes, addressed us all.

Q. Did he say anything to any of you particularly? A. Well, he told Mr. Walters—Mr. Walters asked him why he was keeping him prisoner—if he would not give him his liberty and Riel said he would think over it, and that he would give him his liberty. He says to Lash: "We will offer you the same position in our Government which you hold under the Dominion Government as agent, that is if you will accept of it."

Q. After that did he take you to the council house? A. He told me he wanted to see me at the council house, so I went up to the council house.

Q. What did he say to you there? A. He told me he was going to give me my liberty and they would read me my penalty for my crime, my offence.

Q. Did he make any further promises there? A. Yes, he would let me go on condition I would not do anything against the movement.

Q. What did you say to that? A. I said I preferred he would leave a guard over me, that I could hardly consent to that.

Q. Was anything else said? Did you see Maxime Lepine there? A. Yes, I saw Maxime Lepine there.

Q. Did he take part in any conversation do you remember? A. Yes, he was one of the councillors.

Q. Do you remember anything he said? A. No, I cannot remember now.

Q. When you told him you would rather he would keep a guard over you what took place? A. They took me in and read my crime to me.

Q. What was your crime? A. Communicating with the police.

Q. Was this before the council? A. Yes.

Q. Who appeared to be in the chair? A. Albert Monkman and Garnot.

Q. What was Garnot acting as? A. Secretary of the council.

Q. They read over to you your offence? A. Yes, they read over to me my offence and my penalty.

Q. What was your offence? A. Communicating with the police and insulting Gabriel Dumont.

Q. What was your penalty? A. They took my horse and cutter and robes.

Q. They were to be confiscated? A. Yes.

Q. You were to be given your liberty on the condition that you would do nothing against them? A. Yes.

Q. That you would be neutral? A. Yes. I had no alternative. I had to take it.

Q. Your wife and family were at home? A. Yes. When I arrived home that evening I found my wife in a great state of excitement about me. It appears Sioux Indians had been through there and told her I was to be shot.

Mr. Greenshields.—There should be a limit to this hearsay evidence.

Q. From the 20th March till the 14th May where were you? A. I was at home.

Q. Were you within the line of guards of the rebel position? A. Yes.

Q. You had frequent occasion of seeing armed parties? A. Yes, they were passing and repassing all the time.

Q. Did you see Indians in arms too? A. Yes.

Q. Did you have any of the rebels quartered on you during the time? A. Yes, they told me my property was public; everybody's property was public.

Q. The prisoner and others with him took whatever they saw fit? A. Yes.

Q. Did they ever speak with you about what they intended to do, or you with them? A. Well, after the Duck Lake fight most of them were frightened; they saw they had put their foot in it, and they didn't know how to get out of it.

Q. Do you know the day of the Fish Creek fight? A. Yes.

Q. What date was that? A. On the 24th April.

Q. How far is Fish Creek from your home? A. About twelve miles.

Q. Did you see the rebels going down to Fish Creek? A. Yes, I saw them.

Q. Did you see them returning? A. Yes.

Q. Had you any conversation with any of them on returning? A. Yes. When they were returning there was a wounded man brought into my house, one who was wounded at Fish Creek.

Q. Did you see Riel among the men who went down? A. No, sir, I didn't. I could not see them well enough to identify them. I would not expose myself that much. I was hiding.

Q. Didn't you see Riel returning from the direction of Fish Creek before the fight? A. No, sir, I didn't.

Q. Did you ever see Riel armed? A. I saw him with a revolver.

Q. On what occasion was that? A. That was while I was a prisoner.

Examined by Mr. Fitzpatrick:

Q. You saw Riel in connection with the present difficulty for the first time last July or August? A. Yes, somewhere in July or August.

Q. You knew the circumstances under which he came into the country? A. I believe he was sent for as far as I heard.

Q. At the time you first saw him there was a certain amount of agitation in the country was there not? Yes, sir.

Q. The agitation was to obtain by constitutional means redress for certain grievances that the half-breeds pretended to exist? A. Yes.

Q. That agitation had been going on for some years? A. Yes.

Q. Riel told you when you first saw him that he had come for the purpose of taking part in that agitation at the request of the persons interested? A. Well, I could not say he exactly said that, but I understood that he came for that purpose.

Q. You saw him frequently from July last up to the month of March? A. Yes.

Q. Did you during all that time hear of anything either from himself or any person else which would lead you to believe that anything in the shape of a rebellion was pretended by him? A. No, sir, not till the 17th of March.

Q. During all that time he lived in the country and took part in all the movements that took place? A. I believe he did.

Q. It was a matter of common report he took part in all those movements? A. Yes.

Q. You never heard any extraordinary remarks passed with regard to him until the 17th of March? A. No.

Q. You know that different petitions had been in circulation in the country and had been forwarded to Ottawa? A. I believe they had.

Q. You are also aware that as late as the month of February last a petition was prepared under the direction of the prisoner, which was signed by yourself, and

which was sent to Ottawa, or of which you approved? A. I might have approved of it, but I never signed it. He showed me a petition some time in August, I think, but I never heard of its being taken around to be signed.

Q. Did you hear of anything in February? A. No.

Q. At the time of that meeting which you refer to as having taken place on the 24th of February? A. No. I had heard the Government had refused Riel, that they would not have anything to do with him.

Q. Do you know whether any answer had been given to any petitions that had been sent in; any answer by the Government? A. I believe not. I never heard of any.

Q. It was a matter of common report previous to the 17th of March that the police force was being increased? A. Yes, there was some talk of it.

Q. That was generally considered among the people there as being the answer to their petition? A. I could not say.

Q. Was not that the general impression formed by the public report circulated at that time? A. I could not say.

Q. After Riel came into the country, at the request of the half-breeds, you know of your own knowledge that he was very poor? A. Yes.

Q. You know a subscription was made for the purpose of enabling him to exist in the country? A. Yes, a subscription was made.

Q. You know he also desired to return to Montana again? A. Yes, there was something said about him returning to Montana.

Q. You said that the first time you heard of anything in the shape of an armed rebellion was on the 17th of March? A. Yes.

Q. Up to that time there had been nothing of that kind spoken of in any way to your knowledge? A. No, there were some reports in the papers.

Q. But among the people, among your neighbors? A. No.

Q. When did you first see Riel after the 17th? A. On the 18th.

Q. You saw him at the time he took possession of the church? A. Yes.

Q. You heard what he said to the priest at that time? A. Yes.

Q. Up to that time had you heard him make any remark derogatory to the priests? A. Yes.

Q. When? A. In the month of February, I think.

Q. Towards the end of February? A. Somewhere in February.

Q. At that time did he not have a difficulty with Father Moulin? Just state what that difficulty was? A. He accused Bishop Taché and Bishop Grandin of being thieves and rogues.

Q. Made a general onslaught on all parties connected with the Roman Catholic Church? A. Yes.

Q. Didn't you clearly understand at that time that this man declared publicly that he had ceased to belong to the Roman Catholic Church? A. No.

Q. Didn't he say at that time that the priest was entirely outside of the church, that he was a Protestant? A. No.

Q. What about the word Protestant, you used in your examination in chief? A. He said that on the 17th of March.

Q. The difficulty with Father Moulin was in March? A. Yes; and in February.

Q. In March he said the priest was a Protestant or something to that effect? A. Yes.

Q. Did you consider at that time he acted as he had acted when you first knew him in July or August with reference to the priests and religion? A. No; he acted very much otherwise.

Q. Now, can your memory enable you to say what he said at that time on the 17th March in his difficulty with Father Moulin? A. It was on the 18th March.

Q. State what took place, the words that were used, and how he acted on that occasion? A. He said the Spirit of God was in him, and Father Moulin said he was making a schism against the church, and Riel said Rome had tumbled. *Rome est tombée.*

Q. Proceed if you please? He said the Pope of Rome was not legally Pope? A. Yes.

Q. He said the episcopate spirit had left Rome and come into the North-West Territories? A. No; he did not say that.

Q. Did he say anything of that kind? A. He said the Spirit of God was in him and that Rome had tumbled, and he could tell future events.

Q. Did he state the reason why Rome had tumbled? A. No; he did not give the reason.

Q. During July, August, September and October, immediately after his return to this country, he attended church as Roman Catholics generally do? A. Yes; he acted very devoutly.

Q. The first time you heard of the rebellion, heard it talked of, was at this time of the 17th March, and it is on that day he gave expression to this extraordinary language you have just told us about? A. Yes; on the 18th of March.

Examined by Mr. Burbidge:

Q. When you told Mr. Fitzpatrick you understood the Government had refused Mr. Riel, I understand you to be referring to Mr. Riel's own personal claims, is that what you mean? A. I said the Government had declined to accede to Riel's terms?

Q. You were referring to Riel's own claims? A. Yes. Yes; from what I understood it was his personal claims.

The court adjourned till 29th July.

WEDNESDAY, 29th July, 1885.

GEORGE KERR, sworn:—

Examined by Mr. Casgrain:

Q. You live at Batoche, I believe? A. Yes.

Q. How long have you lived there? A. I went in November, 1884.

Q. Do you know the prisoner? A. Yes.

Q. Well, between November, 1884, and the outbreak of the rebellion what happened at Batoche; did anything happen that you know of? A. No; meetings were held.

Q. What was the first intimation you had of the outbreak of the rebellion? A. Meetings were held alternately at different places and called at our store.

Q. Who held the meetings? A. I do not know, the council I guess.

Q. They called at your store? A. Yes, they called there, we were dealing with them.

Q. Who were they? A. Mr. Vandal, and Norbert Delorme. I do not know any more of them I think.

Q. When was this? A. In January and February.

Q. You kept store at Batoche? A. Yes.

Q. In partnership with your brother, John Kerr? A. Yes.

Q. What did they do at your store? A. We traded with them for cattle and furs.

Q. Did they call at your store after this? A. Yes, they always called at the store and traded there as a general thing.

Q. What was the first intimation you had of any outbreak or insurrection? A. The first intimation of any outbreak was on the 18th March.

Q. What happened on the 18th of March? A. On the 17th March there was a rumor circulated around the store that a meeting was to be held at Batoche.

Q. By whom? A. Gabriel Dumont, and Riel, the prisoner.

Q. Well, what happened then? A. That is on the 17th, on the 18th he came down to the store.

Q. Who came down to the store? A. The prisoner himself.

Q. Who with? A. There was a good many followers of his.

- Q. Can you give the names of any? A. Yes, I can. I can name some. Jean Baptiste Vandal, Joseph Vandal. That is all I can name.
- Q. How many were there, about? A. About fifty.
- Q. What did they do at the store? A. Riel came in the store and demanded my guns and ammunition—just asked for them.
- Q. What did you say? A. I told him they were up on the shelf, that the store was with cross beams and the guns were on the cross beams. I told him to take them.
- Q. Did they take them? A. The half breeds jumped around to take them, and he says who is boss here? I told him I was, and he said they have no right to go behind your counter.
- Q. Were you boss there at that time? A. Yes.
- Q. How did you allow them to take your guns? A. I told them to take them.
- Q. What happened? A. He went away.
- Q. Who went away? A. The prisoner. He told me then, he says give my men what they want and charge it.
- Q. To whom? A. He did not say to whom. I told him to take whatever he wanted in the store.
- Q. Did he come back to your store? A. No, he did not come back at all. I wrote him a letter the next morning to know if my brother and I could go down about three miles to find out where our cattle were.
- Q. Did he give you permission? A. Yes, he sent up word that I could go.
- Q. When they went to your store the first time were the men armed? A. Yes, they were all armed.
- Q. How much ammunition did they get at your store? A. A keg of powder, and six English double barrellled shot guns.
- Q. Anything else? A. Yes, a box of Ballard rifle cartridges.
- Q. He gave you permission to go and get your cattle? A. Yes, to go five miles.
- Q. Did you go? A. Yes, we went up, and my brother and I stopped about two hours, I think, at Peller's house, that is about three miles from where the store was. When we were coming back we met a lot of half-breed women and Indians with packs upon their backs.
- Q. Did you recognise any of them? A. They had some frying-pans which were ours. I said to my brother: Jack, those are ours. He said: No. I said: I think they are. I went to one of the women and asked her, and she said they had broken into the store and taken everything out. We walked on down to the store, and when we went into the store there were four or five Indians pulling the nails out of the beams. The store was upside down, and the Fairbanks' scales were turned upside down. Nothing was left in the store at all.
- Q. What day was that? A. On the 18th.
- Q. Did anything happen on the 19th? A. No, that was the 18th.
- Q. Is this all that happened upon the 19th? A. Yes, that is all that happened on the 19th.
- Q. Do you know of anything else that happened that day? A. No.
- Q. What happened on the subsequent day, on the 20th of March? A. No, I don't know. I was not allowed to go away. I promised Riel I would not leave my place of business, and I kept myself reserved.
- Q. Did the prisoner give you any orders? A. No, he asked me if I would promise him not to leave my place of business. I told him I would, and I kept my word.
- Q. Did you leave your place of business? A. No.
- Q. Did you stop there all the time? A. I went down to Mrs. Venn's.
- Q. What for? A. I was stopping there.
- Q. Did you get back from Mrs. Venn's on the 19th? A. Yes.
- Q. On the 20th? A. Yes.
- Q. Did anything happen to you on the 20th? A. Yes.
- Q. Were you always at liberty there? A. Yes.

Q. Do you know anything about the council that was formed there at Garnot's ?
A. Yes.

Q. Under what circumstances did you become acquainted with the council ?
A. I do not know as I can give you any information. I know the whole of them pretty well.

Q. Were you at any time arrested ? A. Yes.

Q. Who by ? A. By Solomon Boucher, Modeste Rocheleau.

Q. Were they armed ? A. Yes.

Q. Where were you taken to ? A. To Mr. Ludger Gareau's house, a French Canadian's house.

Q. Whom did you see there ? A. All the men were there.

Q. Who were there ? A. I cannot tell you all the names, Norbert Delorme, Charles Nolin, and Boyer who keeps the store there.

Q. William Boyer ? A. No.

Q. Jean Baptiste Boyer ? A. No.

Q. Joseph Boyer ? A. No.

Q. A man of that name who keeps store ? A. Yes.

Q. How many were in that room ? A. I suppose fifty or sixty.

Q. Were there any arms around ? A. They were standing at the door with those double-barrelled shot guns.

Q. Did you see the prisoner there ? A. No, I did not see him, he was up stairs.

Q. How do you know ? A. I met him when I went in first.

Q. Did he say anything to you ? A. No, not just then.

Q. Any time on that same day did you see him ? A. Yes, he came down stairs and told the council that he had always found us very decent fellows. He said, of course, they may have done something that escaped my memory, but he said if they have, excuse them.

Q. Who was in command ? A. Gabriel Dumont, as far as I was concerned.

Q. In command of what ? A. He appeared to be in command of the whole outfit, as they say in this country.

Q. What did the prisoner do there ? A. I don't know ; he was up stairs.

Q. When he came down ? A. He came to the council and he says, perhaps something has escaped my memory ; if there has, he says, excuse them ; and he says, these prisoners are in your hands do as you like with them, and he said they always acted kindly with me.

Q. How was this council constituted ? A. Philip Garnot was at the head of the table.

Q. What was he doing ? A. He was there, he had a book setting down ; he got up and says : Monsieur le conseil, these men have come here and we want to know what to do with them ; he talked like that and they came over.

Q. Who came over ? A. Dumont and Delorme.

Q. Did you say the council was sitting there ? A. Yes.

Q. They were in session ? A. Yes.

Q. Were any charges made against you before the council ? A. Yes, three charges.

Q. What were they ? A. One charge was that my brother had telegraphed with George Ness to Major Crozier ; another charge was that we wanted to get our cattle away from Batoche, and that we wanted to get to the telegraph officials and evade the vigilance of the police.

Q. What action was taken upon those charges ? A. They could not prove anything and they let us go.

Q. I understood you to say that the prisoner was in the house all the time ? A. Yes, up stairs.

Q. Did he know what was going on ? A. Yes—No, I do not know ; he was up stairs with the priests.

Q. He came down you said ? A. Yes.

Q. Did you answer those charges ? A. Yes, of course.

- Q. You were acquitted? A. Yes.
- Q. What was the state of that part of the country? A. Greatly agitated.
- Q. Is not that a mild word, was it only greatly agitated, what do you mean? A. I mean that the whole country was excited, something like that.
- Q. What do you mean by excited? A. That every man was taking care of himself as near as possible.
- Q. Did you see any people under arms other than those you saw in the council? A. Yes, all around the council chamber they were under arms.
- By Mr. Fitzpatrick:*
- Q. When did you first see Mr. Riel? A. I met him in November.
- Q. Of last year? A. Yes.
- Q. You were aware he was in the country from November up till March, till the fight at Batoche? A. Yes.
- Q. Did you have occasion to attend any of the meetings that were held in the country during that time? A. No, I did not.
- Q. Do you know the nature of those meetings of your own knowledge? A. No, I do not.
- Q. Do you know for what purpose they were held? A. No.
- Q. Did you at any time attend any meeting at which Riel was present? A. Yes.
- Q. What time was that? A. I think in January.
- Q. Last year? A. Yes.
- Q. Can you remember what took place at that meeting, was it a political meeting? A. No.
- Q. What kind of a meeting was it? A. A presentation to Riel of some money.
- Q. Money gathered by the people of that place? A. Yes.
- Q. Did you hear anything there about the Government in reference to the grievances? A. No, not a word.
- Q. What took place at the meeting? A. My brother and I were invited to go to the meeting. I gave \$1 towards it myself. We were invited to the supper and the prisoner was there. I guess the whole people were there. There were about 150 in Baptiste Boyer's house. There was a pretty good spread. After the thing was started he had me and my brother sit up on the first end of the table.
- Q. Were any speeches made at the table? A. Yes, Riel proposed the health of our Sovereign Queen Victoria.
- Q. Riel did that? A. Yes.
- Q. Did you see the prisoner after that meeting? A. I saw him when I left that night.
- Q. Did you see him any other time between the time after that meeting and the 19th March? A. No, I did not.
- Q. Didn't have any conversation with him at all? A. No.
- Q. Have had no intercourse with him? A. Not since then.
- Q. Never attended any meeting held by him or the council? A. No.
- Q. Do you remember a meeting about the 24th of February at the church? A. No, I was not there at all.
- Q. You are quite certain about that? A. Yes.
- Q. You said these people broke into your house the time you went away for your cattle? A. Yes.
- Q. Did the prisoner approve of their doing that? Did he counsel it? A. No, I wrote to him the next morning about it, and I got a letter back saying that he did not advise them in any way at all.
- Q. Protesting against it? A. Yes, protesting against it.
- Q. Did Riel take your part before the council? A. Yes, he took my part.
- Q. Did you notice anything peculiar about Riel at the time you saw him? Did he give you any explanation as to his plans or programme? A. No, he never spoke about that at all.
- Q. He never mentioned his political programme? A. No.

Q. Never gave you to understand what he proposed to do? A. No. I did not know him very well, only sometimes to meet him.

Q. At the meeting where he proposed the health of the Queen, do you remember under what circumstances he proposed it? A. No. Philip Garnot came with that paper and I put my name down for \$1, and they asked me to go down.

Q. Riel you say proposed the health of the Queen at that meeting? A. Yes.

Q. Was there any treason talked? A. No, not one word.

Q. They were all pleasant together as loyal subjects? A. Yes.

Q. How long have you been in that section of the country? A. About a year.

Q. You knew that there were meetings being held alternately in the vicinity of Batoche? A. Yes.

Q. By all the people? A. Yes.

Q. You knew that Nolin took an active part in these meetings? A. Yes.

HENRY WALTERS SWORN:—

Examined by Mr. Scott:

Q. Where were you living in March last? A. At Batoche.

Q. What was your occupation? A. Keeping store.

Q. Was it your own store? A. I had a partner.

Q. What was your partner's name? A. Baker.

Q. And the firm's name? A. Walters & Baker.

Q. On which side of the river was your store? A. On the west side.

Q. Is there any house there besides your store? A. There is only one house close, belonging to the firm.

Q. Batoche proper is on the east side? A. Most of the stores are there.

Q. Were you there on the 18th March? A. Yes.

Q. Anything happened on that day? A. Yes, that evening this thing broke out.

Q. What broke out? A. The rebellion. The first act was committed.

Q. What intimation had you of the breaking out of the rebellion? A. About six o'clock in the evening of the 18th of March I looked out of the store and saw a party of armed men driving towards the door, they came up the hill apparently from the east side.

Q. You say about six o'clock in the evening you saw an armed party driving to your door from the direction of the river? A. Yes.

Q. What did they do? A. They came to the store and entered it. A man came and spoke to me whom I did not know at the time.

Q. A man whom you did not know spoke to you? A. Yes. He asked for the proprietor. I said I was the man.

Q. Who was the man who spoke to you? A. The prisoner is the man. He said, well, Mr. Walters, it has commenced.

Q. What did he say to you? A. I said to him, I suppose you are Mr. Riel. He said, yes, he was. I asked him what he wanted, and he said he wanted arms and ammunition. I told him he could not have them.

Q. Did the conversation continue? A. Yes. He asked me to give them up quietly and peaceably, and said that if they succeeded in the movement they would pay me, and if they did not the Dominion Government would pay for them. It would be all right either way.

Q. Did you ask him what had commenced? A. Yes. He said it was a movement for the freedom of the people, or something to that effect.

Q. Did you ask him what movement? A. Yes.

Q. He said a movement for the freedom of the people? A. Yes.

Q. Was that before or after he asked for the arms and ammunition? A. It was before.

Q. When you refused to give up the arms, what was said? A. He argued with me and wanted me to give them up, and I told him that I could not do it.

Q. Was anything done? A. Yes, they finally took them.

Q. Did you consent? A. No. They went through some form and put their hands upon my shoulders. Riel ordered the men to do that. I was standing behind the counter and they forced their way past. I did the best I could to stop them.

- Q. They got past you? A. Yes, there were fifteen or twenty to one.
- Q. Were all the party armed? A. Five, six, seven or eight were armed. I did not count the number.
- Q. Was the prisoner armed? A. I did not see anything with him.
- Q. Had you any conversation with him—did you say that the intention was to arrest you when they laid their hands upon you? A. I did not think so at the time. I was arrested a few minutes after.
- Q. Had you any conversation with the prisoner about the movement? Did he say anything beyond what you have told us? A. No. He did not at the time we talked. I thought he would not succeed, but they thought they would. That was about all.
- Q. Had you any conversation with him at any other time about the movement? A. No, not in reference to the movement. He told me what they were going to do when they took the country.
- Q. What were they going to do? A. If successful, he told me the way they were going to divide the land.
- Q. How was he going to divide it? A. One-seventh for the pioneer whites, and one-seventh for the Indians, one-seventh for the French half-breeds, and one-seventh for the church and school, and the balance was Crown lands—I suppose Government lands.
- Q. That is the way? A. Yes, that is the way I understood it.
- Q. Lands of which Government? A. Government land; he did not say which Government.
- Q. Did he make any charges against you? A. The time I was arrested he said that something had transpired which led him to believe I was in deadly opposition to his cause, and he would have to detain me.
- Q. How long did he detain you? A. I was allowed to go on the third day. The first night I was kept over my own store; the next morning I was moved across to the church at Batoche.
- Q. And kept there three days? A. Not three whole days; only until the third day.
- Q. Were you then released? A. Yes, the prisoner allowed me to go.
- Q. You had a conversation with him on the other side of the river? A. Yes.
- Q. Did he say anything about the movement there? A. No, he did not say anything very particular about it. He said they would have no opposition from Prince Albert. The people, he said, were friendly. He said if the whites struck a blow, a thunderbolt from Heaven would strike them; that God was with their people.
- Q. Did you know of any meeting before the beginning of this movement? A. I only heard of meetings from time to time. I never was at any of the meetings.
- Q. Were there any other prisoners besides you detained in the same place? A. Yes. One young fellow that was with me at the time, and during the evening, Lash and his interpreter, Tompkins, George Ness, Tompkins and another man that was repairing the line. That is all I saw.
- Q. I suppose they took the guns and ammunition from your store; did they take anything else? A. Yes.
- Q. What did they take? A. I don't think they were there at that time; they took it all out before the morning.
- Q. Everything out of the store? A. Pretty nearly everything. Some unbroken packages they did not take. They were there when I left.
- Q. Do you know who was superintending the removal of the goods? A. Everyone helped themselves to the clothing and moccasins, and in the morning they were carrying away the heavy goods, and Riel was superintending the removal.
- Q. You say that the prisoner superintended the removal of the goods in the morning? A. He was giving direction. He was standing up on the seat of his cutter in a prominent position, and the half-breeds were loading up the goods.

By Mr. Greenshields :

- Q. How long have you been living at Batoche? A. Nearly two years.
- Q. Were you aware that there was excitement and agitation going on among the half-breeds some time previous to this time? A. Yes.
- Q. It was rumored? A. Yes.
- Q. Had you ever seen Riel before the time he came to your store? A. No, not to my knowledge.
- Q. Did you know that he came to the country last year? A. I heard at the time that he came in.
- Q. You heard that he had been sent for by the half-breeds? A. Yes.
- Q. Did you know for what purpose? A. No. I heard that the half-breeds had grievances.
- Q. And they wanted Riel to assist them? A. Yes.
- Q. When this discussion between you and the prisoner took place regarding the division of the North-West Territories, was that in the store? A. No; in the church, next day.
- Q. Did you talk about anything else at that time with him? A. No. What I was thinking about was to try and get away.
- Q. Did he tell you that he expected assistance from other powers in this rebellion? A. No, I cannot say he did.
- Q. Are you positive he did not. A. I have no recollection of his saying so.
- Q. Did he say anything about the Germans and Irish? A. No.
- Q. Or the United States? A. No.
- Q. Did you have any conversation with him about his religion at that time? A. No.

HILLYARD MITCHELL, sworn:—

Examined by Mr. Osler :

- Q. What is your occupation? A. Indian trader.
- Q. Where were you carrying on business in March last? A. At Duck Lake.
- Q. I believe you are a justice of the peace there? A. Yes.
- Q. You had a store at Duck Lake? A. Yes.
- Q. What was the first you knew of this trouble? A. The first I heard of the actual rising was when I was coming from a place called Sandy Lake to Duck Lake. I was crossing the Saskatchewan when I met one of the priests, and he told me to get back to Duck Lake, as the half-breeds were in arms and intended to take my store.
- Q. You heard from him that was the intention? A. Yes.
- Q. What was the first you saw of the trouble? A. I went to the fort and saw Major Crozier, and he told me —
- Q. He will speak for himself; what date was that? A. I don't remember the day. It was on a Thursday. I don't remember the day of the month, but I think it must have been the 19th.
- Q. The Thursday preceding what? A. Preceding the day of the Duck Lake fight.
- Q. What was the first you saw of the prisoner? A. The first I saw of the prisoner was sometime after Christmas. He came to my store then, and that was the first I saw of him.
- Q. I speak more in reference to the first time you saw him after the trouble commenced? A. I saw him at Batoche. After coming from Carlton, I went to Duck Lake, and from there I went to Batoche.
- Q. On a Thursday? A. Yes.
- Q. At Batoche whom did you see? A. I met Bernard Paul, and asked him what was the trouble.
- Q. You had a talk with him? A. Yes.

Q. We want to come down to the occurrences with which the prisoner was connected? A. I went to the river. Where I met this man was about two miles from the river.

Q. What took place at the river? A. I saw a great many people around the river; it was getting dark. I saw that two or three of the people on this side of the river had guns in their hands, people whom I knew. I recognized some of them; and when they saw me they appeared to be getting out of the way. On the other side of the river, I saw a man standing on the hill. I went to the village of Batoché and saw some English half-breeds waiting with loads of flour. They said they had been waiting all day to be unloaded, and that they had been taken prisoners by Riel. They were loaded with flour. I saw the load, and they were loaded with flour.

Q. What next? A. I tried to get as much information as I could. I did not know whether it would be safe for me to proceed, and did not know how I might be received by these people. I saw Fisher and also Garnot, and their opinion was that I could go into the council room. I asked them where the council room was and Philip Garnot took me to the council room. I did not go into the council room. I went into the priest's house. I saw some people standing outside and I went up stairs in the house.

Q. Whom did you see? A. Charles Nolin, Philip Garriepy, and a small man named Jackson, who was walking up and down.

Q. Did you see the prisoner? A. I saw him after some time. I waited about an hour before I saw him. I said that I wanted to see him that that was what I came for.

Q. Can you place this date more accurately? Do you know the day Walters' store was raided? A. I am told it was on Wednesday, not on Tuesday.

Q. Was this after that store had been raided? A. Yes, I left Duck Lake on Tuesday.

Q. This would be Thursday, the 20th, probably? A. I think it was the 19th.

Q. Had you a conversation with the prisoner? A. I had a long conversation with him, he did most of the talking.

Q. Tell us what the conversation was? A. Someone told me that he was come to see me, I went down below, there was no light, he asked me to sit down and said he was pleased to see me, and that kind of thing. I told him I came to find out the cause of this trouble, what it meant, and said that he need not look upon me as a spy as I simply came as a friend of the half-breeds to give them some good advice, and try to get them to go home. He went on explaining the cause of the rising. He said that the half-breeds had petitioned the Government several times to have their grievances redressed but never got a proper reply, and the reply they were getting now was, 500 policemen to shoot them. I told him the whole thing was a false rumor, that no police were coming. There always had been false reports and I looked upon this one as not true; he said it did not matter whether it was true or not, that the half-breeds intended to show the Government that they were not afraid to fight 500; either he or the others told me that, that was said. He went on about the half-breeds' grievances and he said that he had suffered himself, that he had formerly been kicked out of the country fifteen years ago and kicked out of the House. He said a great deal against Sir John and the other members of the Government, particularly against Sir John. He said that he intended to bring Sir John to his feet, and talked a great deal of bosh. This was all in the dark, others were in the room, several half-breeds.

Q. He was talking as well of his own grievances? A. Yes, principally. All he said about the half-breeds' grievances was that they had petitioned the Government, and then he went on with a long string of his own grievances about his being turned out of the House and having to leave the country. I think he called himself an outlaw. He said he had been outlawed.

Q. He was particularly hard on Sir John? A. Yes.

Q. Then was there anything else of importance that evening? A. Of course I asked him to give me some decided answer. I tried to persuade him and the people

to go home. I had to be careful as I did not know what ground I was treading on. I did not know what moment they would make me a prisoner, and I did not want to be made prisoner. He said he was very glad I had come, that my coming no doubt might stop the thing at once, but he said he could not give an answer to me as it would take some time to consider it. He expressed a desire to communicate with the Government and try to get the grievances redressed, through telegraph. I said for him to have the wire repaired, as there would be a great many false reports in Canada. I told him that he had done a foolish thing and asked him to have the wire put up at once, get the grievances redressed if possible and stop the thing in that way. I did not look upon it as serious. I thought the thing would simmer down. He said he would give no answer that day, that it would take some time to consider it.

Q. What did you do? A. I went home.

Q. In going out did you see anything? A. I saw several men, of course it was dark when I was going back. I saw several men around the village loafing about with guns. After I crossed the river, I was stopped by two men on the other side of the hill, one catching hold of my horse. They came alongside the sleigh and asked me if I was free. I said yes, and was allowed to go on. I came back to Batoche the next day to get a decided answer from the people and see what they would do, and see if I had made any impression upon them.

Q. What passed that day? A. I was taken to the council room and I was told they wanted the unconditional surrender of Fort Carlton, and I was asked if I would make that proposal to the police. I told them it was too absurd, but I said I would be happy to arrange a meeting between Major Crozier and themselves, but I would not make such a proposal myself. Before I came that morning I heard they had got some plan of sending for me, I think I was to carry a white flag ahead of those gentlemen to Carlton, and I was to make the proposal to the people in the fort. They said if the police did not surrender, they would go for them. I think the police were to carry a cross. They told me they were 800 strong; it was not Riel that said that, it was at the council that was said. Nolin was the speaker. I asked him to put up the wire and he said he could not, that it was cut below Saskatoon. The two things I asked him about was the release of the prisoners and about the wire.

Q. He refused both? A. He released Walters and his clerk.

Q. Was this the occasion when Thomas McKay was with you? A. No. After that I went to Carlton to try and arrange a meeting between them and the head of the Government (Major Crozier).

Q. The interview you are now speaking of would be on the 20th? A. On Friday, the 20th.

Q. Then you went to Carlton? A. Yes, and reported matters to Crozier.

Q. What next? A. Major Crozier said he was willing to meet Riel man for man, with or without an escort, and at any place that suited. I named a place. I asked the major to send a written note to Riel, but he said it was not necessary, there was no occasion for it. McKay went back with me.

Q. Was it the next morning that you went? A. We started from Carlton about one o'clock in the morning. We went to Duck Lake. I had arranged with the council to have two messengers ready so that I would not have to go back to Batoche again, and they would carry the reply of the major. And I found the two Arcands waiting to get the reply from Carlton.

Q. Did you send it on by them? A. No, I did not say anything at all about it.

Q. So the interview of the morning of the 21st was arranged, and so you and Mr. McKay went forward? A. Yes, we went over to Batoche.

Q. Whom did you see there? A. A great many people.

Q. Speaking of the actions of the prisoner, or the words of the prisoner? Tell us what took place? A. On this occasion he was very much excited, and he did not like my bringing over Mr. McKay.

Q. What did he say? A. McKay had some conversation with these people here in my house, and these two men and some other men were brought up as witnesses against McKay, that he was a traitor. And they talked pretty roughly to him. Mr.

Riel talked very roughly to him, and said that the Government and the Hudson Bay Company were the two curses of the country, and that he, McKay, was hand and glove with the Hudson Bay Company.

Q. That was spoken to McKay? A. Yes, and he said if he was not careful his blood would be the first blood shed on this occasion. I told them I had asked McKay to come as my friend. I told the people he was one of Her Majesty's soldiers, and I told them it was rather rough for them to speak of Mr. McKay in that way. Riel called down and said if Mr. McKay came as your friend he is entitled to the same protection that you are, but that is the only thing that saves him.

Q. Then what else took place? A. After that, I asked Riel if we would come to the council chamber up stairs. We went up there and I told him the message I had from Major Crozier, that he would meet him man and man at a certain place, alone or with an escort, and he got very much excited and said he would not take Major Crozier's word of honor, that I ought to have brought the thing in writing, and he asked me to put it in writing. I objected at first, but finally I did put it in writing to the effect that Major Crozier would meet either Riel or some one sent for Riel's people if he gave him time.

Q. You made a memorandum of it and signed it? A. Yes, to his dictation.

Q. Then what else? A. He seemed very much excited, and he said something about a war of extermination unless he could come to terms with the Government, and he blackguarded the Government a great deal, and he blackguarded the members of the Government, and he said their word was not worth that (indicating with his thumb). That it was no good. I offered to give myself as a hostage, that Major Crozier's word was perfectly good. He said I had nothing to risk and he refused to take it. In fact, he refused to meet Crozier, but he named two people who would meet him.

Q. Two who would meet him? A. Yes. Of course I carried this message back to Carlton.

Q. Is that about all that took place on that occasion? A. Yes.

Q. Did you see many people around the council house? A. I saw the whole of the population. I saw a great many people there. I considered the whole settlement was there.

Q. Did you see anybody armed? A. Yes, they were all more or less armed.

Q. Any Indians? A. No, I did not see any Indians there, but I met Indians coming down.

Q. Did you go back to Fort Carlton? A. I went back to Duck Lake and then to Fort Carlton with Mr. McKay.

Q. Then did any further meeting take place? A. I finished the thing there. I told Major Crozier what they had decided upon.

Q. What did you next do? A. I came back to Duck Lake.

Q. What was the next you knew of it? A. I met two people who had been named by the council to hold a meeting. I did not go to the meeting. I only arranged for the meeting. It was Capt. Moore who went. I met these two people coming and told them to get there as soon as possible, that it was getting dark, and that they should go as soon as possible, and they went on and had their meeting and came back about nine o'clock, and I had some conversation with Nolin then. I advised him to escape. He had been a prisoner before, and he told me he had been forced into the thing and that he had been condemned to be shot. I told Nolin to tell Riel and the people that I had finished with them, and that they must now consider I would have nothing more to do with them, that I had done what I could to quiet them down.

Q. Then was there any formal proceeding, or any attempt at formality on the occasion of Mr. McKay and yourself being at the council house? A. I don't exactly understand you.

Q. It is said Garnot was secretary, and that the council was called together; what do you know about that? A. There was a general hurrah given, and people went up to the council table. There was a speaker and a secretary.

- Q. Was anyone called upon to act as secretary? A. Garnot was secretary.
- Q. Philip Garnot? A. Yes, at that time.
- Q. Where were you on the occasion of the Duck Lake trouble? A. I was with the troops
- Q. On the occasion of that fight? A. I was advancing on to Duck Lake with the police and volunteers.
- Q. And were you in the fight? A. Yes, I was in the fight.
- Q. And the result was that you did not get to Duck Lake? A. No, we had to retreat.
- Q. You were not able to take possession of your store? A. We did not get to the store, we were stopped.
- Q. By reason of the armed force? A. Yes.
- Q. I believe your store was raided afterwards? A. Everything I had was taken away, and the place was burnt down. They made that place their headquarters for two weeks, and they cleaned my store out entirely.

THOMAS E. JACKSON, SWORN :—

Examined by Mr. Osler :

- Q. Do you live at Prince Albert, Mr. Jackson? A. I do.
- Q. You are a druggist? A. I am.
- Q. You have been there for some years? A. Some six years.
- Q. Your brother, William Henry Jackson, I believe, was one of the prisoners?
- A. He was.
- Q. And he had been in the company of Riel immediately prior to these troubles and during the troubles? A. For some time previous to them.
- Q. You had known of the movement and the agitation that was in the country?
- A. Oh, yes, and I sympathised with it.
- Q. Did you know of the prisoner being in the country? A. Yes, I knew of his coming to the country. I heard he was coming shortly before he came back.
- Q. You knew of him after he came to the country? A. Yes.
- Q. I believe you have seen him write? A. Yes.
- Q. Do you know his handwriting? A. I know his handwriting.
- Q. You went over, I believe, on an occasion shortly after the Duck Lake fight for the bodies of those who were slain? I did. A. I was one of those who went.
- Q. How many days after? A. Three days after. It was the Sunday after the fight.
- Q. How did you come to go? Under what circumstances did you take that journey? A. Mr. Sanderson, who had been a prisoner of Riel, was released by him to carry a message to Major Crozier to remove the dead bodies, and Crozier had taken him prisoner at Carlton, and then took him to Prince Albert. I interviewed Sanderson, and asked him about my brother, and he told me he was insane.
- Q. You were inquiring about your brother from Sanderson? A. Yes.
- Q. It was arranged Sanderson should go? A. Yes, Sanderson said he was going and I offered to go with him.
- Q. And who else went with you? A. William Drain.
- Q. You started, I think, on the 31st? A. Sunday the 29th, the Sunday after the fight.
- Q. You went to Duck Lake? A. Yes.
- Q. Did you see the prisoner there? A. I did.
- Q. What passed between you? A. General conversation.
- Q. Give us the material part of it? A. He spoke of having taken up arms, that they had done it in self-defence; and in talking about the Duck Lake fight he said he had gone there in person, that after Major Crozier had fired the first volley, he replied and urged his men to fire, first, in the name of God the Father; secondly, in the name of God the Son; and thirdly, in the name of God the Holy Ghost; and repeated his commands in that manner throughout the battle.
- Q. That is what he told you about the engagement? A. Yes.

Q. What else did he say? A. He spoke of the people in the town and of the settlers generally. He said he had no desire to molest them, that this quarrel was with the Government and the police and the Hudson Bay Company. He wished the settlers to hold aloof from taking arms in opposition to him, and he said if they held aloof he would prevent the Indians from joining them. If they kept aloof he was to oppose the police himself.

Q. Did he ask you to do anything in reference to that? A. He gave me a letter to the people generally, stating so.

Q. What have you done with that letter? A. I have destroyed it.

Q. It is not now in existence? A. No.

Q. Did you read the letter? A. Yes.

Q. What was in it? What was the purport of it? A. To the effect that if the people would hold aloof and remain neutral, that he would not bring in the Indians, and also to the effect that the last part of it, that if they did hold aloof he believed they would celebrate the 24th of May; but that if they did not, the Indians would come in, and parties from across the boundary, and the result would be they would celebrate the 4th of July, or something like that.

Q. What was he going to do with Prince Albert? A. He said he would give them a week to decide whether they would accept his terms or not.

Q. And in the event of their not accepting his terms? A. Then he would take the place. He said Prince Albert was the key of the position, and that he must attack it. He said that if the settlers did not stay at home, but kept in town with the police, he would attack them all.

Q. Whom did you arrange with to get the bodies of the slain? A. We requested first some assistance from him, that some of the half-breeds would go with us to remove them, but there was some discussion about it, and when they learned Major Crozier was suspicious of them, he refused assistance, and the French half-breeds also he refused to let go. In fact, I believe the suggestion came through some of them in the first place, and in consequence we had to go and remove them ourselves.

Q. Who was in charge there? Who were you taking orders from at Duck Lake?
A. Mr. Riel.

Q. Who was giving orders? A. Riel.

Q. Anybody else? A. Nobody else.

Q. Then you went to get the bodies? A. Yes.

Q. I believe he showed you the bodies that had been slain on their side? A. Yes, he did, just as we were leaving.

Q. Then you made another visit within the rebel lines? A. Yes, about a week later.

Q. What was the occasion of that visit? A. I heard from a half-breed named Toussant Lussier that Albert Monkman and fifteen men were in charge of the prisoners at Fort Carlton and that my brother was with them and they left them across the south branch to attack General Middleton, and I thought it would be a good opportunity to get my brother away. I knew Monkman and I thought he would give him up. I obtained a pass from Irvine and went after my brother.

Q. What did you find when you got there? A. I went to Carlton first and then to Duck Lake. I found Carlton was burned down and I found Duck Lake in ashes. I went to Batoche and arrived there on the Tuesday after.

Q. What is the date? A. About the 1st of April—No, about the 4th of April probably.

Q. You reached Batoche when? A. That was the time, on the Tuesday.

Q. When had you left Prince Albert? A. On the Saturday.

Q. That was the 4th of April? A. I reached Batoche on the 4th April, on the Tuesday following.

Q. That would be the 7th of April. A. Yes, I suppose so.

Q. Then did you see the prisoner after you got there? A. Yes, I did.

Q. Had you any conversation with him? A. I had.

Q. This was where? A. On the south side of the river.

- Q. The day you got there was the day of the fight? A. The day I got there.
- Q. You had a talk with him about your brother? A. Yes.
- Q. Did he say what was the matter with your brother? A. He said he was sick; he said his mind was affected. He said it was a judgment on him for opposing him.
- Q. He seemed to know his mind was affected? A. Oh yes.
- Q. Did you find his mind was affected? A. I did.
- Q. How were they considering him, as a sane or insane man? A. Allowing him his own way, but they had a guard over him.
- Q. Did Riel speak as to what was best to do with him or what they were doing with him? A. Yes, he thought he would improve there, but I applied for permission to get him away. Riel said he was getting along very nicely there and that he would recover.
- Q. He did not let you take him away? A. No, he refused to do so.
- Q. Then did you make any formal application to get him away? A. I did to the council.
- Q. And it was refused, I believe? A. Yes, it was refused.
- Q. What kept you in the camp? A. They refused to let me go or my brother either.
- Q. Giving any reason? A. Yes, I heard a discussion. I was up stairs in the council room and I had spoken to Albert Monkman to speak in my favor and I heard them discussing the matter. Of course they spoke in French and I did not understand, but Monkman was speaking in Cree. Riel came down to the room and commenced to eat, and while he was eating Monkman kept on talking, and he rushed up stairs and attacked Monkman and in the course of his remarks he accused him of not doing his duty with the English half-breeds, that he had not brought them up with the twenty men he had sent for them. Monkman defended himself and there was a discussion about it. Monkman said the reason he did not bring them was because one man said he would go if another would, and Riel told him he had given him these twenty armed men to bring the leading men of the English half-breeds by force.
- Q. And what Riel was complaining about was that the orders had not been obeyed? A. Yes.
- Q. And Monkman was excusing himself? A. Yes.
- Q. Did you hear any discussion after you arrived there as to what they should do, as to any places that should be attacked? A. They talked about attacking Prince Albert, but I believe they were waiting for the Indians to join them in greater numbers.
- Q. Had they Indians there? A. They had Indians there.
- Q. At this time, about the 8th of April, could you form any idea as to the number of men under arms? A. I could not say. I was told, when I first arrived there, they had 1,800, but I did not believe it. They said they were in houses near by. Afterwards I was told by English half-breeds that there was only about 700.
- Q. Then, do you remember an occasion of a false alarm—do you remember anything being done by Riel on that occasion? A. On one occasion I remember he rushed to the church and brought down the crucifix, and ran around among the houses calling out the men, and insisting all should come, and I saw him go out and choose the ground upon which to defend themselves, expecting an attack from the Humboldt trail.
- Q. He went out and arranged the ground and warned the men? A. Yes, and urged them all to fight, and made preparations for the defence.
- Q. Did he ask you to do anything for him? A. Yes; the first night I was there he intimated he would like me to write some letters to the papers, and place a good construction on his acts.
- Q. Wanting you to write to the eastern papers? A. Yes; to place a favorable construction on his action in taking up arms.
- Q. Do you remember anything, any particular matter he wanted inserted? A. I refused to do so at first, because he had not allowed me my liberty and had taken

my brother away. In my application to the council I said unless they showed me some consideration they could not expect any consideration from me in writing letters. After the Fish Creek fight I thought the thing was going to last all summer, and commenced to write for him.

Q. Then, do you remember Riel's asking you to write any particular matter with reference to himself? A. Yes. He claimed that he had applied to the Government for an indemnity through D. H. Macdonald, and in reply the Government had made use of some expressions.

Q. What indemnity had he applied for through Macdonald? A. For \$35,000.

Q. For what? A. For supposed losses through being outlawed and his property being confiscated.

Q. That was the money he wanted from the Dominion Government? A. Yes.

Q. He did not tell you how he made up the account? A. No. He claimed in all his claim against the Dominion Government amounted to \$100,000.

Q. Did you know from him anything as to his personal motives in taking up arms? A. Yes. He disclosed his personal motives to me on this occasion. He became very much excited and angry, and attacked the English and the English constitution, and exhibited the greatest hatred for the English, and he showed his motive was one of revenge more than anything else.

Q. Revenge for what? A. For his supposed ill-treatment, his property being confiscated and he being outlawed.

Q. Did you hear anything about the half-breed struggle? A. Yes, he spoke of their grievances.

Q. In his communications with you whose grievances were the most prominent?

A. I think his own particular troubles were the most prominent. Of course, he spoke of the half breed troubles.

Q. Were you put in close confinement at any time? A. Shortly after this outbreak he placed me in confinement with my brother.

Q. Had you refused to write for him in this way? A. Yes; and it was in reference to discussing that that he became excited, and it was shortly after that he placed me in close confinement.

Q. You were kept with the other prisoners? A. No. I was kept by myself with my brother. They would not allow me to communicate with the other prisoners.

Q. When you were placed in close confinement had you any conversation with him? A. He came in on one occasion and accused me of trying to incite an English half-breed named Bruce to desert. He said I had been seen speaking with him, and if he could prove I had been inciting him it would go hard with me.

Q. Any other interview with him while you were in close confinement? A. Not just then. Shortly after Middleton approached Batoche he placed us in the cellar; in the cellar of George Fisher's house. The first day he took me up to attend the wounded, in case there should be any wounded, and he had some talk then in regard to the wounded, and he asked me if I would attend to them as well as if nothing had happened between us.

Q. Did you attend to the wounded? A. No; they suspected I was going to desert and they put me back in the cellar that night.

Q. Did anything material happen until the 12th of May? A. No.

Q. What happened then? A. On the 12th of May a half-breed opened the cellar and called out and said Riel was wounded. I came up to the council room, and presently Riel entered with Astley, and as soon as he came in he told us Middleton was approaching and if he massacred the families he would massacre my brother and the rest of the prisoners, and he wished to send both of us with messages to Middleton.

Q. Were you to deliver the message? A. I was.

Q. Did you see Riel write the message? A. I did.

Q. Is this the message produced? A. I believe that is the message.

Q. By whom was it written? A. Written by Riel.

(The message alluded to is exhibit 2.)

Q. Do you remember what you did with this message? A. I believe I delivered it to General Middleton.

Q. You don't know? A. I don't remember the fact, but I believe I did.

Q. With that message you left the camp? A. I did.

Q. The rebel camp? A. Yes.

Q. And I believe you did not go back? A. I did not go back. I did not go directly to Middleton because he changed his mind at the last.

Q. Who changed his mind? A. Riel. He took us down about a mile and a-half and he ordered me to go to Lepine's house and wave a flag in front of it.

Q. Just to go back for a moment—did you ever see the prisoner armed? A. I did on one occasion.

Q. When was that occasion? A. It was some time after the Fish Creek fight.

Q. Who was in charge at Batoche? A. Riel.

Q. Who instructed the movements of the armed men? A. Well, Gabriel Dumont instructed them immediately, but Riel was over him.

Q. Do you remember what he did on the occasion of the Fish Creek fight? A. He went out with 180 men the night before and returned with 20, thinking there might be an attack on Batoche from Prince Albert or Humboldt or from the other side of the river, as he knew General Middleton's forces were divided.

Q. You said you knew the hand-writing of the prisoner? A. Yes.

Q. Look at this document dated St. Anthony, 21st March, 1885. In whose hand-writing is that? A. Louis Riel's. (Document put in, exhibit 5.)

Q. Is all this writing on the 3rd page his? A. Yes, it is all his writing.

Q. These signatures are in Garnot's writing? A. Yes, they seem to be Garnot's.

Q. In whose hand-writing is this document? A. Louis Riel's. (Document put in, exhibit 6.)

Q. Is this paper in the writing of Louis Riel? A. Yes, that is his writing. (Document put in, exhibit 7.)

Q. Are the two papers attached here in Riel's hand-writing? A. Yes. (Put in, exhibit 8.)

Q. Is this document in Riel's hand-writing? A. It is. (Put in, exhibit 9.)

Q. Perhaps you can tell me the meaning of the word "exovede"? A. It means one of the flock.

Q. Is this letter in the hand-writing of Riel? A. It is, with the exception of a piece of back-hand which appears to be in Garnot's writing. (Document put in, exhibit 10.)

Q. In whose hand-writing is this? A. Riel's. (Exhibit 11.)

Q. Is exhibit 12 in Riel's writing? A. Yes.

Q. Exhibit 13 and exhibit 14 are both in Riel's hand-writing? A. Yes, it is all Riel's.

Q. Are these five sheets comprising exhibit 15 in Riel's writing? A. They are all in the hand-writing of the prisoner.

Q. Exhibit 16 is in the hand-writing of the prisoner? A. Yes.

Q. And exhibit 17 is in his hand-writing? A. Yes.

Q. Exhibit 18. Is this document in his hand-writing? A. It is, all but the last signatures.

Q. Exhibit 19. Is that in the hand-writing of Riel? A. Yes.

Q. Is it Riel's signature that is to this document? A. Yes. (Put in, exhibit 20.)

Q. The body of the writing, is that Riel's? A. No.

Q. But the signature is? A. Yes.

Examined by Mr. Fitzpatrick.

Q. You know nothing more of the documents that have been shown you, except that you know they are in the hand-writing of Riel. A. That is all I know.

Q. You don't know if they ever left Riel's possession or not? A. I don't.

Q. You said, at the beginning of your deposition, that you were aware of a certain amount of agitation going on in the Saskatchewan district during last autumn and fall? A. I did.

Q. Will you explain the nature of that agitation? A. That agitation was for provincial rights principally, also for half-breed claims, and also against duties and such things as that. We felt the duties onerous.

Q. A purely political agitation? A. Yes.

Q. You were in sympathy with the agitation? A. Yes.

Q. You were aware Riel was brought into the country for the purpose of taking part in the agitation? A. He was brought to this country on account of his supposed knowledge of the Manitoba Treaty.

Q. The people of the Saskatchewan district were of opinion Riel could be useful to them in connection with the agitation? A. Well, he was brought in principally by the half-breeds. The Canadians knew nothing about it till he was very nearly here.

Q. Almost the whole of the people in that district had joined together for the purpose of this agitation? A. They had.

Q. That agitation had been going on for a considerable length of time? A. For some time.

Q. Can you say for about how long? A. Five or six years or longer.

Q. Did you attend any meetings held by Riel? A. I attended the meeting in Prince Albert.

Q. You were present during that meeting? A. During the greater part of it.

Q. You heard what Riel said? A. I did.

Q. What date was that meeting held? A. I could not say exactly, some time in June or July.

Q. At his first arrival? A. Yes.

Q. He stated he wished the movement to be entirely a constitutional movement? A. Purely a constitutional movement. He said if they could not get what they agitated for in five years to agitate for five years more, that constitutional agitation would get what they wanted.

Q. You knew he continued assisting in the agitation up to the time of the difficulty in March? A. He was there as a sort of half-breed adviser principally. He was not a member of the committee, but he was there in the capacity of half-breed adviser.

Q. Did you at any time hear that he wished to resort to any means other than constitutional up to the—March? A. Nothing.

Q. You being an active participator would naturally have heard of any such intention if it had existed? A. Certainly.

Q. There was no such movement up to that time? A. No.

Q. After the 1st of March when did you first see Riel? A. When I went to Duck Lake.

Q. When had you seen him previous to that time? A. Sometime in January he was in the town.

Q. Had you conversation with him then? A. I had.

Q. Did you speak to him about the movement? A. I daresay I did, but I cannot remember.

Q. Did he at that time say anything to you that would lead you to believe he intended to do anything that was not a constitutional agitation? A. Nothing of the kind. He never referred to anything that was not a constitutional agitation.

Q. At the discussions you had had with him previous to March last it always appeared to you that the ordinary means adopted by the settlers were adopted by him? A. Certainly.

Q. When you saw him at Duck Lake you spoke to him about your brother and he told you your brother had become insane? A. He did.

Q. He told you he had become insane because he had opposed Riel, and that he was punished by God for his opposition to Riel? A. That is what he said.

Q. You never heard such a remark by Riel previous to that time in any of your other conversations with him? A. No.

Q. Did it strike you as a peculiar remark? A. No, I don't think so.

Q. You thought it was quite natural such a thing should occur? A. I didn't agree with it, but I thought it was a very nice explanation on his part to make.

Q. He told you at that time the priests were entirely opposed to him and the movement and were entirely opposed to the interests of the North-West settlement? A. No, but he said they were opposed to him.

Q. He gave you then to understand the priests were entirely wrong and he was entirely right? A. Certainly.

Q. In fact they did not know anything they were talking about and he knew it all? A. He said they were working only for their own interests.

Q. Did he explain to you what his intentions were as to the division of the territories, what he intended doing when he succeeded in chasing the Canadians out of the country? A. Sometimes, probably when I was a prisoner I heard him talk of dividing the country in sevenths or giving a seventh of the proceeds to assist the Poles; a seventh to the half-breeds and a seventh to the Indians.

Q. Some more to the Hungarians? A. Yes, and so on.

Q. You said when you were Riel's prisoner, that it was after the 17th and 18th of March you heard him discussing the future division which he intended making of the territories if he got rid of the Canadians? A. Something to that effect, but I cannot remember exactly what it was.

Q. You heard him talking of dividing the country into different parts? A. Understood it was one-seventh of the proceeds of the sale of land and "takes" would be given to these different people.

Q. Did he then say he expected any assistance from these people? A. No, it seemed to be a scheme of immigration more than anything else.

Q. His plan as he then unfolded it—did it appear in conformity with the plans you had heard him discussing at the public meetings at which you had assisted? A. Oh, no, altogether different.

Q. Would you look at this document called the foreign policy document and say if you can see anything on it which would bear out that intention to divide up the country (witness looks at exhibit 15)? A. Yes.

Q. Do you recognize the hand-writing as that of Louis Riel? A. It is scribbled so that it is difficult to say.

Q. What is on the other side of the sheet is, certainly in his hand-writing? A. Yes, it certainly is.

Q. And is the ink on the other side not the same as that? A. I think it is.

Q. And don't you think the hand-writing is also the same? A. I could not say.

Q. To the best of your knowledge does it not represent Riel's hand-writing? A. I think it is.

Q. Riel explained to you what was meant by the word "exovede"? A. He did.

Q. That it was meant to convey that he was simply one of the flock? A. Yes.

Q. That he had no independent authority but simply acted as one of the others? A. Yes, it was simply an affectation of humility.

Q. You are aware all the documents signed by him as far as you know bore the word "exovede"? A. The most of them.

Q. You had several conversations with Riel after the conversion of your brother, on religious matters? A. After I was taken prisoner, but nothing much on religious matters. He used to talk about his new religion, about leaving the errors of the church of Rome out and adopting a more liberal plan.

Q. He explained to you his new religion? A. He explained it as a new liberal religion, he claimed the Pope had no rights in this country.

Q. Did he condescend to inform you as to the person in whom his authority should be vested? A. No.

Q. You believed from him there was some person in this country who would probably take the position of Pope in this country? A. I think very likely he intended himself to take the position, that the Pope was in his way.

Q. This took place after you were made a prisoner—this conversation about the new religion? A. I think so, and he also spoke about it at Duck Lake,

Q. All the conversations you had with him in reference to this political movement never in any way referred to this new religion? A. No; he spoke of religion but merely as ordinary men do.

Q. The first time you heard of this new religion and these new theories of religious questions was after the rebellion had begun? A. Yes.

General FREDERICK MIDDLETON, sworn:—

Examined by Mr. Robinson:

Q. You are a major-general in Her Majesty's service? A. I am.

Q. What position do you hold in Canada? A. I am commanding the home militia force.

Q. Where do you reside? A. Ottawa.

Q. Were you called upon for service in these territories at any time? A. I was.

Q. When? A. I think it was on the 23rd of March. I was sent for on the 23rd of March by Mr. Caron and told I should have to leave at once for the North-West.

Q. Mr. Caron is Minister of Militia? A. Yes.

Q. What reason was given you? A. He told me they had news which was of a very bad character; that a rising might take place and I was to go at once, and he asked me when I could go.

Q. When did you start? A. About two hours afterwards.

Q. What did you do first? A. I went straight to Winnipeg. On the way to Winnipeg, I think it was on the train, I heard of the Duck Lake battle. When I got to Winnipeg I found the 90th was almost ready to march, that a small detachment had been sent to Qu'Appelle and that the Winnipeg battery was ready. And then I heard more news about Colonel Irvine afraid to go to Batoche as it was in the hands of the half-breeds, and I heard a confirmation of the Duck Lake affair. I went to the town hall and inspected the 90th, and that evening I went on the train with the 90th and went straight to Qu'Appelle without stopping.

Q. How long did you remain at Qu'Appelle? A. I cannot exactly remember. I was there waiting for the formation of the commissariat.

Q. You left Qu'Appelle and proceeded where? A. To Fort Qu'Appelle.

Q. And from that you went to Fish Creek? A. Yes.

Q. That was the first occasion on which you met the opposing rebels? A. Yes.

Q. What force was under your command when you got to Fish Creek? A. When I got to Fish Creek I had the 90th. I had previously divided my forces and put half of them on the other side of the river. I had under my immediate command the 90th, the so-called "A" Battery with two guns, Boulton's scouts, and I think that was all.

Q. How many in all? A. On paper there would be about 420 or 450.

Q. That was your force at Fish Creek? A. Yes; as far as I can remember.

Q. And how many were lost there on your side? A. I think we had—well I forget the exact number. We lost nine or ten killed and forty wounded.

Q. That was on the 24th of April? A. The 24th of April.

Q. You remained there for some short time? A. Until I could get rid of the wounded. We had a large number of wounded and I could not leave them there. I hadn't sufficient force to leave to protect them and I was obliged to wait, and I also wanted oats, but the principal thing was to get rid of the wounded.

Q. Then you proceeded to Batoche? A. Yes.

Q. When did you arrive before Batoche? A. About nine miles from Batoche I struck the trail from Batoche on the 8th, and on the morning of the 9th marched straight on to Batoche, leaving my camp standing.

Q. And when did the engagement begin? A. On the 9th, the instant we got there.

Q. Do you mean you were fired on almost on your getting there? A. On our arrival, we came on the top of the plateau and we saw a large assembly of men, and we opened fire there.

Q. That was the beginning of the engagement? A. Yes.

Q. The engagement continued till the 12th? A. Yes.

Q. When Batoche was taken? A. When Batoche was taken.

Q. I believe you had some negotiations on the 12th? A. Yes. On the 12th I had moved out to the extreme left of the enemy. I moved to the right in order to draw their attention away, and I left orders with my second in command, that while I was away, as soon as he heard firing, he was to retake the old position we had the previous days, and as I drew the enemy off on the right, he was to press on on the left. I went off with the cavalry and guns so as to make as much show as possible, and I kept the enemy engaged some little time. In the middle of our engagement there, which was quite at long bowls, I saw a man galloping across the plains, from the direction of the enemy, with a flag. He came closer, and it turned out to be Mr. Astley. He handed me a letter. He said: "I am one of the prisoners. I have been sent by Riel to communicate with you, and I have brought you this letter."

Q. Is this the letter he brought you? A. Yes, that is the same letter. (Letter put in Exhibit 21.) This is my answer on the back of it.

Q. Then what did you do with this letter? A. I took it from Mr. Astley and wrote my answer, and gave it to Mr. Astley, who went away with it.

Q. What took place next? A. The next thing was a man on foot came up.

Q. Do you know who he was? A. Yes, he was Mr. Jackson, a brother of the man who was a prisoner. He came up with another document. He had exactly the same story to tell, that he had been sent by Riel, only he was confused. He said he had been told to stand in front of a house with a white flag, and eventually he said he found that was a stupid work, and he came on to me.

Q. Is this the document he brought (Exhibit 22)? A. Yes, to the best of my belief it is. It is an exact copy of it, because it was a little different from the wording of the other one.

Q. Then what did you do in answer to that? A. I took no particular notice of it, as I had already sent an answer back. I looked upon this simply as a copy, and I told Jackson I had sent an answer back by Astley.

Q. How long was it between the time you received the two communications? A. I should say about a quarter of an hour.

Q. And what took place next? A. As soon as that was over, I did what I principally wanted—I had drawn the fire of the enemy. Mr. Astley said: "I think, sir, Mr. Riel is in a very great state of excitement, and I should not wonder if he would surrender." I gave orders, and retired my whole force by degrees and fell back upon my camp.

Q. And what took place next? A. When I arrived at the camp, I was very much put out and annoyed to find my orders had been misunderstood, and that instead of their having taken advantage of my feint and having occupied the rifle pits, they were all quietly in camp.

Q. Did you receive any further communications? A. As soon as I found this, I am afraid I used some pretty strong language. The end of it was we attacked. The men were ordered down. I went down myself to the front to see if there was any of the enemy in the entrenchment. I soon got tangible proof of it. The force that had their dinner were brought up, and we began gradually to force our way on. In the middle of that, when we got the artillery down, Mr. Astley came again galloping, having run the gauntlet of both forces. He ran between them, and came with a flag and produced another letter from Riel.

Q. Is this the one he brought you that time. (Producing)? A. Yes, that is the same one.

Q. Is this the envelope it came in? A. Yes. (Exhibits 3 and 4.) I could not hear what Astley was saying. I opened the envelope and handed it to him. I could not hear what he said. I tried to stop the guns firing to hear it but that was hopeless. At last he handed me the envelope and pointed to it and I read what was on the outside of the envelope, and he said, after Mr. Riel had closed the letter, he got it back and wrote on it with an indelible pencil, and he said you better read what that was.

Q. Then what took place? A. Astley said he had better go back with an answer, and I said no, there was no necessity. He said the prisoners might be massacred. I said there was no fear of that, that we would be there in half a minute. I went on and forced my way, brought the 90th, and dismounted the troops and gradually pushed on.

Q. And then the place was carried? A. Then the place was carried. By a series of rushes we forced our way on and the enemy dispersed altogether, but they still kept up a fire in the distance, but virtually all attempt at defence had ceased with the exception of a few stray shots now and then.

Q. Astley didn't return? A. No, he went down with us to the plateau.

Q. How many of your force was killed on that occasion? A. On that occasion there was six killed, I think, and twelve or thirteen wounded.

Q. That, practically, was the end of the campaign so far as your campaign was concerned? A. Practically, it was.

Q. How long after that was it before the prisoner was brought to you? A. That was the 12th. We halted the 13th and marched on the 14th, and I think it was on the 15th. I had heard he was on that side of the river and I marched as soon as I could, intending to go to Lepine's Crossing. On the way I heard of Riel and Dumont having been seen, and instead of going to Lepine's I turned and halted at Garriépy's crossing and sent out all the scouts I could spare with directions to search the woods as far as Batoche. On the 15th Riel was brought in by two scouts, Hourie and Armstrong, and brought to my tent, and when he entered the tent he produced a paper which I had sent to him, saying if he surrendered I would protect him until his case was decided by the Canadian Government.

Q. What was done with him when he was first brought in? A. He was brought into my tent. Very few knew he was there. I kept him in my tent all day. I had another tent pitched alongside and he was put in that tent under charge of Captain Young with two sentries with loaded arms and during that night Captain Young slept in the tent.

Q. Had you conversation with the prisoner while he was there? A. Yes, during the first day he was there I had conversation with him.

Q. Did you invite any conversation from him? A. I daresay I asked him one or two questions. He talked very freely to me.

Q. And did he make any representations as to his share in the matter? A. No, I cannot hardly remember. I was writing at the time and then I stopped writing and talked to Riel. The only one thing I can remember particularly as to his share in the matter was as I was leaving the tent. He said: "General, I have been thinking whether, if the Lord had granted me as decided a victory as he has you, whether I should have been able to have put it to a good use." That was the only thing he said as I left the tent. I had talked a good deal with him on different matters.

Q. Then he was sent down with Captain Young? A. Yes. I telegraphed down to the Government to say Mr. Riel was a prisoner and to know what was to be done with him, and eventually I was directed to send him to Regina which I did, under the charge of Captain Young with twelve men and a sergeant.

Examined by Mr. Greenshields :

Q. You were in command of the forces in the North-West Territories? A. I was.

Q. In the course of that command did you issue any general instructions or proclamations to the inhabitants? A. Well, once while I was at Fish Creek I sent a communication by an Indian to say that the Government had no war against the half-breeds or Indians, that those who had been forced against their will to join Riel would be pardoned if they left and went to their homes and reserves, but I said no pardon should be given to Riel or his immediate aiders and abettors. It was something to that effect.

Q. Was that proclamation issued over your name? A. Over my signature.

Q. About what time was that? A. There must have been between the 24th of April and the 5th of May, while we were lying at Fish Creek with the wounded.

Q. During the time Riel was in your tent did you have any conversation with him regarding his religious views? A. Well, yes, he talked a good deal about his religion.

Q. Did Astley make any remark to you at the time he brought these two messages that Riel wished as a condition of his surrender that he should be recognized as the head of the church he had formed at Batoche, or remarks to that effect? A. No, I don't think so. I remember Astley saying: "Confound him, he is always bothering about his religion, he is anxious you should know about his religion," or something like that.

Q. This was before you saw Riel? A. Yes.

Q. What did he say to you, that is Riel, when you had this conversation with him regarding religion? A. I could hardly tell you. It was a disconnected thing. He told me that Rome was all wrong and the priests were narrow-minded people. There was nothing particularly, except the ideas of an enthusiast on some religious point.

Q. Did he say to you he was a prophet? A. No.

Q. And endowed with the Spirit of God? A. No, nothing of that sort.

Q. Under what circumstances was the paper which you sent to Riel offering him protection sent? A. I don't exactly know what you mean. That, I think, was sent when Astley told me he was anxious to surrender.

Q. It was when Astley told you he thought he was anxious to surrender that you sent him that? A. I think I sent it out by a scout. I have got a copy of it in my book. I think I sent it by a scout.

Q. Was there not a man came on behalf of Riel, after the final charge and after Batoche had been carried, and stated to you Riel would be willing to give himself up under certain conditions? A. No; I have no recollection of that.

Q. Do you recollect having seen a man named Moïse Ouellette, who was one of the councillors of the government of the Saskatchewan? A. I don't remember him particularly.

Q. Do you remember he came to your camp and stated he knew where Riel was, and that he would surrender under certain conditions, and he didn't wish to be followed by anyone? A. Nothing of the sort. If any man had come and told me that, I would have seized him immediately.

Q. That is pretty good evidence he didn't come? A. Certainly.

Q. Your recollection is you gave that little piece of paper to a scout? A. Yes; with the hope it would reach Riel in some way or another.

Q. Do you recollect the date you gave him this paper? A. No; I cannot exactly say, but it must have been between the 12th and the 15th.

GEORGE HOLMES YOUNG, sworn:—

Examined by Mr. Burbidge:

Q. You are an officer in the Winnipeg Field Battery? A. Yes.

Q. Were you with General Middleton's force before Batoche? A. Yes.

Q. In what position were you? A. I was Brigade Major of the Infantry Brigade.

Q. You were with the forces on arrival at Batoche? A. I was.

Q. Did you hear any firing about the time you arrived? A. As we supposed we were nearing Batoche we heard heavy firing from the steamer; that was early in the morning of the 9th of May. We heard the steamer firing and whistling for an

ance.

Q. You were present during the fighting on the 9th, 10th, 11th and 12th? A. Yes.

Q. Were you with the advance that went over the rifle pits in the last charge? A. I was.

Q. You were one of the first who went into a certain house I believe? A. Yes, sir.

Q. Can you describe that house? A. The house known as their council chamber

Q. What did you find there? A. In the up-stairs I found a large number of papers and books.

Q. Where did you find them? A. On the table where they had left them, fastened to the wall in paper clips and some in tin boxes and some in a small leather

reticule; they were generally through the room in places of safety according to their importance.

Q. What did you do with them? A. I lashed the books and papers together with a rope and gave them to an artillery sergeant to take to Colonel Jarvis. Other papers were found besides those I found in the council chamber, and as they turned up I took possession of them.

Q. Did you examine those papers? A. I did.

Q. Do you recognize that (No. 5) as one of the papers? A. I do.

Q. Do you recognize that as one of the papers you found (6)? A. I do.

Q. Do you recognize that as one of the papers you found there (7)? A. I do.

Q. Do you recognise that as one of the papers (13)? A. I do.

Q. Do you recognize this as one of the papers you found there (16)? A. I do.

Q. Were you present when the prisoner was brought into camp? A. I was in the camp and saw him brought in.

Q. You were through the fight at Batoche? A. Yes.

Q. You saw the rebels fighting against the troops, against General Middleton?

A. Yes.

Q. How were they armed? A. With rifles and shot guns.

Q. How many days after Batoche was Riel taken? A. The last day of Batoche was Tuesday the 12th, and the prisoner was brought into camp on the afternoon of Friday the 15th. He was brought by the scouts to the tent of the general and was held there for questioning.

Q. Was he afterwards put under your charge? A. I was sent for by the general, as I had known the prisoner in the rebellion of '69 and '70, to see if I would recognize him. I reported that there was no mistake as to his identity. About half-past nine word was sent that the general wanted me, and I went to the tent and the general told me that he wanted me to take charge of the prisoner and be answerable for his safe keeping. I had charge of him till I delivered him to Captain Dean on the 23rd of May.

Q. Had you frequent conversations with him during that time? A. Constantly.

Q. Did he speak freely and voluntarily with you? A. Yes, he talked all the time.

Q. You did not order him to make any statements to you? A. None at all.

Q. Did he speak at all in regard to the Indians he expected to act with him.

How many they were—

Mr. Fitzpatrick.—I raise the formal objection to this part of the evidence. This was a statement made by this man to this person who was in charge of him.

His Honor.—What is your objection?

Mr. Fitzpatrick.—A statement made by a prisoner when in custody to the person in charge of him is not admissible in evidence.

By Mr. Burbidge:

Q. Did you hold out any inducement to him to make a statement to you? A. No.

Q. His statements were voluntary entirely? A. Yes.

Q. Did you offer any inducements or make any promises of any kind. A. No.

Mr. Fitzpatrick.—It is not admissible in evidence unless he made it voluntarily.

By Mr. Burbidge:

Q. What did he say about the Indians? A. On Saturday the general wished to know as to the movements of some bands who intended to join the rebel forces and the prisoner spoke about a messenger, Chi-ci-cum, whom he had sent towards Prince Albert and Battleford to bring men with him to Batoche. He gave this information to the general as it might be possible to divert the Indians from their intentions.

Q. Did he say anything about sending runners out to the bands? A. Yes, in the North-West, and also towards Cypress Hills.

Q. Did he speak to you of any other aid he expected to receive? A. I was instructed to speak about possible aid from Irish sympathisers in the United States.

Mr. Fitzpatrick.—Were you instructed to speak to him about that? A. Yes.

Mr. Fitzpatrick.—Then I object.

Mr. Burbidge.—We will not say anything about that.

Q. Did he speak about the battles? A. About Duck Lake.

Q. What did he say about that? A. We had a conversation as to the way it occurred. He insisted that Major Crozier fired first. After the first fire he said that he had instructed his men to fire; he gave three commands to fire as he explained it. The first, as I remember, it was "In the name of God who made us, reply to that." They fired and Crozier's men replied, and then he said "In the name of God the Son who saves us, reply to that," and the third was "In the name of the Holy Ghost who sanctifies us, reply to that." He spoke also on the circumstance that after Gabriel was wounded, a scalp wound, I think, he continued to load the guns of the men till stopped by the flow of blood and when he could not do that any longer he said "My poor children what will you do, I can't help you any longer." We spoke of Batoche after his capture, in reference to the death of an old man I saw lying dead on the face of the ravine, Donald Ross, I think was his name. He told me that as he was dying he called out for his relatives and children to come and see him before he died.

Q. Did he say anything about the disposal of his forces at the fight? A. We were conversing about his different lines of defences. He had three as I understood, a double line of rifle pits and a lower line again. He explained how the scouts were to fall back when pressed, that there were to be three in each pit. He said that he and Gabriel Dumont differed, that Gabriel's opinion was that the rebel right was the key of the position and should be defended. The prisoner's opinion was that the whole line should be especially defended. The matter was decided in council in favor of his view.

Q. Did he speak about the fighting qualities of the Indians? A. He said in the early part the movement was all carried on by the half-breeds, but when it came to fighting the Indians were the bravest of his soldiers. He was aware of the death of French, and of many other instances of the fight. I was positive from the instances he talked about he must have been opposite to me at different times.

Q. This conversation took place when he was under your charge? A. Yes.

By Mr. Fitzpatrick :

Q. The information given to you by the prisoner was intended to be given to the general, in reference to the Indians? A. Chi-ci-cum, yes.

Q. He gave the information for the purpose of enabling the general to take such measures as were necessary to prevent any difficulty with the Indians? A. He did.

Q. He gave that freely and voluntarily without pressure? A. Yes; entirely of his own accord.

Q. The fact that the prisoner gave himself up, necessarily tended to shorten the conflict, and avoid further spilling of blood? A. I thought he was captured by the scouts. I cannot express any opinion as to that. If he gave himself up it might have had that effect.

Q. You heard what the general said this morning? A. Yes.

Q. Your general impression was that Riel in every way desired to close hostilities? A. He gave us all the information that we pressed him for; sometimes he would branch out into other subjects to gain time to consider his answers.

Major EDWARD W. JARVIS, sworn :—

Examined by Mr. Scott :

Q. I understand you were in command of the Winnipeg Field Battery? A. Yes.

Q. On active service at the battle of Batoche? A. Yes.

Q. Were you there on the 12th of May? A. Yes.

Q. Through the whole four days? A. Yes.

Q. Were any papers handed to you during that time? Yes, towards the end of the engagement on the 12th, the last day of the engagement.

Q. By whom were they brought to you? A. By one of the staff-sergeants of the battery.

Q. Would you recognize the papers; did you examine them? A. I examined them, but not particularly. I examined them more particularly subsequently, about two days after, by order of the general.

Q. You would recognize them I suppose. Is that one of them (6)? A. Yes, that is one of them.

Q. Do you recognize that (5)? A. Yes, that is one of them.

Q. Do you recognize that (7)? A. Yes, that is one of them.

Q. Do you recognize that (13)? A. Yes, that is one too.

Q. Do you recognize this one (11)?

Q. Do you recognize this one (12)? A. That is also one of them.

Q. Do you recognize that one (16)? A. Yes, that is one of them.

Q. And this (15)? A. Yes, that was also among the papers.

Major CROZIER, sworn:—

Examined by Mr. Osler:

Q. I believe you are an officer in the Mounted Police? A. Yes.

Q. At the time of this trouble commanding in the north district? A. Yes.

Q. With headquarters at Battleford? A. Yes.

Q. Carlton was the principal outpost? A. Yes; the headquarters were at Battleford.

Q. Fort Carlton was the principal outpost? A. Yes.

Q. in command of? A. Superintendent Gagnon.

Q. I believe you arrived at Carlton on the 11th of March? A. Yes.

Q. You remained there till after the Duck Lake fight? A. Yes.

Q. What force had you immediately before the Duck Lake fight, at Carlton?

A. We had fifty men on my arrival on the 11th, and I brought twenty-five men afterwards.

Q. And then? A. That was the full strength of the police.

Q. You were joined by some volunteers? A. By the Prince Albert volunteers about the 21st.

Q. I believe you heard there was trouble and you issued a proclamation?

A. I did, sir.

Q. And then there was the engagement we had heard of? A. There was.

Q. Your terms, as given to your agents, were? A. Captain Moore and Thomas McKay, of Prince Albert, were the men that I sent out.

Q. With instructions? A. I told Captain Moore to tell the men whom he would meet from Riel that, as I believed many of the men had been led into this affair, I hoped they would disperse and go to their homes, and I believed that the Government would consider their case and would deal leniently with them, with the exception of the ringleaders, who would have to answer for their offence; that I would do all in my power to get an amnesty for the rank and file.

Q. Do you know how those terms were received of your own knowledge? A. I can tell what was told me.

Q. The result was that they still continued in arms? A. Yes.

Q. You organized an advance from Fort Carlton on the morning of the 26th? A. Yes; it was not an advance in the military sense of the word. I went out for the purpose of getting some provisions at a store at Duck Lake.

Q. Having sent out a smaller party in the morning who returned unsuccessful? A. Driven in.

Q. Then you were proceeding to get the provisions and you were met by a—? A. By a large party of rebels.

Q. Did you identify any of the party as leading? A. No.

Q. The result was a contest? A. Yes.

Q. Your force was fired upon? A. Yes.

Q. And several killed and wounded? A. Yes.

Q. Did you get the provisions? A. We did not.

Q. Why? A. We could not proceed; we were prevented by an armed force of rebels.

Q. Then did you receive a letter or communication after the fight on the 27th of March? A. I did.

Q. Who gave that communication (20) to you? A. Sanderson.

Q. Asking you to come for your dead. Had it this copy of the minute attached when you received it? A. Well I cannot swear to that. I don't recollect that minute, the other part I remember distinctly. I handed it to my commanding officer after receiving it.

Q. You do recollect getting this document purporting to be signed by the prisoner? A. Yes.

Q. That is in effect a letter asking you to send for your dead? A. Yes.

Q. Whom you had been compelled to leave upon the field? A. Yes.

Q. They were sent for? A. Not then; they were sent for afterwards.

Q. Who composed the forces that opposed you—were they all half-breeds? A. I don't think so; to the best of my knowledge they were not.

Q. Did you see any Indians? A. I saw men dressed as Indians, and that looked like Indians.

By Mr. Fitzpatrick :

Q. When you reached the place where the fight took place you advanced yourself did you not? A. Yes, I did.

Q. A short distance in advance of your troops? A. Yes.

Q. You were met by one from the opposite side? A. Yes.

Q. Who was that? A. I do not know—he appeared to be an Indian.

Q. What became of that man? A. That man I heard was killed.

Q. Did you see him drop? A. I cannot say that I saw him drop.

Q. Was he the first man killed to your knowledge? A. I do not know.

Q. You did not see any of the men drop yourself? A. I cannot say that I did. My attention was engaged giving directions to my party.

Q. Your dead remained upon the field? A. Not the whole of them, some of the dead did.

Q. You knew that one of your men, Newett, remained wounded? A. Of course I knew it afterwards, but I did not know it at the time.

Q. To your knowledge that man was taken care of? A. Not to my personal knowledge, though I believe he was from what I heard.

Q. Did you see the dead after the battle? A. No, I did not.

Q. Before they were interred? A. No.

Q. Did you see them on the field? A. I saw some, but the dead left upon the field I did not see.

CHARLES NOLIN, sworn:—

Examined by Mr. Casgrain :

(Mr. Marceau was sworn as interpreter.)

Q. You live at St. Laurent? A. At the present time, yes.

Q. You lived before in Manitoba? A. Yes.

Q. Do you know when the prisoner came into the country? A. Yes.

Q. About what time was it? A. I think about the beginning of July, 1884.

Q. You met him several times between that time and the time of the insurrection? A. Yes.

Q. Did the prisoner speak about his plans, and if so, what did he say? A. About a month after he arrived he showed me a book that he had written in the States. What he showed me in that book was first to destroy England and Canada.

Q. And? A. And also to destroy Rome and the Pope.

Q. Anything else? A. He said that he had a mission to fulfil, a divine mission, and as a proof that he had a mission he showed a letter from the Bishop of Montreal, eleven years back.

Q. Did he say how he would carry out his plans? A. He did not say how he would carry out his plans then.

Q. Did he tell you something after? A. He commenced to talk about his plans about the 1st of December, 1884.

Q. What did he tell you? A. In the beginning of December, 1884, he began to show a desire to have money, he spoke to me about it first I think.

Q. How much did he say he wanted? A. The first time he spoke of money I think he said he wanted \$10,000 or \$15,000.

Q. From whom would he get the money? A. The first time he spoke about it he did not know any particular plan to get it, at the same time he told me that he wanted to claim an indemnity from the Canadian Government. He said that the Canadian Government owed him about \$100,000, and then the question arose who the persons were whom he would have to talk to the Government about the indemnity. Some time after that the prisoner told me that he had an interview with Father André and that he had made peace with the church, that since his arrival in the country he had tried to separate the people from the clergy, that until that time he was at open war almost with the clergy. He said that he went to the church with Father André and in the presence of another priest and the blessed sacrament he had made peace, and said that he would never again do anything against the clergy. Father André told him he would use his influence with the Government to obtain for him \$35,000. He said that he would be contented with \$35,000 then, and that he would settle with the Government himself for the balance of the \$100,000. That agreement took place at Prince Albert. The agreement took place at St. Laurent and then Father André went back to his mission at Prince Albert.

Q. Before December were there meetings at which Riel spoke and at which you were present? A. Yes.

Q. How many? A. Till the 24th of February I assisted at seven meetings to the best of my knowledge.

Q. Did the prisoner tell you what he would do if the Government paid him the indemnity in question? A. Yes.

Q. What did he tell you? A. He said if he got the money he wanted from the Government he said he would go wherever the Government wished to send him. He had told that to Father André, if he was an embarrassment to the Government by remaining in the North-West he would even go to the Province of Quebec. He said also, that if he got the money he would go to the United States and start a paper and raise the other nationalities in the States. He said before the grass is that high in this country you will see foreign armies in this country. He said I will commence by destroying Manitoba, and then I will come and destroy the North-West and take possession of the North-West.

Q. Did anyone make a demand in the name of the prisoner for the indemnity? A. In the beginning of January the Government asked for tenders to construct a telegraph line between Edmonton and Duck Lake. I tendered for it.

Q. You withdrew your tender? A. Yes.

Q. Why? A. On the 29th of January the tenders were to be opened, on the 27th the prisoner came with Dumont and asked me to resign my contract in his favor, because the Government had not given him any answer to his claim for \$35,000, so as to frighten the Government. The prisoner asked to have a private interview to speak of that privately with Dumont and Maxime Lepine. We went to Lepine's and it was then that Riel told me of his plans.

Q. What were his plans? A. The prisoner asked me to resign him my contract to show the Government that the half-breeds were not satisfied, because the Government had not given Riel what he asked for.

Q. Did he speak how he would realize his plans? A. Not there, I spoke to him.

Q. What did you say? A. I told him I would not sacrifice anything for him particularly, on account of his plan of going into the United States. I would not give five cents, but that if he would make a bargain with me, with Lepine and Dumont as witnesses, I proposed to him certain conditions. I proposed that he

would abandon his plan of going to the United States and raising the people, that he should abandon his idea of going to the States and raising an army to come into Canada. The second condition was, that he would renounce his title as an American citizen. The third condition was, that he would accept a seat in the House of Commons as soon as the North-West would be divided into counties.

Q. Were those conditions accepted by the prisoner? A. Yes; the next day I received a telegram; answer to a telegram from McDowall. The telegram said that the Government was going to grant the rights of the half-breeds, but there was nothing said about Riel's claim.

Q. Did you show the answer to Riel? A. I showed the reply I received next Sunday.

Q. That was in the month —? A. Of February.

Q. In the beginning of the month? A. Yes.

Q. What did the prisoner say? A. He answered, that it was 400 years that the English had been robbing, and that it was time to put a stop to it, that it had been going on long enough.

Q. Was there a meeting about that time, about the 8th or 24th of February? A. A meeting?

Q. At which the prisoner spoke? A. There was a meeting on the 24th of February, when the prisoner was present.

Q. What took place at that meeting, did the prisoner say anything about his departing for the United States? A. Yes.

Q. What did the prisoner tell you about that? A. He told me that it would be well to try and make it appear as if they wanted to stop him going into the States. Five or six persons were appointed to go among the people, and when Riel's going away was spoken about the people were to say "no, no." It was expected that Gagnon would be there, but he was not there. Riel never had any intention of leaving the country.

Q. Who instructed the people to do that? A. Riel suggested that himself.

Q. Was that put in practice? A. Yes.

Q. Did the prisoner tell you he was going to the United States? A. I was chairman of the meeting when the question of Riel's going away was brought up.

Q. In the beginning of March was there a meeting at the Halcro settlement? A. Yes.

Q. Were you present when that meeting was organized by him? A. The meeting was not exactly organized by the prisoner; it was organized by me; but the prisoner took advantage of the meeting to do what he did. The object of the meeting was to inform the people of the answer the Government had given to the petition they had sent in.

Q. Between the 1st of March and the meeting at Halcro was there an interview between the prisoner and Father André? A. Yes; on the 2nd of March.

Q. Those notes you have in your hand were made at the time? A. Yes, about the time. On the 2nd of March there was a meeting between Father André and the prisoner at the mission.

Q. At the interview between Father André and the prisoner, did the prisoner speak about the formation of a provisional government? A. About seven or eight half-breeds were there. The prisoner came about between 10 and 11 o'clock.

Q. What did he say to Father André? A. The prisoner was with Napoléon Naud and Damasc Carrière. The prisoner appeared to be very excited. He said to Father André: "You must give me permission to proclaim a provisional government before twelve o'clock to-night."

Q. What day was this? A. The 2nd of March.

Q. What then? A. The prisoner and Father André had a dispute, and Father André put the prisoner out of doors.

Q. What took place at the meeting at Halcro? What did you see? A. I saw about sixty men arrive there nearly all armed, with the prisoner.

Q. What day was that? A. 3rd of March.

- Q. Were these men armed? A. Nearly all were armed.
- Q. What did you do? A. That meeting was for the purpose of meeting the English half-breeds and the Canadians. When I saw the men coming with arms I asked them what they wanted and I said the best thing they could do was to put the arms in a waggon and cover them up so they would not be seen.
- Q. The prisoner spoke at the meeting? A. Yes.
- Q. What did he say? A. He said the police wanted to arrest him but he said these are the real police, pointing to the men that were with him.
- Q. Did you speak at the meeting? A. Yes, I spoke at that meeting and as I could not speak in English I asked the prisoner to interpret for me. Before leaving in the morning the prisoner and I had a conversation. He had slept at my place that night. Before leaving I reproached him for what he had done the night before.
- Q. On the 5th March? A. The prisoner came with Gabriel Dumont to see me, he proposed a plan to me that he had written upon a piece of paper. He said that he had decided to take up arms and to induce the people to take up arms and the first thing was to fight for the glory of God, for the honor of religion, and for the salvation of our souls. The prisoner said that he had already nine names upon the paper and he asked me for my name. I told him that the plan was not perfect, but since he wanted to fight for the love of God I would propose a more perfect plan. My plan was to have public prayers in the Catholic chapel during nine days and to go to confession and communion and then do as our consciences told us.
- Q. Did the prisoner adopt that plan? A. He said that nine days was too long. I told him that I did not care about the time and that I would not sign his paper. The prisoner asked me to come the next day to his house. I went, and there we discussed his plan. There were six or seven persons there.
- Q. Did you propose your plan? A. He proposed his plan and then he proposed mine.
- Q. Did you decide to have the nine days? A. We decided upon the nine days' prayers; that plan was adopted almost unanimously, no vote was taken upon it.
- Q. Was the nine days' prayer commenced in the church? A. Yes, on the Sunday following.
- Q. What day was that? A. The meeting at Riel's was on the 6th. I think it was on the 6th of March.
- Q. When did the nine days' prayer commence? A. It was announced in the church to commence on the Tuesday following and to close on the 19th, St. Joseph's day.
- Q. Did the prisoner assist at the prayers? A. No, he prevented people going.
- Q. When did you finally differ from the prisoner in opinion? A. About twenty days before they took up arms. I broke with the prisoner and made open war upon him.
- Q. What happened on the 19th? A. On the 19th of March I and the prisoner were to meet to explain the situation. I was taken prisoner by four armed men.
- Q. Who were the armed men? A. Philip Garriepy, David Touron, Francis Vermette and Joseph Flemoine. I was taken to the church of St. Antoine. I saw some Indians and half-breeds armed in the church.
- Q. Did you have occasion to go to the council after that? A. During that night I was brought before the council.
- Q. Was the prisoner there? A. Yes.
- Q. What did he say? A. I was brought before the council about ten o'clock at night. The prisoner made the accusation against me.
- Q. What did you do? A. I defended myself.
- Q. What did you say in a few words? A. I proved to the council that the prisoner had made use of the movement to claim the indemnity for his own pocket.
- Q. You were acquitted? A. Yes.
- Q. You were in the church after that? A. The prisoner protested against the decision of the council.
- Q. Why did you join the movement? A. To save my life.

- Q. You were condemned to death? A. Yes.
- Q. When were you condemned to death? A. When I was made prisoner I had been condemned to death, when I was brought to the church.
- Q. On the 21st of March were you charged with a commission? Do you recognize that (5)? A. Yes.
- Q. Who gave you that? A. The prisoner himself.
- Q. For what purpose? A. To go and meet the delegates of Major Crozier. I did not give them the document, because I thought it was better not.
- Q. Do you remember the 26th of March, the day of the battle at Duck Lake? A. Yes.
- Q. Was the prisoner there? A. Yes. After the news came that the police were coming, the prisoner started one of the first for Duck Lake on horseback.
- Q. What did he carry? A. He had a cross.
- Q. Some time after you left? A. Yes.
- Q. You went to Prince Albert? A. Yes.
- Q. In the beginning of December, 1884, the prisoner had begun speaking of his plans about taking up arms? A. Yes.

By Mr. Lemieux :—

Q. You took a very active part in the political movements in this country since 1869? A. Yes. In 1869 I was in Manitoba. The prisoner is my cousin. In 1884 I knew that the prisoner was living in Montana. I understood that he was teaching school there. He had his wife and children there. I was aware there was a scheme to bring him into the country.

Q. You thought the presence of the prisoner would be good for the half-breeds, for the claims they were demanding from the Government? A. Yes.

Q. In that movement the Catholic clergy took part? A. The clergy did not take part in the political movements, but they assisted otherwise.

Q. The clergy of all denominations? A. Yes, all the religions in the North-West.

Q. You were not satisfied with the way things were going, and you thought it necessary to have Riel as a rallying point? A. Not directly, not quite.

Q. Who sent to bring him? A. A committee was nominated, and it was decided to send the resolution to Ottawa. We did not know whether the petition was right or whether we had the right to present it. We were sending to Ottawa, and they were to pass Riel's residence. When the time came we saw that we could not realize money enough to send them there, and the committee changed its decision. Delegates were sent to Mr. Riel to speak about this petition, and they were to invite him into the country if they thought proper.

Q. Did the prisoner object to come? A. I don't know.

Q. Who were the delegates sent by the committee? A. Gabriel Dumont, Michel Dumas and James Isbester. The prisoner came with his wife and children and lived with me about four months.

Q. A constitutional movement took place in the Saskatchewan to redress the grievances? A. Yes.

Q. The half-breeds of all religions took part? A. Yes.

Q. The whites? A. Not directly, they sympathised very much with us. The whites did not take direct action in the movement, but sympathised greatly with the half-breeds.

The witness is asked during what length of time the political movement lasted and he says it commenced in March, 1884, and continued until February or March, 1885. He says that the prisoner, after having lived about three months at his place, went into his own house that he thinks was given to him by Mr. Ouellette.

The witness is asked if in September the prisoner wanted to go, and the witness answers that he knows that the prisoner spoke of going, but he never believed that he wanted to go.

The witness is asked at what date about he ceased to have friendly relations with the prisoner, and he says about twenty days before the taking up of arms, which was about the 18th of March.

The witness is asked if in the month of February he thought yet Mr. Riel could be useful to their cause, and he says that in that month he thought that if he acted constitutionally, he would be useful to their cause, but that as soon as he heard that the Government had refused the prisoner the indemnity that he claimed, that he said he had no more confidence in him as a leader in a constitutional way.

The witness is asked if after the Government had refused to pay him his indemnity that the prisoner pretended that he wanted to go, and he says yes.

The witness is asked how he can say, under his oath, that if he had no confidence in him, in the prisoner, why he acted with him to deceive the people, and the witness answers that he says what he saw and heard.

The witness is asked again to say how it is that having lost confidence in the prisoner he agreed with him to deceive the people and make them believe that he wanted to go when he knew he did not want to leave the country. He says that the prisoner came and asked him to do that because Captain Gagnon was there, and so as to impress the Government, and he says that he thought that at the time they expected that Mr. Gagnon would be at the meeting and it would bring a satisfactory result for Mr. Riel.

The witness is asked, in other words you wanted to put a false impression on Mr. Gagnon so as to obtain a good result for Mr. Riel, and the witness answers no, not at all.

The witness is asked if in 1869 he knew the prisoner well, and he says yes.

The witness is asked whether after that didn't they start a political movement with him in Manitoba. He says that in Manitoba in 1869 and 1870 he did not directly start any movement with the prisoner, and then he is asked if he did not act like he did in this case, if he did not start with them and abandon them, and he says yes. He says that he participated in that movement as long as he thought it was constitutional, but as soon as he saw it was not, he withdrew.

The witness is asked if subsequently to the rebellion and the abandonment that he made in 1870, if he was not appointed Minister of Agriculture, and he says in 1875 he was appointed Minister of Agriculture. He is asked if he was not looked upon as one of the leaders of the half-breeds of the Saskatchewan, and he says he was looked upon as one of the leaders.

The witness is asked if Father Fourmand did not want to stop Mr. Riel from acting, and he says it may be so, but it is not to his knowledge. Witness says there was a meeting on the 24th February. He knows Father André spoke there, but he could not say if he asked the prisoner to remain. He says he may have said so.

The witness is asked if about that time in February there had not been a dinner at which the political situation of the Saskatchewan was discussed, and he says he knows of one on the 6th January. The witness says that at that time he spoke, but he did not speak much. He said something at that dinner, but he did not speak much.

The witness is asked if he can swear that at that dinner it was not spoken of, the grievances of the half-breeds, and the refusal of the Government to redress them, and the witness says that he was present at that dinner, and that to his knowledge he does not remember that there was any political speech at that.

The witness says that he had very frequent occasions to meet Riel conversing with him since March, 1884, till the moment they disagreed.

Witness is asked if the prisoner ever told him that he considered himself a prophet, and he says yes.

The witness is asked if after the meal something strange did not happen, if there was not a question of the Spirit of God between the witness and the prisoner.

Witness says it was not after a dinner, but it was one evening, they were spending the night together at his house, and there was a noise in his bowels, and the prisoner asked him if he heard that, and the witness said yes, and then the prisoner told him that that was his liver, and that he had inspirations that worked through every part of his body.

The witness is asked if at that moment the prisoner did not write in a book that he was inspired of, and the witness answers that he did not write in a book, but on a sheet of paper; he said he was inspired.

The witness is asked whether he ever heard the prisoner speak of his internal policy in the division of the country, if he should succeed in his enterprise, and he says yes. He says that after his arrival the prisoner showed him a book written with buffalo blood, and the witness said that the prisoner in that plan said that after having taken England and Canada, he would divide Canada and give the Province of Quebec to the Prussians, Ontario to the Irish, and the North-West Territory he divided into different parts between the European nations. He says he does not remember them all, but the Jews were to have a part.

The witness says that he thinks he also spoke of the Hungarians and Bavarians. He says that he thought the whole world should have a piece of the cake, that Prussia was to have Quebec.

The witness says that since 1884 there was a committee which was called a council. Witness says he was one of the members of that committee or council. He was only an ordinary member—not president. Mr. Andrew Spence was president. He was an English half-breed. He says that the council condemned him to death, and liberated him after and offered him a place in the council.

The witness is asked if he refused that position, and he says he did not refuse it, that he accepted it, but it was only to save his life, because he had been condemned to death.

The witness is asked if he was present at the meeting at Prince Albert, and he says he was not there, he was outside. He did not speak there.

The witness says that before the battle at Duck Lake he saw Riel going out with a crucifix about a foot and a half long, that the crucifix had been taken out of the next church near by.

The witness is asked if it is not true that when there was a question in the Saskatchewan of the police, the character of the prisoner changed completely, and that he became very excitable and even uncontrollable. And the witness says that whenever even the word police was pronounced, he got very excited.

The witness is asked if at the time it was said in the district that 500 police would be sent to answer the petition of the half-breeds, his character did not become very excitable, and he says that after that he did not see the prisoner, but that before that whenever the word police was pronounced, he got very excited. He says that what he said here was about the month of January or even February, and about that time Captain Gagnon passed in the country and stopped at the prisoner's house to enquire what was the road to St. Laurent, and there was only the prisoner's wife and Mrs. Dumont in the house, and when the prisoner came back and was informed that Mr. Gagnon had been there, he got very much excited, and the women could not explain it what Gagnon had stopped there for, and he got very excited, and the population generally got excited too. He does not know whether the policemen had their uniforms on or not. He says he cannot say at what date that was that Gagnon passed there, but he says he heard of the 500 policemen coming to the country only after arms were taken up.

The witness says that one of his sons was arrested after the fight at Batoche, and that he was brought here to the barracks, and was released within the last few days.

The witness is asked if he had any influence, and he says he does not know what influence he could exercise. He says that at any rate he has been put at liberty since the witness came to Regina to give his evidence in this case.

Prisoner.—Your Honor, would you permit me a little while ———

Mr. Justice Richardson.—In the proper time, I will tell you when you may speak to me, and give you every opportunity—not just now though.

Prisoner.—If there was any way, by legal procedure, that I should be allowed to say a word, I wish you would allow me before this prisoner (witness) leaves the box.

Mr. Justice Richardson.—I think you should suggest any question you have to your own counsel——

Prisoner.—Do you allow me to say? I have some observation to make before the court.

Mr. Fitzpatrick.—I don't think this is the proper time, your Honor, that the prisoner should be allowed to say anything in the matter.

Mr. Justice Richardson.—I should ask him at the close of the case, before it goes to the jury.

Mr. Fitzpatrick.—That is the time to do it.

Mr. Justice Richardson.—I think you should mention it quietly to your counsel, and if they think it proper for your defence, they will put it.

Mr. Fitzpatrick.—I think the time has now arrived when it is necessary to state to the court that we require that the prisoner in the box should thoroughly understand that anything that is done in this case, must be done through us, and if he wishes anything to be done, he must necessarily give us instructions. He should be given to understand that he should give any instructions to us, and he must not be allowed to interfere. He is now endeavoring to withhold instructions.

Mr. Justice Richardson.—Is there not this difficulty under the statute, saying that he shall do so?

Mr. Fitzpatrick.—I think the statute provides that he may make statements to the jury.

Mr. Justice Richardson.—The prisoner may defend himself under the statute, personally or by counsel.

Mr. Fitzpatrick.—Once he has counsel, he has no right to interfere.

Mr. Robinson.—He has the right to address the jury. I am not aware of any right till then.

Prisoner.—If you will allow me, your Honor, this case comes to be extraordinary, and while the Crown, with the great talents they have at its service, are trying to show I am guilty—of course it is their duty, my counsellors are trying—my good friends and lawyers, who have been sent here by friends whom I respect—are trying to show that I am insane—

Mr. Justice Richardson.—Now you must stop.

Prisoner.—I will stop and obey your court.

Mr. Justice Richardson.—I will tell you once more, if you have any questions which you think ought to be put to this witness, and which your advisers have not put, just tell them quietly and they will put it, if they think it proper to do so.

Mr. Fitzpatrick.—I don't think he ought to be allowed to say any more.

Mr. Osler.—The court understands that we are not objecting to the fullest kind of questions, we are only saying they should properly go through the counsel. We are not objecting, and I suppose we would be quite willing, if the prisoner's counsel are, that he should ask any particular question himself. We are perfectly willing. That is a matter between himself and his counsel.

Mr. Fitzpatrick.—For the last two days we felt ourselves in this position, that this man is actually obstructing the proper management of this case, for the express purpose of having a chance to interfere in this case, and he must be given to understand immediately that he won't be allowed to interfere in it, or else it will be absolutely useless for us to endeavor to continue any further in it.

Mr. Richardson.—Is that a matter that I ought to interfere in? Isn't that a matter entirely between yourself and your client? Suppose you cannot go on and my ruling was called in question, and the question was raised, and the court allowed such and such a thing to be done?

Mr. Fitzpatrick.—I don't pretend to argue with the court; it is not my practice, it is not my custom. I have stated to the court what I think of this case. I think the court here is bound by the ordinary rules of law, and so long as the prisoner is represented by counsel it is his duty to give such instructions to his counsel as to enable him to do duty to his case.

Mr. Justice Richardson.—I admit he ought to do so, but suppose he does not, and suppose counsel think fit to throw up their brief.

Mr. Fitzpatrick.—We are entirely free to do that, and that is matter for our consideration at the present moment if the prisoner is allowed to interfere. Of course, I have to take the ruling of the court.

Mr. Justice Richardson.—I don't like to dictate to you, but it strikes me that now an opportunity should be taken of ascertaining whether there is really anything that has not been put to this witness that ought to have been put.

Mr. Fitzpatrick.—We have very little desire to have questions put which we, in our discretion, do not desire to put. What has this court got to do with theories about inspiration and the division of lands, further than we have gone into it? However, I, of course, have to accept the ruling of the court as it is given, and then it will be for the counsel for the defence to consider the position.

Mr. Robinson.—It must be quite understood that no rulings of the court are given with the desire or at the request or with the concurrence of the Crown. We have nothing to do in the shape of interference. We must not be drawn into the position that there is a ruling of the court on a question of that kind. I think it would probably be right for the court to ask the prisoner whether the case is or is not fully in the hands of the counsel. It is for the prisoner to say.

Mr. Fitzpatrick.—We accept that suggestion.

Mr. Justice Richardson.—Prisoner, are you defended by counsel? Are you defended by counsel? Are you defended by counsel? Answer my question, please, are you defended by counsel? Is your case in the hands of counsel?

Prisoner.—Partly; my cause is partly into their hands.

Mr. Justice Richardson.—Now, stop; are you defended by counsel or not? Have you advisers?

Prisoner.—I don't wish to leave them aside. I want them, I want their services, but I want my cause to be, your Honor, to be defended to the best which circumstances allow.

Mr. Justice Richardson.—Then you must leave it in their hands.

Prisoner.—I will, if you please, say this reason: My counsel come from Quebec, from a far province. They have to put questions to men with whom they are not acquainted, on circumstances which they don't know, and although I am willing to give them all the information that I can, they cannot follow the thread of all the questions that could be put to the witnesses. They lose more than three-quarters of the good opportunities of making good answers, not because they are not able, not because they are not able; they are learned, they are talented, but the circumstances are such that they cannot put all the questions. If I would be allowed, as it was suggested, this case is extraordinary.

Mr. Justice Richardson.—You have told me your case is in the hand of advisers.

Prisoner.—Partly.

Mr. Justice Richardson.—Now you must leave it there until you get through. I will give you an opportunity of speaking to the court at the proper time.

Prisoner.—The witnesses are passing and the opportunities.

Mr. Justice Richardson.—Tell your counsel.

Prisoner.—I cannot all. I have too much to say. There is too much to say.

Mr. Justice Richardson.—If there is any question not put to this witness which you think ought to be put, tell it to your counsel and they will say whether it should be put.

Prisoner.—I have on cross-examination 200 questions.

Mr. Robinson.—We had better understand this. Counsel for the Crown are taking no part. Our inclination is if counsel for the prisoner agree to it, to let the prisoner put any questions he pleases to the witness. We don't wish to interfere in any way between the prisoner and his counsel.

Mr. Justice Richardson.—I can quite understand that, Mr. Robinson, but if a man tells me he is defended by counsel, I think he ought to have a reasonable opportunity of stopping that defence when he pleases, and when he tells me he has stopped it then he takes the management into his own hands.

Mr. Greenshields.—If he will just say that, that is all right.

Mr. Justice Richardson.—At present I think I am right. I think both sides agree that my course is to say, either one or the other, counsel or prisoner, and while the counsel are there they have the conduct.

Mr. Fitzpatrick.—Would your Honor allow us, say five minutes of a consultation?

Mr. Justice Richardson.—I was just going to suggest that you should take a little time and that the prisoner should go with you.

(Adjournment takes place here in accordance with the suggestion.)

On the court re-assembling—

Mr. Lemieux.—May it please your Honor, Mr. Fitzpatrick, Mr. Greenshields and myself are discharging as you understand very important duties before this court. The duties we are discharging now may be public duties, because the prisoner having in our province a number of friends, a number of people who knew him a number of years ago, they thought that we should come here and give him the benefit of our little experience and knowledge of the law, that we may have from a number of years' practice at the bar. Now since the beginning of the trial, we have done our very best to help him. It appears that he is not well pleased, or it appears he thinks we did not put all the questions to the witnesses that we should have put. Well the law says that when a man appears by counsel, that counsel must act for him during the whole trial. We appeared for him, he acquiesced in our appearance—

Mr. Justice Richardson.—Does it say that you must through the whole trial?

Mr. Lemieux.—Well as long as we are not disavowed. We appeared for the prisoner and he acquiesced in our appearance, our appearance is on the record and if the prisoner insists upon putting to the witnesses questions, we object to it, and we moreover say that we will not continue to act in the case as counsel. We think however it is too late for him to now disavow or refuse.

Mr. Robinson.—If the prisoner under the special circumstances of this case desires to join his counsel in conducting the examination or cross-examination of witnesses, the Crown do not object to it.

Mr. Justice Richardson.—My opinion of the course which the court ought to follow has not changed in the interval. If this man insists on putting a question, I don't think the court should refuse him. It would be a matter between himself and his counsel. There cannot be two.

Mr. Fitzpatrick.—Does your Honor think that so long as there is counsel on the record that a prisoner has got a right to put a question to a witness, otherwise than through the counsel?

Mr. Justice Richardson.—He must take the consequences and know what the consequences will be, and I think he does know for I explained the consequences.

Mr. Fitzpatrick.—Questions can only be put by a prisoner to a witness in the presence of counsel after counsel have been refused. If he wants to take that step, on him the responsibility will lie.

Mr. Justice Richardson.—Prisoner, do you understand the position these gentlemen tell you you are taking?

Prisoner.—I do, my Honor, and I know from my good friends and my learned lawyers that it is a matter of dignity for their profession, and I consider if my intentions were not respectful for them and for the friends who sent them, I would commit a great fault against my friends and against myself; but in this case would ask your Honor if there is any possibility that I am allowed to put questions—

Mr. Justice Richardson.—Listen to me for one moment. I say that I shall not stop you from putting a question. I could not stop you from putting a question, but if you do it, you do it with the knowledge that those gentlemen will abandon you at once. I think that is the position you gentlemen put it in, and you will have to take the responsibility of that.

These gentlemen who are opposing you do not, will not interfere.

Prisoner.—I thank them for their liberality.

Mr. Justice Richardson.—You must understand that, and I hope you do understand it. Now arrange with your counsel as to what course you will take.

Prisoner.—I was going to ask if it is in any way possible that I should put questions to the witness, and my good lawyers being there to give me advice necessary to stop me when I go out of the procedure.

Mr. Justice Richardson.—That is a matter between you and them. It is entirely amatter between you and them.

Prisoner.—Your Honor, it is not because they don't put all the questions that they ought, but they don't know all the circumstances, and they cannot know them because they were far away.

Mr. Justice Richardson.—Then if you think they are not properly instructed, I will give you an opportunity to instruct them, if they have not had an opportunity of getting proper information from you.

Mr. Lemieux.—We don't want that. We have had full instructions. We cannot pretend to do anything of the kind. We have been here for two weeks in constant communication with him, and we can't learn anything more in a few hours.

Prisoner.—The case concerns my good lawyers and my friends, but in the first place it concerns me, and as I think, conscientiously, that I ought to do this for me and for those who have been with me, I cannot abandon the wish that I expressed to the court, and I cannot abandon the wish that I expressed to retain my counsels, because they are good and learned.

Mr. Justice Richardson.—Now, do you intend to retain your counsel?

Prisoner.—Yes, and to help myself when they help me.

Mr. Justice Richardson.—Do you wish to retain your counsel?

Prisoner.—I wish to retain, first my chances of doing the best I can for myself, and then to take the help of those who are so kind to me.

Mr. Justice Richardson.—But they say they won't help you unless you leave the whole case in their hands.

Prisoner.—They ought to do it.

Mr. Justice Richardson.—They cannot help you—

Prisoner.—Yes, I know that. It is between them and me. I think I would throw away many good opportunities, your Honor. I hold this court thanks because you have retarded my trial for fifteen days, and after fifteen days, you have delayed eight other days, and even the court has been kind enough to furnish money to have witnesses, and it is because they show me impartiality. Since it is the first time that I speak before the court, it is my duty to acknowledge what I owe you in that way, because you could have refused it.

Mr. Robinson.—Does the prisoner thoroughly understand that he will have an opportunity of addressing the jury?

Mr. Justice Richardson.—It is in regard to putting questions to this witness.

Mr. Osler.—The simple way would be for him to suggest a question to the counsel.

Mr. Fitzpatrick.—We have asked him half a dozen times to suggest, and he says he knows all about it himself.

Mr. Justice Richardson.—Will you then suggest a question to your own lawyers? Don't read it out, but suggest to them. They will listen to you. One of the gentlemen will listen quietly to anything you wish to put.

Prisoner.—All the witnesses for the Crown have nearly passed away from the box, and there is only a few. I have been insisting since yesterday on this, in the hope that they would make that concession to my own interest, and to the cause which they defend. I have been patiently waiting. As they have determined to go on, I will assert that, while I wish to retain them, I cannot abandon my dignity. Here I have to defend myself against the accusation of high treason, or I have to consent to the animal life of an asylum. I don't care much about animal life if I am not allowed to carry with it the moral existence of an intellectual being.

Mr. Justice Richardson.—Now, stop.

Prisoner.—Yes, your Honor, I will.

Mr. Justice Richardson.—If you have got any question which has not been put to this witness, why can't you tell those gentlemen?

(After a pause.)

Very well, then, they don't think it proper to put it. Now, I understand you to say that you wish to retain the services of these lawyers throughout your defence—the rest of your defence, don't I?

Prisoner.—I want to ally the small ability I have to their great ability.

Mr. Osler.—The statute 7 William IV, says he shall make full defence by counsel.

Mr. Justice Richardson.—That is the last Treason Act.

Mr. Osler.—Counsel is assigned by the court, and then he has also the right to address the jury after the close of the case. It is a special privilege in treason.

Mr. Justice Richardson.—Well, the authority which has just been put in my hands is this: Where after a witness has been fully cross-examined by the defendant's lawyer, the court refused to let the defendant examine, this was held not to violate the constitutional right of defence by himself. I think I shall have to tell you, too, that you are in your counsel's hands, and if you and they cannot agree, then will come another question, whether the court will not further interfere, and say counsel must go on.

Prisoner.—By what has been said there, he shall make full defence—

Mr. Justice Richardson.—I will give you an opportunity of addressing the court, not while the examination is going on, though, of the witnesses.

Prisoner.—After travelling 800 miles why shouldn't they travel the other piece of allowing ten questions; it is the coronation of their kindness.

Mr. Justice Richardson.—Have you any questions to ask the witness? (to counsel.)

Let the re-examination go on.

Examination of Mr. Charles Nolin continued, through the interpreter.

The witness is asked if the council which he spoke of a while ago, and which was presided over by Mr. Andrew Spence, was the same that condemned him to death, and he says no.

Mr. Justice Richardson.—That is, the old council was not the council that condemned him to death?

Witness says that the council that condemned him to death was one that was called "*exovede*."

Witness is asked if the prisoner had separated from the clergy, and he says completely. He says the half-breeds are people who need religion. Religion has a great influence on their mind.

The witness is asked if with religion the prisoner would have succeeded in bringing half-breeds with him, and the witness answers no, it would never have succeeded. If the prisoner had not made himself appear as a prophet, he would never have succeeded in bringing the half-breeds with him.

By Mr. Lemieux, re-cross-examination:

The witness is asked if the prisoner did not lose a great deal of his influence in that way, by the fact that he lost the influence of the clergy, and he says that at the time he gained influence by working against the clergy and by making himself out as a priest.

The witness is asked if he means that the people did not have confidence in their clergy, and he says no; but he says they were ignorant, and they were taking advantage of their ignorance and their simplicity.

Prisoner.—I wish to put a question myself to the witness in the box, your Honor.

Mr. Justice Richardson.—If your counsel see fit to put it, they will put it, and if not the witness is discharged.

Mr. Lemieux.—I asked the prisoner if he had any questions to put to the witness through me, and he said he had none, that he would only put questions by himself.

Prisoner.—I cannot abandon my wish, your Honor. I leave it to your consideration—my two wishes—of defending myself and of retaining them.

Mr. Justice Richardson.—I have made this memorandum, that it may not be misunderstood: The prisoner asks to be allowed to put questions himself to the witness who has just been here, and his counsel say that they manage his case, and object to the prisoner putting these questions as such. Mr. Lemieux explains to the court that the witness has been specially asked to inform counsel or himself what he desires as to this witness, and I tell the prisoner that the court at this stage cannot

allow both counsel and prisoner to manage the defence. While he has counsel, counsel must conduct, but at a proper stage, he has rights which the court will respect.

Mr. Robinson.—I wish it to be understood in this way: I understand the prisoner to say that he declines to make his choice between allowing his counsel to examine witnesses and joining him in examination, that he wishes then to examine him, and that he wishes to ask himself directly such questions as he desires; and I understand counsel to say that they cannot accept the responsibility of conducting his case if he insists upon that.

Counsel for the defence say yes, that's it.

Mr. Robinson.—We will assist the counsel for the prisoner in any way that is proper.

Mr. Justice Richardson.—If it were an ordinary criminal case, I should not hesitate, but this is beyond the ordinary run of cases that I have had to do with in my whole career.

Prisoner.—Have I to keep silent?

Mr. Justice Richardson.—You can inform your counsel what you want. You have selected them and the court recognizes them.

Prisoner.—Your Honor, I have another question to ask you. Can my counsel insist upon being my counsel if I thank them for their services?

Mr. Justice Richardson.—They were the counsel who represented you at the start. They were recognized by you, and I don't think at this stage I should refuse to recognize them as having charge and the responsibility for the defence.

Mr. Lemieux.—We accept the responsibility.

Prisoner.—Your Honor, I have accepted them, but you all know why you accept defenders, it is to defend ourselves, and I think that since they have begun matters are taking a shape that would allow me to make the petition that I make presently to your honor and the court.

Mr. Justice Richardson.—You might find yourself in this position: Suppose these gentlemen do not continue your defence, you might have counsel assigned by the court to defend you, and then you would be bound.

Prisoner.—It is not against their dignity. I cannot see it in that light.

Mr. Justice Richardson.—Proceed with another witness, please.

THOMAS SANDERSON SWORN:—

Examined by Mr. Robinson:

There is a paper which has not been read yet, and which was proved by the witness Jackson. It is dated 15th May, 1885. It is addressed to General Middleton.

MAJOR GENERAL FREDRICK MIDDLETON,

GENERAL,—I have received only to-day yours of the 13th, but our counsel have dispersed. I wish you would let them quiet and free. I hear that presently you are absent. Would I go to Batoche, who is going to receive me? I will go to fulfil God's will.

LOUIS "DAVID" RIEL, *Exvode.*

15th May, 1885.

Mr. Justice Richardson.—Was that document proved?

Mr. Osler.—It was proved by Jackson (No. 19).

By Mr. Robinson:

Q. I believe you are a farmer living at Carrot River settlement? A. Yes.

Q. Do you remember the 20th March last? Do you remember that day? A. I don't exactly remember the date.

Q. Well, do you remember Gordon coming to you? A. Yes.

Q. About when was that? A. I think it was about the 20th, I don't exactly recollect the date.

Q. Was it at your house? A. At my father's house.

Q. What did he desire you to do? A. To go with him—to conduct him to meet Colonel Irvine.

Q. He wished you to conduct him to meet Colonel Irvine? A. Yes.

Q. Where was Colonel Irvine represented to be coming from? A. Coming from Qu'Appelle.

Q. And what were you to do; to show Mr. Gordon the way? A. He did not know the way and requested me to take him through the woods to avoid the rebels.

Q. How far were you taken? A. To Hoodoo. Away as far as I possibly could to secure his safety and the safety of the despatches he carried.

Q. He was carrying despatches and he wished you to take him through the woods to avoid the rebels? A. Yes.

Q. How far did you go with him? A. To Hoodoo.

Q. How far is Hoodoo? A. About fifty miles. It is between Batoche and Humboldt.

Q. When did you get there? A. About noon of the following day.

Q. What did you find when you got there? A. I found Mr. Woodcock, who was then in charge of Hoodoo station, and another man whose name I don't know, who just came there with a load of oats.

Q. What do you mean by a station? Is it a mail station? A. A mail stopping place. There were also two other men with sleighs loaded with flour and goods for Carlton, I think, they told me.

Q. For whom? A. I think for the Hudson Bay Company, but I am not positive.

Q. Who were the men? A. Mr. Isbister, and another I think who was called Campbell. I have seen the man often before, and I think that is his name.

Q. What happened while you were there? A. On towards evening, while I was out washing about the store I saw two half-breeds as I supposed coming along in jumpers, and I stepped inside and told Woodcock that the rebels were coming for us, and went out again and finished my washing, and then they drove up to the door, and drove up along the road, got out of their jumpers and walked into the house, and I asked them what was going on at Batoche and they said nothing much, and I asked if Mr. Riel was taking prisoners and they said they had got some, and I asked if they were getting a good deal of flour and he said they were getting a good deal, and I sat down to supper, and they went on conversing amongst themselves.

Q. Well, what else took place that you remember? A. At supper a few more came in. I said, getting pretty thick; I guess I will go outside and see if any more outside. I went outside and found about twenty or twenty-five armed men, and returned and finished my supper.

Q. What did you do next? A. There was one stepped up then and said he had a letter for Woodcock. I handed him the letter on a small slip of paper, and he read it. He handed it to me to read, and I think it stated that we have been told that you are going to furnish the police now coming up with hay and oats. If you do we will consider you a rebel—signed Garnot.

Q. Well, what else was said or done? A. I said that they hadn't ought to consider him a rebel at all, that he was simply performing his duty, and if Mr. Irvine had orders to get hay and oats there, he would certainly have to get them given to him, and that I did not think they could consider him a rebel on such grounds or an enemy to them, with the idea probably of them getting them or leaving them there. They said anyway they had to take him prisoner and take him to Batoche, and I spoke up in his defence and they said they were going to take me also.

Q. Did they take you too? A. Yes.

Q. Now, was there a Mr. Isbister there? A. Yes.

Q. And they took you both to Batoche? A. Yes.

Q. When did you get there? A. I should say about eleven or twelve o'clock. I am not positive.

Q. How many went with you? A. I think there was either seven or eight in my sleigh and about the same in Woodcock's.

Q. Armed? A. Yes.

Q. What did they do to Mr. Isbister? A. I don't know. He was left there when I came away.

Q. You don't know whether they took his freight or not? A. I saw him next day in Batoche, and I think they did, but I am not positive.

Q. You got to Batoche about twelve I think? A. I did, about twelve.

Q. And what happened there? A. I was taken out of the sleigh and taken into the church.

Q. Whom did you see there? A. Well, I was not acquainted with any of them; I knew one was Gabriel Dumont; I had seen him before and knew him by sight.

Q. How many did you see? A. I should say about 300, around the church and in the church that night.

Q. That was the 21st? A. I think it was the 21st.

Q. Were they armed? A. Nearly all that I seen were armed.

Q. Were they all half-breeds or any Indians? A. Some Indians and some half-breeds; it was after night and I could not distinguish them.

Q. How long did they keep you? A. Dumont got up and made a speech of some length, I should say it took him about an hour, and afterwards an Indian got up and made a speech that lasted about half an hour, and then there was a good deal of talking and they took us away to the council house.

Q. Near the church? A. A little up the road from the church.

Q. What happened when you got there? A. There were several men around the lower storey, some eating, some talking and so on; and they kept me there till Mr. Riel came.

Q. And what did he say or do? A. I was then conducted up stairs as I supposed into the council room. Mr. Riel asked me what I—

Q. Were they sitting as a council around the table? A. I don't know, they were sitting around the table and around the house in all shapes possible.

Q. Was anybody acting as secretary? A. Yes, one whom I afterwards knew as Garnot was acting as secretary. Mr. Riel asked me what I was about, and I told him I did not know what he meant; he says, what are you about, and I says I don't know, I don't know what you brought me here for; says he, where do you come from? I said, I come from Carrot River; he says, I consider you my enemy, and I says all right.

Q. Well, what more? A. He asked Mr. Woodcock some questions. I am not positive to what the questions were, that is all that was said to him till morning.

Q. Well, what took place in the morning? A. In the morning I requested an interview with Mr. Riel, and he gave me one; I asked him what I was brought there for, what he had against me, and he said he considered me an enemy, and I asked him why, and he said he considered all the people at Carrot River his enemies, and I told him I did not know any person there who was against him in the movement, before he took up arms, and when I left there they did not know he had taken up arms, and I said as far as I was concerned, I was not his enemy, although I would not take up arms to defend him, and I thought my best plan was to make some way to get out of there if I possibly could, for I was in a bad box. I was then taken to a house that I was told afterwards was Garnot's where I found other prisoners.

Q. And what took place then? A. I don't just recollect everything that took place, there was so much.

Q. Well, what conversation had you with the prisoner? A. With Riel?

Q. Yes? A. He came and asked me down that forenoon, I think it was in the forenoon and he wanted me to speak to him; he asked me if I knew there was any police coming, and I told him I thought there was but I did not know positively, and he said he had been told there were 500 coming, and he asked me if I thought it was true, and I told him I guessed it was, that I thought there was 500 coming; he asked me if I thought there was; I forget now how he mentioned it; anyway a deputation to settle his grievancees was coming with them, and I told him I thought they were coming, something to that effect, that they were coming to try and settle this rebellion.

- Q. A deputation was coming to try and settle the rebellion? A. Yes.
- Q. You mean the 500 policemen were the deputation? A. No, I mean that there were other parties with the 500 policemen.
- Q. Now, did he talk to you about his grievances, or what they were, or anything else? A. Not at that time.
- Q. Well, when did he, if at any time? A. He did after the Duck Lake battle, and I think the day before. I had several conversations with Mr. Riel. I could not just recollect what was said. He did talk to me about them after the Duck Lake battle, and I think the day before.
- Q. Did he speak about his grievances, or what were the grievances? A. I couldn't state positively what he did claim as grievances. There were three grievances and other things. I don't exactly recollect what the conversation was.
- Q. Were they general grievances or personal grievances? A. General grievances he spoke to me of.
- Q. Well, what took place next; how long were you kept there? A. I think I was kept there till Wednesday in Batoche. I am not positive.
- Q. And what happened there? A. Till the day before the Duck Lake fight, and I was then taken to Duck Lake.
- Q. With an armed guard? A. With an armed guard.
- Q. And where were you put there? A. In the up stairs of Mr. Mitchell's house; at least I was informed it was Mitchell's.
- Q. With other prisoners? A. Yes; Mr. Peter Tompkins, Mr. Lash, William Tompkins and Mr. Woodcock.
- Q. Did you see the people coming over—the body of the half-breeds, and so on, coming to Duck Lake? A. I saw them leaving Batoche and going to Duck Lake the night previous.
- Q. About how many? A. I should say between 400 and 500.
- Q. Was Riel with them? A. I did not see him.
- Q. Did you see Riel at Duck Lake? A. Yes.
- Q. When? A. Before going out to the battle, and coming back from it.
- Q. Did you see him actually go out to the battle? A. Yes; I saw him going out of the yard towards where the police were coming.
- Q. With others? A. With about between twenty and thirty men.
- Q. And you saw him coming back from it? A. Yes.
- Q. Well, when he came back did you hear him say anything? A. I heard him speaking, but I could not understand him, for he spoke in either French or Cree, I couldn't say which.
- Q. Did he come up and speak to you at all? A. He did. After speaking to the men he came up stairs, and brought up Charles Newett, the wounded man.
- Q. What did he say about him? A. He told us he thought it was the best thing he could do with a wounded man, that he thought we would take better care of him than his own men would, and I thanked him for bringing him up to us, and he then went down stairs.
- Q. Did he tell you anything about the battle? A. He did. After he came back I asked him how many were killed, and he said nine and he thought there were more, but nine were left on the field; he thought a good many went away on the sleigh.
- Q. Did he tell you anything else about the battle? A. I asked him who fired first and he said the police, and he said he afterwards then gave orders for his men to fire, three distinct orders.
- Q. Did he say how he gave the orders? A. In the name of the Father Almighty, I command you to fire, was the first time; at least I think those are as near the words as I can repeat them. I think he said the second time, in the name of Our Saviour who redeemed us, I command you to fire; and the third time, in the name of the Father, Son and Holy Ghost, I command you to fire.
- Q. Then how long did you remain at Duck Lake? A. Till next day.
- Q. And where were you taken then? A. I asked Mr. Riel what he was going to do with the dead bodies the day of the battle, and he told me that he did not know,

that they would consider. I said he ought to send some word to Major Crozier and let him know, and allow him to come and take away the bodies, and he said that he would consider the matter and see his council. Afterwards, he came back up there and I asked him what he was going to do, and he said they were afraid to send one of the men for fear Major Crozier would keep him prisoner. I told him if he would send me I would come back and give myself up again as a prisoner, and he said he would consider it, and he afterwards concluded to send one of the other men, and then finally he came himself and told me he would send me.

Q. Did he give you any letter to take? A. Yes.

Q. Is that the letter he gave you (showing witness a paper)? A. Well, I could not say, for I never saw the letter only while he was writing it, so that I could not actually give any evidence on the letter. I couldn't swear to it.

Q. You could not identify the letter or swear to the letter? A. No; I did not see it afterwards.

Q. Did you give the letter? A. I did.

Q. To whom? A. To Major Crozier.

Q. And what happened then? A. The next that happened I was detained by the police then and was not allowed to go back, as I had promised to do to Mr. Riel.

Q. Did you assist in bringing the dead from the field? A. Yes.

Q. Well, did Riel ask you any questions after coming back from Duck Lake at all? A. Yes, he asked me about the police. He had requested me while going with his message to tell the people (the volunteers) that he did not wish to fight them; that he wished them to remain neutral and afterwards help him to establish a government, and when I went back to Duck Lake I told him I had told the people this, which was a lie. I told him also that I was taken prisoner by Major Crozier and put into the cells, which was true, and that I was afterwards taken to Prince Albert by Major Crozier; that the volunteers there kicked because I was taken prisoner; that Major Crozier was afraid to stay and left Carlton and went to Prince Albert. That was lies also.

Q. That is the information you gave Mr. Riel? A. That I gave Mr. Riel.

Q. And then what happened to you? A. Well, before giving him this information he asked me about them and I told him that I refused to tell him anything about them without he told me whether I was to go back to the prisoners and whether I was to be allowed to go at large—go free—and he said I would be allowed to go free, so then I spun him a little yarn.

Q. Who wrote this letter that you took to Major Crozier? A. I could not say positively. Mr. Riel was writing and so was Mr. Garnot, and they had a great time getting up the letter, so I don't know which I should say.

Q. What do you mean by a great time? A. They wrote so many of them and destroyed them.

Q. They wrote more than one before they got one to suit them? A. Yes.

Q. And finally they finished one and gave it to you? A. Yes.

By Mr. Greenshields:

Q. At the time you were taken prisoner did Riel take any part in it? A. No, I did not see him.

Q. It was only after you had been taken prisoner that you saw him? A. Yes.

Q. At the time you spoke to him regarding the formation of a government did he give you any idea of what kind of a government he proposed forming? A. Yes; he said he was going to divide the country up into seven parts. One part was to be for the Canadian or white settlers, one-seventh, another seventh for the Indians, another seventh for the half-breeds, and he named over what he was going to do with the rest. I don't recollect the names of the people.

Q. Did he tell you he was going to give other sevenths to other nationalities, the Poles, Hungarians and Bavarians and Jews? A. No; he did not.

Q. Did you hear him say anything about giving a portion of it to the Germans? A. No; not to my knowledge, he named over, I think it was three-sevenths of it was to remain to support the Government.

Q. That was for himself, I suppose? A. Yes, I suppose so, for the government he was about to establish.

Q. Now, that was about the extent of the conversation with him regarding this government? A. Yes; that was about the extent of it.

Q. He did not say anything about expecting assistance from foreign powers in his undertaking? A. No; he did not.

Q. Did he talk to you anything about religion? A. Yes.

Q. What did he tell you about that? A. He told me he had cut himself loose from Rome altogether, and would have nothing more to do with the Pope, that they were not going to pay taxes to Rome. He said if they still kept on with Rome, they could not agree with the Canadians and white people who came there to live because their government would have to keep all Protestants out of the country, if they kept on with Rome.

Q. That is, if the Riel government kept on with Rome, they would have to keep all Protestants out of the country? A. Yes.

Q. And abandoning Rome, they would be able to allow Protestants to come into the country? A. Yes, that is what I understood from him.

Q. Well, did he mention anything to you about who was to succeed the Pope? A. He did not.

Q. Did he tell you he was going to play Pope for the North-West Territories? A. He did not.

Q. Well, did he explain to you any of his principles of the religion that he was founding? A. No; by the way he spoke to me, the religion was just the same, any more than he had cut himself from the Pope.

ROBERT JEFFERSON, sworn:—

Examined by Mr. Casgrain:

Q. In the course of this last spring I believe you were in Poundmaker's reserve, were you not? A. I was.

Q. In his camp? A. In his camp.

Q. About what month? A. The end of March, and April and May. I don't believe it was the whole of May though.

Q. Last? A. Yes.

Q. Who is Poundmaker? A. He is one of the chiefs of the Cree tribe.

Q. Had he a band of Indians with him? A. He had a band of Indians.

Q. A large band? A. Yes; he had a large band.

Q. Do you recognise this letter (No. 18) and if so, where did you see it? A. Well, I have seen it twice.

Q. Where did you see it the first time? A. I saw it the first time in the camp, and the second time was in the camp too.

Q. You saw it twice in the camp? A. Twice in the camp, yes—once after the capitulation and the other before.

Q. Whose hand was it in the first time you saw it? A. It was in the hands of Poundmaker.

Q. And the second time? A. The second time it was in the hands of Poundmaker.

Q. And the second time? A. The second time it was in the hands of Poundmaker's wife.

Q. How did it get there? Into the camp into Poundmaker's hands? A. It was brought in by Delorme and Chic-cum.

Q. What was his Christian name, do you remember? A. I could not say.

Q. He was a half-breed? A. He was a half-breed, yes.

Q. From where? A. From Duck Lake.

Q. Chic-cum is an Indian, isn't he? A. Yes.

Q. Do you remember the battle of Cut Knife? A. Yes.

Q. Was this before or after the battle of Cut Knife? A. It was before, considerably.

Q. Was it after the battle [of Duck Lake? A. Yes, it was after the battle of Duck Lake.

Q. When was the battle of Cut Knife fought? A. I could not say the date.

Q. About what time? A. About the beginning of May.

Examined by Mr. Greenshields:

Q. Was Poundmaker reading this letter at the time that you saw it in his hands? A. No, he was not.

Q. Do you know whether he can read or not? A. I do.

Q. Does he read English? A. No.

Q. Does he read French? A. No, nor French, he does not read at all.

Q. What was he doing with the letter when you saw it in his hands? A. The letter was brought to him.

Q. Handed to him? A. Yes.

Q. In your presence? A. No.

Q. Did you see it brought to him? A. No, I could not say that I saw it brought to him.

Q. Well, how do you know the letter was brought to him? A. Well, everyone said it was brought to him.

Q. But you don't know anything about it yourself? A. I beg your pardon, I know it was brought to him. He said it was brought to him.

Q. Who said? A. Poundmaker.

Q. But you don't know of your personal knowledge it was brought to him? A. No, I did not see it brought to him.

Q. What was he doing with it when you saw it in his hands? Was he looking at it as a matter of curiosity or what? A. No, I believe he was going to put it away.

Q. Did he know what it was? A. O, yes, he knew what it was.

Q. He knew it was a letter, eh? A. He knew it was a letter.

Q. Did he ask you to read it for him? A. No, he did not.

Q. Do you know yourself now where he got that letter, or how he got it, of your own personal knowledge, not what he told you or anybody else told you, but of your own personal knowledge? A. No, I don't.

Q. You don't know anything about it, do you? A. No.

Q. You don't even know whether it was intended for Poundmaker or not, do you? A. Not of my own personal knowledge.

Re-examined by Mr. Casgrain:

Q. Was this letter read to Poundmaker? A. It was.

Q. By whom? A. By the man that brought it.

Q. Was it interpreted to him? A. It was interpreted to him.

By Mr. Greenshields:

Q. How do you know it was read to him? A. I heard them read it

Q. Where were you when it was read? A. I was there when he read it.

Q. Do you understand French? A. I don't understand very much of it.

Q. Did you have the letter in your hand? A. I did, yes.

Q. Was it read in French to Poundmaker, or in English, or how, or German, or what? A. It was translated for him. I believe it was read in French to him first. I believe it was read in French first. I am not certain about it, though.

Q. How do you know it was translated to him? A. Well, I heard what was called a translation of it.

Q. What were you doing there about that time? A. I was listening.

Q. Now, how do you know it was translated, if you never read the letter? A. I never said I never read the letter.

Q. Well, did you ever read it? A. I did read it.

Q. Before or after it was translated? A. After this.

Q. After it was translated? A. After it was translated.

Q. Let us hear you read it now and tell us what is in it? A. But I have heard your translation here—

Q. You said you heard that translated, because you understood it. Now, let us hear what that letter means, not what anybody told you or what you heard, but we want to know what your knowledge of the contents of that letter is? A. (Reading the letter as follows:—Since we wrote to you important events have occurred to the half-breeds and savages and Indians of Fort Battleford and vicinity. Since we wrote to you important events have occurred, the police came to attack us, and we encountered them. God has given us victory. Thirty half-breeds and five Crees have sustained the battle against 120 men. After thirty-five or forty minutes of fire, the enemy took flight. Bless God —)

Q. Now, did you read the letter before it was translated in language to Poundmaker? A. No, I read it afterwards.

Q. And he read it over in French first of all to Poundmaker, and then afterwards in English? A. Then afterwards in Cree. I think he read it in French first, but I am not sure.

By Mr. Justice Richardson :

Q. Do you understand Cree? A. Yes.

Mr. Robinson.—I think your Honor that that will be the last witness for the Crown. I am not quite sure till to-morrow, and of course we will adjourn now, it being six o'clock.

Court here adjourned till ten o'clock, a.m., to-morrow.

THURSDAY, 30th July.

Court opened at 10 a. m.

Father ALEXIS ANDRÉ, sworn:—

Examined by Mr. Lemieux :

(Mr. F. R. Marceau being interpreter.)

Q. What is your name and religion? A. Alexis André, Oblat. I would prefer to speak in French. I understand the English very well, but speaking it is quite a different matter.

Q. You are the superior of the Oblats in the district of—? A. Of Carlton.

Q. For how long? A. Since seven years.

Q. Since how long have you been living in the country? A. I lived in the country since 1865, in the Saskatchewan.

Q. Do you know the population and habits of the people? A. For twenty-five years I have been continually with the half-breeds of the Saskatchewan above and below. I was four years with the same population in Dakota.

Q. You have been with the half-breeds, Catholic and Protestant? A. They were mixed up in the colony, and I knew a great many both of the Catholic and Protestant half-breeds, and had a great many friends among the Protestants.

Q. Do you remember 1884 and 1885? Do you remember the events of those years? A. Yes, very well.

Q. Do you remember the circumstances under which the prisoner came into the Saskatchewan country in 1884? A. Yes, I remember very well.

Q. At that time there was an agitation in the Saskatchewan about certain rights the half-breeds claimed they had against the Federal Government? A. Yes, about three months before there was an agitation amongst the English and French half-breeds.

Q. State what were the claims of the half-breeds towards the Federal Government? A. At first I did not know what was the cause of the agitation in the country.

Q. Afterwards? A. After, we knew from questioning the half-breeds that they were going to see Riel.

Q. And finally Riel came into the country? A. Yes.

Q. In what month? A. About the 1st of July, 1884.

Q. During the first months that he was in the country was there a constitutional agitation going on? A. Yes, there were meetings held amongst the French and

English half-breeds, and at Prince Albert there was a meeting at which I was present myself.

Q. Do you know that resolutions were passed and sent to the Federal authorities? A. I did not know that resolutions were passed at the meeting.

Q. Did you know of petitions and requisitions being sent to the Federal Government? A. At that time I did not know of any, only of the meetings and the speeches.

Q. At the assembly you were at did you take part? A. No. I was there as a spectator and did not speak.

Q. You did not take any part? A. I was only there as a spectator.

Q. Did you yourself communicate with the Dominion Government? A. At what time?

Q. I mean in regard to the rights and claims of the half-breeds. A. Yes, I communicated.

Q. At what time? A. I am not sure at what time—in 1882 I did communicate.

Q. Since that have you communicated? A. Not directly.

Q. How did you communicate? A. I communicated directly in regard to Riel.

Q. Can you tell me in what manner you communicated? A. I communicated in December when Riel said he wanted to go out of the country because of the agitation that was existing in the country.

Q. Did you communicate after that? A. No. I communicated after the rebellion.

Q. With whom? A. The Minister of Public Works.

Q. The Hon. Mr. Langevin? Yes, asking help for those who were in distress.

Q. What were the claims of the half-breeds? A. Since when; you must distinguish.

Q. From 1884 until the time of the rebellion? A. Since the arrival of the prisoner in the country?

Q. Yes? A. It would be difficult to tell that; they changed from time to time since the arrival of the prisoner.

Q. Before his arrival? A. They demanded patents for their land, demanded frontage on the river, and the abolition of the taxes on wood, and the rights for those who did not have scrip in Manitoba.

Q. In what way did the half-breeds put forth their rights before the arrival of the prisoner? A. By public meetings, at which I assisted several times myself.

Q. Did you take part yourself? A. Yes; at all those meetings.

Q. Were communications made with the Dominion Government, resolutions and petitions? A. I remember three or four times that there was.

Q. Did you get any answer to your communications? A. I think we received an answer once—perhaps we received an answer once.

Q. Was the answer favorable? A. No; it was an evasive answer, saying they would take the question into consideration.

Q. That was the only answer to a number of communications? A. Yes. I know of another communication made by Monsignor Grandin to the same effect.

Q. Did he get a favorable response? A. No; I do not know of any.

Q. Do you know if there was an answer sent to Charles Nolin in regard to a petition sent to the Government? A. It was in regard to those meetings I was making reference. I only know as to one answer.

Q. Finally, after these petitions and resolutions had been adopted at the public meetings and sent to the Government, was there a change in the state of things that existed then? A. The silence of the Government produced great dissatisfaction in the minds of the people.

Q. To day are the people in a better position than they were before in regard to the rights they claim? A. They have not yet received the patents for their land on the South Saskatchewan.

Mr. Osler.—I must object to this class of questions being introduced. My learned friends have opened a case of treason, justified only by the insanity of the prisoner; they are now seeking to justify armed rebellion for the redress of these

grievances. These two defences are inconsistent. One is no justification at all. We are willing to allow all possible latitude, but they have gone as far as I feel they should go. We have allowed them to describe documents which they have not produced, and answers in writing, so that they might not be embarrassed, and that the outline of the position might be fairly given to the jury, but it is not evidence, and if my learned friend is going into it in detail, I think it is objectionable.

His Honor.—Supposing they are going to produce these writings?

Mr. Osler.—They could not be evidence. They would not be evidence in justification; that is admitted. It cannot be possible for my learned friends to open the case on one defence and go the jury indirectly upon another. Of course, it is not really any defence in law, and should not be gone into with any greater particularity. If this is given in evidence, we would have to answer it in many particulars, and then there would be the question of justifying the policy of the Government.

His Honor.—It would be trying the Government.

Mr. Osler.—It is as it were a counter-claim against the Government and that is not open to any person on trial for high treason. We have no desire to unduly limit my learned friend, but I cannot consent to trying such an issue as that here.

Mr. Lemieux.—I do not want to justify the rebellion. I want to show the state of things in the country so as to show that the prisoner was justified in coming into the country and to show the circumstances under which he came.

His Honor.—Have you not done that already?

Mr. Lemieux.—I have, perhaps, to the satisfaction of the court, but, perhaps, others may not be so well satisfied.

Mr. Osler.—If you do not go any further we will withdraw our objection.

Mr. Lemieux.—I want to get further facts, not in justification of the rebellion, but to explain the circumstances under which the accused came into the country. I had a right to prove what I have already proved a minute ago, I am entitled to prove other facts. If I was right a moment ago, I should be allowed to put similar questions now.

His Honor.—The objection is not urged until you have gone as far as the counsel for the Crown thought you ought to go.

Mr. Lemieux.—It is rather late now to object.

Mr. Osler.—I warned my learned friends quietly before.

Mr. Lemieux.—Well, I will put the question and it can be objected to.

Q. Will you say if the state of things in the country, the actual state of things in the country in 1882, 1883 and 1884, and if to-day the state of things is the same as in 1882, 1883 and 1884? If justice has been done to the claims and just rights of the people?

Mr. Osler.—That question must be objected to, it could not have had anything to do with bringing the prisoner here. I object first, as a matter of opinion. Second, that it is a leading question. And third, that it is irrelevant to the issue.

Mr. Lemieux.—The most important objection is that it is leading. As to the opinion of the witness, I should think his opinion is valuable, it is facts I want from the witness. I suppose he can give his opinion based on the facts. If he says no, or yes, I will ask him why and he will give me his reason why.

His Honor.—That will be a matter of opinion.

Mr. Lemieux.—I will put the question and you can object to it.

Q. Do you know if at any time the Dominion Government agreed or acceded to the demands made by the half-breeds and clergy relative to the claims and rights that you have spoken of in the preceding answer.

Mr. Osler.—I do not object to the question if confined to a date prior to the 1st of July, 1884, the time he was asked to come into the country, although the question is really irregular. I am not going by strict lines, but I do object to his asking as regards the present state of things. I do not object if he confines his questions to the time prior to the prisoner coming to the country.

Mr. Lemieux.—My question will show that the prisoner had reason to come, if the people had confidence in him he had a right to come and help them to try and persuade the Federal Government to grant what had been refused them so far.

His Honor.—Your question is what, Mr. Lemieux?

Mr. Osler.—I am willing that the question should be allowed if limited to the time prior to July, 1884.

His Honor, to Mr. Lemieux.—Is that the way you put it?

Mr. Lemieux.—Yes.

Mr. Osler.—Then we withdraw the objection.

His Honor.—Then we will have his answer.

Mr. Lemieux.—I want to put the question generally.

Mr. Osler.—It is so general and difficult to grasp in any way I won't object.

Mr. Lemieux.—Perhaps it is difficult to you but not to the witness.

Q. Will you state if since the arrival of the prisoner in the country up to the time of the rebellion, the Government has made any favorable answer to the demands and claims of the half-breeds? A. Yes, I know that they have acceded to certain demands in regard to those who did not have any scrip in Manitoba. A telegram was sent on the 4th of March last, granting the scrip.

Q. Before that time? A. Yes, regarding the alteration of the survey of lots on the river, there was an answer from the Government saying they would grant it, and that was an important question.

Q. What question then remained to be settled? A. The question of patents, that has been settled also in a certain way, because Mr. Duck was sent and I went with him as interpreter.

Q. What other question remained? A. Only the question of wood, timber.

Q. You know now that there is a commission sitting in regard to the claims and petitions of half-breeds? A. Yes.

Q. Do you know how many claims and demands have been settled by that commission since it has been in existence? A. In what place? Is it in the North-West or in the district of Carlton?

Q. Generally? A. I do not know. I know for my own district.

Q. What do you know? A. I know that at Batoche they gave three scrips.

Q. Since the rebellion? A. About three weeks.

Q. At Duck Lake? A. Forty.

Q. Since the rebellion? A. Yes, about the same time.

Q. Do you know of any others? A. No, not in that district.

Q. You have had occasion to meet the prisoner between July, 1884, and the time of the rebellion? A. Yes.

Q. What is the name of your parish? A. Prince Albert.

Q. You saw the prisoner there? A. Yes.

Q. Did you see him elsewhere? A. At St. Laurent several times. I don't know how often, and I saw him at Batoche also.

Q. Have you had occasion to speak often to him on the political situation and on religion? A. Frequently, it was the matter of our conversation.

Q. Did you like to speak of religion and politics with him? A. No, I did not like to.

Q. Will you give me your reasons why you did not like to speak of politics and religion with him? A. Politics and religion was a subject he always spoke of in conversation, he loved those subjects.

Q. Did he speak in a sensible manner? A. I wish to say why I did not like to speak to him on those subjects. Upon all other matters, literature and science he was in his ordinary state of mind.

Q. Upon political subjects and religion? A. Upon politics and religion he was no longer the same man. It would seem as if there were two men in him, he lost all control of himself upon these questions.

Q. When he spoke of religion and politics? A. Yes, on those two matters he lost all control of himself.

Q. Did you consider after the conversations you have had with him that when he spoke on politics and religion he had his intelligence? A. Many times, at least twenty times, I told him I would not speak on those subjects because he was a fool. He did not have his intelligence of mind.

Q. Is that the practical result that you have found in your conversation with Riel on political and religious questions? A. It is my experience.

Q. You have had a good deal of experience with people, and you have known persons who were afflicted with mania? A. Before answering that, I want to state a fact to the court regarding the prisoner; you know the life of that man affected us during a certain time.

Q. In what way? A. He was a fervent Catholic, attending the church and attending to his religious duties frequently, and his state of mind was the cause of great anxiety. In conversation on politics and on the rebellion, and on religion, he stated things which frightened the priests. I am obliged to visit every month the fathers (priests) of the district. Once all of the priests met together, and they put the question: Is it possible to allow that man to continue in his religious duties? And they unanimously decided that on this question he was not responsible, that he was completely a fool on this question, that he could not suffer any contradiction. On the question of religion and politics we considered that he was completely a fool. In discussing these questions, it was like showing a red flag to a bull, to use a vulgar expression.

Cross examined by Mr. Casgrain:

Q. I believe in the month of December, 1884, you had an interview with Riel and Nolin with regard to a certain sum of money which the prisoner claimed from the Federal Government? A. Not with Nolin. Nolin was not present at the interview.

Q. The prisoner was there? A. Yes.

Q. Will you please state what the prisoner asked of the Federal Government?

A. I had two interviews with the prisoner on that subject.

Q. The prisoner claimed a certain indemnity from the Federal Government, didn't he? A. When the prisoner made his claim I was there with another gentleman, and he asked from the Government \$100,000. We thought that was exorbitant, and the prisoner said: Wait a little, I will take at once \$35,000 cash.

Q. And on that condition the prisoner was to leave the country if the Government gave him the \$35,000? A. Yes, that was the condition he put.

Q. When was this? A. That was on the 23rd December, 1884.

Q. There was also another interview between you and the prisoner? A. There has been about twenty interviews between us.

Q. He was always after you to ask you to use your influence with the Federal Government to obtain this indemnity? A. The first time he spoke of it was on the 12th December, he had never spoken a word about it before, and on the 23rd December he spoke about it again.

Q. He talked about it very frequently? A. On these two occasions only.

Q. That was his great occupation? A. Yes, at those times.

Q. Is it not true that the prisoner told you he himself was the half-breed question? A. He did not say so in express terms, but he conveyed that idea. He said, if I am satisfied, the half-breeds will be. I must explain this—this objection was made to him, that even if the Government granted him \$35,000, the half-breed question would remain the same, and he said, in answer to that, if I am satisfied the half-breeds will be.

Q. Is it not a fact he told you he would even accept a less sum than the \$35,000?

A. Yes. He said, use all the influence you can, you may not get all that, but get all you can, and if you get less we will see.

Q. When he spoke of religion, the principal thing of which he spoke was it not the supremacy of Pope Leo the XIII? A. Before the rebellion, he never spoke directly on that question as to the supremacy of the Pope.

Q. On that question he was perfectly reasonable? A. On religious questions, before that time, he blamed everything. He wanted to change mass and the liturgy, the ceremonies and the symbols.

Q. Do you pretend that every man who has strange ideas on religious matters is a fool? A. No, I don't pretend that.

Q. A man may have particular views on religious matters and still retain all his reason and intelligence? A. That depends on the way in which he explains his ideas, and by his conduct in expressing them.

Q. A man may be a great reformer of great religious questions without being a fool? A. I do not deny history, but the reformer must have some principle which the prisoner never had.

Q. Is it not true that the prisoner had fixed principles in his new religion? A. He had the principle that he was an autocrat in religion and politics and he changed his opinions as he wished.

Q. Do you say he changed his religion as he wished? A. His ideas changed. To-day he admitted this and to-morrow denied it. He was his own judge in these matters. He believed himself infallible.

Q. Is it not a fact that the half-breeds are a people extremely religious? A. I admit the fact, very religious.

Q. Is it not true that religion has a great influence upon them? A. Yes.

Q. Is it not true that a man who tried to govern them by inducing them to completely change their religion or to do away with it would have no influence with them at all? A. Exactly, it was just because he was so religious and appeared so devout that he exercised such a great influence over them. I wish to explain this point, because it is a great point. With the half-breeds he never was contradicted, and consequently he was never excited with them and he appeared in his natural state with them. He did not admit his strange views at first. It was only after a time that he proclaimed them and especially after the provisional government had been proclaimed.

Re-examined by Mr. Lemieux :

Q. Is it not a fact that if any proposition was made to Riel, he became irascible and violent and almost uncontrollable? A. As far as personal experience goes he would not allow the least opposition at all. Immediately his physiognomy changed and he became a different man.

Mr. Casgrain objects to this evidence on the ground that it should have been given on the examination in chief.

PHILIP GARNOT SWORN :—

Examined by Mr. Fitzpatrick :

Q. What is your name? A. Philip Garnot.

Q. Where do you live when you are at home? A. At Batoche.

Q. Where are you living at the present time? A. In Regina jail.

Q. Do you know Riel, the prisoner at the bar? A. I do.

Q. You have known him for how long? A. I saw him for the first time in Helena, Montana, about seven years ago.

Q. Did you see him at Batoche during the course of last summer or in the Saskatchewan district? A. I saw him last fall.

Q. What time last fall? A. In October.

Q. From that time up to the month of March last did you have occasion to see him frequently? A. No, I did not see much of him. I only saw him once or twice.

Q. During that time did you have any conversation with him? A. Not that I remember.

Q. No conversation whatever with him? A. I had some small conversation, but none that I can remember well.

Q. Do you remember during the course of last autumn and last winter up to the month of March—do you remember having any conversation with him on religious matters or on political matters? A. No, I never had.

Q. No conversation whatever up to that time? A. I had some conversation, but not on religion or politics.

Q. Did you at any time talk to him on religion previous to his arrest? A. I did. After the trouble, after the 18th March.

Q. Was he living at your house? A. No, but he came there occasionally and slept there sometimes.

Q. When he spoke to you of religion do you remember what he said to you? A. I know he was talking to me about changing the Pope, or something of that kind; wanting to name Bishop Bourget, of Montreal, Pope of the new world, as he named it. He spoke to me several things about religion that I cannot remember.

Q. Did he say anything to you about the Holy Ghost or the Spirit of God? A. Yes, he said in my presence, not to me exactly, at a meeting, that the spirit of Elias was with him.

Q. Did he say he had any of the divine attributes that are generally attributed to Elias? A. That is what I think he meant by that.

Q. What did he say about it as far as you can recollect? A. He wanted the people in the meeting to acknowledge him as a prophet, and he gave them to understand he had the spirit of Elias in him and that he was prophesying.

Q. Do you remember any of his numerous prophesies? A. I don't remember them all.

Q. Do you remember any of them? A. I know every morning, almost every morning, he would come in front of the people and say such and such a thing would happen. I don't remember any of them in particular.

Q. You said a moment ago he spent some nights at your house? A. Yes, he slept once or twice at my house.

Q. During the nights he spent there did you notice anything remarkable about him? A. I know he was praying loud all night and kept me awake sometimes.

Q. Everyone else was asleep in the house at the time? A. I was the only other one in the house with him.

Q. Can you remember now the kind of prayers he delivered himself of? A. It was prayers he was making up himself. I never heard them before.

Q. You are a Roman Catholic? A. Yes.

Q. You are a French Canadian? A. Yes.

Q. Had you ever heard any of these prayers before? A. I never heard them, except some of them. He would say the prayer 'Our Father,' but all the rest of the prayers I never heard before, except by him.

Q. During the time you saw him when he delivered himself of these prophesies you alluded to, what was his temper; how did he act when contradicted? A. He would not stand contradiction by anyone. He had to have his own way in everything.

Q. Was he very smooth tempered? A. No he was not smooth tempered.

Q. Irritable? A. Yes.

Q. Did he make any declarations to you as to what he thought himself to be in the way of power or authority? A. No, he did not make any statement to me, but in my presence he made the declaration that he was representing St. Peter.

Q. Did he aspire to any particular gifts, or pretend he was endowed with the abilities of a poet, musician or orator? A. No.

Q. You did not hear him boast of his great intellectual qualities? A. No.

Q. Did he at any time communicate to you his views with reference to the way in which the country was to be divided in the event of his success? A. He did in my presence.

Q. Tell us what he said to you about that as far as you can remember? A. He was talking about the country being divided into several provinces; one for the French, Germans, Irish, and I don't know what else. There was to be seven different nationalities.

Q. Do you remember anything else besides this you have mentioned? What other foreigners? A. Italians.

Q. Hungarians? A. I can't remember particularly very well.][I know it was seven different provinces and seven different nationalities.

Q. Did the plan he then stated appear to you a very feasible one? A. I did not believe he could succeed in that.

Q. Did he say he expected any assistance from these people? A. Yes, he expected assistance from them. He mentioned he expected the assistance of an army of several nationalities, and I remember he mentioned the Jews. He expected their assistance and money. He was going to give them a province as a reward for their help. That is what I understood him to say.

Q. Did he tell you how he had arranged that, or if he had made any arrangement with the people? A. He might, but I don't remember.

Q. In his conversation with you, or with others in your presence on these subjects, did he at any time give you any intimation that he had any doubt of his success or that any obstacle could prevent him from succeeding? A. No, he always mentioned he was going to succeed. That it was a divine mission he had, and that he was only an instrument in the hand of God.

Q. When he talked of other matters than religion and the success of his plans, how did he act and talk generally? A. I never noticed any difference in his talk on other matters, because I never had much intercourse with him only during the time of the trouble. I met him once before that.

Q. Did he appear to be actuated by any friendship for other people, or did he appear to be wrapped up in himself? Did he appear to have any sympathy for any one except himself, or did he appear to think of anyone but himself, I mean during these times you had conversations with him? A. I could not answer that question, because I don't understand rightly.

Q. When he spoke of religion and about the country in the different interviews he had with you or others, did you understand that he had any idea of thinking of the welfare of anyone at all except himself; that he was the sole person to be considered? A. It seemed as if he was working in the interest of the half-breed population, and the settlers generally; he mentioned that.

Q. Did you communicate to anyone your impression of this man—what you thought of him? A. I did.

Q. What did you think of him? A. I thought the man was crazy, because he acted very foolish.

Cross-examined by Mr. Robinson:

Q. He had great influence over the half-breed population there, hadn't he? A. Yes, he could do almost what he wanted with them.

Q. And you were one of those who followed him? A. No, I followed him, but against my will.

Q. What do you mean? A. When a man has a stronger force than I have, I have to follow him. He came to me with an armed force and I had to go.

Q. Do you say you were forced to follow him by violence, is that what you mean? A. I don't mean to say that I was forced exactly by violence, he came and brought me from my house, he came with armed men, and I saw there was no use resisting.

Q. Do you mean to say you followed him because of the armed men, and that that was all that influenced you? A. Yes.

Q. He had great influence over all the French half-breed population? A. I always thought he had lots of influence amongst the half-breeds.

Q. I believe they all looked to him as a leader and followed him? A. Yes they did.

Q. They relied upon his judgment and advice? A. They did.

Father VITAL FOURMOND, sworn:—

(Arthur Lewis, sworn as interpreter.)

Examined by Mr. Lemieux:

Q. Your profession? A. I am a priest at St. Laurent, in the district of Carlton, an Oblat father.

Q. For how long have you been a priest? A. Ten years. I arrived at the place in the year 1875.

Q. Have you known the prisoner Riel since 1884? A. Yes; directly since his arrival. I knew the prisoner by what I had heard, but I never seen him till then.

Q. Since his arrival in the country have you had several conversations with the prisoner up to the time of the rebellion? A. Very often.

Q. At St. Laurent? A. At St. Laurent, at Batoche, and during the war.

Q. Had you any conversation with the prisoner on religious and political subjects? A. Very often.

Q. Were you present at the meeting which Father André spoke of in which Riel's judgment and sanity was questioned? A. Yes; I was present.

Q. Did you agree with the other fathers in the opinion as to the sanity of the prisoner? A. It was me consulted the reverend fathers.

Q. Were you personally acquainted with the facts upon which you based your opinion as to the insanity of Riel? A. I was personally acquainted with the facts upon which they based their opinion.

Q. Will you please state upon what facts you based your opinion that the prisoner was not sane on religious or political matters? A. Permit me to divide the answer into two: the facts before the rebellion and the facts during the rebellion. Before the rebellion it appeared as if there were two men in the prisoner. In private conversation he was affable, polite, pleasant and a charitable man to me. I noticed that even when he was quietly talked to about the affairs of politics and government, and he was not contradicted he was quite rational; but as soon as he was contradicted on these subjects, then he became a different man and would be carried away with his feelings. He would go so far as to use violent expressions to those who were even his friends. As soon as the rebellion commenced, then he became excited and was carried away and he lost all control of himself and of his temper. He went so far that when a father contradicted him, he became quite excited and had no respect for him, and he often threatened to destroy all the churches. He says there is danger for you, but thanks for the friendship I have for you I will protect you from any harm. Once I went to St. Antoine and there I met a number of priests, and Riel says, I have been appointed by the council to be your spiritual adviser. I said that our spiritual adviser was a bishop and that Mr. Riel would not be him. There is only one way you can be our adviser, the only way you can become so is by shooting us, the only way you can direct us is by shooting us, and then you can direct our corpses in any way you like; that was my answer to him. (The interpreter states that he does not feel qualified to correctly interpret the evidence, and Mr. Casgrain proposes that they translate the evidence given by the defence, and Mr. Fitzpatrick that given by the Crown, which is agreed to.) Witness continues: He had extraordinary ideas on the subject of the Trinity. The only God was God the Father, and that God the Son was not God; the Holy Ghost was not God either; the second person of the Trinity was not God and as a consequence of this the Virgin Mary was not the mother of God but the mother of the Son of God. That is the reason why he changed the formula of the prayer which is commonly known as "Hail Mary." Instead of saying "Hail Mary, mother of God, he said "Hail Mary, mother of the Son of God." He did not admit the doctrines of the church, of the divine presence; according to his ideas it was not God who was present in the host, but an ordinary man 6 feet high. As to his political ideas, he wanted first to go to Winnipeg and Lower Canada and the United States and even France. He said he will take your country even, and then he was to go to Italy and overthrow the Pope and then he would choose another Pope of his own making.

Mr. Osler.—Your Honor, we would prefer the interpretation should be done by a regular interpreter. I don't think it is within the ordinary rules of evidence that it should be done as it now is; it is a question even whether, even if consented to as in this case, it would be binding in a criminal case.

Court here adjourns for lunch.

On court resuming, Louis Bourget was appointed interpreter.

Q. Before adjournment you said that Riel had said that he was going down to Winnipeg, then he was going to the Province of Quebec, then he was going to cross the ocean and go to Paris and Rome and have a new Pope elected; he would get one appointed or appoint himself as Pope? A. Yes, he said something to that effect.

Q. Have you made up your mind about the prisoner being insane as far as religious matters are concerned? A. We were much embarrassed at first, because sometimes he looked reasonable and sometimes he looked as a man who did not know what he was saying.

Q. Finally? A. We made up our minds there was no way to explain his conduct but that he was insane, otherwise he would have to be too big a criminal.

Q. As the agitation was progressing did you notice a change in his conduct, in his mind? A. A great change, he was a great deal more excitable.

Q. At the time of the rebellion you formed the opinion that he was insane? A. Yes, I can tell some facts to that effect.

Q. If it is not too long, will you tell us what it is? A. Once he was asked by the people to explain his views on religion or religious matters so that they could see through them. When he found out the clergy were against him, that he was contradicted, he turned against the clergy, particularly against me, and opposed the clergy, and kept following me into the tents wherever I would go. He compelled me to leave the place, go down to the river and cross to the other side. There were several women there who came to shake hands with me. The prisoner had a very extraordinary expression upon his face, he was excited by the opinion he gave upon religion. The prisoner spoke to the women and said: "Woe unto you if you go to the priests, because you will be killed by the priests." All of a sudden, when I came to the boat, which was not very easy to get into, the prisoner, with great politeness, came up and said: "Look out, father, I will help you to get on the boat."

Q. In an instant he passed from great rage to great politeness, in very few minutes? A. Yes, the first time I was at Batoche I was brought before the council by the prisoner.

Q. When you first came to Batoche were you friends with the prisoner? A. Yes, I was.

Q. You repeat what you have already said that in matters political and religious the prisoner was not in his mind? A. Yes.

Q. And could not be controlled? A. Yes.

Q. And was not sane? A. Yes.

Q. What happened at the council house when he brought you there? A. I was made to render an account of my conduct as a priest, and on several other matters against the provisional government. The prisoner got very much excited and called me a little tiger.

Q. Why did he call you a little tiger? A. I do not know, I suppose because I contradicted him. It was about ten o'clock when I asked to go, late at night, and then the prisoner became very polite and offered a carriage to convey me. The council was in the room above. There was a stairs I had to go down, and I had a parcel in my hands, under my arm. With extraordinary politeness the prisoner took the parcel and said "Father, you may hurt yourself."

Q. Did he ever show you a little book in which he had written those prophecies in the blood of the buffalo as to the future of this country? A. I heard of it but I never saw it. The prisoner never spoke to me about the book.

By Mr. Casgrain:

Q. It was when the prisoner was contradicted that he became uncontrollable? A. Yes, that is what I said.

Q. It was then the prisoner became uncontrollable? A. Yes, and at other times too.

Q. The half-breeds did not contradict him upon religious matters? A. Some of the half-breeds did contradict him.

Q. A great number? Most of the half-breeds followed him in his religious views? A. I cannot say; most would be too many.

- Q. A great number? A. Yes, and several did not dare to express their views.
- Q. Before the rebellion began he was quiet and sane in mind? A. Yes, relatively, except sometimes when he was contradicted, as I said this morning.
- Q. When do you fix the commencement of the rebellion? A. 18th of March. The prisoner came himself and proclaimed the rebellion.
- Q. He made you take an oath of neutrality towards the provisional government during the rebellion? A. No, there was no oath, but there was a written promise concerning the exercise of the ministry.
- Q. Was it in terms of neutrality towards the provisional government? A. Yes.
- Q. You said there was no other way to explain his conduct than to say he was insane or a great criminal, and you would rather say he was insane—rather than say he was insane—rather than say he was a great criminal you would say he was insane? I did not say that, but in my mind it was the best way to explain it.
- Q. You had naturally a great deal of friendship for the prisoner? A. I could not have had much friendship, because I did not know him at the beginning, and afterwards when I became acquainted with him, the friendship was broken off.
- Q. Between the time when he came into the mission and the time you had a rupture with him, is it not true that you and he were friends—that you had a great deal of friendship for him? A. Yes, as I would have for you.
- Q. Religion has a great influence on half-breeds? A. In what sense?
- Q. In a general way; they are a religious people by instinct? A. Yes, religion has great influence with them.

FRANÇOIS ROY, sworn:—

Examined by Mr. Fitzpatrick:

(Louis Bourget, interpreter.)

- Q. You are a doctor of medicine? A. Yes.
- Q. In the city of Quebec? A. Yes, I belong to Quebec.
- Q. What is your position in Quebec? A. For a great number of years I have been medical superintendent and one of the proprietors of the lunatic asylum at Beauport.
- Q. How long have you been connected with the asylum as superintendent? A. More than fifteen or sixteen years.
- Q. You are also a member of the society of America—of the Society of the Superintendents of the Insane Asylums of America? A. Yes.
- Q. During these fifteen or sixteen years your duties caused you to make a special study of diseases of the brain? Is it not true that it has been necessary for you to make a special study of diseases of the brain? A. Yes; it was my duty to go to the principal asylums in the United States and see how the patients were treated there.
- Q. Had you any connection with the asylum of Beauport in 1875 and 1876? A. Yes.
- Q. You were at that time superintendent of the asylum? A. Yes.
- Q. In those years, or about that time, did you have occasion to see the prisoner? A. Certainly; many times.
- Q. Where did you see him? A. In the asylum.
- Q. Can you tell the date? A. Yes, the date was taken from the register when I left Quebec.
- Q. What date is that? A. I took the entry from the register in the hospital in the beginning of this month.
- Q. Was he admitted with all the formalities required by law? A. Yes.
- Q. Will you tell me what time he left the asylum? A. He was discharged about the 21st of January, after a residence in the house of about nineteen months.
- Q. Had you occasion to study at that time the mental disease by which the prisoner was affected at that time? A. Yes.

Q. Did you have relations with him during that time, and did you watch him carefully during that time? A. Not every day, but very often.

Q. Can you say now what mental disease the prisoner was then suffering from? A. He was suffering from what is known by authors as magalomania.

Q. Will you give the symptoms of this disease? A. Many of the symptoms of that disease are found in the ordinary maniac. The particular characteristic of this malady is, that in all cases they show great judgment in all cases not immediately connected with the particular disease with which they suffer.

Q. Will you speak from memory or by referring to the authors, what are the other symptoms of this disease? A. They sometimes give you reasons which would be reasonable if they were not starting from a false idea. They are very clever on those discussions, and they have a tendency to irritability when you question or doubt their mental condition, because they are under a strong impression that they are right and they consider it to be an insult when you try to bring them to reason again. On ordinary questions they may be reasonable and sometimes may be very clever, in fact without careful watching they would lead one to think that they were well.

Q. Was he there some weeks or months before you ascertained his mental condition? A. Yes. I waited till then to classify him as to his mental condition. We wait a few weeks before classifying the patient.

Q. Does a feeling of pride occupy a prominent position in that mental disease? A. Yes, in different forms, religion, and there are a great many with pride; we have kings with us.

Q. Is the question of selfishness or egotism prominent in those cases? A. Yes.

Q. Are they liable to change in their affections rapidly? A. Yes, because they are susceptible to the least kind of attraction.

Q. In that particular malady are the patients generally inclined to be sanguine as to the success of their projects? A. The difficulty is to make them believe that they will not have success; you cannot bring them to change that, it is a characteristic of the disease.

Q. Are people who suffer from this particular form of disease liable to be permanently cured or are they liable to fall back into the old malady? A. Generally remain in that condition; they may have sensible moments and then intermission would interfere.

Q. In a case of this kind could a casual observer without any medical experience form an estimate as to the state of the man's mind? A. Not usually, unless he makes a special study of the case; there is more or less difference in each case.

Q. What is the position of the mind of a man suffering from this disease in reference to other subjects which do not come within the radius of his mania? A. They will answer questions as any other man with the sense of reason; it is only when they touch the spot of their monomania that they become delirious.

Q. You stated that the prisoner left the asylum in 1878? A. In January, 1878.

Q. Have you ever seen him from that time till yesterday? A. No, never.

Q. Do you recognize him perfectly as the same person who was in your asylum in 1876 and 1878? A. Yes.

Q. Were you present at the examination of the witnesses that took place to-day and yesterday. A. Partly.

Q. Did you hear the witnesses describing the actions of the prisoner as to his peculiar views on religion in reference to his power, to his hoping to succeed the Pope, and as to his prophecies, yesterday and to-day? A. Yes.

Q. From what you heard from these witnesses and from the symptoms they prove to have been exhibited by the prisoner, are you now in a position to say whether or not at that time he was a man of sound mind? A. I am perfectly certain that when the prisoner was under our care he was not of sound mind, but he became cured before he left, more or less. But from what I heard here to-day I am ready to say that I believe on these occasions his mind was unsound, and that he was laboring under the disease so well described by Dagoust.

Q. Do you believe that under the state of mind as described by the witnesses and to which you referred that he was capable or incapable of knowing the nature of the acts which he did? A. No, I do not believe that he was in a condition to be the master of his acts, and I positively swear it and I have people of the same character under my supervision.

Q. Will you swear from the knowledge you have heard? A. From the witnesses.

Q. That the man did not know what he was doing or whether it was contrary to law in reference to the particular delusion? A. No, and for another reason the same character of the disease is shown in the last period, the same as when he was with us, there is no difference, if there was any difference in the symptoms I would have doubts, but if it was of the same character so well described by Dagoust, who is taken as an authority and has been adopted in France as well as in America and England.

Q. The opinion you have formed as to the soundness of his mind is based upon the fact that the symptoms disclosed by the witnesses here yesterday and to-day are to a large extent identical with the symptoms of his malady as disclosed while he was at your asylum? A. Yes.

By Mr. Osler :

Q. You are one of the two proprietors of the asylum? A. Yes.

Q. It is a private asylum under Government supervision? A. It has the character of a private asylum as to the condition of the board of the patients, but it is a public institution in that sense of the word. We receive patients by order of the Government.

Q. But it is a private asylum as far as its financial basis is concerned? A. No, because it is ruled by the Government.

Q. Is it owned by the Government or by the proprietors? A. By the proprietors.

Q. It is only subject to inspection by the Government? A. To inspecting and visiting besides.

Q. Is the profit or loss of the establishment borne by the proprietors. A. Yes, by the proprietors.

Q. What is the extent of your accommodation? How many patients? A. I do not know whether you have a right to ask these questions.

Q. How many patients have you got? A. Sometimes the number increases and sometimes it diminishes according to the discharges. I think there would be an average of from 800 to 900.

Q. It is from the profit of keeping these patients that the proprietors make money? A. And to pay expenses and the interest upon a large capital put in.

Q. You are paid by the Government and paid by private patients? A. When we have them.

Q. And the proprietors manage it as a place to cure, and where they board these thousand people? A. We have a place to cure and take care of those poor people who cannot take care of themselves.

Q. Who manages the institution? A. There is a medical superintendent.

Q. Who manages the financial part of the institution and looks after the bread and the butter of the patients? A. We have a treasurer to look after that.

Q. You have a medical superintendent to look after the medical department? A. Yes, and we have the rules and regulations of the house.

Q. The proprietors only have a general supervision? A. More than that, I, myself, am a specialist.

Q. You are quite a specialist in keeping a boarding house? A. No.

Q. You have to look after that? A. No.

Q. Who looks after the financial part? A. My co-associates.

Q. You do not look after that? A. No.

Q. You look after the patients? A. Yes, I take a special interest in the insane and those who require treatment.

Q. Will you tell me whether you ever prescribed or looked personally after the prisoner? A. I did.

Q. Under what name was the prisoner in your asylum? A. Under the name of La Rochelle.

Q. Under what name does he appear in your books? A. That is it.

Q. Did you know his right name? A. No, I was not present when he entered the first day.

Q. Have you got the papers with you under which you held him? A. I have this memorandum book.

Q. I want to see the papers? A. No, I have not brought the books.

Q. Have you any papers showing what disease he had and under whose certificate he was confined? A. I cannot give you what I have not got.

Q. There are papers and certificates filed? A. Those papers are kept by the Provincial Secretary, and I would have had to get them from him.

Q. Where did you make that note from? A. From the register taking the exact date.

Q. Is it from that register only that you are able to speak of the case? A. No, it is only a help to my memory and so as to be exact as to dates.

Q. Among the thousand patients that were there at the time he was, you have a perfect recollection of his symptoms? A. Yes, because he was a special case and that gave me a good deal of care.

Q. Did you enquire into his former history? A. No, except as to the fact of his disease.

Q. You did not get the history of the patient? A. I asked some questions as to the condition of his character and his disease.

Q. Was there necessity by reason of his violence to have him under restraint? A. Yes, sometimes he was very violent.

Q. You found out what his name was? A. He confessed to me who he was.

Q. That violence was after he was admitted into the asylum? A. Yes.

Q. All this treatment would appear in the books, there would be a history of the case? A. Not always, it depends, it is in a medical book.

Q. You have no book or copy of the book here? A. No.

Q. You have brought us nothing? A. Except what I am able to tell you from memory.

Q. You knew a long time before that you were going to be examined as a witness in this case, you had been talked to about it shortly after the capture of the prisoner? A. No, I was asked by telegraph.

Q. You were seen by the friends of the prisoner shortly after he was arrested? A. No.

Q. When were you spoken to about giving evidence at the trial? A. Some days before the trial came on.

Q. Did it strike you that it would be important to have a written history of the case, the cause of his commitment; did it not strike you that that would be a matter of importance in considering a case of this kind? A. No, I thought they would ask me my opinion of the case.

Q. That is what you thought would be satisfactory? A. I never thought of coming at all at first.

Q. At the time he was there, you attended how many cases personally in a year? A. I saw the most important cases, and took a great deal of interest in them on account of the responsibility of the treatment.

Q. And the others would carry out the treatment? A. They would consult me and I would consult them.

Q. How many superintendents have you got? A. None, co-associates.

Q. How many patients had you under your immediate treatment in the year 1877? A. I am not able to tell you.

Q. One hundred cases? A. No, we have not 100 cases of acute mania under our hands, fortunately.

Q. How many did you have under your personal treatment? A. The cases of which I made a special study are acute mania.

Q. How many of such cases would you have in a year? A. Not many, fortunately.

Q. How many in a year? A. Twenty-five or thirty would be about the average of acute cases.

Q. We will speak of 1877, can you give us the names of those men whom you treated in 1877? A. I will give you some of the names. I cannot tell you all. If you mentioned the names, I would know about them.

Q. The treatment of those persons is gone from your mind? A. More or less.

Q. You see the value of written testimony here? A. There are certain cases.

Q. You did not know that this man was Riel? A. I heard that he was, and he himself admitted to me that his name was Riel.

Q. Who put him in the asylum? A. The Government.

Q. On whose certificate? A. The Government.

Q. On what medical certificate was he put in? A. I do not know, it is the Department of the Provincial Secretary. We admit them as sent by the Government.

Q. You are paid by the Government? A. Yes.

Q. That is the Local Government of Quebec? A. Yes, they see that everything is correct; they have a special physician for that.

Q. You say the main feature of this disease is what? What is the leading feature of this disease do you say? Do you say that it is a fixed idea incapable of change? A. That is one thing I may say.

Q. Will you answer the question? Do you say that the leading feature of the disease is a fixed idea incapable of a change by reason? A. It did not succeed in changing.

Q. I ask you is that the leading feature of the disease? A. That is one of the features.

Q. Is it the leading feature? A. It is one of them—it is one of the characteristic features.

Q. A fixed idea with a special ambition, incapable of change by reasoning? A. Yes; we did not succeed in changing the idea of the patient.

Q. Well, that fixed idea is beyond his control? A. I would not be prepared to say entirely.

Q. If it is beyond his control, he is an insane man? A. Yes.

Q. Is not this fixed idea beyond his control? A. Yes.

Q. If within his control, it is an indication of sanity? A. That he was trying to get better, he may have had intermissions in which he understood his condition.

Q. If it is subject to control, it is not a fixed idea, that is what we have agreed upon as the leading characteristic, do you understand? A. I do not know what you are after.

Q. If this idea is subject to control, then this man is sane? A. There may be intermissions when he can control himself because then the insanity disappears.

Q. And then there is a lucid interval? A. Yes.

Q. During the period of the insanity the idea possesses the man and it is not controllable? A. No.

Q. Is that the leading feature of the disease? A. Partly.

Q. Do you know of any other? A. I am not an expert in insanity.

Q. Can you give me any other leading feature of the disease? A. I have no other feature to give.

Q. That is the only one you can describe? A. I gave you the features and characteristics of the disease well enough.

Q. I am going to keep you to that unless you want to enlarge upon it. I am going to build my theory upon that. You can enlarge it as much as you like now, but do not go back upon me afterwards. Is there any other leading feature of the disease? A. I have given you the principal characteristics of his disease.

Q. I want to get the peculiar characteristic of this form of mania? A. They have intermissions sometimes for months and sometimes for days. The least contradiction excites them.

Q. There is a class of healthy intermissions. Sometimes a man likes beer and sometimes whiskey. I want to get the characteristics that distinguish him from a healthy man, not those that we have in common with the insane? A. We always answer reasonably, but when a man comes and pretends to know everything and talks nonsense we expect that, to a certain extent, he has lost his reason.

Q. We want to get at the leading characteristic. You have given us one feature. Is there only the one feature. If there are any other features say so? A. I won't give you any.

Q. Will you stick to it? A. Yes.

Q. Then what leading idea not subject to change by reason is it that you have fixed upon the evidence yesterday and to-day bringing you to the conclusion that he is of unsound mind? A. It is because of some symptoms.

Q. Tell me the symptoms that brings you to the conclusion that this man is within the rule you have laid down. Tell me the facts that bring him within that rule? A. The facts are that he has always kept that characteristic.

Q. Answer that question? A.—

Mr. Fitzpatrick.—This witness has been speaking in English for some time past. If the witness does not understand the questions properly he should answer the questions in French.

Mr. Osler.—If the man wants to hide himself under the French he can do so.

Q. You understand what I mean? A. Speak to me in French.

Mr. Osler.—It will be for the jury to say whether he is making the change at his own suggestion or at that of the counsel on the other side.

Q. Having given a rule to test this insanity, what fact is there disclosed in the evidence which leads you to say that the prisoner comes within the rule? A. That part of the evidence given by the clergy to-day shows in a positive manner that the prisoner has manifested symptoms that we meet with in magalomania.

Q. That is no answer to my question. I want the fact on which you bring the prisoner within the rule that you have laid down? A. I want to take the fact proved by the evidence.

Q. Tell me the fact upon which you rely? A. The prisoner gets his theory from the idea that he has a mission.

Q. Do you understand that to be the fixed idea not controllable by reason? A. I believe so because reason has never so far succeeded in changing that idea that he has.

Q. Is that the only reason you have for saying that the prisoner is insane? A. It is, and I believe it to be sufficient.

Q. Is it consistent laboring under an idea not controllable by reason would abandon that idea for \$35,000?

Mr. Fitzpatrick.—I object to that. That has not been proved.

His Honor.—What is the question?

Mr. Osler.—Is it consistent with a man, having an idea not controllable by reason, that he will abandon that idea for \$35,000? Let that be a hypothetical question.

Mr. Fitzpatrick.—I object to the question.

His Honor.—He can put hypothetical questions.

Mr. Osler.—My learned friend must know that the question is regular, and should not interfere at a critical part of the examination so as to give the witness a cue.

Mr. Fitzpatrick.—I did not have any such intention. We have the right to object, and we intend to exercise that right.

Mr. Osler.—You should not exercise it in such a way as to give the witness a cue. That is the second cue that you have given the witness. You gave him a cue in regard to speaking in French.

Q. Will you answer the question: Is it consistent with the leading feature of this disease, an idea not controllable by reason, that he should abandon that idea for money? A. I think it is possible that the prisoner might want to obtain the money to obtain the object he has in view.

Q. It may be consistent if he wants the money for the object which he wishes to obtain? A. Yes.

Q. Do you say that the answer is consistent with the idea that he is not able to control his actions? A. Yes, it gives it more strength.

Q. Wherein does that differ from the idea of a sound mind? A. It is very important in this case particularly. The patient shows great ability in taking the necessary means to accomplish the particular mission that he believes has been given to him. He was reasoning from a false basis, and that is a characteristic of this disease.

Q. Do you agree with this proposition: "An insane delusion is never the result of reasoning and reflection?" A. I don't understand what you want to get at.

Q. I want you to give an answer. Do you agree with that proposition, that "An insane delusion is never the result of reasoning and reflection?" A. I believe that he makes false reasoning from a false principle.

Q. Is delusion produced by reasoning and deduction? A. It has been by hallucinations and—

Q. That is not an answer to my question. I want to know whether a delusion—an insane delusion—may be the result of reasoning and deduction, or is it always the production of the disease? A. Sometimes, not always. Sometimes by false inspiration.

Q. Sometimes by sane inspiration? A. Yes.

Q. You won't answer my question? A. I have done my best.

Q. Have you not the capacity to understand it? A. That may be your opinion.

Q. Take an insane delusion in a man's head, can it be brought by reasoning and deduction, or is it the outcome of the disease? A. It is the consequence of his disease.

Q. And, therefore, it has nothing to do with reason and deduction? A. I believe that when the patient is under the influence of hallucination he is quite beyond control.

Q. You say it is the first principle of irresponsibility whether it is the result of disease, or whether it is the result of reason (distorted reason if you will) it is only by disease that the insane delusion is produced? A. Yes, by the disturbance of the brain which there is in every case.

Q. And it is by reason of its being a product of the disease that it is not controllable? A. It is a consequence of it.

Q. Why do you say this prisoner during this time had no knowledge of right from wrong? A. I say that the prisoner was under the influence of his delusion that he had a special mission to fulfil.

Q. From what facts in evidence do you say that the prisoner could not distinguish between right and wrong? A. They never could prove to him that that mission never existed.

Mr. Fitzpatrick.—It is impossible for us to accept such translation as is now being given of the evidence.

Mr. Greenshields.—The last two questions have not been translated properly.

Mr. Osler.—We have done everything we could to procure a translator. We did not want one for our part of the evidence and it was for the defence to produce one in tendering a witness whose evidence had to be translated.

Mr. Fitzpatrick.—I say it is entirely wrong, it should be taken down in French.

Mr. Osler.—It has been taken down in French as well as in English.

Mr. Fitzpatrick.—It has gone to the jury in English.

Mr. Osler.—The witness can explain himself in English but was told not to do so, it is not my difficulty.

Mr. Fitzpatrick.—I think the Act of 1880 provides for the use of both languages.

His Honor.—The court can take the best interpreter to be had.

Mr. Fitzpatrick.—All right, if you say so.

Mr. Robinson.—When they hear it improperly translated they should say so and it can be repeated.

Witness.—It could not be proved to him that the mission did not exist.

His Honor.—Is that answer correct? A. Yes.

Mr. Osler.—Is that the only reason why you say the prisoner could not distinguish between right and wrong.

His Honor.—The reporter had better read the question to him and see whether it has been correctly translated.

Reporter, reading from the notes. “From what facts in evidence do you say that the prisoner could not distinguish between right and wrong? A. They never could prove to him that that mission never existed.

His Honor.—Is that the proper answer? A. Yes.

Q. Is that the only reason why you say the prisoner could not distinguish between right and wrong? A. I give that as one of the reasons.

Q. Give me any other reasons? A. The reasons given by the last witness.

Q. I want you to state the facts that the witnesses spoke of from which you came to your conclusion? A. The facts are that he believed he had a mission to fulfil in the North-West.

Q. What evidence have you that that was an insane delusion because he stated he had a letter from the bishop containing such an allegation? A. I never heard that he was inspired by such a letter.

Q. Do you say that any man claiming to be inspired is insane so as not to distinguish between right and wrong? A. It is possible.

Q. Is it a true proposition scientifically? A. The proposition, as given by the patient, is not always reasonable.

Q. Might it not be evidence of fraud on the part of the man making it? A. But when the same idea has been sustained, at different times, without reason—

Q. When the idea is sustained from time to time, it is only sustained with insanity, is that the answer? A. Yes, particularly with that kind of delirium.

Q. Do you know the history of Joseph Smith, the Mormon, would you consider him insane? A. No, I do not know his history.

Q. Do you know anything of Brigham Young, would you call him insane? A. To my mind he was more or less insane.

Q. Would you call Brigham Young's idea of prophetic inspiration inconsistent with a knowledge of what was right and wrong? A. It would require an examination. If you send him to the asylum for a few months, I will make a study of the case.

Q. Does not the whole evidence sustain the theory that it was a skilful fraud? A. I don't think so. I saw the prisoner at my place. He always retained the impression that he had a mission when he could have none and he had nothing to gain by it.

Q. I am asking the general question whether the evidence, upon which you have formed your opinion, is not consistent with a skilful fraud? A. It might be possible there might be such an understanding, but it is not my opinion.

Q. It may be that it is consistent with skilful fraud? A. There is no evidence in this case that can prove that there was fraud.

Q. Do you say the evidence is inconsistent with a skilful fraud? A. When I had the prisoner under my care—

Q. I am asking about the facts in evidence upon which you formed your opinion? A. In the mental condition of the prisoner, I think he is not.

Q. That is not an answer at all. Can you give me any answer? A. Put another question or in another way.

Q. If you cannot answer it in English or French, I may as well let you go. You can go.

DR. DANIEL CLARK, sworn :—

Examined by Mr. Fitzpatrick :

Q. You belong to Toronto, do you not? A. I do.

Q. What is your position there, doctor? A. Superintendent of the Toronto Lunatic Asylum.

Q. Have you had any experience in the treatment of the insane? A. A small experience.

Q. Limited to how many years, doctor? A. Between nine and ten years.

Q. Has it been your fate to attend occasionally as an expert in cases of lunacy?
A. Yes, very often.

Q. Have you had any occasion to examine this prisoner here at the bar? A. I examined him three times, twice yesterday and once this morning.

Q. Did you attend at the examination of the other witnesses in this case yesterday and to-day? A. I did.

Q. From what you have heard from the witnesses here in court, and also from the examination which you have made of the accused, are you in a position to form any opinion as to the soundness or unsoundness of his mind? A. Well, assuming the fact that the witnesses told the truth, I have to assume that—assuming also that the prisoner at the bar was not a malingerer—that is English I believe—then of course there is no conclusion that any reasonable man could come to, from my standpoint of course, than that a man who held these views and did these things must certainly be of insane mind.

Q. Do you consider, doctor, that a person suffering from such unsoundness of mind as you say this man is suffering from, is incapable of taking the nature of the acts which they do? A. Why, the insane understand, many of them, the nature of the acts which they do, except in dementia cases and melancholia and cases of mania even; they often know what they do and can tell all about it afterwards; it is all nonsense to talk about a man not knowing what he is doing, simply because he is insane.

Q. Do you think that that man was, in the circumstances detailed by the different witnesses, in a position to be able to say or be able to judge of what he was doing as either wrong or contrary to law? A. Well, that is one of the legal metaphysical distinctions in regard to right and wrong, and it is a dangerous one, simply because it covers only partly the truth. I could convince any lawyers if they will come to Toronto Asylum, in half an hour, that dozens in that institution know right and wrong both in the abstract and in the concrete, and yet are undoubtedly insane; the distinction of right and wrong covers part of the truth; it covers the larger part of the truth, but the large minority of the insane do know right from wrong. It is one of those metaphysical subtilities that practical men in asylums know to be false.

Q. There are some lawyers who think it is false also? A. Well, the lawyers find it in the books, and they take it for granted it must be correct.

Q. Do you consider from the knowledge which you now have of this individual that at the time the events detailed by the witnesses here took place, that is to say, in March, April and May last, that he was laboring under such a defect of reason from disease of the mind, that he did not know that what he was doing was wrong? A. I think he did know; I think he was quite capable of distinguishing right from wrong.

Q. Quote the particular acts, doctor? A. Well, quote the particular acts; I presume if you were to ask him to define what is right and what is wrong, he could possibly give you a very good definition, as far as I could judge from my examination of him.

Q. Was he in a position to be able to say at that time, and to act at that time as an ordinary sane man would have done? A. Assuming the evidence given by the witnesses, he did not act as a sane man would have done, for this reason that no sane man would have imagined that he could come into the Saskatchewan, and that he could gather around him such a force as would enable him to become monarch of this country, that it could be divided up into seven divisions, giving it to different nationalities. He was not an ignorant man. He was not like an Indian who never read the newspapers and knew nothing about the country around him. He had travelled, he had been in Ottawa, he had been in the United States, and he knew all about the power of Britain and the Dominion, and for him to imagine that he could come here and raise a few half-breeds in the Saskatchewan and keep up a successful warfare, and divide the country in seven divisions, with different nationalities, was certainly not a thing that a man with an ordinary understanding would ever think he could succeed in.

Q. So that you think at that time the man was certainly insane, and of unsound mind? A. Assuming the statements made, I think so.

Q. To be true? A. Yes.

Q. You take into consideration, of course, in this opinion, all the evidence given as well by the doctor as by the other witnesses? A. Yes; and I assume, of course, as I said before, that not only the evidence given is correct, but that he was not a deceiver. I might say, if the court will allow me, that when I come to cases of this kind, I am not subpoenaed for one side more than another. I am here only subpoenaed to give a sort of medical judicial opinion, and, therefore, I stand in that capacity.

Mr. Justice Richardson.—That is well understood, Dr. Clark.

Cross-examined by Mr. Osler:

Q. Then, doctor, he would know the nature and quality of the act that he was committing? A. He would know the nature and the quality of the act that he was committing, subject to his delusions assuming them to be such.

Q. He would know the nature and quality of the act that he was committing, and he would know if it was wrong? A. If it was wrong, based upon his delusion; yes.

Q. And all the facts are quite compatible with a skilful shamming by malingering? A. Yes, I think so. I think that no one—at least I say for myself, of course—that in a cursory examination of a man of this kind who has a good deal of cunning, who is educated, that it is impossible for any man to state from three examinations whether he is a deceiver or not. I require to have that man under my supervision for months, to watch him day by day, before I could say whether he is a sham or not.

Q. Months under your supervision to say whether he is a sham or not? A. Yes.

Q. And really the only ground upon which you would form an opinion as to his insanity is the commission of the crime? A. No, not the commission of the crime. I form an opinion of his insanity from the statements made by the witnesses both anterior to the crime and since that time.

Q. But you told the court and jury just now that what struck you was the insane idea of seeking to take possession of the country and divide it into provinces? A. Yes, that is one idea.

Q. That gave you the greatest idea of his insanity? A. One, and then another one was he was a Roman Catholic, and among Roman Catholic people, among people attached to their priests, and he went among that people endeavoring to conciliate them, as he supposed, in order to get them educated up in any schemes he had in view, and yet he goes to work and he says at once, I want to depose the Pope.

Q. But did you notice also this, that he gets people to follow him? A. Some of them do.

Q. Yes, but he got people to follow him with their guns? A. They followed him, on another basis.

Q. They elected him prophet? A. Yes, and he told me this morning he was a prophet, and he knew the jury would acquit him, because he knew what was coming beforehand.

Q. Then don't you think that that is perfectly consistent with such leading spirits as Joseph Smith and Brigham Young? A. No, it is not.

Q. Not consistent? A. No; and I will tell you the reason why.

Q. Well I don't want the reason, beyond your opinion? A. Well, it is not consistent.

Q. It is consistent, however, with fraud? A. Consistent with fraud. Yes, anything is consistent with fraud that is not discovered.

Q. You cannot say that it is not fraud? A. I cannot.

Q. And there is nothing here to show you, in the state of his intellect, that he was not able to distinguish between right and wrong, and know the quality of the act which he was committing? A. No, I say that I think that he knows what right is from wrong, subject to his delusions; but, mind you, I want to add to that, that many of the insane know right from wrong.

Q. And you know, doctor, very well, that there is a class of insanity that is held responsible to the law? A. You know I am not allowed to say anything about the responsibility legally—

Q. You know that there is a conflict between the courts and the doctors? A. I know there is.

Q. And you know that the doctors have an idea that all mental disease should be acquitted of crime? A. No, they don't all. For instance, Maudsley has written a small book on the responsibilities of the insane. He is a most prominent man in England.

Q. He brings in, and the doctors have a tendency, have they not, to bring in as irresponsible a very much larger class than the courts and lawyers? A. I think not. I think, of late years, that such men as Maudsley, Buchnell and Schuch, &c., and some of these recent investigators, lean to the idea that insanity *per se* does not absolve from responsibility. You have got to take each case on its own merits.

Q. There is a large class of insane people or cranks? A. Well. No, you cannot say, or cranks, because a crank is a different man altogether. A crank is a man who is normally a peculiar man from his birth upwards. An insane man is a man who has become so, out of unusual conduct from disease.

Q. I did not bracket them together, I put them in the alternative? A. You said "or" crank. I thought you meant lunatic-crank.

Q. I put them as coming up to each other's border line? A. I see. I thought you had an equation.

Q. It is so that a large number then, I should say of insane persons, ought to be responsible to the law? A. There are some that are.

Q. For they know right from wrong, and know the nature and quality of the act they perform? A. When I speak about responsibility, it is said that the court should decide—

Q. That is when you are examined in chief, but on cross-examination we have a little more liberty? A. I see.

Q. You have been an expert witness in criminal cases? A. Yes.

Q. How frequently? A. Well, I don't know, perhaps nine or ten times, perhaps more. I don't remember exactly the number.

Re-examined by Mr. Fitzpatrick :

Q. You said a moment ago that the conduct of this man might be consistent with the conduct for instance of such a man as Smith or Young, and you were about to make a distinction between the two, and you were stopped? A. Oh! Smith and Young were religious enthusiasts. They carried out consistently their system. If you read Brigham Young's Bible, or if you read Mahomet's Koran if you like, or if you read any of those books issued by those men, who are religious enthusiasts, you will find that consistently with common sense, they have tact and discretion to carry on successfully till the end of their lives without intermission, a successful crusade of this kind, and their books contain sufficient consistency throughout to show you that these men were sound in mind as much as nature provided them with a sound mind, that is the difference.

Q. Do you find anything of that kind in the present case? A. Oh, no, I don't think he would make a very good Brigham Young, or El Mahdi.

Q. You say that he is quite capable of distinguishing right from wrong, subject to his delusions? Subject to his particular delusions? A: Yes.

Mr. Lemieux.—This closes our defence, your Honor.

Mr. Robinson.—We have some witnesses in rebuttal.

Dr. JAMES M. WALLACE sworn :—

Examined by Mr. Osler :

Q. Doctor, what is your position? A. I am medical superintendent of the Asylum for the Insane at Hamilton, Ontario.

Q. An institution having about how many patients, on the average? A. Somewhere over 600.

Q. How long have you been making a branch a specialty of the study of the insane? A. I have been in charge of that asylum nearly nine years, but I have been studying insanity for a few years more than that.

Q. For more than nine years? A. Yes.

Q. And you see every variety of it I suppose? A. All shades and variety.

Q. Now, do you devote yourself to the medical branch of it? A. Entirely.

Q. You have nothing to do with keeping the hotel or boarding house. A. Well, I have the general superintendence of the house; but I devote nearly all my time to the medical department of the asylum.

Q. Have you been listening to the evidence in this case? A. Yes.

Q. Have you examined or had an opportunity of seeing the prisoner. A. I saw him for about half an hour, that is, alone, not in court.

Q. And you have been here during the—? A. During the sitting of the court.

Q. Have you formed an opinion of his mental responsibility, of his sanity or insanity? A. I have so far as my time and opportunities enabled me to do so.

Q. What is that opinion? A. I have not discovered any insanity about him, no indication of insanity.

Q. What would you say then in view of the evidence and your examination? Is he of sound mind or is he not? A. I think he is of sound mind.

Q. And capable of distinguishing right from wrong? A. I think so.

Q. And know the nature and quality of any act which he would commit? A. Very acutely.

Cross-examined by Mr. Fitzpatrick:

Q. You have no doubt whatever in your mind from the examination you have made of this man during half an hour, and from the evidence which you heard here, that he is of perfectly sound mind? A. Well, I should qualify, I should qualify my answer to that question. I have only had a limited examination of him, and in any case of obscure mental disease, it sometimes takes a very long time before one can make up their mind; but from what I have seen of him, I say that I have discovered no symptoms of insanity.

Q. So what you say now, doctor, is purely and simply this, not that he is not insane, but that you have not been able to discover any symptoms of insanity? A. That is what I say. I say I have not discovered it. It would be presumption for me to say he is not insane, from the opportunities that I have had; but at the same time my opinion is pretty fairly fixed in my mind that he is not insane.

Q. You are aware that a great many cases exist in which men are found to be perfectly insane without its being possible to discover any trace of insanity, are you not? O, sir, I have had patients in my asylum for weeks sometimes before I found any symptoms of insanity.

Q. You are aware also, are you not, that there have been cases in England in which men were examined for a whole day, and cross-examined by such men as Erskine for instance, perfectly insane, and during the whole day it was impossible for Erskine to discover that the man was insane? A. Yes, I daresay such cases may exist. I am quite certain such cases have existed.

Q. You are quite certain such cases are in existence? A. Yes.

Q. Therefore you are obliged to say that all that you have discovered in this case, or all that you are in a position now to say is that you have not discovered any traces of insanity? A. That is all that my conscience will allow me to say.

Q. You have heard of that particular form of mental disease known as magalomania probably? A. Yes.

Q. Would you tell us what are the symptoms which are the characteristics of this disease? A. That is a simple complication. That is a term which is scarcely ever used, and I think it is only used by one writer. I don't remember any other who uses it in the English language, and he simply introduces it and says—

Q. But one writer uses that name? A. Only one that I can think of at the present time in the English language, and he says that it is a condition in which the patient has delusions, grandiose delusions, delusions of greatness, and most commonly

complicated with that form of insanity called paralytic insanity or gentle paralysis.

Q. You are aware that this particular form of insanity is characterized, among other things, by extreme irritability on the part of the patient? A. Not magalomania. Magalomania simply applies to grandiose ideas. It can have no other definition than that. And these definitions allow me to explain are delusions; they are delusions such as a person holding or believing himself to be a king or possessed of immense wealth, and that the world is at his feet. These are the kind of delusions that are meant by magalomania, as I understand them, and it has not any other meaning that I know of.

Q. The delusions are that he is rich? A. Yes.

Q. And powerful? A. Yes.

Q. A great general? A. Yes.

Q. A great minister? A. He may be a great anything and everything.

Q. A great prophet? A. Yes.

Q. Or divinely inspired, or that he is a poet or a musician, in fact that he is an egotist, and a selfish man? A. Yes.

Q. But you are quite sure that the character of irritability is not one of the characters of this malady? A. It is not a malady, it is merely a symptom.

Q. That is a form of mental disease? A. It is not a mental disease, it is only a symptom of mental disease.

Q. You have heard of a book written and published by Dagoust, a French writer? A. I have heard of it, but I have never read it.

Q. He is an author of repute, is he not? A. I think so, but I don't read much French.

Q. Would you allow me to read to you what this author says. Talking of magalomania, he says: "What characterizes this particular form of mental alienation is exaggeration of the sentiment of personality. Expanse of passions," he says "is one of the consequences of it." He says: "Magalomaniacs are happy, satisfied with themselves, and speak without limit of their own personality (now here is the part I speak to you about), the individual is susceptible, irritable, he is seized with sudden fury when he is at any time opposed in his ideas?" A. Well, isn't that speaking of gentle paralysis—the insanity of gentle paralysis?

Q. It is under the heading "magalomania," with the plate showing the different characters? A. I understand that, but there are a vastly large number of manias, puerpuomania and all that sort of thing.

Q. Would you keep to magalomania, that is what we now refer to, that is what the book refers to, and that is what I refer to? A. I stated that magalomania was one of the complications or symptoms of paralytic insanity, and that that you read, of course, is one of the accompaniments of paralytic insanity too, irritability and all that that you stated. They are always found in connection with each other.

Q. And you now say that irritability is one of the characteristics of magalomania? A. No, I don't. Magalomania, as far as I understand it, is one of the complications of paralytic insanity, and this irritability is also another symptom of paralytic insanity.

Q. We will just narrow the facts down to exactly what we have in evidence, that the extreme irritability was one of the characteristics of this magalomania? A. Simply.

Q. And the book shows, that I now hold in my hand, it is one of the characteristics? A. I think we do not understand each other yet.

Q. I am waiting for light? A. I have stated that magalomania is a symptom commonly found in paralytic insanity; irritability and all those other symptoms are also symptoms found in the same disease.

Q. So that now, irritability being one of the characteristics of paralytic insanity, and magalomania being one of the branches of paralytic insanity, you now say irritability is one of the characteristics of magalomania? A. Oh, but we find magalomania in other diseases, and we find magalomania is simply mania.

Q. But in magalomania irritability is laid down by the book as one of the characteristics, at all events? A. Yes.

Q. So that now, doctor, you are of the opinion that the idea of grandeur and of power is not to be found anywhere except in cases of paralytic insanity? A. Oh, yes; we find it in simple mania. We find it in simple mania, but these are fixed delusions; these are fixed delusions, and persons who hold them say they are, believe themselves to be kings and queens or great leaders or wealthy people. They may be great in anything and great in everything, and they actually believe this and act upon their belief, constantly act upon their belief.

Q. Did I understand you to say, doctor, that the idea of grandeur is exclusively a symptom of paralytic insanity, that that is not to be met in other cases? A. No; I have just stated now that you will find delusions of grandeur in other forms of insanity.

Q. Now is it not a fact that in cases of magalomania one of the characteristics, one of the very essential characteristics, is that the individual who suffers from that particular form of mental disease is able in a very large measure to hide the disease from any person who endeavors to find it out? A. Well, insane persons are able, as I said before, to conceal their delusions sometimes for a length of time, but a person suffering from magalomania does not attempt to do it; he is too proud to expose his delusion.

Q. So that one of the characteristics of it is pride? A. Yes.

Q. Is there a case in which a man, for instance, would be under the insane delusion that he was destined to fill a great mission, that he was in a position to take possession of a country such as this one is—would not that man be in a position to take such means as would be necessary to arrive at his ends, and to take those means with a great amount of shrewdness and precaution? A. That is quite inconsistent with my idea of magalomania. As I said before, my idea of magalomania is, as defined by Clouston, for instance, that man is already in possession of all these things, and he does not want any more.

Q. So that your idea is, doctor, that a man who is suffering from this particular disease is not in a position, and it is utterly impossible for him to take any steps to arrive at the conclusion which he pretends he ought to arrive at? A. Oh, he does not require any plans at all; everything flows into him; he is the greatest man in the world, and everything is subservient to him; wealth comes into him; he does not want, and he can command everybody and they will obey him.

Q. So that he does not make any calculations at all, and does not adopt any means at all to arrive at his end? A. Not at all.

Q. It is one of the characteristics of the malady that he is unable to do that? A. Not unable; because he does not ask to do it; he is so self-possessed and so self-contented.

Q. Now, doctor, we will just read this little book again on that subject: "it is so much the more dangerous that he still retains the necessary faculty to be able to make calculations which are necessary to arrive at his ends"? A. But is that speaking of magalomania?

Q. Under the chapter entitled "Magalomania?" A. Well, would you allow me to quote from Clouston? He is speaking of mental depression, and he says, there are a few cases of depressed feeling with exalted intellectual condition. Many persons exaggerate their former notions of wealth and position by way of contrast with their present misery. I had a woman, in excited melancholia, groaning all the time, and then considered herself a queen; and another a king, and of immense wealth. Some cases are of the nature of what the French call magalomania, that is, expansive grandiose, exalted state of the mind, which, as a mental symptom, is best seen in gentle paralysis, coupled with ideas of persecution, and with depressed feeling, especially at times.

Q. Do you think there is anything in what you have read there that is inconsistent with what I have read to you, that contradicts that? A. Well, there is nothing contradicts it; but I say that magalomania is —

Q. That is simply an interpretation of what this book has said here? A. Well, we are not very far apart; we are only apart this far, that you wish to contend for magalomania as a disease, while I contend that it is only a symptom.

Q. We are not talking about symptoms of diseases at all, I ask you was that one of the symptoms of magalomania and you said that it did not exist in a case, and the book says that it does? A. You are not giving me justice.

Q. I don't mean to do you an injustice. I don't mean to adopt any bullying process, it is not my habit and I don't do it, I don't pretend to set my knowledge against yours in a matter of this kind, you are free to explain it. This magalomania was called formerly intellectual monomania, was it not? A. Yes, it is a monomania.

Q. It came under that general class of cases formerly? A. Yes.

Q. Now, one of the symptoms of that malady—you have heard of a book written by Ducelle? A. No, I never heard of that.

Q. You don't know Legrand Ducelle, a French author? A. No, I don't know the book.

Q. You never heard of a book of that kind, at all events I cannot put the authority in evidence as you say you don't know it, but I might ask you, for instance, whether or not that particular form of disease which I have spoken to you about, that is intellectual monomania, that insane persons believe they are in constant intercourse with God, and they believe themselves to be inspired, and believe themselves to be prophets, and their hallucinations are such that they suppose they are in constant intercourse with the Supreme Being? A. Yes, I have known patients of that kind.

Q. Have you ever heard of (giving the name of another French author)? A. I don't want to hear of any French authors. I never read them.

Q. You never get that far? A. No.

Q. Persons suffering from delusions of grandeur are perfectly harmless as a rule are they not? A. No; as a rule they are not. Not always. They sometimes are and sometimes they are not.

Q. In cases in which they would be harmless, would you put two of these persons together in the same ward? A. I never put two together anywhere. I never put two lunatics together anywhere. They are always kept, either one, or more than two.

Q. Would you put more than two together? A. Yes.

Q. Without any impropriety whatever? A. Yes. Our buildings are put up with a view to that.

Q. I don't know if you understand my question—I suppose several persons suffering from the same, two kings and a queen or two queens, you would put all those persons together in the same ward? A. They might be or they might not.

Q. You would not see any objection in that? A. There would be no impropriety in putting them together, I think not.

By Mr. Osler :

Q. Where the disease exists, is the idea, the result of disease, fixed and constant? A. It is the result of the disease.

Q. But is it fixed or intermittent? A. In those cases they are fixed.

Q. So that when a person has taken herself a queen, she remains a queen? A. She usually dies a queen.

Q. In her own idea? A. Yes.

Q. And she is a queen to everybody to whom she talks? A. Yes.

Q. Not sometimes a queen and sometimes otherwise? A. No.

DR. JUKES, sworn :—

Examined by Mr. Robinson :

Q. You are at present the medical officer attached to the Mounted Police force? A. I am the senior surgeon of the Mounted Police.

Q. And how long have you been in medical practice? A. Thirty-five years.

Q. Have you devoted your attention to insanity at all specially or not? A. Never specially. There are cases, of course, occasionally will come under the notice of every general practitioner, but as a special study I have never done so.

Q. Every medical practitioner, I suppose, has his attention more or less directed to it? A. Occasionally I have been called upon to certify in cases of insanity.

Q. You are also surgeon to the gaol here I am told? A. At present until a gaol has been erected in the North-West Territories, the guard room at Regina constitutes the gaol, the guard room headquarters constitutes the gaol.

Q. In that capacity insane persons would pass under your hands—any person supposed to be insane? A. Yes. I remember during the last three years a number of persons of unsound mind have been sent there as a place of confinement.

Q. And in that way they have come under your observation? A. They have come under my observation for the time.

Q. Now, you know the prisoner I believe? A. Yes.

Q. How long have you known him? A. I don't remember the exact day that he was brought to Regina, but I think it must have been between the 20th and 24th May.

Q. But whatever it was—between the 20th and 24th? A. About that time I am not sure.

Q. Since that time how often have you seen him? A. I have seen him almost every day. There have been one or two or perhaps three days that I have missed seeing him, owing to pressure of other business, other work at that time, but I have seen him uniformly every day.

Q. As a rule you have seen him every day, although you have missed two or three or four days during that time? A. Yes.

Q. Then you have had an opportunity I suppose of observing his mental condition? A. I would speak to him on every occasion in passing him, and he has generally acquainted me with what he conceived to be his wants and his necessities, and I would examine into the condition of his physical—the general health and ascertain how his diet was agreeing with him, and things of that kind, such as came under my special duty, and occasionally he would speak to me on other matters, occasionally he would delay me and speak to me on other subjects.

Q. Then have you formed an opinion as to his mental state? I am speaking now of his insanity—sanity or insanity? A. I have never seen anything during my intercourse with Mr. Riel to leave any impression upon my mind that he was insane.

Q. Then as I understand you believe him to be sane? A. I believe him to be sane so far as my knowledge of such matters goes. I have seen nothing to induce me to believe otherwise.

Q. I suppose you have had your attention directed to that part of his character more or less, I mean to his mental condition more or less? A. No, I have never seen anything to make me question his mental condition, and therefore have never led the conversation under any circumstances to draw out any possible insane notion. I have never made any effort to do so, because my duty was otherwise.

Q. What I mean is, doctor, you have heard, I suppose, from time to time, rumors that there was an assertion of the unsoundness of his mind? A. I have heard it rumored that he had been formerly insane and that he had been confined, I think, in the Beauport Asylum, and I have heard it also rumored that it was the intention to bring forward a plea of insanity in his defence on the present occasion, that is a general rumor.

Q. Therefore, I suppose you have had this thing in your mind, that is all, that part of his condition in your own mind in speaking to him? That is all that I mean? A. Yes; Oh, I have always watched him very carefully so as to notice if possible any appearance of unsoundness of mind, and if I had noticed it, I would have placed him under special treatment as far as my knowledge enabled me to do, or have advised further treatment for him as I have done in other cases.

Cross examined by Mr. Fitzpatrick:

Q. You said, doctor, that you had not made any endeavor to ascertain during the intercourse which you had with Mr. Riel, whether or not he suffered from any

particular mental disease, did you? or any form of insanity or any mental disease, unsoundness of mind? A. I never specially examined him as a lunatic. I never made a special examination of him as a lunatic.

Q. You never made any special endeavor to discover whether or not he was suffering from any particular form of mental disease? A. Never any special endeavor, anything beyond ordinary conversation of the day.

Q. Is it not a fact that there are, doctor, forms of insanity which are not discoverable except after considerable endeavors have been made to discover them? A. Yes; it is so, unquestionably, that you may converse with a man continually and not be aware of his insanity until you touch accidentally, or some other person touches accidentally upon that point upon which he is insane.

Q. Had you been informed at any time of the particular mental disease from which Mr. Riel was supposed to have been suffering? A. I don't think I ever knew as much of it as I have learned here.

Q. So that you never made any endeavor to? A. I never did, that is, I never spoke to him specially with regard to what he believes to be his mission, knowing that many very sane men might be so, and yet the man might be perfectly sane.

Q. So that you have no doubt at all, doctor, from the evidence that you have heard here given by the different witnesses who were examined, the conduct of Mr. Riel is perfectly compatible with a perfectly sound mind? A. Well, I regret to say that my hearing is rather imperfect in the court room, and that I have not been able to hear so well as I could wish the translations that were made to the examinations in French, but so far as my understanding has gone of the evidence which has been given, I have heard nothing which would satisfy me that he was of unsound mind. I have heard nothing which might not be accounted for by other causes, that for instance, of fraud or deception. A man might really believe that he had a mission, as many great men have believed, or he might only pretend for a purpose that he had that belief.

Q. A man might also labor under the insane delusion that he had a mission? A. He might also labor under the insane delusion, but the fact of his laboring under that insane delusion would not necessarily imply that he was otherwise insane or incompetent either to perform business in a successful manner or to be responsible for his actions. That would be my own judgment.

Q. But *quoad* the particular delusion, in so far as the particular delusion under which he is suffering is concerned, he would be still responsible in your opinion, doctor. Supposing for instance that a man labored under the delusion that his neighbor was a savage dog and was endeavoring to destroy him and bite him, and that he killed his neighbor, he might be perfectly sane in other respects? A. You misunderstand me if you think I entertain that opinion.

Q. That is not the opinion you entertain? A. Certainly not.

Q. So that if a man is laboring under an insane delusion the acts which he does while he is under that insane delusion *quoad* the particular delusion he is not responsible for? A. If a man is clearly—if it can be proved that a man is acting—if it is proved that the man is acting under an insane delusion, then any act I should consider which he performed under that delusion, any act having special relation to his delusion I should consider that he was not personally responsible for, if it could be shown clearly that that delusion was an insane one, and that it was not rather a feigned one for a purpose.

Q. So that if it can be proved that a man is laboring under an insane delusion that he was in direct communication with the Holy Ghost and was acting under the direct inspiration of God and he was bound to do a certain act, and he did it, would he be responsible for that act? A. Views on subjects of that kind are so different even among those who are confessedly sane, that it is hardly one on which I could base an opinion. There are men who have held very remarkable views with respect to religion and who have been always declared to be insane until they gathered together great numbers of followers and became leaders of a new sect, then they became great prophets and great men. It is extremely difficult to tell how far a delusion of

that kind may begin as a direct attempt at fraud and may at last so take possession of a man's mind that he may believe himself divinely inspired. I think that cases of that kind could be produced,—and it would depend very much upon the mental condition of a man whether he were responsible. If it could be shown that he was clearly insane, he is clearly irresponsible on that point. That would be my own view.

Q. So that if it can be clearly shown that he was laboring under a delusion that he was divinely inspired directly from God, you think he would not be responsible for his action? A. Responsible for what?

Q. Responsible for his actions in connection with delusion of course? A. What actions would they be, such actions as what?

Q. Such actions as he might do for the purpose of carrying out his insane delusion? A. Well, take Mahomet for instance, that was exactly Mahomet's belief. He believed and few believed with him, even of his own people, that he was divinely inspired, but he acted upon his belief and he carried his whole belief with him. He believed it and he carried it out at the point of the sword and with the whole world, and he convinced the people of what, if he had failed, would have been simply regarded as a delusion of his own mind.

Q. So that you think the conduct of Mr. Riel perfectly compatible with the conduct for instance of a man like Mahomet or a man like Smith or a man like Young? A. No, I don't regard him so far as I understand them—Mr. Riel's views in that light. My opinion is rather, in regard to Mr. Riel, if you will allow me to say it, as far as I have been able to judge from my own personal knowledge, that he is a man of great shrewdness and very great depth, and that he might choose, knowing the great influence which he exercised over these people who had a much inferior education to his own, that they regarded him in the light almost of a Saviour, I have thought that he might have assumed for the purpose of maintaining his influence with them, more than he really believed.

Q. That is your impression, doctor? A. I have thought that it might be so. I don't think it is, for I have never heard him speak on the subject. I have never heard him speak on that subject, and I gather that knowledge only from a general knowledge of what has taken place and from personal knowledge which I acquired in speaking with Mr. Riel, but never on that subject.

Q. And of course that knowledge is also based upon a very imperfect hearing of the evidence? A. Of this evidence to-day—on this evidence to-day it is not based. I had a very imperfect hearing of the evidence of to-day. I am speaking only of the general judgment I formed in my own mind entirely apart from the evidence as given in this room. That is what I speak of.

Q. That is entirely outside of what you have heard here? A. Yes, not—let me observe—contrary to what I have heard, though it may be contrary to what I have not heard.

Q. So that now, doctor, you are perfectly aware, are you not, that insane men have exhibited very great shrewdness in some respects? A. Yes.

Q. Now, are you in a position to say, doctor, on your oath, that this man here is not insane? A. I am in a position to say that after a very considerable amount of conversation with him and daily communication with him, I have never spoken to him on a single subject on which he has spoken irrationally.

Q. And you have never spoken to him on the particular subjects with reference to which he is supposed to have his delusions? A. Name the subject?

Q. On religion, and on his mission with reference to the North-West Territories? A. I have never spoken to him on either.

Mr. Osler.—We may, your Honor, be able to shorten our evidence in reply, if it would be convenient to adjourn now (5 p.m.). It is impossible to close the case to-night, and it would be a matter of convenience if your Honors would adjourn now.

Mr. Lemieux.—We agree if your Honors consent to it. We don't want to be responsible.

Court here adjourned till 10 a.m.

FRIDAY and SATURDAY, 31st July and 1st August, 1885.

Captain HOLMES YOUNG, recalled :—

Examined by Mr. Robinson :

Q. We have heard from you as to the part you took in this rebellion and I need not go over that again. The prisoner was in your charge for a certain time? A. Yes.

Q. When was he given in your charge? A. On the evening of the 15th May.

Q. By whom? A. By Major General Middleton commanding the forces.

Q. What were your instructions, what were you to do with him? A. I was responsible for the prisoner to hold him. On Sunday afternoon I received instructions to leave with him for Regina.

Q. Was it on Sunday afternoon that he was given into your charge? A. He was given into my charge on Friday and remained in my charge till Sunday, when I received the order I have mentioned. We left on Monday at 11.30.

Q. When did you deliver him out of your charge? A. I delivered him here on the 23rd of May.

Q. From the time he first came under your charge till the 23rd of May he was constantly in your charge? A. Yes.

Q. Day and night? A. Yes.

Q. Had you much conversation with him about himself and his conduct and the part he took in the rebellion? A. We conversed almost constantly and very freely.

Q. Upon what subject? A. He conversed on almost every subject connected with the rebellion.

Q. Well then, will you tell us what you think material and of importance in his conversation regarding the rebellion and his own conduct and the part he took in it?

A. During the term of eight or nine days that I was living with him entirely, there was an immense amount of conversation. I have no notes to help me in speaking and my remarks may be a good deal rambling.

Q. Well, tell us? A. He did not speak in reference to Fish Creek, he spoke in reference to Duck Lake, as I said the other day.

Q. Did he speak in reference to his general view and the conduct of the campaign? A. In reference to his general view as to the conduct of the campaign he expressed himself in this way, that he was not so foolish as to imagine that he could wage war against Canada and Britain, but he hoped by the first success to compel the Canadian Government to consider the situation or accede to his demands. He placed it in this way: He hoped to surround and capture Major Crozier's force and with them as hostages to compel the Canadian Government to consider the situation, but they failed in that.

Q. Did he say how he failed to capture Crozier? A. A battle occurred and the police retired. He was attempting, as I said, to surround the police force, but the fight commenced and the police retired. He spoke in reference to attacking the column advancing from Qu'Appelle to the front. He said he did not imagine he could fight the army in the field and the reason he did not adopt guerilla warfare was that he hoped by remaining quiet to induce the general to send a small force or to come ahead with a small force himself, and he hoped to capture that small force, and with them as hostages to compel the Canadian Government to consider the situation. They failed in that, and then he made the attempt to capture the steamer "Northcote," his intention being when he had captured those on board, also as hostages, to compel the Canadian Government to consider the situation. He said he did not sever communication with the east by telegraph, because he hoped to use the telegraph when he captured the hostages.

Q. Those were the general views he expressed as to the situation and the system on which he intended to carry on the campaign and hoped for success. Did he talk about religious matters? A. I noticed that when the conversation was reaching a point that might be of great importance and if he wished for time to answer or to evade the point, the conversation immediately returned on religious matters.

Q. He seemed to use his views on religious matters in that way? A. I so regarded it.

Q. Did he express any special views about religion when he did turn the conversation? A. We had a conversation on the subject of the days of the week, and on the subject of the reformed church.

Q. Tell us any views he expressed on those subjects? A. His view as to hell was, that God's mercy was too great to be sinned away by any person during the short time he had to live. He said there was a period of punishment, and after that, the person would be forgiven. In reference to the reformed church and the days of the week, he said, that when the Christian church emerged from Paganism, it brought some of the remains of Paganism with it, and he instanced the days of the week. He wished to purify religion in Canada, and particularly in the North-West of those parts.

Q. Any other matter? A. He especially mentioned about the infallibility of the Pope. I do not think he referred to any other dogma of the church except that. He desired that the government of the church might be local in Canada. Once or twice the conversation went back to the days of 1869 and 1870, and he spoke in reference to Archbishop Taché as a friend who had been very good to him, and he did not wish me to understand him as saying anything against Archbishop Taché or Bishop Bourget, of Montreal, because he felt that they were personal friends; but he felt that he was right, and even personal friendship would have to give way.

Q. Are there any other general topics on which you conferred with him, and on which he gave you any information? A. He talked about the Indians in different parts of the country, about the Irish aid from the United States, about the battle of Batoche and several incidents that occurred there. He spoke about the rebellion of 1869-70. During the trip in waggons from Saskatoon to Moose Jaw he talked on almost every circumstance and subject. One day when we camped at noon, in moving around the camp ground to place sentries, I saw some Indian signs, which I destroyed. I called his attention to them, and he said it was possible they might have been left there by a lodge of Indians going from the Cypress Hills to help him at Batoche.

Q. Is there anything else that occurs to you? Of course you cannot relate all the conversation. Was there any other subject upon which you had conversation that you recollect? A. When we found the books and papers in the council room, we found the word "*exovede*." This bothered us a great deal. I could not translate it at all, and one of the first things I asked the prisoner was, what the meaning of that was. He wrote the meaning of the word in my note book. He wrote also the meaning of his mission in the note book.

Q. Do you remember what it was? A. He said that everyone had a mission, and that his mission was to accomplish practical results. The meaning of the word "*exovede*" was, he said, from two Latin words, *ex* from, *ovede* the flock—that the councillors were members of the flock. He himself professed not to be from *exovede*; that there was an *exovede* outside of him with a president.

Q. Does anything else occur to you? I don't wish you to give all the conversations. If you tell us what is important and material, that will be satisfactory to me? A. That is all I can think that will have any bearing on the case. There was a great deal of conversation.

Q. From first to last of these conversations with you, did you observe anything to arouse a suspicion or indicate that he was of unsound mind? A. None at all, certainly not. I found that I had a mind against my own, and fully equal to it; better educated and much more clever than I was myself. He would stop and evade answering questions with the best possible advantage.

Q. The idea of mental aberration, unsoundness of mind, never occurred to you? A. I believe it was for a purpose what has been given as a reason for insanity.

Q. Did he profess to you to have the Spirit of God or the power of prophecy? A. No, never to me.

By Mr. Greenshields :

- Q. What experience have you had in dealing with people of unsound mind ? A. None at all.
- Q. You are only speaking now from the conversations you had with the prisoner ? A. Merely from the nine days I lived with him.
- Q. You never had a medical education in that respect ? A. No.
- Q. You do not consider yourself in a position to give an opinion as to the sanity ? A. I could not give a medical opinion, but I consider that during the nine days I was living with him I would know if I was living with a lunatic.
- Q. Did you hear Dr. Clarke state that it would take three or four months to find out whether a person was insane in many cases ? A. I did.
- Q. Do you think you are as clever as these doctors who have stated that ? A. I think, living with them as I did, it would be different.
- Q. Did you hear the doctor say it would require constant conversation with the person to discover ? A. Not constant; such intercourse as the superintendent of an asylum would have.
- Q. Have you got that little book he wrote in ? A. The counsel for the Crown have it.
- Q. You stated that he told you his mission was to produce practical results ? A. Yes, the exact words are in the little note book.
- Q. You gave him the book and asked him to write in it ? A. He asked for my book to write in, so that it would be correct, and that there would be no misunderstanding about it after.
- Q. Did he tell you what the practical result of his mission was to be ? A. He spoke frequently of the annihilation of the Metis by the Hudson Bay Company and the Mounted Police. I wanted to get at the meaning of the annihilation, but I could not succeed; he evaded me.
- Q. The practical results did he explain to you ? A. His explanation was that he wanted to save the people of the North-West from annihilation.
- Q. That was the practical result of his mission, as you gathered in conversation with him ? A. He evaded me, he would not come down to particulars.
- Q. Did he tell you anything as to dividing the territories among different nationalities ? A. No, the first I heard of that was in the court room.
- Q. You stated that he said he was not foolish enough to imagine that he could wage war against England and Canada ? A. I asked him how he expected, with 700 or 800 men, to wage war against three millions of people.
- Q. You included England ? A. Yes, as being the governing country. (Note book handed to witness, who reads.) "I have a mission, so has everybody for me. I understand my mission in this way, to bring about practical results."
- Q. I understand there is something in your book in reference to the word "*exovede*" ? A. It is lengthy.
- Q. No matter, let us have it ? A. It is as follows: *Exovede* from, Latin word *exovede*, flock; from two latin words, *ex*, which means from, and *ovede*, flock. That word I made use of to convey that I was assuming no authority at all. And the advisers of the movement took also that title, instead of councillors or representatives; and their purpose for doing so was exactly the same as mine, no assumption of authority. We considered ourselves a part of society and near us, another part of the same society attempted to rule over us improperly, and, by false representations and through bad mismanagement of public affairs, were injuring us greatly, at the same time they were obtaining the ear of the Government. They were turning all the press against us. The situation was leading us simply to annihilation. Without assuming any authority than that which exists by itself in the condition of our nature we recurred to the right of self-preservation and those who agreed to act together in the protection of their existence, threatened in so many different ways, took the names of *exovedes*. So that having their distinctive title for the time being and to be known as the men of the movement, when the crisis would be over, the reaction would be as slight as possible; for the reason that what would have been undertaken and accom-

plished under the sound authority of good sense could have no other result than good ones, and consequently the movement prove to be less a disturbance than a remedy to some things which were previously going too far in the wrong. Several times it is true, we made use of the words, "representative members of the council," but we had to do it, until the word *exovede* was understood and until it would begin to become usual amongst even the men of the movement. So the council itself is not a council, and being composed of *exovedes*, we have called it the *exovedate*.

General MIDDLETON, recalled :—

Examined by Mr. Robinson :

Q. General Middleton, you have been examined already in this case—on what date did you say Riel came into your custody? A. On the 15th of May, I think.

Q. And how long was it before he left your camp? A. On the morning of the 19th.

Q. So he was with you almost four days? A. Yes, three or four days.

Q. And during that time had you much conversation with him? A. No, not much. I had more conversation with him the first day than any other for I had him for the first part of the day, in fact nearly the whole day, in my tent, until I prepared another place for him, so that I really talked more with him on that day than any other.

Q. That was immediately after his capture? A. Yes.

Q. Can you give us any general idea what your subjects of conversation with him were and what he said about himself, his party and his plans? A. Well, I didn't ask him much about them. I remember asking him some questions similar to what Captain Young has told you. I remember asking him why he confined himself to cutting the telegraph wire only between Frog Lake or between that station and Prince Albert, why he confined himself to only removing that and not removing the other wire all around me, and, as near as I can remember, his answer was that he only wanted to cut off the police from Prince Albert, and that he thought he might deprive them of being able to communicate with the rest of Canada and that he probably would want to use it himself. And then I asked him how he came to think he would be able to wage war against Canada with England at its back, because I said England would of course have come to the front had Canada been beaten, that it would have been impossible for him to hope to succeed against Canada, and he gave me very much a similar answer, that he didn't expect to be able to beat them, but he thought that by dint of showing a good bold front that he would probably get better terms from the Government, and he seemed to have an indefinite idea, a sort of idea of taking everybody prisoner he could lay hold of, that he thought he could take Major Crozier, and he said he hoped to take me prisoner, and that he then would have got better terms.

Q. Taking hostages in point of fact? A. Yes, hostages. That was the general view, I think, by means of which he would obtain better terms.

Q. Is there anything else he said to you on this subject that you remember? A. No, I cannot really remember anything more.

Q. Did he speak to you on religious subjects? A. Yes.

Q. What were his views? A. He very often turned the conversation to religious subjects. He told me some of his views. Some of them I had nothing to say against. I used to listen to what he had to say. He told me Rome was all wrong and corrupt, and that the priests were narrow-minded and had interfered too much with the people, and other of his ideas were excessively good. He told me he thought religion should be based on morality and humanity and charity. He talked in that sense and style.

Q. You cannot remember anything else just now that he said to you? A. No.

Q. During all your intercourse with him did you see anything whatever to indicate any suspicion of unsoundness of mind in him? A. No, I cannot say I did—the contrary.

Q. Did it occur to you there was any reason to imagine the man was not perfectly sound in mind? A. No, I should say on the contrary he was a man of rather acute intellect. He seemed quite able to hold his own upon any argument or topic we happened to touch upon.

Q. That idea never occurred to you? A. Of course I had heard constantly before about reports of his insanity. I heard for instance one or two of the people that escaped from him, scouts, half-breeds, one man I remember told me "Oh, Riel is mad, he is a fool, he told me what he was doing at Batoche." So that I really had heard it, but I came to the conclusion he was very far from being mad or a fool.

Q. That was your conclusion? A. Yes, that was my conclusion.

Examined by Mr. Greenshields :

Q. Did that man say what Riel was doing at Batoche? A. Nothing. He simply said Riel was a fool and shrugged his shoulder.

Q. The letters addressed to you by Riel were signed by him *Exovede*? A. I believe they were—no, I don't think they were; you have them there.

Q. Of course you never had seen Riel previous to his surrender on the 15th? A. Never.

Rev. CHARLES BRUCE PITBLADO, SWORN :—

Examined by Mr. Osler :

Q. You live in Winnipeg and are a clergyman? A. Yes.

Q. Were you on the boat when the prisoner was brought down the Saskatchewan?

A. I was on the "Northcoote" with Riel.

Q. From what date and for how long? A. We were on the boat Monday, Tuesday and part of Wednesday.

Q. Were you in his company otherwise? A. I accompanied him to Regina.

Q. How many days were you on the way altogether? A. Five days. We came here on Saturday and had left on Monday.

Q. Had you any conversation with him? A. Several conversations with him.

Q. On what subjects? A. Well, on various subjects, on the rebellion, as I call it, also on his religious views, and we spoke of various other subjects.

Q. Did he give you his plans, his schemes, what he hoped to get by the rebellion? A. Yes, his general scheme was this: He hoped to induce the Government to make a treaty with him or with the half-breeds of the North-West similar to the treaty they had made with the half-breeds of Manitoba. That was what he stated to be his chief object.

Q. How did he hope to accomplish that with his force? A. He told me first of having sent his bill of rights or representation of his grievances to the Government.

Q. How did he hope, with his organization to get what he wanted? A. It would be necessary for me to tell just how the matter progressed.

Q. No, we only want what is material? A. Well, he hoped to get the police in his power, so that whilst they were held, I suppose as hostages, he said simply while he held them, that he might negotiate with the Government while they were in his power.

Q. Then did he say how that failed? A. He explained how that failed at Duck Lake.

Q. Did he tell you what his object was at Duck Lake? A. His object was to get hold of the police so that whilst they were in his power he might negotiate with the Government.

Q. Then failing that what was his next plan? A. To meet General Middleton's forces at Fish Creek and if they suffered reverses, of which he was pretty confident they would, that he would then send word to the Indians and whilst the troops in the country were busy with the Indians, who he felt confident would rise, that then he would be able to negotiate with the Government. That is substantially the plan as it impressed itself on my mind.

Q. The second plan was to meet him at Fish Creek and then raise the Indians and whilst the country was engaged with the Indians to carry on negotiations with the Government? A. That is substantially what I understood it to be.

Q. Failing that, what did he expect to do? A. Well, if that failed, and of course it did fail, he still hoped to meet General Middleton at Batoche, and he would be able to hold him at bay long enough to negotiate with the Government.

Q. These were his three different steps? A. His three different steps.

Q. All ending with the one object? A. Yes, to get a treaty with the Government.

Q. Now you had a conversation with him how frequently? A. I had them off and on during the whole of that time. I could not tell the number. We often spoke together.

Examined by Mr. Greenshields :

Q. How long did you say you had been with him on the boat altogether? A. From Monday to Saturday; from the time they started from Garriépy's Crossing till we came to Regina.

Q. You never had seen or met Mr. Riel before that time? A. Never.

Capt. RICHARD DEANE, sworn :—

Examined by Mr. Burbidge :

Q. You belong to the North-West Mounted Police? A. Yes.

Q. Has the prisoner been in your charge? A. Yes, since the 23rd of May last.

Q. Have you had occasion to visit him frequently? A. Yes, I have seen a good deal of him from first to last.

Q. Since that time up to the present? A. Yes.

Q. You have conversed with him? A. Yes.

Q. Principally on what subjects? A. Chiefly subjects affecting prison discipline and as to his diet and concessions as to liberty. All requisitions must be made to me.

Q. Have you been always able to grant them to him? A. Well, not always.

Q. When refused did he show any excitement or irritability? A. No; his manner was most polite and suave and he never altered his manner in the least.

Q. From the observation you had of him have you seen anything to indicate he is not of a sound mind? A. Nothing whatever.

Q. Anything to indicate the contrary? A. Yes, I think so; he always gave me the impression of being very shrewd.

JOSEPH PIGGOTT, sworn :—

Examined by

Q. You are a member of the North-West Mounted Police? A. Yes.

Q. What is your position? A. Corporal.

Q. You have had charge of the prisoner? A. Yes.

Q. Since when? A. Twenty-second May.

Q. Have you been his keeper? A. I have.

Q. Did you see him daily? A. Many times a day.

Q. Have you conversed with him? I didn't converse with him.

Q. You have had frequent opportunity of observing him? A. Yes.

Q. Have you seen anything in his conduct to show he is not of sound mind? A. No, sir, I always considered him of sound mind.

Q. You have heard him speak? A. Often, sir.

Q. And he speaks with good reason? A. With reason and politeness.

Mr. Osler.—That is the close of the evidence in reply.

ADDRESS TO THE JURY BY THE DEFENCE.

Mr. Fitzpatrick.—May it please your Honors, gentlemen of the jury,—In the month of March last, towards the end of that month, a cry of alarm spread throughout the country, which was flashed with the rapidity of lightning all throughout the Dominion of Canada. A rebellion was supposed to exist in this section of the Domi-

nion. It was said that the country was placed in peril. Men from the north and from the south, and from the east and from the west, men rose and rallied around the flag of their country ready to do or die. Clerks left the stools of their counting-houses, mechanics left their shops, and all stood ready to do or die in defence of their country. In this peaceable, law-abiding country the hum of industry to a certain extent ceased and it was superseded by the tread of armed men, and the sounds and strains of martial music. Men came, as I said, from all parts of the Dominion to this section of the country. War, to a certain extent, prevailed for a short time. Cut-Knife Hill, Fish Creek, Batoche—all those battles were fought—and as a result we find to-day the prisoner at the bar now stands indicted for high treason. We find him now indicted for treason, for an offence, not one of those ordinary criminal offences for which men are generally arraigned before the tribunals of their country, but we find him arraigned for an offence which is peculiarly an offence against the Government. As during the so-called rebellion all the forces of the State were put in motion to suppress it, so to-day all the machinery of the law is put in motion for the purpose of reaching this man, the prisoner at the bar. We have, as in case of the so-called rebellion, forces taken by the Government from all sections of the country. We find them appealing to all those learned and eminent in our profession. We find men brought here from the east and from the west, from the north and from the south, for the purpose of vindicating the cause of the Government. Gentlemen, allow me to say it, even in their presence the Government has exercised a wise discretion in their choice. On the other hand, the flint-locks of the rebels at Batoche, these weak arms that they then had are presented to you to-day by the flint-lock counsel who are now acting for the prisoner. You now see, gentlemen, arrayed on one side all the forces of the Government, and on the other side all the weakness of the rebels at Batoche. You now see the storm raging furiously around this man's head. You now see the waves rising ready to engulf him, but, gentlemen, if we have but the flint-locks of Batoche in our hands, if we have nothing else at our disposal but our weak talents, when I look around me I see a silver lining to the cloud, and the storm which is rising so furiously around this man, and that silver lining I see there before me in you, good men and true. I say, gentlemen, that, notwithstanding this man may be weak, and notwithstanding that the Government has arrayed all its talents against him, I see in that the semblance of an English jury, this one grand right that you shall say to the Government, thus far shalt thou go and no further; thou shalt not touch one single hair of this man's head except in justice and in fair play, and not one single hair of his head shall you allow to be touched unless it is in accordance with the well understood principles of law and of justice, and of equity, and especially of fair play. Gentlemen, as I said when I opened this case, what I now have before me is but a shred of that proud institution known as a British jury. What I now see before me is but a shred of it, but even a shred of that jury is sufficient to save a man, when that shred is woven by such material as that that I now see before me. You have but the shred of a jury, but it is sufficient, I trust, in this case, to see that justice is done.

In this case you have heard a very brilliant statement made of a case for the prosecution. You have seen, gentlemen of the jury, the learned counsel who opened the case for the Crown state to you all the events which he intended to prove. You have seen in his hands—and he is truly master of the art—you have seen how in his hands the wounds of our citizen soldiers who died at Duck Lake and at Fish Creek—how they were made to do the duty for the Crown. You have seen how their bloody corpses were made to do duty for the Crown. You have seen how their bloody corpses were appealed to, how the blood-stained snow was brought to your presence—all that has been done.

First, gentlemen, we must limit ourselves to a plain statement of the facts and ask you to bear in mind but two things. In the first place, to what extent, and how was this rebellion carried on as it has been described here? What proof has been given before you by the Crown of the overt acts of treason laid at the door of this man. And secondly, to what extent is he responsible for those acts?

I know, gentlemen, that it would be extremely right for me now here to say a word of praise for those citizen soldiers who at the call of duty left their homes and firesides and came here to fight a battle for what they thought was right—I know, gentlemen, that it would be right for me to say a word about them, but I know, gentlemen, that all I can say can never be equal to the task which I see imposed upon myself, for I know that the names of Fish Creek and of Batoche and of Cut Knife Hill shall be inscribed in letters of gold on the annals of the history of our country. I know that the names of those men who died in those battles shall be written on something more durable than marble or stone, that they shall be engraved on the hearts of their grateful countrymen; but, gentlemen, in the face of all this, is it possible that no voice shall be heard, no voice shall be heard to say a word in favor of the vanquished? Is it possible that in a country like this, that all men shall cringe to power, that all men shall be on the side of victory, and that no voice shall be heard to plead the cause of the vanquished? Shall we resemble the Romans of old after the fight of the gladiators and say, victory to the victors, life to the victors and death to the vanquished? No, gentlemen, I know that such shall not be the case here, and I know that when I plead for those unfortunate men, for those men who died on the side of the rebels at Duck Lake, Fish Creek and Batoche—I know that I plead for good men and brave, men who died fighting for what they thought was right; men who died for what they thought was fair and just, and if they were misguided, they were none the less brave men and men looked upon as our fellow citizens and to have done honor to our common country.

Now, gentlemen, it is probably right for me to say here that no one of any nationality, of any creed, whatever may be the source whence he derives the blood in his veins, can justify the rebellion, but it may, at the same time, be proper for me to say, to draw your attention to the fact that criminal folly and neglect would have gone unpunished had there been no resistance. It is right for me to say, gentlemen, that the Government of Canada had wholly failed in its duty towards these North-West Territories—and here I may as well remark that, while I speak of the Government, I speak not with the eye of a politician; when I speak of the Government, all parties are identical and the same in my eyes—I say that the Government of Canada wholly failed in its duty towards these North-West Territories, and I say, gentlemen, that it is a maxim of political economy that the faults of those whom we have placed in authority necessarily injuriously affect ourselves, and it is thus that we are made the guardians of each other's rights. The fact that the Government and the people placed in authority have committed faults towards the North-West to a large extent do not justify the rebellion; but, gentlemen, if there had been no rebellion, if there had been no resistance, is there any one of you that can say to-day, is there any one of you that can place his hand on his conscience and honestly say that the evils under which this country has complained would have been remedied? I know, gentlemen, that it is not right to preach treason, and it is no part of my duty to do it. I know that it is probable some of the doctrines may be looked upon as socialistic, but I say that the plant of liberty requires the nourishment of blood occasionally. I say, gentlemen, look at the pages of history of our country, look at the pages of the history of England, and tell me if there are in all those bright annals any that shine brighter than those that were written by Cromwell at the time of the revolution? Tell me, gentlemen, if the liberties which Britons enjoy to-day were bought too dearly, even with the life blood of a king? I say that they were not. Let us now look at the position of this country. We find that this country originally was the exclusive property of the Indians. We find that this country, in the wise decree of Providence, had been originally left to them. Then we find, gentlemen, that this country, being entirely in their possession, the Provinces of Canada now were settled by people from the other side. We find these people animated with that desire which necessarily actuates all these descendants of Englishmen and Frenchmen that desire to go and conquer and see worlds unknown, that those people spread out over those fertile regions and came in contact with the Indians and formed alliances with them, and became part and parcel of themselves—an act of union between the English and

French settlers in Canada and the Indian aborigines of this part of the country; and we have that race now known as the Métis. We have the Indians in possession, and then we find the Government of Canada and England coming here, and how do they treat the Indians? Do we find the Government treating them with buckshot and with cannon ball? No. Guided by that humane policy that has always been an essential attribute of England, we find treaties being made with the Indians. We find their rights acknowledged, and we find arrangements being made with them whereby certain rights are secured to them, and in return they give up portions of the country to the English. Then we find the Indians travelling towards the land of the setting sun. We find the Indian leaving the land that has been formerly his, and hunting ground, and receding in the face of the onward march of civilization. We find the Indian, as he says himself, leaving his happy hunting grounds, and, as a poet has already said, saying to the bones of his forefathers as they lie beneath the sod, rise up, march on with us toward the land of the setting sun, where we also shall set at some day not now far distant.

Then, gentlemen, as I tell you, we have the half-breeds. We have the half-breeds who by their blood represent and form the distinctive characteristic of union between the Indian and the white man. We have the half-breed, the result of the union between the Indian, the representative of savagery, and the white man, the representative of civilization. We have therefore, gentlemen, this bond of union between civilization and the Indian, and I say gentlemen, that that bond of union represented by the Metis has been one of the greatest factors in the civilization of the Indian. I say that this bond of union which is represented by the Metis has done more for the North-West country than anything that has ever been done for it heretofore.

Why is it that this country has not been the scene of so many Indian wars as we have seen ravaging the United States? Why is it that this country here as to its Indian policy, has been such a great success? Why is it that the Indian policy of our Government has been so successful? It is purely and simply because of the fact that the half-breed always stood between the Indian and his fellow white man. The half-breed was the distinctive characteristic intermediary between the two. And gentlemen, it is impossible for us to find any better illustration of that principle than has been afforded us by this last unfortunate war. In the whole of this war, what do we find? When we find the savage instincts of the Indians roused, when we find them roused up ready to do and commit acts of the utmost brutality, what do we find standing between him and his fell designs? Where do we find the man that is brave enough and plucky enough to say thus far shalt thou go and no farther? You have found it in the case of the half-breeds. You have found the half-breed always standing between the Indians and the white men. You have found the half-breed standing between the Indian and the white man. You have found the half-breed standing between the Indians and Mrs. Delaney and Mrs. Gowanlock. You have found the half-breed standing between the Indians and the priests. You have found the half-breed—in the case of those very prisoners brought here—you have always found the half-breed standing between the white man and the Indians, and always on the side of civilization and the side of mercy, and always on the side of humanity.

Now, gentlemen, what rights those men have had by virtue of their Indian origin, what rights those men have acquired by virtue of the services which they rendered to the Government, how were those rights respected?

It is not necessary for me to go any further than simply to put the question: And what was the condition of affairs in this country at the time, at the beginning of this constitutional agitation? We find, gentlemen, that those men after being deprived of their means of subsistence by reason of the fact that the chase would no longer furnish them support, the support they had previously obtained from it—we find those men, gentlemen, turning their attention to pastoral pursuits and giving their attention to agriculture. We find those men entering into possession of those small portions of land, a very small portion of God's inheritance, of that inheritance which had been given to their Indian ancestors. We find them entering into possession of

those lands, and imbued with the ideas which their forefathers had given to them, they settle on those lands, they endeavor to cultivate them, they endeavor to make a home for themselves. After they had been in possession of those lands, we find certain grievances crop up, certain difficulties arise between the Government and themselves, and then what next? Then they begin to think if they can find in the annals of history any people who have ever occupied the same position as themselves. They begin with the limited knowledge which they have, to ask themselves whether or not they can find a comparison, they can find a people situated as they were, so as to see how those people acted, and how they obtained a redress of their rights. Their sphere is limited, those ignorant half-breeds of the Saskatchewan had not, as you and probably a great many others here have, travelled through Europe, across the waters, and gone into the United States, and gone around the world, with enlarged ideas—the sphere of their knowledge was limited, but they looked around themselves, and the first thing they saw was Manitoba. The first thing they saw was Manitoba, and they said to themselves, why, here in Manitoba, the people were situated as we are, they had about the same rights, the same privileges as we had before Canada came into their country, and they said to themselves, why, with those rights, what resulted? What position are they in to-day? What is the difference between their position and ours? They said their position is entirely different from ours, as entirely different as day is from night, they are in the full enjoyment of all the privileges of the British constitution. They are in full enjoyment and peaceable possession of their lands. They have been conceded titles. Titles have been conceded by the Government to them, by which they have the muniments of title to the little patch of land they have tilled. How did they come by all this? How did they acquire it? Then some of the old men in this district begin to think so far back as 1870, when a difficulty arose there between the Government and the people—a difficulty arose in which there was one man who guided the movement, from which movement a successful issue was obtained, and they said, the man that did so much for the half-breeds there, the man that obtained for them their rights surely will consent to do as much for us, the man who acted in Manitoba and gained for the Manitobans, for our brothers of that district, their rights and their privileges, will surely do as much for us as he did for them. Then the word goes around and the name of Louis Riel suggests itself to every person, and they begin to find out where this man is. They say to themselves, a man who played such an important part at that time as he did, that man surely will help us. But perhaps he may now be placed in a situation where he is above and beyond want. He may now be placed in a position where he must necessarily have benefited very largely by what he did in Manitoba, and they say, they may possibly have said to themselves, well, perhaps, we cannot get him, but we will try at all events. They had to choose a deputation, and they sent that forth. They find out where Riel is, and they send a deputation to ask him to come up and help them in their agitation, and where do they find Louis Riel? Is he a gentleman living in the lap of luxury? Is this the man who will be represented to you and who has been represented to you as a selfish, ambitious man, with no desire in the world but for selfishness and for egotism—this man who has been represented to you as the man who endeavors to seek himself first and everyone else after? Where do they find this man? Not, as I said, rolling in the lap of luxury. No, gentlemen of the jury, he occupied the humble position of a village schoolmaster; he was there with his wife, an humble Cree woman, with his little children there in Montana, endeavoring to earn for them their daily bread by the sweat of his brow as a schoolmaster; he was there acting as a schoolmaster among those people and endeavoring to earn his modest pittance, and, gentlemen, he is asked, and from there he comes up to join this movement—he does not hesitate. He does not, before he leaves there, stipulate that he shall be paid for his services. He does not tell those men: You want me to leave my country; you want me to leave this home that I have made for myself and you want to bring me back there in the hands of enemies, to a certain extent. He does not stipulate for a payment. He says: No, you are my brethren; the same blood that runs through my veins runs

through yours, and any services that I may be able to give you are free to command, and he went with them. Then he comes into the country, and when he is there how does he act? He takes part in this movement; he assists his fellow men in their agitation; he attends at all the meetings; he gives his views on the political situation, and then, gentlemen, we are told at a sudden moment a break takes place. Then, you will be told by the Crown, there is the transition from constitutional agitation to open armed rebellion, and I have no doubt that some beautiful theories will be expounded to you on the art of constitutional agitations. You will be told probably, in very eloquent terms, that the British constitution is elastic enough to enable men to obtain the redress of all their rights, to obtain the redress of all their rights by means of constitutional political agitation. I say, gentlemen, all that is very true, and all that may appear to you as very forcible argument; but there is one thing you must remember when it is said to you—there is one thing I beg of you to remember when my voice shall have ceased to be heard by you, and that is that when they talk of constitutional agitation in England, when they talk of the representative institutions of England, when they tell you what might be done in England and in Canada, you must remember that the North-West Territories cannot come in under that rule; you must remember that constitutional agitation, as understood by those books as represented to you by the officers of the Crown, is perfect when the people are makers of their laws; when the people elect their representatives and send them to Parliament and have a voice in the affairs of the administration of the body politic—if you were represented in Parliament, if you had rights, if you had grievances, and you had people to represent you in Parliament, what would you have to do? You would agitate, you would constitutionally agitate. You would politically agitate. You would have your representative in the House of Parliament come among you, and you would say, we have those grievances, we insist on those grievances being redressed, and you are there at Ottawa in the Federal Parliament for the purpose of having those grievances redressed, you are there for the purpose of expressing to those people who are down in Ottawa, what our views are and how we want the law administered, in so far as we are concerned. That would be constitutional agitation. That would be perfect agitation. That would be a perfect answer to any argument that I might have advanced on constitutional agitation; but when you are in the North-West Territories very nearly 2,000 miles away from those who make the laws under which you are governed—very nearly 2,000 miles away from the people who make the laws for you, and in the making of which laws you have no voice, over which you have no control, in which representative institutions you have no one to represent you—here you have those Metis, gentlemen of the jury, you have those unfortunate Metis of the Saskatchewan 2,000 miles away from Ottawa, 2,000 miles away from this representative House of Parliament and without one single representative either constitutional or otherwise to represent them, without one single voice to be raised in their favor. You have the fact that those men have been in this territory, and that this country has been in the hands of the Dominion of Canada for the last fourteen or fifteen years, you have that fact and you have the fact that during all that time those men have not been able to get one single representative, not been able to take any part direct or indirect in the management of their affairs, of their own affairs or the affairs of their country. Now, where is the constitutional agitation? How can you be told on those facts that those men could constitutionally act? Could you be told that on those facts they could have endeavored to obtain a redress of their wrongs by this constitutional agitation? I say, gentlemen of the jury, the situations are entirely different, that which was constitutional agitation in England cannot be considered as constitutional agitation here and what is considered constitutional agitation in Canada, in any other part of the Dominion of Canada, cannot be considered as applying to the North-West Territories, for the situations are entirely different.

You have seen, gentlemen, from the evidence adduced before you, how Mr. Riel acted throughout the whole of this movement. You have seen he took part in the

different political meetings that were held, and what his conduct was during that time. You have been told of this meeting at Nolin's—you have been told of this meeting at Prince Albert—you have been told how at the meeting at Nolin's this man in the month of January last stood up, and in terms, the very essence of loyalty, proposed the health of Her Majesty the Queen: You have been told how at Prince Albert, at a meeting held there, this man said, let us agitate, let us agitate by constitutional means. We must obtain the redress of our wrongs during five years, but if we do not obtain it at the end of five years, we will agitate for five years more, and probably at the end of ten our voices shall have been able to pierce from the Saskatchewan Valley down to the House at Ottawa; but, gentlemen, at a given moment, in the beginning of March, as I said when I opened, an appeal to arms took place, and here I confess I tread on dangerous ground. Either this man is the lunatic that we his counsel have tried to make him, or he is an entirely sane man in the full possession of all his mental faculties, and was responsible in the eyes of God and man for everything that he has done. If he is a lunatic, we, in the exercise of a sound discretion, have done right to endeavor to prove it. If he is a sane man, what humiliation have we passed upon that man, we his counsel endeavoring, despite his orders, despite his desire, despite his instructions, to make him out a fool. If he is a sane man, gentlemen of the jury, if he is the sane man that the Crown will endeavor to represent him, are there any redeeming features in his character and in his conduct of this rebellion? Are there any redeeming features in what he has done in connection with it which necessarily appeal to the sympathies and to the judgment? Here we find this man taking part in this, acting in concert with a naturally excitable population, acting with them in entire sympathy with the movement which began long before he came into the country or had anything to do with it. At a given moment—if he is a sane man—that movement, like all other popular movements, got ahead of him, got beyond his control. Then, gentlemen, did he after fanning the flame, did he after fomenting the trouble, like some others, turn his back on the men whom he had put into the trouble and into the difficulty? Did he like some of the men who stood in that box—did he after fomenting the discord, after inciting those unfortunate men to rebellion, after placing their necks in the halter—did he stand back or stand from under and endeavor to save himself? Did he play the part of the coward or the traitor? Did he play the part of the sycophant who comes and kneels at the feet of the Government, endeavoring to seek a victim amongst his friends and relations? Did he, gentlemen of the jury, with all this magnanimity which has been represented to stand on other heads, with all this glory, has been endeavored to be put on the heads of other people? Did he fly and leave women and children to be massacred? and did he fly from the hands of justice, or did he stand his ground like a man, and did he come before the representatives of Her Majesty and say, if any is to suffer, let me suffer; if anyone is to be punished, let me be punished; if any victim is to be found, I am the victim that is to go upon the scaffold; and I fought for liberty, and if liberty is not worth fighting for, it is not worth having?

Gentlemen, you will be told men have been brought into that box and endeavors have been made to excite the public mind with enthusiasm about certain soldiers who acted throughout this rebellion; a man has been brought into that box to come here and tell you how he took part in that agitation, to tell you how he fanned the flame as I said and how afterwards, sycophantic like, he bent his knees and adored the rising sun. You have been told throughout this country that this person and that person who took part in the rebellion was a hero, that they were all heroes but this unfortunate man; but when the time comes to show the true spirit of the hero, did this man run away? Did this man endeavor to seek safety in flight or did he come, as General Middleton said himself, in the box, and deliver himself up freely and voluntarily ready to bear the consequences of his acts? But, gentlemen, I have stated those facts to you simply to show you that no matter how you look at the character of Louis Riel, there are to be found in it redeeming features; but, gentlemen, I still maintain that it was a wise movement on our part, that we were justified by the facts,

that our views have been borne out by the evidence, and that we were bound in our instructions as representing this man to say that he is entirely insane and irresponsible for his acts, and will now proceed to examine that branch of the case. Here it may be well for me to remind you somewhat of the history of this man's life. You know, gentlemen, that he is himself a half-breed. You know that he is himself a descendant of those Indians of whom the poet has said that their untutored minds see God in the clouds and hear His voice in the winds. You know, gentlemen, that a descendant of those Indians is endowed with that mysticism which forms an essential element of their religious character. He has descended from the Indians and one of those Metis of whom I spoke to you a moment ago. He lived in this country for a considerable period of time and took part—as matter of history, I might state this to you—in the Manitoba movement in 1870. As a result of that movement the unfortunate man was afflicted with a disease of the mind and so far did it go that it became necessary to keep him in a lunatic asylum. You know that we find here proved that he was in a lunatic asylum from the year 1876 to 1878. That is a fact about which there can be no dispute. It now becomes necessary for us to see whether or not this man is suffering from any form of mental disease which is known to the books and known to authors who have treated on this subject. We have stated that this man was suffering from that form of disease known as magalomania. It is not necessary for me to tell you more than that the characteristic symptom of this disease is an insane, an extraordinary love of power and extraordinary development of ambition, a man that is acting under the insane delusion that he is either a great poet or a god or a king or that he is in direct communication with the Holy Ghost; and it may be well for me here to remind you that I do not speak here of my own authority. I tell you here that from books, the most reputed authorities on this subject, one of the distinguishing characteristics of this disease is that the man might reason perfectly and give perfect reasons for all that he does and justify it in every respect, subject always to the insane delusion. They are naturally irritable, excitable, and will not suffer that they can be contradicted in any respect. Let us now see, gentlemen, whether, under the evidence that has been brought here before you, we find proof of the existence of those symptoms which are described as characteristic of the malady which we contend this man is suffering from; and, in the first place, it may be well, perhaps, before I enter upon that branch of the case in detail, to remind you that in all cases of crime, it is essential, I might almost say, for the jury to enable them to arrive at a proper conclusion, to examine into the motive, the determining motive which can have brought a man to commit a crime. You take a case of murder, you always see in a case of murder, if you find a man accused of murder, you naturally ask yourself well what can have been the determining cause, the motive which can have guided that man in the commission of the crime? Was it jealousy, was it desire of gain, was it hatred, was it passion? There is some motive, there is some moving, guiding motive which must necessarily be accounted for.

Now, gentlemen, bearing that fact in mind, you know that human depravity has not gone so far that a man will commit a crime of mere wantonness, without any motive, without any object whatever in view? Now here, what object could Louis Riel have in this rebellion? What motive could he have in view. If you are told that this was a vain, ambitious man, and the object this man had in view when he did all those things was his desire for gain, his desire for power, and you say the man was sane, that the man was perfectly sane; let us examine together how it is possible to consistently say that this man, if he was sane, could have ever thought to obtain the object of his ambition, the wealth which he is supposed to have desired, by adopting the means which they pretend he did adopt. Here is a man in the valley of the Saskatchewan in the midst of a tribe of men, in the midst of a people who were devoutly attached to their church, a people who were not armed, who did not have any power to obtain any of the essential attributes, any of the things requisite to enable them to levy war. You have this man who is represented to you by the witnesses who come into the box and who expect you to believe them; this deep, designing, cunning man; you have this man who is gifted with extraordinary powers,

that one of the witnesses, who is an extremely intelligent man, said, that he was afraid to risk himself against him; you have this man who is represented to you as a villain of the first water, a deep, designing rascal, with intelligence of the very highest calibre; you have this man represented to you as going coolly to work for the purpose of obtaining his ambition by enrolling four or five hundred poor unfortunate Metis, with flint-locks, with guns, with limited ammunition, and, as General Middleton said, attacking the whole power of the Dominion of Canada, with a power of Britain behind her back. Now you have this deep, designing man—remember you have this man here with wonderful intellect, this man here with a wonderful judgment, actually undertaking to effect the purpose of obliging Canada to grant him his requests. You have this man here, this deep, designing, cunning man, this man with wonderful intellect, expecting to succeed in forcing the Dominion of Canada, backed by England, to accede to his demand with four or five hundred Metis at his back. You have in addition to that this cunning man, this man with full knowledge of the character of his fellow-men, of the Metis; this man with full knowledge of the fact that those men were devout, most devout; that they were men attached to their religion; you have this man told that he endeavored to succeed in his purposes and to effect his object by directly assailing those beliefs, that creed which those men had been taught as they were children, which those men loved, which those men adored, which those men had been taught as they were children and which had grown up and formed an essential part of their natures; you are told, gentlemen, that this man, this deep, designing, cunning man, would have adopted that method to achieve his object. Oh, gentlemen, I think I could show you how a deep, designing man would have achieved his object better than this under those circumstances; I think I can show you how much more easy, if Riel is the man he is represented to be by the Crown, how he could have achieved his object in a different method from this.

Here is this man brought into the country, this man who had succeeded in Manitoba who had the whole force of the Metis at his back, who had behind him not only the French half-breeds, but also the English half-breeds, you see this man coming into the country, who is the embodiment in person of those deprived of their rights and their privileges, and you see this man doing what? What did he do? What did the ordinary common dictates of reason tell him to do? What did ordinary common sense tell him to do? Why did he not do as he said he wanted to do at Prince Albert, lie low and continue on fomenting this movement, and continue on guiding this movement, and is it possible to expect that in the course of time the North-West is not going to have its rights? Is it possible to tell me that the North-West Territories shall not form essentially and really a part of the Dominion of Canada as it now forms part of it nominally? Is it possible that there is no future for the North-West Territories? Is it possible that some day the North-West Territories shall not play a part in this Dominion? If ever a day arrives, and I think every man of you in the box hopes it will arrive very soon, if ever that day arrives where would Louis Riel be, what would have become of him? Would there have been any position in this country to which this man might not have aspired? Would there have been any position in this country which that man might not legitimately hope to obtain? Had he simply exercised the ordinary dictates of prudence and caution and common sense, all he had to do was to stay with the Metis and remain in possession of their confidence and then necessarily, of absolute necessity, would he some day have acquired, have arrived at the highest pinnacle of his ambition, whatever it might have been. And, gentlemen, is that not much more reasonable, would that not be the way a reasonable man would have acted? Would that not be the way a reasonable man should have acted. Would that not be the way that you or I or any other man of common sense would have acted? Now, gentlemen, so far as religion is concerned, you were told this man took advantage of the religious nature of the half-breeds. He understood thoroughly their nature, he understood thoroughly their character, and he knew full well that by playing upon their religious notions, that by playing upon their religion, he would necessarily achieve his purpose. If he understood

so well their religious character, if he knew what their religious character was why did he not side with the priests? Why did he not ascertain what their desire was? If to help him. He knew the priests wanted to help him. He knew, gentlemen, that the priests could not be an obstacle in his way. The priests could not have any ambition outside of ministering to the wants of their parishioners. The priests could not have any ambition to represent this country in any political position. The priests could not otherwise than be mere stepping stones for him to rise into power. If he understood the character of his fellowmen as a deep, designing, cunning man would have understood them, had he understood the character of the Metis as to their devoted religious character, as that man of superior intellect, as he is represented to be, would have understood them, would he have taken such steps as are proved here to have alienated from him the sympathies of the half-breeds? And there is the point given in evidence, about which there can be no dispute, a matter of fact about which there can be no dispute, which it is impossible to controvert; and I may as well tell you here that I should have begun probably by that, that in all that I say I speak under the direction of the court. I speak under the direction of the distinguished magistrate who presides over this trial, and if any statements of fact are made by me which are not entirely correct, I beg of him, as a duty towards you and towards myself, to correct me.

After having said so much, I now proceed to tell you that if this man was the deep, designing, cunning rascal that he is represented to be, this man of superior intellect, he would have understood the Metis character better than he did. He would have known their religion was so deeply rooted in them, that it was impossible for a crazy lunatic to eradicate it. He would have known, gentlemen, that those men could not have been imposed upon, and, as a matter of fact, he did not impose upon them. You saw the witness in the box, you saw that venerable clergyman, gentlemen, who came into the box, and who stated to you and to all of us, that the half-breeds followed Riel in very limited numbers. He says that there was not half of them followed Riel in his religious movement. Now, gentlemen, you have two facts which I say are inconsistent with the theory that this man can be the deep, designing rascal that he is represented to be, that this man can be of such superior intellect as to almost impose upon the general commanding the forces, and the subordinate, Captain Young. I say, gentlemen, it is impossible, because if he was, in the first place he would not have gone astray in the means he would have used to achieve his purpose. He would not have attempted, with a handful of half-breeds—three hundred or four hundred is the greatest number we have heard—many of them unarmed except with a few flint locks, he would not have endeavored, with those men, to force Canada to grant him his rights. He would not have endeavored, with those men, to force the power of Britain to come down before him and to seek terms from him. No such thing could have been achieved, and he would not have either endeavored to take the half-breeds from their alliance, or from their allegiance to their religion, by adopting such means as he eventually alienated their entire sympathy from him.

But, gentlemen, if his conduct is entirely inconsistent with the possession of a sound mind, is it not consistent with the possession of an unsound mind? And here I may as well tell you that you are entire masters of the fact in this case, that all the evidence given here is given for the purpose of enabling you to arrive at a conclusion, that you are not to take your verdict from me, from the Crown nor from the court; that the oath which you have taken, as you understand thoroughly, obliged you, when you came into the box, to stand indifferent as you stood unsworn, and the true deliverance made between our Sovereign Lady the Queen and the prisoner at the bar, according to your conscience and to your judgment.

Therefore, gentlemen, you have these facts in evidence, that this man, laboring under the insane delusion that he at some future day would have the whole of the North-West Territories under his control, and being thoroughly convinced that he was called and vested by God, for the purpose of chastising Canada and of creating a new country and a new kingdom here, acting under that insane delusion, what do we

find him doing? We find him then taking such steps as would enable him to carry out the object which he then had in view. We find this man believing himself to be inspired by God and believing himself to be in direct communication with the Holy Ghost, believing himself to be an instrument in the hands of the Lord of Hosts. We find him with forty or fifty men going out to do battle with against the forces of Canada. If the man was sane, how is it possible for you to justify such conduct as that? If the man was insane you know it is one of the distinguishing characteristics of his insanity that he could see no opposition of his objects, that he believed himself to be under the guidance of the Lord of Hosts, and natural reason, he could reason naturally, subject to his insane delusion, he reasoned naturally that the All Powerful will necessarily give him the victory no matter what may be the material that may be placed in his hands, no matter how inadequate that material may appear to a sane man, I, knowing that I am inspired by the Almighty, knowing that I am the instrument in the hands of God, I know that I will necessarily gain the victory; and he goes forth and gives battle with these men. Therefore, gentlemen of the jury, you have one illustration of the insanity, of the unsoundness of this man's mind in those very facts. Then I know what you will be told in answer to that immediately, "Oh, but here is this \$35,000 that he was ready to take, and this money he was willing to receive from the Government, and the case of the Metis, the case of the half-breeds was nothing in his eye, provided the person, Louis Riel, was safe." Well, gentlemen, may I remind you of the evidence which was given on that point by us. Need I remind you of the evidence which was given on that point by two men, the only two men who spoke to it, and that is Charles Nolin and Father André, the priest. You will find, gentlemen, that both of those men said that he wanted \$35,000. Was it for the purpose of putting it into his pocket? Was it for the purpose of leaving Canada and going away and living in the United States in ease and luxury with this money? Was it for the personal gratification and the personal advantages of Louis Riel that he wanted this money? You remember the evidence, and I need not remind you of it. You remember that he said he wanted that money for the purpose of enabling him to carry out his mission, and he wanted to go to the United States to found a newspaper, as he said, and with that newspaper to rouse up the foreign nations to enable him to come in here and take possession of the country. Now, in that fact alone is evidence of his insane delusions, there is evidence that there is the manner which is characteristic of this delusion, of this malady, and which enables men to reason properly and to achieve the object which they have in view, always subject to their insane delusions.

I told you yesterday, I had occasion to put it before to you, that those men subject to this malady can reason perfectly, and as Dr. Clarke said, subject always to their delusions. He reasoned perfectly. He says: "I want to get this money, I want it to help me in my object and I want to attain that object and I know that I can attain it, and I necessarily will attain it." That is the only interpretation which can be put on it, and that is the only interpretation which can reasonably be put on that demand of \$35,000. Then, gentlemen, you have the evidence of the insanity given to you by Dr. Clarke, and by the clergyman and several of the Crown witnesses, whose names I do not want to repeat, and I do not want to detain you any unnecessary length of time; but, gentlemen, I do not think it necessary for me to extend, to go in at any length into this evidence further than to say Dr. Roy proved this man was in his asylum in the year 1878; and here I may as well draw your attention to the fact that this witness is a man who has been for some fifteen years in constant study of mental diseases. I may as well draw your attention to the fact that this man came 2,000 miles here at the request of the Crown as well as of the defence for the purpose of giving evidence in this case.

I may as well draw your attention to the fact that this man is a foreigner and an alien at least in language to us. He is a man, gentlemen, who possesses the characteristic politeness of his race, a man who is possessed of the characteristic politeness of the French race, and who comes here into the box prepared to make himself agreeable to all, and being so, as you saw yesterday, he endeavored, being at a difficulty,

to give his evidence in such a manner as it could be thoroughly understood by you. I do not want to refer any more to his evidence.

You now have Dr. Clarke, who was examined afterwards. He gave you his experience. He has told you what he knows about asylums. He was examined in his own language, and he had that advantage over Dr. Roy. You heard his evidence as he gave it. You heard that he was not very closely cross-examined. I noticed that he was not very closely cross-examined, and he gave his evidence and told you what he thought about this man's mind. Now, what interest had Dr. Roy and Dr. Clarke in coming here for the purpose of deceiving you, gentlemen? What interest have either of those men got in coming here 2,000 miles to step in that box in this great public case when they know that every word they say will be spread broadcast through Canada and the United States? What interest have those men got in coming here and perjuring themselves? What interest have those men got in coming here and saying anything that is not true? You have heard the evidence given by these men. You have seen them. You are sufficient judges of human nature to be able to say whether, or not those men are telling the truth. In addition, gentlemen, you have heard the remark made by Dr. Clarke that struck me as being peculiarly applicable to this case. You have heard the remark which was made by him, when he said that this man, if this man was sane, he took very insane methods to arrive at his objects, when he began by making the remark of the very purpose which he had in view, by means of which he showed if he was perfectly sane. For instance, he gave to you the illustration, he illustrated his remarks by referring to his religion, and he said that necessarily if he was sane his religious duties would tend to alienate the sympathies of the half-breeds.

Now, gentlemen, on the other hand, you have the evidence of those priests, you have the evidence of the Crown witnesses. Of course, it is not for me to say anything about the witnesses that were brought here before you. You have seen them. It is for you to judge of their characters. It does not properly behoove me, a man occupying my position, to praise any person. All that I can say is, so far as I have been able to judge, all the witnesses that were examined here in the examination-in-chief acted like men who appeared to me brought here on behalf of the Crown who wanted to tell the truth, men who really astonished me. I was really astonished when I heard about the perils which some of those men had met, I was really filled with admiration for their bravery and their courage, and I know, gentlemen, that no number of men, no men who have confronted difficulties that those men have confronted, no men who have gone through perils and the risk those men have gone through is a liar or a coward. Therefore, gentlemen, I know that those gentlemen who were examined for the Crown tell the truth. I know that, as far as they could, they gave their evidence to the best of their ability, and, gentlemen, I know also that those men, with the exception of one, who has branded himself for all time, were foreigners and strangers to this man, but, with true instincts of British justice, they did what they could do to get fair play, and they gave him no thrust in the back. I cannot say anything for the other one.

So far as our witnesses are concerned, gentlemen, so far as our witnesses are concerned, I think I can say as much for them. I think our witnesses told honestly all they could to tell the truth. Then you have those two priests brought into the box, who tell you their impressions, who tell you that, in so far as their knowledge of this man went, they could not call him anything else than a fool; that as far as they could go, as far as their knowledge went—and they were a little guarded in their statement—they said they could not think of him otherwise than as a fool, and they have been in positions to judge of him. They had daily intercourse with him from the month of July last up to month of March; they had been able to follow him day by day, step by step, to follow him in his movements, to see how easy the movement increased, when the agitation continued, and when he was carried away by the violence of his passions—when, from one day to another, how quickly, swiftly the agitation stepped into armed rebellion, because you will remember there was no transition.

Now, gentlemen, in the face of this, you have the evidence of the Crown and that evidence is given to you by men, who to the best of their skill and ability come here and tell you what they know—and no one can be expected to tell you anything that he does not know. For instance, if a man has not read French books, he cannot tell you what is in them; but, gentlemen, you must remember this fact, that those men come here and tell you they have a very limited knowledge of this man, that their intercourse with him has been extremely limited, and they will tell you, what? Not that he is sound, they will not on their oath undertake to swear positively this man is not of unsound mind, but they will tell you, gentlemen, that all they can tell you is that they have not been able to discover any symptoms of insanity. You all know, gentlemen, the story of my countryman who was being tried for murder, an Irishman, like myself, being tried for murder, and two witnesses pretended to swear positively that they had seen him do the deed, that they saw him commit the murder: Well, my countryman turns round and says, is that all the evidence you have got? The Crown says yes. Well, he says I can get eighty men who will swear that they did not see me do it. That is about the way it is in this case. We have men who swear positively to the unsoundness of this man's mind, and we have a great many more who say they did not see any traces of insanity, they can find no traces of insanity. Now, gentlemen, with all due deference and respect for the great skill and ability of the Crown witnesses, which skill and ability I do not intend to contest, I mean to say that they are men of extraordinary pretensions, and that their pretensions are quite equal to their extraordinary abilities; but, gentlemen, with all due deference and respect, I have heard also other men, very eminent men, equally eminent with the Crown witnesses, I have heard of a man called Erskine who is well known as the greatest lawyer the bar of England has ever produced, who was Lord Chancellor of England, and I can tell you, gentlemen, that there was a case came up in England, a case of James Hadfield, of whom you have probably heard, indicted for treason, for having shot one of the Georges, in the Hay Market Theatre. The case was identical with the present one, and in that case the plea of his insanity was set up. Erskine, in that case states his experience in another case in which a man had been confined in the Hawkestone Asylum in England and had been discharged as cured. After his discharge he took an action of damages against the authorities in the asylum who had kept him there, saying that he had been confined as a lunatic when he was of perfectly sound mind. At the trial, Erskine, who appeared for the authorities of the asylum, had the man in the box and cross-examined in every possible way and manner so as to endeavor to show that the authorities were perfectly justified in what they had done and that the man was a lunatic. He kept him there for twenty-four hours and examined him persistently during twenty-four hours, and during the whole of that time he could not discover that he was insane, and the only way they got on to it, was that this man was in his belief Jesus Christ, and acted under that insane delusion. He was perfectly rational, perfectly reasonable on all other subjects, but the very moment they touched that subject that he was Jesus Christ, of course the man was off his feet and there was an end to it, and at the end of the day after Mr. Erskine had given the man up the doctor came and said that that was his belief, and when they got him on to that the case was at an end.

Then I know, gentlemen, another case which is also told about another man who believed that he corresponded with a princess in cherry juice, that he had been confined in a tower and the princess used to sail along a river which ran at the foot of the tower, and when she would pass he used to throw down letters to her, and she would receive them, and he labored under that insane delusion that he was in love with the princess, and he was confined in an asylum. In this case it was Lord Chief Justice Mansfield about whom you have heard, who acted. They examined the man a whole day and never could discover his insanity until by fortuitous events he brought out that this was his particular malady, and when they discovered that there was an end to it.

Now I know what the Crown will tell you. They will say yes, but there was one vulnerable point in those men, and when that vulnerable point was touched, then

of course the whole game was up and the insanity became apparent, and that no such thing as that has been made to appear in this case; but in that last case I spoke to you about, after the case was dismissed, after it had been made apparent that the man was insane, of course the action was dismissed, and then as he had gone through two different obstructions on his way to the asylum, he took a new case out and had the authorities of the asylum tried the second time for the offence that he pretended that they had committed towards him, and of course, then you see the difficulty that cropped up. In the first place of course it was known, and they endeavored to cross-examine this man and endeavored by every means in their power to get him into some craze that he had exhibited in the first case in order to show his insanity.

Well, gentlemen, it is narrated in the books and laid down here, that they examined that man for days and days and never could get him to talk about his insanity, never could discover any traces of insanity, notwithstanding they knew the particular delusion existing—the particular delusion under which he labored, and it became so apparent, he went so far that it was utterly impossible for them to arrive at it, and they had to take the depositions given in the previous case. Been found in the council chamber. What proof have we got here now that these documents were ever used for any purpose whatsoever, or for the purposes which have been ascribed to this man? What proof have we got that those documents were issued, and that an appeal was made to those savage hordes to rise in their fury for the purpose of exterminating the whites? What proof have you got before you that any such things was done? What proof have you got before you to justify such an appeal as was made to you? You have got but one single act, you have got the proof of a letter which was sent to Poundmaker, you have got a proof that a letter was found in Poundmaker's camp, and what proof have you got of that? Do you not think that it is rather a strange proceeding that this letter should have been found in Poundmaker's camp, that this letter should have been found in the possession of Poundmaker who is now, gentlemen of the jury, as is well known, a prisoner in the hands of the Crown, that this letter should have been sent to him for the purpose of inciting the devilish passions as an Indian, and to say that no proof has been brought before you that that letter was read to Poundmaker, excepting a bystander who says that he heard something or other of the kind being said to him. The man who read the letter to him is not produced; and why is Poundmaker not here and put into that box and examined as a witness? Why was Poundmaker not produced here by the Crown and examined as a witness to prove that he got this letter, that he read it and that he understood it, as a witness to the purport of it? Why were Big Bear and the other Indians to whom this man is supposed to have written not brought here? They are within a stone's throw of this very building, they are here under the control of the Crown, and if this man is guilty of the savagery of which he is accused, if this man is the contemptible bad rascal that he is represented to you to be by the Crown, why is it not proved? Why is it not proved so that we may all understand the position that we occupy so that we may all know the true inwardness and character of this man? Why make the statements and not prove them? Why are those Indians not produced? You know, gentlemen, that special provision exists for the examination of men like that? Special provisions exist for their swearing, and special provisions exist in the laws of this country providing that even if a man does not believe in God, if he is an infidel and does not believe in God, he may still be examined as a witness. Now, gentlemen, why are those men not examined? Why was the best proof of that criminal act not adduced? Why were those Indians not brought before you here and examined? Why were those that were within a stone's throw of this building not brought here, and men brought from Poundmaker's reserve to prove that fact? What is the reason of that, can you find any justification for it? Can you find any excuse for it? I say you cannot, gentlemen, and I say we have the right to exact that when such a terrible accusation as that is made against a man, the very best possible evidence should be given so that there can be no doubt about it, I say that such a statement as that is of the character to alienate the sympathy of every right-minded man, if he is sane; I say that such a statement as that is of a character to go very far towards putting the rope

around this man's neck and putting him to the gallows, and it is of such a nature as to alienate the sympathy of every right-thinking man in the community.

I say this statement when made must be proved and proved beyond controversy proved beyond doubt, and bring it into this case and prove it, in the second case. Now, gentlemen, those are historical facts. Those are facts that are to be found in all the books which treat on medical insanity and those are facts which show to what extent cunning is an essential ingredient of insanity, to what low cunning those people can resort; and you will find other cases of that kind in all the books which treat on those subjects. Now, in view of those facts, will it be considered acting in a very improper manner towards the doctors for the Crown if I say it is possible that they made a mistake? It is quite possible that they have made a mistake, and Dr. Wallace has told you himself that he has had many in his asylum for months at a time before he could discover any symptoms of insanity. Now, if he has been in that position, gentlemen of the jury, if he has been in that position himself with others, and in this case he has had one-half hour interview with this man, saw him for just half an hour and then saw him in court here, and he has heard the evidence, and he is not able to say that he is insane, is that very conclusive, gentlemen of the jury, is that very conclusive evidence? Is that evidence that would justify you in saying that this man is of unsound mind? You have heard Mr. Young and General Middleton—I do not wish unnecessarily to refer to them. They have said what they thought was true. They gave you their opinions. I leave you to appreciate the value of those opinions in view of the facts that I have stated to you.

Now, gentlemen, I say that the conduct of Louis Riel throughout the whole of this affair is entirely inconsistent with any idea of sanity, but is entirely consistent with his insanity. As I said to you a moment ago in speaking at the opening of this case, the fact of his delivering himself up is one of the characteristics of a man suffering from the insanity from which he is suffering, because he cannot appreciate the danger in which he is placed. It is impossible for him to appreciate the danger in which he places himself, and he never sees that there is any possibility that any harm can happen to him. If that man was perfectly sane, gentlemen, if that man was perfectly sane in doing as he did do, then you have to say whether or not, as I said before, there are not some redeeming features about this man's character, in the heroic act which he did in delivering himself up to Middleton. On the other hand if he is insane, as I contend he is, you see there the proof, for any man of ordinary prudence knows that this man could have escaped and could have evaded the officers of the law and the soldiers. Notwithstanding all that, he comes and gives himself over to General Middleton and is prepared to take the consequences, no matter what they are. I say that that is one of the characteristics of his malady, that that is one of the proofs of his insanity and that is one of the characteristics which are laid down in all the books, as being characteristic of the disease of those men who believe themselves to be in constant intercourse with God, because they think God is always around them, that He is constantly taking care of them and that no harm of any kind can befall them. Now, gentlemen, in the opening of this case, a great deal was said to you about letters which were written to the Indians, a great deal has been said to you about the attempt made by this man to raise up savage warfare in this country, and to deluge the whole country with blood, letting forth the savage hosts upon your wives and children and upon all the inhabitants of this country. Now, gentlemen, after having said that, will you tell me what proof you have had of it. After having produced before you documents enumerable, as having, and I say the proof has not been brought here, that the best proof of that would have been either from the man who brought this letter to Poundmaker—and his absence has not been accounted for—or Poundmaker himself, to show that he got such a letter. He could identify the appearance of the letter at all events, and no such proof as that has been given. I say, gentlemen of the jury, if that proof could have been given, it would have been given, because you know and I know, that no more eminent men in their profession could be found throughout Canada than the men who set for the Crown in this case—no more eminent right-minded or fairer men in Canada could be found than they

are, and I know if they could have made that proof they would have made it, and I know it is because they could not make it that they did not do it, for you have seen that no stone has been left unturned by them in this case. I do not say that they have exceeded their duty, but I know, gentlemen, they have neglected nothing, and if they have neglected that, they had a reason for it—it was because they could not do it. You see, gentlemen, this letter is brought to you, this savage appeal that is made to these men to spread themselves all over the country, and spill the blood of those innocent people, this appeal is made to those men: all you do, do it for the love of God under the protection of Jesus Christ, and the Virgin, St. Joseph and St. Jean Baptiste. Be assured faith works miracles. That is the letter which contains this appeal that has been made so much of and by which the public mind of this country has been so terribly excited against this man. Now, gentlemen, my task is at an end. I know I leave this case safely in your hands. This man, gentlemen, the prisoner at the bar, is an alien in race and an alien in religion, so far as you and I are concerned. This man, gentleman, so far as you are concerned entirely in both, and so far as I am concerned in one; this man, gentleman, as I have stated to you is in your hands, without the provisions of an ordinary trial by jury as understood elsewhere. This man is in your hands without the provisions which the humane laws of England have made for people like him in Manitoba, and in the Province of Quebec, where he would have the right to have one half people of his own nationality. But, gentlemen, I do not complain of that. I do not complain. I tell this man with confidence that justice will be done him, and I know that when I go home to my country, and when I am asked as to what has taken place here, when I am asked about this country, I will safely be able to say that this is the land, gentlemen, that free men till, that sober suited freedom choose, this is the land that where first with friends or foes a man speak the thing he will, I will tell them that I have come here a stranger myself in a strange place; I will tell them that I have come here to plead the cause of an alien in race and an alien in religion; I will tell them that I spoke to British subjects, that I appealed to British jurors, and that I knew full well that the principles of English liberty have always found a safe resting place in the hearts of English jurors. I know, gentlemen, that right will be done. I know you will do him justice, and that this man shall not be sent to the gallows by you, and that you shall not weave the cord that shall hang and hang him high in the face of all the world, a poor confirmed lunatic; a victim, gentlemen, of oppression or the victim of fanaticism.

His Honor.—Prisoner, have you any remarks to make to the jury, if so, now is your time to speak?

Mr. Lemieux.—May it please your Honors. At a former stage of the trial you will remember that the prisoner wished to cross-examine the witnesses, we objected at the time, thinking that it was better for the interest of the prisoner that we should do so. The prisoner at this stage is entitled to make any statement he likes to the jury and he has been so warned by your Honor, but I must declare before the court that we must not be considered responsible for any declaration he may make.

His Honor.—Certainly, but he is entitled, and I am bound to tell him so.

Prisoner.—Your Honors, gentlemen of the jury: It would be easy for me to-day to play insanity, because the circumstances are such as to excite any man, and under the natural excitement of what is taking place to-day (I cannot speak English very well, but am trying to do so, because most of those here speak English), under the excitement which my trial causes me would justify me not to appear as usual, but with my mind out of its ordinary condition. I hope with the help of God I will maintain calmness and decorum as suits this honorable court, this honorable jury.

You have seen by the papers in the hands of the Crown that I am naturally inclined to think of God at the beginning of my actions. I wish if you—I do it you won't take it as a mark of insanity, that you won't take it as part of a play of insanity. Oh, my God, help me through Thy grace and the divine influence of Jesus Christ. Oh, my God, bless me, bless this honorable court, bless this honorable jury, bless my good lawyers who have come 700 leagues to try to save my life, bless also the lawyers

for the Crown, because they have done, I am sure, what they thought their duty. They have shown me fairness which at first I did not expect from them. Oh, my God, bless all those who are around me through the grace and influence of Jesus Christ our Saviour, change the curiosity of those who are paying attention to me, change that curiosity into sympathy with me. The day of my birth I was helpless and my mother took care of me although she was not able to do it alone, there was some one to help her to take care of me and I lived. To-day, although a man I am as helpless before this court, in the Dominion of Canada and in this world, as I was helpless on the knees of my mother the day of my birth.

The North-West is also my mother, it is my mother country and although my mother country is sick and confined in a certain way, there are some from Lower Canada who came to help her to take care of me during her sickness and I am sure that my mother country will not kill me more than my mother did forty years ago when I came into the world, because a mother is always a mother, and even if I have my faults if she can see I am true she will be full of love for me.

When I came into the North-West in July, the first of July, 1884, I found the Indians suffering. I found the half-breeds eating the rotten pork of the Hudson Bay Company and getting sick and weak every day. Although a half-breed, and having no pretension to help the whites, I also paid attention to them. I saw they were deprived of responsible government, I saw that they were deprived of their public liberties. I remembered that half-breed meant white and Indian, and while I paid attention to the suffering Indians and the half-breeds I remembered that the greatest part of my heart and blood was white and I have directed my attention to help the Indians, to help the half-breeds and to help the whites to the best of my ability. We have made petitions, I have made petitions with others to the Canadian Government asking to relieve the condition of this country. We have taken time; we have tried to unite all classes, even if I may speak, all parties. Those who have been in close communication with me know I have suffered, that I have waited for months to bring some of the people of the Saskatchewan to an understanding of certain important points in our petition to the Canadian Government and I have done my duty. I believe I have done my duty. It has been said in this box that I have been egotistic. Perhaps I am egotistic. A man cannot be individuality without paying attention to himself. He cannot generalize himself, though he may be general. I have done all I could to make good petitions with others, and we have sent them to the Canadian Government, and when the Canadian Government did answer, through the Under Secretary of State, to the secretary of the joint committee of the Saskatchewan, then I began to speak of myself, not before; so my particular interests passed after the public interests. A good deal has been said about the settlement and division of lands a good deal has been said about that. I do not think my dignity to-day here would allow me to mention the foreign policy, but if I was to explain to you or if I had been allowed to make the questions to witnesses, those questions would have appeared in an altogether different light before the court and jury. I do not say that my lawyers did not put the right questions. The observations I had the honor to make to the court the day before yesterday were good, they were absent of the situation, they did not know all the small circumstances as I did. I could mention a point, but that point was leading to so many that I could not have been all the time suggesting. By it I don't wish it understood that I do not appreciate the good works of my lawyers, but if I were to go into all the details of what has taken place, I think I could safely show you that what Captain Young said that I am aiming all the time at practical results was true, and I could have proved it. During my life I have aimed at practical results. I have writings, and after my death I hope that my spirit will bring practical results.

The learned lawyers for the Crown have produced all the papers and scribbling that was under their hands. I thank them for not having brought out those papers which are so particular to myself, though as soon as they saw what they were they should not have looked at them. I have written not books but many things. All my papers were taken. I destined the papers to be published, if they were worth

publishing, after my death. I told Parenteau, one of the prisoners, to put all my books under ground. He did not do it. At that time they acknowledged my orders, that is why I say so. He did not put my books away in time and I am not sorry. I say I thank the learned lawyers for the Crown for having reserved so many things; and if, by the almighty power of God, I go free from this trial, I have such confidence in British fairness that all my papers will be returned me, at least the originals, and if copies are wanted I will be willing to give them.

No one can say that the North-West was not suffering last year, particularly the Saskatchewan, for the other parts of the North-West I cannot say so much; but what I have done, and risked, and to which I have exposed myself, rested certainly on the conviction, I had to do, was called upon to do something for my country.

It is true, gentlemen, I believed for years I had a mission, and when I speak of a mission you will understand me not as trying to play the roll of insane before the grand jury so as to have a verdict of acquittal upon that ground. I believe that I have a mission, I believe I had a mission at this very time. What encourages me to speak to you with more confidence in all the imperfections of my English way of speaking, it is that I have yet and still that mission, and with the help of God, who is in this box with me, and He is on the side of my lawyers, even with the honorable court, the Crown and the jury, to help me, and to prove by the extraordinary help that there is a Providence to-day in my trial, as there was a Providence in the battles of the Saskatchewan.

I have not assumed to myself that I had a mission. I was working in Manitoba first, and I did all I could to get free institutions for Manitoba; they have those institutions to-day in Manitoba, and they try to improve them, while myself, who obtained them, I am forgotten as if I was dead. But after I had obtained, with the help of others, a constitution for Manitoba, when the Government at Ottawa was not willing to inaugurate it at the proper time, I have worked till the inauguration should take place, and that is why I have been banished for five years. I had to rest five years, I was willing to do it. I protested, I said: "Oh, my God, I offer You all my existence for that cause, and please to make of my weakness an instrument to help men in my country." And seeing my intentions, the late Archbishop Bourget said: "Riel has no narrow views, he is a man to accomplish great things," and he wrote that letter of which I hope that the Crown has at least a copy. And in another letter, when I became what doctors believed to be insane, Bishop Bourget wrote again and said: "Be ye blessed by God and man and take patience in your evils." Am I not taking patience? Will I be blessed by man as I have been by God?

I say that I have been blessed by God, and I hope that you will not take that as a presumptuous assertion. It has been a great success for me to come through all the dangers I have in that fifteen years. If I have not succeeded in wearing a fine coat myself I have at the same time the great consolation of seeing that God has maintained my view; that He has maintained my health sufficiently to go through the world, and that he has kept me from bullets, when bullets marked my hat. I am blessed by God. It is this trial that is going to show that I am going to be blessed by man during my existence, the benedictions are a guarantee that I was not wrong when by circumstances I was taken away from my adopted land to my native land. When I see British people sitting in the court to try me, remembering that the English people are proud of that word "fair-play," I am confident that I will be blessed by God and by man also.

Not only Bishop Bourget spoke to me in that way, but Father Jean Baptiste Bruno, the priest of Worcester, who was my director of conscience, said to me: "Riel, God has put an object into your hands, the cause of the triumph of religion in the world, take care, you will succeed when most believe you have lost." I have got those words in my heart, those words of J. B. Bruno and the late Archbishop Bourget. But last year, while I was yet in Montana, and while I was passing before the Catholic church, the priest, the Reverend Father Frederick Ebeville, curate of the church of the Immaculate Conception, at Benton, said to me: "I am glad to see you; is your family here?" I said: "Yes." He said: "Go and bring them to the altar, I

want to bless you before you go away." And with Gabriel Dumont and my family we all went on our knees at the altar, the priest put on his surplice and he took holy water and was going to bless us, I said: "Will you allow me to pronounce a prayer while you bless me?" He said: "Yes, I want to know what it is." I told him the prayer. It is speaking to God: "My Father, bless me according to the views of Thy Providence which are bountiful and without measure." He said to me: "You can say that prayer while I bless you." Well, he blessed me and I pronounced that prayer for myself, for my wife, for my children, and for Gabriel Dumont.

When the glorious General Middleton fired on us during three days, and on our families, and when shells went and bullets went as thick as mosquitoes in the hot days of summer, when I saw my children, my wife, myself and Gabriel Dumont were escaping, I said that nothing but the blessing without measure of Father Frederick Ebeville could save me, and that can save me to day from these charges. The benediction promised to me surrounded me all the time in the Saskatchewan, and since it seems to me that I have seen it. Captain Dean, Corporal Prickett, and the corporal of the guard who have been appointed over me have been so gentle while the papers were raging against me shows that nothing but the benediction of God could give me the favor I have had in remaining so respected among these men. To-day when I saw the glorious General Middleton bearing testimony that he thought I was not insane, and when Captain Young proved that I am not insane, I felt that God was blessing me, and blotting away from my name the blot resting upon my reputation on account of having been in the lunatic asylum of my good friend Dr. Roy: I have been in an asylum, but I thank the lawyers for the Crown who destroyed the testimony of my good friend Dr. Roy, because I have always believed that I was put in the asylum without reason. To-day my pretension is guaranteed, and that is a blessing too in that way. I have also been in the lunatic asylum at Longue Pointe, and I wonder that my friend Dr. Lachapelle, who took care of me charitably, and Dr. Howard are not here. I was there perhaps under my own name.

Even if I was going to be sentenced by you, gentlemen of the jury, I have this satisfaction if I die—that if I die I will not be reputed by all men as insane, as a lunatic. A good deal has been said by the two reverend fathers, André and Fourmand. I cannot call them my friends, but they made no false testimony. I know that a long time ago they believed me more or less insane. Father Fourmand said that I would pass from great passion to great calmness. That shows great control under contradiction, and according to my opinion and with the help of God I have that control. Mr. Charles Nolin, when he went into the box, did not say that he was sworn with me in all the affairs that I did. Far from taking them as insane affairs, he was in them under the cover of an oath with four of us. He did not say that in the box. My word is perhaps not testimony, but if he was asked in the box to say if there was an oath taken he could not deny it, and he would have to name the four men, and he would have to name himself. When he speaks of resigning a contract in my favor, I did not ask it, the Government would not give it to me; besides, he was engaged in a movement against the Government, and to take a contract from the Government was certainly a weakness upon his part, and I told him not to compromise his cause, and I told him to withdraw instead of going ahead till we saw if we were going to be listened to at all. He wanted me to make a bargain and renounce my American citizenship. I told him that it was a matter of more strength that I should be an American citizen, not that I want to make any ground of it, but as it took place naturally and as the fact existed I wanted to take advantage of it as such. I told him: "It is of advantage for you that you should have me an American citizen. I have no bargain to make with you about my American papers, no bargain on such a matter as that." Mr. Charles Nolin speaks of my ambition, and other witnesses also. There are men among the prisoners who know that last year Mr. Renez and Mr. Joseph Fourget came to the Saskatchewan and said that I could have a place in the council if I wanted it, and that it was a good chance for the half-breeds of the Saskatchewan. If I had been so anxious for position I would have grasped at this place,

but I did not, and Mr. Nolin has some knowledge of that. I speak of those things to defend my character, as it has been said that I am egotistical.

The agitation in the North-West Territories would have been constitutional, and would certainly be constitutional to-day if, in my opinion, we had not been attacked. Perhaps the Crown has not been able to find out the particulars, that we were attacked, but as we were on the scene it was easy to understand. When we sent petitions to the Government, they used to answer us by sending police, and when the rumors were increasing every day that Riel had been shot here or there, or that Riel was going to be shot by such and such a man, the police would not pay any attention to it. I am glad that I have mentioned the police, because of the testimony that has been given in the box during the examination of many of the witnesses. If I had been allowed to put questions to the witnesses, I would have asked them when it was I said a single word against a single policeman or a single officer. I have respected the policemen, and I do to-day, and I have respected the officers of the police; the paper that I sent to Major Crozier is a proof it: "We respect you, Major." There are papers which the Crown has in its hands, and which show that demoralization exists among the police, if you will allow me to say it in the court, as I have said it in writing.

Your Honors, gentlemen of the jury: If I was a man of to-day perhaps it would be presumptuous to speak in that way, but the truth is good to say, and it is said in a proper manner, and it is without any presumption, it is not because I have been libelled for fifteen years that I do not believe myself something. I know that through the grace of God I am the founder of Manitoba. I know that though I have no open road for my influence, I have big influence, concentrated as a big amount of vapour in an engine. I believe by what I suffered for fifteen years, by what I have done for Manitoba and the people of the North-West, that my words are worth something. If I give offence, I do not speak to insult. Yes, you are the pioneers of civilization, the whites are the pioneers of civilization, but they bring among the Indians demoralization. Do not be offended, ladies, do not be offended, here are the men who can cure that evil; and if at times I have been strong against my true friends and fathers, the reverend priests of the Saskatchewan, it is because my convictions are strong. There have been witnesses to show that immediately after great passion I could come back to the great respect I have for them.

One of the witnesses here, George Ness, I think, said that I spoke of Archbishop Taché, and told him that he was a thief. If I had had the opportunity I proposed I would have questioned him as to what I said, so that you would understand me. I have known Archbishop Taché as a great benefactor, I have seen him surrounded by his great property, the property of a widow, whose road was passing near. He bought the land around, and took that way to try and get her property at a cheap price. I read in the Gospel: "Ye Pharisees with your long prayers devour the widows." And as Archbishop Taché is my great benefactor, as he is my father, I would say because he has done me an immense deal of good, and because there was no one who had the courage to tell him, I did, because I love him, because I acknowledge all he has done for me; as to Bishop Grandin, it was on the same grounds. I have other instances of Bishop Taché, and the witness could have said that the Reverend Father Moulin "When you speak of such persons as Archbishop Taché, you ought to say that he made a mistake, not that he committed robbery." I say that we have been patient a long time, and when we see that mild words only serve as covers for great ones to do wrong, it is time when we are justified in saying that robbery is robbery everywhere, and the guilty ones are bound by the force of public opinion to take notice of it. The one who has the courage to speak out in that way, instead of being an outrageous man, becomes in fact a benefactor to those men themselves, and to society.

When we got to the church of St. Anthony on the 18th, there was a witness who said, I think George Ness, that I said to Father Moulin, "You are a Protestant." According to my theory I was not going to speak in that way, but I said that we were protesting against the Canadian Government, and that he was protesting against us, and that we were two protestants in our different ways.

As to religion, what is my belief? What is my insanity about that? My insanity, your Honors, gentlemen of the jury, is that I wish to leave Rome aside, inasmuch as it is the cause of division between Catholics and Protestants. I did not wish to force my views, because in Batoche to the half-breeds that followed me I used the word, *carte blanche*. If I have any influence in the new world it is to help in that way and even if it takes 200 years to become practical, then after my death that will bring out practical results, and then my children's children will shake hands with the Protestants of the new world in a friendly manner. I do not wish these evils which exist in Europe to be continued, as much as I can influence it, among the half-breeds. I do not wish that to be repeated in America. That work is not the work of some days or some years, it is the work of hundreds of years.

My condition is helpless, so helpless that my good lawyers, and they have done it by conviction (Mr. Fitzpatrick in his beautiful speech has proved he believed I was insane) my condition seems to be so helpless that they have recourse to try and prove insanity to try and save me in that way. If I am insane, of course I don't know it, it is a property of insanity to be unable to know it. But what is the kind of mission that I have? Practical results. It is said that I had myself acknowledged as a prophet by the half-breeds. The half-breeds have some intelligence. Captain Young who has been so polite and gentle during the time I was under his care, said that what was done at Batoche, from a military point of view was nice, that the line of defence was nice, that showed some intelligence.

It is not to be supposed that the half-breeds acknowledged me as a prophet if they had not seen that I could see something into the future. If I am blessed without measure I can see something into the future, we all see into the future more or less. As what kind of a prophet would I come, would it be a prophet who would all the time have a stick in his hand, and threatening, a prophet of evil? If the half-breeds had acknowledged me as a prophet, if on the other side priests come and say that I am polite, if there are general officers, good men, come into this box and prove that I am polite, prove that I am decent in my manner, in combining all together you have a decent prophet. An insane man cannot withhold his insanity, if I am insane my heart will tell what is in me.

Last night while I was taking exercise the spirit who guides and assists me and consoles me, told me that to-morrow somebody will come *t'aider*, five English and one French word *t'aider*, that is to help you. I am consoled by that. While I was recurring to my God, to our God, I said, but woe to me if you do not help me, and these words came to me in the morning, in the morning some one will come *t'aider*, that is to-day. I said that to my two guards and, you can go for the two guards. I told them that if the spirit that directs me is the spirit of truth it is to-day that I expect help. This morning the good doctor who has care of me came to me and said, you will speak to-day before the court. I thought I would not be allowed to speak; those words were given to me to tell me that I would have liberty to speak. There was one French word in it, it meant I believe that there was to be some French influence in it, but the most part English. It is true that my good lawyers from the Province of Quebec have given me good advice.

Mr. Nolin came into the box and said that Mr. Riel said that he had a noise in his bowels and that I told him that it meant something. I wish that he had said what I said, what I wrote on the paper of which he speaks, perhaps he can yet be put in the box. I said to Nolin, "Do you hear?" Yes, I said there will be trouble in the North-West, and was it so or not? Has there been no trouble in the North-West? Besides Nolin knows that among his nationality, which is mine, he knows that the half-breeds as hunters can fortell many things, perhaps some of you have a special knowledge of it. I have seen half-breeds who say, my hand is shaking, this part of my hand is shaking you will see such a thing to-day, and it happens. Others will say I feel the flesh on my leg move in such a way, it is a sign of such a thing, and it happens. There are men who know that I speak right. If the witness spoke of that fact which he mentioned, to show that I was insane he did not remember that perhaps on that point he is insane himself, because the half-breed by the movement of

the hand, sometimes of his shoulders, sometimes his legs, can have certain knowledge of what will happen. To bring Sir John to my feet, if it was well reported it would appear far more reasonable than it has been made to appear; Mr. Blake the leader of the Opposition is trying to bring Sir John to his feet in one way. He never had as much at stake as I had, although the Province of Ontario is great it is not as great as the North-West.

I am glad that the Crown have proved that I am the leader of the half-breeds in the North-West. I will perhaps be one day acknowledged as more than a leader of the half-breeds, and if I am I will have an opportunity of being acknowledged as a leader of good in this great country.

One of the witnesses said that I intended to give Upper Canada to the Irish, if he had no mystery he would have seen that Upper Canada could not be given to the Irish without being given to England; he rested only upon his imagination.

There is another thing about the partition of lands into seventh. I do not know if I am prepared to speak of it here because it would become public information, there is so much at stake that if I explained that theory Canada would not very long remain in quiet.

Captain Dean has seen my papers, I have sent them somewhere but he has seen them, and after seeing them he came there and said that I was an intelligent man, and pretty shrewd. I have written these documents and they are in the hands of those whom I trust. I do not want to make them public during my trial; what I have made public during the sixty days we were in arms at Batoche. There have been three different times when the council decided to send men to the States to notify the nationalities to come to our assistance, but these three delegations waited for my orders and have not started; why? Because I had an object.

The half-breeds also knew that I told them that they would be punished, that I did not say it of my own responsibility, but that I said it in the same way as I have told them other things. It was said to me that the nation would be punished. Why? Because she had consented to leave Rome too quick. What was the meaning of that? There was a discussion about too quick; they said that they should do it at once: Too quick does not mean too soon, if we say yes, it shows no consideration to the man. If God wants something, and if we say yes, that is not the way to answer him. He wants the conscience to say: yes, oh my God, I do Thy will; and because the half-breeds quickly separated from Rome, in such a quick manner, it was disagreeable to God and they were punished, and I told them it would happen; fifty of those who are there can prove it. But, you will say, you did not put yourself as a prophet? The 19th century is to be treated in certain ways, and it is probably for that reason I have found the word "*excovede*," I prefer to be called one of the flock; I am no more than you are, I am simply one of the flock, equal to the rest. If it is any satisfaction to the doctors to know what kind of insanity I have, if they are going to call my pretensions insanity, I say humbly, through the grace of God, I believe I am the prophet of the new world.

I wish you to believe that I am not trying to play insanity, there is in the manner, in the standing of a man, the proof that he is sincere, not playing. You will say, what have you got to say? I have to attend to practical results. Is it practical that you be acknowledged as a prophet? It is practical to say it. I think that if the half-breeds have acknowledged me, as a community, to be a prophet, I have reason to believe that it is beginning to become practical. I do not wish, for my satisfaction, the name of prophet, generally that title is accompanied with such a burden, that if there is satisfaction for your vanity, there is a check to it.

To set myself up as Pope, no, no. I said I believed that Bishop Bourget had succeeded in spirit and in truth. Why? Because while Rome did not pay attention to us, he, as a bishop, paid attention to us.

You have given me your attention, your Honors; you have given me your attention, gentlemen of the jury, and this great audience, I see that if I go any further on that point I will lose the favor you have granted me up to this time, and as I am aiming all the time at practical results, I will stop here, master of myself,

through the help of God. I have only a few more words to say, your Honors. Gentlemen of the jury, my reputation, my liberty, my life, are at your discretion. So confident am I, that I have not the slightest anxiety, not even the slightest doubt, as to your verdict. The calmness of my mind concerning the favorable decision which I expect, does not come from any unjustifiable presumption upon my part. I simply trust, that through God's help, you will balance everything in a conscientious manner, and that, having heard what I had to say, that you will acquit me. I do respect you, although you are only half a jury, but your number of six does not prevent you from being just and conscientious; your number of six does not prevent me giving you my confidence, which I would grant to another six men. Your Honor, because you appointed these men, do not believe that I disrespect you. It is not by your own choice, you were authorised by those above you, by the authorities in the North-West; you have acted according to your duty, and while it is, in our view, against the guarantees of liberty, I trust the Providence of God will bring out good of what you have done conscientiously.

Although this court has been in existence for the last fifteen years, I thought I had a right to be tried in another court. I do not disrespect this court. I do respect it, and what is called by my learned and good lawyers, the incompetency of the court must not be called in disrespect, because I have all respect.

The only things I would like to call your attention to before you retire to deliberate are:—1st. That the House of Commons, Senate and Ministers of the Dominion, and who make laws for this land and govern it, are no representation whatever of the people of the North-West.

2nd. That the North-West Council generated by the Federal Government has the great defect of its parent.

3rd. The number of members elected for the Council by the people make it only a sham representative legislature and no representative government at all.

British civilization which rules to-day the world, and the British constitution has defined such government as this is which rules the North-West Territories as irresponsible government, which plainly means that there is no responsibility, and by all the science which has been shown here yesterday you are compelled to admit if there is no responsibility, it is insane.

Good sense combined with scientific theories lead to the same conclusion. By the testimony laid before you during my trial witnesses on both sides made it certain that petition after petition had been sent to the Federal Government, and so irresponsible is that Government to the North-West that in the course of several years besides doing nothing to satisfy the people of this great land, it has even hardly been able to answer once or to give a single response. That fact would indicate an absolute lack of responsibility, and therefore insanity complicated with paralysis.

The Ministers of an insane and irresponsible Government and its little one—the North-West Council—made up their minds to answer my petitions by surrounding me slyly and by attempting to jump upon me suddenly and upon my people in the Saskatchewan. Happily when they appeared and showed their teeth to devour, I was ready: that is what is called my crime of high treason, and to which they hold me to day. Oh, my good jurors, in the name of Jesus Christ, the only one who can save and help me, they have tried to tear me to pieces.

If you take the plea of the defence that I am not responsible for my acts, acquit me completely since I have been quarrelling with an insane and irresponsible Government. If you pronounce in favor of the Crown, which contends that I am responsible, acquit me all the same. You are perfectly justified in declaring that having my reason and sound mind, I have acted reasonably and in self defence, while the Government, my accuser, being irresponsible, and consequently insane, cannot but have acted wrong, and if high treason there is it must be on its side and not on my part.

His Honor.—Are you done?

Prisoner.—Not yet, if you have the kindness to permit me your attention for a while.

His Honor—Well, proceed.

Prisoner—For fifteen years I have been neglecting myself. Even one of the most hard witnesses on me said that with all my vanity, I never was particular to my clothing; yes, because I never had much to buy any clothing. The Rev. Father André has often had the kindness to feed my family with a sack of flour, and Father Fourmand. My wife and children are without means, while I am working more than any representative in the North-West. Although I am simply a guest of this country—a guest of the half-breeds of the Saskatchewan—although as a simple guest, I worked to better the condition of the people of the Saskatchewan at the risk of my life, to better the condition of the people of the North-West, I have never had any pay. It has always been my hope to have a fair living one day. It will be for you to pronounce—if you say I was right, you can conscientiously acquit me, as I hope through the help of God you will. You will console those who have been fifteen years around me only partaking in my sufferings. What you will do in justice to me, in justice to my family, in justice to my friends, in justice to the North-West, will be rendered a hundred times to you in this world, and to use a sacred expression, life everlasting in the other.

I thank your Honor for the favor you have granted me in speaking; I thank you for the attention you have given me, gentlemen of the jury, and I thank those who have had the kindness to encourage my imperfect way of speaking the English language by your good attention. I put my speech under the protection of my God, my Saviour, He is the only one who can make it effective. It is possible it should become effective, as it is proposed to good men, to good people, and to good ladies also.

ADDRESS OF THE CROWN COUNSEL.

Mr. Robinson.—There are two or three reasons peculiar to this case why I shall find it unnecessary to occupy your time at such length as is usual in trials of this description; it will not be necessary to go over the evidence in detail for a reason we seldom find in cases of this kind. As a general rule it is necessary for the representative of the Crown at the conclusion of the case to go over the evidence in detail and compare the different statements which are frequently contradictory. But in this case, gentlemen, there is no contradiction, there is no dispute, there is not a single witness whose word has been doubted, there is not a single fact proved on the part of the Crown which anybody has been called to contradict, and it stands therefore as an admission, and an admission made by counsel for the defence that the case as presented has been made out beyond all question—there can be no doubt about that either on the documentary evidence or the evidence of the witnesses. What I have to do, therefore, in the first place, is to address myself to the only defence which has in reality been set up here, and I have next to show you, because I think it right to show you, that every single allegation of my learned friend's statement made to you in the opening of the case has been proved to the very letter.

I must say before I proceed farther that I felt it hardly consistent with our position as counsel for the Crown to listen to a portion of the address of my learned friend Mr. Greenshields and to a portion of the address of my learned friend Mr. Fitzpatrick without a protest, but I listened in silence for two reasons: In the first place we have been anxious throughout this case to give to them every possible latitude, every possible privilege, every possible opportunity of placing their case fully and fairly, not only as we thought that the law might authorize them to do, but as they in their judgment might desire to do before you who are to judge of it; and in the next place when I reflected for a moment of the utter inconsistency of the defence which was set up, I thought I might listen to it in silence without neglecting any part of my duty. What my learned friend's address amounted to was practically this: They told you in fact that this rebellion was justifiable. My learned friend, Mr. Greenshields, told you that the men responsible for the blood that was shed were the people who had refused the petitions of the half-breeds made under the direction and guidance of the prisoner at the bar.

In the next breath he told you that this rebellion was directed and carried on by an irresponsible lunatic.

If the only thing, gentlemen, that can be charged against the persons at the head of affairs, is that they hesitated to accede to the request presented to them through the hands and by the direction of a person whom my learned friends tell you is insane, surely they may be excused for their hesitation.

When my learned friend, Mr. Greenshields, told you that the name of this prisoner would go down to posterity as that of a man who was justified in the action he has taken, he had to tell you in the next breath that he honored and praised the men who risked their lives to put down the rebellion. Gentlemen, is not that the very height of inconsistency? Are you to be told as sensible men that all credit and respect is due to those brave and loyal men who shed their blood and lost their lives to put down this rebellion, and at the same time that that man who organized this rebellion and who is responsible for it is to go down to posterity with an honored name, and as a victim of the wrongs of his country?

My learned friends must make their choice between their defences. They cannot claim for their client what is called a niche in the temple of fame and at the same time assert that he is entitled to a place in a lunatic asylum. I understand perfectly well the defence of insanity; I understand perfectly the defence of patriotism, but I am utterly unable to understand how you can be told in one breath a man is a noble patriot and to be told in the next breath that every guiding motive of his actions, every controlling influence which he is bound by his very nature to give heed to, is that of overweening vanity, a selfish sense of his own importance and an utter disregard to everything but his own insane power. There must be either one defence or the other in this case.

Unfortunately it becomes my duty to show to you, that the case which the Crown believes it has made out is, that this prisoner at the bar is neither a patriot nor a lunatic.

But before I proceed further as to that, I would ask you in all seriousness, as sensible men: do you believe that a defence of insanity could have any conceivable or possible applicability to a case of this description?

I have here a book which is supposed to contain a record of every case, at least of every reported case, in which the defence of insanity has been set up, and I see my learned friends have the same book before them too. And one thing is certain, that among those cases there never has been a case in the least like this.

Now, gentlemen, just remember what you are told and what you are asked to believe: The half-breeds of this district number, I understand, some 600 or 700. I am speaking entirely of the French half-breeds. I believe the English half-breeds are more numerous than that.

In July, 1884, the French half-breeds, believing that the prisoner at the bar was a person in whose judgment, whose advice, whose discretion they could trust and rely upon, sought him out in the place where he was then living with a view of getting him to manage for them their affairs, and to represent their grievances, and to endeavor to obtain for them those rights and that justice which they believed to be theirs.

They sent men, I suppose, in whom they had confidence to ask the prisoner to come for that purpose. They, in their intercourse with him, discovered nothing wrong in his mind, no unsoundness in his reason. The prisoner came here. He remained here from July, 1884, till March, 1885, and during all that time he was before the public; he addressed, I think we have been told, seven meetings, and there were, I suppose, many more in which he also participated. There was in the district a population of at least 2,000 altogether, for there were six or seven hundred French half-breeds and the English half-breeds outnumbered them. There can be no question, I say, that the prisoner at the bar addressed on public affairs at least two thousand people.

During that time was there ever a whisper of his insanity heard? Have you had one single soul who heard him during that time, one single person of the com-

munity among which he lived, and which believed in him; have you heard, I say, one single suspicion from any of them that the prisoner was insane?

The next thing we find in regard to these men is that under the guidance of the prisoner they embark in an enterprise full of danger and gravity. They place their lives and property under his control and direction, and trusting in his judgment they risk both in obedience to his advice, and we have not heard from any one of them that during all that time there was the smallest suspicion he was affected with any unsoundness of mind whatever.

Now, gentlemen, am I speaking reason or am I not speaking reason? Unless all reason and common sense has been banished from the land is it possible that a defence of insanity can be set up in the case of a person of that description? If so, I should like to know what protection there is for society, I should like to know how crimes are to be put down. I should like to know more; I should like to know if the prisoner at the bar is not in law to be held responsible for this crime, who is responsible? He was followed by some six or seven hundred misled and misguided men. Are we to be told that the prisoner at the bar was insane but that his followers were sane? Is there any escape from the one inevitable conclusion either that the prisoner at the bar was perfectly sane and sound in mind or that all the half-breed population of the Saskatchewan were insane. You must have it either one way or the other.

What in reality is the defence set up here; what in reality is the defence which you, as sensible men, are asked to find by your verdict? You are asked to find that six or seven hundred men may get up an armed rebellion with its consequent loss of life, its loss of property, that murder and arson and pillage may be committed by that band of armed men, and we are to be told they are all irresponsible lunatics.

It is my duty to put these facts to you plainly and strongly, because it is our duty to protect society, and all that I can say is that if such a folly as finding this man insane is possible in this country, you say in effect to men who desire to come here to live, that there is no sufficient protection by law for either life or property or liberty.

Are you prepared to say that? Because that is the single issue placed before you by the counsel for the Crown; disguise it as you like; speak of it as you like, that is the simple result and the plain consequence.

Can you say with any reason that a man who has lived among his fellow-men for eighteen months, probably the most prominent man in the district, that he can live for that length of time without his unsoundness of mind being found out, if his mind is unsound? Can you say that this prisoner can, by any application of law, administered by reasonable men, be held to be irresponsible for his actions? And if he is irresponsible are you to say, or are you not to say to all the men who followed him in his crime "it was your duty, it was your business, living as you did so long with the prisoner, to know more about this man's unsoundness of mind," and his insanity; it was your duty to know more about him than such witnesses as Capt. Young and General Middleton, who have seen him just lately, who can discover nothing unsound about him. Are you to tell these men it was their duty to discover his unsoundness of mind and not to follow him because he was a lunatic? If not then no one is responsible for this rebellion.

Now, with regard to the evidence which it is necessary for me to refer to in this defence. I will first speak for a moment of the scientific evidence.

Medical men have it as their duty to investigate and discover every kind and every degree of unsoundness of mind; that is a duty which they take upon themselves, that is a duty which, I believe, they are pursuing with increasing devotion and success as years go on, but what medical men occasionally call unsoundness of mind and what may be insanity in law are two different things entirely; it is for the law to say what degree of unsoundness of mind will enable a man to escape punishment for his acts; it is for medical men to describe the different degrees of unsoundness of mind which may be made to yield to medical treatment.

Now, in this case there is one absolutely conclusive fact proved, about which there can be no dispute, which is a complete answer to the defence of insanity. There is no question and no dispute of one thing, that the very essence of an insane impulse is that it is impervious to reason. The impulse of the insane man is such that you do not reason him into it and therefore you cannot reason him out of it. The moment you find the impulse which possesses a man yielding to reason, force or any motive, that moment that ceases to be an insane delusion. We hear of poor creatures in asylums who suppose themselves to be possessed of all the wealth of the world. Do you suppose if you went to one of them and offered him \$100 in exchange for all the wealth he imagined himself possessed of, and if he accepted that, that you would have a lunatic before you? You might have an imposter, but the lunacy is at an end. Or if you go to the poor creature who thinks herself to be a queen and offer her \$100 to give up her throne, and you find her willing to do so, you will no more discover a lunatic here than in the case I have just referred to. The most well known form of mania is what is called homicidal mania. That is a mania of which there are always instances in our asylums. The one idea, the one feeling and thought that possesses the man, is a desire to take human life, and that has more than once been set up as a defence to murder. Do you suppose if you find a man who had been paid \$1,000 to commit a murder, or who says he would not commit a murder unless he got \$1,000, and who then sets up as a defence this homicidal mania, do you think any jury would listen to him for a moment?

Now, what are the facts here? We are told that this man's controlling mania was a sense of his own importance and power; that he was so possessed with overweening vanity and insane ambition that the one thing which he was unable to resist, which in his own mind justified all crimes, and was an atonement for all guilt, was his own sense of greatness and position and his own power. Well, gentlemen, is it not a fact that he expressly said that if he could get a certain sum of money he would give up this power and this ambition and go away. Now, my learned friend, Mr. Fitzpatrick, has said to you all that can be said upon that head. He says he made that offer through Nolin, that what he desired to do with the money was to go to a foreign country and work out some schemes of conquest there. Gentlemen, did he say that to Father André, or to Mr. Jackson? Am I right or am I wrong in suggesting to you that the prisoner at the bar was capable of adopting his arguments, his convictions to the men with whom he had to reason? He tells Nolin that he wished the money to go to a foreign country and work out his schemes, and why? Because he was one of his own people, one whom he believed to be in sympathy with his own schemes. Did he tell Father André anything of the kind? When he wanted Father André to get this money for him what was it he said to him? He said, if I get the \$35,000 I will go, I will leave the country. Did he tell Father André he was going on any absurd schemes of conquest, that he was going to return with his army and devastate Manitoba? No, gentlemen, that was not said, and the reason why it was not said was because he knew it would ruin all his chances with Father André.

And in the same way he reasoned with Mr. Jackson. Jackson is an Englishman, and the prisoner knew if he had told Jackson any of these absurd ideas it would have had no influence whatever with him. Well, gentlemen, we do not find that he did communicate those ideas to him. Now, then, what does this evidence show you so far as that is concerned? Does it show to you he was a man who controlled his mania and used it for his own purpose? If so, there is no mania about it; and if in any way that impulse was under his control then that very moment it ceased to be insanity. Now, gentlemen, is there any doubt in the facts of this case, that what I have told you is the truth, you have to judge for yourself; I am expressing no opinion. I am simply placing before you these simple facts. I am pointing out to you in the first place this so-called insanity had no such control on him that he was not perfectly willing to drop his insane theories for a sum of money, and secondly, when he desired to get that money the arguments which he used were adapted to the character and position of the person whom he wished to influence by them. There are other features in his character and conduct, but you must remember all I am here to

discuss is what was his conduct and what was his character, what were his actions and what were his motives during this rebellion. There are, I say, other features connected with the prisoner's conduct which I think ought to be submitted to you to show that his mind was strong and clear, that he was not merely a man of strong mind but unusually long-headed, that he was a man who calculated his schemes and drew his plans with shrewdness, and was controlled by no insane impulse.

In the first place do you think his treatment with regard to the rising of the Indians is a piece of insanity? Do you think that the manner in which he addressed them to rise? Do you think the communications which he sent them were suited to their purpose, were adapted to answer the object he had in view? Or do you think you can discover in any one of these communications the insane ravings of an unsound mind? I shall come to this on another branch of the case in a few minutes.

Do you think when he told Mr. Lash what he intended to do with him, that he might release the other prisoners, but he would not release him because he was a Government official, do you think that was a piece of insanity?

Do you think the manner in which he conceived this campaign, do you think the mode in which he was to carry it out, do you think these were proofs of any insanity? I would ask you, gentlemen, if he is to be declared insane in the conduct of this whole undertaking, who is to escape the charge of insanity and who is to be punished when a plea of insanity is set up?

The only peculiarity in this case is that some eight or nine years ago the prisoner was in a lunatic asylum, and I cannot help saying that the evidence we have had here on that subject was to my mind unsatisfactory. I should like to have known how, and under what circumstances, the prisoner was placed in that asylum, under an assumed name. I should like to know who were responsible for his being placed there. I should like to have seen the register and records which are kept in every asylum from week to week, and I should like to have seen not only why he was received into that asylum, but how he came to be discharged. All these things they have not thought it necessary to bring before you. I have in one respect to correct my learned friend, Mr. Fitzpatrick, who stated that Dr. Roy was brought here on the part of the Crown. He was not brought here on the part of the Crown. You have heard how Dr. Roy came to be brought here. My learned friend stated at the opening of this case that they had not their evidence, that they desired to obtain certain witnesses, and the Crown said, if you desire to obtain witnesses we will use our own influence in procuring them, that is to say we will join you in telegrams to any witnesses whom you want to come here and we will pay their expenses, but Dr. Roy was not in any sense called as a witness for the Crown. The Crown concurred with my learned friends in calling him here because they believed it subservient to the cause of justice to do all in their power to give my learned friends every right assistance in getting the evidence which they believed to be necessary for their case.

I have nothing more to say in that respect except this: It has been said by learned judges over and over again that insanity is not a question which is only decided by experts. Any man of intelligence and sense, and ordinary capacity is said to be a perfectly good witness, and in many respects as capable to decide on cases of insanity as medical experts can be. A man like Captain Young, who was asked what experience he had with regard to insanity, and who answered, "I think I should know if I had been living eight days with a lunatic"—the evidence of that man is just as good and strong in law, and to many minds would be considered stronger than the evidence of medical experts, because as a rule they have better opportunities of observation. The medical experts have none of them had any opportunity of observing the prisoner at the bar and his state of mind at the only time when his state of mind is in question, at the time when his crimes were planned and carried out. Our witnesses are men who saw him at that very time and who observed his demeanor, who had much better opportunities of observing him.

Now, gentlemen, if a man's mind is weak, if a man's mind is likely to give way, I ask you when is it more likely to give way? (If the one thing that possessed this

man's mind was his ambition and vanity, and a sense of his own power and importance.) I should like to know, I say, when his mind was more likely to give way than when all his schemes collapsed, all his ambition was frustrated and he found himself helpless in the hands of his opponents? And that was the time we had the opportunity of observing his demeanor. Did he then show any signs of unsoundness of mind? Can you fancy any stronger test of a man's unsoundness of mind, anything more likely to cause an inherent weakness to become apparent? Every scheme in life which he may be supposed to have formed, every hope he had cherished, every desire he had wished to see gratified, all these were dashed to the ground, and do we see he then showed any signs of insanity, or any evidence of that excitement under which he is supposed to be laboring? Or do we, from the beginning to the end, until this whole thing had failed, and until his guilt or innocence became the question, do we ever find the defence of insanity hinted at or suspected by any human being who came in contact with him?

Gentlemen, as to latent insanity, all I can say is this: There are cases of latent insanity; human nature is always fallible, but if it be possible in any civilized community for a man to go through the career which the prisoner at the bar has had, for a man to exercise all that influence over his fellow-creatures which he has exercised, and if sensible men are then to be told that during that time he was practically irresponsible, then all I can say is that there is no safety for society—can be no safety for society at all. If we are to be told that these six or seven hundred men who entrusted themselves to his guidance were all a band of lunatics, following a lunatic leader, and that they are not responsible for murder, pillage, arson, spread throughout this country, then all we can say is that it is not a country for human beings to live in.

You may give every consideration you desire to the arguments of my learned friend, give them the fullest consideration, give them every consideration which by any possibility you in the exercise of your reason can think them entitled to, but, gentlemen, it is my duty to ask you not to forget the other aspect of the case, not with any degree of feeling or emphasis, but to place it before you as a fact you must consider upon the evidence.

I have little more to say upon the question of insanity, except so far as it is connected with the other branches of the case. My learned friend, Mr. Fitzpatrick, closing with an eloquent description of a free land, with which many of us are familiar with, uses these words: That it is a land where a man may speak the thing he will, what seems to him right. Gentlemen, I wish the prisoner at the bar had confined himself to speaking what he thought to be right. It is not for what he spoke that he is in this situation; it is entirely for the acts he did, and the crimes he committed that throws upon us the painful duty of trying him here. If he had only considered this was a free land and a land where free speech will always get a man his rights, there would have been no difficulty or trouble in the matter. It was just because he was not contented with constitutional agitation, just because he desired to carry on armed rebellion, to have his own way, just because he was not contented with that constitutional agitation which others are satisfied to follow; it was for this reason that he occupies the unhappy position in which he finds himself to-day.

Gentlemen, my learned friend in opening this case to you, opened it as I thought, strongly, clearly and emphatically, but if there is one duty more incumbent on the counsel for the Crown than another it is to say nothing to a jury which they are not prepared to support in evidence, it is to make no statement which may possibly influence their mind, which the evidence will not carry out.

Now, gentlemen, let us see whether those few important and material features in this case to which my learned friend called your attention have or have not been proved beyond all doubt or suspicion.

In the first place my learned friend, Mr. Fitzpatrick, has represented to you; I cannot say he has represented it, but he has argued to you, that this is a case in which the prisoner started with no intention, with no expectation or desire for anything beyond constitutional agitation, that he was, as it were, overtaken by the situation,

that the situation got beyond him. Gentlemen, does the evidence afford even the shadow of a foundation for such a statement. You will remember it was on the 26th of March before hostilities of any kind broke out. Now, what does the evidence show in that respect? You will remember in the first place, according to the evidence of Nolin, he spoke of taking up arms as long ago as December. Very severe attacks have been made upon the character and evidence of Nolin. I will only say this, that in so far as Mr. Nolin's evidence is concerned, in one of the most important features it was corroborated to the letter by Father André. And I will say this further for him, that as far as the constitutional agitation was concerned, he sympathized with it, and went along with it until unconstitutional means were employed, when he declined to go any further with the prisoner in his criminal course, in consequence of which he was tried for his life but escaped. Is Nolin to be censured for that course he took? He was wrong, I believe, to accept the leadership of the prisoner at the bar under any circumstances, but he was perfectly right and he did the duty of a loyal citizen in seceding altogether when unconstitutional means were employed, and he further did the duty of a loyal citizen when he placed in the hands of the Crown such information as he could afford.

On the 3rd of March the prisoner at the bar is accompanied by sixty armed half-breeds to the Halcro settlement, and there he made use of the expression, "They talk to us about the police, but here are our police," pointing to the armed men. The next thing we find is that on the 5th of March and on the 6th, he told Nolin that he had decided to take up arms, that that was his view of the proper course. We hear Nolin dissented from that, and we hear that they disagreed. (And you must remember that they are isolated people and their ways are not in some respects our ways.) They agreed I say that it was better to have a novena or nine days' prayer in order to avert the trouble and agitation which was in the settlement. Riel, the prisoner, seems to have said it was too long a time, but the novena was carried against him.

Gentlemen, if in all he had done he was sincere and truthful, would not the prisoner at the bar heartily have joined in that prayer? What would his conduct have been? Would he not have attended this nine days' prayer and earnestly addressed his thoughts to avert from this country the bloodshed which he foresaw was coming upon it? What did he do? That novena was appointed at his suggestion to begin on the 9th of March and end on the 19th, and what was his course in the meantime? If Nolin's evidence is to be believed the prisoner did what he could to prevent the people from going to the church where these prayers were being said; and we find that before the 19th of March came under his direction and guidance armed rebellion had broken out, and Nolin was taken prisoner and in custody in his hands.

Well, gentlemen, it may be painful but we must test religion by its fruits, and I must ask you what is your opinion on that question, which has been proved beyond all doubt, whether these ways were our ways or the ways of others. I ask you if the prisoner had been sincere would he not have joined heartily in that attempt to avert the disaster which was coming upon the country in the same manner as all his fellow men desired and hoped to avert it, and would he have precipitated the disturbance as he did before these days of prayer were over? Now these are the facts; it is for you to draw your conclusion as to what is a fair inference from them.

But however you may view that, the next thing we find is that on the 18th and 19th, a week before hostilities broke out, and on the 18th more especially, speaking to Dr. Willoughby, he told him that in one week from that day the police would be wiped out of existence. He told Dr. Willoughby he would let him know who would do the killing in this country. He said: "You know Louis Riel's history." Well, gentlemen, I am content to drop the history of Louis Riel. I am content it should be buried in oblivion, and I shall say nothing more to you about that. He told him the last rebellion would be nothing to this one. He said the time had now come when he was to rule this country or perish in the attempt. Well, gentlemen, is that the talk of a man whom the situation has overwhelmed, or the talk of a man who was the creature of circumstances?

The next thing we find is that on the 18th pillage and robbery is committed on inoffensive citizens. We find two stores are robbed, Walters & Baker's and another, Kerr's. We find both these stores looted and pillaged. We find the prisoner coming to the nearest of these stores and demanding arms and ammunition. Can we fancy anything more premeditated and designed? We find the preparations made for war just as patiently and quietly as they are in the case of two nations who have declared war against each other. On the 18th he told Mr. Lash that the rebellion had commenced and that they intended to fight until the whole Saskatchewan valley was in their hands. He told him on the 26th he had sent an armed body to capture the Lieutenant Governor, that he had waited fifteen years and at last his opportunity had arrived.

The witness Tompkins tells you that, being arrested on the 19th of April, he heard the prisoner at the bar address his followers in these words: "What is Carlton; what is Prince Albert? March on my brave army!"

We find on the 21st he took the most deliberate step which could be taken, not in words but in writing. This which I have in my hand is a document in the prisoner's own handwriting. On the 21st he addresses Major Crozier, then commandant of the Mounted Police at Carlton, this summons: "The councillors of the provisional government of the Saskatchewan have the honor to communicate to you the following conditions of surrender:—You will be required to give up completely the situation which the Canadian Government have placed you in at Carlton and Battleford, together with all Government properties. In case of non-acceptance we intend to attack you when to-morrow, the Lord's Day, is over, and to commence without delay a war of extermination upon all those who have shown themselves hostile to our rights."

Can you fancy anything more deliberate, or more prepared, anything carried out with more plain intention and preparation? You will remember, gentlemen, that that was five days even then before open hostilities had broken out. It was not, therefore, one day or one week; it was not one week or two weeks, but it was at least a period of three weeks, during which armed rebellion was in the contemplation and intention of this prisoner. We do not see men armed without an object; we don't hear incendiary speeches addressed to armed men without a purpose, and we certainly don't find summonses to surrender to those who are appointed to guard the public peace, and threaten them with a war of extermination, unless those who address those summonses are fully prepared to go into the rebellion which they contemplate. Well, then, gentlemen, on the 21st that letter was addressed to Major Crozier. There was no want of fair warning, and everything was done on the part of the authorities to try if it might not be possible to arrest this prisoner and his misguided followers in their criminal course.

Major Crozier took what was probably the most judicious course, in spreading far and wide proclamations that if those who had begun this movement would only go peaceably back to their homes they should be let off, and their leaders only be required to answer for it. The prisoner and his followers must have been aware of that, and they had that opportunity of withdrawing from the course upon which they had entered.

The next thing we find is that open hostilities break out and blood is shed. Now, gentlemen, how did that come to happen? What were these men doing, the police and volunteers of Prince Albert—what were they doing when they were attacked by an armed band and many of them slain? They were simply discharging the duty of true and loyal citizens, in endeavoring to protect property and to keep the peace. I ask you what crimes these unfortunate men had committed whose bodies were left on the battlefield that day: just the crime of being loyal and brave subjects.

Gentlemen, if we are to speak of religion, I must confess I never heard religion so used as we have heard it to-day. It was said by two or three, I forget how many witnesses, that the prisoner declared to them, that he said to his followers: In the name of God the Father, fire, and three men are laid out, it may be dead; in the

name of God the Son, fire ; in the name of the Holy Ghost, fire, and nine bodies are left on the field, and the prisoner returns to do what ? To lament the loss of life ? No, gentlemen, to rouse the cheers of his soldiers and thank God for his victory, and praise them for their shooting. Now, when we talk of humanity we must look to facts. We have no right to shirk duties that are incumbent upon us, and it is our duty to bring before you plainly all those facts, which are undeniable, and to ask you to draw from them what you consider to be the fair and proper inference. We have heard of humanity, and credit has been claimed for humanity. You remember what the prisoner said to two witnesses after Fish Creek, where more blood was shed—that being then urged to make peace, he said : “No, we must yet have another fight, and then our terms will be better.” Well, gentlemen, human life is sacred, and the position of the prisoner is a terrible one, but when we are asked for sympathy for a person in his position, those only can ask us to respect the sacredness of human life who respect it themselves. Has there been any respect for human life in this rebellion, or any humanity shown ? Has there been any reason or justification for the criminal acts which have been committed ? These are questions which each one of you must ask himself, and which you must decide according to the evidence laid before you ?

Well, gentlemen, we have the evidence to show that this rebellion was designed contrived, premeditated and prepared, that it was carried out with deliberation and intention, that it was the result of no sudden impulse, that it was no outburst of passion, but it was clearly, calmly, and deliberately opened and carried out.

Then the next thing we find, or the next feature which I must call your attention to, is that which my learned friend has argued. We say this was not a rebellion got up and carried out from mistaken motives of patriotism, but that the leader was actuated by selfish motives. You have heard the evidence of Astley, who tells you that at the battle of Batoche the prisoner wanted him to go and see the general and contrive some means by which he could be introduced to him, that he might then explain to him that he was the founder of this new religion, and that the councillors were responsible for the war, and he said to Astley, “you know I have never borne arms.” Astley points to the contrary, that he had borne arms. Now, if he did say that, was that the act of an honest man, a brave man, or a true man ? Was it right in him as an honest and a brave man to get it represented not that he but his followers were responsible for the rebellion, and that his share in the business was religious only ? You have further the evidence of Astley, who tells you that in his conversation with the prisoner at Batoche the principal thing in the prisoner's mind seemed to be his own grievances. Jackson tells you the same story, and Nolin confirms it and so does Father André.

My learned friend also stated to you that wherever we find there was a question of leniency and extreme measures the prisoner's voice was always for the latter. His treatment of McKay, does that bear out this assertion or not ? McKay went with great self risk, and incurred great danger, to the enemy's camp, among a band of armed men, saying that he did not come as a spy, but as one of Her Majesty's soldiers, and he came to warn them against their criminal measures. I cannot forbear in passing here to mention that it is well for this country that we had among us men like Mr. McKay and one or two others. If it hadn't been for the praiseworthy conduct of Mr. McKay before the rebels many others would have flocked to the rebellion, and which then would have had greater chances of success. You remember the charge made against Mr. McKay, and you remember the manner in which it was met, and you remember the expressions with which it was accompanied. It is well, I say, we had in the country men like McKay, men who deserve so well of their country.

It is well, too, we have had in this country a man whose conduct, I think, entitles him to all credit. I refer to Mr. Astley ; for it is to my mind by no means clear that the gallantry of the troops would have rescued the prisoners at Batoche if it had not been for his conduct there. Gentlemen, when he got to the camp of General Middleton his own life was safe, and it was the act of a brave man that

Astley, after he had saved himself, did not hesitate again to risk his own life in his praiseworthy desire to serve the cause of humanity.

Gentlemen, what do we find with regard to the treatment of Mr. McKay? He was tried for his life because he had attempted to teach reason and sense to his fellow half-breeds. We find the prisoner at the bar brought the charge against him, and said it was his blood they wanted, and McKay having spoken for himself that Champagne got up and said: "We want no blood here; we want only our rights," and the prisoner then left the room and went away.

Are you satisfied if it hadn't been for Champagne McKay would be where he is to-day? Are you satisfied that the evidence bears out fully that feature of the case to which my learned friend called your attention?

Well, gentlemen, there is but one more feature to which I must call your attention. My learned friend, Mr. Fitzpatrick, has said that the prisoner and those who were responsible for the rebellion, cannot be fairly accused of any attempt to incite the Indians, of any attempt to induce them to take up arms. Gentlemen, is there any foundation for that statement of my learned friend that there is no proof that the documents we find in his handwriting were ever made use of?

Do you think, gentlemen, that men at a time of that sort would write out statements which they do not entertain? Do you think they put in writing and sign with their own names plans which they don't intend to carry out, or do you think that these words which I find in that document, No. 112, in the handwriting of the prisoner, signed by himself, and in which I find these expressions, are without intent:

"Take all the ammunition you can in whatever store they may be; murmur, growl and threaten; raise up the Indians; do all you can to put the police in an impossible position."

Do you think the letters to Poundmaker, found in his camp, which it is shown was sent to him by a half-breed, in Riel's own handwriting, telling him of the victory over the police at Duck Lake, and thanking God for their success: "If it is possible, and you have not yet taken Battleford, destroy it; take all the provisions and come to us; your number is such that you can send us a detachment of forty or fifty men." Do you think that that, sent as it was to an Indian chief, was not intended to raise him to take up arms and go on the war path and assist in this rebellion?

My learned friend, Mr. Fitzpatrick, must have forgotten what is due to a prisoner when he charged those who were acting for the Crown with some warmth for not having called Poundmaker to prove the receipt of that document. He was good enough at the same time to say that those who were conducting the case for the Crown were persons who understood fair play. It was because we did understand fair play, because it would have been improper to have called Poundmaker to swear to that, that we did not call him. If we had attempted to put Poundmaker in the box to prove the receipt of this document we should have been asking Poundmaker to declare on his oath his own complicity in this rebellion and Poundmaker would have said to us "I decline to answer your questions," and any judge would have said to those who acted for the Crown, "gentlemen, you had no business to put a man in that position." Now that is our answer on the part of the Crown to the charge that we didn't call the prisoners to prove their own guilt out of their own mouth. It was because we respect the law, because we wanted fair play that we didn't attempt to call anyone here except the one person who is free from any charge of complicity in this rebellion, and who was bound to prove the taking of that letter to Poundmaker.

Well, gentlemen, I think I have almost done; but it is right to say to you these few words: When we hear rebellion as we do hear it, sometimes lightly spoken of, when we read rebellion sometimes lightly written about, do these people, gentlemen, who speak of armed rebellion as a thing to be spoken of in that way, do they think what it means? Not what it may mean, but what it must mean; not what it may mean in theory but what we know it by sad experience it is in fact.

Armed rebellion means the sacrifice of innocent lives, it means the loss of fathers, brothers, sisters, parents, the destruction of many homes, and still more the lifelong

bitter desolation of many human hearts, and gentlemen, we must not allow ourselves for one moment to speak lightly of anything which necessarily involves these terrible consequences.

If this scheme had succeeded, gentlemen, if these Indians had been roused, can any man with a human heart contemplate without a shudder the atrocities, the cruelties which would have overspread this land.

Those who are guilty of this rebellion and those who have not a proper excuse, have taken the step upon their own heads, and they must suffer the punishment which the law from all time, and which the law for the last five centuries has declared to be the punishment of the crime of treason.

Now, gentlemen, the Crown in this case has a double duty to perform. In the first place, to see that the prisoner has had every impartiality and fair play and every consideration which it was in their power to give him, and which the law afforded him. Let there be no mistake about that. If this fair play has not been granted, if this trial has not been impartial, if we have omitted any part of our duty, all I can say is that the prisoner's life has been in our hands quite as much as in the hands of the learned gentlemen for the defence.

But, gentlemen, we have another duty to perform; we have the cause of public justice entrusted to our hands; we have the duty of seeing that the cause of public justice is properly served, that justice is done.

I will leave this case with confidence in your hands.

The Crown asks only what is just, and the Crown believes justice will be done. That is all the public and all the community have ever asked, and to that the public and the community are fully entitled and that they believe they will receive.

THE JUDGE'S CHARGE.

Mr. Justice Richardson. —Gentlemen of the jury, that this is an important case and will require your very serious consideration, there can be no shadow of doubt. The duties which devolved upon those gentlemen who had the prosecution in hand, are ended. They have called their witnesses, and you have heard what they have had to say; in addition to that—and this is the only case in which it is permitted—you have heard from the mouth of the accused what he has to say.

The remainder of the case rests with yourself and me. My duty is to show you, to place before you as well as I can, what the law is, to refresh your memory as to the evidence which has been given *pro* and *con*, and then leave the determination upon that evidence to yourselves.

Now, the charge against the prisoner is, as I told you, a very serious one. It is the most serious one in the whole criminal category. It is the charge of high treason. In order that I may not be mistaken, that I may not misplace any words, it will be right for me to read to you what high treason is. The charge of high treason, which is laid against the prisoner, is that of levying war against Her Majesty in her realms in these territories. It is founded upon a very old English statute, one on which is based the whole law of treason, and which was passed in the reign of Edward III:—“When a man do levy war against our Lord the King in his realm, or be adherent to the King's enemies in his realm, giving to them aid and comfort in the realm or elsewhere, and thereof be proveably attainted of open deed by the people of their condition, that this shall be one ground upon which the party accused of the offence and legally proved to have committed the offence, shall be held to be guilty of the crime of high treason.”

Now, in order to constitute the crime of high treason by levying war, a standard authority lays down this: “To constitute high treason by levying war, there must be insurrection, there must be force accompanying that insurrection, and it must be for the accomplishment of an object of a general nature. And if all these circumstances are found to concur in any individual case that is brought under investigation, that is quite sufficient to constitute a levying of war.” The charge upon which the prisoner is upon his trial is under that statute, that clause of the statute, and it

charges him with levying war upon Her Majesty at the locality of Duck Lake, North-West Territories; also at Fish Creek, and also at Batoche. Having refreshed your memory as to the evidence which was supplied on the part of the Crown, and which you have heard on the part of the defence, it will be your duty to say whether that has been proved or not. If it has not been proved, if the evidence has not brought it home conclusively to this man, he should be acquitted. If it has been brought home to the prisoner, then another question turns up which you will have most seriously to consider, is he answerable?

My intention now is to read the evidence which has been taken. I feel it my duty to do so, from the way it has been given, and after I have read it, to draw your attention to it and to make a few observations that occur to me, which may be useful to yourselves in arriving at a conclusion. Before I read the evidence, I may remark that before the prisoner can be convicted you must be satisfied that he was implicated in the acts charged against him. It must be brought home to him, otherwise he is entitled to be acquitted. If you are satisfied that he was implicated in the acts in which he is said to have been implicated, he must as completely satisfy you that he is not answerable by reason of unsoundness of mind.

You will recollect that there are two points which you must consider; first, was this man implicated, supposing him to be sane, in the acts charged against him? It is for the Crown to satisfy you upon that. If he was so implicated, are you satisfied, from what has been shown, that he is not answerable?

(Portions of the evidence read by his Honor, and the Court adjourned at six o'clock.)

SATURDAY, 1st August, 1885.

Court opened at 10 a. m.

His Honor continues to read portions of the evidence to the jury, after which he says:—

GENTLEMEN OF THE JURY,—In opening my remarks to you yesterday afternoon, I explained to you that an important duty devolved upon us, one share of it upon myself and the other upon yourselves. My part of that duty being to see that you recollect the evidence placed before you, and that any salient points that struck me as important, and that might assist you in your deliberation, are brought to your notice, and also that the law as it relates to this case is laid fairly before you, and then I will leave it to you to determine upon the evidence as to the guilt or innocence of the prisoner. I explained to you that the features of this case differ from ordinary cases, in that it presents for your consideration, first, the question whether or not (what is in legal phraseology) the "overt acts" charged have been committed, and whether the prisoner was a participant in those acts. If that has not been brought home to the prisoner, if the Crown has not satisfied you conclusively upon that point, the prisoner should be acquitted out and out. If, on the other hand, you feel that he was so implicated, you have to determine the further question, whether it has been shown with equal conclusiveness that this man was not answerable for the commission of the acts charged against him.

Before proceeding with my remarks, I think I ought to digress for a few moments. Reference has been made to the question of jurisdiction. With that we have really nothing to do, we have simply to perform the duties imposed upon us by law. Still it may not be out of place to tell you how that duty comes to be imposed on us.

In the first place, Great Britain owning these territories transferred the administration of peace, order and the good government of them to the Dominion Parliament. That was in 1871. The Parliament of Canada accepted this charge, and in 1875 passed their first law, by which the prisoner would have been tried in the territories by the chief justice, or one of the judges of the Queen's Bench of Manitoba, with a stipendiary magistrate beside him and a jury of eight. This was brought into force in 1876, but for some reason, possibly owing to difficulties in its working, was altered in 1877. It was altered by providing that instead of a judge from Manitoba being sent here, the court should be held in the territories, and presided over by a stipendiary magistrate

and two justices of the peace, with the intervention of a jury of six, that is in cases of capital offences. It having been found inconvenient, and, probably, in some cases, impossible to get the number of magistrates required in all places, the statute of 1880 was passed, reducing the number of magistrates sitting with the stipendiary magistrates to one, and there the law stands. The council for the defence, in the exercise of their duty, and I think in a proper manner, and at a proper time, objected to the jurisdiction of this court. They deemed it right to say that that law is not such a law as the Parliament of Canada can pass, and that therefore this court has not jurisdiction to try this case. It may perhaps strike you as strange, but at the same time all the counsel knew it as lawyers that while it was a proper time for them to make that objection, I sitting here could not say whether they were right or wrong in their opinions, and why? I will tell you, because in the Act of 1877, when Parliament altered the law relieving the provincial judges from coming into the territories to hold such courts, a provision was made which does not exist in any of the Provinces, that if the accused felt aggrieved on his trial, there should be an appeal to the Court of Queen's Bench in Manitoba. They did not allow this right of appeal to the Crown, it is a special privilege given to those accused of capital offences. Having accepted a commission under the law, it would strike one as strange that I should take it upon myself without anything further to say that the Parliament of Canada had exceeded their power and should not have passed that Act. I was not called upon to do that. That question had been disposed of within a few days before this objection was raised. In deciding that the Court of Queen's Bench held that the Act of Parliament of Canada passed in 1880, was not *ultra vires*, that is that the Parliament of Canada did not exceed their powers in passing it, and therefore it would have been a piece of utter impertinence on my part to question their decision. At the same time the exception was very properly put on the record and at the proper time.

You have heard, and are masters of the evidence, and therefore I will be very brief in making what remarks I have to make to you. The questions really for you to determine are, first, are you satisfied that there was a rebellion? If you are satisfied that there was a rebellion, as I think you must be, the first question I will ask then is it brought home conclusively to you that the prisoner at the bar was implicated? In charges of this sort there are no classes, no accessories, all are principals. If you are conclusively convinced that the prisoner was implicated, then has anything been shown here to relieve him from responsibility? His counsel urged that at the time he committed the acts charged he was of unsound mind, that he did not know what he was doing, and for that reason he should be acquitted. This question of unsoundness of mind has given rise in former years to a very great deal of consideration. I heard a case referred to yesterday which resulted in a great scandal in Great Britain. That was not the only case, it was followed some years afterwards by a case involving still greater scandal. The law has been put in such a shape now that when the question was set up, judges may be able to tell the jury fixedly in words what their duties are in regard to responsibility for crime when insanity is set up as a defence. As to insanity, as you saw yesterday, doctors differ as do lawyers. Month by month I may say, week by week, additions are made to classes of mania, new terms are used, branches which were under the simple category of mania come out with new names. I heard a name given in evidence yesterday that I never heard before, magalomania, but it seems to be accepted as a symptom or as a fixed branch of insanity, but it is not every man who is pronounced insane by the doctors and who from charity or kindness should be placed under restraint and be put in one of the asylums; it is not I say, every one of them that is to be held free from being called upon to answer for offences he may commit against the criminal law.

The line is drawn very distinctly, and where the line is drawn I will tell you shortly. Before doing so, and to assist you in your deliberations, let me draw your attention to some points suggested to my mind by the evidence. You recollect the statements as to the prisoner's appropriating property, and making prisoners of others simply because they, to his idea, opposed him in his movements. It has been

suggested by the Crown, in reference to the \$35,000, that it tends to show that this was all a scheme of the prisoner's to put money in his own pocket. Be that as it may, one of the witnesses, Nolin speaks distinctly as to the \$35,000, and on that branch of his evidence we have his corroborated by the priest Father André, and further by Jackson. Then you have heard the evidence given by Captain Young as to the conversations he had with the prisoner. Witness after witness gave evidence as to what occurred in March, at the time of the commencement of this rebellion. Some of them speak of the prisoner being very irritable when the subject of religion was brought up. It appears, however, that his irritability had passed away when he was coming down with Captain Young, as we do not hear anything of it then. Does this show reasoning power?

Then at what date can you fix this insanity as having commenced? The theory of the defence fixes the insanity as having commenced only in March, but threats of what he intended to do began in December. Admitting that the insanity only commenced about the time of the breaking out of the rebellion, what does seem strange to me is that these people who were about him, if they had an insane man in their midst, that some of them had not the charity to go before a magistrate and lay an information setting forth that there was an insane man amongst them, and that a breach of the peace was liable to occur at any moment, and that he should be taken care of. I only suggest that to you, not that you are to take it as law, I merely suggest it to you as turning upon the evidence. Having made the remarks I have, I am simply called upon to tell you what is legal insanity, insanity in the eye of the law, so far as crime is concerned. The Crown must in all cases, particularly such as this, bring home conclusively the crime charged to the prisoner. If the Crown has done that, on the prisoner rests the responsibility of relieving himself from the consequences of his acts. The law directs me to tell you that every man is presumable to be sane and to possess a sufficient degree of reason to be responsible for his crimes until the contrary be proved to your satisfaction. And that to establish a defence on the ground of insanity, it must be clearly proved that at the time he committed the act, the party accused was laboring under such defective reasoning from a diseased mind as not to know the nature and quality of the act he was committing, or that if he did know it, that he did not know that he was doing wrong. That I propound to you as the law.

If the evidence conclusively satisfies you that the prisoner was implicated in these acts or in any of them I may say, has it been clearly proved to you that at the time he committed those acts he was laboring under such defective reasoning caused by disease of the mind as not to know the nature and quality of the act he was committing, or if he did know it, that he did not know that he was doing wrong? If the evidences convinces you and convinces you conclusively that such was the case, then your duty is to acquit the prisoner on that ground, and you are required to declare that he is acquitted by you on account of such insanity.

I think I have reduced my remarks within the smallest possible compass. You have been kept close at this case since Tuesday morning, and I cannot conceive that any further remarks would be of any assistance to you. On you rests the responsibility of pronouncing upon the guilt or innocence of the prisoner at the bar. Not only must you think of the man in the dock, but you must think of society at large, you are not called upon to think of the Government at Ottawa simply as a Government, you have to think of the homes and of the people who live in this country, you have to ask yourselves, can such things be permitted? There was one point I intended to have mentioned but which has escaped me. You will bear in mind that the law of the land under which this trial is held was objected to on behalf of the prisoner, and he has a perfect right to object to it, but the law of the land was in existence years before he came into this country three years ago, that Act came into force in 1875, and the law which he is said to have broken has been in existence for centuries, and I think I may fairly say to you that if a man chooses to come into the country, he shall not say, I will do as I like and no laws can touch me. A person coming into the country is supposed to know the law, it is his duty. We have the

law given to us and we are called upon to administer it. I, under the oath that I have taken, and you, under the oath administered to you on Tuesday morning, are to pass between this man and the Crown. If therefore the Crown has not conclusively brought guilt home to the prisoner, say so, say that you acquit him simply by reason of that.

On the jury returning, after having retired to consider their verdict, the clerk of the court says, gentlemen are you agreed upon your verdict? How say you, is the prisoner guilty or not guilty?

The jury find the prisoner guilty.

Clerk.—Gentlemen of the jury, hearken to your verdict as the court records it, "You find the prisoner, Louis Riel, guilty, so say you all." The jury answer "guilty."

A Juror.—Your Honors, I have been asked by my brother jurors to recommend the prisoner to the mercy of the Crown.

Mr. Justice Richardson.—I may say in answer to you that the recommendation which you have given will be forwarded in proper manner to the proper authorities.

Mr. Robinson.—Do your Honors propose to pass sentence now? I believe the proper course is to ask the sentence of the court upon the prisoner.

Mr. Justice Richardson.—Louis Riel, have you anything to say why the sentence of the court should not be pronounced upon you, for the offence of which you have been found guilty?

Prisoner.—Yes, your Honor—

Mr. Fitzpatrick.—Before the accused answers or makes any remarks, as suggested by your Honors, I would beg leave to ask your Honors to kindly note the objections which I have already taken to the jurisdiction of the court.

Mr. Justice Richardson.—It is noted, Mr. Fitzpatrick. You understand of course why I cannot rule upon it.

Mr. Fitzpatrick.—It is simply so as to reserve any recourse the law may allow us hereafter.

Prisoner.—Can I speak now?

Mr. Justice Richardson.—Oh, yes.

Prisoner.—Your Honors, gentlemen of the jury—

Mr. Justice Richardson.—There is no jury now, they are discharged.

Prisoner.—Well, they have passed away before me.

Mr. Justice Richardson.—Yes, they have passed away.

Prisoner.—But at the same time I consider them yet still there, still in their seat. The court has done the work for me, and although at first appearance it seems to be against me, I am so confident in the ideas which I have had the honor to express yesterday, that I think it is for good, and not for my loss. Up to this moment I have been considered by a certain party as insane, by another party as a criminal, by another party as a man with whom it was doubtful whether to have any intercourse. So there was hostility, and there was contempt, and there was avoidance. To-day, by the verdict of the court, one of those three situations has disappeared.

I suppose that after having been condemned, I will cease to be called a fool, and for me, it is a great advantage. I consider it as a great advantage. If I have a mission—I say "if," for the sake of those who doubt, but for my part it means "since," since I have a mission, I cannot fulfil my mission as long as I am looked upon as an insane being—human being, as the moment I begin to ascend that scale I begin to succeed.

You have asked me, your Honors, if I have anything to say why my sentence should not be passed. Yes, it is on that point particularly my attention is directed.

Before saying anything about it, I wish to take notice that if there has ever been any contradiction in my life, it is at this moment, and do I appear excited? Am I very irritable? Can I control myself? And it is just on religion and on politics, and I am contradicted at this moment on politics, and the smile that comes to my face is not an act of my will so much as it comes naturally from the satisfaction that I proved that I experienced seeing one of my difficulties disappearing. Should I be executed—at least if I were going to be executed—I would not be

executed as an insane man. It would be a great consolation for my mother, for my wife, for my children, for my brothers, for my relatives, even for my protectors, for my countrymen. I thank the gentlemen who were composing the jury for having recommended me to the clemency of the court. When I expressed the great hopes that I have just expressed to you, I don't express it without grounds. My hopes are reasonable, and since they are recommended, since the recommendation of the jury to the Crown is for clemency, it would be easy for me, your Honor, to make an incendiary protest and take the three reasons which have been reasonably put forward by my good lawyers and learned lawyers about the jury, about their selection, about the one who selected them, and about the competency of the court; but why should I do it since the court has undertaken to prove that I am a reasonable man? Must not I take advantage of the situation to show that they are right, and that I am reasonable? And yesterday, when I said, by repeating the evidence which had been given against me, when I said in conclusion that you had a decent prophet, I have just to-day the great opportunity of proving it is so. Besides clearing me of the stain of insanity, clearing my career of the stain of insanity, I think the verdict that has been given against me is a proof that I am more than ordinary myself, but that the circumstances and the help which is given to me is more than ordinary, are more than ordinary, and although I consider myself only as others, yet by the will of God, by His Providence, by the circumstances which have surrounded me for fifteen years, I think that I have been called on to do something which, at least in the North-West, nobody has done yet. And in some way I think, that, to a certain number of people, the verdict against me to-day is a proof that maybe I am a prophet, maybe Riel is a prophet, he suffered enough for it. Now, I have been hunted as an elk for fifteen years. David has been seventeen, I think I will have to be about two years still. If the misfortunes that I have had to go through were to be as long as those of old David, I would have two years still, but I hope it will come sooner. I have two reasons why I would ask that sentence should not be passed upon me, against me. You will excuse me, you know my difficulty in speaking English, and have had no time to prepare, your Honor, and even had I prepared anything, it would have been imperfect enough, and I have not prepared, and I wish you would excuse what I have to say, the way which I will be able to perhaps express it.

The troubles of the Saskatchewan are not to be taken as an isolated fact. They are the result of fifteen years' war. The head of that difficulty lies in the difficulty of Red River. The troubles of Red River were called the troubles of the North-West, and I would like to know if the troubles of the Saskatchewan have not the name to-day of being the troubles of the North-West. So the troubles of 1869 being the troubles of the North-West, and the troubles of 1885 being still the troubles of the North-West, the suggestion comes naturally to the mind of the observer if it is a continuation. The troubles of the North-West in 1885 are the continuation of the troubles in 1869, or if they are two troubles entirely different—I say they are not. Canada—no, I ought not to say Canada, because it was a certain number of individuals, perhaps 700 or 800, that can have passed for Canada, but they came to the Red River, and they wanted to take possession of the country without consulting the people. True, it was the half-breed people. There were a certain number of white pioneers among the population, but the great majority were half-breeds. We took up arms against the invaders of the east without knowing them. They were so far apart of us, on the other side of the lakes, that it cannot be said that we had any hatred against them. We did not know them. They came without notification, they came boldly. We said, who are they, they said, we are the possessors of the country. Well, knowing that it was not true, we done against those parties coming from the east, what we used to do against the Indians from the south and the west, when they would invade us. Public opinion in the States helped us a great deal. I don't mean to say that it is need to obtain justice on this side of the line that the States should interfere, but, at that time, as there was no telegraph communication between the eastern Provinces and the North-West, no railroad, and as the natural

way of going to Canada was through the United States, naturally all the rumors, all the news, had to pass by the States, and on their passage they had to meet the remarks and observations of the American people. The American people were favorable to us. Besides, the opposition in Canada done the same thing, and said to the Government: Well, why did you go into the North-West without consulting the people? We took up arms, as I stated, and we made hundreds of prisoners, and we negotiated. A treaty was made. That treaty was made by a delegation of both parties. Whether you consider that organization of the Red River people at that time a provisional government, or not, the fact is that they were recognized as a body tribal, if you like to call it, as a social body with whom the Canadian Government treated. Did they treat with them as they treated with Indians? It will be for them to say, but they didn't. Since Sir John A. Macdonald and the late Sir George Cartier were delegated by the Dominion Government to meet our delegates, delegates who had been appointed by me, the president—that is the name that was given to me by the council, the president of that council—that our delegates had been invited three times, first by Donald A. Smith, a member of the Privy Council at that time, second by the Rev. Mr. Thibault (the late Rev. Mr. Thibault), third by Archbishop Taché, who had been called from Rome for the purpose of pacifying the North-West, when those three delegates had invited us to send delegates, we thought that it was safe to send delegates, and I appointed the Rev. Father Richot, now curate of St. Norbert, in Manitoba, I appointed the late Judge Black, who died in Scotland, I appointed Alfred H. Scott, he is dead also, and those three delegates started, with our bill of rights of twenty conditions, to go and put it before the Canadian Government, and when our delegates came to Ottawa, the Government wanted to treat them as Indians I suppose. Father Richot said: If you don't give me, in writing, my acknowledgment as a delegate, I will go back, and you will go with your bayonets to the North-West, acknowledged my status, I am invited, and I come. And what was the answer? Our delegates had been invited three times, how were they received in Canada? They were arrested—to show exactly what is the right of nations. They were arrested, they had a formal trial, but the fact remains that they were arrested, and the protest of the Rev. Father Richot is still in the document. However, there was a treaty. Sir John A. Macdonald was delegated, the late Sir George Cartier was delegated to treat with the people, Sir John A. Macdonald was delegated. The late Sir George Cartier was delegated to treat with the people, with those three delegates. Now, how were they acknowledged? Were they acknowledged as the delegates of Riel? Oh, no, they were acknowledged as the delegates of the North-West. The late Mr. Howe, in his acknowledgment of the delegates, and in notifying them who had been delegated by the Canadian Government to treat with them, told them that they were acknowledged as the delegates of the North-West. Then it was the cause of the North-West that they represented. It is acknowledged by the Canadian Government by that very same fact that fifteen years ago the treaty of which I am speaking was a treaty of the North-West, of the delegates of the North-West, and if, by trying to say that it was the delegates of the North-West, they wanted to avoid the fact that I was no being at all, the whole world knows that it is not so; they cannot avoid me. And Sir John A. Macdonald himself, in the report of the committee of enquiry about those very same troubles—the committee sat in 1874—Sir John A. Macdonald said, I think we acknowledge Riel in his status of a governor. What was the treaty? Was it an Indian affair? If it had been an Indian affair Manitoba would not have been as it is, would not be as it is. We have the Manitoba Act. There was an agreement between the two delegates how the whole North-West interest would be considered and how the Canadian Government would treat with the North-West. And then, having settled on the matters of principle, those very principles, the agreement was made that those very principles would be inaugurated in Manitoba first. There was a province erected with responsible government; the lands, they were kept by the Dominion. As the half-breed people were the majority of Manitoba, as at their stage of civilization they were not supposed to be able to administer their lands, we thought that at that time it was a

reasonable concession to let them go, not because we were willing to let them go, but because it seemed impracticable to have the administration of the lands. Still, one of the conditions was that the lands were that the people of the North-West wanted the administration of their lands. The half-breeds had a million, and the land grant of 1,400,000 acres owned about 9,500,000, if I mistake not, which is about one-seventh of the lands of Manitoba. You will see the origin of my insanity and of my foreign policy. One-seventh of the land was granted to the people, to the half-breeds of Manitoba—English and French, Protestant and Catholic; there was no distinction whatever. But in the sub-division, in the allotment of those lands between the half-breeds of Manitoba, it came that they had 240 acres of land. Now, the Canadian Government say that we will give to the half-breeds of the North-West 240 acres. If I was insane I would say yes, but as I have had, thank God, all the time the consciousness that I had a certain degree of reason, I have made up my mind to make use of it, and to say that one-seventh of the lands in Manitoba, as to the inauguration of a principle in the North West, had to bring to the half-breeds of the North-West at least as soon as possible the guarantee for the future that a seventh of the lands will also be given to them; and seeing and yourself understanding how it is difficult for a small population, as the half-breed population, to have their voices heard, I said what belongs to us ought to be ours. Our right to the North-West is acknowledged, our co-proprietorship with the Indians is acknowledged, since one-seventh of the land is given us, but we have not the means to be heard. What will we do? I said to some of my friends if there is no other way we will make the people who have no country understand that we have a country here which we have ceded on condition. We want a seventh of the lands, and if the bargain is not kept, it is null and void, and we have no right to retreat again. And if we cannot have our seventh of the lands from Canada, we will ask the people of the States, the Italians, to come and help us as emigrants. The Irish, I will count them. Now, it is my turn; I thank you. I count them, and I will show you if I made an insane enumeration of the parties. I said we will invite the Italians of the States, the Irish of the States, the Bavarians of the States, the Poles of the States, the Belgians of the States, and if they come and help us here to have the seventh, we will give them each a seventh; and to show that we are not fanatics, that we are not partizans, that we do not wish only for the Catholic, but that we have a consideration for those who are not Catholics. I said we will invite the Danes, we will invite the Swedes who are numerous in the States, and the Norwegians, to come around, and as there are Indians and half-breeds in British Columbia, and as British Columbia is a part of the immense North-West, we said not only for ourselves, but speaking of our children, we will make the proposition, that if they help us to have our seventh on the two sides of the Rocky Mountains, they will each have a seventh, and if the Jews will help us, on condition that they acknowledge Jesus Christ as the son of God and the only Saviour of human kind, and if they will help us with their money, we will give them a seventh; and I said also, if the principle of giving a seventh of the lands in the North-West—if the principle of giving a seventh of the lands in the North-West to the half-breeds is good, it ought to be good in the east also, and I said if it is not possible that our views should be heard, we will meet as American citizens. I will invite the Germans of the States, and I will say if you ever have an opportunity of crossing the line in the east, do it, and help the Indians and the half-breeds of the east to have a revenue equivalent to about one-seventh. And what would be the reward of the Germans? The reward of the Germans would be, if they were successful, to take a part of the country and make a new German-Indian world somewhere in British North America; but that is the last resort, and if I had not had a verdict of guilty against me, I would have never said it. Yesterday it is just those things that I have just avoided to say; when I said I have a reason to not mention them, and when I said, as one of the witnesses said, that my proclamation was in Pembina, I think I am right, because of this trial you see that my pretension is, that I can speak a little of the future events. My trial has brought out the question of the seventh, and although no one has explained

the things as I do now, still there is enough said about the seventh of the land and that the division of the lands into seven, seven nationalities, while it ought to have been said between ten nationalities, that by telegraph to-day my proclamation is in Pembina, truly, and the States have my idea; they have my idea. The Fenian element, without any tangible object, have crossed the lines several times for the only sake of what they called revenge, but now that Riel, whose name is somewhat prominent for fifteen years, is known to be in his trouble for life and death, for himself and his nationality, now that my trial gives me a certain increase of the celebrity, now that those questions are appearing now before the public, that there is a land league in the States, that that very same element which possesses Fenianism is still there, and quiet, because they have no plan, because they have no idea around which gather their numbers, and when they catch at it do they think that they will smile? And Gabriel Dumont on the other side of the line, is that Gabriel Dumont inactive? I believe not. He is trying to save me from this box. This is no threat. I have written it. I have written a document of that kind and put it in the hands of Captain Deane three weeks ago. This is not an inspiration of the moment. I have the right to thank God for the provision of what happens to-day, but there is another means. I don't wish that means, these means. I don't wish them to call the people from the States on this side of the line. No, I wish it only if there is no other possibility, if there is no other resort, of course that is my wish. The last remedy, although it may be extreme, is always a remedy, and it is worth something to try it. But if there is justice, as I still hope, oh, dear, it seems to me I have become insane to hope still. I have seen so many men in my position and where are they? But Lepine has had his scaffold also in Manitoba, and he was not executed. Why? Because he was recommended to the clemency of the court. The idea of the seventh, I have two hands, and I have two sides to my head, and I have two countries. I am an American citizen and I have two countries, and I am taken here as a British subject. I don't abandon my idea of the seventh. I say because the other is an extreme and extremity, I don't wish for it until extremities have come, and I have, coming to extremities just now, but there are some hopes yet for me, my heart is full of hope; but my friends, I suppose that many of them think that I am gone. If Canada is just with me, if Canada respects my life, my life my liberty and by reputation, they will give me all that they have taken from me, and as I said yesterday, that immense influence which my acts are gathering for the last fifteen years, and which, as the power of steam contained in an engine will have its sway, then what will it do? It will do that Riel will go perhaps to the Dominion ministry, and there instead of calling the parties in the States, he will by means, constitutional means of the country, invite the same parties from Europe as emigration, but let it be well understood that as my right has been acknowledged as a co-proprietor of the soil with the Indians, I want to assert that right. It is constitutionally acknowledged in the Manitoba Act by the 31st clause of that Act, and it does not say to extinguish the Indian title. It says two words, extinguishing, and 1,400,000 acres of land, two words and as each child of the half-breeds got one-seventh, naturally I am at least entitled to the same. It is why I spoke of the seventh for the Indians, not of the lands but of the revenue as it increases. But somebody will say, on what grounds do you ask one-seventh of the lands? Do you own the lands? In England, in France, the French and the English have lands, the first was in England, they were the owners of the soil and they transmitted to generations. Now, by the soil they have had their start as a nation. Who starts the nations? The very one who creates them, God. God is the master of the universe, our planet is his land, and the nation and the tribes are members of His family, and as a good father, he gives a portion of his lands to that nation, to that tribe, to everyone, that is his heritage, that is his share of the inheritance, of the people, or nation or tribe. Now, here is a nation strong as it may be, it has its inheritance from God. When they have crowded their country because they had no room to stay any more at home, it does not give them the right to come and take the share of all tribes besides them. When they come they ought to say, well, my little sister, the

Cree tribe, you have a great territory, but that territory has been given to you as our own land, it has been given to our fathers in England or in France and of course you cannot exist without having that spot of land. This is the principle God cannot create a tribe without locating it. We are not birds. We have to walk on the ground, and that ground is encircled of many things, which besides its own value, increases its value in another manner, and when we cultivate it we still increase that value. Well, on what principle can it be that the Canadian Government have given one-seventh to the half-breeds of Manitoba? I say it must be on this ground, civilization has the means of improving life that Indians or half-breeds have not. So when they come in our savage country, in our uncultivated land, they come and help us with their civilization, but we helped them with our lands, so the question comes: Your land, you Cree or you half-breed, your land is worth to-day one-seventh of what it will be when civilization will have opened it? Your country unopened is worth to you only one-seventh of what it will be when opened. I think it is a fair share to acknowledge the genius of civilization to such an extent as to give, when I have seven pair of socks, six, to keep one. They made the treaty with us. As they made the treaty, I say they have to observe it, and did they observe the treaty? No. There was a question of amnesty then, and when the treaty was made one of the questions was that before the Canadian Government would send a governor into Manitoba an Imperial amnesty should be proclaimed so as to blot out all the difficulties of the past. Instead of proclaiming a general amnesty before the arrival of the governor which took place on the 2nd of September, 1870, the amnesty was proclaimed the 25th April, 1875, so I suffered for five years unprotected, besides I was expelled from the House twice. I was they say outlawed, but, as I was busy as a member of the east, and had a trial in the west, I could not be in two places, and they say that I was outlawed, but no notification was sent to my house of any proceedings of the court. They say that I was outlawed and when the amnesty came five years after the time that it should have come, I was banished for five years and Lepine deprived of his political rights for ever. Why? Because he had given political rights to Manitoba? Is that all? No. Did the amnesty come from the Imperial Government? Not at all. It came from our sister colony in the east, and mind you, to make a miracle of it I said the one being great, and Riel being small, I will go on the other side and I am banished. It is a wonder I did not take and go to Mexico. Naturally I went to the States, amnesty was given by the Secretary of State at Ottawa, the party who treated with us. That is no amnesty. It is an insult to me. It has always been an insult to me. I said in Manitoba two years ago that it was an insult and I considered it as such, but are there proofs that amnesty has been promised? Yes, many. Archbishop Taché the delegate who has been called, the prelate who has been called from Rome to come and pacify the North-West received a commission to make, to accomplish that pacification, and in general terms was written his commission, and when he came into the North-West before I sent delegates, he said I will give you my word of honor as a delegate, that there will be an Imperial amnesty, not because I can promise it on my own responsibility, but because it has been guaranteed to me by the representative of the Crown and the Ministers themselves, the Minister of the Crown, and instead of the Imperial amnesty came the amnesty of which I spoke and besides, an amnesty came five years too late, and which took the trouble of banishing me five years more.

Mr. Justice Richardson.—Is that all?

Prisoner.—No, excuse me, I feel weak and if I stop at times, I wish you would be kind enough to—

But the last clause of the Manitoba Act speaks also a little of the North-West, speaks that a temporary government will be put into the North-West until a certain time, not more than five years, and, gentlemen, the temporary government, how long has it lasted now? How long has it existed now? For fifteen years, and it will be temporary yet. It is against the Manitoba, it is against the treaty of the North-West that this North-West Council should continue to be in existence, and against the spirit of the understanding. Have I anything to say against the gentlemen who

compose the North-West Council? Not at all, not more than I had yesterday to say against the jury and to say against the officials of this court, whom I respect all, but I speak of the institutions. No; I speak of the institutions in the North-West. The Manitoba treaty has not been fulfilled, neither in regard to me, neither in regard to Lepine. Besides the population of the half-breeds who have found in the troubles of the North-West in Manitoba in 1870, and who have been found in the troubles of the North-West, what right have they to be there? Have they not received their 240 acres? I suppose that the half-breeds in Manitoba in 1870 did not fight for 240 acres of land, but it is to be understood that there were two societies who treated together; one was small, but in its smallness it had its rights. The other was great, but by its greatness it had no greater rights than the rights of the small, because the rights is the same for every one, and when they began by treating the leaders of the small community as bandits, as outlaws, leaving them without protection, they disorganized that community. The right of nations wanted that the treaty of Manitoba should be fulfilled towards the little community of Red River in the same condition that they were when they treated. That is the right of nations, and when the treaty would have been fulfilled towards that small community in the same state as when it was when she treated, then the obligations would have been fulfilled and the half-breeds might have gone to the North-West, the Saskatchewan, and have no right to call for any other things for themselves, although they had a right to help their neighbors if they thought that they were in a bad fix, because charity is always charity. Now I say that the people of Manitoba have not been satisfied, nor the leaders nor the people, because during those five years, which elapsed between 1870 and 1875, there were laws made and those laws they embraced the people, the half-breed people, and because they hadn't their rights, because the leaders were always threatened in their existence, the people themselves did not feel any security and they sold their lands, because they thought they would never get first that seventh of the lands. They sold their lands because they saw they had no protection and they went east. What have they received in receiving the 240 acres? They have received 240 acres of land, and as a matter of fact I can prove that by circumstances many—one-half of them—sold for half of the price, \$50 or \$40, \$60 or \$25, and to show the state in which they had been kept those who came from the Red River and the half-breeds of Red River who were in the Red River trouble of 1870, appeared to be a wonder of egotism and of unreasonableness because they appeared to be in the troubles of 1885, which are the continuation of the troubles of the Red River. The amnesty has not been given by the right parties. Amnesty has not been given to Lepine, one of the leaders, who was then, as Dumont is to-day and myself. I was allowed to come back into the country after ten years; after I would be completely deprived of the chances which I had in 1870 to do something for my people and myself and for emigration, so as to cut down my influence for ever. It is why I did not come at that time, and thought I would never come to the country. Did I take my American paper, put my papers of American naturalization during my five years' banishment? No, I did not want to give to the States a citizen of banishment, but when my banishment had expired, when an officer at Battleford—somewhere on this side of the line, in Benton—invited me to come to the North-West I said: No, I will go to an American court, I will declare my intention, now that I am free to go back, and choose another land. It sored my heart. It sored my heart to say that kind of adieu to my mother, to my brothers, to my sisters, to my friends, to my countrymen, my native land, but I felt that in coming back to this country I could not re-enter it without protesting against all the injustice which I had been suffering, and in doing it I was renewing a struggle which I had not been able to continue as a sound man, as I thought I was, I thought it better to begin a career on the other side of the line. In Manitoba is that all about the amnesty? No, my share of the 1,400,000 acres of land, have I received it? No, I have not received it. My friends, my mother have applied to have it. No, I could not. Everyone else could apply for theirs. Father, mother, would apply for their sons and that was all right, but for my honor, to apply for me it was not, I did not get it.

Last year there was a proof. Here, in the box, not long ago when I asked an indemnity, I was refused. Was that indemnity based on a fancy? I wanted my lands in Manitoba to be paid. Besides, when they treated, the treaty was completed on the 31st May, 1870, it was agreed to the 24th June, and Sir Geo. Cartier had said, let Riel govern the country until the troops get there, and from the 24th June till the 23rd August I governed the country in fact, and what was the reward for it? When the glorious General Wolseley came he rewarded me in saying Riel's banditti has taken flight, and he wanted to come during the night, at midnight, so as to have a chance to raise a row in Fort Garry and to have a glory to call for in the morning, but heaven was against him then. It rained so much that he could not get there during the night, and he had to come at ten o'clock next morning. He entered one door of Fort Garry while I left the other. I kept in sight of him. I was small. I did not want to be in his road. But, as I knew he had good eyes I say I will keep at a distance, where I can be seen, and if he wants to have me, he will come. A general knows where his enemy is, ought to know, and I kept about 300 yards ahead of him. While he was saying that Riel's banditti had taken flight, Riel was very near. That has been my reward. When I speak of an indemnity of \$35,000, to call for something to complete the \$100,000, I don't believe that I am exaggerating, your Honor. In 1871 the Fenians came in Pembina. Major Irvine, one of the witnesses, I was introduced to him, and when I brought to the governor 250 men, Governor Archibald was then anxious to have my help because he knew that we were the door of Manitoba, and he said as the question of amnesty came he said if Riel comes forward we will protect him. "Pour la circonstance actuelle," we will protect him. As long as we need him, we will protect him, but as soon as we don't want him, as soon as we don't need him, we want him to fall back in the same position he is to-day, and that answer had been brought because it had been represented that while I would be helping the Government the parties would be trying to shoot me in the back. "Pour la circonstance actuelle," they said, I will protect him. What reward have I had by that? The first reward that I had was that that took place in the first days of October, 1871, before the year was ended.

Of course they gave the chance to Riel to come out. A rebel had a chance to be loyal then. My friends, my glorious friend in Upper Canada, now the leader of the opposition, Mr. Blake, said, we must prevent Mr. Riel from arriving. When he was Minister in Upper Canada he issued a proclamation of \$5,000 for those who would arrest Riel. That was my reward, my dowry, but the Canadian Government, what reward would they give me? In the next year there was going to be an election—1872. If Riel remains in the country for the elections, it will be trouble, and he has a right to speak. We have made a treaty with him, we do not fulfil it; we promise him amnesty; he is outlawed; we take his country and he has no room even to sleep. He comes to our help. He governs the country during two months and the reward is that he is a bandit. He comes to the help of the Government with 250 men and the reward is \$5,000 for his head. It was at that time that I took the name of David and didn't I take it myself? The hon. judge of the court at Manitoba, Mr. Dube, to-day is the one who gave me the name of David. When I had to hide myself in the woods and when he wanted to write me that he should write me under the name which would not be known, so that my letter could come to me, and I may say that in that way it is a legal name. From that point of view even, and I put in a parenthesis, why I have a right, I think as a souvenir of my friend in Upper Canada who caused the circumstances, who brought me that name, to make nothing special about it, and besides, when the King of Judea was speaking of the public services of David didn't he refer us to refer to him in that way? Yes, he did, and as something similar I thought it was only proper that I should take the name of David, but it was suggested to me in a mighty manner, and I could not avoid it. The Canadian Government said, well, Riel will be in the elections here, and he will have the right with all those grievances to speak, and he will embarrass the Government, so they called on my great protector, Archbishop Taché, I don't know what; but in the month of February, 1872,

Archbishop Tache came to me and said the authorities in Lower Canada want you to go on the other side of the line until the crisis is passed. Well, I said, if the crisis is concerning me only, it would be my interest to go there, but I am in a crisis which is the crisis of the people of the country, and as it concerns the public besides me I will speak to the public as the public are speaking to me, but the Archbishop gave me so good reason that although I could not yield to those reasons, I came to a conclusion with him, and I said, my Lord, you have titles to my acknowledgment which shall never be blotted out of my heart, and although my judgment in this matter altogether differs from yours, I don't consider my judgment above yours and what seems to me reasonable might be more reasonable, although I think my course of action reasonable, perhaps yours is more reasonable. I said if you command me, as my Archbishop, to go, and take on your shoulders the responsibility of leaving my people in the crisis I will go, but let it be known that it is not my word, that I do it to please you, and yet after you command me to do it—to show that in politics when I am contradicted I can give way, and they offered me £10 a month to stay on the other side of the line. I said to be in gaol I have a chance here in Manitoba, and I want something. They asked me how much I wanted, and I said how long do you want me to stay away? Well, he said, perhaps a year. I tell you beforehand that I want to be here during the elections; that is what I asserted. I want to be here during the elections and it was agreed that they would give £800; £400 to Lepine, £400 to me, £300 to me personally, £300 for Lepine, £100 for my family, £100 for Lepine's family. That makes £800. How was it agreed that I should receive that money? I said to his lordship that the Canadian Government owe me money, they libel me, and even on the question of libel, they do it so clearly that it does not need any trial to come to judgment. They have a judgment and will they make use of it? They owe me something for my reputation that they abuse every day. Besides I have done work and they never paid me for it. I will take that money as an account of what they will have to pay me one day. It was agreed in that manner and the money was given me in the chapel of St. Vital in the presence of Mr. Dubuc, judge now, and when I did not know at that time where the money came, surely came from, and when the little sack of £300 of gold was handed me there on the table, I said to his lordship, my Lord, if the one who wants me to go away was here, and if I had to treat him as he is trying to treat me, this little sack of gold ought to go through his head. That was my last protest. At that time, but before the election, public opinion was so excited against the one who had taken the responsibility of advising my leaving, that he called me back, and during the elections I was present, it was three years to-day. I am rewarded for what I have done through those three years. Sir George Cartier in 1872, just in that summer was beaten in Montreal. I speak of him not as a man of party, I speak of him as a Canadian, as public man. He was beaten by Mr. Jetté, of Montreal, by 1,200 majority, and they came to me. My election was sure in Provencher. I had fifteen or twenty men against me, and they came to me. Riel, do you want to resign your seat? I have not it yet. Oh, well you are to get it. Allow George Cartier to be elected here, and I said yes, to show that if I had at the time any inclination to become insane when I was contradicted in politics. But Lower Canada has more than paid me for the little consideration, great as my consideration, but that little mark I considered it a little mark of consideration, a little mark of a great consideration for them. The people of Manitoba hadn't their government inaugurated at that time, they had a sham government. It was to be erected. It was to be inaugurated after 1871. After the 1st January, 1871, but we went on in 1874 and it was not inaugurated. As long as Riel was there, with his popularity, if the proper institutions had been inaugurated, Riel would have come in the House, the Provincial House, and of course it was considered to be a damage so as to keep me back. They did not give the people their rights, when it was constitutionally agreed they should have done. I struggled not only for myself but I struggled for the rights, for the inauguration of the principles of responsible and constitutional government in Manitoba. That was conceded about the time I was banished. While I was in the States was I happy? Yes, I was very happy to find a refuge, but I have met men who have

come to me several times and say, here, look out, here is a man on the other side of the line, and he is trying to take a revenge at you, when you water your horses, because they have left stains as much as possible on my name. I could not even water my horses on the Missouri without being guarded against those who wanted my life. And it is an irony for me that I should be called David.

Last year when I was invited, instead of coming to this country, I could with the plan that has appeared to me, I could have communicated with the Fenian organizations, I could have sent my books; I did not do it; and as a proof of it, while I had no means at all to communicate with my brother, you will see in Manitoba, letters to my brother Joseph where I speak of my books, that I could get any amount of money for that book if I wished it to be published, but that I thought that there was a better chance on this side of the line. And what chance is it? What I said, constitutionally speaking, if Riel succeeded that he should one day, as a public man, invite emigration from the different parts of the different countries of the world, and because this North-West is acknowledged to be partly his own, as a half-breed of this population, to make bargains for this North-West here with the Canadian Government, in such a way so that when the English population has had a full and reasonable share of this land, other nationalities, with whom we are in sympathy, should have also their share of it. When we gave the lands in Manitoba for one-seventh, we did not explain, we gave it to the Canadian Government, but in giving it to the Canadian Government it does not mean that we gave it with all the respect that I have for the English population, the Anglo-Saxon race, we did not give it only for the Anglo-Saxon race. There is the Irish in the east and the French in the west, and their proportion in the Canadian Government ought to receive a reasonable proportion of this land which is bought here; and it is hardly the same to give to some French Canadians in the North-West and none at all to the Irish. I don't speak here to call the sympathies, because I am sentenced; I speak sound sense. I follow the line of natural and reasonable sympathies, but behind my thought, perhaps, you would be inclined to believe that it is a way formed to try to work against the English—no, I don't. I believe that the English constitution is an institution which has been perfected for the nations of the world, and while I speak of having in future, if not during my lifetime after it, of having different nationalities in the North-West here, my hope that they will succeed is, that they will have it amongst them, the great Anglo-Saxon race. As among the nations of Europe 2,000 years ago, the Roman people were the leading race, and were teaching the other nations good government; that is my opinion of the Anglo-Saxon race. I am not insane enough to regard the great glory of the Anglo-Saxon race God has given to that race, and when God gives something to somebody it is for a good purpose, and because God gave glory to England, it is because He wanted the Anglo-Saxon race to work for His own glory, and I suppose it is not finished yet; they will continue—the Roman empire at the time of the decade existed 400 years—still the king. The Anglo-Saxon, the British empire, if it has come to its highest point of glory, it may be called the king; but it is so great that it will take many hundred years, and fully as many as 400 years to loose its prestige, and during that time I hope that this great North-West, with British influence will, by the emigration of which I speak, good government. But will I show insanity in hoping that that plan will be fulfilled? I will speak of the wish of my heart, I have been in what is called, asserted to be wrong to day; I have been proved to be the leader. I hope that before long that very same thing which is said wrong will be known as good, and then I will remain the leader of it; and as the leader of what I am doing. I say my heart will never abandon the idea of having a new Ireland in the North-West by constitutional means, inviting the Irish of the other side of the sea to come and have a share here; a new Poland in the North-West by the same way, a new Bavaria in the same way, a new Italy in the same way, and on the other side in Manitoba, and since Manitoba has been erected it has been increased since 1870 at least by 9,500,000 acres of land; now it is 96,000,000, say there is 86,000,000 millions about, acres of land to which the half-breeds' title

has not been extinguished, a seventh gives 12,000,000 of those lands and I want the French Canadians to come and help us there to-day, to-morrow—I don't know when. I am called here to answer for my life, to have time that I should make my testimony, and on the other side of the mountains, there are Indians and as I have said half-breeds, and there there is a beautiful island, Vancouver, and I think the Belgians will be happy there, and the Jews who are looking for a country for 1,800 years, the knowledge of which the nations have not been able to attain yet. While they are rich and the lords of finance, perhaps, will they hear my voice one day, and on the other side of the mountains, while the waves of the Pacific will chant sweet music for them to console their hearts for the mourning of 1,800 years; perhaps will they say is the one thought of us in the whole Cree world, and if they help us there on the other side between the great Pacific and the great Rockies to have a share? The Jews from the States? No; what I wish is the natural course of emigration, that is what I want; my thoughts are for peace. During the sixty days that I have been in Batoche, I told you yesterday that there were three delegations appointed by the *exovede* to send on the other side for help, but there I did not see the safety that I was looking for, not that I distrust my countrymen, but such a great revolution will bring immense disasters, and I don't want during my life to bring disasters except those which I am bound to bring to defend my own life, and to avoid to take away from my country, disasters which threaten me and my friends and those who have confidence in me, and I don't abandon my ancestors, either the acknowledgment that I have from my ancestors. My ancestors were amongst those that came from Scandinavia and the British Isles 1,000 years ago. Some of them went to Limerick and were called Reilson, and then they crossed into Canada and they were called Riel; so in me there is Scandinavian, and well rooted; there is the Irish, and there is the French, and there is some Indian blood. The Scandinavians, if possible, they will have a share, it is my plan, it is one of the illusions of my insanity, if I am insane, that they should have on the other side of these mountains, a new Norway, a new Denmark, and a new Sweden, so that those who spoke of the lands of the great North-West to be divided into seven, forgot that it was in ten. The French in Manitoba, the Bavarians, the Italians and the Polands—the Poles and the Irish in the North-West, and then five on the other side too. I have written those things since I am in gaol, those things have passed through the hands of Capt. Dean, they are in the hands of the Lieutenant-Governor, and something of it has reached Sir John, I think, I don't know. I did not hide my thoughts, I went through the channel of natural emigration, of peaceful emigration, through the channel of constitutional means, to start the idea, and if possible to inaugurate it, but if I can't do it during my life I leave the ideas to be fulfilled in the future, and if it is not possible, you are reasonable men and you know that the interests that I propose are of an immense interest, and if it is not, if the peaceful channel of emigration is not open to those races into the North-West, they are in such numbers in the States that when you expect it least, they will perhaps try to come on your borders and to look at the land, whether it is worth paying it a visit or not. That is the seventh of the lands, that is about the seventh of the lands. So you see that by the very nature of the evidence that has been given here when the witnesses speak of a seventh of the land, that very same question originates from 1870, from the troubles of Red River which brought a treaty where the seventh of the lands took its existence, and I say if this court tries me for what has taken place in the North-West they are trying me for something which was in existence before then. This court was not in existence when the difficulties of which we speak now in the Saskatchewan, began; it is the difficulties of 1869, and what I say is, I wish that I have a trial. My wish is this, your Honor, that a commission be appointed by the proper authorities, but amongst the proper authorities of course I count on English authorities, that is the first proper authorities; that a commission be appointed; that that commission examines into this question, or if they are appointed to try me, if a special tribunal is appointed to try me, that I am tried first on this question: Has Riel rebelled in 1869? Second question. Was Riel a murderer of Thomas Scott, when Thomas Scott

was executed? Third question. When Riel received the money from Archbishop Taché, reported to be the money of Sir John, was it corruption money? Fourth. When Riel seized, with the council of Red River, on the property of the Hudson Bay Company, did he commit pillage? Fifth. When Riel was expelled from the House as a fugitive of justice in 1874, was he a fugitive of justice? As at that time I had through the member for Hochelaga, now in Canada, and through Dr. Fiset, had communications with the Government, but another time, through the member for Hochelaga, Mr. Alphonse Desjardins, I had asked from the Minister of Justice an interview on the 4th of March, and that interview was refused me. In the month of April I was expelled from the House. Lepine was arrested in 1873, and I was not; not because they did not want to take me. And while I was in the woods waiting for my election Sir John sent parties to me offering \$35,000 if I would leave the country for three years, and if that was not enough to say what I wanted, and that I might take a trip over the water, besides over the world. At the time I refused it. This is not the first time that the \$35,000 comes up, and if at that time I refused it was it not reasonable for me that I should think it a sound souvenir to Sir John? Am I insulting? No, I do not insult. You don't mean to insult me when you declare me guilty; you act according to your convictions, I do also according to mine. I speak true. I say they should try me on this question, whether I rebelled on the Saskatchewan in 1885. There is another question. I want to have one trial; I wish to have a trial that will cover the space of fifteen years, on which public opinion is not satisfied. I have, without meaning any offence, I have heard, without meaning any offence, when I spoke of one of the articles I mentioned, some gentlemen behind me saying, "yes, he was a murderer." You see what remarks. It shows there is something not told. If told by law it would not be said. I wish to have my trial, as I am tried for nothing; and as I am tried for my career, I wish my career should be tried; not the last part of it. On the other side I am declared to be guilty of high treason, and I give myself as a prophet to the new world. If I am guilty of high treason I say that I am a prophet of the new world. I wish that while a commission sits on one side a commission of doctors should also sit and examine fully whether I am sane, whether I am a prophet or not; not insanity, because it is disposed of, but whether I am a deceiver and impostor. I have said to my good lawyers, I have written things which were said to me last night and which have taken place to-day; I said that before the court opened. Last night the spirit that guides and assists me told me the court will make an effort—your Honor, allow me to speak of your charge, which appeared to me to go on one side—the court made an effort, and I think that word is justified. At the same time there was another thing said to me; a commission will sit; there will be a commission. I did not hear yet that a commission is to take place. I ask for it. You will see if I am an impostor thereby. The doctors will say when I speak of these things whether I am deceiving. If they say I am deceiving, I am not an impostor by will. I may be declared insane because I seek an idea which drives me to something right. I tell you in all what I say in most things I do, I do according to what is told to me. In Batoche any things which I said have already happened. It was said to me not far from here and that is why I never wanted to send the half-breeds far, I wanted to keep them, and it was said to me I will not begin to work before 12 o'clock, and when the first battle opened I was taking my dinner at Duck Lake. When the battle began it was a little after 12 o'clock. I will not begin to work before 12 o'clock, and what has happened? And it was said to me if you do not meet the troops on such a road, you will have to meet them at the foot of a hill, and the half-breeds facing it. It is said my papers have been published. If they have been published, examine what took place, and you will see we had to meet General Middleton at the foot of the hill. It was also told me that men would stay in the "belle prairie," and the spirit spoke of those who would remain on the "belle prairie," and there were men who remained on the "belle prairie." And he admits it was looked upon as something very correct in the line of military art, it was not come from me or Dumont, it was the spirit that guides me.

I have two reasons why I wish the sentence of the court should not be passed upon me. The first, I wish my trial should take place as I said, whether that wish is practical or not, I bow respectfully to the court. I ask that a commission of doctors examine me. As I am declared guilty I would like to leave my name, as far as conscience is concerned, all right. If a commission of doctors sits and if they examine me, they can see if I was sincere or not. I will give them the whole history, and I think while I am declared guilty of high treason it is only right I should be granted the advantages of giving my proofs whether I am sincere, that I am sincere. Now, I am judged a sane man, the cause of my guilt is that I am an impostor, that would be the consequence. I wish a commission to sit and examine me. There have been witnesses around me for ten years, about the time they have declared me insane, and they will show if there is in me the character of an impostor. If they declare me insane, if I have been astray, I have been astray not as an impostor, but according to my conscience. Your Honor that is all what I have to say.

SENTENCE.

Mr. Justice Richardson.—Louis Riel, after a long consideration of your case, in which you have been defended with as great ability as I think counsel could have defended you with, you have been found by a jury who have shown, I might almost say, unexampled patience, guilty of a crime the most pernicious and greatest that man can commit. You have been found guilty of high treason. You have been proved to have let loose the flood-gates of rapine and bloodshed, you have, with such assistance as you had in the Saskatchewan country, managed to arouse the Indians and have brought ruin and misery to many families whom if you had simply left alone were in comfort, and many of them were on the road to affluence.

For what you did, the remarks you have made form no excuse whatever. For what you have done the law requires you to answer. It is true that the jury in merciful consideration have asked Her Majesty to give your case such merciful consideration as she can bestow upon it. I had almost forgotten that those who are defending you have placed in my hands a notice that the objection which they raised at the opening of the court must not be forgotten from the record, in order that if they see fit they may raise the question in the proper place. That has been done. But in spite of that, I cannot hold out any hope to you that you will succeed in getting entirely free, or that Her Majesty will, after what you have been the cause of doing, open her hand of clemency to you.

For me, I have only one more duty to perform, that is, to tell you what the sentence of the law is upon you. I have, as I must, given time to enable your case to be heard. All I can suggest or advise you is to prepare to meet your end, that is all the advice or suggestion I can offer. It is now my painful duty to pass the sentence of the court upon you, and that is, that you be taken now from here to the police guard-room at Regina, which is the gaol and the place from whence you came, and that you be kept there till the 18th of September next, that on the 18th of September next you be taken to the place appointed for your execution, and there be hanged by the neck till you are dead, and may God have mercy on your soul.

The court rose.

EXHIBIT No. 1.

BATOCHÉ, 12th May, 1885.

If you massacre our families we are going to massacre the Indian agent and others, prisoners.

LOUIS "DAVID" RIEL, *Exovede*.

Per J. W. ASTLEY, bearer.

(Endorsement on Exhibit No. 1.)

12th May, 1885.

Mr. RIEL,—I am anxious to avoid killing women and children, and have done my best to avoid doing so. Put your women and children in one place, and let us know where it is and no shot shall be fired on them. I trust to your honor not to put men with them.

FRED. MIDDLETON, *Comdg. N.W. Field Forces.*

EXHIBIT No. 2.

BATOCHÉ, 12th May, 1885.

SIR,—If you massacre our families we will begin by Indian Lash and other prisoners.

LOUIS "DAVID" RIEL, *Exovede.*

Per F. E. JACKSON, bearer.

EXHIBIT No. 3.

BATOCHÉ, 12th May, 1885.

MAJOR GENERAL MIDDLETON,—General, your prompt answer to my note shows that I was right in mentioning to you the cause of humanity. We will gather our families in one place, and as soon as it is done we will let you know.

I have the honor to be, General, your humble servant,

LOUIS "DAVID" RIEL.

EXHIBIT No. 4.

I do not like war, and if you do not retreat and refuse an interview, the question remaining the same the prisoners.

EXHIBIT No. 5.

ST. ANTHONY, 21st March, 1885.

To MAJOR CROZIER, Commandant of the Police Force at Carlton and Battleford.

MAJOR,—The councillors of the provisional government of the Saskatchewan have the honor to communicate to you the following conditions of surrender:—You will be required to give up completely the situation which the Canadian Government have placed you in, at Carlton and Battleford, together with all government properties.

In case of acceptance, you and your men will be set free, on your parole of honor to keep the peace. And those who will choose to leave the country will be furnished with teams and provisions to reach Qu'Appelle.

In case of non-acceptance, we intend to attack you, when to-morrow, the Lord's Day, is over; and to commence without delay a war of extermination upon all those who have shown themselves hostile to our rights.

Messrs. Charles and Maxime Lepine are the gentlemen with whom you will have to treat.

Major, we respect you. Let the cause of humanity be a consolation to you for the reverses which the governmental misconduct has brought upon you.

LOUIS "DAVID" RIEL, *Exovede*.

Réné Parenteau, *Chairman*,
Chas. Nolin,
Gab. Dumont,
Moïse Ouellette,
Albert Monkman,
Bte. Boyer,
Donald Ross,
Amb. Jobin,

Jean-Baptiste Parenteau,
Pierre Henry,
Albert Delorme,
Dum. Carriere,
Maxime Lepine,
Bte. Boucher,
David Tourond.
PH. GARNOT, *Secretary*.

ST. ANTHONY, 21st March, 1885.

To Messrs. CHARLES NOLIN and MAXIME LEPINE.

GENTLEMEN,—If Major Crozier accedes to the conditions of surrender, let him use the following formula, and no other: "Because I love my neighbor as myself, for the sake of God, and to prevent bloodshed, and principally the war of extermination which threatens the country, I agree to the above conditions of surrender."

If the Major uses this formula and signs it, inform him that we will receive him and his men, Monday.

Yours,

LOUIS "DAVID" RIEL, *Exovede*.

EXHIBIT No. 6.

A calamity has fallen upon the country yesterday. You are responsible for it before God and man.

Your men cannot claim that their intentions were peaceable since they were bringing along cannons. And they fired many shots first.

God has pleased to grant us the victory, and as our movement is to say our rights our victory is good; and we offer it to the Almighty.

Major, we are Christians in war as in peace. We write you in the name of God and of humanity to come and take away your dead, whom we respect. Come and take them to-morrow before noon.

We enclose herein copy of a resolution adopted to-day by the representatives of the French half-breeds.

True copy,
PH. G.

EXHIBIT No. 7.

AUX MÉTIS DU LAC QU'APPELLE.

DEAR RELATIVES,—We have the pleasure to let you know that on the 26th of last month, God has given us a victory over the mounted police. Thirty half-breeds and five Cree Indians have met 130 policemen and volunteers. Thanks to God, we have defeated them. Yourselves, dear relatives, be courageous; do what you can. If it is not done yet, take the stores, the provisions, the ammunitions. (Then follow two or three lines not intelligible.)

(Translation.)

EXHIBIT No. 8.

God has always taken care of the half-breeds. He fed them for many days in the desert. Providence enriched our prairie with the buffalo. The plenty in which

our fathers lived was as wonderful as the heavenly manna. But we were not sufficiently grateful to God, our good Father, hence it is that we have allowed ourselves to fall into the hands of a Government which only thinks of us to pillage us: Had he only understood what God did for us before Confederation, we should have been sorry to see it coming. And the half-breeds of the North-West would have made conditions of a nature to preserve for our children that liberty, that possession of the soil, without which there is no happiness for anyone; but fifteen years of suffering, impoverishment and underhand, malignant persecution have opened our eyes; and the sight of the abyss of demoralization into which the Dominion is daily plunging us deeper and deeper every day, has suddenly, by God's mercy as it were, stricken us with horror. And the half-breed people are more afraid of the hell into which the Mounted Police and their Government are openly seeking to drive us, than of their firearms, which, after all, can only kill our bodies. Our alarmed conscience have shouted out to us: Justice commands us take up arms! Dear relatives and friends, we advise you to pay attention. Be ready for everything! Take the Indians with you. Gather them from every side. Take all the ammunition you can, whatsoever storehouses it may be in. Murmur, growl, and threaten. Stir up the Indians. Render the police of Fort Pitt and Battleford powerless. We pray God to open to us a way to go up. And when we get there, as we hope, we shall help you to take Battleford and Fort Pitt. Have confidence in Jesus Christ. Place yourselves under the protection of the Blessed Virgin. Implore St. Joseph, for he is powerful with God. Commend yourselves to the powerful intercession of St. John the Baptist, the glorious patron of the Canadians and half-breeds. Be at peace with God. Keep His commandments. We pray Him to be with you all and to make you succeed.

Try and give to the half-breeds and Indians of Fort Pitt, as quickly as possible, the news we send you.

(Translation.)

EXHIBIT No. 9.

To the Indians; to the half-breeds:

The half-breeds and Indians of Battleford, and environs.

DEAR BROTHERS AND RELATIVES,—Since we wrote to you, important events have taken place. The police have attacked us; we met them and God gave us the victory; 30 half-breeds and 5 Indians fought against 120 men, and after 35 or 40 minutes, they took to flight. Bless God with us for the success he has kindly granted us. Rise; face the enemy, and if you can do so, take Battleford—destroy it—save all the goods and provisions, and come to us. With your numbers, you can perhaps send us a detachment of 40 or 50 men. All you do, do it for the love of God, and in the protection of Jesus Christ, the Blessed Virgin, St. Joseph and St. John the Baptist, and be certain that faith does wonders.

LOUIS "DAVID" RIEL, *Exovede*.

(In pencil) signed by the members of council.

(Translation)

EXHIBIT No. 10.

To our brothers, the English and French half-breeds of Lake Qu'Appelle and environs:

DEAR RELATIVES AND FRIENDS,—If you do not know it already, we shall tell you the reasons that induced us to take up arms. You know that time out of mind our fathers have defended, at peril of their lives, this land which was theirs and is ours. The Ottawa Government took possession of our country. For 15 years they

have made sport of our rights, and offended God by overwhelming us with acts of injustice of every kind. The officials commit every species of crime. The men of the Mounted Police are the scandal of the whole country, by their bad language and their bad actions. They are so corrupt that our wives and daughters are no longer safe in their neighborhood. The laws of decency are to them a subject for pleasantry. Oh, my brothers and friends, we should at all times have confidence in God; but now that evil is at its height, we specially require to commend ourselves to our Lord. Perhaps you will see things as we see them. They steal our country from us, and then they govern it so badly, that if we let things go on it would soon be impossible for us to be saved. The English half-breeds of the Saskatchewan are with us heart and soul. The Indians are coming in and joining us from all sides. Buy all the ammunition you can; go and get it, if necessary, on the other side of the line. Be ready. Do not listen to the offers the Ottawa Government make you. Those offers are robbers' offers. Sign no papers or petitions. Let your trust be in God.

(Translation.)

ST. ANTHONY, 25th March, 1885.

To OUR RELATIVES,—Thanks for the good news you have taken the trouble to send us. Since you are willing to help us, may God bless you.

Justice commands us to take up arms. And if you see the police passing, attack them, destroy them (and written across the first part of this letter, in English, afterwards:) "Notify the Wood Indians not to be taken."

(Translation.)

EXHIBIT No. 11.

I will not begin to work before twelve hours.

OUR RELATIVES,—Thanks for the good news you have taken the trouble to send us. Since you are willing to help, God bless you. And if you see the police passing, stop them, disarm them. Justice commands us to take up arms. Then warn the Wood Indians not to let themselves be surprised, but rather to be on their guard; to take ammunition from all the posts of the company, at Lac des Noisettes and Fish Lake.

Mr. F. X., Batoche.

The French half-breeds have taken up arms to a man. Not one of our people is against us. Tell our relatives, the Indians, to be ready to come and help us, if needed. Take all the ammunition of the company.

(Translation.)

EXHIBIT No. 12.

Trust in God and the circumstances which Providence is now producing in the Saskatchewan. We shall not forget you. If promises are made to you, you will say that the time for promises is past.

A time has come when we must have proof for everything. Pray. Be good, keep the commandments of God and you shall want for nothing.

EXHIBIT No. 13.

DEAR RELATIVES,—We thank you for the good news that you took the trouble to send us. Since you are willing to help us, may God bless you in all what is to be done for our common salvation.

Justice commands to take up arms. And if you see the police passing by, stop it and take away their arms.

Afterwards notify the Wood Indians that they might be surprised; let them be ready to all events, in being calm and courageous, to take all the powder, the shot, the lead, the posts and the cartridges from the Hudson's Bay store, at Nut Lake and Fishing Lake. Do not kill anybody. No, not molest nor ill-treat anybody. Fear not, but take away the arms.

LOUIS "DAVID" RIEL.

EXHIBIT No. 14.

GENTLEMEN,—The councillors of the half-breeds now under arms at St. Anthony have received your message of the 22nd of March, 1885.

They thank you for the sympathy with which you honor them even in this crisis, and of which you have given ample proof before.

Situated as you are it is difficult for you to approve (immediately) of our bold but just uprising, and you have been wise in your course.

Canada (Ottawa) has followed with us neither the principles of right nor constitutional methods of government. They have been arbitrary in their doings. They have usurped the title of the aboriginal half-breeds to the soil. And they dispose of it at condition opposed to honesty. Their administration of our lands, is which are already weighing altogether false—and which are already weighing very hard on all classes of the North-West people. They deprive their own immigrants of their franchises, of their liberties, not only political but even civil, and as they respect no right, we are justified before God and man to arm ourselves to try and defend our existence, rather than to see it crushed.

As to the Indians, you know, gentlemen, that the half-breeds have great influence over them. If the bad management of Indian affairs by the Canadian Government has been fifteen years without resulting in an outbreak, it is due only to the half-breeds who have up to this time persuaded to keep quiet. But now that the Indians, now that we ourselves are compelled to resort to arms, how can we tell them to keep quiet? We are sure that if the English and French half-breeds unite well in this time of crisis, not only can we control the Indians, but we will also have their weight on our side in the balance.

Gentlemen, please do not remain neutral. For the love of God help us to save the Saskatchewan. We sent to-day a number of men with Mr. Monkman to help and support (under as it is just) the cause of the aboriginal half-breeds. Public necessity means no offence. Let us join willingly. The aboriginal half-breeds will understand that if we do we do so much for their interests we are entitled to their most hearty response.

You have acted admirably in sending copy of your resolutions to Carlton as well as to St. Anthony. We consider that we have only two enemies in

The French half-breeds believe that they are only two enemies. Coshen and Carlton. Dear brethren in Jesus Christ, let us avoid the mistakes of the past.

We consider it an admirable act of it has been an admirable act of prudence that you should have sent copies of your resolutions to the police in Carlton and to the men of St. Anthony.

We dear brothers in Jesus Christ, let us avoid the mistakes of the past, let us work for us and our children, as true Christians.

LOUIS "DAVID" RIEL, *Exovede.*

If we are well united the police will surrender and come out of Carlton as the hen's heat causes the chicken to come out of the shell. A strong union between the French and English half-breeds is the only guarantee that there will be no bloodshed.

EXHIBIT No. 15.

Resolved first that, when England gave that country to the Hudson Bay Company two hundred years ago, the North-West belonged to France as history shows it. And when the Treaty of Paris ceded Canada to England no mention of any kind was made of the North-West.

As the American English colonies helped England to conquer Canada they ought to have a share of conquest, and that share ought to be the North-West, since commercially and politically the United States Government have done more for the North-West than ever England did, we ought to have.

Resolved, first, that our union is, and always will be most respectful towards the American Government, their policy, their interest and towards the territorial Government of Montana as well.

2nd. That our union will carefully avoid causing any difficulty whatever to the United States and will not conflict in any way with the constitution and laws of the Government. It is doubtful whether England really owns the North-West, because the first act of government that England ever accomplished over that North-West was to give it as a prey to the sordid monopoly of the Hudson Bay Company, two hundred years ago.

Her second act of government of any importance over that country was to give it in 1870 as a prey to the Canadians.

Our union is, and always will be most respectful towards the American annexation, against England and Rome, Manitoba French Canadians.

EXHIBIT No. 16.

The French half-breed, members of the provisional government of the Saskatchewan, have separated from Rome and the great mass of the people have done the same.

If our priests were willing to help us, and up to this time our priests have shown themselves unwilling to leave Rome. They wish to govern us in a manner opposed to our interest and they wish to continue and govern us according to the dictates of Leo XIII.

Dear brothers in Jesus Christ, for the sake of God come and help us so that the enterprise against Rome may be a success and in return we will do all in our power to secure our political rights.

EXHIBIT No. 17.

DEAR RELATIVES,—We have the pleasure to let you know that on the 26th of last month God has given us a victory over the Mounted Police.

Thirty-five half-breeds and some five and six Cree Indians have met hundred and twenty policemen and volunteers.

Thank God, we have defeated them. Yourselves, dear relatives, be courageous. Do what you can. If it is not done, take the stores, the provisions and the munitions. And without delay come this way, as many as it is possible. Send us news,

LOUIS "DAVID" RIEL, *Exovede*.

Moïse Ouellette,
J. Baptiste Boucher,
Donald Ross,
Baptiste Parenteau,
Maxime Lepine,
Charles Trottier,

Damas Carrière,
Emmanuel Champagne,
Pierre Henry,
Pierre Garriépy,
Albert Monkman,
Ambroise Jobin.

The Mounted Police are making preparations for an attack; they are gathering themselves in one force, and no delay should exercise; come and reinforce us.

(Translation.)

EXHIBIT No. 18.

To the Half-breeds and Indians of Battleford and environs :

Since we wrote you, important matters have occurred. The police came and attacked us. We met them. God gave us the victory. Thirty half-breeds and five Crees fought against one hundred and twenty men. After a fight of thirty-five or forty minutes, the enemy took to flight.

Bless God with us for the success He has kindly granted us. Rise. Face the police. If you possibly can, if the thing is not already done, take Fort Battleford. Destroy it. Save all the goods and provisions and come to us. With your numbers you can send us a detachment of forty to fifty men.

All that you do, do it for the love of God, under the protection of Jesus Christ, of the Blessed Virgin, of St. Joseph, and of St. John the Baptist.

Be certain that faith works wonders.

LOUIS "DAVID" RIEL,

Exovede.

Pierre Parenteau,
Charles Trottier,
Bte. Boucher,
Pierre Henry,

Donald Ross,
Pierre Garriépy,
Damas Carrière,
Antoine Jobin.

15th May, 1885.

EXHIBIT No. 19.

Major General FRED. MIDDLETON.

GENERAL,—I have received only to-day yours of the 13th instant. My council are dispersed. I wish you would let them go quiet and free. I hear that presently you are absent. Would I go to Batoche, who is going to receive me? I will go to fulfil God's will.

LOUIS "DAVID" RIEL, *Exovede.*

EXHIBIT No. 20.

DUCK LAKE, 27th March, 1885.

To Major CROZIER, Commanding Officer, Fort Carleton.

SIR,—A calamity has fallen upon the country yesterday, you are responsible for it before God and man.

Your men cannot claim that their intentions were peaceable, since they were bringing along cannons. And they fired many shots first.

God has been pleased to grant us the victory, and as our movement is to save our lives, our victory is good, and we offer it to the Almighty.

Major, we are Christians in war as in peace. We write in the name of God and of humanity to come and take away your dead, whom we respect. Come and take them to-morrow before noon.

We enclose herein a copy of a resolution adopted to-day by the representatives of the French half-breeds.

LOUIS "DAVID" RIEL, *Exovede.*

Albert Monkman,
Gabriel Dumont,
Norbert Delorme,
Pierre Garriépy,
Donald Ross,
Moïse Ouellete,
Maxime Lepine,

J. Bte. Boucher,
Damos Carrière,
Bte. Parenteau,
Pierre Parenteau,
Amt. Jobin,
David Tourond,
P. Garnot, *Secretary.*

(Copy of Minute.)

That a prisoner be liberated and given a letter to the commanding officer at Carlton, inviting him in the name of God and of humanity to come and take away the bodies of the unfortunate who fell yesterday on his side in the combat; that far from being molested he will be accompanied by our condolences in the fulfilment of that sorrowful duty, that we will wait till to-morrow noon. Moved by Mr. Monkman, seconded by Mr. Jean Baptiste Boucher, and unanimously carried.

Dated 27th March, 1885.

OTTAWA, 15th March, 1886.

Upon the reference of an Address of the Honorable the House of Commons, dated the 3rd March, instant, for copies of all documents forming the record in the case of Her Majesty against Louis Riel, tried at Regina, including the jury list, the names of the jurors challenged, and by whom they were challenged, the list of the jurors empanelled, the motions and affidavits filed, the evidence, the incidents of the trial, the addresses of counsel, and of the prisoner, the charge of the judge, the names of the judges or assistant judges who tried the case, the names of the counsel for the prosecution and for the defence, and, in short, of every document whatsoever relating to the trial, and also of the verdict, and of the recommendation to mercy of the court. The undersigned has the honor to transmit herewith a complete transcript of the record and proceedings in the case.

A. POWER, for D. M. J.

RETURN

(43d)

To an ADDRESS of the HOUSE OF COMMONS, dated 4th March, 1886;—

1. For copies of the shorthand notes of the application to postpone the trial of Louis Riel, for one month from the 21st July, 1885; the arguments of prisoner's counsel in favor of, and the arguments of the Crown Counsel against such postponement, and the observations and decisions or rulings of the Judge thereon.

2. The shorthand notes of that portion of Charles Nolin's cross-examination wherein Riel's Counsel endeavored to establish Riel's insanity; Riel's protests against that line of defence and his desire to dispense with the services of his Counsel; and the arguments of Counsel and the observations and decisions or rulings of the Judge thereon.

By Command.

J. A. CHAPLEAU,

Secretary of State.

Department of the Secretary of State,
Ottawa, 15th March, 1886.

OTTAWA, 15th March, 1886.

Upon the reference of an Address to the Honorable the House of Commons, dated the 4th March, instant, for (1.) A copy of the shorthand notes of the application to postpone the trial of Louis Riel for one month from the 21st July, 1885; the arguments of the prisoner's counsel in favor of, and the arguments of the Crown counsel against such postponement, and the observations and decisions or rulings of the judge thereon.

(2.) The shorthand notes of that portion of Charles Nolin's cross-examination wherein Riel's counsel endeavored to establish Riel's insanity; Riel's protests against that line of defence and his desire to dispense with the services of his counsel; and the arguments of counsel and the observations and decisions or rulings of the judge thereon,—the undersigned has the honor to report that the information asked for by this Address is included in the transcript of the evidence and proceedings in the case of Louis Riel transmitted this day in answer to an Address of the said Honorable House, dated the 3rd March, instant.

A. POWER, *for Deputy Minister of Justice.*

PETITIONS

(43e)

ADDRESSED to His Excellency the Governor General:—Of A. B. Dunnet, and others, of Regina, N.W.T., and of A. G. Hamilton, and others, of Moosomin, N.W.T., severally praying that the sentence passed upon Louis Riel be not disturbed in any way; that the law be permitted to take its course, and that Executive clemency be refused. A communication signed by James Boddy, District Secretary, on behalf of the Loyal Orange Association of West Toronto, urging the carrying out of the sentence of death passed upon Louis Riel. Also a letter addressed to the Honorable the Privy Council, signed by Charles O'Hara, of Cranbourne, in the Province of Quebec, laborer, setting forth the necessity of the carrying out of the sentence of death passed upon Louis Riel.

TORONTO, 3rd November, 1885.

Re RIEL.

DEAR SIR,—I forward herewith a representation by the Orange body of West Toronto, for the consideration of the proper authority. You will be kind enough to submit it to His Excellency the Governor General.

Yours faithfully,

JAMES BEATY.

Hon. J. A. CHAPLEAU, Secretary of State, Ottawa.

WESTERN DISTRICT ORANGE HALL, TORONTO, 2nd November, 1885.

DEAR SIR,—The Orangemen of this district would respectfully approach you, as our representative in Parliament, concerning the case of Riel, now under sentence of death, for his recent acts of violence, bloodshed and treason.

We regret that in so clear a case it should be necessary to remind the Government of their duty in the premises, and express our unanimous feelings on this question, but the fact that public meetings have been called in favor of Riel, and in defence of his conduct, in the Lower Province, and especially by the Roman Catholics, and that the most strenuous efforts are being put forth by these parties and by Riel's friends to secure a commutation of his sentence, renders it imperative upon us as a loyal and Protestant association, that we should express to the Government our views and deep convictions on this subject.

The pardon of Riel was resorted to before. The exile of Riel from Canada was tried before. The honor of Riel was tried before, when he promised never to set foot in Canada again, and all have miserably failed.

His murderous intentions have only been intensifying. The pardon but emboldened him to treat British laws and British leniency with contempt, and the slaughter of loyal and law-abiding British subjects has been ten-fold more appalling than on the former occasion. Men lie buried there of whom even that country,

grand as it is, is not worthy—some of the best, the noblest and truest of Canada's noble and loyal sons.

We would, therefore, most urgently and earnestly request you to use all your influence with the Government to have the sentence passed upon Riel by his countrymen confirmed by the Supreme Court of the Province, and sustained by the Privy Council of England, carried into effect.

We trust that you will entreat of the Government not to allow any petitions, requests or influences from Riel's friends, or from any other source, to prevail on them to commute the sentence, postpone the same, or in any way alter the just sentence that now hangs over this self-doomed man.

And your petitioners, as in duty bound, will ever pray.

JAMES BODDY,

District Secretary, on behalf of the Loyal Orange Association of West Toronto.
To JAMES BEATY, Esq., M.P., West Toronto.

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 4th November, 1885.

SIR,—I have the honor to acknowledge the receipt of your letter of the 3rd instant, transmitting for submission to His Excellency the Governor General a communication addressed to you by the Loyal Orange Association of West Toronto, relative to the sentence passed upon Louis Riel, and to state that the matter will receive consideration.

I have the honor to be, Sir, your obedient servant,

HENRY J. MORGAN, *Acting Under Secretary of State.*

To JAMES BEATY, Esq., Q.C., M.P., Toronto, Ont.

To the Honorable the Privy Council of Canada :

GENTLEMEN,—Please excuse me for taking the liberty of sending you this letter, to express my best wishes to you. And I shall always pray to God for your welfare, my venerated and illustrious superiors, Sir John Macdonald especially :—

I regret very much, to my dissatisfaction, to know that Louis David Riel, Dumont, Dubuc, Lepine and numerous others, half-breeds and Indians has had the uncalled for and murderous audacity of making partizan war against us English-speaking people, few in numbers as we are, from our Governor General down to the humblest in the land.

My well beloved and venerated superiors, I must say, as I believe I speak the truth, that we English-speaking people in Canada or wherever else we are, that it is the sweetest savor of their nostrils to annihilate us if they can. And as you know they have succeeded in murdering a great number of our people for many past years; and the notorious Riel has had a spontaneous number of people in the United States. And, whereas, those people dislike monarchical forms of government, therefore you are in danger from the same class. But with the blessing of God we will yet conquer the blood-thirsty Indian and all his abettors. And all our English-speaking brethren or race, of whatever political principle we are of, will yet come to a perfect understanding with one another, and so, therefore, will give no chance to the savage red man of North America or to the black cannibals of Central Africa to decimate.

If this Riel, who is all of French and Indian instinct, will receive the gallows, then the English-speaking people might be more secure of their lives.

They threaten war to the knife, and the time will come when they will get it, and may never be able to threaten or do it again.

I remain, honorable gentlemen of the Privy Council of Canada,

Your most obedient and very humble servant,

CHARLES O'HARA, *Laborer.*

CRANBOURNE, Que., 21st September, 1885.

P.S.—The United States and us will come to a perfect understanding yet. All must be just and fear not.

REGINA, 2nd September, 1885.

SIR,—I have the honor, at the request of the citizens of Regina, to enclose two petitions on the subject of the sentence of Louis Riel.

I am, Sir, your obedient servant,

N. F. DAVIN.

To the Hon. the Secretary of State for Canada.

To His Excellency the Most Honorable Henry Charles Keith Petty Fitzmaurice, G. C. M. G., Marquis of Lansdowne, Governor General of Canada :

The petition of the undersigned residents of the town of Regina, N.W.T., and vicinity, humbly sheweth :

Your petitioners have been made aware that efforts are being put forth, and petitions are being signed in the Province of Quebec for the purpose of having the death sentence pronounced on Louis Riel, for high treason, commuted.

Your petitioners are convinced that the said Louis Riel had a fair and impartial trial, and should the verdict of the jury in any way be disturbed there will be great dissatisfaction in this country, and there will be grave danger of a recurrence of the treasonable acts of which the said Louis Riel has been convicted, and confidence in the Government of this country will be greatly shaken.

We think it absolutely necessary in the interests of the North-West of Canada, and of law the world over, that criminals, such as Louis Riel, should be shown no leniency, as by his actions in the past he has set the laws of the Dominion at defiance by an armed insurrection, resulting in great expense to the country and in the loss of many brave men's lives.

Your petitioners, therefore, most respectfully pray that the sentence passed on Louis Riel be not disturbed in any way ; that the law be permitted to take its course, and that executive clemency be refused.

And your petitioners will ever pray, &c.

A. B. Dunnet,
George Anderson,
F. Stanley Simpson,
A. A. Doig,
J. R. Simpson,
F. Arnold,
Heinrick Hollnick,
Auguste Hollnick,
Jenner A. Elliott,
W. B. Cameron,
Jas. Brown,
Wm. J. Brine,
Joseph Buckland,
H. J. McInnes,
J. H. Metcalfe,
Robert Anderson,
E. B. Read,
W. G. Pettinguee,
T. M. Crapper,

Alex. Sheppard,
Robert Robson,
Daniel Mowat,
John S. Laidlaw,
John Lyon,
William Russell,
D. W. Bole,
A. D. Ferguson,
D. B. McFadyen,
J. Phillips Watts,
R. G. R. Eden,
J. W. Smith,
John Dawson,
R. B. Fergusson,
James Sellick,
Jos. C. Irvine,
Rimble Paul,
Thos. McNicol,
G. B. Wallace.

DEPARTMENT OF THE SECRETARY OF STATE OF CANADA,

OTTAWA, 8th September, 1885.

SIR,—I have the honor to acknowledge the receipt of your letter of the 2nd instant, transmitting a petition to His Excellency the Governor-General, from certain of the residents of Regina, N.W.T., praying that the sentence pronounced against

Louis Riel be not disturbed in any way, and to state that the matter will receive consideration.

I have the honor to be, Sir, your obedient servant,

G. POWELL, *Under Secretary of State.*

NICHOLAS FLOOD DAVIN, Esq., Barrister-at-Law, Regina, N.W.T.

REGINA, N.W.T., 20th August, 1885.

SIR,—I have the honor at the request of the people of Moosomin to forward to you for His Excellency the Governor General, the enclosed petition.

I have the honor to be, Sir, your obedient servant,

NICHOLAS FLOOD DAVIN.

The Honorable the Secretary of State for Canada.

To His Excellency the Most Honorable Sir Henry Charles Keith Petty-Fitzmaurice, G.C.M.G., Marquis of Lansdowne, Governor General of Canada :

The petition of the undersigned residents of the town of Moosomin, N.W.T., and vicinity, humbly sheweth :

Your petitioners have been made aware that efforts are being put forth, and petitions are being signed in the Province of Quebec, for the purpose of having the death sentence, pronounced on Louis Riel for high treason, commuted.

Your petitioners are convinced that the said Louis Riel had a fair and impartial trial, and should the verdict of the jury in any way be disturbed there will be great dissatisfaction in this country, and there will be grave danger of a recurrence of the treasonable acts of which the said Louis Riel has been convicted, and confidence in the Government of this country will be greatly shaken.

We think it absolutely necessary in the interests of the North-West of Canada, and of law the world over, that criminals such as Louis Riel should be shown no leniency, as by his actions in the past he has set the laws of the Dominion at defiance by an armed insurrection, resulting in great expense to the country and in the loss of many brave men's lives.

Your petitioners therefore most respectfully pray that the sentence passed on Louis Riel be not disturbed in any way, that the law be permitted to take its course, and that executive clemency be refused, and your petitioners will ever pray, &c.

A. G. Hamilton,
Thomas Beer,
D. Macfarlane,
B. Warwick,
R. G. Carruthers,
Thomas Ramsay,
O. Neff,
George Parke,
George Campbell,
Robert Shaw,
George McKennit,
J. A. Rutledge,
C. H. Westbrook,
James Campbell,
W. M. Dickie,
R. W. McKennit,
E. H. McCrea,
A. H. Richards,
W. H. Maulson,
W. H. Husband,
D. H. McCallum,

A. S. Smith,
S. Field,
J. McCurdy,
George Cowan,
John Campbell,
David Carnahan,
A. McCormick,
James Robinson,
William Thompson,
W. James Dickson,
H. Lamb,
J. Daniel,
John McGuire,
John Routty,
Richard Walsh,
John E. Scott,
John Cummings,
J. N. Berthelot,
M. Dimmick,
Robert Tucker,
H. H. Jell,

Alfred Elmore,
Colin McLean,
Amos Kinsey,
John Hind,
John Smithers,
James Hart,
E. B. McCrea,
R. D. McNaughton,
M. Morrison,
R. J. Noble,
H. C. Buchanan,
W. J. Smith,
James Paul,
Joseph Featherson,
S. Sutherland,
F. H. Bush,
Richard Fees,
F. McPherson,
John McKenzie,
A. York,
E. Treaves,
F. G. Lewin,
A. S. Rutledge,

Wm. Laidlaw,
Thomas H. Wilson,
F. T. Carman,
A. R. Sutherland,
W. Bristol,
J. W. McDermid,
J. F. Williams,
T. N. Huddleston,
C. W. Crawford,
Thomas Ewen,
John Pretan,
J. R. Whittington,
John Morrison,
S. B. McAlpinn,
Robert Mills,
A. Bell,
A. Galloway,
William Redmond,
C. J. Johnson,
Thomas Jones,
H. Smith,
W. J. Akins.

DEPARTMENT OF THE SECRETAR OF STATE OF CANADA,

OTTAWA, 27th August, 1885.

SIR,—I have the honor to acknowledge the receipt of your letter of the 20th inst. transmitting a petition to His Excellency the Governor General from certain residents of Moosomin N.W.T., praying that the sentence passed on Louis Riel be not disturbed in any way, and to state that the matter will receive consideration.

I have the honor to be Sir, your obedient servant,
G. POWELL *Under Secretary of State.*

N. FLOOD DAVIN, Esq., Barrister-at-Law, Regina, N.W.T.

RETURN

(43f)

To an ADDRESS of the HOUSE OF COMMONS, dated 4th March, 1886 ;—For copies of all petitions, communications and representations in favor of the commutation of the sentence of Louis Riel.

By Command.

J. A. CHAPLEAU,

Secretary of State.

Department of the Secretary of State,
22nd March, 1886.

LIST OF PETITIONS, &c., praying for the commutation of the sentence passed on Louis Riel.

From inhabitants of, &c.,

Presented by

International Arbitration and Peace Association.....Telegram from London.
Varenes.....F. X. Perrault.

| From Inhabitants of, &c. | Presented by |
|---|-------------------------|
| Three Rivers..... | } T. E. Méthot. |
| Nicolet..... | |
| Township of Clarence, County of Russell, Ont..... | |
| Whitehall, New York, U.S.A..... | |
| County of Two Mountains..... | A. Séguin. |
| Roxton and Roxton Falls..... | |
| Batiscan, St. Prosper and St. Geneviève..... | W. T. Trudel. |
| St. Hyacinthe..... | J. Boivin. |
| St. Narcisse..... | |
| Trois Pistoles..... | |
| Manitoba, Ste. Anne des Chênes..... | |
| do St. F.-X., Prairie du Cheval Blanc..... | |
| do St. Joachim la Broquerie..... | |
| Yamachiche, Shawenegan and St. Etienne..... | E. Gérin. |
| Three Rivers..... | |
| Quebec..... | E. Pacaud. |
| L'Islet..... | P. B. Casgrain, M.P. |
| St. Jean Port Joli..... | |
| County of Rimouski..... | Dr. Fiset. |
| Chicago, U.S..... | |
| St. Louis "..... | J. M. Hamilton. |
| Urbana "..... | J. H. James. |
| Fraserville..... | C. E. Pouliot. |
| St. François de Montmagny..... | |
| County of Montmagny..... | |
| N.-D. du Mont Carmel..... | |
| St. Sauveur and City of Quebec..... | F. A. Dion, M.D. |
| Rimouski..... | |
| County of Essex, Ont..... | E. Pacaud. |
| St. Etienne de la Malbaie..... | |
| St. Roch des Aulnais..... | P. B. Casgrain, M.P. |
| St. Paul..... | |
| Coaticook..... | P. Brouillet. |
| St. John, Que..... | F. G. Marchand, M.P.P. |
| Farnham..... | P. A. D'Artois, Mayor. |
| St. Pierre, Montmagny..... | T. Proulx, Mayor. |
| Granbourne..... | E. Pacaud. |
| Holyoke, U.S..... | L. Laframboise. |
| Rimouski..... | A. R. Fiset. |
| Montmagny..... | A. Carbonneau, Mayor. |
| Cap St. Ignace..... | D. Dion. |
| County of Maskinongé..... | A. L. Desaulniers, M.P. |
| do l'Assomption..... | F. Archambault, Mayor. |
| Manitoba, Red River District..... | |
| Minnesota, U.S..... | A. Desjardins, M.P. |
| St. Jean d'Iberville..... | F. E. Marchand, M.P.P. |
| City of Ottawa..... | S. Drapeau. |
| County of Iberville..... | L. Lorrain. |
| Manitoba, County of Morris..... | A. F. Martin. |
| Qu'Appelle Valley..... | |
| Sorel..... | |
| Granville, France..... | L. Deor (Telegram). |
| Sherbrooke..... | L. C. Bélanger. |
| Compton..... | do |
| Sherbrooke..... | George Moore. |
| Nashua, N.H., U.S..... | |
| Paris..... | J. Adam (Telegram). |

(Telegram to the Governor General, care of P. C. Patteson, *vid* Ottawa, from London.)

TORONTO, 15th August, 1885.

International Arbitration and Peace Association, 38 Parliament street, London, respectfully suggest remission death sentence Riel and associates on ground such step produce concord between classes and races.

(No signature.)

(Translation.)

VARENNES, 20th August, 1885.

To His Excellency the Governor General of Canada :

I have the honor to submit to you the following resolution, which was unanimously adopted at a public meeting of the inhabitants of the parish of Varennes, on Sunday, 16th August, instant.

"That the citizens of Varennes, in public meeting assembled, pray that His Excellency the Governor General may be pleased to grant a commutation of the sentence of death pronounced against Louis Riel, and a general amnesty to all the half-breeds who took part in the North-West rebellion."

Trusting that Your Excellency will accede to this our prayer, I beg Your Excellency to accept the expression of our entire and most respectful devotedness.

By order of the Chairman, Mayor of the Parish, the Secretary,

F. H. PERRAULT,

Chevalier de la Légion d'Honneur and Ex-Member of Parliament.

THREE RIVERS, 20th August, 1885.

SIR,—I have the honor to transmit to you to-day two petitions praying for a commutation of the sentence recorded against Louis Riel; one from the citizens of Three Rivers and the other from the inhabitants of Nicolet.

I beg to ask you to submit the said petitions for the consideration of His Excellency the Governor General.

I have the honor to be, Sir, your obedient humble servant,

L. C. MÉTHOT, *Advocate, Secretary of County.*

Hon. The Secretary of State, Ottawa.

To His Excellency the Governor General :

MAY IT PLEASE YOUR EXCELLENCY,—The undersigned inhabitants of the town of Nicolet, in the district of Three Rivers, convinced that the crime of Louis Riel, lately convicted of high treason at Regina in the North-West Territories, is the result of aberration of his mind rather than of malice, beg, through Your Excellency, Her Most Gracious Majesty Queen Victoria to exercise in favor of the said Louis Riel her high prerogative and commute the sentence passed against him on the first day of August, instant :

Ph. Suzor, Priest,
I. Gélinas, Priest, Sup. S. N.,
A. N. Bellemare, Priest,
U. G. Pinet, do
Jos. Blais, do
Thos. M. O. Moreau, do
Zeph. Lahaye, do
Ph. Manseau, do
Arthur H. Papillon, Ecclesiastic,

F. L. Desaulniers, Ecclesiastic.
F. A. S. Germain, do
Geo. Ball, Mayor,
Hrs. Manseau, Mayor,
Geo. David, N.P.,
E. Lecomte,
Dr. D. B. G. Desaulniers,
And 111 others.

To His Excellency the Right Honorable Sir Henry Charles Keith Petty Fitzmaurice, Marquis of Lansdowne, P.C., G.C.M.G., Governor General of Canada :

MAY IT PLEASE YOUR EXCELLENCY,—The undersigned, citizens of the city and district of Three Rivers, convinced that the crime of Louis Riel, recently convicted of high treason at Regina in the North-West Territories, was the result of aberration of mind rather than of malice, beg, through Your Excellency, to pray that Her Most Gracious Majesty Queen Victoria may exercise her high prerogative in favor of the said Louis Riel, and commute the sentence passed upon him on 1st August, instant.

† L. F., Bp. of Three Rivers,
F. X. Cloutier, Pt. C., Curé of Three Rivers,
A. Polette, Retired Judge of the Sup. Court,
D. Houde, Priest, Curate,
Arthur Turcotte, M.P.P.,
And about 600 other signatures.

THREE RIVERS, 20th August, 1885.

I, Joseph Georges Henri Méthot, of the city of Three Rivers, law student, solemnly declare that all the foregoing signatures were obtained from the persons aforesaid, knowingly and in good faith, and I make this solemn declaration conscientiously believing it to be true and in pursuance of the Act passed in the thirty-seventh year of Her Majesty's reign, intituled: "An Act for the suppression of voluntary and extra-judicial oaths."

J. G. H. MÉTHOT.

Received and attested before me this }
20th day of August, 1885. }
P. H. LAPRU, J. P. }

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, August, 1885.

SIR,—I have the honor to acknowledge receipt of your letter of the 20th instant, transmitting two petitions addressed to His Excellency the Governor General, one from the citizens of Three Rivers and the other from those of Nicolet, praying for a commutation of the sentence passed against Louis Riel at Regina, and to inform you that the said petitions will receive consideration.

I have, &c.,

G. POWELL,

Under Secretary of State.

J. G. H. MÉTHOT, Esq., Three Rivers, Que.

To His Excellency the Right Honorable Sir Henry Charles Keith Petty Fitzmaurice, Marquis of Lansdowne, P.C., G.C.M.G., Governor General of Canada :

MAY IT PLEASE YOUR EXCELLENCY,—The undersigned residents of the township of Clarence, county of Russell, Ontario, respectfully sheweth ;

That the North-West troubles might have been prevented ;

That Louis Riel who was condemned to be hanged for having taken part therein was judged by an incompetent tribunal, which refused to grant the delays necessary for the settlement of so serious a question ;

That the said Riel was guilty of a political offence in like degree with a large number of other subjects of Her Majesty, who were pleading for certain rights of which they considered themselves maliciously deprived, and that it would be imprudent and unjust to punish those who, being compromised, submitted themselves and craved the clemency of the Government ;

That we cannot help protesting against a like denial of justice ;

Wherefore, we beg Your Excellency to extend to the said Louis Riel the royal clemency with which you are entrusted and grant him a trial before a competent tri-

bunal or a commutation of his penalty in order to the avoiding of more extended trouble and the maintaining of that harmony which has ever prevailed amongst the people of the Dominion.

And your petitioners will ever pray.

THOS. CARON, *Ptr.*, *Curé*,
 JOS. PILON, *C. M.*,
 Dr. A. V. DESROSIERS,
 ONÉSIME GUIBORD, *Merchant*,
 TELESOPHORE PERRIER, *P. M.*,
 And 750 others.

To His Excellency the Governor General of Canada in Council :

The petition of the undersigned French-Canadians of Whitehall, N.Y., in meeting assembled, respectfully sheweth :

That your petitioners, though far away from their native land, have closely followed the proceedings just concluded at Regina, N.W.T., in the sentence of death against Louis Riel, charged with high treason ;

That we are sincerely convinced that Mr. Richardson overstepped his duty on the judicial bench, and exhibited partiality and animosity against Louis Riel ;

That the said judge refused to Riel the means of justifying himself, by not permitting his best witnesses to testify in his behalf ;

That the said judge disgraced the bench by his fanatical and indecent language when he declared that Riel could not expect any sympathy and that he would certainly be executed ;

That the evidence produced at the trial is amply sufficient to convince us ;

That Riel is not mentally sound and that a medical commission should be appointed to enquire into his mental condition and report thereon ;

That a commission should also be appointed to enquire into the constant provocation given by the conduct of Major Crozier who is in our opinion the prime cause of the bloodshed in the North-West, and also into the conduct of the troops under General Middleton and their excesses, pillage and rapine after the battle of Batoche.

Wherefore your petitioners pray His Excellency in Council to take this petition into consideration, grant a fair trial to Louis Riel and extend clemency to the political chief of the half-breed race.

And will ever pray.

P. DIONNE, *Capt. of Str. J. G. Witkestate*,
 J. S. ETHIER, *Priest, Curé*,
 ONÉSIME JEAN, *Mayor*,
 And 63 others.

WHITEHALL, N. Y., 23rd August, 1885.

Province of Quebec, } At a special meeting of council of
 Municipality of the County of Two Mountains. } this municipality of the county of
 Two Mountains duly convoked by the warden and held at St. Scholastique in said
 county, at its usual place of meeting, on the 27th May, 1885, under the provisions of
 the Municipal Code of this Province, whereat were present: Antoine Séguin, Esquire,
 Mayor of St. Eustache, and warden of the county, Leonard A. Fortier Esq., Mayor of St.
 Scholastique, Joseph Marcotte, Esq., Mayor of St. Augustin, Félix Dumoulin, Esq.
 Mayor of St. Monique, constituting a quorum of the council presided over by the
 warden, the other members of the council having received notice of the calling of
 the said meeting.

Minutes of the last meeting read and approved.

Mr. Leonard Fortier presented for signature by the members of the county council draft of a petition to His Excellency the Governor General, praying for commutation of the sentence of death passed against Louis Riel and an amnesty for all subjects of Her Majesty implicated in the North-West troubles. He made several

sensible remarks upon the said petition and moved the adoption thereof. Motion adopted unanimously. The same was thereupon signed by the members present at the meeting, and the warden was instructed to cause the same to be signed by the other members of this council and to forward the petition to its destination.

A. SÉGUIN, *Warden*,
ANTOINE FORTIER, *D. W.*

A true copy,
ANTOINE FORTIER, *Sec.-Treas.*

To His Excellency the Right Honorable Sir Henry Charles Keith Petty Fitzmaurice Marquis of Lansdowne, P.C., G.C.M.G., Governor General of Canada :

MAY IT PLEASE YOUR EXCELLENCY,—The undersigned, municipal councillors of the county of Two Mountains, beg to state :

That they have attentively followed the several phases of the trial of Louis Riel, sentenced by the court at Regina, N.W.T., to be hanged on the 18th of September next;

That the offence of which the said Louis Riel was convicted is purely political, and was shared in by a large number of subjects of Her Majesty ; that it would be imprudent to punish him with severity ;

That the case of Louis Riel is the case of all the half-breeds of the North-West, of whom he was constituted the defender ; that the rights of the latter cannot be ignored without refusing them the justice due to every free citizen ;

That the circumstances which provoked the recent insurrection in the North-West and the extraordinary proceedings which marked the trial and sentence of Louis Riel have produced an amount of resentment amongst the people calculated to impair the harmony which should prevail amongst the various races living in Canada ;

That the execution of Louis Riel would, under the circumstances aforesaid, be considered a refusal to do justice to a numerous class of Her Majesty's subjects, and might become a lamentable cause of dangerous conflicts, and drive into despair respectable and peaceable persons ;

Wherefore your petitioners pray :

That Your Excellency will commute the sentence of death passed against Louis Riel and grant an amnesty to all subjects of Her Majesty implicated in the North-West troubles.

And we will ever pray.

| | | | |
|------------------|---------|------------------------|--------|
| Ant. Séguin, | Warden. | James Murphy, | Mayor. |
| Hubert Permette, | Mayor. | Dolphis Angrignon | do |
| Félix Dumoulin | do | Exanériste Girouard | do |
| Joseph Marcotte | do | Senérée Wanette | do |
| Eméry Féré | do | Jean Marie Lafrance | do |
| James Murray | do | Dr. Leonard A. Fortier | do |

We, the undersigned, approve of the foregoing petition and beg His Excellency to grant the prayer thereof.

J. B. DAOUST, *M.P.*
CHAS. L. CHAMPAGNE, *Q.C.*

St. EUSTACHE, 29th August, 1885.

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 1st Sept., 1885.

SIR,—I beg to acknowledge receipt of a petition addressed to His Excellency the Governor General by the Municipal Council of the County of Two Mountains, praying for a commutation of the sentence passed against Louis Riel, and to inform you that the said petition will be taken into consideration.

I have, &c.,

G. POWELL, *Under Secretary of State.*

ANTOINE SÉGUIN, *Esq.*, *Warden*, St. Scholastique, Quebec.

To His Excellency the Right Honorable Sir Henry Charles Keith Petty Fitzmaurice
Marquis of Lansdowne, Governor General of Canada, &c. :

The petition of the undersigned inhabitants of the township of Roxton and the village of Roxton Falls, in the county of Shefford, Province of Quebec and Dominion of Canada,

RESPECTFULLY SHOWETH:

That at a public meeting held at the said village on the 23rd August, instant the following resolution was adopted and signed by the parties whose signatures are thereunto appended. That your petitioners herein give the words of the said resolution to form part of this their petition :

That the execution of Louis Riel, now under sentence of death in the prison at Regina, would revive memories which the spirit of toleration for which the French Canadian people are well noted seemed to make them anxious to forget and that the name of Lansdowne should for ever relegate into oblivion the odium ineffaceably attached to that of the sanguinary Colborne ;

That no beneficial consequence can result from the execution ;

That if the fanaticism manifested in the form of the trial of Riel is to have free scope in preference to a well-considered policy, Quebec, which has ever been a counterpoise to the annexation ideas of Ontario, might, it may well be feared, become itself the stronghold of those same ideas ; for it would be easier for her people to fraternise with their foreign neighbor than keep watch against his encroachments, and they might be led to cherish the idea of making an exchange of masters, and with the native common sense of a Poundmaker, prefer the ravisher of their national life to the destroyer of their liberty ;

That the poor half-breeds and Indians being in every respect treated as minors, it will be difficult to justify in the eyes of the civilized world a paternal chastisement resulting in the death of the child ;

That your petitioners cannot but doubt the perfect sanity of Riel's mind when they reflect that he retained to the last, as his chief confidant, entrusted with the secret of his every movement, a man whom the luminaries of Regina unanimously and most promptly pronounced to be insane ;

That in view of these circumstances your petitioners humbly but earnestly pray that it may please Your Excellency to commute the sentence of the unfortunate Riel, or grant him a full and complete pardon ;

And your petitioners will ever pray.

G. ROUSSIN, *Chairman.*

P. LACROIX,

J. B. De GROSBOIS,

And 530 others.

ROXTON FALLS, 24th August, 1885.

ST. GENEVIÈVE DE BATISCAN, 2nd September, 1885.

SIR,—I have the honor to transmit to you sundry petitions, signed by inhabitants of Batiscan, St. Prosper de Champlain and St. Geneviève de Batiscan, together with a copy of resolutions adopted by the citizens of the last named parish, asking for a commutation of the sentence of Louis Riel, and to beg that you will kindly present the same to His Excellency the Governor General.

Yours truly,

H. T. TRUDEL, *Secretary.*

Hon. J. A. CHAPLEAU, Secretary of State, Ottawa.

To His Excellency the Right Honorable Sir Henry Charles Keith Petty Fitzmaurice,
Marquis of Lansdowne P.C., G.C.M.G., Governor General of Canada :

YOUR EXCELLENCY,—The undersigned inhabitants of the parish of St. Prosper and district of Three Rivers, convinced that the crime of Louis Riel, lately convicted of

high treason at Regina, in the North-West Territories, was the result of aberration of intellect rather than of malice, beg, through Your Excellency, that Her Most Gracious Majesty Queen Victoria may exercise, in behalf of the said Louis Riel, her high prerogative and commute the sentence recorded against him on the 1st August instant.

D. Fortin, Priest,
Alphée Massicotte,
Xavier Frigon,
Albert Massicotte,
Hubert Houde,
Alphée Gravel,
Joseph Vezina,
André Houde,

J. B. Massicotte, J. P.,
Thomas Massicotte,
Isidore Houde,
Lucien Massicotte,
P. E. Cloutier, Merchant,
G. O. Leduc,
Louis Bacon,
Thomas Gagnon, and others.

To His Excellency the Right Honorable Sir Henry Charles Keith Petty Fitzmaurice, Marquis of Lansdowne, P.C., G.C.M.G., Governor General of Canada :

YOUR EXCELLENCY,—The undersigned inhabitants of the parish of St. François Xavier de Batiscan and of the district of Three Rivers, convinced that the crime of Louis Riel, recently convicted of high treason at Regina, in the North-West Territories, was the result of aberration of mind rather than of malice, beg, through Your Excellency, that Her Most Gracious Majesty Queen Victoria may exercise, in behalf of the said Louis Riel, her high prerogative and commute the sentence passed against him on the 1st August instant.

J. H. Thibaudeau, Priest, Curé,
E. M. Baril, Agt. N. S. Ry.,
Ephraim Brunelle,
J. H. Marchildon, J. P.,
G. Marquis, Merchant,
Elie LaHaye,
Hylarion La Haye,
F. X. Moreau,
F. Marchand, Mayor,

Théophile St. Cyre,
George Prenmeau,
A. Cinq Mars,
H. Brunelle,
Pierre La Haye,
Louis Lacoursière,
Pierre Despins,
And 45 others.

To His Excellency the Most Honorable Sir Henry Charles Keith Petty Fitzmaurice, G. C. M. G., Marquis of Lansdowne, Governor General of Canada :

YOUR EXCELLENCY,—The undersigned inhabitants of the parish of Champlain, and of the district of Three Rivers, convinced that the crime of Louis Riel, recently convicted of high treason at Regina, N.W.T., was the result of aberration of intellect rather than of malice, beg, through your Excellency, that Her Most Gracious Majesty Queen Victoria may exercise her high prerogative in behalf of the said Louis Riel, and commute the sentence passed against him on the 1st of August, inst.

N. Marcoux, Ptre, Ch., Curé de
Champlain.

Joseph Massicotte, Mayor,
L. Ed. Dubord, M.D.,
F. X. Grandimont,
R. Lamothe, J.P.
Casimir Turcotte,
Cléoph. Morin,
Zéphire Kercotte,

Olivier Durand,
L. P. Duotin,
Jean Côté,
Laurent Chantier,
Leonard Lacroix,
Alf. Sauvageau,
J. Blumont,
And 50 others.

CONSTITUTIONAL AGITATION IN FAVOR OF RIEL.

At a meeting of the inhabitants of the parish of St. Généviève de Batiscan, duly called by the Mayor, and held in the large room of N. B. Massicotte, Esq., on Sunday, 23rd August, 1885, after divine service in the forenoon, whereat were present

all the notables of the parish, Mayor P. Trudel was called to the chair, and David Tancredé Trudel was appointed secretary.

Messrs. P. Trudel, Fred. Filteau, N. B. Massicotte and D. T. Trudel successively addressed the meeting.

The following resolutions were unanimously adopted :—

Whereas in view of the evidence given in the course of the trial of Louis Riel, a strong impression prevails that the said Louis Riel is lacking in the intellectual qualities required to make him legally responsible for his acts ; that the verdict of guilty, coupled with a recommendation to the mercy of the Crown, as rendered by the jury, bears that interpretation, as the latter have themselves declared, and that his condemnation to capital punishment goes beyond what they intended ;

Whereas in the interests of justice it is necessary to put an end to this state of uncertainty and remove all causes of public agitation ;

Whereas in civilized communities capital punishment is no longer inflicted on persons convicted of political crimes ;

On motion of P. Germain, Esquire, seconded by N. B. Massicotte, Esquire,

Resolved, That an humble address be presented by the inhabitants of the parish of St. Généviève de Batiscan to His Excellency the Governor General, praying for a commutation of the penalty of the said Louis Riel.

PHILIPPE TRUDEL, *Chairman*.

D. T. TRUDEL, *Secretary*.

To His Excellency the Right Honorable Sir Henry Charles Keith Petty Fitzmaurice G.C.M.G., Marquis of Lansdowne, Governor General of Canada :

MAY IT PLEASE YOUR EXCELLENCY,—The undersigned inhabitants of the parish of St. Généviève de Batiscan, and of the district of Three Rivers, convinced that the crime of Louis Riel, recently convicted of high treason at Regina, N.W.T., is the result of aberration of mind rather than of malice, beg through Your Excellency to pray that Her Most Gracious Majesty Queen Victoria may exercise in favor of Louis Riel her high prerogative and commute the sentence passed upon him on the 1st August instant.

Philippe Trudel, Mayor,
R. A. Noisieux, Ptre., Curé,
H. Baril, Ptre., Direct. Sem., Three Rivers.
Robt. Trudel, M.P.P.,
G. H. Dufresne, Registrar,
N. P. Massicotte,
B. Filteau, J.P.,
F. H. Norbert, C.M.,

Th. Prendergast,
Camille Veillet,
Olivier Trudel,
Irvine Johnston,
Jos. H. Armand,
N. St. Arnaud,
J. A. Massicotte,
And 151 others.

DEPARTMENT OF SECRETARY OF STATE, OTTAWA, 3rd September, 1885.

SIR,—I beg to acknowledge receipt of your letter of 2nd instant, transmitting petitions of a certain number of inhabitants of the undermentioned parishes: St. Prosper, St. François Xavier de Batiscan, Champlain and St. Germain de Batiscan, of the District of Three Rivers, praying for commutation of sentence of death passed upon Louis Riel, and to inform you that the said petitions will receive consideration.

I have, &c.,

G. POWELL, *Under Secretary of State*.

To H. J. TRUDEL, Esq., St. Généviève de Batiscan, Que.

St. HYACINTHE, 31st August, 1885.

SIR,—I transmit to you herewith the petition of the inhabitants of St. Hyacinthe to His Excellency the Governor General.

Your servant,

JOS. BOIVIN, *Secretary of Meeting*.

Hon. Secretary of State, Ottawa.

*To His Excellency the Right Honorable Sir Henry Charles Keith Petty Fitzmaurice,
G.C.M.G., Marquis of Lansdowne, Governor General of Canada :*

MAY IT PLEASE YOUR EXCELLENCY,—The undersigned beg to represent that Louis Riel, who has been sentenced to be hanged on the 18th September next, is one of their fellow countrymen for whom they venture to solicit the royal clemency entrusted to Your Excellency; that the offence of which the said Riel was convicted is purely political, and is shared in by a large number of Her Majesty's subjects, and that it would be imprudent to punish him with severity.

That the evidence produced at the trial demonstrates that much doubt exists respecting the mental condition of the convict, and consequently respecting his legal responsibility in view of the derangement of his mind, a doubt which the jury expressed by recommending the accused to the clemency of the Crown;

That the execution of Riel, under the circumstances, might become a deplorable cause of dangerous conflicts;

Wherefore your petitioners pray that Your Excellency may commute the sentence of death passed upon Louis Riel.

And will ever pray.

J. H. Morin,
Onésime Frederic,
Aimable Corriveau, jun.,
Arthur Dulif,
Alfred Bertrand,
André Laderoute,
A. D. Enis,
J. M. Charbonneau,
Isidore Charbonneau, sen.,
Dr. Tiernay du Laval,
François Charbonneau,
Isidore Charbonneau, jun.,
G. A. de Laval Tiernay, M. D.
J. B. Blanchet,
P. Morin,
T. Robitaille,
Ambroise Morin,

T. H. Morin,
A. Richer,
V. Morin,
Octave Yarest,
John Arbour,
Pierre Lajeunesse,
R. St. Germain,
Simon Mailhot,
Augustin Martin,
James Mailleux,
Aimé Garotte,
R. Marsevault,
A. Jabotte,
Joseph Mathieu,
H. Mathieu.
And many others.

DEPARTMENT OF SECRETARY OF STATE, OTTAWA, 3rd September, 1885.

SIR,—I beg to acknowledge receipt of your letter of 31st ult., transmitting a petition addressed to His Excellency the Governor General by certain inhabitants of St. Hyacinthe, asking for a commutation of the sentence of death passed upon Louis Riel, and to inform you that the said petition will receive consideration.

I have, &c.,

G. POWELL, *Under Secretary of State.*

Jos. BOIVIN, Esq., St. Hyacinthe, Que.

*To His Excellency the Right Honorable Sir Henry Charles Keith Petty Fitzmaurice,
Marquis of Lansdowne, P.C., G.C.M.G., Governor General of Canada :*

YOUR EXCELLENCY,—The undersigned inhabitants of the parish of St. Narcisse and district of Three Rivers, convinced that the crime of Louis Riel, recently convicted of high treason, at Regina, N.W.T., is the result of aberration of mind rather than of malice, beg, through Your Excellency, to pray that Her Most Gracious

Majesty Queen Victoria may exercise in behalf of the said Louis Riel her high prerogative and commute the sentence passed upon him on the 1st August instant.

| | |
|--------------------------------------|-------------------|
| Frs. Trudel, Mayor, | Léon Gingras, |
| Pierre H. Marchand, Priest, | Pierre Brouillet, |
| Louis Hermisdas Pâquette, Physician, | Léon Gervais, |
| Dieudonné Hamelin, Postmaster, | Ebrère Gervais, |
| Alex. Pronovost, | E. Nobert, |
| Paschal Grandmaison, | Pierre Bartel. |
| Joseph Lemon, | And 87 others. |
| Ferd. Normandin, | |

To His Excellency the Right Honorable Sir Henry Charles Keith Petty Fitzmaurice, G.C.M.G., Marquis of Lansdowne, Governor General of Canada:

MAY IT PLEASE YOUR EXCELLENCY,—The humble petition of the undersigned electors and ratepayers of the parish of Notre Dame des Neiges de Trois Pistoles, County of Témiscouata, respectfully sheweth:—

That the undersigned have watched with the deepest interest the events which recently took place in the North-West and the phases of the trial of Louis Riel, who was condemned to be hanged on the 18th September next;

That they hope your Excellency will exercise in his behalf the Royal clemency with which you are invested;

That the offence of which the said Louis Riel was convicted is purely political, and that a large number of Her Majesty's subjects are guilty of the same offence;

That in order to maintain the harmony which should prevail between the various races of this Dominion it is to be desired that the Crown should deal mercifully with the said Louis Riel;

That personages high in authority question the legality of the trial of Louis Riel, who had the right, they say, to be tried by a jury of twelve of his peers under the great charter;

That there is grave reason to believe that the said Louis Riel did not possess the full use of his mental faculties;

Wherefore your petitioners pray that Your Excellency will graciously commute the sentence of death passed upon the said Louis Riel.

And your petitioners will ever pray.

TROIS PISTOLES, 3rd September, 1885.

| | |
|-------------------------|----------------------|
| Alexis Leclere, Mayor, | David D'Amour, |
| Alexander Gagnon, J.P., | Phpp Pelletier, |
| Edouard Bebyil, | Berry Rioux, |
| Pierre Roy, | Fermin Beaubé, |
| Anselme Rioux, | Celestin Beaubier, |
| Daniel Tetu, | Lucien Gagne, |
| Polite Bonpeau, | George Garon, M. D., |
| Joseph Michand, | Telesphone Marais, |
| Magloire Gagnon, | Emmanuel Garon, |
| Louis Dèry, | Ernest Rioux, |
| D. Bertrand, | Eugene Talbot, |
| Olivier Bélanger, | Edouard Rousseau, |
| George Barubé, | Henri Mollenfait, |
| Eloi Lavoie, | Theodore Ouellette, |
| Anselme Métayé, | Y. Bte. Pisge, |
| Ignace Michand, | Olivier Belanger, |
| Théophile Rioux, | Jos. Belanger, |
| Théophile Fortin, | Cyprian Belanger, |
| Pierre Ouellette, | Alexis Gagnon, |
| Frs. Lemui, | L. Levesque, |

Paul Danleuil,
Joseph Lèveque,
Emile Ferriault,
Louis Gagne,

Friels Lapointe,
Charles Dubée,
And 262 others.

I certify that the above signatures were given by the parties themselves.

(Signed) DAVID D'AMOUR, *Merchant.*

The citizens of the parish of St. Anne des Chènes, in the Province of Manitoba, invoking the privilege acquired by every British subject by virtue of the Great Charter;

The rights extended to every citizen of the Dominion of Canada by the British Federation Act of the North;

And the stipulations subscribed by the parties to the laws of the compact of federation between the said Dominion of Canada and Rupert's Land;

Relying on the elementary principles of justice, on the spirit of the laws for maintaining public order and on the custom of all modern legislations as consecrated by unvarying practice;

Representing the insufficiency and obscurity of the laws, ordinances and Orders in Council by virtue of which was organised the tribunal which condemned to death Louis Riel;

The infringement of the prerogatives of a British subject in causing him to be judged by a jury of six who neither by their language, their religion or their sympathies were his peers;

The scarcity of means accorded to the accused for producing witnesses in support of his defence;

The peculiar nature of political offences as contrasted with ordinary crimes;

And having recourse to the clemency of the Crown; humbly petitioning the advisers of His Excellency the Governor General addressing His Excellency to the effect that a respite be granted to Louis Riel from the punishment pronounced against him until a special commission of five, named by His Excellency shall have fully enquired into the nature of the troubles of the North-West and made their report:

And your petitioners will never cease to pray. In proof of which we have affixed our signatures this 24th day of August, A. D. 1885.

L. R. GIROUX, P. P.,
NORBERT NOLIN,
GILBERT ST. LUC.
ERNEST LECOURT.
ANDRÉ NEAULT,
And 195 others.

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 7th September, 1885.

REVEREND SIR,—I have the honor to acknowledge the receipt of a petition addressed to His Excellency the Governor General of a certain number of citizens of the parish of Ste. Anne des Chènes, in the Province of Manitoba, asking that a respite be granted to Louis Riel and that a commission be named in order to enquire into the nature of the troubles in the North-West, and I am to inform you that this petition shall receive consideration.

I am, &c.,

G. POWELL, *Under Secretary of State.*

To the Reverend L. R. GIROUX, P. P., Ste. Anne des Chènes, Man.

The citizens of the Parish of St. François Xavier (Prairie du Cheval Blanc), in the Province of Manitoba, invoking the privileges acquired by every British subject in virtue of the great charter, the rights conferred on every citizen of the Dominion

of Canada by the British North America Act, and the stipulations subscribed by the parties to the compact of federation between the aforesaid Dominion of Canada and Rupert's Land, relying upon the elementary principles of justice, on the spirit of the laws of public order, and on the custom of all modern legislations as consecrated by invariable practice, representing the insufficiency and obscurity of the laws, ordinances and Orders in Council, by virtue of which was organized the tribunal which condemned to death Louis Riel; the violence done to the prerogatives of a British subject in causing him to be judged by a jury of six, who, neither by language nor religion nor sympathies, were his peers; the scantiness of the means afforded the accused for producing witnesses in support of his defence; the peculiar character of political offences as contrasted with ordinary crimes, and appealing to the clemency of the Crown, humbly petitioning the advisers of His Excellency the Governor General in Council, to advise His Excellency to the effect that a respite be granted to Louis Riel until a special commission of five, named by His Excellency, shall have fully enquired into the nature of the troubles of the North-West and made their report, and your petitioners will never cease to pray. In proof of which we have affixed our signatures the 26th day of August, A.D. 1885.

JEAN L'ESPÉRANCE,
LOUIS L'ESPÉRANCE,
XAVIER PAGÉ,
JOSEPH PREVOST,
PIERRE LAVALLÉE,
And 124 others.

DEPARTMENT OF SECRETARY OF STATE, OTTAWA, 7th September, 1885

SIR,—I have the honor to acknowledge receipt of a petition addressed to His Excellency the Governor General, of a certain number of the citizens of the Parish of St. François Xavier (Prairie du Cheval Blanc), in the Province of Manitoba, asking that a respite may be granted to Louis Riel, and that a commission be appointed to enquire into the character of the troubles in the North-West, and I am to inform you that this petition will receive consideration.

I am, &c.,

G. POWELL, *Under Secretary of State.*

To JEAN L'ESPÉRANCE, St. François Xavier (Prairie du Cheval Blanc), Manitoba.

The citizens of the Parish of St. Joachim la Broquerie, in the Province of Manitoba, invoking the privileges acquired by every British subject in virtue of the great charter, the rights conferred on every citizen of the Dominion of Canada by the British North America Act, and the stipulations subscribed on behalf of the parties to the compact of federation between the aforesaid Dominion of Canada and Rupert's Land; relying on the elementary principles of justice, on the spirit of the laws of public order, and on the custom of all modern legislations consecrated by invariable practice, representing the insufficiency and obscurity of the laws, ordinances and Orders in Council, by virtue of which was organized the tribunal which condemned to death Louis Riel; the violence done to the prerogatives of a British subject by causing him to be judged by a jury of six, who, neither by language, religion or sympathies, were his peers; the scantiness of the means afforded the accused for producing witnesses in support of his defence, the peculiar nature of political offences as contrasted with ordinary crimes, and appealing to the clemency of the Crown, humbly petitioning the advisers of His Excellency the Governor General in Council, to address His Excellency to the effect that a respite be granted to Louis Riel until a special commission of five, named by His Excellency, shall have fully inquired into the nature of the troubles in the North-West and made a report, and your petitioners

will never cease to pray. In proof of which we affix our signatures this 28th day of August, A.D., 1885.

Eugène Goulet, Mayor,
Hermidas Granger,
Joseph Albert,
Emile Gagné,
Leprieu Lacroix,
his
Joseph X Pion, jun.,
mark.
his
Samuel X Pion,
mark.
Philippe St. Laurent,
Avile Terien,
Alfred Taillefer,

J. P. D. Pastel Rochol, J.P.,
his
Gls. X Albert,
mark.
Olivier Lambert,
Jasey Lambert,
his
Joseph X Pion, senr.,
mark.
Noël Rougeau,
Joseph Robert,
Hermidas Cherrier,
Siegefroi Vaillancourt,
And 79 others.

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 7th September, 1885.

SIR,—I have the honor to acknowledge receipt of a petition addressed to His Excellency the Governor General by a certain number of the citizens of St. Joachim La Broquerie, in the Province of Manitoba, asking that a respite be granted to Louis Riel until a special commission shall have been named by His Excellency to enquire into the nature of the troubles in the North-West, and I am to inform you that this petition will receive consideration.

I am, &c.,

G. POWELL, *Under Secretary of State*

To EUGÈNE GOULET, Esq., Mayor St. Joachim La Broquerie, Manitoba.

To His Excellency the Right Honorable Sir Henry Charles Keith Petty Fitzmaurice, Marquis of Lansdowne, P. C., G. C. M. G., Governor General of Canada :

EXCELLENCY,—The undersigned citizens of the town and district of Three Rivers persuaded that the crime of Louis Riel, lately convicted of high treason at Regina, Territory of the North-West, is caused by the aberration of his mind, rather than by malice, pray, through the intervention of Your Excellency, Our Most Gracious Queen, Her Majesty Victoria, that she would kindly exercise, in favor of the said Louis Riel, her high prerogatives and commute the sentence pronounced against him the 1st of August current.

THOS. L. DESAULNIERS, *M.P.P.*
J. H. DORION, *Pt.*
E. LACERTE.
E. BLAIR, *Pt.*
And 182 others.

YAMACHICHE, 5th August, 1885.

Analogous petition of the citizens of Shawenegan, district of Three Rivers, 16th August, 1885.

Charles Bellemare, *M. P.*,
Arthur Rousseau, *Mayor*,
L. P. Fiset, *M.D.*,

Felix Loranger.
And 53 others,

The undersigned certifies that the above signatures were taken in his presence the 10th day of August, 1885.

JOSEPHAT DESAULNIERS.

Analogous petition of the citizens of St. Etienne des Grès, district of Three Rivers, 16th August, 1885.

U. Brunelle, M.D.,
Joseph Pellisier, J.P.,
Luc Pellerin, J.P.,

Joseph Delaunais, J.P.,
And 140 others.

Analogous petition of the citizens of St. Sévère, district of Three Rivers, 15th August, 1885.

Félix Lemure, J.P.,
F. Trahan, Priest,
H. Lacerte,

J. E. Lefebvre, Teacher,
And 49 others.

Analogous petition of the citizens of St. Barnabé, district of Three Rivers, 16th August, 1885.

Evariste Desaulniers,
Thos. Mantel, Priest,
Alexander Desaulniers,

Frédéric Bourassa,
And 121 others.

I, the undersigned, F. X. Bellemare, certify that the signatures of the above signers were taken by their consent, in proof of which I have signed the present paper at St. Barnabé, this 24th day of the month of August, 1885.

F. H. BELLEMARE, N.P.

To His Excellency the Right Honorable Sir Henry Charles Keith Petty Fitzmaurice, Marquis of Lansdowne, P.C., G.C.M.G., Governor General of Canada :

YOUR EXCELLENCY,—The undersigned citizens of the city and district of Three Rivers, persuaded that the crime of Louis Riel, lately convicted of high treason at Regina, North-West Territory, was caused by aberration of the mind, rather than by malice, prays, through the intervention of Your Excellency, our Most Gracious Sovereign, Queen Victoria, to be so good as to exercise, in favor of the said Louis Riel, her high prerogative and commute the sentence pronounced against him the first day of August current, 1885.

Jos. L. Desaulniers, P.P., Pte. du Lac,
J. A. Comeau,
Joseph Bettey,
Adolphe Gilbert,
Jean Arêti,
Joseph Pagé,
Hilaire Dupont,
Sévère Bastarcho,
Edouard Benoit,

L. St. Montour,
Remi McAmoville,
Edouard Berthiamis,
Joseph Mauville,
Toussaint Biron,
Arteme Biron,
Edouard Biron,
And 85 others.

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 10th September, 1885.

SIR,—I have the honor to acknowledge receipt of a petition addressed to His Excellency the Governor General, by a certain number of citizens of the city and district of Three Rivers, praying for a commutation of the sentence pronounced against Louis Riel, and I am to inform you that this petition will receive consideration.

I am, &c.,

G. POWELL, *Under Secretary of State.*

To the Rev. J. L. X. DESAULNIERS, P.P., Pte. du Lac.

To His Excellency the Right Honorable Sir Henry Charles Keith Petty Fitzmaurice, Marquis of Lansdowne, P.C., G.C.M.G., Governor General of Canada :

YOUR EXCELLENCY,—We, the undersigned citizens of the city of Quebec, and British subjects, take the liberty to explain to you respectfully—

That the circumstances which provoked the recent insurrection in the North-West, the extraordinary proceedings which signalized the trial of Louis Riel; the ill-feeling produced among our people by these facts, ill-feeling calculated to destroy the harmony which ought to prevail among the different races that inhabit Canada, that the public weal which can only result from the maintenance of this good understanding and this reciprocal sympathy, all these powerful considerations militate in favor of a commutation of the sentence pronounced against the half-breed prisoner, Louis Riel, condemned at the court at Regina to be hanged on the 18th September next.

That the undersigned consequently pray Your Excellency will be good enough to exercise the royal prerogative which you possess, to spare the life of the said Louis Riel, and to commute his sentence to any other punishment which it may please Your Excellency to determine.

J. G. Duval, N.P.,
Jos. Nadeau,
P. A. Perron, C. E.,

Eugène Blondel,
Thos. Lemieux, and others,

Similar petition from the city of Quebec, dated August, 1885.

Benj. Ouimet,
Adrisse Dion,

M. E. Homnard,
Geo. Dufresne, and others.

Similar petition from the city of Quebec, dated August, 1885.

Alex. Hamel,
T. O. Vallerand,

Thos. Hamel,
Louis Preville, and others.

Similar petition from the city of Quebec, dated August, 1885.

Albert P. Roy,
Jos. Frederick,

John Fox,
John C. Howe, N.P., and others.

Similar petition from the city of Quebec, dated August, 1885.

C. E. A. Langlois,
Didier Dionne,

L. J. Pinault, and others.

Similar petition from the city of Quebec, dated August, 1885.

Dr. H. Duchesnais,
G. Gastonguay,

Edouard Paquet,
Jos. Martel, and others.

Similar petitions from the city of Quebec, dated August, 1885.

S. S. Michal Gagné,
Felix Fortier,
Geo. Guillet,

F. Collin,
F. Bouillet, and others.

Similar petitions from the Parish of Saint Iréné, county of Charlevoix.

M. E. Roy, Physician,
Louis Smiley, J.P.,

G. Légaré, Mayor,
Jean Bapt. Gauthier, Secy., and others.

QUEBEC, OFFICE OF "L'ELECTEUR," 8th September, 1885.

SIR,—I have the honor to transmit to you, in order that they may be submitted to the consideration of His Excellency the Governor General and Council, the petitions of the citizens of the city of Quebec and of the inhabitants of the Parish of St. Iréné, praying that the sentence of death pronounced against the prisoner, Louis Riel, be commuted.

I have the honor to be, with consideration, your devoted servant,

ERNEST PECAUD.

Hon. Secretary of State, Ottawa :

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, September, 1885.

SIR,—I have the honor to acknowledge the receipt of your letter of the 8th inst., transmitting, in order to be submitted to the Governor General, the petitions of a certain number of citizens of the city of Quebec and of a certain number of the inhabitants of the Parish of St. Iréné, praying for a commutation of the sentence pronounced against Louis Riel, and I am to inform you that these petitions will receive consideration.

I am, &c.,

G. POWELL, *Under Secretary of State.*

To ERNEST PECAUD, Office of *l'Electeur*, Quebec,

QUEBEC, 8th September, 1885.

SIR,—I have the honor to transmit to you a petition, herewith enclosed, on the subject of Louis Riel, and to request that you will submit it to His Excellency the Governor General.

Please accept my respects.

P. B. CASGRAIN, *M.P.*

Honorable Secretary of State, Ottawa.

To *His Excellency the Right Honorable Sir Charles Keith Petty Fitzmaurice, Marquis of Lansdowne, P. C., G. C. M. G., Governor General of the Dominion of Canada.*

EXCELLENCY,—We, the undersigned, citizens of the parish of L'Islet, British subjects take the liberty to explain to you respectfully, that the circumstances which provoked the recent insurrection in the North-West Territories; the extraordinary proceedings which signalized the trial of Louis Riel; that the ill-feeling produced by these facts among our people will be calculated to destroy the harmony which ought to prevail among the different races dwelling in Canada; that the public weal which can only result from the maintenance of this good understanding and mutual sympathy; all these powerful considerations militate in favor of a commutation of the sentence pronounced against the half-breed prisoner, Louis Riel, condemned by the court at Regina to be hanged on the 18th September next.

That the undersigned, in consequence, pray that it will please Your Excellency to exercise the royal prerogative which you possess, to spare the life of the said Louis Riel, and to commute his sentence to any other punishment it may please Your Excellency to determine.

LAURENT MORIN, Mayor,
N. LAVERIE, M.D.L.,

B. POULIOT, J.P.,
C. MARCOTTE, M.P.P.,
And 150 others.

L'Islet, August, 1885.

I certify that the signatures to this petition and its addition, are those of the parties therein named, or by their consent.

J. B. DUSSEAULT, J.P.

L'Islet, 7th September, 1885.

To *His Excellency the Right Honorable Sir Henry Charles Keith Petty Fitzmaurice Marquis of Lansdowne, P.C., G.C.M.G., Governor General of Canada;*

YOUR EXCELLENCY,—We, the undersigned citizens of St. Jean, Port Joli, county of L'Islet, British subjects, take the liberty to explain to you respectfully, that the circumstances which provoked the recent insurrection in the North-West, the extraordinary proceedings which characterized the trial of Louis Riel; that the ill-will produced by these facts among our people,—ill-will calculated to mar the harmony which ought to prevail among the different races dwelling in Canada; that the public weal which can only result from the maintenance of this good understanding and this mutual sympathy; all these powerful considerations militate in favor of a com-

mutation of the sentence pronounced against the half-breed prisoner, Louis Riel, condemned by the court at Regina to be hanged on the 18th September next. That the undersigned pray, in consequence, Your Excellency will be pleased to exercise the royal prerogative which you possess, in order to spare the life of the said Louis Riel, and to commute his sentence to any other punishment it may please Your Excellency to determine.

GEO. O. TANGUAY, Ptr., Vic.,
L. T. DUVAL, N.P.,
And 130 others.

ST. JEAN, PORT JOLI, 1st September, 1885.

RIMOUSKI, 8th September, 1885.

SIR,—By this day's mail I have the honor to transmit to His Excellency the Right Honorable Sir Charles Keith Petty Fitzmaurice, Governor General of Canada, a petition from the electors and taxpayers of the constituency of Rimouski, praying for a commutation of the sentence of death pronounced against Louis Riel.

I have the honor to be, Sir, your very humble servant,

DR. R. FISET.

Hon. J. A. CHAPLEAU, Secretary of State, Ottawa.

To His Excellency the Right Honorable Sir Charles Keith Petty Fitzmaurice Marquis of Lansdowne, P.C., G.C.M.G., Governor General of the Dominion of Canada :

MAY IT PLEASE YOUR EXCELLENCY :

The undersigned electors and taxpayers of the electoral division of Rimouski have the honor to lay before you :

That Louis Riel, who was condemned to be hanged on the 18th September next, is one of their fellow countrymen, in whose favor they presume to solicit the royal clemency which is at the disposal of Your Excellency ;

That the offence of which the said Louis Riel has been found guilty is purely political, and is shared in by a great number of Her Majesty's subjects, and that it would be imprudent to punish it with severity ;

That the cause of Riel is that of all the half-breeds of the North-West, of whom he was constituted the defender; that the rights of these people cannot be ignored without refusing them that justice which is due to every free citizen ;

That the execution of Riel would be, under the circumstances, considered as a refusal to do justice to a numerous class of subjects of Her Majesty, and might become a cause, much to be regretted, of dangerous conflicts, and might drive to despair respectable and peace-loving people.

Your petitioners, therefore, pray Your Excellency to commute the sentence of death passed against the said Louis Riel.

And your petitioners will ever pray.

STE. ANGELE—
FRANÇOIS CORRIVEAU.
LEANDRE THEDON,

And 18 others.

RIVIÈRE BLANCHE—
Signed by J. O. DRAPEAU, P.P.,
C. BEAULIEU, Mayor,

And 86 others.

ST. DONAT—
Signed by L. DIONNE, Advocate,
E. G. DIONNE, Notary,

And 50 others.

STE. ANGELE—
Signed by A. MARTIN,
A. LEVÉQUE,

And 140 others.

- St. FABIEN—
Signed by P. AUDET, P.P.,
JAS. D'ANJOU, Mayor, And 80 others.
- St. FLAVIE—
Signed by CHAS. G. FOURNIER, P.P.
J. A. ROSS, M.D., J. LAVOIE,
And 230 others.
- St. OCTAVE—
Signed by CHAS. BRAND, Mayor,
E. THEBON, A. LAROCHE,
And 110 others.
- SANDY BAY—
Signed by D. MORISSET, P.P.,
A. CHOUNARD, Mayor, And 50 others.

We, the undersigned, certify that the signatures of the parties, hitherto resident in the parish of Notre Dame de l'Assomption de Macnider, in the district of Rimouski, were taken in our presence and with their consent; in proof of which we sign the present paper at Notre Dame de l'Assomption de Macnider, this 9th day of August, 1885.

J. A. CARIVÉE,
JAS. MASSE.

- St. CIMON—
Signed by THOS. BERUBÉ, P.P.,
JAS. FOURNIER N.P., And 60 others
- St. ANACLET—
Signed by M. P. BILODEAU, P.P.,
V. ST. LAURENT. And 110 others.
- MATANE—
Signed by J. P. PELLETIER.
L. GAGNON, Mayor. And 110 others.
- St. MATHIEU—
Signed by EDOUARD MOUNCY,
THEOPHILE LEVECQUE And 70 others.
- St. LUCE—
Signed by THOS. LEVECQUE, Mayor.
AUGUSTE LAVOIE, And 55 others.
- St. MOISIE—
Signed by T. SAUCIER, Mayor,
L. SIROIS, Councillor, And 150 others.

The authenticity of the above signatures and the other parts is attested by me, the undersigned.

JOSEPH DURELLE.

- RIMOUSKI—
Signed by J. B. R. Fiset M.D.,
AUGUST TESSIER, Prefect, J. T. COUILLARD, J.P.,
And 150 others.

To His Excellency the Right Honorable Sir Charles Keith Petty Fitzmaurice, Marquis of Lansdowne, P.C., G.C.M.G., Governor General of Canada ;

MAY IT PLEASE YOUR EXCELLENCY,—We the undersigned French Canadians residing in Chicago in the State of Illinois, one of the United States ;

HUMBLY REPRESENT :

That Louis Riel who is sentenced to undergo capital punishment on the 18th September next, is one of our fellow-countrymen and we cherish the hope that your Excellency will be pleased to exercise in his favor and that of his unfortunate companions the royal clemency which is the noblest privilege attaching to your high office ;

That the offence of which the said Louis Riel has been found guilty being purely political and having been committed by a great number of the subjects of Her Majesty it would, perhaps, be imprudent to punish it with so much severity ;

That the cause of Riel is that of all the half-breeds of the North-West, whose defender he was constituted, and that the rights of these people cannot be ignored without, at the same time, denying justice, which is due to every free citizen ;

That the execution of Riel, under the circumstances, would be considered as a refusal to do justice to a great portion of the population of Canada as well as to those French Canadians who are established in the United States, and who have at heart the weal and prosperity of the land which gave them birth ;

That such refusal might have consequences which could not but be regretted ;

Your petitioners therefore pray Your Excellency will be pleased to commute the sentence of death passed against the said Louis Riel.

CHICAGO, 30th August, 1885.

MICHEL CYR, *President.*
J. MÉLOCHE, *Secy. Arch.*
C. GLENDREAU, *Treas.*

C. HUOT, *Vice-President.*
F. CHARTRAND, *Secy-Cor.*
With 800 other signatures.

1700 PAPIN STREET, ST. LOUIS, Mo., 4th September, 1885.

To His Excellency the Marquis of Lansdowne, Governor General of the Dominion of Canada :

As the only known representative of the family descended from the illustrious^s defender of the great principle of a safe, strong government, combined with freedom of conscience, exemplified in the life and death of George Walker, of Londonderry, who knew how to be element ever to traitors, I appeal to Your Excellency for a hearing on the subject of the sentence of death passed upon Louis David Riel.

I do not care even to be driven to the desperation of being a beggar, but for a man's life who does not, in my opinion, deserve death at the hands of the Executive, I will be pardoned for coming to beg clemency towards that man.

Let me say, as a native of Canada, for my father was persecuted, and followed by the spirit of revenge towards his family, as a representative of rank Toryism and Protestant Government on both sides the water.

The rebels in Papineau's time burned his house twice over his head, and following him into Pennsylvania burned his office and every valuable paper with it, after he had fled from Ireland to avoid persecutions ; that I am no sympathizer with rebels.

I was born near St. Cesaire, in the Province of Quebec.

I have lived in the United States but feel the interest of a native in all that pertains to Canadian policy. In my opinion you will cause Riel to be regarded as a martyr and canonized by the Roman Catholics everywhere in sympathy with the Roman Catholic perverted teaching. Irish as well as French will regard him as the Irish now do Robert Emmet, who, in the heat of popular excitement, was foolishly given such undue prominence. Riel is a man of strong impulses. His education was all leaning towards a sympathy with any cause of discontent with English government. In his western life the bias of an impulsive nature led him to counsel actions

bordering on the savage, vindictive, ignorant, brutish and bigoted age of the world before Christianity enlightened men's minds. But you are strong enough to vanquish all such foes. There is no fear that the enlightened, powerful government of which you are the chief executive, but will always be able to quell all such disturbances that are bound to occur among such men. And while powerful enough to thus deal with them, is it not a part of advice and prudent administration to show a certain disregard to the popular demand for vengeance? As an instance, I will cite here in the United States, after the defeat of the great rebel armies, there was a popular clamor for the death of Jefferson Davis. A few only among the great heads of the nation had prudence and determination to unite clemency with justice so as to resist such an act of impolicy and wounding to no purpose of the quickest feelings of a subdued people. And now I would beg, as a representative of Canada, after having read the testimony in the case, that you will listen to my argument and relieve the man who, under mistaken defence, by unlawful means of wrongs, appealed to him by a race, has done wrong in liberty's name, no doubt he thought remotely of Byron's apostrophe to liberty, and rude and barbarous has rendered it in actions according to his training.

Be merciful to him and place him in an asylum, where his actions seem to entitle him to be an inmate. If Your Excellency cannot do anything for my appeal please send it to that officer under your government to whose grave consideration it may belong.

I am, most sincerely, your obedient servant,

JAMES M. HAMILTON, *Civil Engineer.*

URBANA, OHIO, 6th September, 1885.

to the Governor General of Canada, Ottawa :

MY LORD,—I trust it will not be considered intrusive for an American citizen to add his request to those made to you in the Dominion of Canada in favor of the commutation of the sentence of Louis Riel for participation in the North-West rebellion.

It may be that the views of a citizen of the United States as to the necessity and propriety of executions for political offences are influenced by the experience and policy of his country. But I do not think that they are the less entitled to consideration on that account. An American cannot but reflect that under the policy that dictates such executions, Washington, Franklin, Hamilton, Adams, and other great men whose names shed a lustre on his country's history, would, if the fortunes of war had been against them, have ended their days upon the scaffold. We cannot forget that in the course of more than a century no execution for political offences has taken place in the United States, and that even the late gigantic rebellion and civil war was brought to a close without a single execution for participation therein. At the close of the war there was a great clamor in many and influential quarters for executions and confiscations, but other counsels prevailed, and now at the lapse of twenty years it is almost universally conceded that time has vindicated the wisdom of the course then adopted. Jefferson Davis is now a private citizen, comparatively without political influence, whereas if he had been executed he would have been regarded as a martyr, and his "soul be marching on" like that of John Brown whose execution by the State of Virginia may be considered the sole and unfortunate execution to the course pursued in the United States in that regard.

I think it was Burke who said that "you cannot frame an indictment against a people." It is equally true that you cannot with good policy inflict capital punishment on men for participation in public, or *quasi* political movements in which large bodies of people have taken part or sympathized. I see it stated in newspapers received from relatives in Canada, that influential papers in Toronto, widely differing in politics, agree in conceding that the rebels had some grounds for their grievances, and only differ as to where the blame should be placed. When this is the case, and when large numbers of people, especially of Riel's French nationality, desire the

commutation of his sentence, it seems to me that sound statesmanship and humanity agree in dictating a compliance with their request.

I have the honor to be, with great respect, yours,

JOHN H. JAMES.

To His Excellency the Right Honorable Sir Henry Charles Keith Petty Fitzmaurice, P.C., G.C.M.G., Marquis of Lansdowne, Governor General of Canada :

YOUR EXCELLENCY,—I have the honor to transmit to you a petition of the electors of Fraserville and of Rivière du Loup, praying Your Excellency will be pleased to commute the sentence of death passed against Louis Riel.

I have the honor to be Your Excellency's very humble and obedient servant,

C. E. POULIOT.

Fraserville, 8th September, 1885.

To His Excellency the Right Honorable Sir Henry Charles Keith Petty Fitzmaurice, P.C., G.C.M.G., Marquis of Lansdowne, Governor General of Canada :

MAY IT PLEASE YOUR EXCELLENCY,—The humble petition of the undersigned electors and taxpayers of the town of Fraserville, and of the parish of St. Patrick, at Rivière du Loup, in the county of Témiscouata, lays before you respectfully :

That the undersigned have followed with the greatest interest the events which have recently occurred in the North-West, and the phases of the trial of Louis Riel, who was condemned to be hanged on the 18th September next ;

That the undersigned cherish the hope that it will please Your Excellency to exercise, in his favor, the royal clemency which is at your disposal ;

That the offence of which the said Louis Riel has been found guilty, is purely political, and that a great number of Her Majesty's subjects are guilty of the same offence ;

That in order to preserve the harmony which ought to exist between the different nationalities of this Dominion, it is desirable that the Crown should extend its clemency in behalf of the said Louis Riel ;

That, moreover, persons of the highest authority deny the legality of the trial of Louis Riel, who had a right, they say, to be judged by twelve of his peers, according to the great charter ;

That, besides, there are grave reasons for believing that the said Louis Riel had not the complete use of his mental faculties ;

Your petitioners, therefore humbly pray Your Excellency will be pleased to commute the sentence of death of the said Louis Riel.

And your petitioners will ever pray.

L. H. LANGLOIS,
F. N. ST. HILAIRE,
And 246 others.

FRASERVILLE, August, 1885.

The undersigned certifies that the above signatures were given freely by the parties named above.

C. E. POULIOT.

FRASERVILLE, September, 1885.

To His Excellency the Governor-General of the Dominion of Canada :

MAY IT PLEASE YOUR EXCELLENCY,—The undersigned have the honor to lay before you :—

That Louis Riel, who was condemned to be hanged on the 18th September next, is one of their fellow-countrymen, in favor of whom they presume to solicit the royal clemency, which is at the disposal of Your Excellency ;

That the offence of which the said Louis Riel was found guilty is purely political, and is shared in by a great number of Her Majesty's subjects, and that it would be imprudent to punish it with severity ;

That the proof laid at the trial demonstrated that there is much doubt as to the mental condition of the condemned man, and consequently as to his legal responsibility on account of the derangement of his mind—doubt which the jury expressed by recommending the accused to the clemency of the Crown ;

That the execution of Riel, under the circumstances, might become the cause of dangerous conflicts, that could not but be regretted ;

Your petitioners, therefore, pray Your Excellency to commute the sentence of death passed against Louis Riel.

And your petitioners will ever pray.

J. B. ROY,
W. T. FOURNIER, M.D., C.M.,
And 248 others.

St. FRANÇOIS, 30th August, 1885.

OFFICE OF THE MUNICIPAL COUNCIL OF THE COUNTY OF MONTMAGNY

St. SAUVEUR, 31st August, 1885.

At a general meeting of the said council of the county of Montmagny, held on the 9th day of September current, in the usual hall of assembly, in the town of Montmagny, the following resolution was unanimously adopted, and it was resolved, moreover, that a copy of it should be transmitted, without delay, to His Excellency the Governor General of Canada :—

It was moved by Mr. Jos. Nicol, mayor of the parish of St. Thomas, and seconded by Mr. Geo. Boulet, mayor of the parish of St. François de Salles, and unanimously resolved by the members of the council, that the sentence of death passed upon Louis Riel, chief of the North-West insurrection, should be commuted, and that a complete amnesty should be granted to all the half-breeds implicated in the troubles of the North-West ;

Considering that the English and French half-breeds of the North-West had year after year prayed in vain for the redress of the grievances of which they complained, and that they were led by circumstances out of the constitutional course which they had traced out ;

Considering that the Government from the very commencement of the troubles recognized the justice of their complaints by sending to them commissioners with authority to cause justice to be done in the case of their grievances ;

Considering that Louis Riel was the instrument rather than the leader of the movement, and that the half-breeds went to seek him in the United States in order to assist them in obtaining justice, and that they even prevented him from departing on the eve of the insurrection ;

Considering that his trial took place before a court which appears to have but little understood its responsibility and its duty, and that, besides, there are serious doubts as to the legality of the tribunal and its jurisdiction in matter of high treason ;

Considering that the acquittal of Jackson, an English half breed, who was seriously compromised in the troubles of the North-West, declared unaccountable for his acts, without proof, without trial, by the concurrence merely of the Crown with the court, is a revolting act of partiality and of defiance thrown in the face not only of our fellow-countrymen, the half-breeds of the North-West, but also of all French Canadians ;

Considering that the mental condition of Riel leads to believe that he was not always responsible for his actions and master of his will when there was question of the cause to which he had devoted his whole life ;

Considering that the crime of which he is accused is a political offence, that the execution of the sentence of death passed upon him will be looked upon as the

result of prejudices and fanaticism, and will be destructive of the harmony which is so necessary in a mixed society like ours.

Unanimously adopted.

O. CARBONNEAU, *Prefect.*

F. M. PAQUET, *Sec.-Tres. C.C.M.*

Certified a true copy.

F. M. PAQUET, *Sec.-Treas. C. C. M.*

Similar petition from the parish of St. François, county of Montmagny.

J. B. ROY,
W. S. FOURNIER, M.D., C.M.,
F. S. GENDRON, M.D.,
JOSEPH MODIN,

TELESPHORE BOULET,
THEOPHILE NADEAU,
And others.

30th August, 1885.

Similar petition from Notre Dame du Mont Carmel, County of Champlain.

PIERRE LOR, *Mayor.*
ALFRED DASTALER,
ONÉZSIME BUISSON,
EDWARD DUPON,

LOUIS BERGERON,
his
JEAN + PETIT,
mark.
And others.

To His Excellency the Right Honorable Sir^r Henry Charles Keith Petty Fitzmaurice, P. C., G.C.M.G., Marquis of Lansdowne, Governor General of Canada :

MAY IT PLEASE YOUR EXCELLENCY,—The undersigned have the honor to lay before you—

That Louis Riel, who was condemned to be hanged on the 18th September next, is one of their fellow-countrymen, in whose favor they presume to solicit the royal clemency, which is at the disposal of Your Excellency ;

That the offence of which Louis Riel was guilty is purely political, and is shared in by a great number of Her Majesty's subjects, and it would be imprudent to punish it with severity ;

That the proof adduced at the trial of the said Louis Riel leaves much room for doubt as to the mental condition of the condemned man, and consequently as to his legal responsibility, on account of the derangement of his mind, the doubt which the jury expressed by recommending the accused to the clemency of the Crown ;

And that Riel, if executed, under the circumstances, might become a cause of great regret, if not of danger ;

Your petitioners, therefore, pray Your Excellency to commute the sentence of death passed on the said Louis Riel, and they will ever pray.

PIERRE LOR, *Mayor,*
And 80 others.

NOTRE DAME DU MONT CARMEL, County of Champlain, 7th September, 1885.

ST. SAUVEUR DE QUEBEC, 10th September, 1885.

SIR,—I have the honor to transmit to you, under this cover, a petition of the citizens of St. Sauveur de Quebec, praying for a commutation of the sentence of death passed upon Louis Riel, and a complete amnesty to all the parties implicated in the recent insurrection of the North-West.

These petitions having been circulated among the population for the collection of signatures were so much mutilated that it was necessary to recopy them. The original documents are still in our possession, and I solemnly declare is that to the best of our knowledge, the petition at present transmitted is a faithful and exact copy.

You will be pleased, Sir, with the least possible delay, to submit this petition to the benevolent consideration of His Excellency the Governor General in Council.

Permit me, Sir, to subscribe myself, your very humble servant,

F. A. DION, M.D.

Hon. Secretary of State, Ottawa.

To His Excellency the Right Honorable Sir Charles Keith Petty Fitzmaurice, Marquis of Lansdowne P.C., G.C.M.G., Governor General of the Dominion of Canada; and to the Honorable Members of the Executive Council of the Dominion of Canada :

The petition of the undersigned citizens of St. Sauveur de Quebec humbly sheweth,—

Considering that the half-breeds of the North-West had serious grievances which were recognized after the insurrection, grievances of which they complained several times, in petitions, without, however, succeeding in obtaining redress;

Considering the vexations of which those half-breeds were victims, when they had recourse only to constitutional means for making known their subjects of complaint, and seeking to obtain an amelioration of their condition;

Considering the peculiar circumstances under which the insurrection of the half-breeds took place, as well as the events which provoked it;

Considering that Louis Riel was dragged, as against his will, into the troubles by his fellow-countrymen, anxious to have his concurrence in obtaining the redress of their grievances;

Considering that the said Riel and a great number of half-breeds of the North-West are actually detained at Regina, undergoing punishment and condemnation unjustly passed, after a trial which was irregular, at least extraordinary and which does not give satisfaction to the undersigned, since it appears to be the consummation of odious injustice :

The undersigned, loyal subjects of Her Majesty, respectfully pray Your Excellency, in order to assure peace and good understanding in all parts of the country, to give those politically condemned parties the benefit of the royal prerogative, by granting his life to Louis Riel, against whom sentence of death was passed, and by according a full and complete amnesty to all the persons implicated in that unfortunate insurrection of the North-West Territories.

And they will ever pray.

M. Fiset, M. D., Mayor of St. Sauveur.

CLEOPHAS ROCHELLE, Municipal Councillor.

And 1850 others.

To His Excellency the Right Honorable Sir Henry Charles Keith Petty Fitzmaurice Marquis of Lansdowne, P.C., G.C.M.G., Governor General of Canada :

EXCELLENCY,—We, the undersigned, citizens of the city of Quebec, British subjects, take the liberty to show, respectfully :

That the circumstances which provoked the recent insurrection of the North-West; the extraordinary proceedings which characterized the trial of Louis Riel; that the ill-feeling produced by these facts among our people, ill-feeling which is calculated to destroy the harmony which ought to prevail between the different races dwelling in Canada; that the public weal which can only result from the maintenance of this good understanding and this mutual sympathy; all these powerful considerations militate in favor of a commutation of the sentence passed against the half-breed prisoner, Louis Riel, condemned by the court at Regina to be hanged on the 18th of September next;

That the undersigned, accordingly, pray Your Excellency will be pleased to exercise the royal prerogative which you possess in order to extend pardon to the

said Louis Riel and commute his sentence to any other it may please Your Excellency to determine.

NARCISSE DION, Jun.,
J. A. ROBITAILLE,
And 148 others.

QUEBEC, August, 1885.

DEPARTMENT OF SECRETARY OF STATE, OTTAWA, 14th September, 1885.

SIR,—I have the honor to acknowledge receipt of your letter of the 10th inst., transmitting a petition, to be submitted to His Excellency the Governor General, of a certain number of citizens of St. Sauveur and Quebec, praying for a commutation of the sentence passed on Louis Riel and a complete amnesty to all the parties implicated in the recent insurrection of the North-West, and I am to inform you that these petitions will receive consideration.

Yours, &c.,

G. POWELL, *Under Secretary of State.*

F. A. DION, Esq., M. D., St. Sauveur de Quebec, Que.

To His Excellency The Right Honorable Sir Henry Charles Keith Petty Fitzmaurice, Marquis of Lansdowne, P.C., G.C.M.G., Governor General of Canada :

MAY IT PLEASE YOUR EXCELLENCY.—The undersigned electors and taxpayers the electoral division of Rimouski have the honor to show you,—

That Louis Riel, who was condemned to be hanged on the 18th September next, is one of their fellow-countrymen, in whose behalf they presume to solicit the royal clemency which is at your disposal ;

That the offence of which the said Louis Riel was found guilty is purely political and is shared in by a great number of Her Majesty's subjects; that it would be imprudent to punish it with severity ;

That the cause of Riel is that of all the half-breeds of the North-West, of whom he was constituted the defender ; that the rights of these people cannot be ignored without denying justice which is due to every free citizen ;

That the execution of Riel, under the circumstances, would be considered as a refusal to do justice to a numerous class of Her Majesty's subjects ; and might become the cause of dangerous conflicts that could not but be regretted, and might drive to despair respectable and peace-loving people ;

Your petitioners, therefore, pray Your Excellency will commute the sentence of death passed against the said Louis Riel. And your petitioners will ever pray.

MAJORIQUE BOLDOC, P.P.,
L. E. GRANDIN, Arch.,
D. A. MARCHAND,

T. G. KEPPELL,
S. CHOUINARD,
BELAIRE BUEST.

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 14th September, 1885.

SIR,—I have the honor to acknowledge receipt of a petition of a certain number of citizens of Rimouski, addressed to His Excellency the Governor General, asking a commutation of the sentence pronounced against Louis Riel ; and I am to inform you that this petition will receive consideration.

I am, &c.,

G. POWELL, *Under Secretary of State.*

Rev. MAJORIQUE BOLDOC, P.P., of St. Anne, Pointe au Pic.

QUEBEC, OFFICE OF THE "ELECTEUR," 11th September, 1885.

SIR,—I have the honor to transmit to you for the consideration of His Excellency the Governor General in Council, the petition of a great number of the inhabi-

tants of the county of Essex, Ont., praying for a commutation of the sentence of death pronounced against the half-breed prisoner Louis Riel.

I have the honor to be, Sir, with consideration, your very devoted, &c., &c.,
 Hon. Secretary of State, Ottawa. ERNEST PACAUD.

To His Excellency the Marquis of Lansdowne, P.C., G.C.M.G., Governor General of Canada, &c., &c.

The memorial of the undersigned British subjects of the county of Essex in the Province of Ontario,

MOST RESPECTFULLY SHOWETH :

That as the offence of which Louis Riel has been found guilty is political, and had been shared by a large number of Her Majesty's subjects, it would be unadvisable, in the humble opinion of your memorialists, to punish him with severity ;

That the cause advocated by Louis Riel was that of all the Métis of the North-West, of whom he considered himself the defender ;

That it is impossible to ignore their rights without refusing them the justice which is the birthright of every citizen ;

That the execution of Louis Riel would, under the circumstances, be considered as a refusal to render justice to a numerous class of Her Majesty's subjects ;

That among others, the foregoing are reasons which eminently speak in favor of the sentence passed over Louis Riel being commuted ;

Your memorialists respectfully pray that Your Excellency may be pleased to exercise his royal prerogative of clemency, and order that the sentence lately passed over Louis Riel be commuted.

And your memorialists, as in duty bound, will ever pray.

FRANCIS CLEARY,
 J. J. WAGONER DEAN,
 JOS. BAYARD,

J. O. REAUME, M. D.,
 And 567 others.

To His Excellency the Governor General of Canada in Council :

The causes which provoked the revolt of the North-West, the extraordinary proceedings which characterized the trial of Louis Riel, the ill-feeling generated by these facts, which are so calculated to disturb the harmony which ought to prevail among the diverse elements of which are constituted the Canadian people, the public interest which requires the maintenance of mutual sympathy and good will among these elements, are so many powerful reasons that militate in favor of a commutation of the sentence of Louis Riel ; we, therefore, the French Canadians of Ontario and Michigan, respectfully pray Your Excellency, Governor General of Canada, will be graciously pleased to exercise your royal prerogative of clemency in the case of Louis Riel.

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 15th September, 1885:

SIR,—I have the honor to acknowledge receipt of your letter of the 11th instant, transmitting in order to be submitted to His Excellency the Governor General a petition of a certain number of the inhabitants of the county of Essex, Ont., praying for a commutation of the sentence passed on Louis Riel, and I am to inform you that the said petition will receive consideration.

I am, &c.,

G. POWELL, *Under Secretary of State.*

To ERNEST PACAUD, Esq., Office of the *L'Electeur*, Quebec.

To His Excellency the Right Honorable Sir Henry Charles Keith Petty Fitzmaurice Marquis of Lansdowne, P.C., G.C. M.G., Governor General of Canada :

EXCELLENCY,—We, the undersigned, the mayor and councillors of the municipality of St. Etienne de la Malbaie, in the county of Charlevoix, British subjects, take the liberty, respectfully, to show you :

That the circumstances which provoked the recent insurrection of the North-West, the extraordinary proceedings which characterized the trial of Louis Riel; that the bad feeling generated by these facts among our people, bad feeling calculated to destroy the harmony which ought to prevail among the different races inhabiting Canada; that the public weal which can result only from the maintenance of this good understanding and mutual sympathy; all these powerful considerations, as a word, all militate in favor of commutation of the sentence pronounced against the half-breed prisoner, Louis Riel, condemned by the court at Regina, on the 18th of September next;

That the undersigned, therefore, pray Your Excellency will be pleased to exercise the royal prerogative which you possess, in order, graciously, to spare the life of Louis Riel, and to commute his sentence to any other punishment it may please Your Excellency to determine.

A. DUFOUR, J.P., D.S.
 ELIE MALBAIS, Counsellor.
 JOSEPH DUFOUR,
 And others.

MALBAIS, 7th August, 1885.

QUEBEC, 12th September, 1885.

SIR,—I have the honor to forward to you the enclosed petition in favor of Riel. It prays that I shall lay it before His Excellency the Governor General, as the request of the citizens of L'Islet.

I have the honor to be, Sir, your humble servant,

P. B. CASGRAIN.

The Hon. the Secretary of State, Ottawa.

To His Excellency the Right Honorable Sir Henry Charles Keith Petty Fitzmaurice, Marquis of Lansdowne, P. C., G. C. M. G., Governor General of the Dominion of Canada:

MAY IT PLEASE YOUR EXCELLENCY,—We, the undersigned, citizens of St. Roch des Aulnais, British subjects, take the liberty of representing to you respectfully:—

That the circumstances which brought about the North-West rebellion and the extraordinary proceedings which have marked the trial of Louis Riel, have produced an irritation among our population, a resentment which is liable to break the excellent harmony which ought to reign among the different races which people Canada; that the public interest can only exist by the maintenance of this good feeling and this reciprocal sympathy. All these powerful reasons act in favor of a commutation of the sentence pronounced against the half-breed prisoner, Louis Riel, condemned by the court at Regina to be hanged on the 18th of September next. The undersigned would therefore pray that Your Excellency will be pleased to exercise the royal prerogative that he possesses, to spare the life of the said Louis Riel and to commute his sentence to any other punishment that it may please Your Excellency to determine upon.

J. B. Dupuis, ex-M.P.,
 François Chouinard, C.D.,
 Villemore Gagné,
 David Bouchard, C.D.,
 J. Bte. St. Pierre, G.D.,
 J. B. Gamache, E.R.D.,
 Pierre Belleau, E.R.D.,
 Alfred Pelletier,

Emile Lazotte,
 Albert D. Verreault,
 Prudent Talbot,
 Louis Dubé,
 E. R. Desjardins,
 Joseph Blanchette, E.R.D.,
 Charles Gaumont,
 And 104 others.

OTTAWA, 15th September, 1885.

SIR,—I have the honor to acknowledge the receipt of your letter of the 12th instant, enclosing a petition addressed to His Excellency the Governor General, by

certain number of the citizens of L'Islet, praying for a commutation of the sentence pronounced against Louis Riel, and to inform you that this petition will receive due consideration.

I have, &c.,
G. POWELL, *Under Secretary of State.*

P. B. CASGRAIN, Quebec.

St. PAUL, 8th September, 1885.

To His Excellency the Governor General in Council:

MAY IT PLEASE YOUR EXCELLENCY:—The undersigned have the honor to state that Louis Riel, who has been sentenced to be hanged on the 18th September next, is one of their countrymen, for whom they venture to solicit the royal clemency, of which Your Excellency has the disposal; that the offence of which the said Louis Riel has been found guilty is a purely political one, and one shared in by a great number of Her Majesty's subjects, which it would be imprudent to punish with severity; that the evidence produced at the trial shows that there exists much doubt as to the mental condition of the condemned, and in consequence as to his legal responsibility, by reason of his disordered intellect, a doubt which the jury expressed by recommending the party accused to the clemency of the Crown;

That the execution of Riel, under these circumstances, might become the regrettable cause of dangerous contests. Wherefore, your petitioners pray that Your Excellency will be pleased to commute the sentence of death passed on Louis Riel.

And your petitioners will ever pray, &c.

THEOD. DELAGRAVE, *Curé,*
HONORÉ BALAIRE, *Mayor,*
And 235 others.

St. PAUL, 8th September, 1885.

We, the undersigned, certify that the above signatures were given in our presence and taken by us.

THEOPHILE NICOLE,
JOSEPH NICOLE.

COATICOOK, QUE., 15th September, 1885.

To His Excellency the Governor General in Council, &c.:

MAY IT PLEASE YOUR EXCELLENCY:—I have the honor to forward a petition, adopted unanimously at a public meeting of French Canadians held on the 13th inst., asking you to commute the penalty imposed on the unfortunate Louis Riel, with the signatures of the petitioners.

By order of the meeting,

PIERRE BROUILLET, *Secretary.*

To His Excellency the Governor General of Canada in Council:

The humble petition of the undersigned electors of Coaticook and its vicinity, in the Eastern Townships, Province of Quebec, in public meeting assembled,

RESPECTFULLY SHOWETH:

That your petitioners have followed with attention the various phases of the trial which has just been terminated at Regina, N.W.T., by the condemnation to death of Louis Riel, accused of the crime of high treason;

That, without discussing in any way the constitutionality of the court before which the trial was had, nor the legality of the judgment rendered, your petitioners believe that according to the evidence adduced during the trial, there exists much doubt as to the mental condition of the accused, and in consequence as to his legal responsibility for his acts; that there is every reason for believing that it was

owing to this doubt that the recommendation to the mercy of the Crown of the accused by the jury was due;

That, by exercising less severity and in carrying out a sentence of mercy, justice and public opinion will be fully satisfied;

For these reasons your petitioners venture to ask for pardon for the unfortunate Riel, and pray that it may please Your Excellency in Council to take this into consideration, and order a commutation of the penalty of death, which has been imposed upon him by the judgment.

And your petitioners will ever pray &c.

M. McAULEY, Priest, Curé,
J. J. O. GODIN, Priest,
J. BEAULÈRE, Advocate,
J. B. GENDRÉAU, Mayor,

C. E. D. OUELLET, Priest,
P. A. GAGNON, Priest,
L. C. BACHAND, M.D.,
And 176 others.

St. JOHN'S Que., 12th September, 1885.

SIR,—I have the honor to forward to you the petition, annexed, of the electors of the city and parish of St. John's, Que., requesting His Excellency the Governor General to grant to Louis Riel a commutation of punishment, and to those who have taken part in the rising in the North-West Territories a general amnesty. And I beg that you will submit this petition for the consideration of His Excellency.

I have the honor to be, Sir, your very humble, &c.,

F. G. MARCHAND, M.P.P.

The Honorable the Secretary of State, Ottawa.

To His Excellency the Governor General in Council:

The humble petition of the undersigned, electors of the city and parish of St. John, Province of Quebec, respectfully sheweth:

That they have beheld with admiration the devotion and the energy of our Canadian volunteers in the recent expedition to the North-West, and, with all the loyal subjects of Her Majesty, they have felt grateful for the re-establishment of peace in these vast and rich territories;

That the persons who have taken part in this rising would appear to have been sincerely convinced of the existence of serious causes of complaint on their behalf, and that they have been drawn, by force of circumstances, out of the constitutional way which they had first traced out for themselves;

That Louis Riel, who was rather the instrument than the chief of the movement, was in such a condition of mind as to permit of the belief that he was not always master of his own will and responsible for his acts; and that, besides, serious doubts have arisen as to the legality and jurisdiction of the court which tried him;

That the crime with which he is accused is a political offence, and the carrying out of the sentence of death pronounced against him would be contrary to the existing sentiments of all civilized people, and would be fatal to the harmony so necessary in a mixed community such as ours;

That a general amnesty would be, naturally, the means to assure a lasting peace and to keep up the good feeling among the various nationalities existing in this country.

For these reasons, your petitioners pray Your Excellency to grant to Louis Riel a commutation of sentence, and to those who took part in the rising a general amnesty.

And your petitioners will every pray, &c.

E. Z. PARADIS, Mayor,
F. G. MARCHAND, M.P.P.,
And 440 others.

St. JOHN, Que., 1st September, 1885.

To His Excellency the Governor General of Canada :

MAY IT PLEASE YOUR EXCELLENCY,—The undersigned, all citizens and land-owners of Farnham, respectfully show:—

That Louis Riel has been condemned to suffer death for a crime purely political;
That the cause of Louis Riel is the cause of all the Métis of the North-West, of whom he constituted himself one of the defenders;

That a great number of Her Majesty's subjects are guilty of the same offence;
That it is impossible to pass over their rights without refusing them that justice which every citizen has the right to claim;

That it would be imprudent to punish him with great severity;
That it has not been sufficiently established that Louis Riel was in perfect enjoyment of all his mental faculties;

That the execution of Louis Riel would be considered as a denial of justice to a great number of Her Majesty's subjects;

The petitioners hope that Your Excellency will be pleased to exercise towards Louis Riel the royal clemency, of which you are the custodian. For this reason they ask that Your Excellency will be pleased to commute the sentence of death passed on the said Louis Riel, or to grant him a respite; and to permit a new trial before a competent court and a jury of twelve of his peers.

And your petitioners will ever pray, &c.

P. A. D'ARTOIS, Mayor,
CHARLES BOIVIN, Councillor,
A. P. OUIMET,
And 260 others.

FARNHAM, 16th August, 1885.

To His Excellency the Governor General of Canada in Council :

MAY IT PLEASE YOUR EXCELLENCY,—The undersigned have the honor to show:—

That Louis Riel, who has been condemned to be hanged on the 18th September next, is one of their fellow countrymen, for whom they presume to solicit the royal clemency of which Your Excellency is the guardian;

That the offence of which the said Louis Riel has been found guilty is a purely political one, and is shared in by a great number of Her Majesty's subjects, which it would be imprudent to punish with severity. That the evidence adduced at the trial shows that there exists much doubt as to the mental condition of the condemned, and, consequently, as to his legal responsibility by reason of the derangement of his intellect, a doubt which the jury expressed by recommending the accused to the clemency of the Crown;

That the execution of Riel, under the circumstances, might become a regrettable cause of dangerous disturbances.

Wherefore, your petitioners pray that Your Excellency will commute the sentence of death rendered against Louis Riel.

And your petitioners will ever pray, &c.

THÉOPHILE PROULX, Mayor.
And 63 others.

I, the undersigned, certify that the above-named persons are residents in the parish of St. Pierre, in the county of Montmagny, Province of Quebec.

JEAN CHARLES BLAIS, Councillor.

13th September, 1885.

OFFICE OF "L'ELECTEUR," QUEBEC, 14th September, 1885.

SIR,—I have the honor to forward you, enclosed, for the consideration of His Excellency the Governor General in Council, the petition of 118 of the inhabitants

of the township of Cranbourne, in the county of Dorchester, asking for the pardon of Riel and the other half-breed prisoners.

I have the honor to be, &c.,

ERNEST PACAUD.

The Hon. the Secretary of State, Ottawa.

To His Excellency the Most Honorable the Marquis of Lansdowne, &c., &c., Governor General of the Dominion of Canada.

MAY IT PLEASE YOUR EXCELLENCY,—Your humble petitioners, the undersigned inhabitants of the Township of Cranbourne, County of Dorchester, in the Province Quebec, beg most respectfully to suggest a policy of leniency to the condemned Louis Riel and all others implicated in the rebellion of the North-West Territories.

That we pray the exercise of the Royal clemency in favor of the said Louis Riel, for that it appears by his language and according to the evidence of medical men and others who gave evidence at his trial, that he is insane and therefore irresponsible;

That it appears that the said Louis Riel was without means to provide for the expenses of the witnesses who could testify in his behalf; that he was refused sufficient delay to secure the attendance of the most important of these witnesses, that documents taken from him at the time of his surrender going to show that he had only advised peaceable agitation, and that he had been forced into armed resistance by the attack of the troops, was refused him at his trial;

That it appears that no evidence was allowed to be given to show the insults and provocation given to the settlers by the Government officials, and the wrongs of which they were the victims in depriving them of their lands and other properties.

That whether the said Louis Riel is sane or insane, responsible or irresponsible it is generally understood that Riel and his counsel had room to complain that the court had no constitutional jurisdiction, and that the jury was not of the number and social standing required by the common law.

That in dealing with these untutored denizens of the forest and prairie, a policy of kindness and leniency will be found in the end to be the best for all concerned, the rulers and the ruled;

That our Dominion Government in the exercise of the royal clemency to all concerned in the rebellion, will be following the grand example set by the United States Government at the close of their great civil war, who neither accused nor punished the traitors for their treason, nor confiscated a single acre of land or other property for the crime of rebellion;

That we, your humble petitioners hope and pray that the magnanimous example of the United States Government will be followed by our Dominion Government in all their dealing with all concerned in the uprising in the North-West Territory;

And Your Excellency's humble petitioners as in duty bound will ever pray.

Eli Plant, Mayor,
P. Cassady, J.P.,

P. Leonard, J.P.,
116 others.

CRANBOURNE, 15th August, 1885.

HOUSE OF COMMONS, OTTAWA, 16th September, 1885.

SIR,—I have the honor to forward to you, for the information of the Governor General in Council, the annexed petition, from the French Canadians of Holyoke, in the United States, asking for the pardon of Louis Riel.

Please acknowledge the receipt, and oblige

Your very humble servant,

L. LAFRAMBOISE.

To the Under Secretary of State, Ottawa.

To His Excellency the Right Honorable Sir Henry Charles Keith, Petty Fitzmaurice,
P.C., G.C.M.G., Marquis of Lansdowne, Governor General of Canada :

Trusting to your love of justice and convinced that you desire the happiness of your subjects, equally, of whatever nationality they may be, and that you earnestly desire that harmony and concord should reign among all the children of the great family of the Dominion, we, the undersigned, who have lost none of the patriotic feelings of our mother country, desire to draw your attention to the trial lately granted to Louis Riel, of the North-West, for the crime of high treason, and we believe that this trial has been an iniquitous one, and has completely failed to accomplish the ends of justice ;

That he who presided over the court was nothing but a magistrate, and that the jury was chosen by him ;

That, contrary to English law, there were but six jurors instead of twelve, and that it was impossible for Riel to exercise the right of challenging up to the number of twenty, as the law points out ;

That these jurors appear to have been but simple tools under the control of the presiding Judge ; that Riel has been condemned to death, in spite and in contempt of English law and justice ;

That the French Canadians of Holyoke considering that the sentence of death pronounced is iniquitous, and in direct violation of all the principles of law and justice, protest energetically against this sentence ;

That in view of the incompetence of the tribunal to judge in such cases, and the part taken by the presiding magistrate, in condemning the accused, in spite even of the proof of mental alienation, made by men of skill and science, attesting as to the irresponsibility for his acts committed by the said Riel ; we believe that the judgment is iniquitous and ought to possess no value in law, reason and equity ;

That in spite of the appeal for mercy made to the court by the jury, the Stipendiary Magistrate Richardson declared that Riel had no mercy to expect, either from the Dominion Government or the Imperial Government, and this contrary to all precedent, judicial principles, and decency ;

That in his charge to the jury, the said Richardson, in violation of his duty as a judge in such cases, increased the weight of the evidence brought against the prisoner, hardly noticing that brought in his favor, speaking generally, particular that proving his mental aberration ;

That by his charge made with partiality, and with the evident object of causing the condemnation of the prisoner, he avoided warning the jury, as it was his duty to do, to grant him the benefit of the doubt, and by such conduct he influenced the jury and illegally convinced them of the alleged guilt of Riel ;

That in consequence of all that has been stated above, we, as free citizens, and trusting in the justice afforded in a free country, whose laws are devoted to the protection of the citizens, solemnly and publicly declare that Riel has not had fair play, in an equitable trial, but, on the contrary, has been the victim of ignorance and fanaticism ;

In consequence, we French Canadian citizens living in the city of Holyoke, respectfully pray that your Excellency will take the present petition into consideration, to wit :—

That Louis Riel should have the right to a new trial, or to an appeal for mercy. And the said French Canadian citizens will ever pray, &c.

List of names of persons in favor of a commutation of the sentence of death pronounced against Louis Riel.

PATRICK GALLAGHER.

T. C. CORMICK.

And about 600 others.

RIMOUSKI, 15th September, 1885.

SIR,—I have the honor to forward two other petitions, praying His Excellency that the sentence of death pronounced against Louis Riel be commuted.

I have the honor to be, Hon. Sir, your very humble servant.

A. R. FISET.

HON. J. A. CHAPLEAU, Secretary of State.

To His Excellency the Right Honorable Sir Henry Charles Keith, Petty Fitzmaurice, P.C., G.C.M.G., Marquis of Lansdowne, Governor General of Canada :

MAY IT PLEASE YOUR EXCELLENCY,—The undersigned electors and ratepayers of the electoral division of Rimouski have the honor to show :

That Louis Riel, who has been condemned to be hanged on the 18th of September next, is one of their countrymen, for whom they venture to solicit the royal clemency of which Your Excellency is the guardian ;

That the offence of which the said Louis Riel has been found guilty is a purely political one, and is shared in by a great number of Her Majesty's subjects, a crime which it would be imprudent to punish with too great severity ;

That the cause of Riel is that of all the Métis in the North-West, of whom he was the appointed defender ; that the rights of these people cannot be passed over without refusing them the justice which is due to every free citizen ;

That the execution of Riel would be, under the circumstances, considered a refusal to render justice to a numerous class of Her Majesty's subjects, and might become the deplorable cause of dangerous dissensions, and might drive to despair respectable and peaceable persons.

Wherefore your petitioners pray that Your Excellency will commute the sentence of death passed on the said Louis Riel.

And your petitioners will ever pray, &c.

L. N. COTÉ, J. P.,
MATHIAS MORRIN, Mayor,
LOUIS LAFRANCE,

ISIDORE COTÉ,
And others.

To His Excellency the Governor General of Canada in Council :

MAY IT PLEASE YOUR EXCELLENCY,—The undersigned have the honor to show :—

That Louis Riel, who has been condemned to be hanged on the 18th September next, is one of their countrymen, for whom they venture to beg the royal clemency, of which Your Excellency has the disposal ;

That the offence of which the said Louis Riel has been found guilty is a purely political one, and is shared in by a great number of Her Majesty's subjects, which it would be imprudent to punish with severity ;

That the evidence produced at the trial shows that there exists much doubt as to the sanity of the convict, and in consequence as to his legal responsibility on account of his mental derangement, doubts which the jury have expressed by their recommendation of the culprit to the clemency of the Crown ;

That the execution of Riel, under these circumstances, might become a lamentable cause of dangerous dissensions.

Wherefore your petitioners pray Your Excellency to commute the sentence of death pronounced against Louis Riel.

And your petitioners will ever pray, &c.

P. E. BLAIS,
GILLES PONEAS,
NAZAIRE BLAIS,

GEORGE ROY,
And others.

CAP ST. IGNACE.

To His Excellency the Governor General of Canada in Council :

MAY IT PLEASE YOUR EXCELLENCY,—The undersigned have the honor to show :—

That Louis Riel, who has been condemned to be hanged on the 18th September next, is one of their countrymen, for whom they venture to solicit the royal clemency of which Your Excellency is the dispenser ;

That the offence of which the said Louis Riel has been found guilty is a purely political one, and shared in by a great number of Her Majesty's subjects, which it would be imprudent to punish with severity ;

That the evidence brought forward at the trial shows that there exists much doubt as to the sanity of the convict, and consequently as to his legal responsibility on account of his mental aberration, a doubt which the jurors recognized by recommending the accused to the clemency of the Crown ;

That the execution of Riel under these circumstances might become the deplorable cause of dangerous dissensions.

Wherefore your petitioners pray Your Excellency to commute the sentence of death pronounced against Louis Riel.

And your petitioners will ever pray, &c.

DAMASE DION,
JOSEPH BERNIER,
JOSEPH MAGLOIRE,

CLEOPHAS GAGNÉ,
And others.

LOUISVILLE, 12th September, 1885.

HONORABLE SIR,—I have the honor to forward the petitions asking for a commutation of the sentence of Louis Riel.

These petitions are signed by the inhabitants of each of the parishes of the county of Maskinongé.

Will you kindly forward these petitions to His Excellency in Council.

I have the honor, &c.,

A. L. DESAULNIERS.

Hon. the Secretary of State, Ottawa.

To His Excellency the Governor General of the Dominion of Canada in Council :

MAY IT PLEASE YOUR EXCELLENCY IN COUNCIL,—The undersigned electors and ratepayers of the parish of St. Justin, in the county of Maskinongé, have the honor respectfully to set forth :—

That Louis Riel, who has been condemned to be hanged on the 18th September next, is one of their countrymen, for whom they venture to solicit the royal mercy of which Your Excellency is the dispenser ;

That the offence of which the said Louis Riel has been found guilty is a purely political one, and one shared in by a great number of Her Majesty's subjects, which it will be imprudent to punish with severity ;

That the execution of Riel would be, under the circumstances, considered as a refusal to render justice to a numerous class of Her Majesty's subjects and might become a regrettable source of dangerous dissensions, and might drive to despair respectable and peaceful persons.

Wherefore your petitioners pray Your Excellency in Council to commute the sentence of death passed on Louis Riel.

And your petitioners, as in duty bound, will ever pray, &c

D. GÉRIN, *Priest and Curé.*

C. E. J. COULOMBE *M.D.*

L. D. INGANNE, *Priest, Vic.*

And 107 others.

St. JUSTIN, county of Maskinongé, Que., 31st August, 1885.

To His Excellency the Right Honorable Sir Henry Charles Keith Petty Fitzmaurice, Marquis of Lansdowne, P.C., G.C.M.G., Governor General of Canada :

MAY IT PLEASE YOUR EXCELLENCY,—The undersigned citizens of the parish of St. Paulin, in the county of Maskinongé, being of opinion that the crime of Louis Riel, lately convicted of high treason at Regina, in the North-West Territories, was caused by mental aberration rather than by malice, pray Our Most Gracious Majesty, through the intervention of Your Excellency, to be pleased to exercise her high prerogative and commute the sentence passed against Riel on the 1st of August instant.

C. A. BAROLET, *Priest Curé,*
Dr. W. GERRON, *Warden.*

A. L. DESAULNIERS, *M.P.*
And 109 others.

August, 1885.

To His Excellency the Right Honorable Sir Henry Charles Keith Petty-Fitzmaurice Marquis of Lansdowne, P.C., G.C.M.G., Governor General of Canada :

MAY IT PLEASE YOUR EXCELLENCY,—The undersigned, citizens of the parish of Ste. Ursule, in the county of Maskinongé, being convinced that the crime of Louis Riel, lately convicted of high treason at Regina, in the North-West Territories, was caused by mental disorder rather than through malice, pray our Most Gracious Majesty Queen Victoria, through Your Excellency, to exercise in favor of Louis Riel, her high prerogative, and commute the sentence pronounced against him on the 1st of August instant.

A. L. DESAULNIERS, *M.P.*,
ED. CARON, *M.P.P.*,
And 180 others.

To His Excellency the Right Honorable Sir Henry Charles Keith Petty-Fitzmaurice, Marquis of Lansdowne, P.C., G.C.M.G., Governor General of Canada :

MAY IT PLEASE YOUR EXCELLENCY,—The undersigned, citizens of the town of Louisville and River du Loup, in the county of Maskinongé, being of opinion that the crime of Louis Riel, lately convicted of high treason, at Regina, in the North-West Territories, was occasioned rather by aberration of intellect than by malice, pray, through Your Excellency, that our Most Gracious Majesty Queen Victoria will be pleased to exercise, on behalf of Louis Riel, her high prerogative, and commute the sentence passed upon him on the 1st of August instant.

A. L. DESAULNIERS, *M.P.*,
G. J. CARON, *M.P.P.*,

L. A. BARIBEAU, *Mayor of the Town,*
And others.

August, 1885.

To His Excellency the Right Honorable Sir Henry Charles Keith Petty-Fitzmaurice, Marquis of Lansdowne, P.C., G.C.M.G., Governor General of Canada :

MAY IT PLEASE YOUR EXCELLENCY,—The undersigned, citizens of the parish of St. Alexis des Monts, in the county of Maskinongé, being convinced that the crime of Louis Riel, lately convicted of high treason at Regina, in the North-West Territories, was caused by mental aberration rather than malice, pray, through the intervention of Your Excellency, our Most Gracious Majesty Queen Victoria that she will be pleased to exercise, on behalf of Louis Riel, her high prerogative, and commute the sentence of death passed on him on the 1st day of August instant.

A. O. SAROIS, *Priest,*
A. L. DESAULNIERS, *M.P.*,
ED. CARON, *M.P.P.*

August, 1885.

To His Excellency the Right Honorable Sir Henry Charles Keith Petty-Fitzmaurice, Marquis of Lansdowne, P.C., G.C.M.G., Governor General of Canada :

MAY IT PLEASE YOUR EXCELLENCY,—The undersigned citizens of the parish of St. Didace, in the county of Maskinongé, being convinced that the crime of Louis Riel, lately convicted of high treason at Regina, in the North-West Territories, was caused rather by mental aberration than by malice, pray our Most Gracious Majesty Queen Victoria, through Your Excellency, to be pleased to exercise in favor of Louis Riel, her high prerogative, and commute the sentence of death passed on him on the 1st of August instant.

A. L. DESAULNIERS, M.P.,

E. CARON, M.P.P.,

ED. HAMELIN, Mayor,

And others.

August, 1885.

To His Excellency the Right Honorable Sir Henry Charles Keith Petty Fitzmaurice, Marquis of Lansdowne, P. C., G. C. M. G., Governor General of Canada :

MAY IT PLEASE YOUR EXCELLENCY,—The undersigned, citizens of the parish of St. Léon, in the county of Maskinongé, are convinced that the crime of Louis Riel, lately convicted of high treason, at Regina, in the North-West Territories, was caused by aberration of intellect rather than by malice, and they pray our Most Gracious Majesty Queen Victoria, through Your Excellency, may be pleased to exercise, in favor of Louis Riel, her high prerogative, and commute the sentence of death passed on him on the 1st of August, instant.

A. L. DESAULNIERS, M. P.,

BENJAMIN AUGER, Mayor,

J. N. TESSIER, Priest, Curé,

And others.

August, 1885.

With a request to the Department of the Secretary of State to forward the following resolutions to His Excellency the Governor General of Canada.

L'ASSOMPTION, 14th September, 1885.

To His Excellency Lord Lansdowne, Governor General of Canada, &c., &c. :

MAY IT PLEASE YOUR EXCELLENCY,—At a public meeting of the electors and freeholders of L'Assomption, parish and village, duly called together according to law, and held on Sunday, the 23rd day of August, 1885, at L'Assomption, the following was proposed and carried unanimously by the said meeting, composed of about six hundred electors and freeholders of L'Assomption and other parishes of the county of L'Assomption, to wit:—

Whereas the English and French Métis of the North-West asked in vain, for many years, for a redress of the grievances of which they complained, and they were carried away, by circumstances, out of the constitutional path which they had marked out for themselves;

And whereas from the commencement of the troubles the Government recognized the justice of their claims by sending to them commissioners charged to do justice to their claims;

Whereas Louis Riel has been the instrument rather than the head of the movement, and the Métis went to look for him in the United States, in order to help them to obtain justice, and they even prevented him from leaving them on the eve of the rising;

Whereas his trial took place before a court which appears to have but little understood its responsibility and its duty, and, besides, serious doubts exist as to the legality and jurisdiction of this tribunal in the matter of high treason;

Whereas the crime with which he is charged is a political offence, and the carrying out of the sentence of death pronounced against him would be considered as the outcome of prejudice and fanaticism, and would be fatal to the harmony so necessary in a mixed community like our own;

Whereas, also, a great number of Indians and Métis were condemned by District Magistrate Richardson to imprisonment for terms varying according to circumstances, and that these persons have only taken up arms against the constituted authority to defend their rights and to make good their just claims;

Therefore His Excellency the Governor General is prayed not to give effect to these various condemnations, and not to permit the sentence of death pronounced against the said Louis Riel to be carried out; and finally to grant a general amnesty to all those who were implicated in the troubles in the North-West.

And the electors and freeholders present at the said meeting will ever pray, &c.

And the electors and freeholders have given their names in support of the foregoing resolutions, to wit.:

| | |
|-----------------------------------|--|
| François Archambault, jr., | <i>Mayor of the Town of L'Assomption,</i> |
| Joseph Henri, Councillor, | Victor Foyet, Councillor, |
| Edmund Piché, Councillor, | Gilbert Lauderville, <i>Mayor of the Parish,</i> |
| Joseph Ettiru, <i>Late Mayor,</i> | And others. |

P. A. O. ARCHAMBAULT, *Chairman.*

J. C. WATT, *Secretary.*

L'ASSOMPTION, 23rd August, 1885.

DEPARTMENT OF SECRETARY OF STATE, OTTAWA, 18th September, 1885.

SIR,—I have to acknowledge the receipt of a petition from the electors and freeholders of the parish and village of L'Assomption, addressed to His Excellency the Governor General, praying that a full amnesty be granted to all those who have taken part in the recent insurrection in the North-West, and to inform you that this petition will receive consideration.

I have the honor to be, Sir, your obedient servant,

G. POWELL, *Under Secretary of State.*

Mr. FRANÇOIS ARCHAMBAULT, Mayor of the Village of L'Assomption, Que.

To the Most Honorable Sir Henry Charles Keith Petty-Fitzmaurice, Marquis of Lansdowne, Earl of Wycombe, of Chipping Wycombe, in the County of Bucks, Viscount Caln and Calnstone, in the County of Wilts, and Lord Wycombe, in the County of Bucks, in the Peerage of Great Britain; Earl of Kerry and Earl of Shelburne, Viscount Clanmaurice, Baron of Kerry, Lisnaw and Dunkerron, in the Peerage of Ireland; Governor General of Canada, and Vice Admiral of the same.

MAY IT PLEASE YOUR EXCELLENCY,—The undersigned settlers of the Red River district humbly approach Your Excellency, and, relying on the proverbial clemency of Our Most Gracious Sovereign Her Majesty Queen Victoria, of whom you are in these countries the worthy representative, lay at your feet their heartfelt petition that in the exercise of the power placed in your hands you will mercifully extend to our countryman, Louis Riel, a commutation of the sentence under which he now lies in gaol at Regina.

The humble petition of the settlers of the Red River, Province of Manitoba, asking His Excellency the Governor General for a commutation of the penalty imposed upon Louis Riel.

FRANÇOIS MARION,
PATRICE MARION,
And others.

FRANÇOIS MARION,
ADOLPHE MARION,

The humble petition of the settlers of the Red River, Province of Manitoba, praying His Excellency for a commutation of the penalty imposed on Louis Riel.

L. R. GIROUX, *Priest and Curé,*
ANDRÉ NAULT,
MAXIME BERRAULT,

AUGUSTE HARRISON,
PIERRE CHAMPAGNE,
And others.

The humble petition of the undersigned, settlers of the Red River, praying His Excellency the Governor General for a commutation of the sentence pronounced against Louis Riel.

L. HOULE,
E. HOULE,
J. ROSS,

M. HOULE,
W. ROSS,
And others.

The humble petition of the settlers of the Red River, Province of Manitoba, praying His Excellency for a commutation of the sentence pronounced against Louis Riel.

BAPTISTE BRANCONNIER,
DANIEL CARRIÈRE,
BAPTISTE BEAUCHEMIN.

WM. BRANCONNIER,
And others.

The humble petition of the settlers of the Red River, Province of Manitoba, praying His Excellency the Governor General for a commutation of the sentence pronounced against Louis Riel.

JOSEPH LAMBERT,
LOUIS LAMBERT,
PIERRE PILON.

BAPTISTE AMIOTTE,
And others.

The humble petition of the settlers of Red River, Province of Manitoba, praying His Excellency the Governor General for a commutation of the sentence pronounced against Louis Riel.

O. MAUSSEAU,
SUSANNE LAFOURNAISE,
SARAH LAFOURNAISE.

A. MAUSSEAU,
And others.

Names of the undersigned of St. Eustache, Rivière Salle, praying His Excellency the Governor General for the commutation of the sentence pronounced against Louis Riel.

C. A. D. TÊTU,
M. TÊTU,
A. BARRON,

C. TÊTU,
And others.

The humble petition of the settlers of the Red River, Province of Manitoba, praying His Excellency the Governor General for a commutation of the sentence pronounced against Louis Riel.

J. B. PLOUFFE,
JOSEPH PLOUFFE,
WILLIAM PLOUFFE,

JOSEPH PLOUFFE,
And others.

The humble petition of the Red River settlers, Province of Manitoba, praying His Excellency the Governor General for a commutation of the sentence pronounced against Louis Riel.

G. DUFAULT,
MARIE DUFAULT,
GEORGE DUFAULT,

GADELIA DUFAULT,
JAMES DUFAULT,
And others.

The humble petition of the Red River settlers, Province of Manitoba, praying His Excellency the Governor General for a commutation of the sentence pronounced against Louis Riel.

BAPTISTE MULOIN, Sen.,
BAPTISTE MULOIN, Jun.,
A. MULOIN,

JOSEPH MULOIN,
M. MULOIN,
And others.

The humble petition of the Red River settlers, Province of Manitoba, praying His Excellency the Governor General for a commutation of the sentence pronounced against Louis Riel.

J. M. JOLYS,
JEAN HEINEN,

BENJAMIN LAJONCEUR,
And others.

The humble petition of the electors of the parish of Sorelle, Province of Manitoba.

ELZÉAR LAIMODIÈRE,
J. L. RICHARD,

SERAPHIM MIREAULT,
And others.

The humble petition of the settlers of Manitoba, praying His Excellency the Governor General for a commutation of the sentence pronounced against Louis Riel.

MARTIN JEWNEY,
AUGUSTE LEBLANC,
CYRIL LEBLANC,

ISABELLE LABLERIE,
And others.

The humble petition of the settlers of the Red River, Province of Manitoba, praying His Excellency the Governor General for a commutation of the sentence pronounced against Louis Riel.

N. BONNEAU,
L. BLONDEAU, Jun.,
J. DESMARAIS, Jun.,

D. BONNEAU,
And others.

The humble petition of the Red River settlers, Province of Manitoba, praying His Excellency the Governor General for a commutation of the sentence pronounced against Louis Riel.

N. RICHARD,
L. B. LAUZON,

LOUIS LEVERCOURT,
And others.

MONTREAL, 17th September, 1885.

SIR,—I have the honor to forward to you, for submission to His Excellency the Governor General in Council, the enclosed petition from the French Canadians and French of Minnesota, respectfully praying His Excellency that he will be pleased to exercise, in favor of Louis Riel, the royal prerogative of mercy. They pray that His Excellency will give the petition his most favorable consideration.

I beg you will accept, Sir, the expression of my esteem,

ALPH. DESJARDINS, M.P.

To the Honorable the Secretary of State, Ottawa.

To His Excellency the Governor General of Canada in Council:

We French Canadians and French of Minnesota, in the United States of America, respectfully show:—

That the causes which provoked the rebellion in the North-West, the extraordinary proceeding which characterized Riel's trial, the resentment produced by these facts, which are specially fitted to disturb the country and the harmony which ought always to exist among the various elements which make up the Canadian people; and the public interest which requires the maintenance of a mutual sympathy among these elements, are so many powerful reasons which act in favor of the commutation of the sentence of Louis Riel.

Therefore we, the French Canadians of Minnesota, respectfully pray Your Excellency to be pleased to exercise your royal prerogative of mercy in the case of Louis Riel.

A. W. P. S. DAGNEALT,
CONG. N. D. DE LOURDES,
E. R. DUFRESNE, Editor of *l'Echo de l'Ouest*,
A. DAVIGNON,

H. P. MOQUIN,
BAPTISTE GIRARD,
ARTHUR MEUNIER,
And others.

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, September, 1885.

SIR,—I have the honor to acknowledge the receipt of your letter of the 17th instant, forwarding for submission to His Excellency the Governor General, a petition from the French Canadians of Minnesota, in the United States, praying for the pardon of Louis Riel, and to inform you that this petition will receive consideration.

I have, &c.,

G. POWELL, *Under Secretary of State.*

A. DESJARDINS, Esq., M.P., Montreal, Que.

ST. JOHN'S, QUE., 16th September, 1885.

SIR,—I enclose herewith 124 signatures of electors of this locality, collected and subscribed to the petitions praying for a commutation of the penalty imposed on Riel, and a general amnesty for the persons who have taken part in the rising in the North-West Territories.

Be pleased to annex them to the petition which I sent to you last Monday for submission to the consideration of His Excellency the Governor General. They were sent to me after my first despatch.

I have the honor to be your very humble, &c.,

F. G. MARCHAND, M.P.P.

Hon. the Secretary of State, Ottawa.

To His Excellency the Governor General of Canada in Council :

The humble petition of the undersigned, electors of the town and parish of St. Jean d'Iberville, in the county of St. John's, Province of Quebec, humbly sheweth:—

That they have beheld with admiration the devotion and energy of our volunteers during their recent expedition to the North-West, and that they have hailed with pleasure, along with all loyal subjects of Her Majesty, the re-establishment of peace in those vast and rich territories;

That the persons who took part in the rising seem to have been sincerely convinced of the existence of serious grievances on their side, and that they were drawn aside from the constitutional path, which they had traced for themselves, by the force of circumstances;

That Louis Riel, who was rather the instrument than the head of the movement, is in such a mental state that it is allowable to believe that he was not always master of his will and responsible for all his acts, and that besides serious doubts exist as to the legality and jurisdiction of the court which tried him;

That the crime with which he is charged is a political offence, and that the carrying out of the sentence of death pronounced against him would be contrary to the opinions now existing among all civilized people, and fatal to the harmony so necessary in a mixed society like our own;

That a general amnesty would be of service, in assuring a lasting peace, and in preserving a good feeling among the various nationalities of this country.

For these reasons your petitioners pray Your Excellency to grant to Louis Riel a commutation of sentence, and to those who have taken part in the rising, a general amnesty; and your petitioners will ever pray, &c.

C. FRÉDETTE, jun.,
ARSÈNE MORIN,
B. THIBODEAU,
C. FRÉDETTE,

J. Y. ANDELIN,
G. FRÉDETTE,
And others.

ST. JOHN'S, QUE., 1st September, 1885.

DEPARTMENT OF SECRETARY OF STATE, OTTAWA, 22nd September, 1885.

SIR,—I have the honor to acknowledge the receipt of your letter of the 16th instant, forwarding for submission to His Excellency the Governor General a new

petition of certain electors of the town and parish of St. Jean d'Iberville, praying that the sentence pronounced against Louis Riel be commuted, and that a general amnesty be granted to those who took part in the late insurrection in the North West Territories, and to inform you that this petition will receive consideration.

I have, &c.,

G. POWELL, *Under Secretary of State.*

F. G. MARCHAND, Esq., M.P.P.,

St. Jean d'Iberville, QUE.

To His Excellency the Right Honorable the Marquis of Lansdowne, Governor General of Canada, in Council :—

MAY IT PLEASE YOUR EXCELLENCY,—The humble petition of the undersigned, French Canadians, of the city of Ottawa, in the Province of Ontario, respectfully sheweth :—

That they have followed with much interest the various phases of the criminal trial lately concluded at Regina, in the district of Assiniboia, North-West Territories, by the condemnation to death of Louis Riel, accused of high treason; a judgment afterwards confirmed by the Court of Appeal, sitting at Winnipeg;

That high legal authority has declared to be unconstitutional and contrary to the fundamental principles of criminal law that portion of the Act respecting the North-West Territories passed in 1875 and amended in 1877, under which has been established the court which has investigated the charge against Louis Riel; the expression of such an opinion has given rise to serious doubts in the minds of a great number as to the legality of the proceedings which ended in the conviction of the said Louis Riel, and the competency of the court charged with the investigation of his case;

That, apart from legal and constitutional law, there exists important facts which cast a suspicion upon the impartiality and the justice of the sentence of the court at Regina;

As for example, in accordance with the testimony rendered during the trial, as well by medical men who were specialists as by other witnesses, and by taking into the reckoning the extraordinary character of the prisoner's conduct in a number of cases, and particularly in the presence of the court, the public has come to the conclusion that the said Louis Riel is a crank and wants the intellectual conditions necessary to his being held responsible for his acts;

That the verdict of guilty with a recommendation to the mercy of the court by the jurors bears this interpretation, as they themselves have declared, and that the condemnation to death pronounced against the said Louis Riel has passed beyond the intention which the jury, the sole arbiters of facts, had wished to give to their sentence;

That in fact, in the interest of justice and for the maintenance of the respect due to the courts which administer it, it is of consequence to cause all these doubts to cease, and to remove in this way all cause for complaint and agitation;

Wherefore, your petitioners pray that Your Excellency and your council will be pleased,—

1. To leave the carrying out of the death penalty pronounced against Louis Riel in abeyance, until his case has been carried before the Appeal Court of the Privy Council, in England; and that it has finally adjudged upon all the constitutional and legal questions which have arisen in this case before the court of first hearing at Regina;
2. To appoint a commission of mad doctors instructed to study the mental condition of the condemned and to make a report;
3. To employ towards the said Louis Riel the mercy recommended by the jury respecting the carrying out of his sentence, in case the Privy Council should confirm

it in such a manner as to reconcile the requirements of justice and the rights of humanity.

Your petitioners will ever pray, &c.

STANISLAUS DRAPEAU,
DR. P. ST. JEAN,
ALEXIS FOISY,

F. R. E. CAMPEAU,
CHAS. DESJARDINS,
And others.

OTTAWA, 14th September, 1885.

IBERVILLE, QUE., 23rd September, 1885.

HONORABLE SIR,—According to the instructions of the citizens' committee of the county of Iberville, of which I am the secretary, I have the honor to forward to you for submission to the serious consideration of the Dominion Government the following petition from the citizen electors of the said county of Iberville.

I have the honor to be, Hon. Sir, your very humble servant,

LÉON LORRAIN.

The Hon. the Secretary of State, Ottawa.

To His Excellency the Governor General in Council :

The humble petition of the undersigned, electors of the county of Iberville, Province of Quebec;

HUMBLY SHOWETH

That they have seen with admiration the devotion and energy of our Canadian volunteers in their recent expedition to the North-West, and they have commended the re-establishment of peace in these vast territories;

That the persons who have taken part in the rising appear to have been sincerely convinced of the existence of serious grievances on their side, and that they have been turned aside by force of circumstances from the constitutional path which they had laid out for themselves;

That Louis Riel, who was rather the instrument than the leader of the movement, is in such a state of mind as to lead one to believe that he has not always control of his will nor is responsible for his acts; and besides, there are serious doubts as to the legality and the jurisdiction of the court which tried him;

That the crime with which he is charged is a political one, and that the carrying out of the sentence of death pronounced against him would be contrary to the principles adopted by all civilized communities and would be fatal to the harmony so important in a mixed community such as ours is;

That a general amnesty would be calculated to assure peace in a durable manner, and keep up the good-will between the various nationalities throughout the country;

Wherefore your petitioners pray Your Excellency to grant to Louis Riel a commutation of sentence and a general amnesty to those who took part in the rising.

And your petitioners will ever pray, &c.

F. RICHARD, P.P.,
F. LAMOUREAUX,
P. MULLENS,
N. McCORMICK,

P. KELLY,
M. LARIVIÈRE,
and others.

IBERVILLE, 22nd September, 1885.

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, September, 1885.

SIR,—I have the honor to acknowledge the receipt of your letter of the 23rd instant, forwarding for submission to His Excellency the Governor General in Council the petition of certain electors of the county of Iberville, asking that the sentence pronounced against Louis Riel be commuted and that a general amnesty be granted

to those who have taken part in the late insurrection in the North-West Territories, and to inform you that this petition will receive consideration.

I have, &c.,

G. POWELL, *Under Secretary of State.*

LEON LOBBAIN, Esq., Iberville, Que.

To His Excellency the Governor General of Canada, Ottawa :

His Excellency will please find, enclosed herewith, a petition from the electors of the county of Morris, praying that Your Excellency will be graciously pleased to exercise his influence in obtaining a commutation of the penalty imposed upon Mr. Louis Riel on the 1st of August last.

The petitioning electors have instructed me to pray that His Excellency will take their petition into favorable consideration.

I have the honor to be, Your Excellency, your very humble servant,

A. F. MARTIN.

EMERSON, 10th September, 1885.

To His Excellency the Governor General of Canada :

The petition of the electors of the county of Morris, in the Province of Manitoba, in public meetings in various localities, respectfully yet firmly represent :

That your petitioners have learned, with the deepest regret, that Mr. Louis Riel has been condemned to suffer the penalty of death on the 18th proximo ; and whereas it is usual, customary and just that any person accused of a crime should be judged by a jury composed of at least twelve persons, and that Mr. Louis Riel has been accused before a jury composed of only six, chosen by procedure contrary to the laws of England, which grant the greatest protection to the most degraded even of criminals ;

Whereas there exists no doubt in the minds of your petitioners and in those of the public in general, as to the fact that the insurrection of last spring was caused by the refusal of the Canadian Government to grant to the French population of the Saskatchewan District their just rights and privileges which had been promised to them in 1874 by Lieutenant Governor Morris ;

Whereas, since the rebellion, the Canadian Government has appointed a commission to enquire into and grant their rights to the Métis of the North-West, admitting by this conduct even the existence of grave grievances among the said Métis population ;

Whereas the Deputy Minister of the Interior, Mr. Burgess, in his official report for the past year, after his visit to the North-West, stated that there exists no cause for complaint or irritation in the territories, and that this gentleman did not give himself the trouble even to go and visit the Saskatchewan District ;

Whereas, in the enquiry during the trial of Mr. Riel, at Regina, several competent persons declared that he was *non compos mentis*, and that there exists great doubt among the public as to his mental state; and whereas, in spite of the fact that the jury was composed of only six persons, all aliens to the nationality of Mr. Riel, he was recommended, even by this jury, to the clemency of the court ;

For these various causes and reasons, and for the maintenance of public order, your petitioners pray that Your Excellency will be pleased to employ your influence in such a way that the sentence of death pronounced against Mr. Louis Riel be commuted.

And your petitioners will ever pray, &c.

A. F. MARTIN, Emerson,
JEAN BAPTISTE FILLION,
St. Jean-Baptiste.
ANTOINE LAVALLÉE, Jun.,
BERN BERNIER,

ANTOINE LAVALLÉE, Sen.,
EPHREM MARION,
LEON LAVALLÉE,
And others.

To His Excellency the Governor General of the Dominion of Canada, in Council assembled.

MAY IT PLEASE YOUR EXCELLENCY,—The humble petition of the undersigned half-breeds of the Qu'Appelle Valley respectfully sheweth.

That Louis Riel at present lies under sentence at Regina to suffer the extreme penalty of the law for treason; and whereas the jury that found the said Louis Riel guilty recommended to mercy the condemned prisoner; therefore your petitioners humbly pray—

That Your Excellency may be graciously pleased to exercise the clemency of the Crown in mitigating the death sentence on the said Louis Riel, as in Your Excellency's wisdom and mercy may seem fit;

And Your Excellency's petitioners as in duty bound, will ever pray, &c., &c.

Dated at Fort Qu'Appelle in the North-West Territories, this 8th day of October 1885.

John Fisher,
George Fisher,
Auguste Deroume.

Wm. Tremblay,
And others.

To the Governor General in Council.

Whereas high legal authorities have declared that part of the North-West Territories Act passed in 1875 and amended in 1877, under the provisions of which was constituted the tribunal before which Louis Riel's case was tried, contrary to the fundamental principles of English criminal law and unconstitutional, and that the expression of such a legal opinion has cast serious doubts in the mind of the population with regard to the legality of the proceeding which has resulted in the conviction of the said Louis Riel, and with regard to the competence of the tribunal to condemn him to capital punishment.

Whereas from the hearing of the witnesses during the same trial with regard to the mental condition of the said Louis Riel, by medical specialists and other trustworthy witnesses, there results among the public a strong impression that the said Louis Riel does not possess the necessary intellectual capacities to be held legally responsible for his acts, that the verdict of "guilty" accompanied by a recommendation to the clemency of the court rendered by the jury has the same meaning, that they have themselves declared, and that by his condemnation to capital punishment their verdict has a greater effect than that they intended to give it.

That the half-breeds of whom Louis Riel was the chief had grave reasons to complain and to be dissatisfied with the authorities.

Whereas the fact of hanging Riel, in the present circumstances, would have the effect of endangering the future and peace of the country.

The citizens of the town of Sorel, for the above mentioned considerations, request that Your Excellency in Council may be pleased to commute the sentence pronounced against Riel.

And your petitioners shall ever pray.

SOREL, 22nd August, 1885.

Telegram from Granville, France, to Hon. J. A. Chapleau, Secretary of State, Ottawa.

OTTAWA, 8th November, 1885.

The inhabitants of Granville pray that the Minister will prevent the execution of Riel.

LUCIEN DION.

SHERBROOKE, 12th November, 1885.

The undersigned on behalf of an important meeting of the citizens of Sherbrooke, beg to request in favor of Louis Riel now under sentence of death, a commutation of his penalty as dictated by the commonest sentiments of humanity.

In support of their petition they append hereto several lists covered with over five hundred signatures of French Canadians, English and Irish citizens of their town. They venture to hope that the Hon. Secretary of State, who is in some sort their fellow citizen will give to their petition the support of his great influence and high position.

They also beg to offer to the Hon. Secretary of State the assurance of their deep esteem.

L. C. BELANGER, *Chairman of Committee.*
H. FORTIER, *Secretary.*

To Hon. J. A. CHAPLEAU, Secretary of State, Ottawa.

To His Excellency the Governor General in Council :

The humble petition of the undersigned inhabitants of Sherbrooke and vicinity respectfully pray that Your Excellency will graciously exercise in favor of Louis Riel, now under sentence of death at Regina, the royal prerogative of mercy.

And your petitioners will ever pray.

L. C. BELANGER, *Chairman of Committee.*
H. FORTIER, *Secretary of Committee.*
G. E. ROBITAILLE, *Presdt. St. J. Baptiste Sq.*
L. E. PANNETON.
J. T. L. ARCHAMBEAULT.
GEORGE VENNER.
ELISSE NOEL.
JAMES J. DOHERTY,
And 26 others.

To His Excellency the Governor General of Canada in Council :

The petition of the undersigned, citizens of Sherbrooke and vicinity, humbly prays :

That it may please Your Excellency to exercise the royal prerogative of mercy in favor of Louis Riel, now under sentence of death at Regina.

And your petitioners will ever pray.

L. A. Dastons,
L. Lafontane,
D. Pelletier,
H. LeBlanc,
Louis Belland,

François Roy,
A. Beaudry,
P. E. Caron,
And 340 others.

SHERBROOKE, 12th November, 1885.

To His Excellency the Governor General of Canada in Council :

The petition of the undersigned, citizens of Sherbrooke and vicinity, humbly prays :

That it may please Your Excellency to exercise the royal prerogative of mercy in favor of Louis Riel, now under sentence of death at Regina.

And your petitioners will ever pray.

Moise René,
W. R. Villeneuve,
Jos. Ed. Genest,
John Muldoon,
Philippe Marcotte,
E. Chartier,
C. O. Genest,
F. Campbell,
Jacques Turgeon,

Hubert Demers,
Napoleon Desrosiers,
J. J. Renaud,
P. H. Caron,
H. Belanger,
H. Fortier,
H. Samuel,
H. Noël,
L. H. Begin,

J. Label,
Alfred Gadfair,
John Miller,
Theophile Fiset,
Benj. Auclair,

Guillaume Adam,
Pierre Bisson,
W. J. Norris,
A. J. Genest,
And 74 others.

OTTAWA, 14th November, 1885.

SIR,—I beg to acknowledge receipt of your letter of 12th inst., transmitting a petition addressed to His Excellency the Governor General by certain citizens of Sherbrooke asking for commutation of the sentence of Louis Riel, and to inform you that the said petition will be taken into consideration.

I have, &c.,

G. POWELL, *Under Secretary of State.*

L. C. BELANGER, Advocate, Sherbrooke, Que.

SHERBROOKE, 14th November, 1885.

SIR,—I have the honor to enclose the petition of our fellow-citizens of Compton. From all appearances it will reach you too late to produce any effect, but it will be the dirge after the execution.

May the blood of Riel be upon those who shall have killed him.

Accept, Sir, the assurance of my great respect.

L. C. BELANGER.

Hon. J. A. CHAPLEAU, Secretary of State, Ottawa.

To His Excellency the Right Honorable Sir Henry Charles Keith Petty Fitzmaurice, Marquis of Lansdowne, P.C., G.C.M.G., Governor General of Canada :

The petition of the undersigned inhabitants of Sherbrooke and vicinity respectfully prays:

That it may please Your Excellency to exercise the royal prerogative of mercy in favor of Louis Riel, now under sentence of death at Regina;

And your petitioners will ever pray.

C. E. CHOQUETTE, *Curé de Compton,*
GEORGE LEPAGE,
N. H. ROY,
JOHN LESPÉRANCE,
PIERRE St. PIERRE.

JOS. HOULE,
AUGUSTIN PLANTE,
EMILE DUCHARME,
SOLIME DION,
And 26 others.

Compton, 12th November, 1885.

SIR,—The undersigned members of the committee appointed to take steps with a view to securing the commutation of the death sentence passed upon Louis Riel, have this evening had an interview with His Lordship the Bishop of Sherbrooke.

His Lordship authorized the deputation to state to the Dominion Government that he is in favor of a commutation of the sentence of death passed against the said Louis Riel, and understood His Lordship to say that he is convinced that his view is shared by all his episcopal colleagues. He does not, however, think he can intervene directly in the matter owing to the political discussions to which it has given rise. His Lordship, nevertheless, authorizes us to use his name in order to give greater weight to the petition we transmitted to you last evening. He considers that the exercise of mercy in favor of poor Riel would be the best means of re-establishing calm and peace in the over-excited minds of the people.

The undersigned need hardly say that they are happy to be able to invoke the name of the worthy and venerable prelate who is charged with their spiritual interests in behalf of the cause they have so much at heart. They earnestly request that you will take into serious consideration the high approval expressed by his Lordship, and give to the same all due weight. They beg of you to interpret their views to

your colleagues and to put forth in behalf of Riel your gift of talent and eloquence in order that they may, one day, be in a position to proclaim you the saviour of their unfortunate fellow-countryman.

With sentiments of deep respect.

L. C. BELANGER, *Chairman*.
H. FORTIER, *Secretary*.
J. A. CHICOYNE.
N. E. O'CONNOR.

C. A. E. LEFEBVRE.
L. E. PANNETON.
L. P. CORMIER.

HON. J. A. CHAPLEAU, Secretary of State, Ottawa:

OTTAWA, 17th November, 1885.

SIR,—I am instructed to acknowledge receipt of your letter of 14th inst., and of the petitions therein mentioned, praying for the exercise of the royal prerogative in favor of Louis Riel.

I have, &c.

G. POWELL, *Under Secretary of State*.

To His Excellency the Governor General of Canada in Council :

The petition of the undersigned citizens of Sherbrooke and vicinity humbly prays:—

That it may please Your Excellency to exercise the royal prerogative of mercy in favor of Louis Riel, now under sentence of death at Regina.

And your petitioners will ever pray.

George Moore,
Laurent Hilaire Roy,
Patrick Hackett,
E. Short,

John Short, jun.,
J. B. Dancose,
A. Richard,
Jos. Lapointe.

SHERBROOKE, 12th November, 1885.

To His Excellency the Governor General in Council :

The petition (all as above.)

P. Quinn, *Priest*,
O. U. Lacerte, *Priest*,
John W. Kennedy,
F. X. Duplessis, M.D.,

J. A. Dubrud, *Pres. St. Jean Baptiste*,
John F. Hayes,
C. N. Desaulniers,
A. Duhamel, and 92 others.

To His Excellency the Governor General in Council :

The Petition (and all the rest as above).

Dr. E. Tremblay,
J. Fergue,
T. K. Herbert, *Tailor*,
R. Racicot,
H. A. Meagher, M.D.,
J. A. E. McCabe,
C. D. Bourget,
J. Dutil,

P. H. Marcotte,
Thos. Duchesneau,
F. Millette,
Joseph Boulanger,
Jules Grandin,
Alfred Cyr,
Elzéar Debleors,
R. A. Cyr.

OTTAWA, 16th November, 1885.

SIR,—I have the honor to acknowledge the receipt of three petitions of the 12th instant, signed by you, and written at Sherbrooke, for the exercise of the royal prerogative of mercy in favor of Louis Riel.

I have, &c.,

G. POWELL.

To GEORGE MOORE, Esq., Sherbrooke, Que.

To His Excellency the Marquis of Lansdowne, Governor General of Canada :

Learning that doubts are being raised as to the insanity of Louis Riel during and subsequent to his detention at the Beauport Asylum, we take it upon ourselves to make the following declaration :—

A short time after having left the asylum, Riel, whom we already knew, came here to visit us. It was, I think, in 1875; we have forgotten the month and date. In the course of a long conversation, he explained to us the work of his intellect during his detention, and the extravagant consequences he drew from the principles he wanted to see applied to the general reform he wished to operate in Church and State. We perceived, after a time, that Riel began to wander, and I interrupted his dissertation by proposing for him a game of draughts with Dr. Dansereau.

On the following day he asked the doctor, who accompanied him to the railway station, whether any signs of insanity could be noticed in his conversation. The doctor answered him that in truth he manifested excitement, especially when speaking about the affairs of the North-West. "Tell me frankly," added Riel, "am I in danger of a relapse?" "You will greatly diminish the danger," said the doctor, "if you avoid all cause of excitement; and above all things, have nothing more to do with politics."

We deem it our duty to send this declaration to Your Excellency, deeming it useful to the cause of justice and humanity.

Your Excellency's humble and obedient servants,

J. B. H. V. MILETTE, Priest,

Rector of the Church of St. Louis de Gonzague, Nashua, N.H.

I certify that the foregoing is in accordance with the facts.

P. E. DANSEREAU, M.D., *Nashua, N.H.*

Telegram to Marquis of Lansdowne, Ottawa, Canada.

OTTAWA, 3rd November, 1885 .

A woman begs Canadian authorities pardon Riel.

JULIETTE ADAM.

SESSIONAL PAPER No. 43g,

*Ordered to be printed, is, in substance, contained in Sessional Papers Nos. 43c and 43f,
and is therefore omitted here.*

RETURN

(IN PART)

(43h)

To an ADDRESS of the HOUSE OF COMMONS, dated 4th March, 1886;—For copies of all papers found in the Council Room of the Insurgents, or elsewhere at Batoche, especially including: 1. The diary of Louis Riel. 2. The minute book and Orders in Council of the insurgent council. 3. The correspondence of Louis Riel.

By Order.

J. A. CHAPLEAU,

Department of the Secretary of State,
5th May, 1886.

*Secretary of State.**(Translation.)*

LETTER TO LOUIS RIEL FROM N. C. W.—INTRODUCING DEPUTATION,
&c.—DECLARING NORTH-WEST IN A STATE OF REBELLION, AND
PRAYING RIEL TO RETURN.

ST. LOUIS DE LANGEVIN, 18th May, 1884.

LOUIS RIEL, Esq.

DEAR COUSIN,—This deputation sent to you I hope will not surprise you; you must expect conflicts, treated as the people of the North West are by the Government, and you must know better than we do what is taking place in this part of the country. In the first place, I will not speak to you about all the acts of injustice and of the way the Government is treating us, and also the Indians; you know that better than we do.

I shall speak to you of the uneasiness felt by everyone—everyone, French and English; I must not speak of the Indians, who are not the least to be feared; for my part I have always looked after them. The movement has been going on for four months, meeting after meeting; we wanted to unite the French and the English, not an easy thing to do at first sight. You know the English, they wanted to rebel at once; we wanted to bring them round to you. As to the English half-breeds, they have a great confidence in you, and they are numerous. They greatly regret that in the matter of 1870 they were against you. They are now the most eager of all.

Hence, my dear cousin, we may say that the part of the North-West in which we are living is Manitoba before the troubles, with the difference that there are more people, that they understand things better, and that they are more determined; you will form an idea as to the conditions upon which the people base their claims, for the reason that there are many people in the North-West whom the Government have recognized less than Indians; and yet it is these poor half-breeds who have always defended the North-West at the price of their blood and their sacrifices for a country which is stirring up the whole world to-day. They have been petitioning for the last ten years. I suppose the Government have looked upon the matter as

mere child's play; despite formal documents and Acts of Parliament as a guarantee, the whole matter has been a farce; the honor of Parliament and of the Government has been trampled under foot when justice was to be done to the poor half-breeds. My dear cousin, I think the solemn moment has come. For my part, I have closely watched the people of the North-West, as well as the Indians, and the one cry resounds from all, it is a spark over a barrel of powder. It is late, but it is the time now more than ever, for we have right and justice on our side. Do not imagine that you will begin the work when you get here; I tell you it is all done, the thing is decided; it is your presence that is needed. It will, in truth, be a great event in the North West; you have no idea how great your influence is, even amongst the Indians. I know that you do not like the men much, but I am certain it will be the grandest demonstration that has ever taken place, and the English are speaking about it already.

Now, my dear cousin, the closest union exists between the French and English and the Indians, and we have good generals to foster it. I may tell you that Mr. Lepine has a hand in the matter; and I need not speak of Mr. Gabriel Dumont, the delegate, you will learn the truth from him; you may believe him, he is a prudent and intelligent man. He was an old leader on the plains and has great influence with the half breeds; he will inform you as to everything that is going on. My dear cousin, you have perhaps thought it strange that we did not send other men. I answer that a better choice was not possible than Dumont. As to Michel Dumas, you perhaps know him, he is well instructed in English and French. The others you can take just as they are, they are influential men, the chief man is M. Dumont; as to the English party, he is their choice. He is a most intelligent and devoted man, you may depend upon it. You will see by the documents that they have all their provisions; as to means, they are on hand and in abundance. Dear friend, you desire, of course, to be avenged, and not merely for vengeance sake, for that would be wrong; but this wretched Government has so abused its power and been so faithless to all its promises. No doubt had they done what they promised, you would have remained in your country and defended your people; but your banishment involved that of your whole people, and where is the half-breed who does not feel the blow of your banishment and is not ready to defend you to the last drop of his blood? The whole race is calling for you!

I conclude, my dear cousin, by commending to you myself and your race and country you have so faithfully served, with the conviction that you will make a supreme effort, with the protection of the God of all Nations and of all Glory, for which history will award you, rank with the greatest heroes of this age. And you will most certainly come to the help of an unhappy race, which is being treated with contempt, and which its enemies are striving to extirpate,—the poor half-breed people.

With sincere good wishes,

N. C. W.

Excuse my orthography.

LETTER FROM T. Z.—NO ADDRESS—EVIDENTLY TO MR. RIEL *re*
AFFAIRS IN NORTH-WEST.

(Translation)

SAINT LOUIS DE LANGEVIN, 20th May, 1884.

MY DEAR FRIEND.—I am pleased to have an opportunity to-day of writing you a few lines. Being unable to forget the old links that united us closely of old, and enabled us to enjoy sweet leisure and so many delightful hours together, I would fain remind you of them all once more and revive them, if that were possible. I need not attempt to express to you the warm sentiments of my heart, you know them of old; they are still the same. They are equally sincere as in the past, and, I venture to say, more warm and heartfelt as time goes by. I desire, to-day, to give you a clear proof of this by telling you of the seditious news now stirring up the North-West.

This province has an arbitrary government which is harrassing the poor half-breed people out of its very existence. Their most sacred rights are completely ignored. They are treated like slaves, and degraded as though they deserved the utmost contempt. But all these things have long been known to you. For this reason the North-West Territory is, as it were, on a volcano just about to burst forth in eruption. The excitement is almost universal. Men's minds are everywhere excited. Since the month of March last public meetings have, time and again, been held. Eloquent and stirring addresses have been delivered. The French and English half-breeds are now united, the latter, especially, seeming to be more excited than the first named. We are all one party in support of the justice of our despised rights. It looks as though a real sedition were on the point of breaking out. All are crying out against injustice, demanding fair play and urging the granting of our rights. Mr. Charles Nolin, himself, one of our warmest champions, has declared, again and again, that in every part of the North-West, which he has visited, the half-breeds are prepared to rise to a man in vindication of their just claims. The cry in favor of the good cause is, therefore, universal. Now that all is settled unanimously by all parties, we need a head, a chief. No one of us feels himself qualified to undertake the task of making so great a protest against despotic authority. We all turn our eyes towards you, in whom our dearest hopes and deepest trust are centered, all except a few pretentious individuals of Prince Albert, who would fain be thought something above the common herd and who are afraid of being led by you. We elect you as our chief. We all cry out to you to come to our assistance, knowing that you alone are able to defend us. Not only do the half-breeds in general beseech you to listen to their prayer, but the people of the other races, who do not know you, beg us to express the same wishes on their behalf. Be good enough, therefore, to give a cordial reception to the delegation sent to you. Those who constitute it are all men who enjoy our confidence. There is, perhaps, one of them as to whom you may have some suspicion. Mr. Michel Dumas seems so devoted to our cause that he has won our confidence on this occasion. Mr. Louis Schmidt was at first to have gone in his place; but he was tempted and finally won over by a chance of making money. He got a situation in the Land Office which gives him \$60.00 per month; this made him decline the honor of enjoying your presence. The two chief delegates are Mr. Gabriel Dumont and Mr. Isbester. They are appointed to make known to you our just claims. They will submit them for your approval or otherwise, and will abide by your decision. In any case, they are to bring you back to us and satisfy our eager longing to have you in our midst. If not, we beg you to state to our delegates why you cannot undertake the long journey, so that we may give to those who may be against you the sound reasons preventing your coming. Do not be uneasy as to the travelling expenses (should you decide to come), you will have nothing to fear in that respect, at least such is my opinion, though the delegation may not mention it.

I have nothing further of interest to mention at this critical moment. I have now but to offer you the affectionate greetings of all who know you and who loudly proclaim themselves your subjects, and the friendly wishes of all my family.

With a cordial grasp of the hand I heartily subscribe myself your tender friend.

T. L.

P.S.—I have still many things to say if I could write myself, but being unable to do so, as you know, I shall reserve the narrative until you come.

REPORT *re* AGITATION FROM JACKSON TO RIEL.

PRINCE ALBERT, 23rd July, 1884.

DEAR MR. RIEL,—I sent the reports off in good shape by mail last night. We telegraphed to *Free Press* to have your speech wired (about 1,000 words). I made a copy for the *Mail* and retained the original, in case they should wire us to-day. I met Mr. Beatty. Mr. Isbister introduced me, as he was starting for Carrot river

and sent with him two letters, one to a prominent Conservative, the other to a Liberal, that they might act in unison. Without rousing any personal prejudice, I described the great benefits which you had conferred upon us, so I think they will not look a gift horse in the mouth, but suspend their judgment for the present and set to work. I invited them to make out their requirements and choose a delegate to Executive Committee, sending document and name to me. Mr. Beatty will set all going smoothly and then set out for his new home in Stony Creek District, where he will consolidate a strong North-West party. Beatty is the man who objected to my condoning Deacon's interference. You will remember, a good solid man.

To-day, I shall finish up work in town, and to-morrow start for the Lower States, &c. I will try and get out to your place toward end of week. Please be working up the petition into shape, and we will get it in neat form before the committee is called to endorse or alter it, as they see fit. I have received the Dominion Register, and the Consolidated Acts of Manitoba; will bring them out with me. There is a big work for us while the petition is waiting an answer, but I think we will be ready for a stiff campaign when the answer does come. A number of trimmers are waiting to see if the current in your favor will last. By the time they are satisfied it will be too late for them to bother us much, if disposed to do so.

T. J. Agnew proposed to Maclise that the Conservatives should take counsel together, and adopt your platform under their party name. If they do so, they will be snared by their own subtlety. Men who are willing to betray their country for party ends are going to learn that it is a speedy form of political suicide. Just imagine their thinking that they understand our policy. What a mess they would soon make of it.

Maclise is going to put his ideas into shape and hand them in to me.

I settled matters, commercial and political, with J. F. Betts, shook hands with him, and cordially asked him to show his brain power in our work. He was somewhat astonished, I think, by my change of front, but I hope will shortly gather himself together and wire in.

J. O. Davis is thinking their mercantile as just out; also other merchants. I set Joe Knowles to work on the solution of the statistical problem, and I think he will do good work for us. I have seen Barker and other mechanics in regard to the effect of the Government's policy on trade. There is no necessity for awaiting statistics, of course, before drawing up the petition. That is a very simple matter, and could be done without any returns at all, in fact, for he who runs may read the numbers under which we labor. At the same time, I have circulated the fullest invitation for every man to hand in his list. The town may possibly not elect its delegates in time for our drawing up the petition, but they have been invited to do so, and I will try and bring a good man with me on their behalf. I shall be just as well pleased if they reserve their strength for the statistical work, and we will not be ready for that till Knowles and I have come to a focus. He has a good head for that kind of business. A clear, concise, logical petition will strengthen our hands more than a month of speechifying. Any bungling work will earn for us the contempt of the business men. I have got on a friendly footing with Owen E. Hughes, and will cautiously try and induce him to give us his ideas. He is a shrewd business man. I may write up a reassuring explanation of our work in a manner to disarm prejudice, and put it in the *Times* for the benefit of our home audience. I am in good health, except a slight cold, and enjoy good rest, and hope that you, also, are in good shape. We will not get much respite till after the petition, but we can rest calm and peaceful as to the result, while the enemies of our God are lying on their beds devising evil things against themselves. Clarke, Sproule & Co. have gone up to Battleford. They will inevitably prepare the good men to receive our doctrine, for they will associate with the oppressors of the people. The idea of sending an apostle in a quiet way up the run is suggesting itself to the minds of many, and I let it work. Providence knows the right man for the right work, and there is no use dictating to Him. Maclise wrote privately to Blake asking him not to stop at L. Clarke's, and Blake wrote back that his health would not permit him to visit the

North-West this summer. Your visit may cause him to change his plans, but I can keep posted through Maclise, who has kept up a correspondence with him since 1882.

Fisher is my lieutenant among the young men of the place, and keeps me posted as to the enemy's movements in that quarter. I think Deacon, who is a Methodist, has seen Mr. Parker, but Mr. Parker is too sound on principle to be lost to us. Mr. McWilliam, the Presbyterian minister, who has hitherto been a Liberal, stated last night at supper table that "he has yet to learn what our grievances are."

It is the misfortune of clergymen that they see only one side of a man's character, and Mr. Sproule is a prominent pillar of the Presbyterian church.

Yet Mr. McWilliam is too good a man I think to be blinded for any length of time. I will leave him to form his opinion from events, and our petition may enlighten him as to our grievances.

It is Mr. Elliott's opinion that Mr. Jackson is too clever and lacks tact. My past line of action justifies that opinion, and it is perhaps as well that they are so well satisfied with a false key.

Dr. Potter's wife is a niece of Donald A. Smith, who is a close friend of Swanson's, and invests his money for him. These circumstances have their significance, but I believe their good hearts will carry them through. "The smoking flax He will not quench."

Clark, the druggist, is apparently trying to serve God and Mammon. Let us pray that the best may prevail. The influence of an unprincipled friend is a terrible snare to a young man, especially one of keen intellect.

The *Free Press* has just wired for Riel's speech in full. I am going up with Ab. Parker after dinner. I have a great affection for Ab. I believe him to be a good, honest soul. I have got the prices paid to Hudson Bay Company contrasted with prices paid ordinarily for supplies, a valuable document; also the answer of the Secretary of State (Chapleau) to Norquay anent Manitoba demands.

If any of our friends think I am not getting through business fast enough, please reassure them. You know me and my work, and an element of discontent is dangerous to the cause. I think I see our way clear to raising all the funds we want.

I think I have stated everything at present. I miss you very much, but it is as well that I learn to keep a close direct hold on the Father's hand.

Your friend,
WILL JACKSON.

I can't find my seal; all right; yet the enemy will only use it to their own destruction, if they do intercept it.

22nd MARCH, 1884.—SWEARING SECRETORY.

(Translated.)

We, the undersigned, solemnly swear before God that we will keep the secret of this meeting held at Abraham Montour's this 22nd day of March, A.D. 1884, that is to say, all that shall be and has been decided thereat, and in general all the decisions thereof.

his
Alexandre + Arcan,
mark.

his
Pierre + Garepy,
mark.

his
Baptiste + Pruneau,
mark.

his
Pascal + Montam,
mark.

his
Gabriel + Dumont,
mark.

his
Isidore + Dumont,
mark.

his
Abraham + Bélanger,
mark.

his
Emmanuel + Champagne,
mark.

his
Baptiste + Parenteau,
mark.

his
Baptiste + Boucher,
mark.

| | |
|--|--|
| his Jean + Dumont, mark. | his Xavier + Batoche, mark. |
| his Pierre + Parenteau, mark. | his Baptiste + Boyer, mark. |
| his Joseph + Arcan, mark. | his Philip + Gariepy, mark. |
| his Isidore + Dumont, père, mark. | his Joseph + Vandal, mark. |
| his William + Bremner, mark. | his William + Boyer, mark. |
| his Abraham + Montam, mark. | his Baptiste + Arcan, mark. |
| Napoleon Neault, Damasse Carrière, Louis Goulette, Chas. Nolin, | Maxime Lepine, M. Dumas, William Bruce, Norbert Turcotte. |

T. E. JACKSON TO RIEL, *RE* AGITATION.

PRINCE ALBERT, 2nd August, 1884.

DEAR SIR,—The Opposition are endeavoring to excite the prejudices of those who are “on the fence,” by making capital out of the visit of Big Bear and Lucky Man, insinuating that you are encouraging an Indian outbreak. Will you please send me a private letter, which I can make public to those whom it is advisable to reassure, stating the facts of the case.

I hear that D. H. Macdonall telegraphed to Père André to-day, or a day or two ago, stating that Sir John A. Macdonald had written to Dewdney, telling him that as soon as the Minister of the Interior (D. L. McPherson) returns from England, that he will look into the half-breed grievances, and I understand that Père André is advising the people he influences to be satisfied with this assurance; I regret this, and trust the reverend père will change his mind, or lose his influence. The promise of big things from the Government may infuse life into the Opposition, but comparatively few will be influenced. A favorable feeling toward the movement is growing every day among the mass of the people. Hoping to hear from you very soon.

I have the honor to remain yours very truly,
T. E. JACKSON.

MR. LOUIS RIEL.

LETTER FROM RIEL'S COUNCIL TO ENGLISH HALF-BREEDS ASKING THEIR CO-OPERATION.

ST. ANTOINE, 21st March, 1885.

To the English Half-breeds of Red Deer Hill, St. Catharines and St. Paul :

DEAR BROTHERS IN JESUS CHRIST,—The Ottawa Government has been maliciously ignoring the rights of the original half-breeds during fifteen years. The petitions which have been sent to that Government on that matter and concerning the grievances which our classes have against its policy are not listened to; moreover, the Dominion has taken the high handed way of answering peaceable complaints by dispatching and reinforcing their Mounted Police. The avowed purpose being to confirm in the Saskatchewan their Government spoliation and usurpation of the rights and liberties of all classes of men, except their resident oppressors the Hudson's Bay Company and land speculators, by threatening our liberty and our lives. The

aboriginal half-breeds are determined to save their rights or to perish at once. They are supported with no doubtful energy by a large number of abler half-breeds, who have come to the Saskatchewan less as emigrants than as proscriptions from Manitoba. Those of the emigrants who have been long enough in this country to realize that Ottawa does not intend to govern the North-West so much as to plunder it, are in sympathy with the movement. Let us all be firm in the support of right, humane and courageous, if in him to fight just and equitable in our views, thus God and man will be with us, and we will be successful.

Dear Brothers, in the council of the French Canadian half-breeds, now under arms at St. Anthony and in the Saskatchewan, have been most happy to receive your friendly communications through your Messrs. Scott, Ross and William D., your sympathies for the stand which we are compelled to take. * * * The fact that your delegation and ours have crossed each other, affords convincing proof that our feelings are mutual.

Justice commands to take up arms.

Signed by Councillors, Secretary, &c.

LOUIS "DAVID" RIEL, *Excoede.*

MEETING AT ST. CATHERINES—RESOLUTIONS *RE* OUTBREAK.

At a public meeting held within St. Catherine's church on the evening of the 22nd March, 1885.

Rev. Mr. Matheson was appointed chairman, and Mr. Wm. Craig secretary to the meeting.

The chairman having stated that his object in calling the meeting was to ascertain the mind of the inhabitants and promote the interests of peace at the present crisis.

A lengthened discussion ensued, after which, on the motion of Mr. Wm. Craig, seconded by Mr. Wm. Hodgson, it was unanimously resolved:—

1st. That the members of this meeting continue to sympathise as they have always done with the French half-breeds in their desire to obtain their legal rights by all constitutional means.

2nd. That they don't approve of the resort to arms or the raising of the Indians, and wish to remain neutral.

3rd. That a copy of this minute be despatched without delay to the officer in charge at Carlton, and another to Mr. Riel.

Signed on behalf of the residents of St. Catherines.

E. MATHESON, *Chairman.*

WM. CRAIG, *Secretary.*

The meeting appoint Messrs. Inkster and Hodgson also to sign on behalf of the whole meeting.

GEORGE INKSTER.

WM. HODGSON.

The undersigned concur in the above resolution on behalf of meeting at St. Catherines.

CHARLES ADAMS.

ANDREW SPENCE.

ANDREW PETERSON.

LETTER FROM ADAMS AND PRITCHARD, ENCLOSING RESOLUTIONS.

SIR,—Enclosed you will find resolutions, passed by a mass meeting, in our neighborhood. But we think a great deal depends on the wisdom and humanity of those at the head of affairs on either side.

May God give you wisdom to order things aright.

CHAS. ADAMS, *Chairman.*

J. F. PRITCHARD *Secretary.*

Adjutant General DUMAS.

MEETING AT ST. ANDREW'S—RESOLUTIONS *RE* OUTBREAK.

At a mass meeting held in St. Andrew's school house, Monday, 23rd March, instant, to discuss the present critical situation,

Mr. C. Adams was called to the chair, and Rev. Mr. Pritchard and Mr. Stansfield, joint secretaries, the following resolutions were unanimously carried:—

Proposed by Mr. Alex. McKay, seconded by Mr. Chas. G. Bird, sen., and unanimously resolved,—

1st. That while heartily sympathizing with the French in their endeavors constitutionally to get redress of their many greivances, we cannot endorse their present attitude in taking up arms for that purpose, and we hereby beg of them not to shed blood.

2nd. That the opinion of this meeting is that, had the Government been just with the settlers, this disturbance would never have been.

3rd. And further, had the influential citizens of Prince Albert joined the movement, instead of ignoring it, had they advised the Government instead of exciting it against the people, it is the opinion of this meeting that the Government would have settled all greivances long ere this.

4th. That we, the English, half-breed and Canadian settlers, while advocating peace and remaining completely neutral as resorting to arms, do not for one moment lose sight of our greivances, and will henceforth use all lawful means for the redress of the same.

5th. That a copy of these resolutions be sent to Major Crozier, and one to Mr. Riel.

Signed on behalf of the settlers of St. Andrews, Red Deer Hill and surrounding country.

J. F. PRITCHARD, *Secretary*.
ALEX. STANSFIELD,
RODERICK COOK,
ANDREW SPENCE,

CHAS. ADAMS, *Chairman*.
GEO. GLAISTER,
THOMAS MCCORRISTER,
W. HODGSON.

RIEL TO ENGLISH-SPEAKING PEOPLE OF PRINCE ALBERT,
RE UNITING IN ACTION.

MISSION OF THE SACRED HEART, 29th March, 1885.

NOTES.—If the police could be isolated from the people at Prince Albert, we would make them surrender easily. I think we could keep them as hostage until we join them, without endorsing or taking up arms, if you feel too much repugnance to do it; but send us delegates to meet ours, we will discuss the condition of our entering into confederation as a province.

The emigrants, as well as the natives, have a clear case against the Hudson's Bay Company. Do not strengthen her monstrous monopoly by helping along her shrewd, miserable scheme, at the present crisis. If you leave the Hudson's Bay Company and the mounted police, you will see how far we will go to uproot her influence from the Saskatchewan.

Let us unite in those interests which are common to the English and French half-breeds and to the emigrants, and we will celebrate in peace and in success the 24th of May.

But if we cannot unite, the struggle will grow, Indians will come in from all quarters, and many people will cross this line early this spring, and perhaps our difficulties will end in an American fourth of July.

LOUIS "DAVID" RIEL, *Exovede*.

**S. G. CROZIER TO MACKAY GIVING A TELEGRAM TO BE FORWARDED
IN CIPHER.**

PRINCE ALBERT, 30th March, 1885.

DEAR SIR,—Telegraph the following cipher in my name to the Commissioner.

Riel warned all settlers from farms, or would be forced to join him, or be shot, gave them forty-eight hours' notice. People flocking in. Irvine appointed me supply officer. Send flour, bacon to Troy, send 2,000 sacks flour *via* Calgary to Edmonton, and 4,000 lbs. bacon, if safe. Steamer from here will be sent up to bring it down. Carlton burned to the ground, have saved all furs and bulk of provisions, lot of goods destroyed. Population all in arms. Police here; tell my people I am safe; just got our dead in from Duck Lake, nine in all. Will wire every opportunity, provisions for further transport already at G. Lake.

S. G. CROZIER.

WM. MACKAY, Esq., H. B. Co., Battleford.

**LETTER FROM PH. GARNOT, SECRETARY, TO A. MONKMAN, *re* TREAT-
MENT OF THE SIOUX INDIANS AND HALF-BREEDS, &c.**

BATOCHÉ, 2nd April, 1885.

DEAR BROTHER,—Will you receive all Indians from Beardy's band and see about rations for them?

We are receiving, to-day, all the Sioux from Round Plain, and the half-breeds, and we shall be strong enough, and we are afraid to run short of rations, so we expect that you will treat them kindly and keep them under your order, and give rations to every one, and to his family as long as he or they will be under your control at the fort.

Lend them horses and cattle, if possible, to help them to get to Carlton.
Take courage, and we would advise the keeping of guards on top of the hills.
Believe us, dear brother, your brothers in Jesus Christ.

For the Council.

PH. GARNOT, *Secretary*.

To EXOVEDE A. MONKMAN.

**N. NAULT AND OTHERS TO COUNCIL, *RE* INTOXICATING LIQUORS.
(Translation.)**

BATOCHÉ P. O., 9th April, 1885.

St. Antoine de Padoue.

To the Members of the Council:

GENTLEMEN,—Several rumors having reached this side of the river, we deem it our duty to send you a few words anent the same; we mean as to the matter of drink. We have fault to find with you gentlemen, members of the council. We find drunken men on every side along the river. It seems to us it is the duty of all of you to see to this matter. It seems to us that you are inactive. What grieves us is to see you on the other hand quarrelling amongst yourselves and giving trouble to those who act right. From the way you are acting we fear greatly that you will dishearten many amongst us. The best course to take is to come to a clear understanding amongst yourselves, once for all. We promised to keep temperance in times of the hardest struggle, and now that things do not look quite so bad as they were we want to fall back! We rely on you to set matters right.

Yours truly,

NAPOLÉON NAULT,
JOSEPH DELORME,
PATRICE TOUROND,
BAPTISTE OUELLETTE,
PATRICE FLURIE.

PROMISE OF NEUTRALITY &c., FROM V. VEGREVILLE, O.M.I.

ST. ANTOINE DE PADOUE, 10th April, 1885.

(Translation.)

I promise to remain perfectly neutral, and that I will not leave this place without the consent of the provisional government.

V. VEGREVILLE, O.M.I.
P.M.A.

PROMISE OF NEUTRALITY, &c., FROM J. V. FOURMOND, O.M.I.

(Translation.)

15th April, 1885.

I, the undersigned, declare that I will remain neutral and will do nothing against the French Canadian half-breed movement.

J. V. FOURMOND, O.M.I.

LETTER FROM THE WIFE OF GEORGE NESS TO LOUIS RIEL PRAYING FOR THE RELEASE OF HER HUSBAND.

(Translation.)

ST. ANTOINE, March, 1885.

DEAR SIR,—Excuse me for troubling you like this, but you are the only person in whom I trust to have pity on me, who am so deserving of pity, left alone as I am with my three little children who are very young, no near neighbour to help me to take care of our little animals, and, also, you have arrested my husband when he was trying to get something for his little family. Oh! believe me, it is I who am the cause of your having taken him. The day before I told him and begged him to go and sell his horse to get provisions, and also several things of which we are greatly in want, such as shoes and clothing for my children. Thus, dear Sir, having great confidence in your devotion to the half breeds, I thought I would appeal to your charity to give me a little of what I need. Ah! Sir, were it not for the help of the grace of God, our common Father, I should die of loneliness and grief at being separated from my husband, who is so good. But may the holy will of God be done on earth as it is in Heaven. Dear Sir, oh, how happy I should be to see him, only to speak to him. No one but you can grant me that blessing.

Oh! I am sure that for the love of his children and me he would listen to me if I spoke to him. But, I repeat, I have not had the happiness of speaking with him since I told him to sell his horse. Your words, dear Sir, have remained imprinted in my heart. Yes, while I live I never shall forget the time you entered our house. But George is a half-breed, and I never can believe that my race will be cruel enough to kill my husband or keep him long a prisoner. Now, if he promises not to meddle, let him come and do his work, for I am in a position that I have need of him, I am not strong enough to work.

Adieu, dear Sir, I will pray for you with all my heart.

THE WIFE OF GEORGE NESS.

P.S.—Excuse me, I am short of paper.

MR. LOUIS RIEL.

CUT KNIFE HILL, 29th April, 1885.

I want to hear news of the progress of God's work. If any events have occurred since your messengers came away let me know of it. Tell me the date when the Americans will reach the Canadian Pacific Railway. Tell me all the news that you have heard from all places where your work is in progress. Big Bear has finished his work. He has taken Fort Pitt. "If you want me to come to you let me know at once," he said and I sent for him at once. I will be four days on the road. Those who have gone to see him will sleep twice on the road. They took twenty prisoners including

the master of Fort Pitt. They killed eleven men including the agent, two priests and six white men. We are camped on the creek just below Cut Knife Hill waiting for Big Bear. The Blackfeet have killed sixty police at the Elbow. A half-breed who interpreted for the police having survived the fight, though wounded, brought this news. Here we have killed six white men. We have not taken the barracks yet, but that is the only entire building in Battleford. All the cattle and horses in the vicinity we have taken. We have lost one man, a Nez Percé killed, he being alone, and one wounded. Some soldiers have come from Swift Current but I don't know their number. We have here guns and rifles of all sorts but ammunition for them is short. If it be possible send us ammunition of various kind. We are weak only for the want of that. You sent word that you would come to Battleford when you have finished your work at Duck Lake. We wait still for you, as we are unable to take the Fort without help. If you send us news send only one messenger. We are impatient to reach you. It would encourage us much to see you and make us work more heartily. Up to the present everything has gone well with us but we are constantly expecting the soldiers to visit us here. We trust that God will be as kind to us in the future as he has been in the past. We, the undersigned, send greeting to you all.

POUNDMAKER,
COPINOW-WAY-WIN,
MUSSINASS,
MEETAYWAYUS,
PEEYAYCHEW.

MR. LOUIS RIEL :

When this reaches you send us news immediately as we are anxious to hear the news.

If you send us news send as many men as possible.

A true and certified copy.

CHAS. B. ROULEAU,

Stipendiary Magistrate for the N.W.T.

DECISION OF THE COUNCIL—RIEL A PROPHET.

(*Translation.*)

Moved by M. Boucher, seconded by M. Tourond, That the Canadian half breed Exovidat acknowledges Louis David Riel as a prophet in the service of Jesus Christ, and Son of God and only Redeemer of the world; a prophet at the feet of Mary Immaculate, under the powerful and most favorable protection of the Virgin Mother of Christ, under the visible and most consoling safeguard of St. Joseph, the beloved patron of the half-breeds—the patron of the universal church; as a prophet, the humble imitator in many things of St. John the Baptist, the glorious patron of the French Canadians and of the French Canadian half-breeds.

Ayes :—M. Henry, M. Parenteau, M. Dumont, M. Tourond, M. Jobin, M. Trottier, M. Boucher, M. Lépine, M. Carrière.

M. Ouellette did not vote at all, but said that after a time, if his views changed, he would record his vote.

DECISION OF THE COUNCIL.—*Re* CHANGING THE NAMES OF THE DAYS.

(*Translation.*)

CHANGING THE NAMES OF THE DAYS OF THE WEEK.

Moved by Mr. Boucher, seconded by Mr. Jobin, That the names of the days of the week be changed as follows :—

| | |
|-------------------------|----------------|
| Monday to be named..... | Christ Aurore. |
| Tuesday do | Vierge Aurore. |
| Wednesday do | Joseph Aube. |
| Thursday do | Diré Aurore. |
| Friday do | Dénil Aurore. |
| Saturday do | Calme Aurore. |
| Sunday do | Vire Aurore. |

Ayes:—M. Boucher, M. Jobin, M. Carrière, M. Tourond, M. Parenteau, M. Lépine, M. Ouellette, M. Trottier, M. Henry.

Nays:—Mr. Ross.

DECISION OF COUNCIL.—SUNDAY TO BE RELIGIOUSLY OBSERVED.

(Translation.)

TRUTH OF SUNDAY.—25TH APRIL, 1885.

Moved by P. Parenteau, seconded by D. Carrière:—

That the Lord's Day be put back to the seventh day of the week, as the Holy Ghost appointed it, through his servant Moses; and that if there be any members of the "Exovidat" who are not as yet prepared to vote for this resolution, those of their brethren who this day take the lead cordially invite them to join as soon as they can conscientiously do so; and that, though their adhesion be delayed, it shall be accepted when it comes, as freely as if it had been given to-day. May these adhesions soon render unanimous the act by which the Canadian half-breed "Exovidat" restores, in God's name, the Holy Day of the Lord's Rest.

Ayes.—Messrs. Boucher, Dumont, Trottier, Parenteau, Jobin, Carrière, Henry, Tourond, Bte. Parenteau.

Nays.—Messrs. Ouellette, Ross, Lepine.

LETTER FROM LOUIS DAVID RIEL TO "DEAR RELATIVES" RE DISARMING THE POLICE, SEIZING PROVISIONS, ETC.

DEAR RELATIVES,—We thank you for the good news that you took the trouble to send us.

Since you are willing to help us, may God bless you, in all what is to be done for our common salvation.

Justice commands to take up arms. And if you see the police passing by, stop it, and take away their arms.

Afterwards notify the Wood Indians that they might be surprised; let them keep ready to all events, in being calm and courageous; to take all the powder, the shot, the lead, the posts and the cartridges, from the Hudson's Bay stores at Nut Lake and Fishing Lake. Do not kill anybody. Do not molest nor ill-treat anybody, but take away the arms.

Fear not.

LOUIS "DAVID" RIEL, *Exovede*.

LETTER IN RIEL'S HANDWRITING.

(Translation.)

Monsieur F. X. BATOCHÉ.

The French half-breeds have taken up arms *en masse*. Not one of our people is against us. Tell our relatives the Indians to be ready to come to our help, if needed. Take all the ammunition of the company.

To the English Half-breeds of Red Deer Hills, St. Catherines and St. Paul:

DEAR BROTHERS IN JESUS CHRIST,—The Ottawa Government has been maliciously ignoring the rights of the original half-breeds during fifteen years. The petitions

which have been sent to him on that matter and concerning the grievances which all classes have against its policy are not listened to ; moreover, the Dominion has taken the high-handed way of answering peaceable complaints by reinforcing their mounted police, the avowed purpose being to confirm in the Saskatchewan their Government spoliation and usurpation of the rights and liberties of all classes of men, except these assistant oppressors, the Hudson's Bay Company and land speculators. They are supported with, no doubt, full energy by a large number of other half breeds who have come to the Saskatchewan less as emigrants than as proscriptions from Manitoba. Those of the emigrants who have been long enough in this county to realize that Ottawa does not intend to govern the North West so much as to plunder it, are in sympathy with the movement. Let us all be firm in the support of right; humane and courageous, if we have to fight, just and equitable in our views, thus God and men will be with us and it will be successful.

Dear Brothers, in the council of the French Canadian half-breeds now under arms at St. Anthony and in the Saskatchewan has been most happy to receive your friendly communication through your Messrs. Scott, Ross and William Paquin.

The fact your delegation and ours have crossed each other, affords convincing proof that our feelings are mutual. Justice commands to take up arms.

Pierre Paranteau, chairman,

Gab. Dumont,

Moise Ouellette,

Albert Monkman,

Bte. Paranteau,

Norbert Delorme,

Maxime Lepine,

David Tourond,

Ch. Nolin,

Bte. Boyer,

Donald Ross,

Amb. Jobin,

Pierre Henry,

Damase Carrière,

Bte. Boucher,

PH. GARNOT, *Secretary.*

LOUIS "DAVID" RIEL, *Excoede.*

ST. ANTHONY, 21st March, 1885.

(Translation.)

COPY OF A LETTER TO ENGLISH AND FRENCH HALF-BREEDS AT LAKE QU'APPELLE.

To our brothers the English and French half-breeds of Lake Qu'Appelle and vicinity :

DEAR RELATIONS AND FRIENDS,—If you have not already heard, you shall hear the reasons which lead us to take up arms. You know that of old your fathers, at the risk of their lives, defended this country, which was theirs and which is ours.

The Ottawa Government took possession of our country fifteen years ago, they make a mockery of our rights and offend against the law of God by inflicting upon us endless injustice. The officials commit every species of crime, and the mounted police are the scandal of the world by their foul language and evil conduct. So corrupt are they, that our wives and our daughters are no longer safe in the neighborhood. The laws of decency are to them a mere matter of jest.

O my friends, we must at all times trust in God ; but to-day the measure of evil is full to overflowing, and we have special need to commend ourselves to our Lord. You will perhaps see things as we see them. Our country is stolen from us, and then it is so badly governed that, if we let things go on, it will soon be impossible to save ourselves.

The English half-breeds of the Saskatchewan are undoubtedly with us. The Indians are crossing to us and joining us on all sides.

Purchase all the munitions you can. You can go to the other side of the line, if necessary, for them. Be ready. Do not listen to the offers the Ottawa Government will make to you ; their offers are the offers of robbers. Sign neither papers nor petitions. Trust in God and in the circumstances which Providence is now bringing about on the Saskatchewan. We shall not forget you. If promises are

made to you, say that the time for promises is past. We have reached a point when we must have proof for everything. Pray; be good; keep the commandments of God and you shall want for nothing.

RESOLUTION IN FAVOR OF ANNEXATION TO UNITED STATES.

Resolved,—That when England gave this country to the Hudson Bay Company, two hundred years ago, the North-West belonged to France, as history shows it.

And when the Treaty of Paris ceded Canada to England, no mention of any kind was made of the North-West.

As the American-English colonies helped England to conquer Canada, they ought to have a share of the conquest, and that share ought to be the North-West, since, commercially and politically, the United States government have done more for England than ever England did; we ought to have annexation. Against England and Rome. Manitoba, French Canadian.

RESOLUTION EXPRESSING FRIENDSHIP TOWARDS THE UNITED STATES, AND DOUBT AS TO ENGLAND'S OWNERSHIP OF THE NORTH-WEST TERRITORIES.

Resolved:—

1. That our union is, and will always be, most respectful towards the American Government, their policy, their interest, and towards the territories government of Montana as well.

2. That our union will carefully avoid causing any difficulty whatever to the United States.

And will not conflict in any way with the constitution and laws of the Government. It is doubtful whether England really owns the North-West. Because the first act of government that any law ever accomplished over that North-West was to give it as a prey to the sordid monopoly of the Hudson's Bay Company 200 years ago.

Her second act of government of any importance over that country was to give it in 1870 as a prey to the Canadian.

Our union is, and always will be, most respectful towards the American.

RIEL'S ANSWER TO INVITATION TO COME TO SASKATCHEWAN.

GENTLEMEN,—The goodwill you manifest towards me, and with which I know you to be animated for me, fill me with joy and do me great honor. Your voice is more than friendly; it is the voice of loving fellow-countrymen. Your voice which speaks to me is a sweet voice and very tender. It is not merely the voice of loving compatriots I hear when I listen to you, I say, but it seems to me the voice of my country itself. Yes, I tell you, it is the very voice of my country. You are, you say, delighted to see me once more; and you prove it to me. Believe me, I also am happy. What a joy for me to grasp your hands once more, and to embrace you. You are good enough to mention what I have done for Manitoba. It is true, I did my best to secure its happiness. But if I succeeded, it was because I had in you the support of friends, firm, generous, brave and independent; and whatsoever my place in history may be, I shall owe my reputation, under God, to you French Canadian half-breeds. You did not abandon me in my time of peril, and it was my duty to stand firm before every obstacle in order to help you. Though small in respect to numbers, the French Canadian half-breed people have made a noble struggle. I am happy to see them at rest and enjoying prosperity; and let me congratulate you on your increase and the vigor you have acquired in the short space of ten years. I thank you for the flattering and delicate terms in which you invite me to live with you. It would most assuredly be very pleasant for me to spend my days in the midst of fellow-countrymen so grateful as you are. The love I have for my native land is strong enough to keep me here, but my adopted country has taken hold of

my heart, and I have promised to devote myself to it. I belong to it so long as I live. It knows that I love you, that I do not forget you; it approves of the legitimate, loyal and rightful love I bear to my native land. The more liberal my adopted country is towards me, the more am I bound to honor and to love it; and inasmuch as that country supports and is in favor of all that is lawful, loyal, just and reasonable, it will certainly permit me to give free scope to the love I have for you.

RESOLUTIONS IN *RE* SENDING A DELEGATION TO LOUIS RIEL IN UNITED STATES.

3. That the French and English natives of the North-West (those that have not participated in the Manitoba Lands Grant) want free patent for the land they possess and occupy at the present date, without any prejudice to any more grants to which they are entitled for the extinction of their Indian title to the lands of the North-West.

4. That the natives, French and English, protest against the dues and charges on timber and forests until their rights within mentioned be recognized and granted by the Dominion Government.

5. That the management of the Indians such as Indian agencies, instructorships or other offices for the benefit of the Indians in the North-West Territories be entrusted to natives, as they are more familiar with the habits, character and wants of those Indians, and to prevent any regrettable occurrences as have happened in the past.

6. That the French and English natives of the North-West having never recognized any right to the lands of the North-West, assumed by the Hudson Bay Company or by the Dominion Government, claim an exclusive right to these lands along with the Indians.

7. We the French and English natives of the North-West, knowing that Louis Riel has made a bargain with the Government of Canada, in 1870, which said bargain is contained mostly in what is known as the "Manitoba Act," and this meeting not knowing the contents of said "Manitoba Act," we have thought it advisable that a delegation be sent to said Louis Riel, and have his assistance to bring all the matters referred to in the above resolutions in a proper shape and form before the Government of Canada, so that our just demands be granted.

(Translation.)

RIEL'S ADVICE ON MOVEMENTS OF DEFENCE.

22nd April, 1885.

To avoid, as much as possible, weakening our strong points on both sides of the river here, let a certain number of men be detached to watch the movements of Middleton's camp beyond Tourond's coulée. On the other side of the river also, let a certain number of men be detached to watch the movements of the mounted police. For my own part, with all the respect I have for the views of the council and the desires of the army, I wish, nevertheless, that no attack be made against the police now, because:—1st. The spirit which is good enough to guide me, has said to me: "Not far from here." 2nd. Because that same spirit has told me that it would be good to bind the prisoners, which shows me that we should need all our men here. 3rd. Because that good spirit has said to me: "By dint of hard blows, strive to defend every inch of ground," which also gives me to understand that we need all our forces here. 4th. Because it has been said to me: "Let Gabriel Dumont pay attention." Now, this attention required from my uncle Gabriel applies not only to his wound, but makes me fear that, with his eager courage and his inattention to his personal safety in battle, he may expose himself too much and meet with some grievous mishap. If anything happened to Dumont, it would not only be a misfortune for his friends, but an irreparable loss for the future and for the whole people. If my uncle Gabriel were cured of his wound, I should be more willing to see him

start on an expedition of this kind. If we get reinforcements, I might change my opinion, I think, to a certain extent. Under present circumstances, I know, I understand, that it would be of great benefit to us to go and attack and harrass the mounted police on the other side of the river, at Clark's Crossing; but that would weaken us here, and I fear that, meantime, from Prince Albert or elsewhere, some encounter may occur, in which we shall need all our strength.

Respectfully, and in the frankest spirit of friendship, I offer these considerations to the attentions of the "Exovidat," so that they may weigh my reasons. What I wish is, that my reasons be examined, but be convinced, Sirs and dear brothers in Jesus Christ, that when you have examined what I now submit to you, if you adopt a course contrary to my views, I shall look upon it as an expression of the permission of God, and I will help you, with all my strength, to carry out your views as though they were my own, to the greater glory of God.

ROLLS.

| | | | |
|-------------------------------------|----|--------------------------|----|
| No. 1 COMPANY. | | Alexandre Montour..... | 5 |
| Isidore Dumont, Captain (R.I.P.) | | Charles Faignant..... | 6 |
| Nap. Nault | 1 | Raphael Parenteau..... | 8 |
| Gabriel Parenteau..... | 2 | Baptiste Ouellet..... | 9 |
| Louis Parenteau..... | 3 | Pierre Gervais..... | 10 |
| Sam. Parenteau..... | 4 | No. 5 COMPANY. | |
| Ambroise Dubois..... | 5 | Bernard Paul, Captain. | |
| Leon Ferguson..... | 6 | John Shen..... | 1 |
| Bpte. Deschamps..... | 7 | Grégoire Lejour..... | 2 |
| Athanase Lépine | 8 | Corbette Laplante..... | 3 |
| Maxime Dubois..... | 9 | Bien Montour..... | 4 |
| Jean Baptiste Montour (R.I.P.)..... | 10 | Thomas Ouellette..... | 5 |
| No. 2 COMPANY. | | Hill Sansregret..... | 6 |
| E. Dumont, Captain. | | Alexis Dumont..... | 7 |
| Moïse Parenteau..... | 1 | John Martin..... | 8 |
| Boniface Leford | 2 | Charles Martin..... | 9 |
| Jean Caron..... | 3 | Pierre Martin..... | 10 |
| Pierre Bellegarde..... | 4 | No. 6 COMPANY, | |
| Paul Déjarlais..... | 5 | Jonas Moureau, Captain. | |
| Maxime Fidler..... | 6 | Joseph Ouellette..... | 1 |
| Theophile Caron..... | 7 | Julien Oulette..... | 2 |
| Louis Parenteau..... | 8 | William Piché..... | 3 |
| E. Tourond | 9 | Maurice Hennery | 4 |
| Louis Davis..... | 10 | Baptiste Larocque..... | 5 |
| No. 3 COMPANY. | | Patrice Faignant..... | 6 |
| Ambroise Champagne, Captain. | | Roger Goulet..... | 7 |
| Joseph Vandal | 1 | Joseph Montour..... | 8 |
| Louis Lafontaine..... | 2 | Baptiste Hamelin..... | 9 |
| William Vandal..... | 3 | Toussaint Laplante | 10 |
| Bpte. Vandal..... | 4 | No. 7 COMPANY, | |
| William Delorme..... | 5 | William Boyer, Captain. | |
| Alexandre Gosselin..... | 6 | Louis Rooss..... | 1 |
| Josué Breland..... | 7 | William Fidler..... | 2 |
| Modeste Laviolette..... | 8 | Joseph Pilon..... | 3 |
| Baptiste Letendre... .. | 9 | Curbet Fidler..... | 4 |
| Charles Laviolette..... | 10 | Charles Thomas..... | 5 |
| No. 4 COMPANY. | | Joseph Sauvé..... | 6 |
| Antoine Lafontaine, Captain. | | Moïse Carrière..... | 7 |
| William Hamelin..... | 1 | Jeremie Sauvé..... | 8 |
| Joseph Bremner..... | 2 | Joseph Sauvé..... | 9 |
| Dan. Charrette..... | 3 | Gel. Sauvé..... | 10 |
| St. Pierre Parenteau..... | 4 | | |

| | | | |
|------------------------------|----|---------------------------------|----|
| No. 8 COMPANY, | | Alex. Lamirande..... | 8 |
| Baptiste Vandal, Captain. | | J. Bte. Parenteau.....(Wounded) | 9 |
| Norb. Sauvé | 1 | Esdras Tremblay | 10 |
| Francis Vandal..... | 2 | No. 13 COMPANY. | |
| Patrice Gervais..... | 3 | Laframboise (R.I.P.) Captain. | |
| André Letendre | 4 | William Bremner..... | 1 |
| Louis Letendre..... | 5 | André Letendre..... | 2 |
| Louis Marion (deserter)..... | 6 | Charles Carrière | 3 |
| Pierre Tourond | 7 | Jerome Pieton | 4 |
| Bapte. Onellet, jun..... | 8 | Napoleon Parenteau | 5 |
| William Thorn | 9 | Corbet. Ross..... | 6 |
| Alex. Fidler | 10 | Michel Poitras | 7 |
| No. 9 COMPANY. | | Ed. Laframboise..... | 8 |
| Corbet Flamant, Captain. | | Antoine Allard..... | 9 |
| Modeste Rocheleau | 1 | Charles Gariépy.....(Wounded) | 10 |
| Joseph Dumas | 2 | No. 14 COMPANY. | |
| Pièrre Sansregret..... | 3 | Calixte Lafontaine, Captain. | |
| Norbert Turcotte..... | 4 | Francis Fidler, sen..... | 1 |
| Solomon Boucher | 5 | Joseph Well | 2 |
| Isidore Villeneuve | 6 | Guilliams Laplante | 3 |
| Elizard Parisien..... | 7 | Modeste Vandal..... | 4 |
| Bte. Rocheleau..... | 8 | Barthélemie Pilon..... | 5 |
| Magloire Boyer..... | 9 | Patrice Parenteau..... | 6 |
| Alexandre Bremner..... | 10 | William Letendre | 7 |
| No. 10 COMPANY. | | Ignace Poitras | 8 |
| Daniel Gariépy, Captain. | | François Fidler..... | 9 |
| Joseph Trottier..... | 1 | Jean Baptiste Parenteau..... | 10 |
| Louis Bousquet..... | 2 | No. 15 COMPANY. | |
| Alex. Cardinal..... | 3 | James Short, Captain. | |
| John Onellet..... | 4 | Antoine Vandal..... | 1 |
| Joseph Delorme..... | 5 | Pierre Landry..... | 2 |
| Baptiste Bousquet..... | 6 | Joseph Vandal..... | 3 |
| Ignace Poitras..... | 7 | Pascal Montour..... | 4 |
| Bernard Ouellette..... | 8 | Ls. Cayal..... | 5 |
| John Demarais..... | 9 | Isidore Boyer..... | 6 |
| Joseph Flamant..... | 10 | Pierre Parenteau..... | 7 |
| No. 11 COMPANY. | | Jean Dumond..... | 8 |
| Philip Gariépy, Captain. | | Joseph Ouellet..... | 9 |
| Jean Carron..... | 1 | Joseph Montour (R.I.P.)..... | 10 |
| Albert Trottier..... | 2 | No. 16 COMPANY. | |
| Charles Trottier | 3 | Bapt. Primeau, Captain. | |
| William Bruce..... | 4 | Basile Plante..... | 1 |
| Frederic Fidler | 5 | François Primeau..... | 2 |
| Napoleon Boyer..... | 6 | Alexandre Bourassa..... | 3 |
| J. Bpte. Boyer | 7 | Napoléon Arcan..... | 4 |
| George Fidler | 8 | William Racette..... | 5 |
| Auriel Gariépy..... | 9 | M. Bourassa | 6 |
| John Fagnant..... | 10 | Louis Bourassa | 7 |
| No. 12 COMPANY. | | Baptiste Primeau..... | 8 |
| Bapt. Boucher, Captain. | | Gil. McKay | 9 |
| William Swan..... | 1 | William Meckmoire..... | 10 |
| John Swan | 2 | No. 17 COMPANY. | |
| William Bremner | 3 | William Fidler (sen.) Captain. | |
| Moise Bremner..... | 4 | Bapt. Rochleau..... | 1 |
| Esdras Parenteau..... | 5 | William Fidler..... | 2 |
| Alexandre McDougall..... | 6 | James Ward..... | 3 |
| Jerome Racette | 7 | Baptiste Roy..... | 4 |

| | | | |
|-------------------------|----|---|----|
| Pierre Vandal..... | 5 | <i>In charge of horses on this side of river.</i> | |
| J. Bapt. Rivard..... | 6 | Ant. Lafontaine, Captain. | |
| Jos. Vermette..... | 7 | Wm. Hamelin..... | 1 |
| Paul Schly..... | 8 | St. Pierre Parenteau..... | 2 |
| Thomas Petit..... | 9 | Raphaël Parenteau..... | 3 |
| François Vermette..... | 10 | Elzear Swan..... | 4 |
| No. 18 COMPANY. | | Nap. Gervais..... | 5 |
| A. Belanger, Captain. | | Noël Turcotte..... | 6 |
| Jos. Lafournaise..... | 1 | Pierre Tourond..... | 7 |
| Vital, Cayal..... | 2 | Ignace Poitras..... | 8 |
| Daniel Gariépy..... | 3 | Ed. Dumond..... | 9 |
| Alex. Lafournaises..... | 4 | Cléoph. Champagne..... | 10 |
| Norbert Belangé..... | 5 | | |

To the Secretary of the Council :

Captain Baptiste Primeau ; To form a military company :—

| | |
|-------------------|------------------------|
| Bazile Plante. | Modeste Bourassa. |
| François Primeau, | Louis Bourassa. |
| Alex. Bourassa. | Baptiste Primeau, jun. |
| Napoleon Arcan.. | Guillaume McKay. |
| William Racette. | William Swan. |

(Translation.)

REPORT OF M. LEPINE ON THE BATTLE OF 12TH APRIL.

I corroborate the report of Mr. Dumont up to the moment of the departure of Mr. Riel, for Mr. Riel left it to the choice of the people, whether he was to go away or to stay. The answer he received was to go and assist the women and children. About half past eight in the morning, I started to get something to eat at the house of the widow Tourond, and about nine o'clock we left, Pierre Henry, Isidore Dumas and I, to come to the coulée. Our people made signs to us that the police were coming. Then we took up our position to wait for them, and we had hardly taken our places when shots were heard at the other end. As soon as we heard the shots we rushed to that side. When we got there our people were already all scattered and the battle had commenced. Not long after I saw that Jerome Henry was wounded, and we then took up a position in the coulée nearly on the bank, and I spent nearly the whole day there. The time seemed so long that I thought it was already evening, but on looking at my watch I saw it was only noon. Before noon we heard shots all around us ; but we heard shots also from the direction of Tourond's, showing that there were still some of our people in that direction. In the afternoon we heard no more shots there, and I thought that our people on that side were all dead. Near us and towards Mrs. Tourond's we heard shouts, and I think it was Gabriel Dumont and his people who were there. I know that Alexis Gervais was there, for I saw him come from that direction, and then we saw that we were surrounded, for we saw men on all sides ; we then heard the bugle to the right of our position and we heard the soldiers coming in the wood of the coulée, for we heard the branches breaking, and there were others along the wood to the left ; and we heard voices speaking all around us and in front on the prairie, and then I thought we were lost. And when they came into the wood we heard dreadful firing on every side. It was then between three and four o'clock in the afternoon. After that they retreated, and it seemed to me that the volleys were less frequent ; and about five o'clock all was quiet for a good while, only a few sentinels seemed to be stationed at intervals watching us. During that period we thought they were getting ready to come and take us. After that we said to one another, we must try anyhow and kill one each if they come, and we must each of us fire a good shot. And Charles Troutier counted the men there, and out of one hundred and sixty that we were at the beginning there remained but fifty-

four. I do not know whether he counted the wounded. And then we consulted as to how we were to get away and decided to wait until night and then to run the risk of breaking our way out. But we knew that many of us must be killed in that undertaking. And then we also thought of our wounded and it seemed to me that the only assistance I could leave them was the crucifix I had held in my hand all the day, but when I spoke of that no person answered me; and we were praying all that time, and I had the crucifix and I said: "We shall commend ourselves to God and pray that we may have perfect contrition, so that if we die we may save our souls." And then I prayed; for I thought we were about to die and I had doubts as to the justice of our cause. And I thought all our people were dead and that our small party were all that remained. But Delorme did me good when he said to me: "We must pray to God to take us out of this." And almost immediately they again commenced firing—not many rifle shots, but four cannon shots—and two or three out of the four seemed to me to burst over our heads. And all day the balls seemed to fall like hail. And after these four cannon shots all became more quiet, and we heard a man from among the police shout to us, speaking in the Cree tongue. He said, "his name is Borie," and, it seemed to me, "that we must be hungry," and he asked to be allowed to visit us. He also asked us to tell him how many we were. And some of the others answered him, but I do not remember what they said to him. But they would not let him come. I was inclined to let him come, and felt tempted to tell him to come, but I thought it better to say nothing for fear of making a mistake and being blamed afterwards. It occurred to me that while he was with us the police would not fire, and meantime night would set in and we should be able to get away. But almost immediately afterwards our people came up and the soldiers fled and did not fire again, and we came away.

We prayed all the day, and I think prayer did more than the bullets. Often when the soldiers appeared on the hillocks our people fired, and that made them fall back and others came to remove them.

(Translation.)

REPORT ON THE BATTLE OF THE 24TH APRIL, 1885.

Report (but not sure) of the Battle fought at Gen. Middleton's Camp, 24th April, 1885.

We attacked them on the march at Tourand's Coulee. We had taken possession of the coulee. We attacked them in front and they made a strong resistance, but gained little ground. We had but one wounded of our people, Jerome Henry, a Cree, and two Sioux. The battle lasted three hours, that is from 9 a.m. till noon. They were about 200, and there were 18 tents on the other side of the river. They have a ferry boat, the Clark's Crossing scow, with them. We think they crossed some 50 men. We hold our position and intend to attack them again during the night. We think there are 30 or 40 dead and wounded in the enemy's camp.

All the news we have received up to this time, 9.15 p.m.

(Translation.)

REPORT OF TROTTIER ON BATTLE OF 24TH APRIL.

I corroborate the report of M. Dumont. Up to the arrival of the first horseman I was there with Gabriel. Then I went down to the coulée, signalling with my hand to our people, and calling out, "run to the coulée, run to the coulée." Then we tied all our horses there, and we went up the hill on foot to fire, and we began to fire, I do not know how many shots. Suddenly I saw a Sioux killed quite close to me, then as the gun I was using was not good, I called out to another Sioux to take the gun of the dead Sioux, saying that I wanted to use it. He took the gun and lent it to me. It was a double gun with horn and shot-bag. We fired again, and, of a sudden, I saw Gabriel coming towards me (I saw him first on my right); he said he had no more cartridges; I gave him those I had, for I wanted to use the double gun,

and I called out to the people, "They want to pillage the coulée; we must go down and take all the horses and prevent them." And I told a young man to take Gabriel's horse, and I took mine; and going down the coulée I saw Gabriel, and he asked me where his horse was? I told him the young men were taking it away. It was the last time I saw Gabriel, and then I tied my horse in the wood and went up the hill on the south side, and firing began on both sides, and suddenly some one called out to me, "There they are coming down the coulée with their cannon!" I looked and saw them coming down, and I shouted to the young men, "Take courage, take courage and pray to God." Then they began firing at us with their cannon and rifles, and the balls fell like hail. It was about two in the afternoon, and I began shouting "fire, fire," and when our men began firing I saw that the police fell, and I heard the cry, "They are going to run," and I called out "fire, fire," and shouted for joy, and when the soldiers retreated out of the coulée, I asked the people where Gabriel was, but no one knew, and I asked continually where my children and nephews were, and I thought all our people had been killed except a few, for nobody answered me but two of my boys, and every time we stopped firing we prayed to God. Suddenly I heard a young man singing in French the song of the Bois Brulé, the song of the Falcon. That gave me courage. I kept shouting, "courage, courage!" Afterwards it began to rain and hail, and I said to the people, "Don't fire now, we must wait until they come, and if they come near we'll fire altogether. It was about 5 o'clock in the evening, I called out, "Where is Johnny?" (my brother's boy), and I heard him answer about a hundred yards from us. Immediately after his answer they fired three cannon shots and some rifle shots in that direction. Some time afterwards I stood up and went to see all the people, and I said to them, "my friends, we shall start away this evening, but before we leave this we must pray to God for our dead and our wounded, and also for ourselves, so that He may give us a way out of this," and I told them that "as to the wounded, those who can walk we must not leave them, we shall carry them to the groves and cover them well, and we shall go away quietly all together." I then counted the men and found but 48, with the wounded, and I said to them, "do not stir, I shall go and see my horse." He was only 40 or 50 rods from us. Then my nephew said to me, "Uncle, come here, I want to speak to you." I answered, "Do not stir, nephew, and do not fear; I will not leave you, I will go and see my horse, and then I will go to you." When I went to see my horse, my boy and another young Indian, followed me. I found my horse still standing and unhurt, but all the other horses around him were dead. It was then about sundown. My coat was on the saddle, and while I was untying it, I saw our people on the hill shouting joyfully. When they came up I shook hands with them, saying, "We are only forty-eight, and I think many have been killed." As I spoke, I saw six of our people come out of another wood, bringing our number up to fifty-four. Then when our people had come, they wanted to follow them up, but I called out: "Do not follow them, we have done enough for the present." They desisted and went to the battlefield to gather rifles and other things, and I said to them: "We must try and find carts to take home the wounded this evening." And I found a cart and harness at Mrs. Tourond's house, and the men on foot started on in front, and the horsemen remained behind. I got a mattress from the house and put two wounded men in the cart; the other wounded were placed on a buck-board. I walked in front, leading the horse with a rope. When I had gone about two miles, a young man lent me his horse. He said he would lead the horse, as I was tired. I was very glad to get the horse. When we got together at Touronds' house, I found that there had not been many of our people killed; only four were missing. A man came and called out in Cree: "What are you fellows doing there? Your people are all going?" I said to our people: "Let him talk away; don't answer him." Then he said: "How many are you?" I again told our men not to speak. He called out a third time, saying: "You must be hungry, come and eat." I said to our people again: "Do not speak." He spoke after the last cannon shots were fired.

There were not many of us in that wood, but God gave us a good road, and we reached the house in safety.

(Translation.)

REPORT OF GABRIEL DUMONT ON THE BATTLE OF 24TH APRIL.

When we left this, we stopped near my place, to the rear. We said a decade of the rosary. Then we went on as far as Roger Goulet's.

There we killed a couple of cattle for food. After eating, we began to prepare to go to the enemy's camp. Mr. Champagne arrived. He said: "We must wait a little and see what is to be done." He reported police coming from the direction of Little Mountain, on the Fourche Road. There he asked us for thirty men to come here. He asked Mr. Riel if he would come with them. Mr. Riel consented, asking for forty men. Nearly all the people wanted to come away. In the end some fifty came. After eating at Roger Goulet's, we sent the Sioux out as scouts. We then went on to Tourond's Coulée. We halted on the other side of the coulée, upwards. I, myself, rode on further. I went out of the moonlight into a tuft of trees; I came back again, hearing nothing but the flute. When I got back to our people they were on their knees praying; I also knelt down. When they finished, our scouts had not come in. As it was nearly day I gave the order to leave the place; we set out, taking the road to the left in the groves of trees; we went as far as the first houses, McIntosh's. It was already day, and as I saw it was impossible to get at them during the night, I told our people my plan was to return. Then we returned back to a low spot. I then borrowed a horse in order to go with Napoleon Nault to see the enemy's camp and to try and induce them to follow us. We went to within about half a mile of the camp, which seemed to be disturbed. We came back then to our people. Then I ordered our people to start back again for Tourond's Coulée, saying: "We shall wait for them there." We killed an ox for breakfast, and got hay for our cattle. Before eating, we sent Mr. Gilbert Brelant to see if the enemy were coming. After we had eaten he came in. He said that the cavalry were coming on in front. We saddled twenty-seven horses. Then we went down the coulée and posted ourselves about half a mile from our people. There we waited some time. It was then between nine and ten in the morning. Sending out scouts on foot. Mr. Bte. Deschamps told us he saw a trooper passing alone and then some ten on the other side. Pierre Laverdure told us he had seen one also. We then mounted and prepared for a rush. While we were watching, one of them showed himself to me about 150 yards off. His horse turned sharp about and we rushed straight for him. Our men fired, as we started, two or three shots. I think they hit him at the first shot. He was no longer able to handle his horse; then I followed him and fired two shots at him. I turned then and made for the coulée towards our people. There we began exchanging shots with the enemy. We tied our horses lower down than the point where most of our people were. There we exchanged fire again for a short time. I then went to a little grove in order to fire at them again. The police then came down at once alongside a wood. I began to fire. There were four or five of us, we were nearly all scattered. I then went up the coulée and met some people coming down. They were nearly all Sioux. There I was told a Teton had been killed. I then went to the place where the bulk of our people were. I encouraged them, saying, "God is strong." Then I went to the place where the Teton had been killed. I asked him, "Are you dead?" He answered me: "No." I then went down the coulée passing near our people and encouraging them all the time, when I came near Maxime Lepine, he said he was troubled as to what he ought to do. I thought it was on account of the crucifix he had in his hands; I said to him: "Pray for the cause of our religion and for its glory." Just then I was told that Jerome Henry had been hit. Then some one called out to me that the police were going to charge; thereupon we made for a small hollow and drew back into shelter. There I remained a short time. Napoleon Nault called out to me: "Mr. Dumont, I think the Indians and the Sioux are going to run, you had better go and stop them." As I saw many of our people who were in good heart, I answered: "Yes, I'll follow them." When I got near the horses, I found a lot of the people there: Sioux, Crees and

some half-breeds, going up the coulée ahead of the police in order to head them off. When I got to the hollow, I called out to them: "Stay there." I tied my horse in the wood. We went up and stationed ourselves in the prairie, so that the police might not pillage the sides of the coulée. There we fought for a long time. With some of the Sioux and some half-breeds there were about fifteen of us. We remained about three hours and a-half. We fired slowly, but with steady aim. Then I said to those who were with me: "I will go and see our people"; and an Indian said to me: "Do not leave us; if you do, many of ours will run away." I held on for a while, and then said to them: "Try and fight by yourselves for a while; I will go and see our people, and I promise to come back to you. When I hear my men shouting sturdily I know they are in good heart, because God is helping them." Then I went down the coulée to the place where I had left the bulk of my people. There the police had already crossed the coulée with a cannon. I went into the thick bush where the horses were tied. There, towards the middle of the bush where our people were, there was a clearing. Meantime the police were firing at me with the cannon and rifles. There I stopped, where there were large trees, thinking how I could serve them, for it was too great a risk for me. I turned back and went again to the little party I had left. They were still there. We held out for a short time longer. Then I said to them: "We can do nothing for our people here; let us go higher up in the coulée. We started out, following the coulée. We went up a little higher than Donald Ross' house; we saw the Sioux who had fled in front. Then we took the groves towards the river, after crossing the road. We found two of our people mounted on one horse. Then we gave them a horse. All the Sioux were leaving us, and would not listen to us any longer. We stopped in the groves in sight of David Tourond's house. My people said to me: "Go by yourself and see if we cannot get to our people." I went. As soon as the police saw me across the coulée, they fired a cannon shot and rifles at me. Then I returned to see my people. When I got to them I said: "The only way of rescuing our people is to stay here until night. We can go and eat at Calixte Tourond's, and then in the night we shall attack. Then we went to the house, and food was prepared. Shortly before we began to eat, Moïse Ouellette and Philippe Gariépy joined us. Then I told them we intended to attack at night, and that I did not think many of ours would fall. Then we remained there. Moïse and Philippe told us that Mr. Riel was preventing the people from coming to our assistance; but their opinion was that Mr. Riel would not be able to prevent them. Then they said we ought to wait for our people who were coming. There were also some Sioux with us. Two of them started on horseback to see the fight, but they turned back and brought a wounded mare with them. The Sioux, Mad Bull, told me then that it was impossible to go there. Philippe told me the same thing, saying it was useless to go. I said to them again: "We shall not go in daylight, but at night." Then Moïse Ouellette said: "We must wait for our people yet; they will come." We waited a short time, and I said to them: "Let us talk the matter over," and, thereupon, we decided to return to meet our people, and we set out. We met Mr. Boucher a little beyond Roger Goulet's, with Edouard Dumont. They told us they were quite sure our people would come. We went on our way without stopping. Then we met our people coming to our assistance. Then we turned back, going slowly, in order not to tire our horses. Then I said: "Let us put the carts in front, and tell them to move on quickly." I took my position in the rear, in order to command them all. Meantime it was raining heavily, and I said: "We shall stop at Calixte Tourmond's and dry our guns." Afterwards we set out again. Some of our men wanted to hang back, and I ordered them to advance. When we got near the coulée, I left my party, in order to go on in front. There were people on the left side of the coulée, and others on the right. I hastened, with an Indian, Yellow Blanket, to a spot where there were two horses tied. I said to him: "Come down, nephew; let us each saddle a horse, so as to be ready sooner." He answered: "Saddle them both, and I'll watch here for you. While I was saddling Pierre Parenteau's horse, Philippe Gariépy came up to us. I gave him the halter strap, saying: "You take this one." Then I

tied the other with the reins in the saddle, and started him off towards our people, who were behind us. On reaching them, we saw the police descending the other side of the coulée to surround our people. The latter called out: "They are going to charge." I turned my horse, and rode towards Tourond, following the cart road upwards. I followed the wood on the slope. I met our people, who were in the coulée. Then I told them that it was the power of God that had saved their lives. Then I shook hands with them, and asked them if my brother Eli was alive? They answered, "yes." I went up the hill saying: "We must follow them." The men shouted out in reply: "That's enough, don't go after them." Some of our people were ready to follow them, but I said to them; "We have done enough, we must listen to our own men." Then I continued on up the hill to see the police—I saw them going away in retreat. Then we went to the groves to look for bodies and rifles. We found nothing but the wheel marks of the carts in which the bodies had been removed. Then I returned to the coulée where our people were. We determined not to leave any of our dead or wounded. We went to Tourond's house to warm ourselves, for we were cold. Then we went to Calixte Tourond's and got a waggon, with a cart and another small waggon to carry the dead and the wounded. Then I stopped all the horsemen, who wanted to return at once. I said to them: "The people on foot will go on alone and we shall keep guard and wait for those who have gone for the dead and wounded. When they had brought them in I told them to start out with the carts in front. I remained all the time in the rear until we reached the place where I had met Mr. Boucher and Dumont. There I said to them: "My friends, I am cold. I think my head will suffer." I asked them if they would let me go on in front? They said that a great many would follow me. I said: "No, I will prevent them." Then I urged them not to separate, and I started away. When I got to the people in front, I said to them: "Do not follow me." Five or six of them wanted to follow me, but I stopped my horse and said to them: "Since you will not listen to me, you may go away by yourselves, I will stay with our people." Then André Letendre said: "Go yourself, we shall stay." Thereupon I started. Catching up to some people on foot I told them I was going on in advance. On leaving the wood, I met eight or ten horsemen. Some of these came in with me, amongst others Napoleon Nault and Charles Trottier. When I got here, I found some men who had got in before us though I was not aware that they had left us. Then I went at once to the council house. After shaking hands with those who were there I asked for some hot tea. There was none to be had. I then returned to my own house. If there is anything incorrect in my report, I ask pardon of God, for it will not be by my fault.

(True copy)

PH. GARNOT, *Secretary.*

(Translation.)

RULES FOR KITCHEN SERVICE.

Rules which the cooks are to follow strictly:

- | | | |
|-----------|-----|---|
| They must | 1st | Have breakfast ready for 7 o'clock. |
| do | 2nd | do dinner do 12 do |
| do | 3rd | do supper do 6 do |
| do | 4th | Keep the kitchen perfectly clean; |
| do | 5th | Take good care of dishes and utensils entrusted to them by the <i>Exovidat</i> ; |
| do | 6th | Admit into the kitchen only persons having special business with the Council, without seeking to impede their work; |
| do | 7th | Give food only to those who are on the list approved by the <i>Exovidat</i> , or to persons admitted by order of the Council; |
| do | 8th | Make, amongst themselves, as little noise as possible; |
| do | 9th | Be courteous, vigilant and careful in the discharge of their duties. |
- By order.

PH. GARNOT, *Sec. of Council.*

**SUBMISSION OF ALBERT MONKMAN TO RIEL'S COUNCIL, AND HIS
EXPRESSION OF BELIEF THAT RIEL WAS A PROPHET.**

BATOCHÉ, 26th April, 1885. •

This is to certify that I, Albert Monkman, have given up myself to be treated by the exovidat council as they may see fit except execution, on account of a false idea that I did not believe that Louis David Riel was a prophet. I said if he will know what I think I had better desert. I would believe Mr. Riel and have read my conscience, and I believe him to be a prophet by the grace of God for our movement.

Yours truly,
ALBERT MONKMAN.

**ANDREW TATE'S SWORN PROMISE THAT HE WILL NOT COMMUNICATE
WITH PRISONERS.**

I, Andrew Tate, do make oath and promise that I will never again go and see any prisoner, and that I will try neither by sign, word nor any other way to communicate with one or more prisoners, especially Albert Monkman, and that I will keep to my place in every way.

ANDREW TATE.

Sworn before me at St. Antoine, }
27th April, 1885. }
PH. GARNOT,
Secretary for the Council.

(Translation.)

**LETTER TO THE ENGLISH AND FRENCH HALF-BREEDS OF BATTLE
RIVER, FORT PITT AND VICINITY.**

Our good God has always taken care of the half-breeds. "I have fed them many days in the desert." It was Providence that enriched our prairies with the buffalo, and the abundance with which our fathers were supplied was as wonderful as the heavenly manna. But we were not sufficiently grateful to God, our good Father, and that is the reason we allowed ourselves to fall into the hands of a Government which had no thought for us except to plunder us. Ah, had we understood what God did for us before Confederation, we should have been sorry to see it come about. The half-breeds of the North West would have insisted on conditions of a nature to preserve in behalf of our children that freedom, that possession of the soil, without which no one can be happy. But fifteen years of suffering, impoverishment and covert malignant persecution have opened our eyes, and the sight of the abyss of demoralization into which the Dominion is daily driving us deeper and deeper, has suddenly, by God's grace, stricken us with horror. And more terrified by the hell to which the mounted police and their Government are striving openly to lead us, than by their firearms, which, after all, can only kill our bodies, we have risen. The voice of conscience has given the alarm and cries out to us; "justice commands you to take up arms." Dear relatives and friends we advise you to be on the alert. Be ready for anything. Take the Indians with you. Bring them together from all sides. Take all the ammunition you can, wherever it may be stored. Murmur, protest and threaten. Stir up the Indians, and also render the police of Fort Pitt and Battleford powerless. We pray to God to open the way to us to get up to you, and when we enter that way, as we hope to do, we will help you to take Battleford and Fort Pitt. Have confidence in Jesus Christ. Place yourselves under the protection of the Blessed Virgin. Implore help from St. Joseph, for he is powerful with God. Command yourselves to the powerful intercession of St. John the Baptist, the glorious patron of the Canadians and the half-breeds. Be at peace with God; keep His commandments; we beseech Him to be with you all and to give you success. Strive to give speedily to the half-breeds and Indians at Fort Pitt the news we send you, and tell them to be sure to be ready for anything.

L.

(Translation.)

LETTER—MRS. SALOMON TO RIEL, COMPLAINING—HOUSE SACKED BY INDIANS.

ST. ANTOINE, 25th April, 1885.

DEAR SIR,—The Indians took possession of my house while I was away. They broke in the doors of the shed and took all the food I had in it. While I was away they did that, and in my presence they killed my hens. If you would kindly send me a cart to help me to remove what I have left, or if you could send me some guards to restrain them, I should be much obliged.

MADAME SALOMON, V.

(Translation.)

A SCOUTING REPORT OF ALEX. CAGAN.

Report of Mr. Alex. Cagan of Lake Muskeg, 26th April, 1885.

I was at Pike Lake, and an Indian started out for Battle River. When he got there the Indians of that place were taking the contents of the stores. I state what the Indians told me. There was but one store near the Government fort which was not taken, but the Indians camped near that store. The next morning they set out to clean out all the stores, after breakfast. All the goods the Indians took they hauled to their camp as they took them. They started to take a camp which was on the other side of the river, but they arrived too late, for the Indians were already starting for the north side. I forgot to state that all the chiefs held a meeting before that, in order to ask the agent for ammunition for hunting. They asked quietly four times. The agent replied: "I will not let you have any ammunition; live as you have been accustomed to live." Little Spruce said: "Why? You promised to feed us. We asked you for this quietly in order to support our children; you are doing this to vex us. No one asked you to come here." Straw-man, another Indian, said: "Yes, you shall soon see how we used to live in former times; we were great fools." And then they went away. The following day the agent and Peter Banatine took two sacks of flour and 50 lbs. of bacon to each chief. Straw-man said to Banatine: "You are doing this to make fun of us and to vex us the more." The first they went to see was the farm instructor at Eagle Mountain where Red Pheasant is. The farmer fired first, but they made his shot go off in the air, and the son of Horned Bull, an Assiniboine, pierced him with an arrow, but Maringouin's son-in-law finished him with his tomahawk. An Assiniboine Indian named Yellow-Hair killed another farmer who had care of the cattle. They crushed his head also; these two events happened the same day. On the reserve of Chief "Struck-in-the back," Jos. McKay was the farmer, and they warned him that they did not want to do him harm, because they were too much accustomed to him, but they took everything there was there. Then they went to Straw-man's reserve. There was a farmer there, and before they spoke to him he tried to defend himself, but a Cree named Flowing-Leaf took the axe and gave him a blow on the cheek; the other turned round and yelled, but he gave him a second blow and finished him. Then some of them wanted to draw back, but their people sought to kill them. The Assiniboine wanted to kill the Crees who wished to draw back. He said to them: "They have already killed one-half of us by hunger, you must not try to save them." In this way they all went together and no person would draw back. The name of the Indian who brought me that news is La Graine D'Original. After that, I said to the Cree: "Let us go and see about Battle River and the Lake Brocket people. And when we stopped on the other side of the river, after we got off our horses, they fired three times at us with their cannon. And when I saw that, there were some abandoned houses, and I told the Indians to burst open the doors and help themselves. The houses were well stocked with provisions and the Indians said: "Riel is charitable, and that's why we have plenty to eat." A little way further down we helped

ourselves again, and I provided myself from the store of a trader of the company, taking everything there was. There was a barrel of powder. That one I was wrong in taking, for he is with you; but it was the company's property. And I started to come back this way; and after a day's journey my son and son-in-law turned back to get flour and pork at Battle River. If I had had certain news I would have made the Indians far more crazy. They wanted to start out again for a hunt in that direction. Then I came towards Muskeg Lake to the place where I met my brother. There on the day after my arrival, we broke up camp to go to the Mustawasis reserve, for they had no provisions. It was there I destroyed the pigs. When I was going to leave, my brother told me he was not with the Government since he was with the half-breeds. He had not as yet meddled in the matter. "But you see, he said, how I am in need of means. Many of the people are sick too." He further said: "I am afraid of our people, the Crees, to go with the Government. We are but two brothers, and he was waiting for me to know what I would say to him. There is only one in whom I trust and that is God. If he wills that I should die of hunger, I shall die so. When the chief's people sent a runner to Lake La Peche, the agent replied: "Since he wants to go with the half-breeds, let the half-breed feed him. Why did he not come with you Bélangers?" He said that to the runner. I said to my brother: "Neither have I meddled in the matter, but I do not want to hold back, for one of my boys is there; and if they want us they know what to do. Otherwise, I must be a coward, since my boy is there." I think they wanted to follow me at once, and I cannot go aside from that, and if you would be afraid, I also would be afraid. I have never had much affection for Canada and I have still less at present. I should still like to go away hunting, but if you think it better that I should be here I will not go; but there are a great many animals there. Bélanger is between two fires; he is afraid to go to Prince Albert and he is afraid to come here. I heard from an Indian, Big Bear, that Tom Quinn went to give the freight in the camp and that they killed him there. And then some Canada people wanted to escape at the Little Fort and they killed eleven of them. They took everything from a mail carrier and let him go. When that man left Fort Pitt to bring the letters, he saw the Indians attacking Fort Battleford. And when he left there the same Assiniboines took him and took away his letters, and he fled to the Graine d'Original reserve and reached that camp, and I reached it in the morning after he left. And when I got there the horse came in hobbled. I think it was the same Assiniboines who took him. The mail carrier told the Indians that all the forts are taken by the half-breeds and Indians towards Edmonton. Straw-Man took 350 head of cattle, and two Indians took 40 horses. They have a lot of horses. They have 340 guns and much ammunition. My brother has eleven guns. I think they have no rifles; we have three. I gave them a little too much powder. Big Bear has all the Montagnais with him.

Translation)

SCOUTING REPORT—ALEX. PARENTEAU, BATOCHÉ.

Report of Alexandre Parenteau, 30th April, 1885, written at Batoche.

The Indian camp is between the reserve of "Man-who-was-struck-in-the-Back," and that of "Straw-Man." I started from the Red Prairie Bend on Battle River. This is the tenth day since I started. Three Indians came and camped at my place. I asked them to tell me the truth, so that I might bring in reliable news. They answered that they had killed ten for certain, and that the first was the farmer of the Assiniboines, and that if I wanted to be convinced I need only look in the manure heap, that he was buried there. I told them I believed them. Alex. Salomon's pupil, with Smart, went to Winnipeg. The youth went on in advance with four other men and I saw them near the Indian camp. He had deserted. When he reached the camp the Indians took his horse and arms away from him. Then they asked him to tell the truth as to whether he had deserted to

come to the camp? He answered, "yes." The Indians asked if he had seen any soldiers? He said, "yes, I saw some between the river and the big grove. They said there were five hundred." It was they said that. When I left the grove the three Indians accompanied me as far as the end of the buttes. There we unharnessed in order to eat before parting. After going some distance I saw five horsemen and rushed towards them. When I got near they made sign to me to stop and I did not do so but kept on. And they began firing at me (it was twenty-five or thirty miles from Battle River) but I continued advancing upon them. They fired seven shots. They were lying on the ground in order to fire at me, and when they saw that I did not stop they mounted their horses and fled. When I got to the top of the hill I saw the camp. They were on horseback to chase me and I got away from there. In the spring I had left my horses in the grove and I went to look for them. I found them, and on the following day I left the place and camped beyond Eagle River in the buttes. Starting thence I unharnessed at Eagle River; then I camped at the spring. On reaching Pointe des Buttes de Sable I saw tracks of horses, the dung had not had time to dry. There were five of them. I did not see them and I do not think they saw me. They were going towards Clarke's Crossing. At the telegraph I saw thirty in the distance, and when I got there I counted the tracks. There I saw two blankets, one blue and one white. Nearer to me I saw one, he was alone and was flying as fast as he could go. I made for the river, got down the hills, and tethered my horses in some small maples. It is there I left my family. And when I left them I came and camped in the sand buttes a little way from the camp, and in the morning I got on top of a butte and saw Middleton's camp on this side of the river. Towards evening yesterday I left the place. I wanted to cross the road in the open in order to reach a grove. My wife became faint and we crouched down there. They did not see us. Thence I went to Mr. Bélanger's.

(This report is made under oath.)

List of Killed.

Killed on 26th March, 1885:—Augustine Laframboise, he leaves a wife and two children; Isidore Dumont, he leaves a wife and some twelve children; J. Bte. Montour, he leaves a wife and two children; Joseph Montour, not married; Achiwagin, a Cree, a wife and five or six children.

24th April, 1885:—St. Pierre Parenteau, a wife and no children; Joseph Vermette, a wife and four children; Michel Desjardins, wife dead, but leaves three children; Michel Boyer, a wife and children; two Sioux. I do not know whether they were married or not. (See Mr. Labombarbe.)

Dead of the Battlefield.

Anderson, S. C. Elliot, Lawyer, John Wimeskirk, James Backie, Wm. Napier, Alex. Fisher, Bob. Midleton, Capt. John Merton, Dan. McKenzie.—*R. I. P.*

LETTER FROM MONKMAN TO GARNOT, STATING THAT HE SENDS SET OF HARNESS, AND REFERRING TO THE CASE OF ARCAND *vs.* ARCAND.

Mr. GARNOT,—I send one pair of harness; that is all I have on hand to spare at present. Is Arcand *vs.* Arcand case dropped? I think that that case must be looked into, as I think it will make a hard feeling on one part—that feeling will be the means of some parties going back to their homes. As for my part, I don't wish to see any hard feeling on either side.

Yours truly,

A. MONKMAN.

LETTER FROM DOMINION LANDS AGENT TO JOSEPH VANDAL, INFORMING HIM THAT HIS PATENT IS READY FOR DELIVERY.

DOMINION LANDS OFFICE, WINNIPEG, 30th December, 1879.

SIR,—The patent awarded to you under the provisions of the Act 37 Vic., cap. 20, is now ready for delivery at this office. Should you call for it in person, unless you should be personally known to the agent, you will require to be accompanied, with a view to identification, by someone known to that officer; or the patent will be delivered to an agent on your behalf, provided such agent file in this office a power of attorney, in proper form, duly executed in the presence of a justice of the peace, resident in the Province of Manitoba, Keewatin or the North-West Territories.

Produce this circular on calling, either in person or by agent, for patent.

I have the honor to be, Sir, your obedient servant,
DONALD CODD, *Dominion Lands Agent.*

To MR. JOSEPH VANDAL, of the Parish St. Agathe.

LETTER FROM DOMINION LANDS AGENT TO BAPTISTE PRIMEAULT IN RE LAND CLAIM.

DOMINION LANDS OFFICE, PRINCE ALBERT, N.W.T., 12th April, 1882.

SIR,—I have the honor to acknowledge the receipt of your letter of the 3rd April referring to your claim on behalf of your son and yourself to the S.W. $\frac{1}{2}$ of Section 28 and to the N. $\frac{1}{2}$ of Section 21, Township 44, Range 3.

In reply I have to inform you that even numbered sections are open for homestead and pre-emption entry, and that, pending the decision of the Government regarding occupants of odd-numbered sections previous to the issue of the Order in Council withdrawing the same from settlement, your claim will be filed.

I have the honor to be, Sir, your obedient servant,
GEO. DUCK, *Agent Dominion Lands.*

BAPTISTE PRIMEAULT, Esq., Duck Lake, N. W. T.

PASSES.

Amyot, Arthur, to-morrow, 7 a.m., 28th March, 1885.
Amyot, Arthur, 9 p.m. this day, 30th March, 1885.
Bremner, sen., pass until otherwise ordered.
Boyer, Isidore, until otherwise ordered, 28th March, 1885.
Bélanger, A., until 9 p.m. this day, 31st March, 1885.
Cayal, L., until to-morrow, 2 p.m., 30th March, 1885.
Cayen, —, until 8 this evening, 30th March, 1885.
Champagne, Amb., to-morrow morning, 30th March, 1885.
Dubois, Maxime, 29th March, 1885, until to-morrow morning.
Dumont, Edouard, to-morrow morning, 30th March, 1885.
Dumas, M., to-morrow morning, 3rd April, 1885.
Ferguson, Léon, to-morrow, 27th March, 1885.
Faignant, Cuth., to-morrow morning, 28th March, 1885.
Fidler, Alex., until 5 o'clock, 29th March, 1885.
Faillants, Patrice, until 11 o'clock, 29th March, 1885.
Fleurie, Patrice, until to-morrow morning, 30th March, 1885.
Fidler, J. Bte., until midnight, 1st April, 1885.
Fidler, sen, until otherwise ordered, 2nd April, 1885.
Garriepy, to-morrow morning, 29th March, 1885.
Henry, Jérôme, to-morrow at noon, 27th March, 1885.
Henry, Pierre, until to-morrow evening, 30th March, 1885.
Laboucane, Alex., until 7 a.m. to-morrow, 28th March, 1885.

Laviolotte, Max., until noon, 29th March, 1885.
 Lepine, Abt., until to-morrow morning, 29th March, 1885.
 Laframboise, the younger, until 6 o'clock, the 30th, 1885.
 Lafontaine, Ant., 7 o'clock this evening, 31st March, 1885.
 Laboucane, G., to-morrow noon, 31st March, 1885.
 Lepine, Max. to-morrow morning, 3rd April, 1885.
 Monkman, Albert, and 2 men to go on guard at his house, 27th March, 1885.
 Parenteau, Louis, until to-morrow morning, 29th March, 1885.
 Parenteau, Isidore, until to-morrow noon, 29th March, 1885.
 Parisien, Elzéar, until this evening, 30th March, 1885.
 Parenteau, Pierre, until to-morrow morning, 30th March, 1885.
 Parenteau, son of Daudais, until to-morrow morning, 30th March, 1885.
 Paul, Bernard, for two hours, 30th March, 1885.
 Pilon, Joseph, until 7 this evening, 31st March, 1885.
 Parenteau, N., until this evening at 7, 31st March, 1885.
 Ross, Donald, until to-morrow evening, 27th March, 1885.
 Racette, Jérôme, until otherwise ordered, 28th March, 1885.
 Sauvé, Linomme, until 7 to-morrow, 28th March, 1885.
 Smith, Gabriel, until to-morrow evening, 30th March, 1885.
 St. Dennis, Joseph, until to-morrow morning, 30th March, 1885.
 Swan, William, until to-morrow morning, 1st April, 1885.
 Vandale, Modeste, until to-morrow morning, 30th March, 1885.
 Vandale, Roger, until to-morrow evening, 30th March, 1885.
 Vandale, Thomas, for two days, 30th March, 1885.
 Vandale, Baptiste, to-morrow evening.
 Villeneuve, J., for two days, 30th March, 1885.
 Vandale, Pierre, until 10 o'clock this evening, 1st April, 1885.
 Vandale, Joseph, a standing permit, 2nd April, 1885.

ORDERS IN COUNCIL.

No. 1.

It is ordered that all horses be gathered together, without exception, and be sent to the guard, under the direction of Joseph Parenteau.

M. D., *for Secretary.*

10th April, 1885.

No. 2.

To send for Daniel Dumas and all the animals that may be at his place, 11th April.

PHILIP GARNOT, *Secretary.*

P.S.—Except one brindled cow and one red cow.—PH. G.

No. 3.

Proposed by Mr. Boucher, seconded by Mr. Dumont, that Mr. Chamberland be furnished with a list of our people who have decided to take their meals here, and who have the right of coming into the council chamber.

PHILIP GARNOT, *Secretary.*

11th April.

No. 4.

Mr. Ambroise Champagne, you are appointed, with Mr. Joseph Vandale, inspector of Guards, by Order in Council.

PHILIP GARNOT, *Secretary.*

11th April.

No. 5.

Proposed by Mr. G. Dumont, seconded by Mr. Trottier, that two or three men be sent to Fort la Corne to ascertain the feeling at that place. Adopted—9 for; 1 against.

N. B.—When this Act was passed, it was understood that if Mr. Edouard Dumont desired to go to Fort la Corne, he was free to do so, with one or two men. Adopted—8 for; 2 against.

M. DUMAS, *Assistant Secretary.*

BATOCHÉ, 11th April, 1885.

No. 6.

Proposed by Mr. Parenteau, seconded by Mr. Dumont, that the brown horse which was captured at Hoodoo by the soldiers of the provisional government be brought here and kept for the use of Mr. Riel and placed in the hands of Mr. Parenteau to take care of. Adopted unanimously.

11th April, 1885.

No. 7.

An Order in Council is given to cross over twenty head of cattle to this side of the river.

By order of the Council.

P. GARNOT, *Secretary.*

A. MONKMAN, Esq.

ST ANTOINE, 16th April, 1885.

No. 8.

An Order in Council is given to Salomon Boucher, Modeste Rocheleau and François Vermette to go and hunt up men, arms and ammunition as far as the McIntosh farm and its neighborhood.

By order of the Council.

PH. GARNOT, *Secretary of the Council.*

ST. ANTOINE, 16th April, 1885.

No. 9,—*To whom it may concern :*

GENTLEMEN,—You are requested to give all firearms and munitions that may happen to be in your possession to bearer and we will not leave you without protection.

By order of the council of the provisional government,

P. GARNOT, *Secretary.*

ST. ANTOINE, 16th April, 1885.

No. 10.

Given to Maxime Fidler, and addressed to Joseph Parenteau, to deliver to him his horse which is under guard on the other side of the river.

M. DUMAS, *Assistant Secretary.*

17th April, 1885.

No. 11.

Order of the Council is given to Alex. Fidler to enable him to get his horse order addressed to Joseph Parenteau.

M. DUMAS, *Assistant Secretary.*

No. 12.

Ferry across two cows for the use of Mr. Nap. Nault.

By order of the Council.

PH. GARNOT, *Secretary.*

17th April, 1885.

No. 13.

An Order in Council is given that a sack of flour be delivered to Mr. Trottier, for his family.

PH. GARNOT, *Secretary*.

St. ANTHONY, 17th April, 1885.

No. 14.

An Order of the Council is given to deliver up to Mr. Ph. Garnot, Secretary of said Council, three bags of flour which he had lent.

PH. GARNOT, *Secretary*.

St. ANTHONY, 17th April, 1885.

No. 15.

An Order in Council is given to Mr. Michel Dumas to ferry over a cow and bring it here for his own use.

PH. GARNOT, *Secretary*.

17th April, 1885.

No. 16.

An Order in Council is given to Mr. Jim Short to ferry over two cows, and keep them here for his own use, until otherwise ordered.

PH. GARNOT, *Secretary*.

17th April, 1885.

No. 17.

An Order in Council is given to Mr. John Desmarais to ferry over a cow and to keep it for the use of his family, until otherwise ordered.

PH. GARNOT, *Secretary*.

17th April, 1885.

No. 18.

An Order in Council is given that two men be sent to hide all the small boats, and that they be brought here as soon as possible; and that the ferry boat of Mr. Lepine be taken to pieces and the parts concealed in three or four different places.

PH. GARNOT, *Secretary*.

17th April, 1885.

No. 19.

An Order in Council is given to Mr. Arthur Amyot to take a cow and keep her for the use of his family, until otherwise ordered.

PH. GARNOT, *Secretary*.

17th April, 1885.

No. 20.

An Order in Council is given to the effect that Nap. Parenteau should have a cow ferried over, and keep it for the use of his family, until otherwise ordered.

PH. GARNOT, *Secretary*.

St. ANTHONY, 17th April, 1885.

No. 21.

An Order in Council is given to bring here Alex. McDougall, jr., Louison Fontaine and Isidore Bergin, without fail, as well as McLeod's mare, and the grain, &c., that they will find there.

PH. GARNOT, *Secretary*.

St. ANTHONY, 17th April, 1885.

No. 22.

An Order in Council is passed to make six or eight oars for the ferry boat, and as many for the small boats.

PH. GARNOT, *Secretary*.

17th April, 1885.

No. 23.

An Order in Council is given to Mr. J. Bte. Fidler, to enable him to withdraw his horse from the guard on the other side of the river, in order to bring it to this side.

PH. GARNOT, *Secretary*.

ST. ANTHONY, 18th April, 1885.

No. 24.

An Order in Council is given to Mr. Napoléon Nault, to ferry over the waggons which are on the other side of the river, in order to bring them here.

PH. GARNOT, *Secretary*.

ST. ANTHONY, 18th April, 1885.

No. 25.

An Order in Council is passed to give a cow to Mr. Swan for use of his family, until further orders.

PH. GARNOT, *Secretary*.

ST. ANTHONY, 18th April, 1885.

No. 26.

To Mr. JOHN ROSS, Animal Keeper.

An Order in Council is passed to give a milch cow, if there is one, to the bearer, a Cree Indian.

By order of the Council

PH. GARNOT, *Secretary*.

ST. ANTHONY, 18th April, 1885.

No. 27.

An Order in Council is given to Capt. Edouard Dumont to make ready to go *en reconnaissance* up the river to watch General Middleton, and that he is to have command of the expedition. This order is to be read to the inspector of guards and given to E. Dumont.

PH. GARNOT, *Secretary*.

ST. ANTHONY, 20th April, 1885.

No. 28.

An Order in Council is given to Mr. Jobin, with another man, to go to Mr. Bremner's for the horses belonging to the young men who have left, and others.

By order of the Council

PH. GARNOT, *Secretary*.

ST. ANTHONY, 20th April, 1885.

No. 29.

An Order in Council is given to the proper persons to haul in all the hay there may be between this place and that of Léonore Parenteau. And an order is also given to the young men that may be in the houses to haul in all the hay to be found further on.

PH. GARNOT, *Secretary*.

ST. ANTHONY, 21st April, 1885.

No. 30.

An Order in Council is passed to deliver one cow to James Welsh for the use of his family, until otherwise ordered.

PH. GARNOT, *Secretary*.

To Mr. JOHN ROSS, keeper of the animals.

ST. ANTHONY, 23rd April, 1885.

No. 31.

An Order in Council is passed to lend a good horse to Mr. Alex. Cayen, in order that he may go and look for his people at Lake Muskeg.

PH. GARNOT, *Secretary*.

ST. ANTHONY, 27th April, 1885.

No. 32.

An Order in Council is passed to lend an additional horse to Mr. Alex. Cayen, to go to Muskeg Lake.

PH. GARNOT, *Secretary*.

ST. ANTHONY, 27th April, 1885.

No. 33.

An Order in Council is passed to ferry over five head of cattle to be slaughtered.

PH. GARNOT, *Secretary*.

ST. ANTHONY, 27th April, 1885.

No. 34.

An Order in Council is given to Mr. Nap. Carrière to take possession of his tent wherever he may happen to find it, seeing that he has never sold or lent it.

PH. GARNOT, *Secretary*.

ST. ANTHONY, 28th April, 1885.

No. 35.

An Order in Council is passed giving Mr. Alex. Arcand the right to appeal under No. 34 of the council passed yesterday, when he has sufficient proof.

PH. GARNOT, *Secretary*.

ST. ANTHONY, 29th April, 1885.

No. 36.

An Order in Council is given to Mr. Alex. Fisher not to make a crossing in the ferry boat with less than eight persons in the boat.

PH. GARNOT, *Secretary*.

ST. ANTHONY, 30th April, 1885.

No. 37.

SIR,—Please deliver to the bearer seven bags of flour, belonging to Bte. Boyer.
By order of the Council.

PH. GARNOT, *Secretary*.

To Mr. C. FAGNANT.

ST. ANTHONY, 1st March, 1885.

No. 38.

An Order in Council is given to Mr. Patrice Tourond, to deliver to Mr. Pierre Paranteau a pair of breechings, in compensation for those which the mail carriers took away from him. Give him the breechings which were taken from the mail at Hoodoo.

PH. GARNOT, *Secretary*.

ST. ANTHONY, 1st May, 1885.

No. 39.

An Order in Council is passed authorizing the families living down the river to kill a young animal of one or two years of age, and to divide it among them; and to take the animal out of those belonging to the people who fled the country.

PH. GARNOT, *Secretary of the Council*.

ST. ANTHONY, 3rd May, 1885.

No. 40.

An Order in Council is given to go and look for all the animals that there may be down the river, especially cows, and all the animals of those who have fled the country.

PH. GARNOT, *Secretary of the Council*.

ST. ANTHONY, 3rd May, 1885.

No. 41.

Please give the keys of the storehouse and shed to Mr. Damase Carrière to get some tea, salt and sugar, if there is any.

By order of the Council.

PH. GARNOT, *Secretary*.

To Madame LETENDRE.

ST. ANTHONY, 3rd May, 1885.

No. 42.

An Order in Council is given to Mr. Damase Carrière to take from the store of Mr. Champagne one box of tea.

By order.

PHIL. GARNOT, *Secretary*.

ST. ANTHONY, 3rd May, 1885.

No. 43.

An Order in Council is given to bring F. St. Germain here to stay.

PH. GARNOT, *Secretary*.

ST. ANTHONY, 3rd May, 1885.

No. 44.

Names of persons to be looked up, by Order of the Council:—André Nolin, Jérôme Racette, Alex. Begu, Frederick St. Germain, Alex. Pilon, the oldest boy of Pierre Henry, Barthélèmi Pilon, Patrice Parenteau, Joseph Delorme, Alexis Gervais, François Gervais, Cléophas Champagne, Amb. Gareiépy, Nazaire Champagne, Jas. Pilon, jr., Emmanuel Champagne.

By order of the Council.

PH. GARNOT, *Secretary*.

ST. ANTHONY, 4th May, 1885.

No. 45.

An Order in Council is given to bring in the horses belonging to Mr. Emmanuel Champagne, and which are at his place, as well as those belonging to his son or other people.

By order.

PH. GARNOT, *Secretary*.

ST. ANTHONY, 5th May, 1885.

No. 46.

SIR,—Please deliver to the bearer six bags of flour belonging to Mr. Bte. Boyer.

By order of the Council.

PH. GARNOT, *Secretary*.

To Mr. CUTHBERT FAGNANT.

ST. ANTHONY, 5th May, 1885.

No. 47.

An Order in Council is given to send three men below to bring in Wm. Bruce and his mare, and if he is not there then the mare of George Fidler, and to make a reconnaissance at the same time.

PH. GARNOT, *Secretary*.

Bring along and look after André Jobin, Jérôme Racette, and Alexandre Boyer.

—P. H. G.

ST. ANTHONY, 5th May, 1885.

No. 48.

SIR,—Please deliver to the bearer the remainder of the flour belonging to Mr. Bte. Boyer.

By order of the Council.

PH. GARNOT, *Secretary*.

To Mr. CUTHBERT FAGNANT.

ST. ANTHONY, 7th May, 1885.

LETTERS.

No. 1.

SIR,—Your instructions are that you must take great care of the horses, and that the best horses be carefully spared, and that the mares with colt are not to be used at all; and that the young people are not to be free to do what they please with the horses. You are the master. And that no horse be given without an order from the council, or the inspector of the guard, but when an alarm is given then an order is not necessary.

M. D., for the Secretary.

MR. JOSEPH PARENTEAU.
10th April, 1885.

No. 2.

REV. FATHER VÉGREVILLE,—The Council of the Provisional Government begs you to consider the interests of the French Canadian Metis with a more favorable eye; this you can do by declaring in writing that you will keep yourself at least perfectly neutral; that you will not withdraw from this place without the consent of the Provisional Government.

Give in writing your word of honor that you will act in this way towards us; if you do not we will be compelled to treat you accordingly.

PH. GARNOT, *Secretary of the Council.*

BATOCHÉ, 10th April, 1885.

No. 3.

MY VERY DEAR FATHER FOURMAND,—I send a courier in your direction to carry to you the terrible news of the death of Fathers Fafard and Marchand, who were killed by the Indians at Frog Lake.

You will apply in their case the prayers required by our rules. The Indians have risen in every direction and are massacring the whites. Eleven persons were killed around Frog Lake. It is a war of extermination which has begun and it is our Metis who have caused this trouble, and who bear the responsibility of all the blood that has been and will be shed.

My dear father, we must save the sisters from the fate which threatens them, and find means to send them to Prince Albert. I am ignorant how you are situated, but things have an extremely dangerous look; but you seem to fear nothing, and rest in perfect serenity.

Consider, then, if there is any danger in making the sisters leave for Prince Albert, and see if you cannot find some willing men to escort them as far as the forks of the road which comes from Carlton. They have nothing to fear on the part of the people of Prince Albert, who never go there except to cut hay. It is the Indians whom I dread.

PRINCE ALBERT, 12th April, 1885.

No. 3.

DEAR BROTHER:—The exovedes in meeting decided that two or three men should be sent to Carlton, but they agree that you should not go yourself, they are of opinion that your presence here is necessary, although they are sure that you would be the best to go to Carlton. They really expect an attack at a very short period, and they know that your ability here will be of great necessity.

Scouts have been seen twice to-day already. We would also beg of you to keep a very close and good guard, because there might be danger on your side of the river. Sending you our best wishes, we remain your brother.

For the council,

PH. GARNOT, *Secretary.*

To Exovede ALBERT MONKMAN.

ST. ANTHONY, 16th April, 1885.

43h—3½

No. 4.

SIR,—You are requested to attend the Council meeting to-morrow, as we have urgent need of you and of all the absent members of the Council.

Your very devoted,

PH. GARNOT, *Secretary.*

To Mr. AMB. JOBIN.

ST. ANTHONY, 16th April, 1885.

No. 5.

SIR,—Please take notice, that from this date, each evening you will give notice upon which side of the river you remain with the ferry boat, in order that guards may be placed in order to guard the cable and the boat.

By order of the Council.

PH. GARNOT, *Secretary.*

To Mr. ALEX. FISHER.

ST ANTHONY, 17th April, 1885.

No. 6.

SIR,—I give you notice that each crossing ticket (return ticket) should be sent every evening to the secretary or his assistant.

Your devotedly,

PHIL. GARNOT, *Secretary,*

By OCT. REGNIER, *Assistant.*

Mr. ALEX. FISHER.

ST. ANTHONY, 18th April, 1886.

No. 7.

We have received and considered yours concerning the friendly and generous offer of Chesorpen. We thank our relative, the old soldier, for his offer of good services. The Exovidate are of opinion that Middleton and his troops ought not to be treated as ordinary. It would be better to watch well their moves, to let them come when they please,—under the Almighty hand of Divine Providence—and when they are near enough to strike and work until, with God's and Christ's help, we have conquered them. A complete success over Middleton we have to ask from our Lady the Blessed Virgin Mary, and let us aim at such a decisive success—and considering the situation, we believe that it would be of great usefulness to send a party of *découvreurs* to-night to watch the movement of Middleton, to-morrow morning, and during the whole day from your side of the river.

Proposed by Mr. Ross, seconded by Mr. Lepine, that a vote of thanks be voted to Mr. Monkman, for the creditable way in which he conducted himself in the command which he has across the river.

Present:—Messrs Tourond, Jobin, Trottier, Henry, Carrière, Boucher, Ross and Lepine.

PH. GARNOT, *Secretary.*

To Mr. MONKMAN.

ST. ANTHONY, 19th April, 1885.

No. 8.

REVEREND FATHERS,—You are invited to come here, at nine o'clock in the morning, for the reasons given in the resolutions of which I send you a copy.

A copy of the resolution of the 30th April is enclosed.

Your very humble servant,

PH. GARNOT, *Secretary of the Council.*

To the Reverend Fathers FOURMAND, MOULIN and VÉGREVILLE.

ST. ANTHONY, 30th April, 1885.

No. 9.

SIR,—Be so good as to tell your men, and take notice that every crossing ticket must be given up to the secretary, or to his assistant, because for a long time it is remarked that no tickets come here, and of 600 tickets we have received but barely 100.

Don't concern yourself about the distribution of tickets; but see that all the tickets are sent here every evening, and if the people of the other side of the river require tickets, they must ask for them.

Yours, &c.,

PH. GARNOT, *Secretary*.

To Mr. ALEX. P. FISHER,
ST. ANTHONY, 4th May, 1885.

No. 10.

SIR,—Be so good as to see that Thomas Petit takes his meals and board with you, and we will board Parenteau on this side.

By order of the council.

PH. GARNOT, *Secretary*.

To Mr. N. NAULT.
ST. ANTHONY, 5th May, 1885.

MINUTES OF THE COUNCIL (BOOK).

Prayer of the Council.

O Lord, our God, Thou who art the Father of mercy and consolation, we are several French Canadian Métis, gathered together in council, who put our confidence in Thee; grant that we may not be covered with confusion, ever defend us from this, enlighten us in our darkness of doubt, encourage us in our trials, strengthen us in our weakness, and succour us in the time of pressing need.

Minutes of the Council of the 30th March, 1885.

Explanations are requested by Mr. Lepine in Council, asking Mr. Jobin for explanations why he gave up the position of assistant commissioner of the Provisional Government.

By Mr. Jobin.....

Proposed by Mr. Monkman, seconded by Mr. Boucher, that we move off to Carlton, and that this motion be kept secret until a decision has been arrived at to go to Prince Albert or elsewhere. Adopted—9 for, 1 against.

Proposed by Mr. Dumont, seconded by Mr. Boucher, that men be sent to examine the house of Ambroise Fisher, Magnus Burton, and François Piché, and to see if anything has been hauled away, either provisions or merchandise, &c., and to seize and bring here all suspected articles found in the house. Carried unanimously.

Proposed by Mr. Lepine, seconded by Mr. Jobin, that a detachment of fifty men be sent to Carlton to take possession of the fort, and that Mr. Monkman with another member of the Council be entrusted to carry out this expedition. Carried unanimously.

Proposed by Mr. Ouellette, seconded by Mr. Henry, that Mr. Ouellette should go with Mr. Grant or Mr. Dumas to accompany the expedition to Carlton. Carried unanimously.

Proposed by Mr. J. Bte. Boucher, seconded by Mr. Pierre Parenteau, that a man be sent to the other side of the South Branch of the Saskatchewan, and that he should carry provisions with him for the families, with the consent of Mr. Champagne. Carried unanimously.

Minutes of the Council of the 31st March, 1885.

Proposed by Exovede Gabriel Dumont, seconded by Exovede Maxime Lepine, that we abandon for a time Duck Lake, and go and take up our position again at St.

Anthony, to await there firmly the 315 policemen who are on the way, it would appear, and are marching against us. Adopted unanimously. Glory to Jesus Christ, honor and praise to Mary, to Joseph, to St. John the Baptist and to St. Anthony of Padua.

Minutes of the Council of the 6th April, 1885.

Proposed by Mr. Lepine, seconded by Mr. Boucher, that the soldiers begin the work of making roads through the ice, and placing the ferry boat in position to establish the ferry. Adopted unanimously.

Proposed by Mr. Boucher, seconded by Mr. Parenteau, that an Order in Council be publicly read requiring every man capable of bearing arms to be present here to-morrow during the forenoon. Adopted unanimously.

Proposed by Mr. Ouellette, seconded by Mr. Lepine, that a horse guard be organized, and that a captain, with his company, be appointed to this duty, and that Mr. Antoine Lafontaine be appointed. Adopted unanimously.

Proposed by Mr. Lepine, that Mr. Lafontaine's soldiers be chosen by the Council, in agreement with Mr. Lafontaine. Decided without being put to the Council.

Proposed by Mr. Lepine, seconded by Mr. Carrière, that no person have permission to see the prisoners without an order from the Council; and that the guard be notified to that effect; and that the friends of the prisoners be also notified to the like effect. Adopted unanimously.

Proposed by Mr. Ouellette, seconded by Mr. Delorme, that Mr. Joseph Parenteau be appointed as captain of the horse guard on the other side of the river, and that Mr. Barbeau (Bte. Hunter) act as sergeant. Adopted unanimously.

Proposed by Mr. Delorme, seconded by Mr. Henry, that Mr. Regnier be set to work teaching school, and that the church be placed at his disposal as a schoolhouse, if thought necessary. Adopted unanimously.

Proposed by Mr. Jobin, seconded by Mr. Parenteau, that some person be sent to Father Pâquet to ask him to come to us. Adopted unanimously.

Proposed by Mr. Carrière, seconded by Mr. Jobin, that it be ascertained what the people who have just arrived have need of, and that an order be sent them on the store of Mr. Batoche to furnish what they require. Adopted unanimously.

Proposed by Mr. Jobin, seconded by Mr. Ouellette, that Mr. Charles Trottier be admitted a member of the *Exovidat*. Adopted unanimously.

Order in Council of the 7th April, 1885.

Proposed by Mr. Carrière, seconded by Mr. Lepine, that Alexander Fisher do place the keys of George Fisher's store in the hands of the Council. Carried unanimously.

Proposed by Mr. Boucher, seconded by Mr. Lepine, that Alexander Fisher be permitted to keep the ferry for the season, for eighty dollars per month, to be paid by the Council of the Provisional Government. Adopted unanimously.

Proposed by Mr. Lepine, seconded by Mr. Boucher, that Daniel Dumas be brought before the Council in order to give explanations as to a complaint lodged against him with the Council by John Desmarais. Carried unanimously.

Proposed by Mr. Boucher, seconded by Mr. Ross, that the keys of Fisher's store be placed in the hands of Mr. Riel. Adopted unanimously.

Proposed by Mr. Boucher, seconded by Mr. Ross, that Mr. Zipher be allowed to take a portion of his house, and to occupy it with two men, who have been furnished him to work the ferry. Adopted unanimously (but afterwards scored out).

Proposed by Mr. Boucher, seconded by Mr. Ross, that the Provisional Government having had need of the house of Mr. Fisher and having occupied it up to this day, from this day forward leave one apartment free, which Mr. Fisher wants. Carried unanimously.

Order in Council, 6th April, 1885.

Proposed by Mr. Lepine, seconded by Mr. Ouellette, that two men be sent to Thunder Mountain and Qu'Appelle Lake, in order to make the people acquainted with the position of affairs here. Adopted unanimously.

Proposed by Mr. Boucher, seconded by Mr. Delorme, that two men be sent to Fort Battle, and, if it is possible to do so, destroy Fort Battle, seize the stores and munitions, and bring the forces and animals here. Carried unanimously.

Proposed by Mr. Parenteau, seconded by Mr. Charles Trottier, that Mr. Emmanuel Champagne be sent to Pembina with two men, as a messenger from the Provisional Government, with instructions which he will receive from the Council. Carried unanimously.

Proposed by Mr. Carrière, seconded by Mr. Dumont, that Mr. Dumas be sent into Montana to carry messages, and that he be accompanied by two or three men. Adopted unanimously.

Proposed by Mr. Ross, seconded by Mr. David Tourond, that scouts be sent to Prince Albert to destroy the steamboats if possible, and bring back news to the Council. Adopted unanimously.

Proposed by Mr. Carrière, seconded by Mr. Tourond, that the Provisional Government authorize the seizure of the goods in Mr. Batoche's store, keeping an account of the whole, and that the keys be handed to Mr. Riel. Carried unanimously.

Order in Council.

Proposed by Mr. Boucher, seconded by Mr. Parenteau, that the mortgage existing between Charles Nolin and Maxime Lepine be brought before the Council and examined as soon as possible. Proposal accepted. (Scored out.)

Proposed by Mr. Lepine, seconded by Mr. Parenteau, that Isidore Dumas be allowed to take a double sleigh, in return for the sleigh which was broken by the workmen of the Provisional Government. Adopted unanimously.

Isidore Dumas claims from Kerr & Brothers for the following articles:—

| | |
|-------------------------------------|---------|
| 30 barrels of barley at \$1.25..... | \$37 50 |
| 15 do of wheat at \$1.50..... | 22 60 |
| Amount due for a horse | 20 10 |

Total \$80 10

Isidore Dumas heard before the Council.

Proposed by Mr. Lepine, seconded by Mr. Ross, that Isidore Dumas be paid out of the property which Kerr & Brothers have left behind; and that payment take place so soon as the animals and the other goods are collected. Adopted unanimously.

Proposed by Mr. Lepine, seconded by Mr. Parenteau, that it be two Indians who should go to Fort Battle; and that there be raised no objection to a Metis accompanying the two Indians. Adopted unanimously.

It is decided that two other Indians should go to Thunder Hills, to Lake Qu'Appelle, Hook Lake, Nut Lake and Long Lake.

Order in Council of the 8th April, 1885.

Proposed by Mr. Boucher, seconded by Mr. Delorme, that Mr. Pierre Parenteau be appointed to look for suitable horses to make the journey to Montana, with power to make the purchase as to him seems best. Adopted unanimously.

Evening Sitting.

An Order in Council is passed to bring up the mare of Kerr and Brother, and the young Canons.

Mr. Canon objects for the reason that he had the mare to keep for the winter at \$6 per month, and that he has had it for two months.

Proposed by Mr. Carrière, seconded by Mr. Monkman, that Mr. Canon should give a fat horse for the mare, and that he bring them here this evening. Carried unanimously.

Minutes of the Exovidat, 9th April, 1885.

A letter from Mr. Jackson asking to be set at liberty, with his brother, is handed to Mr. Riel. Mr. Riel explains that Mr. Jackson is too neutral to be allowed to go. By this he meant that Jackson should be kept.

Order in Council, 10th April, 1885.

Proposed by Mr. Boucher, seconded by Mr. Trottier, that the horses of George Fisher, which are under the care of Siniakiskick, be brought before the Council. Adopted unanimously.

Proposed by Mr. Trottier, seconded by Mr. Boucher, that Madame Ambroise Fisher be sent for, and all her goods, animals and horses. Adopted unanimously.

Father Végreville having been arrested, appears before the Council.

Proposed by Mr. Boucher, seconded by Mr. Lepine, that Mr. Joseph Vandale be authorised to bring J. Villeneuve and Ant. Vandale, jr., before the Council; and that an order do issue to that effect. Adopted unanimously.

It is decided that the chief White Bonnet be a member of the *Exovidat*.

Proposed by Mr. Boucher, seconded by Mr. Trottier, that a letter be sent to the Rev. Father Végreville, asking him to give his word of honor that he will not leave the place, and that he will do nothing against our party, and that he will keep perfectly neutral. Adopted unanimously.

Proposed by Mr. Tourond, seconded by Mr. Carrière, That if any person should capture a horse during a fight the horse shall belong to him, on condition that he leave it for the use of those engaged in the movement until the movement is over. Adopted unanimously.

Order in Council, 11th April, 1885.

Proposed by Mr. Boucher, seconded by Mr. Dumont, that Mr. Chamberland be furnished with a list of our people who have the right of taking their meals here and of entering the council hall.

Order No. 5.

Proposed by Mr. G. Dumont, seconded by Mr. Trottier, That two or three men be sent to Fort la Corne to ascertain the feeling of the people in that place. Adopted.—9 for; 1 against.

N.B.—When this Act was passed it was understood that if Mr. Dumont wished to go there he was free to do so, with one or two men (to Fort la Corne). Adopted.—8 for; 2 against.

M. DUMAS, U.S.L., &c.

Proposed by Mr. Parenteau, seconded by Mr. Dumas, that the brown horse which was captured at Hoodoo by the soldiers of the Provisional Government be brought here and kept for the use of Mr. Riel, and put into the hands of Mr. Parenteau to take care of. Adopted unanimously.

Minutes of the Council, 13th April, 1885.

Father Fourmand asked, through the intervention of Father Moulin, whether he could have his flour.

Proposed by Mr. Lepine, seconded by Mr. Boucher, that Mr. Gabriel Dumont be the only member of the Council having the exclusive privilege of issuing passes. Adopted unanimously.

Information was received from Mr. Elite Landry respecting the brothers and the wife of Charles Nolin.

Proposed by Mr. Lepine, seconded by Mr. Ouellette, that a captain be sent to notify Father Moulin that his church will be taken for a school house until otherwise ordered. One against, five for.

Proposed by Mr. Tourond, seconded by Mr. Ross, that a filly, two years old, belonging to the Provisional Government be given to Mr. Joshua Bre'and in payment of a debt due by Kerr & Brothers. Adopted unanimously.

Proposed by Mr. Boucher, seconded by Mr. Carrière, that the passes each day be limited to twelve, that is to say six to go up the river and six to go below. Seven for, one against.

Morning Session—Order in Council, 14th April, 1885.

Proposed by Mr. Carrière, seconded by Mr. Trottier, that fifteen head of cattle be ferried over and brought here for the use of the Provisional Government. Carried unanimously.

Proposed by Mr. Lepine, seconded by Mr. Henry, that Daniel Charette do accompany Father Végreville to see a sick person on the other side of the river, the wife of Joseph Charette. Carried unanimously.

Proposed by Mr. Lepine, seconded by Mr. Ross, that Pierre ——— be appointed to negotiate the exchange of animals and the purchase of animals for the slaughter house for the Provisional Government, as to him seems best. Adopted by the majority of the Council, 15th April, 1885.

Proposed by Mr. Boucher, seconded by Mr. Carrière, that Pierre Tourond be authorized to take the animal that is at Boniface Leforce's, belonging to Kerr Brothers, and to kill it for the use of the families whose names are mentioned in letter No. 4. Adopted unanimously.

Morning Session, 13th April, 1885.

Proposed by Mr. Dumont, seconded by Mr. Lepine, that Louis Parenteau and Thomas Petit be paid \$30 per month, to work at harness-making, under the direction of Mr. Alex. Fisher, and he be paid at the end of every month. Carried unanimously.

Proposed by Mr. Boucher, seconded by Mr. Ouellette, that Mr. Phillip Garnot be requested, if he is willing, to go to St. Laurent, to establish guards there for the protection of the Rev. Fathers and the Sisters, and that the guards be so maintained until further orders. Carried unanimously.

Morning Session, 10 a.m., 16th April, 1885.

Present:—Bte. Boucher, Moïse Ouellette, Pierre Henry, Charles Trottier, Donald Ross, White Cap, Pierre Parenteau.

Proposed by Mr. Boucher, seconded by Mr. Lepine, that ten full-grown head of cattle be distributed among the families on this side of the river. Carried unanimously.

Proposed by Mr. Trottier, seconded by Mr. Boucher, that two head of cattle be given to the Sioux, for the use of their families, and one to the Crees, for the use of their families. Carried unanimously.

Promise of Neutrality.

I promise to hold myself perfectly neutral, and not to withdraw from here without the consent of the Provisional Government. I will give my word that I will keep myself perfectly neutral and that I will do nothing contrary to the movement of the French Canadian Métis.

N. TOUZÉ, *Pt., O.M.I.*

St. Antoine de Padoue, 15th April, 1885.—1 p.m.

Present:—Bte. Boucher, Moïse Ouellette, Pierre Henry, Donald Ross, Pierre Parenteau, David Tourond, Charles Trottier, M. Lepine.

Proposed by Mr. Boucher, seconded by Pierre Henry, that the three men sent to look up the absent soldiers go as far as the house of McIntosh and the neighborhood, to bring back the arms and munitions which may be found there. Carried unanimously.

Minutes of the Morning Session, 17th April, 1885.—11 a.m.

Present:—Bte. Boucher, M. Ouellette, C. Trottier, P. Parenteau, D. Tourond, White Cap, D. Carrière, D. Ross.

Proposed by Bte. Boucher, seconded by D. Carrière, that the ten bags of flour that are in the cellar of Bte. Boyer's house be kept for the use of the Provisional Government. Carried unanimously.

Afternoon Session.—2.30 p.m.

Present:—M. Trottier, Bte. Parenteau, A. Jobin, M. Lepine, D. Ross, D. Tourond, White Cap, M. Ouellette, P. Henry, Bte. Boucher, D. Carrière.

Proposed by Mr. Trottier, seconded by Mr. Tourond, that a letter be given to the ferrymen in order that they may give notice on the two sides of the river stating where the ferry is in order, that we may so place the guards as to assure the safety of the ferry by day and night, and that a man receive orders to make four pairs of oars in case anything happens to the cable, and that men be also sent to bring up all boats, and that the ferry boat of Mr. Lepine be also taken to pieces and concealed, in order that no use may be made of it, and to bring away the oars that are there. Adopted unanimously.

Afternoon Session.—2.50 p.m.

Present:—Jobin, Carrière, Lepine, Ross, Ouellette, Henry, Tourond, White Cap, Trottier, Boucher.

Proposed by Mr. Boucher, seconded by Mr. Carrière, that cows be loaned to the families, in order that they may have the benefit of the milk, until such time as the council may have need of them, and that application for cows be made to the Council. Carried—Seven for, three against.

Minutes of the Evening Session, 17th April, 1885—2.45 p.m.

Present:—Ouellette, Ross, Henry, Lepine, Carrière, Jobin, Parenteau, Boucher, Tourond, White Cap, Trottier.

Proposed by Mr. Jobin, seconded by Mr. Boucher, that every person who is concerned in the movement do take an oath to be faithful to the movement and to the laws of the Provisional Government of the Saskatchewan. The oath to be taken to be according to the following form. Eight for, two do not vote.

Afternoon Session.—3 p.m.

Present:—White Cap, Trottier, Boucher, Tourond, Parenteau, Ouellette, Jobin, Lepine and Henry

Proposed by Mr. Lepine, seconded by Mr. Jobin, that a bull be loaned and placed in the hands of Mr. Joseph Pilon, for the use of the farms in the neighborhood. Carried unanimously.

Evening Session, 8 p.m., 17th April, 1885.

Present:—Charles Trottier, M. Lepine, Baptiste Boucher, M. Ouellette, D. Ross, P. Parenteau, G. Dumont, D. Tourond, Amb. Jobin, D. Carrière.

Proposed by Mr. Lepine, seconded by Mr. Trottier, that an expedition of thirty armed men be sent to Fort la Corne, commencing preparations to-morrow (18th April), having at their disposal forty-five carts, well harnessed, to carry Messrs. Turner, Batoche, and Seine, with all their goods and effects, as well as the goods and merchandise of any other person whomsoever, and to set adrift every boat serving as a ferry and which might endanger the safety of the Provisional Government. Adopted unanimously.

Morning Sitting—18th April, 1885.

Prayers, and then some routine orders.

Evening Session, 8.20 p.m.—19th April, 1885.

Present:—Tourond, Jobin, Trottier, Henry, Carrière, Boucher, Ross, Lepine.

Proposed by Mr. Ross, seconded by Mr. Lepine, that a vote of thanks be passed to Mr. Monkman, for the manner in which he has conducted his command on the other side of the river. Carried unanimously.

20th April, 1885—Afternoon Session.

Present:—A. Jobin, M. Lepine, D. Carrière, P. Henry, G. Dumont, D. Tourond, C. Trottier, D. Ross, Bte. Boucher.

Proposed by Mr. Boucher, seconded by Mr. Henry, that three men be sent to the upper part of the river, in order to protect the families.

Proposed in amendment by Mr. Tourond, seconded by Mr. Lepine, that there be four men instead of three. Amendment carried—5 for; 4 against.

Present:—Messrs. Jobin, Lepine, Carrière, Henry, Dumont, Tourond, Trottier, Ross and Boucher.

Proposed by Mr. Dumont, seconded by Mr. Boucher, that twenty men be sent to reconnoitre on the upper part of the river, to watch General Middleton, and that Mr. Edouard Dumont have charge of the expedition. Carried unanimously.

Continuation of the Afternoon Meeting of the 20th April, 1885.

Present:—Bte. Boucher, D. Ross, C. Trottier, G. Dumont, P. Henry, D. Carrière, D. Tourond, M. Lepine, A. Jobin.

Examination of the complaint of the guards of St. Laurent against Father Fourmand.

Proposed by Mr. Boucher, seconded by Mr. Trottier, that Rev. Father Fourmand, and everybody at his mission of St. Laurent, be brought to the mission of St. Antoine to live there (with their property). Carried unanimously.

Evening Session.

Present:—D. Ross, C. Trottier, P. Henry, G. Dumont, M. Ouellette, B. Boucher, A. Jobin, D. Carrière, M. Lepine, E. Champagne.

Father Fourmand arrived and was examined.

Proposed by Mr. Boucher, seconded by Mr. Henry, that Mr. Jobin be sent, with one man, to look for the horses at Mr. Bremner's belonging to the young men who had left (one from Mr. Jobin and two from Mr. Bremner). Adopted unanimously.

Afternoon Sitting—21st April, 1885.

Present:—D. Ross, C. Trottier, P. Henry, G. Dumont, M. Ouellette, A. Jobin, D. Tourond, M. Lepine and P. Parenteau.

Proposed by Mr. Dumont, seconded by Mr. Jobin, that all the hay at Jos. Pilon's house be carted here, and that an order be given to him to get the hay further on hauled in by his boys. Carried unanimously.

Present:—P. Parenteau, A. Jobin, D. Tourond, M. Ouellette, D. Ross.

Proposed by Mr. Parenteau, seconded by Mr. Jobin, that Mr. Riel and the members of the Council be authorized to cross the river without passess when they ask to do so. Carried unanimously.

Afternoon Session—22nd April, 1885.

Present:—Lepine, Jobin, Dumont, Henry, Parenteau, Ouellette, Trottier.

Proposed by Mr. Dumont, seconded by Mr. Carrière, that the resolutions respecting the captains, as submitted by Mr. Riel, be accepted. Carried unanimously.

Present:—Tourond, Lepine, Jobin, Dumont, Henry, Parenteau, Ouellette, Trottier.

Proposed by Mr. D. Carrière, seconded by Mr. Lepine, that a vote of thanks be passed to Mr. Carrière and Mr. Henry; and that they be permitted to visit their families and to report as to their wants. Carried unanimously.

Present:—Dumont, Trottier, Ross, Lepine, Jobin, Henry, Parenteau, Ouellette.
Proposed by Mr. Dumont, seconded by Mr. Jobin, that a good horse be given as a present to our brother Wechawcopewin, in recognition of the courageous, honorable and Christian conduct he showed in the reconnaissance at Clarke's Crossing. Carried unanimously.

Present:—Dumont, Trottier, Jobin, Ross, Lepine, Henry, Parenteau, Ouellette.
Proposed by Mr. Jobin, seconded by Mr. Trottier, that a vote of thanks be passed to our relative Yellow Blanket, Mr. Malaterre, and Mr. Parisien, in recognition of their services rendered in the reconnaissance at Clarke's Crossing; and because they performed all the work they were sent to do. Carried unanimously.

Evening Session, 10 p. m., 22nd April.

Present:—Dumont, Jobin, Lepine, Ouellette, Ross, Parenteau, Henry.

Proposed by Mr. Jobin, seconded by Mr. Henry, that fifty cavalrymen under the command of a man of their choice be sent to Clarke's Crossing *en reconnaissance*. Adopted unanimously.

The 23rd was the day of the alarm and the 24th the day of the great battle of Tourond's Ravine.

Afternoon Session, 2 p. m.

Mr. Riel thanks the members of the *Exovidat* for the zeal and courage they displayed yesterday.

Present:—Mr. Ross, Ouellette, P. Tourond, Lepine, Boucher, P. Parenteau, C. Parenteau, Trottier, Jobin, Carrière.

Proposed by Mr. Boucher, seconded by Mr. Lepine, that a vote of condolence and of sympathy be passed to all our brothers in Jesus Christ who have had the misfortune to have some one of their relatives killed or wounded in yesterday's fight, particularly Mr. Vermette, who has had the misfortune to lose his brother, but more particularly Mr. J. Bte. Parenteau, who has had the grief to lose his son, and who had also another of his sons wounded in the preceding fight. Adopted unanimously.

Evening Session, 29th April, 1885.—8 p. m.

Present:—Bte. Boucher, M. Jobin, D. Carrière, Chas. Trottier, P. Henry, D. Tourond, M. Ouellette, D. Ross.

Proposed by Mr. David Tourond, seconded by Mr. Damase Carrière, that no crossing be made by the ferry boat unless eight persons cross at one time. Adopted unanimously.

Session of the 30th April, 1885.

Proposed by Mr. Jobin, seconded by Mr. Dumont, That a letter of invitation be sent to the Reverend Fathers Moulin, Végreville and Fourmand, asking them if they will kindly come and publicly set forth their reasons on the subject of the reform that Mr. Riel has undertaken with the *Exovidat* of the French Canadian Métis in the matter of religion, to-morrow, at 9 a. m. Carried unanimously.

Present:—Henry, Dumont, Ouellette, Tourond, Trottier, Boucher, Jobin, Ross.

Received one Alex. Parenteau, who came from Battle River, about 8 p. m.; 9 p. m. received a delegation from Battle River, composed of four men.

Morning Session of the 1st May, 1885.

The reverend fathers arrived at 9 o'clock, in accordance with the letter of yesterday, asking them to do so.

Afternoon Session.

Present:—Parenteau, D. Ross, D. Tourond, A. Jobin, D. Carrière, J. P. Parenteau, Chs. Trottier, M. Ouellette, G. Dumont.

Proposed by Mr. M. Lepine, seconded by Mr. Amb. Jobin, that seven men do accompany the three commissioners, who have come from Fort Battle, to wit:—

Isidore Parenteau, Joseph Arcand, Alex. Cayen, Moïse Carrière, Pierre Vandale, Charles Trottier, and John L. Crow, who are to leave this evening. Carried unanimously.

Continuation of the Afternoon Session.

Present :—Pierre Parenteau, M. Lépine, D. Ross, D. Tourond, A. Jobin, D. Carrière, J. B. Parenteau, Chas. Trottier, M. Ouellette, G. Dumont.

Proposed by Mr. Bte. Boucher, seconded by Mr. M. Lépine, that Mr. Joseph Jobin be admitted a member of the *Exovidat*. Carried unanimously.

Afternoon Session of the 3rd May—2 p.m.

Present :—Lépine, Carrière, Dumont, Boucher, Parenteau, Ross, Ouellette, Tourond.

Proposed by Mr. Gabriel Dumont, seconded by Mr. Damase Carrière, that the people of Lake Qu'Appelle, Flamand and Breland, be kept here, and be not allowed to go away until the passing of a new Order in Council. For, 6, viz. : Lépine, Carrière, Dumont, Boucher, Parenteau, Ross. Against, 2, Ouellette, Tourond.

Session of the 4th May—10 a.m.

Present :—Carrière, Parenteau, P. Ouellette, White Cap, P. Parenteau, Boucher, Ross, Lépine, Dumont.

Proposed by Mr. Parenteau, seconded by Mr. Boucher, that it is expressly forbidden to anyone to work at farming, except in the gardens, where the women alone will work. It is also ordered that everyone shall come here without distinction. Carried unanimously.

A Sioux has arrived, and has made a report that is not believed, and it was decided by the Sioux themselves to keep him in confinement until he tells the truth.

Session of the 5th May, 1885.

Orders of the Day :—An expedition of cavalry, commanded by Mr. L. D. Riel, covering a distance of ten or twelve miles, bringing in several stray horses, without any other discoveries of interest. Also an expedition of some infantry, commanded by Gabriel Dumont, working at the construction of certain ambuscades as a defence against the enemy, which were almost completed.

Evening Session, 6th May, 1885.

Present :—Dumont, Carrière, Henry, Boucher, Ross, Lépine, Ouellette.

Proposed by Mr. Carrière, seconded by Mr. Dumont, that the ox belonging to Albert St. Louis, in the hands of Nolin and Lépine, be brought here for the use of the Provisional Government. Carried unanimously.

Session of the 7th May, 1885.

Present :—Boucher, Ross, Dumont, Ouellette, Tourond, Parenteau, Lépine.

Proposed by Mr. Lépine, seconded by Mr. Dumont, that Philip Garnot give up to George Fidler the saddle which he has in his hands, the Council seeing that the said Philip Garnot has no right to keep it. Carried unanimously.

RESOLUTIONS AND ORDERS IN COUNCIL (LOOSE SHEETS).

Reserve the tithe, and that if our priests who were among us, desire to submit to these resolutions, they return and be treated as well, if not better, than during the past. Adopted unanimously.

Proposed by Mr. Dumont, seconded by Mr. Delorme, that we leave for Duck Lake. The vote stood six for and six against; the President decided for.

Proposed by Mr. Lépine, seconded by Mr. Jobin, that Mr. Alex. Tourond be sent with necessaries for the family of Mr. M. Dumas, and care the stock and cart the hay of Capt. J. B. Boucher. Adopted unanimously.

Proposed by Mr. Lepine, seconded by Mr. D. Tourond, that Mr. Ambroise Jobin replace the commissioner during his absence. Carried unanimously.

24th March, 1885.

Bélanger vs. Vandale. Decision respecting a gun. Mr. Laframboise is permitted to address the Council.

Proposed by Mr. Boucher, seconded by Mr. Delorme, that the first gun available be placed in the hands of Mr. Pierre Vandale.

Proposed by Mr. Ouelette, seconded by Mr. Champagne, that no soldier be permitted to go out without a pass or without the consent of his captain, and the captain himself should come and ask permission of the Council; and that the captain should replace those soldiers who are without arms.

Proposed by Mr. Boucher, seconded by Mr. Lepine, that the members of the Council recognize the perfect frankness of Mr. Laframboise. Carried unanimously.

Proposed by Mr. Boucher, seconded by Mr. Tourond, that a proclamation be circulated, granting protection to any person joining us, and who may have been forced to enter the Mounted Police force.

Proposed by Mr. Damase Carrière, seconded by Mr. Donald Ross, that three men, a Métis, a Cree and a Sioux, be sent to Battle River with a letter. Votes, 8 for, 2 against.

Proposed, in amendment, by Mr. Lepine, seconded by Mr. Boyer, that the Sioux be struck out. Six for, 3 against.

Proposed by Mr. Ouellette, seconded by Mr. Tourond, that a Métis and a Cree be sent to Fort la Corne with a letter. Six for, 3 against.

Proposed by Mr. Ouellette, seconded by Mr. Carrière, that a Métis and a Sioux be sent to Prairie Ronde with a message. Five for, 4 against.

Minutes of the Council, 25th March, 1885.

Proposed by Mr. Boucher, seconded by Mr. Pierre Henry, that the Commandments of God be the laws of the Provisional Government. That we recognize the right of Mr. Louis "David" Riel to direct the priests. That the Archbishop Ignace Bourget be recognized, from this day, by the French Canadian people of the Saskatchewan, as the Pope of the new world, and that the members of the Council * *

Minutes of the Council, 1st April, 1885.

Proposed by Mr. Lepine, seconded by Mr. Tourond, that we take measures to provide a boat to cross the shore ice of the other side of the river. Carried unanimously.

Session of the Council of the 22nd April, 1885, of the Exovedes of Companies.

Proposed by Mr. Edward Dumont, seconded by Mr. Vandale, that the lower part of the council house which is now at the disposal of the *Exovedes* of companies, be occupied by them alone, except the employees of the Council, the cooks and the Sioux interpreter, during sessions. Carried unanimously.

Proposed by Mr. Dumont, seconded by Mr. Isidore Dumas, that each soldier take charge of his own horse, and the horses, above all things, be fed at the same time. Carried unanimously.

Proposed by Mr. Short, seconded by Mr. Calixte Lafontaine, that Mr. Joseph Delorme take charge of the grain and hay, when occasion arises. Carried unanimously.

Proposed by Mr. Isidore Dumas, seconded by Calixte Lafontaine, that James Short be selected to examine the horses. Carried unanimously.

Proposed by Antoine Lafontaine, seconded by Daniel Gariépie, that Edouard Dumont be appointed to choose the horses. Adopted unanimously.

Proposed by Joseph Delorme, seconded by William Swaine, that Charles Carrière be appointed to examine the horses and to place them at the disposal of the military exovide. Adopted unanimously.

Proposed by Isidore Dumas, seconded by Charles Carrière, that the horses that are too poor and unserviceable be sent adrift without a guard. Seven for, and five against.

Evening Session, 22nd April, 1885.

Proposed by Isidore Damas, seconded by William Boyer, that no soldier have permission to absent himself without the knowledge of his captain. Adopted unanimously.

Session of the 27th April, 1885.

Proposed by William Boyer, seconded by Mr. Vandale, that the guards appointed for night service here be two, each to take his night; and that William Boyer and Baptiste Vandale be appointed to that service. Six for, four did not vote.

That the horses be guarded during the day and not during the night. Six for, four against.

One company is sufficient for the service, and that Damase Dumas be appointed for the service.

One company for the cattle is sufficient, and that Calixte Lafontaine be appointed to the service.

One company for the ferry boat and the cable, and that Trottier be appointed to this service.

One company to cart the hay and grain, and the goods of the people; and that Antoine Lafontaine be appointed to this service.

One company for the lower section, and that William Swaine be appointed to this service.—Carried.

One company for the Little Mountain, and that Philip Gariépie be appointed to this service.—Carried.

Three companies to keep guard towards the camp of Middleton, and that Baptiste Vandale, Daniel Gariépie and James Short be appointed.—Adopted.

Minutes of the Sessions of the Council.

Council of the Provisional Government, formed at St. Anthony, the nineteenth day of March, in the year of our Lord eighteen hundred and eighty-five. Mr. Pierre Parenteau was elected President, Mr. Charles Nolin, Commissioner, and Mr. Gabriel Dumont, Adjutant-General. Members of the Council: Messieurs. Baptiste Boyer, Donald Ross, Damase Carrière, Amb. Jobin, Norbert Delorme, Moïse Ouellette, Bte. Parenteau, David Tourond, Pierre Gariépie, Maxime Lepine, Albert Monkman, Bte. Boucher, Philip Garnot, Secretary, and Eugène C. Boucher, Ass tant Secretary.

1st Resolution—It is resolved that G. Dumont, Adjutant General, be at the head of the army, having for assistants Messieurs Joseph Delorme and Patrice Tourond, and that Mr. Patrick Fleurie be entrusted with the inspection of the arms.—Carried —Ph. G.

2nd Resolution—That Mr. Baptiste Boucher be sent to the Piegans. Carried.

3rd Resolution—That two prisoners be sent back, and that they be Walters and his clerk.

4th Resolution—That the Indian Agent be retained until otherwise ordered.

5th Resolution—That Mr. Charles Nolin be appointed commissioner.

6th. That a messenger be sent to invite Messrs. Normand, Ouellette and Dumont to the Council house, as a mark of respect.

7th. Resolved that George Ness be liberated, but that his horse and his vehicle be detained.

Proposed by Mr. Boucher, seconded by Mr. Tourond, that Mr. Monkman be sent with two companies to invite the English Metis to join us. Adopted unanimously.

Proposed by Mr. Jobin, seconded by Mr. Tourond, that a list of the Indian chiefs disposed to join us be given to Mr. Monkman. Adopted unanimously.

Proposed by Mr. Lepine, seconded by Mr. Baptiste Boyer, that the council give full power to Mr. Monkman to act to the best of his capacity and judgment. Adopted unanimously.

Proposed by Mr. Lepine, seconded by Mr. Boyer, that Mr. Monkman be requested to tranquilize the families on his road. Adopted unanimously.

Proposed by Mr. Boucher, seconded by Mr. D. Carrière, that we desire to effect the capture of the fort without spilling any blood, and the greater our force the more certain we shall be of attaining our object, but in case we are compelled to fight, justice compels that they should take up arms; and do you join us, we have ammunition with us.

Proposed by Mr. Tourond, seconded by Mr. Carrère, that Madame Caron be rewarded and receive a yearly salary for her services in cooking, and that the sum be \$28. Carried unanimously.

Proposed by Mr. D. Carrière, seconded by Mr. Jobin, that this Council desires to express its admiration of the conduct of Mr. Rochelieu, in setting an example. Adopted unanimously.

Orders in Council of the 31st March, 1885—Charles L'Heureux.

Orders in Council of the 1st April, 1885.

Proposed by Mr. Jobin, seconded by Mr. Tourond, that two men be sent for the animals on the reserve near Muskeg Lake, belonging to the Government, and that three others be sent to the other reserves for the other animals, also supposed to belong to the Government. Adopted unanimously.

Proposed by Mr. Jobin, seconded by Mr. Monkman, that men be sent to the Government farm, to carry off all the provisions, the animals and other property that may be there. Carried unanimously.

Proposed by Mr. Monkman, seconded by Mr. Delorme, that the house of— be visited and all the goods taken from the company, as well as the arms and ammunition, be brought here by the men of the Provisional Government.

Minutes of the Council 27th March, 1885.

Proposed by Mr. A. Monkman, that a message be sent to our friends the English Metis, as also a letter from the prisoners to Drs. Miller, Bain and Porter. Adopted unanimously.

Proposed by Mr. A. Monkman, seconded by Mr. Boucher, that two prisoners be set at liberty with a letter to the commandant at Carlton, inviting him in the name of God and of humanity to come and dispose of the bodies of those who fell yesterday in the fight, and that he may come as far as the battle field, and that he may return from it not only without being molested, but that he be assured that our sympathy will accompany him while performing that duty to the dead. Adopted unanimously.

Proposed by Mr. Lepine, seconded by Mr. Parenteau, that the *Exovidat* of the French Canadian Metis believes firmly that hell will not last for ever, that the doctrine of everlasting future punishment is contrary to Divine mercy as well as to the charity of our Saviour Jesus Christ; consequently the *Exovidat* of the French Canadian Metis establishes the truth that however long hell may last, prolonged though it be for millions on millions of years it will come to an end one day by the goodness of God through the merits of Jesus Christ. Adopted unanimously.

PH. GARNOT, *Secretary.*

Proposed by Mr. A. Monkman, seconded by Mr. Boucher, that Mr. Champagne be appointed president of the Council.

Proposed by Mr. A. Monkman, seconded by Mr. J. Bte. Boucher, that they are to remain here until the petition from Prince Albert arrives, unless there is anything to the contrary.

Proposed by Mr. Lepine, that we have four men at Batoche to receive the loads from the freighters, and that there be another man to carry messages to the Council.

Minutes of the Council record the thanks of Council to Messrs. Nolin, Monkman and the soldiers.

THE PROVISIONAL GOVERNMENT VS. REV. FATHER VÉGREVILLE.

Deposition of Mr. Gabriel Dumont.—Having met Father Végreville half a mile from here, he told me that the Indians were pillaging the goods of Madame Thibault, and that it was you people who were responsible for all that, because you invited the Indians, and that you would be held accountable for it. And on arriving at Duck Lake Madame Thibault came and asked me if I had ordered the Indians to take her hay.

Mr. Michel Dumas corroborates the deposition of Mr. Dumont in every particular.

Mr. Boucher.—It appears that Father Végreville told my son that all the people who had taken up arms in the movement were rebels and would find that it was their damnation, that he could not administer to them in their last moments. And I repeat this as being the most violent language that was uttered. Mr. Brennan, jr., was there, and the father ought to know that he sank down with weakness when hearing this spoken of.

For keeping the Father, Dam. Carrière, G. Dumont, M. Lepine, C. Trottier, D. Ross, P. Henry, Bie. Boucher, M. Ouellette.

Proposed by Maxime Lepine, seconded by J. B. Boucher, if God so wills, if He has so decided in His eternal designs, we desire nothing better than to be His priests and to constitute, if such is His desire and His holy will, the new religious ministry of Jesus Christ. And we at once establish the living catholic apostolic and vital church of the new world. Confident that by doing so we are doing a thing which is pleasant to Him, we adopt for the line of our conduct the three admirable letters from the Archbishop Ignace Bourget to Louis "David" Riel, written on the 13th January, 1874, the 14th July, 1875, and the 2nd January, 1876.

Bélanger vs. Vandale for a Gun.

Mr. Bélanger said he had commenced negotiations to trade a gun for a waggon with Pierre Vandale, and that he was to see the gun, and that if the gun pleased him he would take it, and that when he went to see the gun Vandale was not at home, and he went to see him at the house of his father-in-law, and had taken the gun, and that when the trouble began the nephew of Mr. Bélanger had taken it, and that Mr. Vandale had taken it from him. Mr. Vermette said the same thing. Mr. Vandale said that his gun had not been paid for, that he was to have had the choice of three carts, and that he had only seen two, and that he had not received them. I went to see the carts before he took the gun. He gave me my choice between a cart and a bob-sleigh.

In answer to Mr. Riel—I was wrong in telling him to go and see the gun.

Bélanger cross-examined by Mr. Riel.

Mr. Vermette repeats what he had said before.

Decision of the Council—Mr. Lepine: That the gun belongs to the Bélanger. Mr. Boyer, Mr. Boucher, Mr. Delorme. Mr. Vandale give the gun to Mr. Bélanger, and the Council decides to give the first gun at their disposal to Vandale.

Proposed by Mr. Boucher, seconded by Mr. Delorme, that the first gun at our disposal be given to Mr. Vandale.

SUPPLEMENTARY RETURN

(43)

To an ORDER of the HOUSE OF COMMONS, dated the 4th March, 1886;—For copies of all papers found in the Council room of the insurgents, or elsewhere at Batoche, especially including:

1. The diary of Louis Riel
2. The minute book and Orders in Council of the insurgent Council.
3. The correspondence of Louis Riel.

By Command.

J. A. CHAPLEAU,
Secretary of State.

Department of the Secretary of State,
11th May, 1886.

DEPARTMENT OF JUSTICE, OTTAWA, 10th May, 1886.

SIR,—Referring to my communication of the 4th instant, I have the honor to transmit to you, herewith, a copy of the resolution passed at the meeting in Lindsay school house, which completes the return of all papers found at Batoche, in compliance with the order of the Honorable the House of Commons of the 4th March last.

I have the honor to be, Sir, your obedient servant,

GEO. W. BURBIDGE, *Deputy Minister of Justice.*

The Under Secretary of State.

RESOLUTIONS PASSED AT LINDSAY SCHOOL.

At a mass meeting held at Lindsay schoolhouse, 23rd March, 1885, the following was unanimously adopted:

1st. That a petition be sent to the Government setting forth that the French in this district have taken up arms.

2nd. That the Indians, to a great extent, are in sympathy with them.

3rd. That the English half-breeds and Canadian settlers likewise have grievances, and are in sympathy with them to get redress of grievances in a lawful manner, but not to take up arms.

4th. That there is great danger of a civil war—an Indian war—and all that that means.

5th. That the French have rights and are determined men.

6th. That there is no way of settling this disturbance but by treaty or war.

7th. That the neutral party, the English half-breeds and Canadian settlers who wish to remain at peace, and their wives and families, do beg of the Government to treat with the settlers giving them their just rights and save the destruction of their families.

8th. That we have come to this country in good faith that we would have our rights respected as British subjects.

9th. That the Government has refused to treat with settlers till our party could bear it no longer, and will have their rights or die.

10th. We therefore beg of the Government to do justice to the settlers, treat with them and save the effusion of blood.

THOMAS F. MILLER, *Chairman,*
WILLIAM MILLER, *Secretary,*
And 455 others.

RETURN

(45a)

To an ORDER of the HOUSE OF COMMONS, dated 4th March, 1886;—For Return showing the number of half-breeds of the North-West Territories who proved their claims before the Commission at Fort Qu'Appelle, Touchwood Hills, Qu'Appelle Valley, Regina, Maple Creek, Calgary, Fort McLeod, Pincher Creek, Edmonton, St. Albert, Fort Saskatchewan, Victoria, Fort Pitt, Battleford, Prince Albert, Batoche, Duck Lake, Forks of Saskatchewan, Fort à la Corne, Cumberland House, Moose Jaw and Willow Branch, in North-West Territories; also at Grand Rapids, in Keewatin, and Winnipeg and Griswold, in Manitoba; giving in each case the number of heads of families and minors; also the number of males and females; also copies of all the petitions filed in the Department of the Interior praying that grievances be redressed, with the names of such petitioners, distinguishing those who had their claims already settled in Manitoba and those who had not; also the number of Manitoba half-breeds who proved their claims prior to the 20th April last on the supplementary list, and those who have proved their claims since that date.

By Command.

J. A. CHAPLEAU,

Secretary of State.

Department of the Secretary of State,
14th March, 1886.

SCHEDULE showing the number of Half-Breeds, &c., who proved their claims before the North-West Half-Breed Commission, at the several places where the said Commission held its sittings.

| Names of Places at which the North-West Half-Breed Commission held its sittings. | Heads of Families. | | Children of Half-Breed Heads of Families. | | Heads and Children. | | Deceased Heads of Families who were living on 15th July, 1870. | | Deceased Children who were living on 15th July, 1870. | | Heads and Children Deceased. | | Total number of Claims proved at each place. | | Number of Persons entitled to Land. | | Number of Persons who took Land. | | | |
|--|--------------------|---------|---|---------|---------------------|-------|--|-------|---|-------|------------------------------|--------|--|---------|-------------------------------------|-------|----------------------------------|-------|---------|-------|
| | Male. | Female. | Male. | Female. | Total. | Male. | Female. | Male. | Female. | Male. | Female. | Total. | Male. | Female. | Total. | Male. | Female. | Male. | Female. | |
| Fort Qu'Appelle and Qu'Appelle Valley | 27 | 21 | 48 | 27 | 135 | 183 | 8 | 14 | 22 | 11 | 33 | 55 | 238 | 168 | 3 | 3 | 168 | 3 | 3 | |
| Touchwood Hills | 1 | 3 | 4 | 2 | 7 | 3 | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |
| Regina | 4 | 3 | 4 | 4 | 8 | 11 | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |
| Maple Creek | 4 | 4 | 4 | 5 | 9 | 13 | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |
| Calgary | 20 | 17 | 37 | 50 | 43 | 93 | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |
| Fort McLeod | 8 | 4 | 12 | 16 | 15 | 31 | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |
| Pincher Creek | 2 | 3 | 3 | 5 | 5 | 10 | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |
| Edmonton | 21 | 30 | 51 | 60 | 55 | 105 | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |
| St. Albert | 50 | 128 | 178 | 172 | 119 | 291 | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |
| Fort Saskatchewan | 1 | 1 | 1 | 1 | 6 | 7 | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |
| Victoria | 4 | 7 | 11 | 7 | 11 | 18 | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |
| Fort Pitt | 6 | 1 | 7 | 2 | 1 | 3 | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |
| Battleford | 12 | 16 | 28 | 24 | 32 | 56 | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |
| Prince Albert | 1 | 1 | 1 | 1 | 3 | 4 | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |
| Batoche | 1 | 5 | 6 | 2 | 19 | 21 | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |
| Duck Lake | 5 | 4 | 9 | 8 | 16 | 25 | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |
| Fort & la Corne | 1 | 1 | 1 | 3 | 5 | 5 | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |
| Saskatchewan Forks | 2 | 2 | 4 | 2 | 2 | 4 | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |
| Cumberland House | 1 | 1 | 1 | 2 | 2 | 3 | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |
| Grand Rapids | 5 | 6 | 11 | 10 | 10 | 20 | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |
| Winnipeg | 9 | 12 | 21 | 17 | 18 | 35 | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |
| Griswold | 1 | 1 | 1 | 1 | 1 | 2 | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |
| Willow Bunch | 1 | 1 | 1 | 1 | 1 | 2 | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |
| Moose Jaw | 1 | 1 | 1 | 1 | 1 | 2 | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |
| On the Trails | 176 | 210 | 386 | 474 | 417 | 891 | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |
| Totals | 176 | 210 | 386 | 474 | 417 | 891 | 1,277 | 100 | 58 | 158 | 149 | 102 | 251 | 409 | 1,686 | 1,142 | 236 | 3 | 3 | 236 |

[*Translation.*]

PETITION FROM AUGUSTIN BRABANT AND OTHERS, DATED LAKE
QU'APPELLE, 11TH SEPTEMBER, 1874.

LAKE QU'APPELLE, 11th September, 1874.

YOUR EXCELLENCY,—The half-breeds of the Lakes Qu'Appelle and environs offer you to-day their homage, and submit to you the following petitions which they present in their name and in the name of all their brethren scattered over the prairies, and beseech you to give them a favorable hearing, and to remember them in the various arrangements that the Government may make with the Indians.

They ask you :—

1. That the Government allow to the half-breeds the right of keeping the lands which they have taken, or which they may take, along the River Qu'Appelle ;

The right of fishing in all the lakes of the above-mentioned river.

The right of hunting freely in the prairies west and south-west of the Lakes Qu'Appelle, without being arbitrarily hindered by the Indians, but only in virtue of the regulations that the Indians in concert with the half-breeds, and the Government shall establish hereafter for the good of all ;

The right of trading at the lakes and environs of the Lakes Qu'Appelle.

They ask :—

2. That the Roman Catholic mission may have the free and tranquil enjoyment of its possessions, and participate in all the privileges and rights of the half-breeds.

They ask :—

3. That the Government, in concert with the Indians and the half-breeds, do make, with regard to winter quarters and buffalo hunting, laws which will be of great use to all, such as to prevent wintering too far out in the prairies and to compel everyone to start together for the chase, &c., &c.

Moreover, that the Government establish an authority composed of persons who have the confidence of the people of the place, and charged to manage the affairs of the country, make its laws, see that they are put in force and judge differences.

In all these demands the half-breeds have no intention of depriving the Indians of their rights, but merely claim the recognition and respect of their own, and are disposed to live with the Indians as with brothers and with friends.

Hoping that these demands will be favorably received, they beg Your Excellency to accept the assurance of their profound respect for you and of their perfect submission to your Government.

The half-breeds of Lake Qu'Appelle—

Augustin Brabant,
Baptiste Davis,
Michel Desjarlais,
Michael Klyne,
Peter Lapierre,
Antoine Laroque,
Francis St. Dennis,
Norbert Delorme,
Thomas Kavanagh,
Pierre Peltier,
Michael Desmarais,
Simon Blondeau,
Pierre Poitras,
Jean Monet,
Joseph Peltier,
Corbert Seigneur,

John Fisher,
Alex. Fisher,
Alex. Swain,
François Seigneur,
Pierre Flammand,
Patrice Monet,
Moïse Ouellette,
Joseph McKay,
Joseph Poitras,
Antoine Ouellette,
Antoine Flavin,
Antoine Hamelin,
Louison Flammand,
Pierre Denommé,
André Flammand.

To His Excellency Governor ALEXANDER MORRIS.

LIST of Persons whose names appear on Petition dated at Lake Qu'Appelle, 11th September, 1874, who received Scrip or Land in Manitoba:—

| | |
|---------------------|-------------------|
| Augustin Brabant, | Jean Monet, |
| Baptiste Davis, | Joseph Peltier, |
| Michel Desjarlais, | Pierre Flammand, |
| Antoine Laroque, | Patrice Monet, |
| Francis St. Dennis, | Joseph McKay, |
| Norbert Delorme, | Joseph Poitras, |
| Michael Desmarais, | Louison Flammand, |
| Pierre Poitras, | André Flammand. |

LIST of Persons whose names appear on Petition dated at Lake Qu'Appelle, 11th September, 1874, who received Scrip certificates from the North-West Half-breed Commission:—

| | |
|-----------------|------------------|
| Michael Klyne, | Alex. Swain, |
| Peter Lapierre, | Moïse Ouellette, |
| Simon Blondeau, | Antoine Hamelin, |
| John Fisher, | Pierre Denommé. |
| Alex. Fisher, | |

LIST of Persons whose names appear on Petition dated at Lake Qu'Appelle, 11th September, 1874, who have not proved their Claims:—

| | |
|--------------------|--------------------|
| Thomas Kavanagh, | Pierre Peltier, |
| Corbert Seigneur, | François Seignoir, |
| Antoine Ouellette, | Antoine Flavin. |

PETITION FROM JOHN MUNRO AND OTHERS, DATED BLACKFOOT CROSSING, 19TH SEPTEMBER, 1877.

BLACKFOOT CROSSING, 19th September, 1877.

HONORABLE SIR,—It is with sentiments of intermingled hope and fear that we, the undersigned, your petitioners, approach you to-day. It is to claim your kind sympathy and help in our present deplorable circumstances that we undertake to present you this paper, and to that end we will briefly state our reasons, to which we humbly pray Your Excellency would give the kindest consideration. Before the year of the small-pox, 1870, memorable for its disastrous effects on the native population of this country, we, your petitioners, although not rich, were, however in comfortable circumstances. We had small homes of our own near Edmonton, and cultivated the soil more or less. Hunting was plentiful and we were encouraged by the Hudson Bay Company to follow it as much as possible, because their only interest in the country was the fur trade. They were the only merchants amongst us, and this unique interest prevented them from giving any encouragement to the husbandman, and consequently from bringing farming implements for sale, except very few, which were sold at such an enormous price that the poor man could not think of buying them. Thus, Hon. Sir, the only encouragement to farming was given by the ministers of the different denominations in our country, and their means also were limited. It was by their advice and assistance that we took to farming as much as our poverty would allow us. Our little gardens, our few cattle and the produce of our hunt supplied us with plenty and we were happy. But the year 1870 came, that year so terrible to remember, in which the dire malady decimated the whole population, and following in its wake was famine. This combination of evils ruined us, driving us from our homes and compelling us to lead an entirely nomadic life, as the Indians on the plains. Since that time we have had nothing to depend upon but our guns. The game we kill feeds ourselves and our families, and the furs we gather are our only money wherewith to buy clothing, and God knows we do not see how we are to rise above our present

condition. It is on this account, Hon. Sir, that we now appeal to the charity you bear towards all your subjects. We hail your arrival as the opening of a new and better era for us all. We humbly approach you to-day and beg you to help us. The help we implore is farming implements and seed to begin with. We want to settle and till the land, but we have no capital—nothing at all to start with. Also, Hon. Sir, we beg that the game laws be not too stringent, until such time as we have something else to subsist on; otherwise we shall be unable to live.

Will Your Excellency give these things the kindest consideration?

In conclusion, Hon. Sir, we, the half-breeds, your petitioners, welcome you to this country and wish you many years of happiness and prosperity, whilst we sign ourselves the devoted and humble subjects of Her Majesty the Queen and the most obedient servants of her delegate.

John Munro,
Baptiste Anas, sen.,
François Deschamps,
Narcisse Cardinal,
Henry Collin,
Paul Fayant,
Baptiste Deschamps, sen.,
William Champion,
James Ward,
Basile Favel,
Francis Vandal,
Antoine Godin,
Michel Grey,
Magloire Grey,
Alexis Bellecourt,
Basile Lawrence,
Johnny Lawrence,
Joseph L'Hyronnelle,
Francis Lemire,
Pierre Boucher,
Joseph Bellecourt,
Daniel Dagneau,

Francis Munro,
Isaac Dagon,
Baptiste Deschamps,
Richard Collin,
Jean Baptiste Dumont,
François Laroque,
Louison Boucher,
Jules Boucher,
Baptiste Anas, jun.,
Louis Rouselle,
Roger Paul Frederick,
Alexis Bruno,
Thomas Cameron,
Pierre Nadeau,
Alexandre Petitcouteau,
Joseph Deschamps,
Johnny Deschamps,
Louis Rouselle,
Joseph Allard,
Augustin Gouin,
Edward Boucher.

Hon. D. LAIRD, Lieutenant Governor of the North-West Territories.

List of Persons whose names appear on Petition dated at Blackfoot Crossing, 19th September, 1877, who received Scrip or Land in Manitoba:—

Francis Vandal,

Thomas Cameron.

List of Persons whose names appear on Petition dated at Blackfoot Crossing, 19th September, 1877, who received Scrip certificates from the North-West Half-breed Commission:—

John Munro,
Francis Munro,
Baptiste Anas, sen.,
François Deschamps,
Baptiste Deschamps,
Richard Collin,
Henry Collin,
Jean Baptiste Dumont,
Paul Fayant,
François Laroque,
William Champion,
Antoine Godin,
Magloire Grey,
Alexis Bellecourt,

Basile Laurence,
Joseph L'Hyronnelle,
Pierre Boucher,
Joseph Bellecourt,
Baptiste Anas, jun.,
Louis Rouselle,
Roger Paul Frederick,
Alexis Bruno,
Pierre Nadeau,
Joseph Deschamps,
Johnny Deschamps,
Louis Rouselle,
Augustin Gouin,
Daniel Dagneau.

List of Persons whose names appear on Petition^r dated at Blackfoot Crossing, 19th September, 1877, who have not proved their claims:—

| | |
|---------------------------|-------------------------|
| Isaac Dagnon, | Francis Lemire, |
| Narcisse Cardinal, | Louison Boucher, |
| Baptiste Deschamps, sen., | Jules Boucher, |
| James Ward, | Alexandre Petitcouteau, |
| Basile Favel, | Joseph Allard, |
| Michel Grey, | Edward Boucher. |
| Johnny Lawrence, | |

PETITION FROM GEORGE McKAY, AND OTHERS, NOT DATED, DATE OF RECEIPT IN DEPARTMENT, 21st FEBRUARY, 1878.

To His Excellency the Governor General of the Dominion of Canada in Council assembled :

The petition of the undersigned settlers and residents at Prince Albert settlement, in the North-West Territories of the Dominion of Canada, humbly represents :

1. That the population of this settlement now numbers between 1,000 and 1,200 souls; that new settlers are constantly coming in, even during the winter season, and that a greatly increased immigration is certain to take place upon the opening up of navigation and other routes of travel in the spring.

2. That the proceeds of the last harvest amount to over 30,000 bushels of grain; and that this yield will, with a usual season, be more than doubled next summer.

3. That many disputes and disagreements are now arising among the settlers concerning the alleged encroachments upon each other's boundaries, which disputes are undoubtedly certain to increase in number and bitterness with the increase of settlement.

4. That these difficulties are owing entirely to the absence of legally constituted boundaries and surveys, the want of which not only leaves the settler open to trespass, but also retards farmers from settling in desirable localities.

5. That with a view to the foregoing facts, it is most desirable, and indeed urgently necessary, that surveys of this settlement and the neighboring localities be made at an early day.

Wherefore we humbly pray that Your Excellency will cause a sufficient sum of money to be set aside for that purpose, and that instructions may issue to competent persons to complete said surveys and establish our boundaries during the ensuing summer.

6. Your petitioners, in conclusion, humbly represent that considerable portions of the lands at present occupied on the Saskatchewan River in this settlement were settled upon before the transfer of the North-West Territories to the Dominion of Canada, and in the manner customary at that period, viz., in a narrow frontage and a depth of two miles;

That the houses and other improvements of many of the settlers are situate upon these claims so taken;

Wherefore your petitioners humbly pray that Your Excellency will, when instructions are issued to the Dominion surveyors, reserve the same rights and privileges to the aforesaid old settlers and pioneers of this settlement as were reserved to the old settlers in the Province of Manitoba.

Lastly, your petitioners would humbly represent that whereas a census of the half-breeds and old settlers was taken in the Province of Manitoba shortly after the organization of that Province, with a view to the distribution of scrip, &c., said scrip having since issued to the parties interested, and whereas, at the time this census was taken, many half-breeds, both minors and heads of families, resided in the territories and were not included in the said census;

Your petitioners would humbly represent that their rights to a participation in the issue of half-breed or old settlers' scrip are as valid and binding as those of the half-breeds and old settlers of Manitoba, and are expected by them to be regarded by the Canadian Government as scrupulously as in that Province.

And with a view to the adjustment of the same, your petitioners would humbly request that a census of said half-breeds and old settlers be taken at as early a date as may conveniently be determined upon, with a view of apportioning to those of them who have not already been included in the census of Manitoba their just allotments of land and scrip.

George McKay,
 Harry C. Denny,
 Joseph Legarrach,
 Joseph McLeod,
 Andrew Flitt,
 James McKay, sen.,
 John McDonald,
 John Beemer,
 J. Lestock Reid,
 John C. McIntyre,
 Edward Spencer,
 Robert Harper,
 James A. Barker,
 Philip Turner,
 Alex. McBeath,
 G. P. Lee,
 Thos. Taylor, jun.,
 Joseph Finlayson,
 Thos. McKay,
 Eugène Provencher,
 James Stevenson,
 John Turner,
 Murdock McRae,
 James McArel,
 Harry A. Reid,
 Peter Work,
 P. J. McDermott,
 Charles Whitford,
 C. A. Whitford,
 J. E. Whitford,
 H. C. Whitford,
 Jeremiah Whitford,
 Thomas Whitford,
 Simon P. Whitford,
 James Whitford,
 Alexander Whitford,
 Archibald Whitford,
 Edwin Whitford,
 W. C. Anderson,
 J. M. Anderson,
 David Anderson,
 Thos. D. Anderson,
 William Sandson,
 William Sandson,
 George Sandson,
 George Juner,
 Handery Howes,
 John Whitford,
 James Sandson,
 William Bourd,
 Peter Howrie,
 Thomas T. Hourie,

William Spencer, jun.,
 Arthur H. Spencer,
 Alex. Rupert Spencer,
 Edward Spencer,
 David Cameron,
 Joseph Halwel,
 Jacob Beads,
 John Marceill,
 James Inkster,
 J. Honeysill,
 Thomas Hourie,
 William Inkster,
 Charles George Bird,
 W. W. Clarke,
 T. Beads,
 Thomas Corrigan,
 John Whitford,
 Nicholas Bird,
 Samuel J. Cook,
 Alex. Campbell,
 Magnus Whitford,
 William Robertson,
 James Beads,
 John Beads,
 David Marceill,
 Geo. Robinson,
 William Hodgson,
 William Robinson,
 George Whiteford,
 C. Negurson,
 Alex. Prudens,
 Edward Albert Hourie,
 Samuel Hourie,
 Charles Thomas Whitford,
 Simon Whitford,
 James Whitford,
 Cory Whitford,
 Fred. Whitford,
 John Beads,
 Colin Whitford,
 John Hourie,
 John Henderson,
 Alex. Robertson,
 Watogalie,
 Henry Hourie,
 John James Beads,
 George Whitford,
 John Charles Whitford,
 James Whitford,
 James F. Anderson,
 Bernard Brewsler,
 Robert Umphreyville,

Alexander Hourie,
 Edwin J. Hourie,
 C. Mair,
 James Dreaver,
 Robt. Inkster,
 R. Deacon,
 H. W. McKenny,
 George Sutherland,
 James Isbister,
 H. H. Bartlett,
 Rock McIvor,
 John McKay,
 G. E. Mills,
 George McBeath,
 David Ballentine,
 J. M. Coombs,
 H. M. Oldham,
 A. G. Sutherland,
 Wm. McDonald,
 Thomas Powell,
 William Spencer, sen.,
 John A. Spencer,
 J. W. Hurd.

John Umphreyville,
 Jeremiah Umphreyville,
 Malcolm Umphreyville,
 Zaccheus Umphreyville,
 John Umphreyville,
 John Turner,
 Peter Turner,
 George Goodfellow,
 James Goodlad,
 Joseph Thompson,
 Philip E. Thompson,
 William McBeath,
 William Spencer,
 Henry Erasmus,
 Ernest Edward Wood,
 (Incumbent, St. Mary's Church)
 Hiram Gosee,
 R. J. Pritchard,
 George Forneret, B.A.,
 (Church of England Missionary)
 J. B. Woods,
 Richard Mare.

List of Persons whose names appear on Petition of residents of Prince Albert Settlement who received Scrip or Land in Manitoba:—

George McKay,
 Joseph McLeod,
 James McKay, sen.,
 John McDonald,
 John Beemer,
 Robert Harper,
 Thos. Taylor, jun.,
 James Stevenson,
 Peter Work,
 James Whitford,
 Alexander Whitford,
 Archibald Whitford,
 W. C. Anderson,
 J. M. Anderson,
 David Anderson,
 William Sandson,
 William Sandson,
 James Sandson,

Jacob Beads,
 James Inkster,
 William Inkster,
 Charles George Bird,
 Thomas Corrigan,
 Nicholas Bird,
 John Beads,
 William Hodgson,
 James Whitford,
 John Beads,
 John Hourie,
 James Whitford,
 James F. Anderson,
 Robt. Inkster,
 John McKay,
 George McBeath,
 William McBeath,
 R. J. Pritchard.

List of Persons whose names appear on Petition of residents of Prince Albert Settlement who received Scrip certificates from the North-West Half-breed Commission:—

Philip Turner,
 Alexander McBeath,
 Joseph Finlayson,
 Thomas McKay,
 John Turner,
 Charles Whitford,
 C. A. Whitford,
 H. C. Whitford,
 Jeremiah Whitford,
 Thomas Whitford,

George Whitford,
 Alex. Prudens,
 Edward Albert Hourie,
 Samuel Hourie,
 Simon Whitford,
 Fred. Whitford,
 George Whitford,
 John Charles Whitford,
 Thomas T. Hourie,
 Alexander Hourie,

Simon P. Whitford,
George Sandson,
John Whitford,
Peter Hourie,
John Marceill,
Thomas Hourie,
John Whitford,
Magnus Whitford,
William Robertson,
David Marceill,

Edwin J. Hourie,
James Isbister,
Wm. McDonald,
John Umphreyville,
John Umphreyville,
John Turner,
Peter Turner,
Joseph Thomson,
Philip E. Thomson,
Henry Erasmus.

List of Persons whose names appear on Petition of Residents of Prince Albert Settlement who have not proved their Claims :—

Harry C. Denny,
Joseph Legarrach,
Andrew F. Flitt,
J. Lestock Reid,
John C. McIntyre,
Edward Spencer,
James A. Barker,
G. P. Lee,
Eugène Provencher,
Murdoch McRae,
James McArel,
Harry A. Reid,
P. J. McDermott,
J. E. Whitford,
Edwin Whitford,
Thos. D. Anderson,
George Juner,
Handery Howes,
William Bourd,
William Spencer, jun.,
Arthur H. Spencer,
Alex. Rupert Spencer,
Edward Spencer,
David Cameron,
Joseph Halwel,
J. Honeysill,
W. W. Clarke,
T. Beads,
Samuel J. Cook,
Alex. Campbell,
James Beads,
George Robinson,
William Robinson,
C. Negurson,
Charles Thomas Whitford,
Cory Whitford,
Colin Whitford,

John Henderson,
Alex. Robertson,
Watogalie,
Henry Hourie,
John James Beads,
Bernard Brewsler,
C. Mair,
James Dreaver,
R. Deacon.
H. W. McKenny,
George Sutherland,
H. H. Bartlett,
Rock McIvor,
G. E. Mills,
David Ballentine,
J. M. Coombs,
H. N. Oldham,
A. G. Sutherland,
Thomas Powell,
William Spencer, sen.,
John A. Spencer,
Robert Umphreyville,
Jeremiah Umphreyville,
Malcolm Umphreyville,
Zaccheus Umphreyville,
George Goodfellow,
James Goodlad,
William Spencer,
Ernest Edward Wood,
(Incumbent St. Mary's Church)
Hiram Gosee,
George Forneret, B.A.,
(Church of England missionary)
J. B. Woods,
Richard Mare,
J. W. Hurd.

PETITION FROM HALF-BREEDS LIVING IN VICINITY OF CYPRESS HILLS, RECEIVED THROUGH THE NORTH-WEST COUNCIL, NOT DATED, COVERING LETTER FROM THE LIEUT.-GOVERNOR OF THE NORTH-WEST TERRITORIES, DATED 30TH SEPT., 1878.

To the President and the Honorable Members of the Privy Council of the North-West Territories :

The humble request of the undersigned, all half-breeds, living in the vicinity of Cypress Mountains, exposes very respectfully :

1. For a number of years we have always been in the habit of roaming over the prairies of the North-West for the purpose of hunting, above all other animals the buffalo, thereby sustaining our families.

2. That the hunting of buffalo is the only means of subsistence in this part of the Province.

3. That before the arrival of the North-West Mounted Police, who came to put in force the laws and tranquilize the various Indian tribes, they had to defend themselves all alone against the continued attacks of the savages, and often had to spill their blood in procuring food for their children.

4. That the chase of the buffalo is to-day, for your petitioners, the sole and only means of subsistence, and their last resource in obtaining food for their wives and children.

5. That your petitioners have ever entertained a high respect for the civil and military authorities sent thither by the Government, and that they will always hold the same sentiments of submission to the laws, that it may please your excellent body to pass from time to time, with a view to the peace and prosperity of the Province.

6. That the majority of us, upon the cession of the Province to the Canadian Government, were temporarily absent, and were thereby deprived of the benefit of the scrip given to those half-breeds who were, at that time, present in the Province.

7. That last year your council, having passed a certain regulation relative to the hunters in the North-West Territory.

8. That by this same regulation the half-breeds are prevented from hunting from the 14th day of November in each year.

9. And also that the Indians are only restrained from the 15th day of February in each year, or three months later.

10. That the period of this prohibition is actually the very time when the animal produces the most benefit; in the first place, the meat of the cow being then only fit for food; secondly, the pelt being then in season to make the best robes, and the one commanding the highest price in the market.

11. That the half-breeds, by this law, are placed in a critical and embarrassing situation, as they find themselves deprived of their only possible means of supporting families.

12. That they see no reason why you will not accord to them at least the same privileges that are granted the Indians, regarding the chase.

13. That the greater part of us have no more than the Indians the ability to amass sufficient provision for five or six months in advance.

For these reasons your petitioners ever humbly pray your council to take into consideration the critical position in which they are placed by your order of last year, concerning the buffalo; and having judged by the rectitude of their intention, and of the delicate position in which so many families will be placed by the execution of this law, they ask you to amend the clause referred to above, granting them the same rights and privileges that are allowed the Indians, in regard to the hunting of buffalo in the North-West Territory;

2. Considering the desire that your petitioners have of adopting a life more conformable to a true civilization;

Considering that, according to the actual habits and ordinary disposition of the half-breeds in general, it is impossible for them to form any congregation profitable

to their families among the white immigrants who are establishing themselves in the North-West Territory;

That it may please your council to obtain for the undersigned a section of land for a special reserve, perpetual and inalienable, upon which they can establish themselves in a permanent manner, and fix their families, to the exclusion of all whites, except such employees as the Government shall find proper to send there, according to the needs of the population.

3. Your petitioners would respectfully represent to your council their desire to have defined the situation and limit of the reserve above mentioned, as follows:—

Commencing at a point upon the international line, where crossed by the Pembina River; thence running west along said line 150 miles; thence at right angles, north, 50 miles; thence due east, 150 miles; thence due south, 50 miles, to point of beginning.

4. Your petitioners beg leave to state to your council that the land above described is the only one offering to the half-breeds the requisite facilities for a permanent home.

5. Considering the state of poverty in which the half-breeds are at present, that the above mentioned trail may be given to them in such a way that they can live thereon free from taxes, &c., whether for ever or for a sufficient term of years, that at the end they can pay them without detriment to their families.

They demand, for the same reason, that they will be allowed school houses, school masters and school mistresses, whose expenses shall be defrayed by the Government; also churches, and the priests of their religion.

2nd. For the sure and speedy advancement of the half-breeds, they ask to be allowed mechanics, to whom they can apply in time of need, and by whom they may be taught the various necessary arts of civilized life, as blacksmiths, carpenters, shoemakers, &c.

3rd. For the first five years of their establishment they may be given seeds according to their need.

And your petitioners will always ask, &c.

David Laverdure, jun.,
Isidore Dumon, jun.,
Henri Vital,
Isidore Patrifé,
St. Pierre Laverdure,
Charlie Malaterre,
Isidore Dumon, sen.,
Baptiste Jolibois,
Joseph Vilbrun,
Norman Marion,
François Delorme,
William Ross,
Elie Parenteau,
Pierre Lantigras,
David Boyer,
Napoléon L'édoux,
Antoine Rocheblave,
Joseph Thomas,
François Lafontaine,
François Kole,
André Kole,
Calice Kole,
William Fayiant,
Michel St. Denis,
Célestin, St. Denis,
John Welsh,
Isidore Dumon,

Alexis Malaterre,
James Grant,
Louis Morin,
Jean B. Langé,
William Soan, sen.,
William Soan, jun.,
William Latournaise,
Thomas Breland,
Thomas Léveillé,
Joseph Walette, sen.,
Julien Walette,
Patrice Walette,
Joseph Walette, jun.,
Pierre Labruler,
Maxime Labruler,
Napoléon Labruler,
Elzéar Bottineau,
Zacharie LeRat,
Pierre Léveillé,
Alexandre Magill,
Michel Davis,
Augustin Davis,
Louis Davis,
Pierre Lavallée,
Léonore McKay,
Pierre Morin,
Joseph Léveillé,

François Lémire,
 Xavier Lémire,
 Pascal Bréland,
 Patrice Bréland,
 Olivier Laplante,
 James Whiteford,
 Michel Klyne,
 Isidore Mallette,
 Edward Morrison,
 Norbert Delorme,
 André St. Germain,
 Gabriel Léveillé,
 Antoine Gladu, sen.,
 Antoine Gladu, jun.,
 Michel Gladu, jun.,
 Joseph Michael,
 Baptiste Peltier, sen.,
 Alique Peltier,
 Culbert Peltier,
 James Whitford, jun.,
 Maxime Whitford,
 Elizior Whitford,
 Louis Whitford,
 David Laplante,
 Antoine Laplante,
 Baptiste Brière,
 Louison Brière,
 Brisbois Brière,
 Jérémie, Brière,
 Cléophas Brière,
 Antoine Laplante,
 William Davis,
 Alexandre Houle,
 Alexandre Davis, jun.,
 Baptiste Davis, jun.,
 Antoine Mallette,
 Joseph Charette,
 Daniel Méchiale,
 André Klyne,
 Antoine Canada, jun.,
 Alexandre Canada,
 Culbert St. Denis,
 Louis Haggat,
 Baptiste Champagne,
 Léon Laverdure,
 Moïse Lapière,
 Louis Malaterre,
 John Malaterre,
 Alexander Morin,
 Gabriel Poitras,
 Joseph Bourquin,
 Pierre Léveillé,
 Sévère Hamelin,
 Modeste Giroux,
 Moïse Vallée,
 Antoine Wallethe,
 Augustin Racette,

James Wallethe,
 Joseph Edward Marion,
 Antoine Canada,
 Pierre Smalemie,
 Louis Malaterre, jun.,
 Baptiste Wallethe,
 Narcisse Laverdure,
 Daniel L'édoux,
 Baptiste Racette,
 Bernard Thomas,
 Pierre Lédoux,
 Chrysotôme Robillard,
 Charles Trottier,
 Andrew Trottier, sen.,
 Michael Trottier,
 Antoine Trottier,
 Henri Trottier,
 Zédore Trottier,
 Jean Baptiste Trottier,
 Norbert Troittoir,
 John Trottier,
 Andrew Trottier, jun.,
 Alexandre Trottier, sen.,
 Moïse Letendre,
 Norbert Welsh,
 William Welsh,
 Albert Welsh,
 Xavier Welsh,
 Paul Caplette,
 François Boie,
 Jean Turner,
 Paul Pelloche,
 Michael Bonno,
 Henri Bonno,
 Gabriel Bonno,
 William Trottier,
 Alexandre Trottier, jun.,
 Antoine Lafontaine,
 Napoleon Lafontaine,
 Louis Lafontaine,
 Gaspard Lafontaine,
 Pierre Bonno, sen.,
 Charles Bonno,
 Basile Bonno,
 Pierre Bonno, jun.,
 Jualin Bonno,
 Louis Gariépé,
 Léonide Gariépé,
 Baptiste Gariépé,
 Ellica Garriépé,
 Bonaventure Gariépé,
 Joseph Parisien,
 Alexander Gaddy,
 William Gaddy,
 James Gaddy,
 Baptiste Dusanne,
 Wallace Dusanne,

Joshon Welsh, jun.,
 Maxime Marion,
 Ambroise La Pierre,
 Paul Sarivez,
 Pierre Boosah, sen.,
 Abraham Boosah,
 Pierre Boosah, jun.,
 Jean Shakote,
 Baptiste Pelloche, sen.,
 Alexandre Pelloche,
 Baptiste Pelloche,
 Cuthbert Pelloche,
 Lasselog Pelloche,
 Adolphus Pelloche,
 Joseph Boie, sen.,
 Joseph Boie, jun.,
 Ambroise Boie,
 Norbert Boie,
 Xavier Fyand,
 Duffle Fyand,
 François Fyand,
 Alexandre Labombarde,
 Baptiste Dosa,
 Isaïe Teboure,
 William Teboure,
 William Swane,
 John Swane,
 Alexander Swane,
 Baptiste Swane,
 Kersore Swane,
 Peter Fiddler,
 Peter Bremner,
 Zacharias Barland,
 Moses Barland,
 Xavier Barland,
 Samsen Barland,
 Joseph Poitras,
 David Poitras,
 Termie Poitras,
 François Poitras,
 Salomon Poitras,
 Baptiste Poitras,
 Vital Chercoté,
 Pascal Chercoté,
 Médard Chercoté,
 Edoard Pelloche,
 Napoléon Pelloche,
 Cuthbert Pelloche,
 Alexandre Pelloche,
 William Pelloche,
 Jean Baptiste Pelloche,
 Roderick Ross,
 Pierre Ross,
 Urban Ross,

Cuthbert Dusanne,
 Lyasant Dusanne,
 Chrysotôme Dusanne,
 Joseph Kieise,
 Duffle Bédore,
 Che. Pierre Le Maire,
 Pierre Le Maire,
 Joseph Le Maire,
 Leander Say Farmah,
 Edward Say Farmah,
 Michel Allard,
 William Allard,
 Augustin Laframboise,
 Edward Laframboise,
 Daniel Laframboise,
 Che. Pierre Cardinal,
 Deume Desjarlais,
 Jean Baptiste Laframboise,
 William Laframboise,
 Neddy Welsh,
 John Welsy,
 Gregory Welsh,
 James Welsh,
 Edward Welsh,
 Samuel Welsh,
 Donald Welsh,
 Joseph Welsh,
 Dar-ase Welsh,
 Jérôme Lafournaise,
 Bernard Delorme,
 Casimir Bouvier,
 Charles Montigny,
 Patrick Montigny,
 Joseph Tait, sen.,
 Joseph Tait, jun.,
 Cuthbert Tait,
 Thomas Tait,
 Joseph Delorme,
 James Sanderson,
 Isaïe Léveillé,
 Paul Léveillé,
 Pierre Léveillé, sen.,
 Baptiste Falcoe, jun.,
 William Sinclair,
 Alexander Morrad,
 William Clyne,
 Duffle Clyne,
 John Desmarais,
 William Sparvie,
 Paul Sparvie,
 Joseph Sparvie, sen.,
 Joseph Sparvie, jun.,
 St. Pierre Sparvie,
 Jean Baptiste Sparvie.

List of Persons whose names appear on Petition who received Scrip or Lands in
 Manitoba :—

Isidore Dumont, jun.,
 Isidore Dumont, sen.,

Louis Malaterre,
 Alexandre Morin,

Baptiste Jolibois,
Joseph Vilbrun,
Norman Marion,
François Delorme,
William Ross,
Michel St. Denis,
Isidore Dumont,
Pascal Bréland,
Patrice Bréland,
Alexis Malaterre,
James Grant,
Louis Morin,
William Loan, jun.,
William Lafournais,
Thomas Bréland,
Joseph Ouellette, sen.,
Joseph Ouellette, jun.,
Pierre Léveillé,
Alexandre Magill,
Louis Davis,
Pierre Lavallé,
Pierre Morin,
Joseph Léveillé,
Joseph Edoard Marion,
Antoine Canada,
Olivier Laplante,
James Whiteford,
Norbert Delorme,
André F. Germain,
Gabriel Léveillé,
Antoine Gladu, sen.,
Joseph Michael,
Alex. Peltier,
James Whitford, jun.,
Maxime Whitford,
Elizior Whitford,
Louis Whitford,
David Laplante,
Antoine Laplante,
Jérémie Brière,
Antoine Laplante,
William Davis,
Alexandre Houle,
Alexandre Davis, jun.,
Joseph Charette,
Antoine Canada, jun.,
Alexandre Canada,
Cuthbert St. Denis,
Léon Laverdure,

Gabriel Poitras,
Pierre Léveillé,
Moïse Vallée,
Maxime Marion,
Pierre Ledoux,
Charles Trottier,
Andrew Trottier, sen.,
Norbert Welsh,
William Welsh,
Paul Caplette,
Jean Turner,
Antoine Lafontaine,
Napoléon Lafontaine,
Louis Lafontaine,
Gaspard Lafontaine,
Pierre Bonno, sen.,
Basile Bonno,
Pierre Bonno, jun.,
Julien Bonno.
Baptiste Gariépy,
Elizé Gariépy,
William Swane,
John Swane,
Peter Fiddler,
Peter Bremner,
Moses Barland,
Xavier Barland,
Samson Barland,
Joseph Poitras,
David Poitras,
François Poitras,
Salomon Poitras,
Baptiste Poitras,
Roderick Ross,
Pierre Ross,
Urban Ross,
Théophile Bédard,
Michel Allard,
William Allard,
Jean Baptiste Laframboise,
Joseph Welsh,
Casimir Bouvier,
Joseph Tait, sen.,
Joseph Tait, jun.,
Joseph Delorme,
James Sanderson,
William Sinclair,
John Desmarais,

List of Persons whose names appear on Petition who received Scrip Certificates from the North-West Half-breed Commission :—

William Fayant,
Elzéar Bottineau,
André Klyne,
Chrysostôme Robillard,
Louis Gariépy,

Célestin St. Denis,
Michel Klyne,
Moïse Lapierre,
Charles Bonne,
Léonide Gariépy,

Bonaventure Gariépy,
Alexandre Labombarde,

William Gaddy,
William Klyne.

List of Persons whose names appear on Petition who have not proved their claims :—

David Laverdure, jun.,
Henri Vital,
Isidore Patrice,
St. Pierre Laverdure,
Charlie Malaterre,
Elie Parenteau,
Pierre Santigras,
David Boyer,
Napoléon Ledoux,
Antoine Rocheblave,
Joseph Thomas,
François Cole,
André Kole,
Calice Kole,
John Welsh,
François Lemire,
Xavier Lemire,
Jean B. Longé,
William Soan, sen.,
Thommy Léveillé,
Julien Ouellette,
Patrice Ouellette,
Pierre Labruler,
Maxime Labruler,
Napoléon Labruler,
Zacharie Le Rat,
Michel Davis,
Augustin Davis,
Léonard McKay,
James Ouellette,
Pierre Smolémie,
Isidore Mallette,
Edward Morrison,
Antoine Gladu, jun.,
Michel Gladu, jun.,
Baptiste Peltier, sen.,
Cuthbert Peltier,
Baptiste Brière,
Louison Brière,
Brisbois Brière,
Cléophas Brière,
Baptiste Davis, jun.,
Antoine Mallette,
Daniel Méchiale,
Louis Haggat,
Baptiste Champagne,
John Malaterre,
José Bourquin,
Sévère Hamelin,
Modeste Giroux,
Antoine Ouellette,
Augustin Racette,
Joachim Welsh, jun.,

Joseph Parisien,
Alexander Gaddy,
James Gaddy,
Baptiste Dusanne,
Wallace Dusanne,
Cuthbert Dusanne,
Hyacinthe Dusanne,
Chrysostôme Dusanne,
Joseph Caisse,
Pierre Bossé, sen.,
Abraham Bossé,
Pierre Bossé, jun.,
Jean Choquette,
Baptiste Pelloche, sen.,
Alexander Pelloche,
Baptiste Pelloche,
Cuthbert Pelloche,
Lesselog Pelloche,
Adolphus Pelloche,
Joseph Boie, sen.,
Joseph Boie, jun.,
Ambroise Boie,
Norbert Boie,
Xavier Fayant,
Théophile Fayant,
François Fayant,
Baptiste Dazé,
Isaïe Teboure,
William Teboure,
Alexander Swane,
Baptiste Swane,
Kersore Swane,
Zacharie Barland,
Termier Poitras,
Vital Chercote,
Pascal Chercote,
Amédée Chercote,
Edouard Pelloche,
Napoléon Pelloche,
Cuthbert Pelloche,
Alexander Pelloche,
William Pelloche,
Jean Baptiste Pelloche,
Pierre Lemaire,
Chs. Pierre Lemaire,
Joseph Lemaire,
Leander Say Farmah,
Edward Say Farmah,
Augustin Laframboise,
Edouard Laframboise,
Daniel Laframboise,
Che. Pierre Cardinal,
Deume Desjarlais,

Ambroise Lapierre,
 Paul Larivée,
 Louis Malaterre, jun.,
 Baptiste Ouellette,
 Narcisse Laverdure,
 Daniel Ledoux,
 Baptiste Racette,
 Bernard Thomas,
 Michel Trottier,
 Antoine Trottier,
 Henri Trottier,
 Isidore Trottier,
 Jean Baptiste Trottier,
 Norbert Trottier,
 John Trottier,
 Andrew Trottier, jun.,
 Alexander Trottier, sen.,
 Moïse Letendre,
 Albert Welsh,
 Xavier Welsh,
 François Boie,
 Paul Pelloche,
 Michel Bonno,
 Henri Bonno,
 Gabriel Bonno,
 William Trottier,
 Alexander Trottier, jun.,

William Laframboise,
 Neddy Welsh,
 John Welsh,
 Gregory Welsh,
 James Welsh,
 Edward Welsh,
 Samuel Welsh,
 Donald Welsh,
 Jérôme Lafournaise,
 Bernard Delorme,
 Charles Montigny,
 Patrick Montigny,
 Cuthbert Tait,
 Thomas Tait,
 Isaïe Léveillé,
 Paul Léveillé,
 Pierre Léveillé, sen.,
 Baptiste Falcoe, jun.,
 Alexander Morrad,
 Duffie Clyne,
 William Sparvie,
 Paul Sparvie,
 Joseph Sparvie, sen.,
 Joseph Sparvie, jun.,
 St. Pierre Sparvie,
 Jean Baptiste Sparvie,

PETITION FROM CHARLES McKAY AND OTHERS, MANITOBA VILLAGE,
 NOT DATED, DATE OF RECEIPT IN DEPARTMENT, 12TH APRIL, 1880.

To the Right Hon. Sir John A. Macdonald, C. B., Minister of the Interior, &c., &c.

The petition of the undersigned residents of Manitoba village, Lake Manitoba, N.W.T., humbly represents that whereas under the terms of the Manitoba Act, scrip was to be issued to the half-breed heads of families and allotment of lands made to the children of the same, resident in Manitoba on the 15th July, A.D. 1870; and whereas subsequently many of their families removed to the interior, and have not yet benefited by the terms of the said Manitoba Act; and whereas it appears that the allotments of land made in Manitoba for the benefit of children of said half-breed heads of families are likely to prove insufficient to cover all the claimants under the said Act, now, therefore, your petitioners, who are interested in these matters, do most humbly pray that you will place us on an equal footing and cause scrip to be issued to us at an early date, in satisfaction of our just and lawful claims. And whereas the half-breed heads of families and the children of the same, born in or resident in the Territories previously to 15th July, 1870, have not yet had their claims to equal right and privileges with their brethren in the Province of Manitoba investigated, as is justly due to them, and is provided for by sub-section e of clause 125, 42 Victoria, chapter 31, and whereas the continued delay in ascertaining and investigating said claims is creating great and general dissatisfaction throughout the Territories; we, your petitioners, do humbly pray that you will cause a commission to be issued at an early date to enquire into and confirm the said claims, not only with regard to scrip and allotments of land, as provided for in Manitoba, but moreover to confirm the titles of land occupied by or purchased by parties from occupants of claims taken previously to the transfer of the Territories to the Dominion of Canada;

And whereas by section 7 of the regulations issued by the Department of the Interior, on the 14th October, 1879, respecting the disposal of certain public lands

for the purpose of the Canadian Pacific Railway, "all payments for railway lands and also pre-emption lands within the several belts shall be in cash, and not in scrip or military police bounty warrants;" and whereas we humbly believe that this exclusion of our scrip, owing to the immense reserves which have been created, practically amounts to its confiscation and involves a great injustice to all who are interested in the same; and whereas we firmly believe that no regulations should be retrospective as regards our property, and that the solemn convention of 1870 should be fully and faithfully carried out, we do therefore respectfully and humbly pray that the regulations of 14th October, 1879, may be so modified as to admit our scrip at its face value in the purchase of lands within the railway reserves.

Charles McKay,
Margaret McKay,
Caroline McKay,
W. Joseph McKay,
John Richard McKay,
Roderick McKay,
Hebron Moar,
her
Mrs. Laura X Moar,
mark.
James Moar,
George H. Moar,
Sarah Moar,

Susan Moar,
Mary Ann Moar,
his
Donald C. X Moar,
mark.
Alexander Moar,
her
Mrs. Pauline X Murray,
mark.
her
Mrs. Mary X McLeod,
mark.

List of Persons whose names appear on Petition who received Scrip or Land in Manitoba:—

Charles McKay,
W. Joseph McKay,
John Richard McKay,

Roderick McKay,
Mrs. Mary McLeod.

List of Persons whose names appear on Petition who received Scrip Certificates from the North-West Half-breed Commission:—

Margaret McKay,
Caroline McKay,
Hebron Moar,
Mrs. Laura Moar,

James Moar,
George H. Moar,
Mary Ann Moar,
Alexander Moar.

List of Persons whose names appear on Petition who have not proved their claims:—

Sarah Moar,
Susan Moar,

Donald C. Moar,
Mrs. Pauline Murray.

PETITION FROM RESIDENTS OF EDMONTON, SIGNED BY OCTAVE MAJEAU, AND OTHERS, NOT DATED, COVERING LETTER DATED 19TH MAY, 1880.

To the Right Honorable Sir John A. Macdonald, C. B., Minister of the Interior, &c., &c.:

The petition of the undersigned residents of Edmonton, N.W.T., humbly represents that whereas under the terms of the Manitoba Act scrip was to be issued to the half-breed heads of families and allotment of lands made to the children of the same, resident in Manitoba on the 15th of July, A.D. 1870; and whereas subsequently many of their families removed to the interior and have not yet benefited by the terms of the said Manitoba Act; and whereas it appears that the allotments of land made in Manitoba for the benefit of the children of the said half-breed heads of families are likely to prove insufficient to cover all the claimants under the said Act,

Now, therefore, your petitioners who are interested in these matters do most humbly pray that you will cause such enquiries to be instituted as will place us on an equal footing with our relatives and friends in Manitoba, and cause scrip to be issued to us at an early date, in satisfaction of our just and lawful claims;

And whereas the half-breed heads of families, and the children of the same, born or resident in the Territories previously to 15th July, 1870, have not yet had their claims to equal rights and privileges with their brethren in the Province of Manitoba investigated, as is justly due to them, and is provided for by section e of clause 125, 42 Vic., chap. 31; and whereas the continued delay in ascertaining and investigating said claims is creating great and general dissatisfaction throughout the Territories;

We, your petitioners, do humbly pray that you will cause a commission to be issued at an early date to enquire into and confirm the said claims, not only with regard to scrip and allotments of land as provided for in Manitoba, but moreover to confirm the titles to land occupied by or purchased by parties from occupants of claims taken previously to the transfer of the Territories to the Dominion of Canada;

And whereas by section 7 of the regulations issued by the Department of the Interior, on 14th October, 1879, respecting the disposal of certain public lands for the purpose of the Canadian Pacific Railway, all payments for railway lands, and also pre-emption lands, within the several belts shall be in cash, and not in scrip or military or police bounty warrants; and whereas we humbly believe that this exclusion of our scrip, owing to the immense reserves which have been created, practically amounts to its confiscation, and involves a grave injustice to all who are interested in the same; and whereas we firmly believe that no regulations should be retrospective as regards our property, and that the solemn convention of 1870 should be fully and faithfully carried out; we do therefore respectfully and humbly pray that the regulations of 14th October, 1879, may be so modified as to admit our scrip at its face value in the purchase of lands within the railway reserves.

Octave Majeau,
Edmond Brousseau,
J. Bte L'Hirondelle,
Janvier L'Hirondelle,
Norbert L'Hirondelle,
Marteau L'Hirondelle,
Laurent L'Hirondelle,
André L'Hirondelle,
Cyprien L'Hirondelle,
Samuel Cunningham,
Jean Ladoroute,
Olivier Ladiroute,
Magloire Gray,
Cyprien Gray,
George Hodgson,
Charles Gladu,
Adolphe Perreault,
Joseph Chalifou,
Paul Chalifou,
Antoine Galarneau,
Anselme Malette,
J. Bte. Robertson,
J. Bte. Galarneau,
Antoine Savard, sen.,
Antoine Savard, jun.,
Joseph Fagnant,
Charles Beauregard,
Octave Bellerose,
Pierre Bérard,

Johnny Catara, sen.,
Johnny Catara, jun.,
Ferdinand Callarycord,
Jean Bellecourt,
Bte. Courtepatte,
Dieudonné Courtepatte,
Pascal Savard,
Michel Plante,
Victor Laurence,
Louis Larocque,
Henry Blanc,
George Donald,
Peter Pambrun,
Henri Dufresne,
John Sinclair,
Alexander Rowland,
Joe Norn,
Alfred Smith,
Joseph Turner,
Joseph Pagé,
Elzéar Pagé,
Norbert Bellerose,
Joseph Chartier,
Antoine Biandion,
Emile Bellerose,
Narcisse Bellerose,
Alexander Savard, sen.,
Alexander Savard, jun.,
Joseph Kallio,

Roger Bérard,
Bpte. Surprenant,
Julien David Savard,
Augustin Gladu,
Jérémie Gladu,
Alexis Gladu,
Thomas Boucher,
Cyprien Boucher,
Ambroise Boucher,
Jérémie Auger,
Joseph L'Hirondelle
Léon Delorme,
Pierre Delorme, sen.,
Pierre Delorme, jun.,
Bte. Pépin,
Paul Lebrun,
Gabriel Lafleur,
Joseph Paquette,
James Cunningham,
John Cunningham,
Albert Cunningham,
Edouard Cunningham,

Abraham Neault,
Edouard Neault,
Frédéric Durocher,
Edouard Durocher,
Xavier Durocher,
John Rolland,
Adolphe Rolland,
Louis Chastellain,
Narcisse Beaudry,
Pierre Beauregard,
Joseph Beaudry,
Noël Courtepatte,
Noé Delorme,
François Dufresne,
Peter C. Pambrun,
Isidore Pambrun,
Edouard McGillivray,
Philip Whitford,
Philip Tate,
James Noon,
Joseph Trover,
Simon P. Whitford.

List of Persons whose names appear on Petition who received Scrip or Land in Manitoba:—

Charles Gladu,

Roger Bérard.

Joseph Fagnant,

List of Persons whose names appear on Petition who received Scrip Certificates from the North-West Half-breed Commission. :—

J.-B. L'Hirondelle,
Janvier L'Hirondelle,
Norbert L'Hirondelle,
André L' Hirondelle,
Cyprien L'Hirondelle,
Samuel Cunningham,
Jean Laderoute,
Olivier Laderoute,
Magloire Gray,
Cyprien Gray,
George Hodgson,
Augustin Gladu,
Jérémie Gladu,
Alexis Gladu,
Thomas Boucher,
Jérémie Auger,
Joseph L'Hirondelle,
Léon Delorme,
Pierre Delorme, sen.,
Pierre Delorme, jun.,
Bte. Pépin,
Paul Lebrun,
Gabriel Lafleur,
Joseph Paquette,
James Cunningham,
Johnny Cunningham,
Albert Cunningham,

Louis Larocque,
George Donald,
Peter Pambrun,
Henry Dufresne,
John Sinclair,
Alexander Rowland,
Joseph Turner,
Joseph Pagé,
Norbert Bellerose,
Antoine Blandion,
Emile Bellerose,
Jean Bellecourt,
Bte. Courtepatte,
Diédonné Courtepatte,
Frédéric Durocher,
Edouard Durocher,
Xavier Durocher,
Johnny Rolland,
Adolphe Rolland,
Louis Chastellain,
Pierre Beauregard,
Joseph Beaudry,
Noël Courtepatte,
Narcisse Bellerose,
Alexandre Savard, sen.,
Alexandre Savard, jun.,
Joseph Kallio,

Edouard Cunningham,
Joseph Chalifou,
Paul Chalifou,
Anselme Mallette,
Octave Bellerose,
Pierre Bérard,
Bte. Surprenant,
Julien David Savard,
Pascal Savard,
Michel Plante,
Victor Laurence,

Abraham Neault,
Edouard Neault,
Noël Delorme,
François Dufresne,
Peter C. Pambrun,
Edouard McGillivray,
Philip Whitford,
Philip Tate,
James Noon,
Joseph Trover,
Simon P. Whitford.

List of Persons whose names appear on Petition who have not proved their claims:—

Octave Majeau,
Edmond Brousseau,
Marteau L'Hirondelle,
Cyprien Boucher,
Ambroise Boucher,
Adolphe Perreault,
Antoine Gallarneau,
J. Bte. Robertson,
J. Bte. Gallarneau,
Antoine Savard, sen.,
Antoine Savard, jun.,

Charles Beauregard,
Henry Blanc,
Joe Norn,
Alfred Smith,
Elzéar Pagé,
Joseph Chartier,
Johnny Catara, sen.,
Johnny Catara, jun.,
Ferdinand Callarycord,
Narcisse Beaudry,
Isidore Pambrun.

PETITION FROM PETER LAPIERRE AND OTHERS, NOT DATED, RECEIVED IN DEPARTMENT ON 2ND SEPTEMBER, 1881.

To the Most Honorable the Marquis of Lorne, K.T., G.C.M.G., Governor-General of Canada and Vice-Admiral of the same, &c., &c.:

The humble petition of Peter Lapierre, Simon Blondin, John Fisher, Alexander Fisher, John Simpson, Xavier Denommé and others, Half-breeds of Qu'Appelle settlement, humbly sheweth,—That owing to their being temporarily absent from the now Province of Manitoba at the time of the transfer of the said Province and the North-West Territories to the Dominion of Canada, they have been deprived of and debarred from several remunerative advantages which were accorded to their confrères who were residents in the Province of Manitoba at the time of the aforesaid transfer, and that your petitioners are of the opinion that they have been unjustly treated, as their conduct and actions at the time referred to deserves the kind consideration of the Government. Therefore, your petitioners humbly pray that they be dealt with and treated similar to the half-breeds of Manitoba, and that the Government will grant even scrip to the heads of families, and grants of land to the children of the heads of families of half-breeds in the North-West Territories, in like proportion as was granted to half-breeds and old settlers in the Province of Manitoba.

Your petitioners also humbly beg to bring before Your Excellency's notice, that when Her Majesty's Commissioners came here, in the autumn of 1874, to treat with the Indians of this region, they, on behalf of Her Most Gracious Majesty the Queen, ceded a promise to your petitioners that their rights would be recognized and respected. Your petitioners therefore humbly pray that the Government will be pleased to cause a survey to be made of their present holdings, similar to the old settlers' claims on the Red and Assiniboine Rivers, in the Province of Manitoba, allotting to each actual settler a certain number of chains frontage fronting on the lakes or rivers, as the case may happen, throughout their settlement, and running two miles back, north or south, as the case may be, with a privilege of two miles additional for hay and wood purposes.

Your petitioners humbly beg further to represent to Your Excellency that many of them are in a very destitute condition and helpless state, more especially since the

buffalo have disappeared and receded to beyond the international boundary line, and have thereby been deprived of the means upon which they have been, to a great extent, subsisting for a number of years past, and are totally without the means requisite and necessary to till the soil, from which a livelihood can be made. Your petitioners therefore humbly pray that Your Excellency be pleased to lay before Her Majesty's Government of the Dominion of Canada the necessity of extending to such of them as require it a certain amount of assistance in farming implements and seed grain, to enable them to make a start in farming, and become able to support themselves and families. And your petitioners, as in duty bound, will ever pray.

Pierre Lapierre,
 Simon Blondin, sen.,
 John Fisher,
 Alexander Fisher,
 Louison Blondin,
 Zacharie Blondin,
 Napoléon Blondin,
 Antoine Fayant, sen.,
 Joseph Blouin,
 Xavier Denommé,
 Jean Blondin,
 Simon Blondin, jun.,
 Napoléon Hamelin,
 Isaïe Poitras,
 François Desmarais,
 Samuel Turcotte,
 William Fayant,
 Antoine Fayant, jun.,
 Jean Louis Fayant,
 François St. Denis, sen.,
 Baptiste Robillard,
 François St. Denis, jun.,
 Joseph Raçette,
 Charles Raçette, sen.,
 Toussaint Gallarneau,
 Thomas Lapierre,
 Jean Bapt. Dauphinais,
 Baptiste Laliberté,
 Norbert Welch,
 Isidore Plante,
 Jean Sinclair, sen.,
 Mathias Sansregret,
 Alex. Pelletier,
 Hilaire Boucher,
 Edouard St. Germain,
 Augustin Brabant, sen.,
 Augustin Brabant, jun.,
 Michal Desjarlais,
 Edbert Desjarlais,
 Michel Desjarlais,
 Thos. Sinclair,
 François St. Denis, sen.,
 Alexis Honoré,
 Outhbert St. Denis,
 François Morin,
 Xavier Morin,
 Xavier Plante,
 Pierre Bonneau, sen.,

William Fisher,
 Geo. Fisher, (John's son),
 Moïse Vallée,
 Charles Desjarlais,
 James Grant,
 Clément Pelletier,
 Antoine Laroque, sen.,
 Antoine Laroque, jun.,
 Jean Sinclair, jun.,
 Louison Flammand,
 Maxime Flammand,
 André Flammand,
 Pierre Poitras, jun.,
 William Daniel,
 Modeste Daniel,
 Joseph Daniel,
 Alexis McKay,
 Joseph Parisien,
 Roderick Ross,
 Pierre Ross,
 Roderick Ross, jun.,
 Urban Ross,
 Alfred Fisher,
 John Simpson, jun.,
 Andrew Klyne,
 George Fisher, sen.,
 St. Pierre Poitras,
 Bte. Desjarlais,
 Pierre Desjarlais,
 Isidore Desjarlais,
 Joseph Poitras,
 Joseph Pellerton Bouvette,
 Pierre Pelletier,
 Napoléon Pelletier,
 Joseph James Grant,
 St. Pierre Blondin,
 Ambroise Blondin,
 Stanislas Desjarlais,
 Joseph Racette, sen.,
 Joseph Marion,
 R. T. Marion,
 Daniel Dumas,
 Lazarus Laliberté,
 Joseph Delorme,
 Thomas Desjarlais,
 Mathias Desjarlais,
 Alex. Laroque,
 William Laroque,

Pierre Bonneau, jun.,
 Charles Bonneau,
 Julien Bonneau,
 Baptiste Morin,
 Camille Morin,
 Archy Klyne,
 Théophile Klyne,
 Elie Bliouin,
 Grégoire Ledoux,
 Pierre Fisher,

Edward Brabant,
 William Daniel, jur.,
 Joseph Lapiere,
 Théophile Lapiere,
 Thomas Kavanagh, on behalf of
 Elisa Klyne, his wife.
 Thomas Kelly, on behalf of his
 wife, Veronique Klyne.
 Joseph Hugomardt, Ptre, O.M.I.,
 Louis Boucher.

List of Persons whose names appear on Petition who received Scrip or Land in Manitoba:—

Antoine Fayant, sen.,
 François St. Denis, sen.,
 Baptiste Robillard,
 Francis St. Denis, jun.,
 Toussaint Gallarneau,
 Jean-Bte. Dauphinais,
 Baptiste Laliberté,
 Norbert Welsh,
 Isidore Plante,
 Mathias Sansregret,
 Hilaire Boucher,
 Edouard St. Germain,
 Augustin Brabant, sen.,
 Augustin Brabant, jun.,
 Michael Desjarlais,
 Michel Desjarlais,
 Louison Flammand,
 Maxime Flammand,
 André Flammand,
 Pierre Poitras, jun.,
 Joseph Daniel,
 Alexis McKay,
 Roderick Ross,
 Pierre Ross.
 Napoléon Hamelin,
 Israël Poitras,
 François Desmarais,
 François St. Denis, sen.,
 Alexis Honoré,

Cuthbert St.-Denis,
 François Morin,
 Pierre Bonneau, sen.,
 Pierre Bonneau, jun.,
 Julien Bonno,
 Baptiste Morin,
 Théophile Klyne,
 Moise Vallée,
 James Grant,
 Antoine Laroque, sen.,
 Antoine Laroque jun.,
 Joseph James Grant,
 Joseph Marion,
 Daniel Dumas,
 Lazarus Laliberté,
 Joseph Delorme,
 Roderick Ross, jun.,
 Urban Ross,
 Georges Fisher, sen.,
 St. Pierre Poitras,
 Pierre Desjarlais,
 Joseph Poitras,
 Joseph Peltreau Bouvette,
 Pierre Pierre Pelletier,
 Napoléon Pelletier,
 Mathias Desjarlais,
 Alex. Laroque,
 William Laroque.

List of Persons whose names appear on Petition who received Scrip Certificates from the North-West Half-breed Commission:—

Pierre Lapiere,
 John Fisher,
 Louison Blondin,
 Napoléon Blondin
 Antoine Fayant, jun.,
 Joseph Racette,
 Thomas Lapiere,
 Alex. Pelletier,
 Thomas Sinclair,
 William Daniel,
 Xavier Denommé,
 Simon Blondin, jun.,

Simon Blondin, sen.,
 Alex. Fisher, sen.,
 Zacharie Blondin,
 William Fayant,
 Jean Louis Fayant,
 Charles Racette, sen.,
 John Sinclair, sen.,
 Edbert Desjarlais,
 John Sinclair, jun.,
 Joseph Parisien,
 John Blondin,
 Xavier Plante,

Gregoire Ledoux,
 William Fisher,
 Charles Desjarlais,
 Ambroise Blondin,
 Stanislas Desjarlais,
 Alfred Fisher,
 Andrew Klyne,
 Isidore Desjarlais,
 William Daniel, jun.,
 Thomas Kavanagh, on behalf of
 Elise Klyne, his wife,

Pierre Fisher,
 George Fisher (John's son),
 St. Pierre Blondin,
 Joseph Blondin,
 Joseph Racette, sen.,
 John Simpson, jun.,
 Bte. Desjarlais,
 Edouard Brabant,
 Joseph Lapierre,
 Thomas Kelly, on behalf of his
 wife, Véronique Klyne.

LIST of Persons whose names appear on Petition who have not proved their Claim:

Modeste Daniel,
 Joseph Blouin,
 Samuel Turcotte,
 Xavier Morin,
 Charles Bonnotte,
 Camille Morin,
 Archy Klyne,

Elie Blouin,
 Clément Pelletier,
 R. T. Marion,
 Thomas Desjarlais,
 Théophile Lapierre,
 Joseph Hugomard, Ptre, O. M. I.,
 Louis Boucher.

**PETITION FROM GABRIEL DUMONT, DATED ST. ANTOINE DE
 PADOUE, 4TH SEPTEMBER, 1882.**

(Translation.)

ST. ANTOINE DE PADOUE, SOUTH SASKATCHEWAN, 4th September, 1882.

To the Right Honorable Sir John A. Macdonald, Minister of the Interior, Ottawa :

SIR,—We the undersigned French half-breeds, for the most part settled on the west bank of the Saskatchewan, in the district of Prince Albert, N.W.T., hereby approach you, in order to set forth with confidence the painful position in which we are placed with reference to the lands occupied by us in this portion of the territory, and in order to call the attention of the Government to the question which causes us so much anxiety.

Compelled, most of us, to abandon the prairie, which can no longer furnish us the means of subsistence, we came in large numbers, during the course of the summer, and settled on the south branch of the Saskatchewan. Pleased with the land and the country, we set ourselves actively to work clearing the land, but in hope of sowing next spring, and also to prepare our houses for winter, now advancing rapidly. The surveyed lands being already occupied or sold, we were compelled to occupy lands not yet surveyed, being ignorant, for the most part, also, of the regulations of the Government respecting Dominion lands. Great then was our astonishment and perplexity when we were notified that when the lands are surveyed we shall be obliged to pay \$2 an acre to the Government if our lands are included in odd-numbered sections. We desire, moreover, to keep close together, in order more easily to secure a school and a church.

We are poor people and cannot pay for our land without utter ruin, and losing the fruits of our labor and seeing our lands pass into the hands of strangers, who will go to the land office at Prince Albert and pay the amount fixed by the Government. In our anxiety we appeal to your sense of justice as Minister of the Interior and head of the Government, and beg you to reassure us speedily, by directing that we shall not be disturbed on our lands, and that the Government grant us the privilege of considering us as occupants of even-numbered sections, since we have occupied these lands in good faith. Having so long held this country as its masters and so often defended it against the Indians at the price of our blood, we consider it not asking too much to request that the Government allow us to occupy our lands in peace, and that exception be made to its regulations, by making to the half-breeds

of the North-West free grants of land. We also pray that you would direct that the lots be surveyed along the river ten chains in width by two miles in depth, this mode of division being the long established usage of the country. This would render it more easy for us to know the limits of our several lots.

We trust, Sir, that you will grant a favorable hearing to this our petition, and that you will make known your decision as soon as possible. We await it with great anxiety, and pray God to protect you and keep you for the direction of this great country which you so wisely govern.

Your humble petitioners :—

Gabriel Dumont,
Jean Carron,
Baptiste Rochlot,
Moïse Parenteau,
Pierre Honoré,
Baptiste Delorme,
William Fidler,
Baptiste Boyer,
Damase Carrière,
Napoléon Neault,
André Neault,
Napoléon Carrière,
Patrice Touron,
Calixte Touron,
Antoine Vandal,
Gervais
Charles Larivière,
François Touron,
Joseph Parenteau,
Xavier Batoche,
Joseph Vandal,
François Fidler,
Alexis Gervais,
Joseph Delorme,

Baptiste Vandal,
Antoine Ferguson,
Baptiste Vandal,
Joseph Touron,
William Vandal,
Jean Carron,
Théophile Carron,
R. P. Tessier,
Mathias Parenteau,
Moïse Honoré,
Zéphirin Dumas,
Elzéar Parisien,
William Natome,
A. Fidler,
Isidore Villeneuve,
Adolphe Nolin,
Ignace Poitras,
Théophile Goulette,
Jérôme Racette,
Charles Gareau,
Maxime Poitras,
Emmanuel Champagne,
Louis Batoche.

List of Persons whose names appear on Petition who received Land or Scrip in
Manitoba :—

Jean Carron,
Baptiste Rochlot,
Moïse Parenteau,
Pierre Honoré,
Baptiste Delorme,
William Fidler,
Baptiste Boyer,
Damase Carrière,
Napoléon Carrière,
Patrice Touron,
Calixte Touron,
Antoine Vandal,
Baptiste Vandal,
Antoine Ferguson,
Baptiste Vandal,
Joseph Touron,
William Vandal
Jean Caron,

Théophile Carron,
Mathias Parenteau,
Elzéar Parisien,
A. Fidler,
Isidore Villeneuve,
Charles Larivière,
François Touron,
Joseph Parenteau,
Joseph Vandal,
François Fidler,
Alexis Gervais,
Joseph Delorme,
Adolphe Nolin,
Ignace Poitras,
Jérôme Racette,
Maxime Poitras,
Emmanuel Champagne,
Louis Batoche.

LIST of Persons whose names appear on Petition who received Scrip Certificates from the North-West Half-Breed Commission:—

None.

LIST of Persons whose names appear on Petition who have not proved their claim:—

Gabriel Dumont,
Napoléon Neault,
André Neault,
R. P. Tessier,
Moïse Honoré,

Zéphirin Dumas,
William Natome,
Xavier Batoche,
Théophile Goulette,
Charles Gareau.

PETITION FROM WM. BREMNER AND OTHERS, DATED ST. LOUIS DE LANGEVIN, 19TH NOVEMBER, 1883.

[*Translation.*]

ST. LOUIS DE LANGEVIN, 19th November, 1883.

SIR,—The undersigned farmers, residents of the parish of St. Louis de Langevin, on the South Branch of the Saskatchewan, beg to set forth, as follows, their grievances in relation to the lands on which they are located.

Many of us are here since the years 1873, 1874 and 1875; others, in still greater numbers, since 1880. Each and all of us took up our lands in accordance with the method formerly prevailing on the lands of the Red River and Assiniboine—that is to say—in river lots.

In the autumn of 1880 we petitioned the Minister of the Interior, at Ottawa, for a special survey into river lots, as was granted to the Prince Albert settlement, and to a portion of the St. Lawrence settlement. We all signed that petition, not excepting Michael Canny, who has since entered his lot at your office as a sectional lot, and against whose action we hereby strongly protest.

Since that date we have sent more petitions, at various times, for the same object, supporting the same with the influence of all persons in authority who took an interest in us, such as Messrs. J. Royal, M.P., D. H. Macdonall, Member North-West Council; L. Clarke, His Lordship Bishop Grandin, and Father Leduc.

Finally, Father Leduc, who had been sent as delegate to Ottawa by the people of Edmonton and St. Albert, showed us the answer of the Government promising a special survey for all located lands on the Saskatchewan. Since then we have waited in vain for the new survey.

As we stated at the beginning, many of us have occupied our lots long enough to entitle us to patents, and yet there has been no way, as yet, of getting them entered at your office.

We beg of you to represent to the Government the grievances herein in part set forth, and urge them to put an end thereto as quickly as possible for the welfare and peace of loyal subjects of Her Majesty the Queen of England.

Your humble servants,

William Bremner, jun.,
Maxime Lépine,
Octave Regnier,
Bte. Boucher,
William Bremner,
John Ouellette,
Chs. Lavallée,
Isidore Dumas,
James Short,
Ambroise Dumont,
Eugène Boucher,

L. L. Letendre,
Wm. Letendre,
Wm. Swain,
Elzéar Swain,
Willie Bruce,
Ant. Richard,
Isidore Boyer,
Solomon Boucher,
J. B. Boucher, jun.,
L. Schmidt,
Jos. Dumas,

Henry Smith,
Chs. Nolin,
Alade Légaré,
Norbert Turcotte,
Solomon Turcotte,

Modeste Laviolette,
Moïse Bremner,
Joseph Bremner,
Jonas Laviolette,
Alex. Bremner.

GEORGE DUCK, Land Agent, Prince Albert.

LIST of Persons whose names appear on Petition dated at St. Louis de Langevin, 19th November, 1883, who received Land or Scrip in Manitoba:—

William Bremner, jun.,
Bte. Boucher,
William Bremner,
Chs. Lavallée,
Isidore Dumas,
James Short,
Ambroise Dumont,
Henry Smith,
Chs. Nolin,
Norbert Turcotte,
William Letendre,
Wm. Swain,

Elzéar Swain,
Willie Bruce,
Ant. Richard,
Isidore Boyer,
Solomon Boucher,
J. B. Boucher, jun.,
Louis Schmidt,
Jos. Dumas,
Modeste Laviolette,
Moïse Bremner,
Joseph Bremner,
Alex. Bremner.

LIST of Persons whose names appear on Petition dated at St. Louis de Langevin, 19th November, 1883, who received Scrip Certificates from the North-West Half breed Commission.

None.

LIST of Persons whose names appear on Petition dated at St. Louis de Langevin, 19th November, 1883, who have not proved their Claims.

Maxime Lepine,
John Ouellette,
Alade Légaré,
L. S. Letendre,

Octave Regnier,
Eugène Boucher,
Solomon Turcotte,
Jonas Laviolette.

PETITION FROM JOHN SIMPSON AND OTHERS, OF FORT QU'APPELLE, NOT DATED, RECEIVED UNDER COVER OF A LETTER FROM THE LIEUTENANT-GOVERNOR OF THE NORTH-WEST TERRITORIES, DATED 29TH AUGUST, 1882.

To the Hon. EDGAR DEWDNEY, Lieutenant-Governor of the N.-W.T.:

The petition of the undersigned half-breed settlers—

HUMBLY SHOWETH;

1. That as far back as the year 1860, and up to 1879, we settled or squatted on land situate on the banks of the Qu'Appelle River, erected comfortable dwellings and outbuildings thereon, ploughed and cultivated the soil, and, by continual residence have complied with all the Government conditions;

2. That we have erected a church and school in a central position, built and opened up roads and bridges, and made numerous improvements which are to-day of great value to the new settler;

3. That the surveys lately made have discovered some of us to be on railway land, now owned by the Ontario and Qu'Appelle Land Company whose agent has informed us that we must either buy the land from them or move off—in fact we are informed that they have sold some of the land at present occupied by a *bond fide* settler.

4. That we have refused to comply with the request of the Ontario and Qu'Appelle Land Company, and claim a patent from the Crown for our respective pieces of land or quarter sections, fully believing that we are justly and legally entitled to the same;

5. We would, therefore, respectfully ask your honor to lay our claims before the right hon. the Minister of the Interior (who we know will do us justice in the matter) and request his earliest attention and answer.

And your petitioners, as in duty bound, will ever pray &c.

John Simpson,

his
Antoine + Laroque,
mark

his
Simon + Blondeau,
mark

his
Louis + Flammand,
mark

Pierre Poitras,

his
Baptiste + Robillard,
mark

his
Matthias + Desjarlais,
mark

his
Xavier + Perreault,
mark

his
Antoine + Hamelin,
mark

his
Kenneth + McKenzie,
mark

his
Pierre + St. Denis,
mark

his
Napoléon + Hamelin,
mark

his
Joseph + Blayant,
mark.

his
Louison + Blondeau,
mark.

his
Zacharie + Blondeau,
mark.

his
Baptiste + Ray,
mark.

his
François + Perreault,
mark.

Joseph Marion,

his
Augustin X Brabant,
mark.

his
Camille X Perrault,
mark.

his
Edouard X Brabant,
mark.

his
Pollyon + Blondeau,
mark.

his
Joe + Gosselin,
mark.

his
François + St. Denis,
mark.

his
Gustave (Augustin) + Brabant,
mark.

his
Joseph + Desmarais,
mark.

his
Baptiste + Desjarlais,
mark.

his
Léon + Neault,
mark.

his
Baptiste + Dauphinais,
mark.

his
Antoine + Fayant,
mark.

his
Jean + Blondeau,
mark.

his
Antoine + Laroque,
mark.

his
Antoine + Fayant, jun.,
mark.

his
Simon + Blondeau, jun.,
mark.

his
William + Fayant,
mark.

his
Isidore + Plante,
mark.

his
John A. X Cline,
mark.

his
Chrysostôme X Robilliard,
mark.

his
Norman X Welsh,
mark.

his
André X Flammand,
mark.

his
Baptiste X Perreault,
mark.
his
Alexander X Brabant,
mark.

his
Alphonse X Martin,
mark.
his
Maxime X Flammand,
mark.

LIST of Persons whose names appear on Petition who received Scrip or Land in Manitoba :—

Antoine Laroque,
Louis Flammand,
Pierre Poitras,
Baptiste Robillard,
Mathias Desjarlais,
Xavier Perreault,
Antoine Hamelin,
François St. Denis,
Gustave Brabant,
Joseph Desmarais,
Baptiste Desjarlais,
Léon Neault,
Baptiste Dauphinais,
Antoine Fayant,
Pierre St. Denis,

Napoléon Hamelin,
Baptiste Roy,
François Perreault,
John A. Cline,
Baptiste Perreault,
André Flammand,
Maxime Flammand,
Jean Blondeau,
Antoine Laroque,
Joseph Marion,
Isidore Plante,
Augustin Brabant,
Edouard Brabant,
Norman Welsh,
Alphonse Martin.

LIST of Persons whose names appear on Petition who received Scrip Certificates from the North-West Half-Breed Commission :—

John Simpson,
Simon Blondeau,
Pollyon Blondeau,
Joe Gosselin,
Louison Blondeau,
Zacharie Blondeau,

Chrysostôme Robillard,
Antoine Fayant, jun.,
Simon Blondeau, jun.,
Wm. Fayant,
Alex. Brabant.

LIST of Persons whose names appear on Petition who have not proved their Claim :

Kenneth McKenzie,
Joseph Blayant,

Camille Perreault,

SUPPLEMENTARY RETURN

(45b)

To an ORDER of the HOUSE OF COMMONS, dated the 7th March, 1883 ;—For copies of all correspondence and memorials relating to the claims of the inhabitants of Prince Albert and the neighboring districts in the North-West Territories, in respect to the lands they occupy and to other matters affecting their condition.

By Command.

J. A. CHAPLEAU,

Secretary of State.

Department of the Secretary of State,
19th June, 1885.

HOUSE OF COMMONS, CANADA, Wednesday, 7th March, 1883.

Ordered, That the proper officer do lay before this House copies of all correspondence and memorials relating to the claims of the inhabitants of Prince Albert and the neighboring districts, in the North-West Territories, in respect of the lands they occupy, and to other matters affecting their condition.

[Attest.] J. G. BOURINOT, *The Clerk.*

(*Translation.*)

To His Honor the Lieutenant-Governor of the North-West Territories.

The Petition of the undersigned half-breeds of the parish of St. Laurent, in the North-West Territories—

RESPECTFULLY SHOWETH:

That on the 1st February instant, in public meeting assembled, in the said parish, Mr. Gabriel Dumont being chairman, and Mr. Alexander Fisher, secretary, he undersigned, your petitioners, adopted the following resolution:

That the population of the North-West Territories is for the greater part composed of French half-breeds, without a single stipendiary magistrate understanding and speaking their language, and without any person of their race to represent them in the proceedings of the North-West Council; *Resolved*, therefore, that an humble petition be forwarded to His Excellency the Governor General, praying that the two members of the Council remaining to be appointed under the authority of the Act of 1875 and its amendments, may be selected from amongst the old residents of the country, and that at least one of them be a French half-breed, and that in order to do full and perfect justice to your petitioners' race, provision may be made for the immediate appointment of a person of French origin as stipendiary magistrate;

That with a view to provide for the interests of education by the establishment of schools in the chief centres of the Territories, an allowance of five dollars per head for each child be made, up to the limit of two hundred dollars; that sum added to the product of voluntary subscriptions will, in many localities, render possible the building and operating of schools which would otherwise be indefinitely retarded;

That there be granted to all half-breed heads of families and to their children who have not shared in the distribution of scrip and lands in the Province of Manitoba, like scrip and grants of land as in the said Province;

That it is of the most urgent necessity that the Government should cause to be surveyed, with the least possible delay, the lands occupied and cultivated by the half-breeds or old residents of the country, and that patents therefor be granted to them;

That the sudden transition from a prairie life to an agricultural life, caused by the rapid disappearance of the buffalo and the hunting ordinance of the North-West Council, has reduced your petitioners to the last extremity, and compels them to apply to the Dominion Government for help in farm implements and seed grain, such as has been granted to certain foreign immigrants in the Province of Manitoba. Farm implements are exceedingly scarce, and the prices are so high that it is simply impossible for your petitioners to procure them; and hence, should the Government be unable to grant this help, many of your petitioners, notwithstanding their anxiety to engage in cultivating the soil, would be forced to return to prairie life at the risk of infringing the ordinance providing for the protection of the buffalo, however just that ordinance may be, inasmuch as the time during hunting is permitted is too short and the buffalo is now too scarce to enable them to lay in a sufficient supply for themselves and their families for the remainder of the year;

That His Honor the Lieutenant Governor be respectfully requested to lay this petition before His Excellency the Governor General in Council, with such remarks as his own desire for the good and prosperity of the country may suggest.

And your petitioners will ever pray.

His
GABRIEL X DUMONT, *Chairman.*
mark.
ALEX. FISHER, *Secretary.*

ST. LAURENT, 1st February, 1878.

GOVERNMENT HOUSE, BATTLEFORD, N. W. T., 13th February, 1878.

SIR,—I have the honor to transmit herewith a petition of certain half-breeds of St. Laurent relating to several matters affecting their interests in this country.

Though the petition is addressed to the Lieutenant Governor of the North-West Territories, yet as it refers to questions for the most part wholly under the control of the Dominion Parliament and Government, I am requested to forward it to His Excellency the Governor General in Council.

I hope you will have the goodness, at an early day, to lay it before His Excellency in Council.

Should it be the intention of the Government to appoint any additional members to the Council of the North-West Territories, the prayer of the petitioners, that such should be selected from the old residents of the country, is well worthy of consideration.

It is important that the land policy of the Government towards old settlers and others living for many years in the Territories should be declared. It appears to me that they have a claim to some more speedy means of acquiring a title for settlement purposes than the homestead provisions of the Dominion Lands Act.

To prevent disputes between neighbors, it is highly desirable that the survey of lands settled upon along the principal rivers should be prosecuted with all convenient speed.

With respect to the prayer for assistance in procuring seeds and implements to commence farming operations, it is similar to the request made to me by the half-breeds of Bow River during the Blackfeet Treaty negotiations, and which I forwarded to you and commended to the favorable consideration of the Government.

I have the honor to be, Sir, your obedient servant,
DAVID LAIRD,

Lieutenant Governor of the North-West Territories.

Hon. the Minister of the Interior, Ottawa.

DEPARTMENT OF THE INTERIOR, OTTAWA, 18th March, 1878.

SIR,—I have the honor to acknowledge the receipt of your despatch, No. 47, of the 13th ultimo, covering a petition addressed to you by certain half-breeds of the parish of St. Laurent, relating to several matters affecting the interest of the half-breeds in the North-West.

2. You are requested to inform the petitioners that I shall have much pleasure in submitting their petition for the consideration of His Excellency the Governor General in Council.

3. In the meantime you may intimate to the petitioners that should it be thought desirable to appoint additional members to the Council of the North-West, I shall be prepared to recommend to His Excellency's consideration their application that such members should be selected from the old residents in the Territories, and that if possible, one of them should be of French Canadian origin.

4. The propriety of passing an Act to secure for the half-breeds some more speedy means of acquiring a title for settlement purposes than under the provisions of the present Homestead and Dominion Lands Act has for some time past engaged my attention.

5. As regards the application of the petitioners for an early survey of the settled lands along the principal rivers, I have to request you to inform the petitioners that the surveys of such lands has already been carried out to some extent and will be prosecuted as rapidly as the funds at the disposal of the Department will permit.

6. The application of the petitioners to be aided by the Government with seed and agricultural implements in their farming operations, I confess I am not disposed to view favorably—I don't see upon what grounds the half-breeds can claim to be treated differently from the white settlers in the Territories.

7. The half-breeds who have in some respects the advantage over new settlers in the Territories, should be impressed with the necessity of settling down in fixed localities, and directing their energies towards pastoral or agricultural pursuits, in

which case lands would no doubt be assigned to them in the same way as to white settlers. But beyond this they must not look to the Government for any special assistance in their farming operations.

8. The petitioners are in error in supposing that the Government has given seeds or farming implements to any other class of white settlers in the North-West.

Money has been advanced in some cases to certain settlers on the distinct understanding that it would be repaid to the Government by the parties to whom it was advanced. I may add that the result of this experiment has not been such as to induce the Government to repeat it.

I have the honor to be, Sir, your obedient servant,
DAVID MILLS, *Minister of the Interior.*

His Honor the Lt.-Governor of the North-West Territories,
Battleford, N.W.T.

CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Honor the Deputy of His Excellency the Governor General in Council on the 19th October, 1882.

On a memorandum, dated 14th October, 1882, from the Minister of the Interior, submitting that cases sometimes arise in his Department where, through delays attendant on investigation of claims preferred to homestead entry, the applicants, though decision may be ultimately in their favor, are placed at a disadvantage in that their occupation and cultivation of the land during the interval between the claim for entry and the decision does not count to them as any part of the term of residence required by law for their obtaining patent.

The Minister recommends, under the provisions of the 125th section of the Dominion Lands Act, that he be authorized, when finally according homestead entry in such cases, to antedate the entry in such manner as to cover the time after application and before giving entry, during which the applicant may have been a *bona fide* settler on the land.

The Committee submit the foregoing recommendation for approval.

JOHN J. MCGEE.

The Honorable the Minister of the Interior.

(*Memorandum.*)

OFFICE OF DOMINION LANDS, OTTAWA, 14th October, 1882.

The undersigned has the honor to report to Council that cases sometimes arise in his Department when, through delays attendant on investigation of claims preferred to homestead entry, the applicants, though decision may be ultimately in their favor, are placed at a disadvantage, in that their occupation and cultivation of the land during the interval between the claim for entry and the decision does not count to them as any part of the term of residence required by the law for their obtaining patent. These cases not being anywhere specially provided for in the Dominion Lands Act, he recommends that, under the provisions of the 125th section of that Act, he be authorized, when finally according homestead entry in such cases, to antedate the entry in such manner as to cover the time after application and before the giving entry during which the applicant may have been a *bona fide* settler on the land.

Respectfully submitted,
JOHN A. MACDONALD, *Minister of the Interior.*

DEPARTMENT OF THE INTERIOR, OTTAWA, 17th July, 1883.

SIR,—I have the honor, by direction of the Minister of the Interior, to acknowledge receipt of your letter of the 7th instant, B. 1957, asking instructions whether the power to antedate homestead entries may be exercised when applications for

patent are made, or only "when finally according homestead entry," and in reply to inform you that the contention of the applicants, as stated in the sixth paragraph of your letter, is undoubtedly well founded; and in all these cases where indisputable evidence is furnished of three years' *bond fide* residence and cultivation, it would be inequitable and unfair, in view of the erroneous construction placed upon the law by the Department for several years and of the publicity given to that construction, if any person, who accepted the situation and failed to do what the law actually required, should suffer loss or delay in the issue of his patent.

Carrying out this principle to its legitimate conclusion, it follows that the reply to the last paragraph of your letter would be that the authority may also be exercised when application for patent is made.

I have the honor to be, Sir, your obedient servant,

JOHN R. HALL, *Acting Secretary.*

A. WALSH, Esq., Commissioner Dominion Lands, Winnipeg, Man.

OFFICE OF THE DOMINION LANDS COMMISSION, WINNIPEG, 7th July, 1883.

SIR,—I have the honor to request instructions in reference to a class of applications for patent submitted for my approval.

The applications now pending are made by farmers who were squatters in the Souris district, and whose claims were reported upon by the Land Board during the season of 1882.

These persons made affidavit to the length of residence to entitle them to patent, but their entries have been for a much shorter period.

The Minister of Justice has given the opinion that a squatter upon unsurveyed land making application for entry within three months from the time the land is open for entry, and submitting evidence of previous occupation and cultivation is entitled to the benefit of the time covered by such previous occupation.

In the applications now under consideration, there is no explanation as to when the lands were open for entry, or whether the applications for entry were made within three months thereafter, and the necessary affidavits as to residence and cultivation filed. I return them to the agent for explanation and amendment.

It is urged in some cases as a justification for the neglect in filing the evidence referred to, that a notice had been issued by the Surveyor General, that time previous to entry would not count. By reference to my letter of the 22nd March last, B. 1561, enclosing letter of Mr. Inspector Pearce, of the 15th March, B. 1511, you will find the case of this class of persons fully stated.

By Order in Council of the 19th October, 1882, No. 541, authority is given the Minister, "when finally according homestead entry," to antedate the entry in cases in which the delay was not the fault of the applicant.

I beg to be instructed whether the authority given by the Order in Council referred to may be exercised when applications for patent are made, or only "when finally according homestead entry."

I have the honor to be, Sir, your obedient servant,

A. WALSH, *Commissioner.*

To the Hon. Minister of the Interior, Ottawa.

DEPARTMENT OF THE INTERIOR, OTTAWA, 28th July, 1883.

SIR,—I have the honor, by the direction of the Minister of the Interior, to acknowledge receipt of your letter of the 22nd of March last, B. 1,561, enclosing a communication from Mr. Inspector Pearce, asking for advice with reference to the date from which settlement should count in cases where parties have settled prior to survey but have neglected to apply for entry within the proper time. In reply I am directed to say that my letter of the 17th inst. will have been a sufficient answer to your communications and the enquiries of Mr. Pearce.

I have the honor to be, Sir, your obedient servant,

JOHN R. HALL, *Acting Secretary.*

AQUILA WALSH, Esq., Commissioner of Dominion Lands, Winnipeg.

WINNIPEG, 22nd March, 1883.

SIR,—I have the honor to enclose herewith a letter from Mr. Inspector Pearce, in reference to a class of cases brought to his notice on the occasion of his late visit to the Birtle district.

The point is so fully stated by Mr. Pearce as to make any comment on my part unnecessary. I therefore submit the matter for your consideration and decision.

I have the honor to be, Sir, your obedient servant,

A. WALSH, *Commissioner*.

Right Hon. the Minister of the Interior, Ottawa.

OFFICE OF THE DOMINION LANDS COMMISSION, WINNIPEG, 13th March, 1883.

SIR,—During my visit to Birtle last week, I was asked by several parties if their time for residence would count prior to date of entry, under the following circumstances:—

On the 22nd November, 1879, a circular—copy of which is given below—was sent from the head office to the various local agents:—

“NOTICE.—It has been brought to my notice, that in cases where occupation and improvements have preceded homestead entry, the period of settlement duty has been counted from a period prior to that of entry.

“This practice is contrary to the Dominion Lands Act, and a further continuance of it cannot be allowed.”

Many parties now contend, that at date of entry they had occupied and resided upon their lands for some months, in some cases upwards of a year; but owing to the said notice, they did not strictly comply with the provisions of sub-section 5, section 34, 42 Victoria, chapter 31, in so far as furnishing the local agent at time of entry with proof of prior occupation and cultivation.

The recent order that time counts from settlement and occupation in cases where parties have so settled prior to survey, has caused these parties to ask that this neglect of theirs be waived.

The whole point hinges on what is held to be the date of survey; whether at the time sufficient work has been done in the field to enable a settler to know readily on what particular quarter-section he is located, or the date when the township is opened for entry. If the latter is the correct interpretation of the Act, I think in equity these settlers should receive the benefit of that time, their contention for non-compliance with the strict provisions of the Act being a reasonable one. If I interpret the Act correctly, the sub-section referred to is not intended to apply to such cases as the present.

By reading sub-secs. 2, 3, 4, 5 and 11 of sec. 34 in conjunction, I think the whole spirit of the Act, in speaking of unsurveyed lands, is meant to apply only to those cases where, so far as any surveys effected by the Government, the party settling was ignorant of his position. Of course parties can make any surveys they wish at their own expense, in order to secure themselves from settling on a section owned by the Hudson Bay Company, as in that case the Government would not be bound to protect them.

The clause referred to reads thus:—“Provided that on a survey of a township being made, the Government shall not be bound to protect any person found to have settled on land which by law or allotment only made may be claimed by the Hudson Bay Company.”

This clearly establishes, in my mind, that unsurveyed lands near those in which the Government have taken no steps to define the portion of the various sections—this view is strengthened by sub-sec. 2, sec. 22, 42 Vic., chap. 31.

In most, if not all the cases which will arise in the Birtle district, settlement was effected after at least two limits of each township had been defined on the ground and in the great majority of them the field work of the entire township was completed, though they were not open for entry until some time after.

I would, therefore, suggest that you would embody your views on this matter in a report and refer the whole matter to the Minister for his ruling.

He might deem it advisable to submit the matter to the law officers of the Crown.

I have the honor to be, Sir, your obedient servant,

Wm. PEARCE, *Inspector.*

A. WALSH, Esq., Commissioner, Winnipeg.

CERTIFIED EXTRACT from the Minutes of a Meeting of the Treasury Board, held on the 1st June, 1883, approved by His Excellency the Governor General in Council on the 7th June, 1883.

That with reference to the theoretical organization of the Department of the Interior, confirmed by Council on the 13th of March, last, the offices of Deputy Minister of the Interior and Surveyor General be separated, and that from the 1st July, 1883, Mr. Lindsay Russell be relieved of his duties at headquarters as Deputy of the Minister of the Interior, and that he be appointed Surveyor General of Dominion Lands, retaining his present rank, seniority and salary as a Deputy Head.

JOHN J. MCGEE.

Hon. the Minister of the Interior.

(*Memorandum.*)

DEPARTMENT OF THE INTERIOR, OTTAWA, 31st May, 1883.

With reference to the theoretical organization of the Department of the Interior, confirmed by Council on the 13th of March last, the undersigned has the honor to report as follows:—

1. The surveys of Dominion lands in the North-West, conducted as they now are on a scale without parallel in the history of any country, require that the offices of Surveyor General and Deputy Head of the Department, both now occupied by the Deputy of the Minister of the Interior, Mr. Lindsay Russell, should be separated, and that the Surveyor-General should be thus enabled to devote more of his time and attention to the supervision and direction of the technical and professional work connected with these surveys than, under existing circumstances, is possible. The appropriation made by Parliament for the prosecution of this service is very large; it is highly desirable, in the public interest, that there should be exercised, in the expenditure of the money, the utmost prudence and economy consistent with the production of proper and accurate surveys; and the professional standing, practical experience and administrative capacity of the present Deputy Head and Surveyor General point to him as specially qualified to give effect to these objects.

2. The duties of the Surveyor General will necessarily require that he should spend a considerable part of each season in the North-West, so that he may have the opportunity of directing the operations of the staff in the field; in connection with and in addition to which the opportunity would be afforded him of investigating and finally settling upon the spot a large class of long standing and somewhat complicated claims to land, arising at various points in the Territories, invested as he would be with the rank and authority of a Deputy Head, and bringing to bear on the cases submitted for his adjudication the experience he has acquired in the administration of the Dominion lands, his decisions would naturally command the respect and acquiescence of those whom they most directly affect, as well as the confidence of the general public.

3. It is furthermore desirable, at this stage of the country's development, that an officer having the confidence of the Minister of the Interior, and exercising all the powers and functions of a Deputy Head, should, for some portion of each year, represent him in the North-West. The Minister would in this way be brought into closer and more direct relations with the people of that section of the Dominion and their affairs, as well as with the various outside branches of the Department.

The undersigned therefore recommends that Mr. Lindsay Russell be relieved of his present duties at headquarters as Deputy of the Minister of the Interior, and that he be appointed to perform the duties herein referred to, with the title of Surveyor-General of Dominion Lands, and retaining his present rank, seniority and salary as a Deputy Head; this appointment to take effect from and after the first day of July next.

Respectfully submitted.

D. L. MACPHERSON, *for the Minister of the Interior.*

Hon. the Privy Council.

TECHNICAL BRANCH, OTTAWA, 12th March, 1884.

DEAR MR. HALL.—I am in receipt of your note of to-day (No. 72,208) in reference to the survey of St. Laurent, on the Saskatchewan.

The plan has been printed and transferred to you on the 8th ult.

Very truly yours,

E. DEVILLE.

PRINCE ALBERT, N.W.T., 19th January, 1884.

SIR,—I have just seen Mr. Inspector Pearce. To my great surprise that gentleman was unable to answer, in a satisfactory way, any questions put him. He simply advised me to write you, promising to do so himself immediately.

About a dozen years ago colonists settled on the shores of the southerly branch of the Saskatchewan. Towards the end of the winter of 1881, the St. Laurent Mission (on the west side of the river, Sec. 21, Tp. 44, R. 1, W. of 3rd) was no longer large enough for the population, which was increasing and spreading in all directions. I was called upon to establish a new mission at Batoche's Crossing, Tp. 43, R. 1, West of 3rd, about 8 miles higher than the St. Laurent one on the opposite side of the river (the eastern side), which was becoming more rapidly populated. The presence of a missionary, joined to local advantages of fertile lands on the borders of a large river, soon caused the settlement to augment at a prodigious rate. The difficulties inherent to a pioneer settlement having been surmounted, I ceded my place to another, in order to go and found an easier mission at Prince Albert. But the southerly branch always desired my presence. This time I went down stream to Tp. 45, R. 27, W. of 2nd, always on the bank opposite to St. Laurent, that is the southerly bank, for higher up the river was at right angles. Already immigration was flowing towards this point, and has since continued at an increasing rate. At present the right bank of the south branch of the river is settled without interruption for a distance of about 50 miles from Smith's Reserve, in Tp. 46, R. 26, West of 2nd, to Tp. 38, R. 1 and 2, West of 3rd. The intention was to take the river lots 10 chains in front by 2 miles in depth. The colonists have erected houses and other necessary buildings; they have cultivated fields of greater or lesser extent, notwithstanding a fear sufficient to cause their implements of husbandry to drop from their nerveless fingers, as you can easily understand.

When the first surveys were made, five or six years ago, a few miles were laid out in squares, as is habitual elsewhere. A bare line was run for a few more miles, but not a lot was surveyed nor its boundaries marked.

Since the opening of the land office these poor people have asked that their lots be surveyed, in order to be able to make entry for them and obtain patents.

I myself have caused Mr. Duck, Dominion Land Agent at Prince Albert, to write several times to Ottawa, but with such poor success that I became discouraged, and several were obliged to leave, some selling their land for a fictitious consideration, others abandoning them without any compensation.

In February, 1883, Rev. Father Leduc and Mr. Maloney were sent from this section to lay our grievances before the Government. They were promised in writing.

that the lands occupied by us would be surveyed in river lots, ten chains frontage by two miles depth, and that the survey would be made in the following autumn, 1883.

The autumn has gone and winter advances. What has become of these promises? Has a surveyor been charged with the job, and has he failed to fulfil his obligations?

This is what we ask ourselves, and, Sir, it is also what we to-day ask of you.

I do not address these queries to you simply in my own name, nor in the name of the two missions established by me on the south branch of the Saskatchewan. I repeat what the Rev. Father Leduc and Mr. Maloney said to the honorable gentlemen composing the Government in the winter of 1883. I repeat what our population say to the land agent at Prince Albert. I am the faithful interpreter of the entire population.

Be kind enough to weigh the consequences of a longer delay. Colonists have formed, and are forming every day, settlements without knowing where the boundary lines of their future properties will be situated.

These boundaries, consisting of inflexibly straight parallel lines, will cross fields, run through houses, divide a farming house from the fields belonging to it; all inevitable things for those who have already built, or will build, until the survey is completed. What grave inconveniences? What deplorable effects? Three-quarters of this trouble would have been avoided if the survey had been made when asked for and promised.

I trust, Sir, that the misfortune that weighs so heavily upon our people will immediately come to an end, the more especially as a word from you will suffice. You will kindly inform surveyors to be charged with the work, that this section of the country needs haste much more than other parts not yet in process of colonization. And if the surveyors are not yet named, there are a sufficient number in the Dominion that you may designate some of them to come to this place and make our people, inasmuch as things permit, happy and satisfied.

I hear you tell me to have patience, that with time all will be well. But these are words that, allow me to say, I cannot endorse; the time has gone by for the following reasons:

Prince Albert was settled at the same time as this colony commenced, and a long time has elapsed since the Prince Albert settlers have had their lands surveyed, and received their patents.

In the second place, I do not wish that it be said that there exists in this country places where immigrants are treated like Helots. Opposite the mission I established, that is to say on the north bank, Township 45, Ranges 27 and 28, west of 2nd, there are but two families, and already in the two townships the river squares have been changed into river lots. I see them on the map since 10 years. Some families line the south bank, they now number about 30 families. Next summer place for some of those who promised to come will not be found, and not a river lot has been surveyed. What would immigrants do, if they knew that in this country they will be treated with such unheard of partiality?

If I were on the spot I could get to this letter the signatures of heads of families representing a population of 2,000 souls. But I prefer sending it to you immediately, hoping to receive your answer before Mr. Pearce leaves us, as he can give us efficient assistance.

I have the honor to be, Sir, your obedient servant,

V. VEGREVILLE, *Missionary at St. Louis de Langevin.*

Address—Rev. Vegreville, Prince Albert, N. W. T.

CAPT. DEVILLE, Chief Inspector of Surveys, Ottawa, Ont.

TECHNICAL BRANCH, OTTAWA, 14th February, 1884.

SIR,—In transmitting the enclosed letter from the Rev. V. Vegreville, Missionary at St. Louis de Langevin, near Prince Albert, I beg leave to draw your attention to the clause stating that last year Rev. P. Leduc and Mr. Maloney

obtained from the Government written assurance that the lands occupied by French settlers on the South Branch of the Saskatchewan would be laid out into river lots.

I am not in a position to state whether or not such is the case, but I am aware that a similar promise was made for the Saskatchewan, Edmonton and St. Albert settlements.

The wishes of the settlers could easily be met without inconvenience or prejudice to the Government by adopting the following course:—

1. If the Inspector of Agencies, when on the ground, should be satisfied that the great majority of the settlers in a township desire river lots, then he should have power to direct that every homestead fronting on the river in that township shall be composed of four quarter-quarter sections, forming a lot of 20 chains in width by one mile in depth.

2. Except when all the occupants of a section prefer having it allotted into quarter sections, in which case their request should be complied with.

3. Except when all the occupants of two sections desire that the lots should be 10 chains in width, and should extend two miles to the depth of the two sections, in which case their wishes should also be complied with.

A lot 20 chains wide by one mile deep would be described in the patent as composed of four quarter-quarter sections.

A lot 10 chains wide by two miles deep would be described as the western, eastern, northern or southern halves of eight quarter-quarter sections.

The areas could easily be found by reference to this office.

I have the honor to be, Sir, your obedient servant,

E. DEVILLE, *Chief Inspector of Surveys.*

A. M. BURGESS, Esq., Deputy Minister of the Interior.

DEPARTMENT OF THE INTERIOR, OTTAWA, 10th March, 1884.

SIR,—I have the honor by direction of the Minister of the Interior to enclose you copy of a translation of a letter from the Rev. V. Vegreville, Missionary at St. Louis de Langevin, near Prince Albert, together with a copy of a communication from the Chief Inspector of Surveys in reference thereto. The Minister approves of the suggestions which are made by the Chief Inspector, and directs me to request you to instruct Mr. Pearce accordingly.

I have the honor to be, Sir, your obedient servant,

JOHN R. HALL, *Secretary.*

A. WALSH, Esq., Commissioner of Dominion Lands, Winnipeg.

DEPARTMENT OF THE INTERIOR, OTTAWA, 10th March, 1884.

SIR,—I have the honor by direction of the Minister of the Interior to acknowledge the receipt of your letter of the 14th ult. (S. 7175), enclosing a communication from the Rev. V. Vegreville, Missionary at St. Louis de Langevin, and to say that a copy of your letter and a translation of that of the Rev. Mr. Vegreville have been sent to Mr. Commissioner Walsh, with a statement that the Minister approves of your suggestions, and a request that the Inspector of Dominion Lands Agencies be instructed accordingly.

I have the honor to be, Sir, your obedient servant,

JOHN R. HALL, *Secretary.*

E. DEVILLE, Esq., Chief Inspector of Surveys, Ottawa.

DEPARTMENT OF THE INTERIOR,
DOMINION LANDS OFFICE, OTTAWA, 14th January, 1879.

SIR,—I have the honor to acknowledge the receipt of your letter dated 30th November last, enclosing one from Mr. Peter Hourie, respecting his claim to certain lots fronting on the River Saskatchewan, in the Prince Albert settlement survey.

The rule with respect to river front lots is that they are ten chains in width. One of these can be taken as a homestead claim and another as a pre-emption by the same person.

You will be later advised in regard to Mr. Hourie's case, as before coming to a decision therein, it will be necessary to examine Mr. Aldous' survey, and to refer to that gentleman for facts, which he observed on the ground in connection with Mr. Hourie's occupation.

In surveying the townships fronting on the Saskatchewan, all river lots will be posted in ten chains width, with a depth back from the rivers of two miles.

The departure from this rule that has been made in the case of the holdings of older settlers in Prince Albert and other places, was made in view of the fact that the intention of the Government so to lay out the lands on the river had not been made generally known previous to the occupation. But in the present and all future time people are to understand that no one can hold in any manner more land on the river than I have above indicated, that is to say, twenty chains as homestead and pre-emption.

A petition was given me to lay before the Minister of this Department from certain settlers eastward of the main Prince Albert settlement, to be permitted to retain their lands with the half mile width of frontage, in which manner they had taken up and occupied them. I have not yet succeeded in having this granted, although I have favorably recommended it in view of the reason before stated, that in taking up the lands they did so in accordance with the published regulations of the Dominion Lands Act setting forth the system of their survey.

Should any enquiry be made of you by the parties interested, you may inform them that the matter is still in abeyance. Your information respecting the timber cut upon Government lands is noted, and you will be duly instructed when it has been fully determined what action you should take in the premises.

I would request that in future in communicating with this office you be careful to write your letters relating to different subjects, on separate sheets.

The including of several subjects on the same piece of paper causes a difficulty in filing the various matters according to subject in the records of the office.

I have the honor to be, Sir, your obedient servant,

LINDSAY RUSSELL, *Surveyor General*.

GEO. DUCK, Local Agent of Dominion Lands, N.W.T.

DOMINION LANDS OFFICE, PRINCE ALBERT, N.W.T., 11th March, 1882.

SIR,—As the majority of the settlers on the south branch of the River Saskatchewan in the vicinity of the parish of St. Laurent have taken up their lands previous to the survey with narrow frontages similar to those river claims in other parts of this district, and in view of the difficulty likely to be experienced in this office in adjusting the boundaries of these claims in accordance with the section survey, I have, at the request of several settlers so situated, the honor to request information as to the possibility of re-surveying these sections into river lots on a similar plan to that adopted in Prince Albert settlement, none of these claims having as yet been entered in this office.

I have the honor to be, Sir, your obedient servant,

GEO. DUCK, *Agent Dom. Lands*.

Surveyor General Dominion Lands.

DEPARTMENT OF THE INTERIOR, OTTAWA, 21st September, 1882.

SIR,—I have the honor, by direction of the Minister of the Interior, to acknowledge the receipt of your letter of the 11th March last, stating that you had been requested by several of the settlers in the vicinity of the parish of St. Laurent to obtain information from the Department as to the possibility of there being a re-survey of their

river claims by the Government, and to inform you that it is not the intention of the Government to cause any re-survey to be made. Of course, any sub-division differing from the regular survey they may desire, they can procure for themselves when the lands come into their possession. You will please, therefore, communicate this decision to the persons interested.

I have the honor to be, Sir, your obedient servant,

A. M. BURGESS, *Secretary.*

GEO. DUCK, Esq., Agent Dominion Lands, Prince Albert, N. W. T.

PRINCE ALBERT, 17th January, 1884.

SIR,—I have the honor to report that I was this day called upon by Rev. Père Vegreville and Hon. Charles Nolin in reference to the survey into river lots of the land bordering the south branch of the Saskatchewan River, in Townships 45, Ranges 27 and 28, West 2nd Meridian, and Townships 44 and 45, Range 1, West 3rd Meridian.

They state that the Government promised that this sub-division into river lots would be made last year and that it has not been done.

At their request I promised to submit the matter for your consideration. They will, themselves, communicate with you on the subject.

I have the honor to be, Sir, your obedient servant,

W. PEARCE, *Inspector.*

The Honorable the Minister of the Interior, Ottawa, Ont.

DEPARTMENT OF THE INTERIOR, Ottawa, 10th March, 1884.

SIR,—I enclose herewith copy of a letter dated the 17th of January from Mr. Pearce, Inspector of Dominion Lands Agencies, who refers to a petition from settlers on the South Saskatchewan, asking for surveys of the river lots in Townships 45, Ranges 27 and 28, west of the 2nd Principal Meridian, and Townships 44 and 45, Range 1, west of the 3rd Principal Meridian.

Will you please state for the information of the Minister how this matter stands at present, and what promises have been made to the petitioners.

I have the honor to be, &c.,

JOHN R. HALL, *Secretary.*

E. DEVILLE, Esq., Chief Inspector of Surveys, Ottawa.

TECHNICAL BRANCH, Ottawa, 12th March, 1884.

SIR,—I am in receipt of your letter of the 10th instant, enclosing copy of a communication from Mr. Wm. Pearce, in reference to river lots in Townships 45, Ranges 27 and 28, west of the 2nd Meridian, and Townships 44 and 45, Range 1 west of the 3rd Meridian.

Some river lots have been laid out in the above townships but the greater part of the river front has been sub-divided into sections.

Rev. P. Vegreville and Hon. Charles Nolin refer probably to a promise of the Minister to Rev. P. Leduc and Mr. Maloney, that certain lands would be laid into river lots.

I do not know whether or not such a promise has been made.

As to the proper course to be adopted, I would refer you to my letter of the 14th ultimo (S. 7175) to the Deputy Minister.

I have the honor to be, Sir, your obedient servant,

E. DEVILLE, *Chief Inspector of Surveys.*

JOHN R. HALL, Esq., Secretary, Department of the Interior.

OFFICE OF THE DOMINIOM LANDS COMMISSION, WINNIPEG, 19th March, 1884.

SIR,—I have the honor to acknowledge the receipt of your letter of the 10th instant, No. 13486, having reference to a communication from the Rev. V. Vegreville, missionary at St. Louis de Langevin, near Prince Albert, in which the chief inspector of surveys suggests a mode of dealing with the French half-breed settlers on the South Branch, who are desirous of having the lands claimed by them laid out in river lots, and you direct that Mr. Inspector Pearce be instructed in accordance with the said suggestion.

In reply, Mr. Inspector Pearce states that if he personally had time to make a survey of those settlers' holdings, he has no doubt that entries could be granted in legal sub-divisions, or fractional parts thereof, so that each person's interest would be as well protected as if laid off in river lots, but that he has not time to do as that suggestion would demand, much as he would like that kind of work. He also states that he thinks, owing to points and bays in the river, it will be found that no regular width of lots will meet the wishes of those people, that their improvements are in all courses, that they seem determined to have their holdings laid out in river lots, and it will be found that they will expect the lines between every lot plainly defined on ground; at least, that is what Mr. Pearce states he inferred from interviews he had with them. Further, he tried to explain to them how their wishes could be met by means of a L. S. survey, or fractional portions thereof; but he fears they did not comprehend what he desired to impart. In fact it was a matter which he took particular pains to discuss with others and the better educated portion of the community, and the answer invariably was: "That is plain enough to you as a surveyor, but it is Greek to us; those parties are *bona fide* settlers, as such have or will acquire title, and if they wish their land laid off in a certain way, why should the Government object? In fact, it is the duty of the Government to survey it as requested.

Mr. Inspector Pearce further states that neither the agent nor his assistant are sufficiently conversant with surveys to go on the ground and allot those lands by L. S. or fractional portions thereof, and would recommend one of two courses to be adopted.

1st. To send with agent on the ground a surveyor who can make a rough traverse of improvements on each section and then entries can be given by legal sub-divisions, so as to preserve to each man his improvements as far as possible.

2nd. To lay out in river lots on ground, employing a surveyor of considerable experience in that kind of work, if he or his assistant spoke French so much the better, and give him sufficient latitude in his instructions, so that he could make the lots of such widths as to preserve to each claimant as far as possible his improvements.

In both cases he would suggest the township road allowance be kept open.

If the first course is adopted, he begs leave to suggest that Colonel Sproat or J. L. Reid, D.L.S., who are now on the ground; be instructed to proceed with the agent, and assist to carry it out, as he thinks time would be saved by so doing, expense also.

All of which is respectfully submitted.

I have the honor to be, Sir, your obedient servant,

WM. PEARCE, *For the Commissioner.*

Hon. the Minister of the Interior, Ottawa.

DEPARTMENT OF THE INTERIOR, OTTAWA, 2nd August, 1881.

SIR,—I am directed by the Acting Minister of the Interior to instruct you to open the Dominion Lands Agency at Prince Albert, for the homestead pre-emption and sale of Dominion lands within the surveyed townships in your district, and for the registration of claims to lands not yet open for entry.

I enclose you a copy of the regulations of the 25th May last, governing the disposal of the Dominion lands. You will be guided by these regulations in all the transactions of your office.

None of the lands in your district come within the limits of the twenty-four mile belts.

All books, forms and maps other than those you have already received for your office will be promptly forwarded.

I have the honor to be, Sir, your obedient servant,

A. RUSSELL, *Acting Surveyor General.*

Geo. Duck, Esq., Dominion Lands Agent, Prince Albert, N. W. T.

DOMINION LANDS REGULATIONS.

The following regulations for the sale and settlement of Dominion Lands in the Province of Manitoba and the North-West Territories shall, on and after the first day of January, 1882, be substituted for the regulations now in force, bearing date the twenty-fifth day of May, 1881 :—

1. The surveyed lands in Manitoba and the North-West Territories shall, for the purposes of these regulations, be classified as follows :

CLASS A.—Lands within twenty-four miles of the main line or any branch line of the Canadian Pacific Railway, on either side thereof.

CLASS B.—Lands within twelve miles, on either side, of any projected line of railway (other than the Canadian Pacific Railway) approved by Order in Council published in the *Canada Gazette*.

CLASS C.—Lands south of the main line of the Canadian Pacific Railway, not included in Class A or B.

CLASS D.—Lands other than those in Classes A, B and C.

2. The even-numbered sections in all the foregoing classes are to be held exclusively for homesteads and pre-emptions.

(a.) Except in Class D, where they may be affected by colonization agreements, as hereinafter provided;

(b.) Except where it may be necessary, out of them, to provide wood lots for settlers;

(c.) Except in cases where the Minister of the Interior, under provisions of the Dominion Lands Acts, may deem it expedient to withdraw certain lands, and sell them at public auction, or otherwise deal with them as the Governor in Council may direct.

3. The odd-numbered sections in Class A are reserved for the Canadian Pacific Railway Company.

4. The odd-numbered sections in Classes B and C shall be for sale at \$2.50 per acre, payable at time of sale;

(a.) Except where they have been or may be dealt with otherwise by the Governor in Council.

5. The odd-numbered sections in Class D shall be for sale at \$2 per acre, payable at time of sale.

(a.) Except where they have been or may be dealt with otherwise by the Governor in Council;

(b.) Except lands affected by colonization agreements, as hereinafter provided.

6. Persons who, subsequent to survey, but before the issue of the Order in Council of 9th October, 1879, excluding odd-numbered sections from homestead entry, took possession of land in odd-numbered sections by residing on and cultivating the same, shall, if continuing so to occupy them, be permitted to obtain homestead and pre-emption entries as if they were on even-numbered sections.

PRE-EMPTIONS.

7. The prices for pre-emption lots shall be as follows :—

For lands in Classes A, B and C, \$2.50 per acre.

For lands in Class D, \$2.00 per acre.

Payment shall be made in one sum at the end of three years from the date of entry, or at such earlier date as a settler may, under the provisions of the Dominion Lands Acts, obtain a patent for the homestead to which such pre-emption lot belongs.

COLONIZATION.

Plan Number One.

8. Agreements may be entered into with any company or person (hereinafter called the party) to colonize and settle tracts of land, on the following conditions:—

(a.) The party applying must satisfy the Government of its good faith and ability to fulfil the stipulations contained in these regulations.

(b.) The tract of land granted to any party shall be in Class D.

9. The odd-numbered sections within such tract may be sold to the party at \$2 per acre, payable, one-fifth in cash at the time of entering into the contract, and the balance in four equal annual instalments from and after that time. The party shall also pay to the Government 5 cents per acre for the survey of the land purchased by it, the same to be payable in four equal annual instalments at the same time as the instalments of the purchase money. Interest at the rate of 6 per cent. per annum shall be charged on all past due instalments.

(a.) The party shall, within five years from the date of the contract, colonize its tract.

(b.) Such colonization shall consist in placing two settlers on homesteads on each even-numbered section, and also two settlers on each odd-numbered section.

(c.) The party may be secured for advances made to settlers on homesteads according to the provisions of the 10th section of the Act 44 Victoria, Cap. 16—(the Act passed in 1881 to amend the Dominion Lands Acts).

(d.) The homestead of 160 acres shall be the property of the settler, and he shall have the right to purchase the pre-emption lot belonging to his homestead at \$2 per acre, payable in one sum at the end of three years from the date of entry, or at such earlier date as he may under the provisions of the Dominion Lands Acts obtain a patent for his homestead.

(e.) When the settler on a homestead does not take entry for the pre-emption lot to which he has a right, the party may within three months after the settler's right has elapsed purchase the same at \$2 per acre, payable in cash at the time of purchase.

10. In consideration of having colonized his tract of land in the manner set forth in sub-section *b* of the last preceding clause, the party shall be allowed a rebate of one-half the original purchase-money of the odd-numbered sections in its tract.

(a.) During each of the five years covered by the contract an enumeration shall be made of the settlers placed by the party in its tract, in accordance with sub-section *b* of clause 9 of these regulations, and for each *bond fide* settler so found therein a rebate of one hundred and twenty dollars shall be credited to the party; but the sum so credited shall not, in the aggregate, at any time exceed one hundred and twenty dollars for each *bond fide* settler found within the tract, in accordance with the said sub-section, at the time of the latest enumeration.

(b.) On the expiration of the five years, an enumeration shall be made of the *bond fide* settlers on the tract, and if they are found to be as many in number and placed in the manner stipulated for in sub-section *b* of clause 9 of these regulations, a further and final rebate of \$40 per settler shall be credited to the party, which sum, when added to those previously credited, will amount to one-half of the purchase money of the odd-numbered sections and reduce the price thereof to \$1 per acre. But if it should be found that the full number of settlers required by those regulations are not on the tract, or are not placed in conformity with sub-section *b* of clause 9 of these regulations, then for each settler fewer than the required number, or not placed in conformity with the said sub-section, the party shall forfeit \$160 of rebate.

(c.) If at any time during the existence of the contract the party shall have failed to perform any of the conditions thereof, the Governor in Council may cancel the sale of the land purchased by it, and deal with the party as may seem meet under the circumstances.

(d.) To be entitled to rebate, the party shall furnish to the Minister of the Interior evidence that will satisfy him that the tract has been colonized and settled in accordance with sub-section *b* of clause 9 of these regulations.

Plan Number Two.

11. To encourage settlement by capitalists who may desire to cultivate larger farms than can be purchased where the regulations provide that two settlers shall be placed on each section, agreements may be entered into with any company or person (hereinafter called the party) to colonize and settle tracts of land on the following conditions:—

(a.) The party applying must satisfy the Government of its good faith and ability to fulfil the stipulations contained in these regulations.

(b.) The tract of land granted to any party shall be in Class D.

(c.) All the land within the tract may be sold to the party at two dollars per acre, payable in cash, at the time of entering into the contract. The party shall, at the same time, pay to the Government five cents per acre for the survey of the land purchased by it.

(d.) The party shall, within five years from the date of the contract, colonize the township or townships comprised within its tract.

(e.) Such colonization shall consist in placing one hundred and twenty-eight *bond fide* settlers within each township.

12. In consideration of having colonized its tract of land in the manner set forth in sub-section *e* of the last preceding clause, the party shall be allowed a rebate of one-half of the original purchase money of its tract.

(a.) During each of the five years covered by the contract, an enumeration shall be made of the settlers placed by the party in its tract, in accordance with sub-section *e* of clause 11 of these regulations, and for each *bond fide* settler so found therein a rebate of one hundred and twenty dollars shall be repaid to the party; but the sums so repaid shall not, in the aggregate, at any time exceed one hundred and twenty dollars for each *bond fide* settler found within the tract, in accordance with the said sub-section at the time of the latest enumeration.

(b.) On the expiration of the five years an enumeration shall be made of the *bond fide* settlers placed by the party in its tract, and if they are found to be as many in number and placed in the manner stipulated for in sub-section *e* of clause 11 of these regulations, a further and final rebate of forty dollars per settler shall be repaid, which sum, when added to those previously repaid to the party, will amount to one-half of the purchase money of its tract and reduce the price thereof to one dollar per acre. But if it should be found that the full number of settlers required by these regulations are not on the tract, or are not placed in conformity with the said sub-section, then, for each settler fewer than the required number or not settled in conformity with the said sub-section, the party shall forfeit one hundred and sixty dollars of rebate.

(c.) To be entitled to rebate the party shall furnish to the Minister of the Interior evidence that he will satisfy him that the tract has been colonized and settled in accordance with sub-section *e* of clause 11 of these regulations.

Official Notice.

13. The Government shall give notice in the *Canada Gazette* of all agreements entered into for the colonization and settlement of tracts of land under the foregoing plans, in order that the public may respect the rights of the purchasers.

TIMBER FOR SETTLERS.

14. The Minister of the Interior may direct the reservation of any odd or even numbered section having timber upon it, to provide wood for homestead settlers on sections without it; and each such settler may, where the opportunity for so doing exists, purchase a wood lot, not exceeding 20 acres, at the price of \$5 per acre in cash.

15. The Minister of the Interior may grant, under the provisions of the Dominion Lands Act, licenses to cut timber on lands within surveyed townships. The lands covered by such licenses are thereby withdrawn from homestead and pre-emption entry and from sale.

PASTURAGE LANDS.

16. Under the authority of the Act 44 Vic., cap. 16, leases of tracts for grazing purposes may be granted on the following conditions:—

(a.) Such leases to be for a period of not exceeding twenty-one years, and no single lease shall cover a greater area than 100,000 acres.

(b.) In surveyed territory, the land embraced by the lease shall be described in townships and sections. In unsurveyed territory, the party to whom a lease may be promised shall, before the issue of the lease, cause a survey of the tract to be made, at his own expense, by a Dominion lands surveyor, under instructions from the Surveyor General; and the plan and field notes of such survey shall be deposited on record in the Department of the Interior.

(c.) The lessee shall pay an annual rental at the rate of \$10 for every 1,000 acres embraced by his lease, and shall within three years from the granting of the lease, place on the tract one head of cattle for every ten acres of land embraced by the lease, and shall during its term maintain cattle thereon in at least that proportion.

(d.) After placing the prescribed number of cattle upon the tract leased, the lessee may purchase land within his leasehold for a home farm and corral, paying therefor \$2 per acre in cash.

(e.) Failure to fulfil any of the conditions of his lease shall subject the lessee to forfeiture thereof.

17. When two or more parties apply for a grazing lease of the same land, tenders shall be invited, and the lease shall be granted to the party offering the highest premium therefor, in addition to the rental. The said premium to be paid before the issue of the lease.

GENERAL PROVISIONS.

18. Payments for land may be in cash, scrip or police or military bounty warrants.

19. These regulations shall not apply to lands valuable for town plots, or to coal or other mineral lands, or to stone or marble quarries, or to lands having water power thereon; or to sections 11 and 29 in each township, which are school lands, or sections 8 and 26, which belong to the Hudson Bay Company.

By order,

LINDSAY RUSSELL, *Surveyor General.*

Department of the Interior, Ottawa, 23rd December, 1881.

RESOLUTIONS passed at a largely attended meeting representing the entire District of Lorne, North-West Territories, held at Prince Albert, N.W.T., 8th October, 1881.

1. Whereas land was reserved for railway purposes, only as late as May, 1881, and previous to that date many *bond fide* settlers in the district of Lorne, N.W.T., had performed homestead duties, on odd-numbered sections:

Resolved, That the Right Honorable the Minister of the Interior be requested to grant homestead patents to such settlers.

2. Whereas the price of lands for pre-emption and purchase was largely increased in May, 1881, and many persons had settled in the district of Lorne, N.W.T., previous to that date:

Resolved, That the Right Honorable the Minister of the Interior be requested to grant to such settlers their lands at a price in accordance with the Order in Council existing at the time of settlement.

3. Whereas the Indian title in this district or territory has not become extinct, and the old settlers and half-breed population of Manitoba were granted scrip in commutation of such title, and such allowance has not been made to those resident in this territory:

Resolved, That the Right Honorable the Minister of the Interior be requested to grant such scrip to such settlers, thus placing them on an equal footing with their confrères in Manitoba.

4. Whereas many persons have been settled on land in this district for three years and more, and have performed the homestead duties required by law; and many persons have bought land from such settlers depending on the good faith of the Government for security in their holding such land:

Resolved, That the Right Honorable the Minister of the Interior be requested to grant patents to such persons with as little delay as possible.

5. Whereas previous to the survey of this section of country, land was taken up and improved by *bond fide* letters, and on the surveys being made they found themselves on school or Hudson Bay Company's lands:

Resolved, That such occupant be secured in such holding.

6. Whereas the lands office being at last opened:

Resolved, That no entries of land claims shall be made until a satisfactory reply has been received to the above resolution.

7. Resolved, That the Honorable the member for the district of Lorne be requested to present a copy of the above resolution to the Right Honorable the Minister of the Interior, and obtain a reply to be sent to the chairman of this meeting.

H. MACBEATH, *Secretary*.

DEPARTMENT OF THE INTERIOR, 22nd November, 1881.

SIR,—By direction of the Minister of the Interior, I have the honor to acknowledge receipt of memorial, handed in by you, of certain resolutions passed at a meeting of the inhabitants of the district of Lorne (which you represent in the North-West Council), held at Prince Albert, on the 18th October, 1881.

In reply to the questions involved in the several resolutions contained therein, I am to say as follows:—

Resolution No. 1. The holders of the meeting were evidently under a misapprehension as to the date at which the withdrawal of odd-numbered sections from homestead entry was ordered by Government. It was on the 9th July, 1879, that an Order in Council was first passed to that effect, and it was made public in the *Official Gazette*, and generally through the newspapers of the Dominion.

Those who were actual settlers previous to that time, and who have since continued to be such by their own residence on and cultivation of the quarter-sections taken, shall be allowed homesteads and pre-emptions as if the sections on which they settled were still open for this class of entries, but by the law no patent can issue until the expiration of the three years after the date of entry. Nothing short of the authority of Parliament could permit of the patent being granted earlier.

Resolution No. 2. The request contained in this resolution will be granted, so far as concerns quarter-sections which have been actually settled upon and improved, on evidence being furnished of the nature of such settlement and extent of improvement satisfactory to the Minister being requisite in each case, and the privilege being granted or withheld as the facts may warrant.

Resolution No. 3. As by treaty with the Indians their title to any portion of the territory included within the district of Lorne has been extinguished, this resolution would need explanation.

Resolution No. 4. Answer to the request in Resolution No. 4 is included in replies above.

Resolution No. 5. The law provides that in cases where an actual settler occupies and cultivates land in unsurveyed territory, which proves on survey to be a quarter-section of school land, he is permitted to obtain homestead entry therefor, other land being selected in lieu thereof for the purposes of school land.

In cases of similar settlement on Hudson Bay Company lands, the option rests with the company whether or not to surrender the land and accept other in lieu thereof from the Government.

Hitherto, in cases of *bond fide* settlement in advance of survey the company has always consented to such an exchange.

In closing, I am to say that the Minister will cause enquiry to be made through his own officers with reference to the several subjects of these resolutions, and will, on their report, have such action taken in the premises as may be in accordance with law and necessary.

I have the honor to be, Sir, your obedient servant,

LINDSAY RUSSELL, *Acting Deputy Minister of the Interior.*

Hon. LAWRENCE CLARKE, Member N.W. Council, at Toronto.

DEPARTMENT OF THE INTERIOR, OTTAWA, 14th April, 1882.

SIR,—I have the honor, by direction of the Minister of the Interior, to acknowledge the receipt of your letter dated the 25th January last, having further reference to the memorial handed in by you of certain resolutions passed by the inhabitants of the district of Lorne, at a meeting held at Prince Albert on the 18th October, 1881. In reply, I am to inform you that the Minister, among other amendments to the Dominion Lands Act, which he has recently proposed for the consideration of Parliament, has included a provision for the case of settlers who have complied fully with the spirit of the homestead law before it was possible for them to obtain regular entry. The other points raised in your letter are reserved for the Minister's special consideration.

I have the honor to be, Sir, your obedient servant,

A. M. BURGESS, *Secretary.*

LAWRENCE CLARKE, Esq., Member of the North-West Council, Carleton, N.W.T.

CARLETON, N.W.T., 25th January, 1882.

SIR,—I have the honor to acknowledge the receipt of your letter of the 22nd November last, embodying the reply of the Right Honorable the Minister of the Interior to a memorial handed in by me of certain resolutions passed at a meeting of the inhabitants of the district of Lorne, held at Prince Albert on the 18th October, 1881.

With regard to resolution No. 3, it is remarked that:

"As by treaty with the Indians, their title to any portion of the territory included within the district of Lorne has been extinguished, this resolution would need explanation."

I would respectfully submit, that the Indian title, no doubt, has been extinguished, but evidently not that of the half-breed residents of the North-West Territories.

The Government of the Dominion of Canada have repeatedly acknowledged the right in the soil of the half-breed inhabitants, as is proved

By the Parliament of Canada in 1870, 33 Victoria, chap. 3, section 31, as follows:

"And whereas it is expedient towards the extinguishment of the Indian title to the lands in the Province to appropriate a portion of such ungranted lands to the extent of 1,400,000 acres thereof for the benefit of the families of the half-breed residents, it is hereby enacted that under regulations to be from time to time made by the Governor General of Canada in Council, the Lieutenant-Governor shall select such lots or tracts in such part of the Province as he may deem expedient to the extent aforesaid, and divide the sums among the children of the half-breed heads of families residing in the Province at the time of the said transfer to Canada, and the same shall be granted to the said children, respectively, in such mode and in such condition as of settlement, and otherwise as the Governor General in Council may, from time to time, determine."

In 1874 the Parliament of Canada passed an explanatory Act to that of 1870, and by 37 Victoria, chap. 20, limit the grant of 1,400,000 acres to the half-breed children of heads of families residing in the Province at the time of the transfer of the country to Canada, and providing for the granting of land scrip to each half breed head of a family of the nominal value of a quarter-section \$150, resident in Manitoba on the 15th July, 1870.

In all treaties made outside the boundaries of the Province of Manitoba with Indians, the half-breeds' rights to participate therein was acknowledged, and numbers of these people were admitted into treaties.

The Indian Act of 1876, paragraph e of sub-section 3, specially confirms this right, in these words:—3. "The term Indian means: First. Any male person of Indian blood reputed to belong to a particular band. Second. Any child of such person. Third. Any woman who is or was lawfully married to such person."

And an Act assented to on the 15th May, 1879, styled an Act to amend "The Indian Act of 1876," 1 paragraph e of sub-section 3, of section 3 of "The Indian Act, 1876" is hereby amended by adding at the end thereof the words:

"And any half-breed who may have been admitted into a treaty shall be allowed to withdraw therefrom in refunding all annuity money received by him or her under the said treaty, or suffering a corresponding reduction in the quantity of land or scrip which such half-breed as such may be entitled to receive from the Government."

In 1879 the Government excluded half-breeds from being admitted into purely Indian treaties, and in the same year, in the general provisions of the Consolidated Act of 1879, in section 125, sub-section e, there is provision made:

"To satisfy any claims existing in connection with the extinguishment of the Indian title preferred by half-breeds resident in the North-West Territories outside of the limits of Manitoba on the 15th day of July, 1870, by granting land to such persons, to such extent and on such terms and conditions as may be expedient."

It will be seen, therefore, that from the first enactment in 1870, to the last in 1879, the rights in the soil of the half-breeds have been recognized by the Government, and provision made for the extinguishment of their title.

A very strong memorial on this subject was laid before the North-West Council at its last meeting in June, 1881, and a Resolution adopted by that body that the memorial should be submitted to the Governor General of Canada, with a recommendation that His Excellency would be pleased to draw the attention of His Ministers to the grievance complained of.

At Prince Albert on the 19th instant, I had the honor of reading your letter to a large assembly of my constituents, when much satisfaction was testified for the concessions made by the Minister of the Interior with regard to these lands.

A strong feeling of regret at the same time was expressed that the law debarred the pioneer settlers who had performed all settlement duties prior to the opening of the Lorne Lands Office from obtaining immediate patents for their lots, and a confident reliance that, on further consideration, the Right Honorable the Minister of the Interior would have the law amended so as to allow of this just grievance being redressed.

I have the honor to be, Sir, your obedient servant,

L. CLARKE,

Member North-West Council for District of Lorne.

LINDSAY RUSSELL, Esq., Deputy Minister of the Interior, Ottawa.

(Telegram.)

DEPARTMENT OF THE INTERIOR, OTTAWA, 7th May, 1884.

Has Pearce communicated to Prince Albert claimants that his recommendation has been approved? If not, it will be done from here.

JOHN R. HALL.

A. WALSH, Esq., Land Commissioner, Winnipeg, Man.

(Telegram.)

DEPARTMENT OF THE INTERIOR OTTAWA, 1st August, 1884.

Telegraph if Duck was instructed respecting modified terms to Boyd and other Prince Albert claims.

A. M. BURGESS.

To A. WALSH, Esq., Commissioner Dominion Lands, Winnipeg.

(Private.)

QUEBEC, 2nd May, 1884.

DEAR MR. BURGESS,—I am in receipt of a letter this morning from a party interested in the Prince Albert lands reported on by Mr. Pearce.

If upon investigating the matter you find that those whom Pearce proposes to charge \$2 per acre for their land should only be charged \$1, make the change at once.

D L. MACPHERSON.

RETURN

(45c)

To an ADDRESS of the HOUSE OF COMMONS, dated 14th April, 1886;—For copies of all the depositions or other evidence submitted in favor of Half-breeds or Metis sentenced to imprisonment in the Gaol at Regina, and in the Provincial Penitentiary of Manitoba; and also all depositions submitted in behalf of André Nault and Abraham Monteur, Metis prisoners confined at Regina and Battleford.

By Command.

J. A. CHAPLEAU,

Secretary of State.

Department of the Secretary of State,
13th May, 1886.

THE QUEEN vs. JOSEPH ARJAND, ET AL.

North-West Territories, }
To wit :

I, Alexis André, of Prince Albert, Priest, Superior of the Catholic Mission of Carlton, being duly sworn, depose and say :—

1. I have lived twenty-five years among the half-breeds in Dakota and Manitoba, and fifteen years among them at that part of the Saskatchewan where the late rebellion broke out. I personally know almost every one of the half-breeds, and am thoroughly well aware of the various ways and means by which Louis Riel secured the adhesion of these people.

2. I most solemnly declare from my own personal knowledge that with the exception of Gaoriel Dumont, Napoléon Neault and Damase Carrière, now deceased, not one of the other half-breeds had the least idea or suspicion that there was any probability or danger of rebellion, until they were so completely involved in the toils of Riel, and he had led them on until they were so compromised, that there was no escape for them. On the one side were most glowing promises of peace and plenty for them if they would follow him as their leader; on the other they were made to religiously believe that they had no mercy to expect at the hands of the soldiers, police, or from the Government of Canada; if taken prisoners or wounded, they were told nothing but death with un pitying torture awaited them at the hands of the soldiers and police, and their wives, daughters and sisters would be dishonored before their eyes, their children hacked to pieces, and all their earthly property utterly destroyed, and their whole nation exterminated by the brutal soldiery. But if anything were wanting to complete the terror of those poor, deluded people, it was supplied when pointing out the fate of Charles Nolin, who had been sentenced to death by Riel for desertion, and ordered to be shot on view as a deserter, was imprisoned by the police. The treatment of Charles Nolin by the authorities gave great force to Riel's threats, and above all to a great extent gave an appearance of truth to the assertion of Riel when he so often named his unfortunate dupes, that there was no mercy to be expected for them if they were taken prisoners or surrendered to the police or Government.

It will be remembered that a proclamation was issued by Major Crozier at my suggestion, knowing that a great many of the half-breeds were kept by force, and had been brought by force into camp. The proclamation of which a copy is herewith produced offered protection to all those who were forced to take part in the rebellion, on their surrendering themselves to the commanding officer at Carlton or Prince Albert. Now, on this proclamation, Charles Nolin, when he made his escape, at once went to Prince Albert with the proclamation in his pocket, confident in his loyalty, and in the promise given in Her Majesty's name, applied to the officer in command for protection. He was rewarded for his loyalty and confidence by being ironed and cast into prison, where he was kept for two months, without any charge or accusation being made against him, and without any explanation being given to him, and was at length liberated without any explanation or excuse.

This most illegal and ill-judged proceeding gave fearful weight to Riel's assertions. "See" cried he, "what you have to expect if you desert as Nolin did, see the mercy that will be shown to you, and think of your wives and families, Nolin is a deserter, he will be shot if I can catch him, and the police have him chained in prison, from which he will be brought out only to be hanged like a dog, &c. Now you know that death is the certain portion of any traitor or deserter from our sacred cause, or of those who attempt to escape from our camp when the lives of their friends and families depend on all being true to our holy cause." The poor people were also terrorized into submission by their cunning leader pointing out to them anyone deserting now in the hour of danger, in the face of the enemy, would live a life of shame, abandoned by all honest and brave men, would go down to the grave dishonored with the name of coward, and would leave behind them a memory loaded with disgrace, which would be carried on his brow by every one of his descendants to future generations.

Pierre Parenteau I have known since I met him in the Red River Settlement, now Manitoba, since 1862. He is a man of 72 years of age, and has eleven children, and since I first knew him has been a man of peace, and who was remarkable for the good influence he exerted over the people of his race and kindred, who, when on the plains in days now passed, a leader of his people he prevented many a bloody deed between the Indian tribes and half-breeds, and always was on the side of peace and order. This good old man was misled by the wily Riel telling him that the younger men of his race required the soothing and pacifying influence of the old friend and counsellor of their forefathers; that it was his duty to become a leader or counsellor among the people in their peaceful efforts to secure their rights. That it was by such assistance as his that he depended upon avoiding all approach to violence, and to succeed in keeping union and peace among the half-breed people. This poor old man was borne on by the appeal to his heart and conscientiously did what he thought was right. He was not in conscience or in fact guilty of any disloyal thought or action, and stands before God and man to-day, although in a felon's cell, an honest man. To keep such an aged and respectable man as this any longer in prison must be to strike at the heart of justice and render law a thing of scorn. His house has been burned down and all his horses and some of his cattle are lost or stolen.

Emmanuel Champagne I have known since 1861. He was then a resident of Dakota, and was doing a considerable business at Pembina during the horrors of the Sioux massacre in 1862, and has a wife and seven children. Champagne saved the lives of many white men and women at the risk of his own life and property, and is gratefully remembered by many of the white people of Dakota to this day. After living in Red River Settlement and Manitoba, respected for many years, he came to the Saskatchewan about six years ago, and lived at Batoche, where he had a very fine place and a large business. I believe he was north at the time of the breaking out of the rebellion. He was worth at least twenty-five thousand dollars—to-day he is a ruined man. When Riel proposed to the old man to join the movement of the half-breed rights he promptly refused to do so. Persuasion of all kinds failed to induce him to go in with Riel. When Riel and his followers came to Batoche, Champagne was again solicited to join the movement, and, on positively refusing to do so,

threats were used instead of sweet words. Unless you consent to become a member of the council your whole property will be pillaged, your life will not be safe, you will be at the mercy of those who wish to abuse you, and by threats and force the old man was kept there, but he acted as he always had done, defended those who were in danger. To him Tom McKay owes his liberty, if not his life, and to McKay's being at liberty the Government of Canada owes the fact, to a great extent, of the speedy suppression of the rebellion. I have no hesitation in declaring that Champagne, instead of being in prison as a malefactor, ought to be distinguished by the Government as one who was loyal and true to his Queen and country in a time of trying danger. One thing is certain—a very short time longer in prison, and death will deliver him, as he is sick, old and failing fast. He is between sixty and seventy years old.

Maxime Lepine I know well. He was a leading man in Manitoba before he came to the Saskatchewan. He was in favor of constitutional agitation to secure the rights of the half-breeds, but was positively opposed to violence of any kind, and it was only by compulsion he was kept among the Riel people. He opposed himself to Riel in every way he could, and prevented a great deal of violence and mischief by his determination. He was always very moderate and peaceful in his conduct. He has a wife and six children, and is about fifty years of age.

Pierre Gariépie is an old man of fifty-five years of age, and has a wife and seven children, and has been all his life nearly on the plains as a hunter. He has a large family, and is ignorant of the ways of political tricksters and civilized agitators. He is just one or two degrees above the Indian, but was a leader among the plain hunters. Riel made him believe there would be no trouble or violence, and when the wounded at Duck Lake were about to be brutally massacred by the Indians it was this old man in particular who saved them.

Albert Monkman I have known for two years past. He is a man who has been very much, and I think unfairly, abused and misrepresented. I always found him kind and good, and he always took the part of the weak and defenceless against Riel, to his own very great danger and risk. The opinion I get of him from my brother priests is most favorable. He prevented the burning at Duck Lake and St. Laurent of the Catholic churches, although not a Catholic himself, and was imprisoned by Riel because he opposed him in every way he could and wanted to escape from the rebel camp. I sincerely believe that Monkman was a good, true and loyal man, who was placed in most difficult circumstances, and acted amid danger and difficulty as few men would dare to do for the best interests of the country, even at the imminent risk of his life.

Philip Gariépie, forty-eight years of age, I have known for twenty-five years. He has been married for twenty years, and has a large family of six children. All the settlers know this man and respect him. He is one of the most respectable and peaceable men in the whole country, kind-hearted and gentle as a woman. I am informed that he is accused with having abused a wounded man—Newett. From my personal and intimate knowledge of this man's character and disposition, I do not hesitate to pronounce this accusation to be false and unfounded. It is repugnant to every feeling of the heart of a man like Gariépie. It is the act of a savage and brutal and wolfish nature and disposition. He is quite the contrary—kind, amiable and charitable, while his accuser, who is, if I am rightly informed, one Levêque, is totally unworthy of belief. He came to the Saskatchewan poor and miserable, and was treated kindly by Gariépie, whom he now tries to ruin.

Joseph Arcand is a poor, harmless kind of individual, about fifty years of age, with a wife and six children living. He was plunged in misfortune at the time of the rebellion. He lost two children by death during that time, and was almost in despair. He took no part in any fight, and was sent away to protect the prisoners in Poundmaker's camp, where his conduct was kind and considerate. The poor man is still keenly suffering from the sad loss of his children, and is an object of pity more than vengeance.

Alexis Labombarde is a poor, old, almost blind man. He has a wife but no children, eighty-two years of age. I have known him for twenty-five years past. I was sent by the Government as a commission to the Sioux in 1862, during the massacre, and this old man was my interpreter at the time. I found him honest and reliable. He has been acting as an interpreter the greater part of his life, and he is now accused of acting in that capacity between Riel and the Sioux. He did so without any evil intent, and without any idea that he was doing wrong. I know myself that he told the Sioux to be moderate and not to kill; this I know from the Sioux themselves who told me. Now, to punish this old man for acting as an interpreter would be just about as just as to punish a telephone for carrying sound. I do not think the Government of Canada will advance their own glory or the interests of the Dominion by going to the cradle to find criminals, or on the verge of the grave to find victims.

Philip Garnot I have known for about four or five years. He is a very nervous and timid creature, with very little courage or decision of character. Riel ordered him to take up arms; he refused to do so, and continued keeping his little boarding house and attending to his business. Day after day for four days Riel ordered him to come and take part in the movement, at last Riel ordered him to be dragged to the camp, where overpowered by terror for his life and fear of loss of his property, he consented to act as secretary, but refused to fight, or to resort to the use of arms. It must be remembered that having a gun in one's hand in Riel's camp was no proof of disloyalty or of being a fighting rebel. Many had to carry a gun to protect themselves or their property from the savages who were not at all particular whose property they took when the desire possessed them. I have reason to know that Garnot was invariably kind and considerate to the prisoners and to all those whom he could assist in his peculiar position.

Alexander P. Fisher I have known for twenty-five years, part in Manitoba and in the Saskatchewan. He is an innocent, flighty kind of fellow, who is always ready and anxious to create a laugh. He was the owner of the ferry and it was all he had to support his family. He was compelled to remain to try and save his ferry and wire cable as it was his all. He was always opposed to the Riel movement, and it was only abject fear of death that caused him to remain in the camp in addition to the fact that his three little daughters were in the convent school, and he feared if he escaped they would suffer for him. I am told that a great deal of importance is attached to a paper signed by him as Governor of the Saskatchewan, or of some other silly joke of that kind. Surely no one can be mistaken in seeing that the poor creature was joking. He is of so volatile a disposition that he will do any kind of silly folly to make people laugh. Again he is I believe accused of signing a declaration of neutrality. Well, it may be a crime to do so and it may make a man disloyal, and guilty of high treason to do so. The poor half-breeds are not very deeply versed in the noble science of law, and they may be perhaps pardoned for doing that which their priests were obliged to do under a superior force, to save their lives and to be able to assist the tardy authorities whose neglect had left them at the mercy of a lunatic or a tyrant. Fisher never took up arms. He has lost all his property, he is guilty of being obliged to do the best he could to save his life and that is all his guilt. In all other respects he is perfectly innocent. He has three children whose mother is dead.

Pierre Henri is known to me for twenty-years. The last two or three years in Saskatchewan. He is a very quiet, silent man. Riel used him as a counsel because he never has anything to say and is a profoundly ignorant man. I solemnly declare that I know of no act of his that was bad. He did no harm of any kind to anyone, and was more a cat's-paw than anything else. He has a very large and helpless family of a wife and seven children. One of his sons being a confirmed invalid, God knows what will become of them if he is kept in prison, they will become a charge on the public. He has lost all his property.

Moïse Ouellette I know for twenty-five years. He is not a man of much intelligence. He has a very large family of eleven children and his wife and is their only support. He assisted Lepine and Ross; and Ouellette, from the beginning, opposed Riel

in every way possible, and they did all they could to prevent rebellion and any resort to arms. This may be seen in Riel's prayers, when he prays to God to change Ouellette and others. Ouellette was the man who carried General Middleton's letter to Riel for which he was promised considerations. He is about fifty-five years of age.

Ignace Poitras, senior and junior. I have known the old man for fifteen years, since he came and settled on the Saskatchewan. He is one of the most simple, honest and peaceable men in the whole settlement, never mixing in any agitation or trouble. I am very intimately acquainted with him. I have often been his guest, and always found a welcome at his hospitable house. His industry and economy made him a comfortable and well off man. He was, fortunately for the prisoners in Riel's camp, one of their guards, and I was told by several of them that he was kind and good to them always. He is about sixty years of age and has a wife and ten children, and has lost everything. The young man was with his father and is a harmless youth. The old man is old and feeble, and has suffered very greatly in health and property. The best interests of justice would, I think, be satisfied by sending him home to his poor family.

Baptiste Vandal is the near neighbor of Poitras, and I can say the same about him that I do of Poitras. He resisted for a long time before he could be forced to join Riel, and did so only from fear and compulsion. He has a large family of a wife and eight children, and is a very poor man, and is an old man of about fifty years of age. Riel wanted to name him a captain but he refused positively to act, and hence was appointed one of the guards over the prisoners, and they all agree that he was most kind to them, and gave them any little comfort in his power, such as tobacco, &c.

Baptiste Rocheleau, who is generally known as Old Man Rocheleau, is nearly seventy years old. He was always a hard working, peaceable man. Has a family of a wife and four children and was entirely opposed to Riel's proceedings. He refused to fight or do anything wrong, and was like the last two named placed over the prisoners and compelled, through fear, to remain in camp. He speaks the English a little and proved useful and a friend to the prisoners. He is a humane and good old man.

Joseph Delorme I knew in Manitoba and during the three years that he has been in the Saskatchewan. He was always a very respectable, hard working man, very honest and well thought of. He, for a long time, refused to have anything to do with Riel, and induced his neighbors to refuse to do the same. It was only by force and threats that he was compelled to take part with the rebel party. He has been very severely wounded, is a cripple for life, and his home and family utterly ruined. If he offended he has been very heavily punished, and the hand of justice might, in mercy, deal lightly with him. He has a wife and four children and has lost everything.

Maxime Dubois I have known since he was a boy. He has a family of seven children. He was in my service for some time, and proved honest, faithful and reliable, and has been greatly trusted by his employers, and always proved very worthy of being trusted. This poor old man was induced to surrender himself by the advice of Father Vegreville, and is now a prisoner for the reason above. He is about thirty-six years of age, and his wife is a cripple.

Pierre Vandale I have known for fifteen years. He has seven children, young, and unable to provide for themselves. He is thirty-six years of age. The poor man was sick and unable to do anything; being useless, Riel sent him off to Battleford along with the others to protect the prisoners in Poundmaker's camp. He neither had arms nor did anything for which he should suffer the punishment he has suffered since he foolishly surrendered himself to the authorities.

Alexander Caideux, or Kitwayo, is a pure Indian but has lived with the half-breeds. I have known him for seventeen years, he is a hunter and has a great deal of influence with the Indian tribes. He has a very large family of ten children and their mother. — of the children are cripples, and he is an old man nearly sixty years of age. He spent the winter hunting away two hundred miles at Turkey Lake, and only arrived about the end of April when he was seized by Riel and forced into

his service. He was not present at any battle and rendered very signal service in saving the lives of the teamsters when the Indians were about to massacre them, after taking them prisoners. He has lost everything.

James Short was always a good, honest man. He was a buffalo hunter, ignorant and easily led away; Riel made him believe anything he wished. Although an ignorant man, he is a noble fellow, and incapable of a mean or unmanly action. He was present above Lepine's Crossing when flat boats were in the river with a large quantity of arms and so forth belonging to the Government, and Captain Gagnon, of the North-West Mounted Police, at Prince Albert, told me saved a large quantity of rifles and other property for the Government by diving down in twelve feet of water. I beg leave earnestly to recommend this man to the clemency and mercy of the court, as he has a large and helpless family of a wife and ten children depending on him for support, and refused to run away or escape when told to do so, but went to work to make a living for his family and was made prisoner while freighting.

Joseph Pilon is a farmer, and has a family of ten children, and is about fifty years of age. He lived half a mile from Batoche, he was always an industrious and hard working man. When the trouble broke out this man was ordered by Riel to come into camp or he would force him to come, as he had protested against Riel's movements, and had refused to attend any of his meetings, and never contributed one cent towards Riel's support last winter. Pilon, when he was threatened by Riel, came to the priests, and cried when telling what was wanted of him. Riel by force and threats against his life compelled him to serve his purpose. Poor man, he deserves pity rather than punishment.

François and Patrice Tourond are brothers. I have known them for a long time. They are unmarried. They are among the most respectable families of the North-West. They were seven sons and a widowed mother. These young men were the admiration of all the neighborhood; they were so quiet and hard working; their farm was the nicest kept in the settlement. They were opposed to Riel in all his movements. The crafty Riel tried every means to induce the boys to join him, but without success. They were well off, had a fine farm, plenty of cattle and horses, and were worth a good deal of money. Riel went day after day to the poor widow, and with his devilish cunning played on her superstition and credulity. He told her of his holy visions, how he saw himself surrounded by seven glorious stars of extraordinary brightness crowning him with glory. These bright stars, he cried, are your seven glorious sons, who are to achieve the glory of the half-breed nation, and the poor woman, in her simple faith of his divine mission, prayed of her five young sons to go forth and battle under the banner of heaven. Alas, with what terrible results? That once happy home is now desolate, the wealth produced by industry and sobriety is swept away like snow before the wind; the grand young sons, their mother's pride and strength, where are they? Three of them, shot on the field of battle, lie in hurried graves on the banks of the Saskatchewan, and another of a broken heart at the sudden shock of the terrible death of his brothers, another wounded and crippled for life, and two, the two above named, prisoners awaiting sentence at the hands of outraged majesty of the law of their country. Oh, spirit of mercy, enter the heart of their judge in pity and compassion, for the poor heart-broken widow now almost childless; deal mercifully with these poor deluded young men, and in mercy send them home to console the desolate heart of their mother. It must be remembered to the credit of Patrice that when Riel ordered the prisoners to be given up to the savages to be brutally murdered he cried out: "Riel, these prisoners you shall not kill until you kill me first." These two young men are the only support of their mother and two young sisters. They have lost all their property.

In conclusion I would earnestly pray for mercy for these poor people, ignorant, innocent, confiding; they were misled by one who thoroughly knew their weak minds and their heart. They were called on in the name of God and of the holy saints, by one who declared himself ordained by God to do a great and good work. They were blinded by pretended visions and messages from the Holy Ghost;

poor people, in their trusting confidence they were led on to desolation, misery and death. Over the grave of the silent dead, rise up the shrieks of despair of the frantic living, to a God for consolation and succour and to majesty of the offended laws of their country for mercy.

That gallant soldier, Captain H. S. Moore, said to Bishop Grandin: "Although I am one of the greatest sufferers by this terrible rebellion, and will limp through life on one leg, yet I say from my soul, hang Riel and Dumont, but forgive all the others. They are innocent of intentional crime, and were misled by that soulless rascal Riel. I forgive them from my heart." This is the spirit in which I humbly beg of the court to consider the sentence of my poor half-breed people; show that their priests, who always tried to lead them to act as loyal and good subjects, should have some little influence to temper the sword of justice and direct the hand of mercy.

A. ANDRÉ, O. M. I.

Sworn before me at Regina, in the }
said Territories, this thirteenth }
day of August, A. D. 1885.

DIXIE WATSON, *Clerk of the Court.*

THE QUEEN vs. EMMANUEL CHAMPAGNE.

CANADA: }
North-West Territories, }
To wit:

I, Thomas McKay, of Prince Albert, in the North-West Territories, Esquire, make oath and say: That I am well acquainted with Emmanuel Champagne, who has always borne a good character up to the time of the rebellion, and who interposed to save my life, as I have already deposed in the case of the Queen vs. Louis Riel.

THOMAS MCKAY.

Sworn before me at Regina, in }
the said Territories, this 7th }
day of August, A. D. 1885.

HY. LEJEUNE, *A Justice of the Peace in and for the said Territories.*

THE QUEEN vs. IGNACE POITRAS, THE ELDER, BAPTISTE VANDAL,
PHILIP GARIEPIE, PIERRE GARIEPIE, ALEXANDER P. FISHER,
MAXIME LEPINE, MOISE OUELLETTE AND EMMANUEL CHAM-
PAGNE.

CANADA: }
North-West Territories, }
To wit:

I, Thomas McKay, of Prince Albert, in the North-West Territories, Esquire, make oath and say:—

1. I have been for some time personally with each and every of the above named, Ignace Poitras, the elder, and others, and have, during a long time past, been a magistrate in and for the said Territories.

2. From my personal knowledge of the above named parties I have no hesitation in saying that they have always enjoyed the reputation of being honest and peaceable inhabitants, and I had ever recognized them as law-abiding and loyal citizens of Her Majesty the Queen at the time of the late rebellion.

THOMAS MCKAY.

Sworn before me at Regina, in }
the said Territories, this 7th }
day of August, A. D., 1885.

HILLYARD MITCHELL, *A Justice of the Peace in and for the said Territories.*

THE QUEEN vs. EMMANUEL CHAMPAGNE, ALEXANDER P. FISHER, PHILIP GARIEPIE, PIERRE GARIEPIE, PIERRE HENRI, MAXIME LEPINE, PIERRE PARENTEAU, MOISE PARENTEAU, JOSEPH PILON, BAPTISTE ROCHELIEU, FRANCIS TOUROND, PATRICE TOUROND, BAPTISTE VANDAL, PIERRE VANDAL AND JOSEPH ARCAND.

CANADA :
North-West Territories. }
To wit: }

I, Hillyard Mitchell, of Duck Lake, in the North-West Territories, Esquire, make oath and say:

1. I have for some time been personally acquainted with each and every of the above named, Emmanuel Champagne and others, and have for several years been one of Her Majesty's justices of the peace in and for the said Territories.

2. From my personal knowledge of the above named, Emmanuel Champagne and others, I have no hesitation in stating that they had always been honest and peaceable inhabitants and law-abiding and loyal subjects of Her Majesty the Queen to the time of the late rebellion.

HILLYARD MITCHELL.

Sworn before me at Regina, in the
North-West Territories, this 7th
day of August, A.D. 1885. }

CHAS. NOLIN, *A Justice of the Peace in and for the said Territories.*

THE QUEEN vs. ALEXANDER P. FISHER.

CANADA :
North-West Territories. }
To wit: }

I, Hillyard Mitchell, of Duck Lake, in the North-West Territories, merchant, make oath and say:

1. I have well known Fisher during the last nine years, and he is a faithful, honest man, and I have never heard him utter a sentiment of disloyalty.

2. On or about 20th day of March last past he informed me he was a prisoner at large of Louis Riel's at Batoche, taking no part in the rebellion, and said he would leave but wanted to stay to care for his family and property, and to the best of my knowledge, information and belief he was a bitter enemy of the said Riel from the time the said Riel came to the country on and until the breaking out of the rebellion, and never was by his own free will a rebel, and only allowed himself to be used in the movement from a natural weakness for absurdity and being laughed at, and not from any evil or cruel intention.

HILLYARD MITCHELL.

Sworn before me at Regina, in the
said Territories, this 7th day of
August, 1885. }

HY. LEJEUNE, *A Justice of the Peace in and for the said Territories.*

THE QUEEN vs. ALBERT MONKMAN.

CANADA :
North-West Territories, }
To wit: }

I, Charles Nolin, of St. Laurent Parish, in the North-West Territories, contractor, make oath and say:

1. On the nineteen'h day of March last past, Louis Riel caused my arrest and trial before himself and associates, and the said Albert Monkman spoke in English

to said Riel very strongly against the course he had taken in causing my arrest, and against any further steps or any trial taking place, and afterwards, when Riel and Gabriel Dumont urged the people to condemn me to death, said Monkman, both at that time, and after such trial, opposed Riel with all his might.

2. The said Monkman, when afterwards sent with me and a guard of twenty men to ask the English half-breeds to join the rebels, did not advise them to go, but, on the contrary, advised them to remain at home, as he was anxious to hinder and prevent any attack upon Fort Carlton and thereby prevent bloodshed.

3. The said Monkman was most anxious to escape at that time, but wished to release the prisoners first, which he stated he was able to do or expected to be able to do.

4. On the twenty-sixth day of March last past, before the Battle of Duck Lake, he, the said Monkman, tried to allow the prisoners then at Duck Lake to escape, and nearly succeeded in doing so.

CHAS. NOLIN.

Sworn before me at Regina, in said }
Territories, this 7th day of }
August, A.D. 1885.

HY. LE JEUNE, *A Justice of the Peace for the said Territories.*

THE QUEEN vs. ALEXANDER P. FISHER.

CANADA :
North-West Territories, }
To wit :

I, Charles Nolin, of St. Laurent Parish, in the North-West Territories, contractor, make oath and say :

1. That Alexander P. Fisher, above mentioned, was sent for by Louis Riel on or about the twenty-first day of March last past, who directed four or five armed men to go and bring him, the said Fisher, to the Council, and the said four or five men whose names are not known to me brought said Fisher by force, to the place where said council held its meetings at that time, from, as I believe, his own house.

2. The said Fisher was then a widower, and his three children were at the Sisters' school at said St. Laurent, and the said Fisher had a valuable cable and ferry boat at Batoche.

3. On the twenty-fifth day of March, Albert Monkman, Baptiste Boyer, William Boyer, George Fisher, the younger, and said Alexander P. Fisher and myself, made a secret compact at the house of said Baptiste Boyer, that each and every of us would escape, and thereafter could not escape for want of a horse, and for other reasons which prevented his escape.

4. The said Alexander P. Fisher was, to my certain and personal knowledge, always opposed to the rebellion, and that every act done by him up to that time (25th March, 1885), in the rebellion, was done when forced by Riel to do the same, and that his refusal would have endangered his life.

CHAS. NOLIN.

Sworn before me at Regina, in said }
Territories, this 7th day of }
August, A.D. 1885.

HY. LE JEUNE, *A Justice of the Peace in and for the said Territories.*

THE QUEEN vs. EMMANUEL CHAMPAGNE (NOT A PRISONER).

CANADA :
North-West Territories, }
To wit :

I, Charles Nolin, of St. Laurent Parish, in the North-West Territories, contractor, make oath and say :

1. That Emmanuel Champagne above named returned to his home at Batoche, in said Territories, on or about the twenty-first day of March last past, and that during his absence he had been made a councillor in Riel's provisional government.

2. He directed his name to be erased from the list of said councillors at once on hearing of same, which was not, however, done and said to me that he was against having anything to do with the rebellion, and that his age should have prevented his being forced to take part in same.

3. He was not a participant in the battle at Duck Lake, nor in the robberies, which, up to that time, had taken place, nor had he up to that time taken any part in the illegal measures of said council.

4. He resided only about one-half of a mile from the place where said council then held its sittings, and was at home except when sent for and compelled to go to said sittings by Riel's agents.

CHAS. NOLIN.

Sworn before me at Regina, this }
7th day of August, A. D. }
1885.

HY. LEJEUNE, a Justice of the Peace in and for said Territories.

THE QUEEN vs. MAXIME LEPINE.

CANADA. }
North-West Territories, }
To wit:

I, Charles Nolin, of St. Laurent Parish, in the North-West Territories, contractor, make oath and say:

1. When the rebellion began said Lepine was off on a freighting trip from Troy to Prince Albert, and on the 19th of March last past, by threatening and opposing Louis Riel, at the imminent risk of his, the said Lepine's own life, saved nine, and afterwards, on the 21st day of March and other days, prevented, in the same manner, the massacre of other persons whom the said Riel had made prisoners and wished to take the lives of.

2. On the night that said Lepine and myself were sent to demand the surrender of Fort Carlton by Major Crozier, said Riel in a speech incited the people saying, "Now is the time, let us go and take Carlton; let us go and avenge the death of Goulet (meaning the Goulet who lost his life in the year 1870, after the arrival of the troops at Fort Garry), and the said Maxime Lepine and Moise Ouellette (now awaiting sentence for treason-felony) were the men who, at the imminent risk of their own lives, interposed between the said Riel and the excited people, and prevented a midnight attack on Fort Carlton, which might have resulted in a fearful massacre.

3. I heard said Lepine often say that the rebellion would not have begun had he been at home.

4. On the Sunday before the battle of Duck Lake, Riel ordered Lepine to go with a party to take Lieutenant-Governor Dewdney prisoner (it having been reported that the Governor was on his way north with Colonel Irvine), and Lepine positively refused to go, or to be a party to such an outrage, whereupon Dumont said, "I will go and take him prisoner, and if necessary will wash my hands in his blood."

5. Two hours before the fight at Duck Lake I had a very serious conversation with said Lepine, in the course of which I said to him that from the appearance of things I feared that there would be bloodshed before many hours, and that I was determined to escape as I would not under any circumstances be present at any act of blood. Lepine replied: "I also from my soul condemn the very thought of any blood being spilled, Riel has most solemnly pledged himself to me that no blood will be spilled. I have confidence in his promises in that respect, and I believe it to be my duty, even at personal risk and danger, to remain here and prevent bloodshed

should Riel prove false in his pledges to me." And I thus depose, and am fully convinced that Lepine was actuated by the humane motive of preventing bloodshed by remaining in the rebel camp.

6. When I escaped he solemnly declared that he would not fight nor countenance any fighting, nor would he ever take up arms.

CHAS. NOLIN.

Sworn before me at Regina in the said }
Territories, this 7th day of August, }
A.D. 1885.

HY. LEJEUNE, a Justice of the Peace in and for the North-West Territories.

THE QUEEN vs. JOSEPH ARCAND ET AL. (RELEASED).

CANADA: }
North West Territories. }
To wit:

Charles Nolin, of the Parish of St. Laurent, District of Saskatchewan, in the North-West Territories, being duly sworn, doth depose and say:

1. I had opportunity of being thoroughly acquainted with most of the persons connected with the late rebellion, having been detained by force and threats within the rebel camp up to the 26th day of March last, when I succeeded in making my escape from the camp.

2. I knew Louis Riel, the leader and promoter of the rebellion. He is a man who worked a most wonderful influence over the uneducated, credulous and ignorant half-breed population, so much so, that he did successfully lead them astray, against the remonstrances and advice of their priests, who have always been looked up to by them as their true friends, protectors and guides, in all their concerns from the cradle to the grave.

3. I was myself by force and threats detained in the rebel camp, and I know the means used to compel others to come there and to remain against their will and judgment, when it is a question of life and death, when from hour to hour one's life is in danger; if he tries to escape, it is very hard to do so; spies and sentries were posted at every point, at the doors of the houses where suspected persons were lodged, and any attempt to escape was, by order of Riel, to be treated as a crime, punishable with death, and any person found attempting to escape was to be at once shot down, by order of Riel.

4. Riel resorted to the most unusual means to secure an overpowering influence over the minds of the half-breed people, for instance to excite a feeling of awe in their minds, and no doubt with a view to making them believe that he was acting under Divine instructions. Early in the beginning of winter, he ordered all persons who had occasion to butcher or kill cattle, to save the blood for him, and from the first day of January he fed exclusively on blood instead of flesh meat, the blood being cooked in milk. This conduct made a deep impression on his superstitious dupes, and when combined with his continual praying and his daily relation of the visions he had the preceding night, and the visits of saints and the repeated conversations he had with the Holy Ghost, the poor half-breeds were convinced in their souls that Riel was God's envoy and that it would be a mortal sin to refuse to obey and follow him as the chief appointed by God to lead them. They had no guilty knowledge that they were breaking the law. They believed that they could not do wrong when God himself and the Holy Ghost and the Virgin Mary had sent a chosen servant and representative to lead and guide them; no feeling or connection less powerful could have induced them to spurn the advice and prayers of the good priests who had been the guides of themselves and their forefathers for generations.

Riel had a book which he read or pretended to read from to convince the people of the holy character of his mission. He called it the "Prophecies of St. Bridget," a great Irish saint, who he said had foretold hundreds of years ago all the things

that were to occur during the years 1885 and 1886. He said that she foretold that the wickedness of the world would have become so great that, from the head of Rome down, the powers of the world would be destroyed, even the Government of Canada, the world's rulers would be destroyed and swallowed up in a general whirlpool of destruction. St. Bridget had foretold that God had appointed a second saviour to redeem mankind amid the final destruction and restore peace, morality and prosperity to the nations; that man must be a descendant of St. Louis; then he went on to prove that he was descended from St. Louis and that the Holy Ghost and the Virgin Mary had visited him and told him that he was the chosen man who was appointed so many hundred years ago, and whose coming was predicted by St. Bridget, the great Irish saint, to redeem mankind, and that his dear brother half-breeds were the first he would redeem.

From Riel's arrival in the country he had been unceasingly going among the half-breed people telling them of the injustice done them by the Government, that only by meetings and petitions and agitating, could they ever hope to recover their rights. He declared himself their leader, and that if they would only follow him, he would secure for them all their rights and privileges from the Government at Ottawa without bloodshed.

Riel to get all the people together has recourse to a ruse. He told them that they must all assemble at Batoche on the 18th day of March, for the purpose of going all together to St. Laurent on the 19th to celebrate the festival of St. Joseph, who is the patron saint of the half-breed people, as St. George is to the English, St. Patrick of the Irish, and St. Andrew of the Scotch, and to make the occasion the more interesting it was announced by Riel that his friend and Secretary Jackson, who became a convert would be publicly baptised on St. Joseph's day. When the people assembled from all parts as they were ordered to do at Batoche on the 18th day of March, Riel and his friends at once circulated a report that the mounted police were coming down on the people, and they would all be killed if they did not stand together and follow his inspired instructions. Riel further announced that God had kindly caused them to be assembled together and had the supplies within their reach, meaning and pointing out the various stores in the vicinity, and arms in their hands, through him Riel, he having told them all to bring their guns with them to the celebration, so that they might pay more honor to their patron saint by firing a "feu-de-joie" after mass in his honor, &c. I give this outline of his proceedings to show how thoroughly he had matured his plans to get the people together, and to make them more blindly place themselves in his power by getting them to break the law. Riel next sent out armed parties to bring in all those who had not already come, and they were ordered to bring them by force if they did not come voluntarily. When Riel had once got the people to commit themselves by pillaging the stores, &c., he next told them that 500 mounted police under Major Crozier were on the way to slaughter them all, and that they must stand together and act under his instructions, and obey him without question, for God had commissioned him to lead and direct them, promising them that there would be no bloodshed, which they firmly believed, or I am certain they would not have consented to remain and meet the police force.

Once Riel had got the unfortunate half-breeds into his power he made them believe that their only chance for life was to stay with him, as there would be no mercy shown them by the Government or by the mounted police, and that his intention was to so conduct matters that without any bloodshed he would secure them the full recognition of their rights; by such promises as these and by resorting to every possible trick of language and action, by pretending to be specially commissioned by God and the Virgin Mary and St. John the Baptist to lead the half-breed people through all their difficulties to a glorious success without shedding any blood, and without any danger; by kneeling and with his arms spread out like the arms of a cross, his eyes cast up to heaven and his voice raised aloud to God in prayer, and sometimes by throwing himself on the ground shouting to God for directions, and to protect the half-breeds; it was in this way that he kept the poor, ignorant people subject to his power and influence. I heard him harangue the poor people often and

say to them, "you know that all power and authority is given to the Holy Father the Pope of Rome, you well know that the Holy Ghost dwells in the heart of the Holy Father, you know that where that Holy Spirit is there must be all power and authority. Well, the Holy Ghost left Rome in the interest of the poor half-breeds of America and took up his residence in the heart of the greatest living saint of the world, the Holy Bishop Bourget, of Montreal. Now, dear half-breeds, here is a letter, he cried, holding a paper up towards heaven, from that great saint, Bishop Bourget, written to me, who am to be the saviour of my people, acting under the influence of the Holy Ghost, and that saint tells me in this letter that I have a mission to fulfil, that grand mission is to liberate the whole world, but first I have to liberate the half-breed people whom I love so much, who are my own flesh and blood, who live in my heart."

By such means as these he fascinated a large number of his poor credulous followers, and by terrorizing over and making prisoners of those who, like myself, could not be deceived by his pretended divine mission, Riel kept under his authority numbers of good, honest and loyal men who longingly wished for the means of being freed from their disagreeable and false and dangerous position, but who were powerless in his hands, or, under his influence, believing that he was commissioned by God. Among those who, to my personal knowledge, were detained and kept in subjection, either through fascination and superstition, or through being kept in hourly fear of personal danger to themselves and to their wives and children or friends, were: Joseph Arcand, Alexander Cadioux, Emmanuel Champagne, Joseph Dêlorme, Maxime Dubois, Phillip Gariépie, Pierre Gariépie, Pierre Henri, Alexis Labombard, Maxime Lepine, Albert Monkman, Moïse Ouellette, Moïse Parenteau, Pierre Parenteau, Daniel Parenteau, Ignace Poitras, Ignace Poitras, jun., Baptiste Rocheleau, James Short, Francis Tourond, Patrice Tourond, Baptiste Vandal, Pierre Vandal, and many others.

To show how unreliable are the reports or minutes of the Council which were kept of meetings and proceedings, I may state that Riel, to plunge his followers, whether they were willing ones or not, as deeply as possible into danger, so as to keep them in his power, passed a motion of Council that every proceeding before the Council should be considered to be passed unanimously, and that all the names were to be entered as being present at every meeting, whether the persons were present or not, so that by this novel means he succeeded in implicating men who were innocent, being forced into compliance by him, and made them, as far as he could, responsible for his acts; for I declare that the whole Council was Riel. The so-called members of his Council were mere cat's-paws in his hands. He ordered and passed and did whatever he pleased, and threatened death to all who dared to oppose him. Here I may explain the presence of names to a very important document now in the hands of the Government. Riel ordered Maxime Lepine and myself to go to Major Crozier to demand his surrender, handed me the letter which was to be given to the Major. Lepine and myself were obliged to go, we dare not refuse, but what was our astonishment to discover, on examining the letter, to find our own names signed to it along with others. We determined not a plan of Riel's to compromise us beyond hope of justification. We determined not to deliver the letter. I gave it to Lepine, who I suppose returned it to Riel, for it was found among the other papers, no doubt placed there for the intended purpose of compromising all those whose names were signed to it. I am fully satisfied that the minute book of Riel's so-called council was, from the beginning, cooked regularly to compromise the people, so as to compel them to sink or swim with Riel, and I do not hesitate to say that they were left where they would fall into the hands of the Government for the same purpose.

On that same night, when Maxime Lepine and myself were sent to demand the surrender of the mounted police, Riel, in a most violent speech, incited the people to take Fort Carlton. "Now," cried he, "is your time, let us go and revenge the death of Goulet" (meaning Goulet who lost his life by being drowned in the Red River, at Winnipeg, in trying to escape from the Canadian volunteers, who were chasing

him, soon after the arrival of the force at Fort Garry, in 1870). The whole people were very much incited under his harangue. Maxime Lepine and Moise Ouellette interfered between Riel and the excited people, and, at the imminent danger of their own lives, prevented him from carrying out his object, a midnight attack on the fort, which might have resulted in a fearful massacre of innocent and unoffending people. To show how the half-breeds were led on by Riel, I declare that up to the last moment many English half-breeds were staunch supporters and followers of Riel, and it was only their superior education and want of belief in Riel's Divine mission that prevented them from being to-day as much in the power of the law as the French half-breeds are. Many English half-breeds and whites also encouraged the poor French half-breeds up to the culminating point and then cautiously left them to their fate, and to the infamous and blasphemous leadership of Louis Riel, who has plunged them into distraction, despair, starvation and death.

I declare and depose that this deposition has been written at my dictation; that it has been read over to me in English and French, but it contains the truth and I have signed.

CHAS. NOLIN.

Sworn to and acknowledged before me, at Regina, }
in the North-West Territories, this 7th day }
of August, A.D. 1885.

HY. LEJEUNE, *Justice of the Peace in and for the North-West Territories.*

THE QUEEN vs. FRANCIS TOUROND AND PATRICE TOUROND.

CANADA: }
North-West Territories. }
To wit.

I, Roger Goulet, of Batoche, in the North-West Territories, farmer, make oath and say:

1. From the twentieth day of March last past to the thirteenth day of April last past, Francis Tourond, above mentioned, was not at Batoche in said Territories, but was at his mother's house, near Fish Creek, and never went to said Batoche until the time of the battle of Fish Creek.

2. About the twenty-third day of March last past, Louis Riel came to the church where the people were assembled and told them: "You will go to Garnot's and get the prisoners and give them over to the Indians to kill them to-night; also the two prisoners at Solomon Venn's, but you will see that the Indians do not torture them." Then Patrice Tourond stepped forward and said: "If you kill those men you must kill me first." Riel then said in a kind of huff: "Tout Tourond" meaning your name is all round and you will remain all round."

3. I have known both of said Touronds over seven years and they have always been sober, honest men and were of the best men in the North-West.

ROGER GOULET.

Sworn before me at Regina, in said }
Territories, this 7th day of }
August, A.D. 1885.

CHAS. NOLIN, J. P., *a Justice of the Peace in and for the said Territories.*

THE QUEEN vs. EMMANUEL CHAMPAGNE, ALEXANDER P. FISHER,
PHILIP GARNOT, PHILIP GARIÉPIE, MAXIME LEPINE, ALBERT
MONKMAN, MOISE OUELLETTE, AND OTHERS.

CANADA: }
North-West Territories. }
To wit:

I, Thomas Eastwood Jackson, of Prince Albert, in the North-West Territories, druggist, make oath and say:

1. That I was made a prisoner and detained as such, on the eighth day of April, or thereabouts, last past, and was not released from such imprisonment until the twelfth day of May last past, and I have a personal knowledge of the matter herein-after mentioned and referred to.

2. That Emmanuel Champagne, above named, I frequently saw at Batoche during that time, but he took no part in the doings of the Council while I was a prisoner, as far as I could see, and that he was not at the battle of Fish Creek, nor at any time, as far as I know, did he fight in battle.

3. That Alexander P. Fisher, above named, was not armed at any time, so far as I know, and that he had only taken any part for fear of violence to his children by the Indians, and on condition that he should not be called on to take up arms, and should be left to run his ferry as usual.

4. That Philip Garnot informed me, when first I saw him alone, that he had been compelled at the risk of his life to take part in the rebellion, and then began to act as secretary and had no interest in their object.

5. That Philip Gariépie, above named, took no active part in the rebellion, as far as I could see; and that after Charles Newitt was brought wounded from the battle of Duck Lake, but at said Duck Lake and on the road to Prince Albert, the said Charles Newitt stated in my presence that it was an Indian who struck him at the said battle and not Philip Gariépie; and from my personal knowledge of the character of the said Philip Gariépie, and his treatment of all the other prisoners, I really believe he did not strike said Newitt.

6. That Maxime Lepine and Moïse Ouellette opposed Riel in the Council very frequently to my personal knowledge and were for peace, and they only had the courage to do so of all in the Council; that the only ones in the Council that Riel could depend on were Gabriel Dumont, Damas Carrière and Napoléon Nault, and Riel distrusted and watched everyone else. That Riel was chary of everyone else, and they, Riel, Dumont, Carrière and Nault, controlled and managed everything.

7. That Albert Monkman was absent at the north when Riel was preparing for the rebellion. Riel frequently showed dislike for him and distrust of him, setting Napoléon Nault and an old man named Swain to watch Monkman. I heard Riel say that he had sent him (Monkman) to bring up the English half-breeds by force, but that Monkman had not done so, but had proved to be unfaithful to his (Riel's) cause. At the time of the Fish Creek fight Riel ordered him to proceed up the river to attack Middleton on the west side, but Riel's spies discovered that Monkman had laid a plan to escape on horseback, when across the river, and thereafter Monkman was tried in the Council and then after made a prisoner of Riel's and chained to the floor of an upper room in Baptiste Boyer's house, in Batoche; in the room next the room I was afterwards confined in, and he was kept until the ninth day of May, when he was transferred to the cellar with myself and others, where we were kept until released by the troops on the twelfth day of May last past, with the others and myself.

8. I am satisfied from what I saw, and I verily believe that Riel made Monkman a member of the Council, and gave him the command at Carlton with the double purpose of implicating him in the rebellion as he was an English half-breed and inducing the other English half-breeds to join the rebels.

9. That Riel had me detained a prisoner in spite of the Council that I should be released, and of this I was informed by Riel himself as well as English speaking members of the Council.

THOS. E. JACKSON.

Sworn before me at Regina, in the }
said Territories, this 10th day }
of August, A.D. 1885.

DIXIE WATSON, Clerk of the Court.

THE QUEEN vs. ALEXANDER P. FISHER AND OTHERS.

CANADA :
North-West Territories. }
To wit :

I, Harry Walters, of Prince Albert, in the North-West Territories, merchant, make oath and say :

1. That Alexander P. Fisher, above named, was, during the time I was a prisoner of Riel's from the 18th to the 21st day of March last past, a prisoner at large of said Riel's and informed me that he only wished to protect his property there, and I believe that he tried to prevent some of the rebels from getting any property stored in his house.
2. During that time he never carried arms of any kind.

H. WALTERS.

Sworn before me at Regina, in
said Territories, this 7th
day of August, A.D. 1885. }

Justice of the Peace in and for North-West Territories.

THE QUEEN vs. JOSEPH ARCAND, ALBERT MONKMAN AND OTHERS.

CANADA :
North-West Territories, }
To wit :

I, Baptiste Arcand, of Stobart, in the North-West Territories, farmer, make oath and say :

1. That one of the children of Joseph Arcand, above named, died just before the rebellion of 1885, in the said Territories, and another child was then at the point of death and has since died.

2. The last named child being very ill about the 20th day of March last past, I went to Louis Riel, who had taken said Joseph Arcand from Stobart to Batoche, and told him that Joseph Arcand was not right in his head on account of the death of his child, and that the other child was very ill, and I urged said Riel to let him go home, and afterwards with myself Joseph Arcand begged said Riel to allow him to go to his home, but said Riel on both occasions refused to let him go.

3. When the Council were chosen said Joseph Arcand being there present was chosen, but persistently refused to allow his name to be used, as far as lay in his power, and his name was omitted from the Council, and he at the same time was proposed for captain by the said Riel, but objected to being such, and he did not become a captain.

4. Afterwards he succeeded in getting home, and remained home a few days, when he was sent for by Riel, and two men both armed again took him to Batoche on the 25th of March last past, and he returned home the same day.

5. The morning of the battle of Duck Lake he went to Duck Lake to get some cotton for a shroud for his dead child, and was returning home when the battle of Duck Lake was in progress.

6. He was not at the battle of Fish Creek, but was on the west side of the river, near Alexander Fisher's house, where he remained for a week with his family until a man came from Battleford with complaints that the Indians were threatening the priest there and the half breeds and they wanted help, and he went with others by order of Riel to Battleford, from which place he did not return until after Batoche was taken by General Middleton.

7. Said Joseph has a wife and six children now living.

8. When I first saw Albert Monkman at Batoche he advised my brothers and myself strongly to go home and have nothing to do with the rebellion; he was not armed himself, and I heard him say to Riel at the time of the trial of Nolin and

Boyer, the following: "Curse you, you are after another Scott affair, and you shall not do it if I can help it."

9. Said Monkman never incited nor advised the Indians near Duck Lake to take part in the rebellion, but, on the contrary, spoke against their doing so.

10. When said Monkman was at Fort Carlton thereafter I saw him there and he told me privately that he intended to arrange matters there so that the pris one then could all escape, but very soon afterwards he was removed from there, as I w informed, by Riel's orders.

his
BAPTISTE + ARCAND.
mark.

Sworn before me at Regina, in said Territories, }
this 7th day of August, A.D. 1885, having }
been first explained by me to the deponent, }
who seemed perfectly to understand the }
same, and made his mark thereto in my }
presence. }

CHAS. NOLIN, Justice of the Peace in and for said Territories.

THE QUEEN vs. ALBERT MONKMAN, MAXIME LEPINE AND BAPTISTE VANDAL AND ALEXANDER P. FISHER AND PHILIP GARNOT.

CANADA : }
North-West Territories, }
To wit: }

I, Thomas Sanderson, of Camel River Settlement, in the North-West Territories, farmer, make oath and say :

1. The night of the twenty-first day of March last past, when I was arrested and made a prisoner, Albert Monkman came to me evincing a friendly feeling, asked me my name and where I lived, he then asked me what I intended to say to Louis Riel, when I would be brought before him. I answered that I was determined to give my mind fully to Riel, to condemn him and his actions strongly and to tell him that the man who was accused of being the murderer of Scott in former days, was not one who should attempt to plunge the half-breeds into revolution, which would lead to disaster and death. Monkman said, "for God's sake if you value your own life don't do that, temporize with him rather than irritate him, which may lead to the loss of your life, as I know that you stand in very great danger, because of the feeling against the Camel River settlers generally, and against you in particular." He cautioned me not to speak to him or appear friendly in the presence of Riel, for, said he, "I am already suspected by Riel, but be assured that I will do everything in my power for you." Next when the release of the prisoners, Peter Tomkins, William Tomkins, McKenna Wooderick, John Mantly and Newitt was under consideration Monkman advocated and pleaded for their release before Riel and the council at Duck Lake; and in consequence of Monkman's advocacy strongly expressed, and the strongly expressed advice of Maxime Lepine and Baptiste Vandal, who sided with and supported Monkman on behalf of the prisoners, it was carried that the prisoners should be liberated, but Dumont opposed it, whereupon Riel ordered Monkman to saddle a horse and go to Canton, as I firmly believe, for the purpose of getting him away, and the consequence was, the prisoners were not released. In consequence of the conduct of Monkman, Lepine and Vandal, on behalf of the prisoners, I feel it a duty to strongly recommend them to the most favorable consideration and mercy of the court. I further state that Monkman declared to me, and he appeared to be sincere, that he would do anything in his power to prevent Riel from bringing the Indians into the rising, as he said if they were brought into it, bloodshed would follow. I believe that he did do all that he could in that respect, but I knew that he appeared to be suspected and watched by Riel, and he was kept as much as possible out of the way by being

sent or ordered off from one place to another, and never appeared to have much opportunity of making himself heard in the Council. While I was a prisoner, Philip Garnot evinced a friendly feeling towards the other prisoners and myself, bringing us tobacco and books both at Duck Lake and Batoche. At Batoche we were in his hands, as he stated by his request of Riel in our behalf, and we were all well fed and attended to by him while there.

THOMAS SANDERSON.

Sworn before me at Regina, in said Territories, this 7th day of August, A. D. 1885.

DIXIE WATSON, *Clerk of the Court.*

THE QUEEN vs. JOSEPH PILON, FRANCIS TOUROND, PATRICK TOUROND, ET AL. (NOT PRISONERS).

CANADA :
North-West Territories, }
To wit:

I, George Albert Kerr, of Batoche, in North-West Territories, merchant, make oath and say:

1. That Joseph Pilon, above named, came to my store, near Batoche, and had a conversation with me in which he expressed his disapprobation of the rebellion. This was on the morning after the rebellion had broken out, and he stayed away from Batoche as much as possible.

2. He had two sons, one of whom is a married man, and the both of them are full grown men, said married man has a wife and family and has been forced to take part in the rebellion.

3. He was kept at Batoche by terror and only stayed because he wished to get off his son who had been taken there as aforesaid, and was almost overcome by consternation, and the said Joseph Pilon went home as often as he could, and stayed there till brought again.

4. That up to the time of the battle of Fish Creek, Francis Tourond, above named, was at home and did not go to Batoche at all after the battle in which, I believe, he took no part. I, with my brother John Kerr, were hid for days in the Touronds' granary by said Francis Tourond, where he and his mother fed us. He took us to the house of the McIntoshs' who lived near there.

5. From my own personal knowledge of the character of the Touronds', above named, I can conscientiously say that they would never have been connected in any way with the rebellion had they not been coerced or misled into it through religious deception, which I was personally in a position to know, and I do know and feel called upon to state in fairness, was actually the case with them in the late rebellion of 1885.

GEO. A. KERR.

Sworn before me at Regina, in said Territories, this 11th day of August, A. D. 1885.

DIXIE WATSON, *Clerk of the Court.*

THE QUEEN vs. ALBERT MONKMAN AND OTHERS.

CANADA :
North-West Territories, }
To wit;

I, Charles Newitt, of Prince Albert, in the North-West Territories, merchant's clerk, make oath and say:

1. I was wounded and left on the field of the battle of Duck Lake, and shortly after the said Albert Monkman came to me and said he was sorry the battle had taken place and that I had been wounded, and he offered to do all that he could for my comfort, and afterwards came to me every day. I was in the rebel camp from the twenty-sixth to the thirtieth day of March last past, he offering me the same assistance.

He said, after the battle, that he would go to the Council and try to get the other prisoners as well as myself off, and a while afterwards he returned to me saying that he had got the consent of the Council to my being let off, and thought he had succeeded in getting their consent to letting all the others off, except Lash and Rose, whom the other members of the Council would not let off because they were officers of the Government; he appeared to be the best of the whole lot while I was there. After I was taken up stairs at Duck Lake he came to us and told us (the prisoners) to keep away from the windows for fear that the Indians would shoot us.

CHARLES NEWITT.

Sworn before me at Regina, this }
12th day of August, A. D. }
1885.

OWEN HUGHES, a Justice of the Peace in and for the North-West Territories.

THE QUEEN vs. JOSEPH ARCAND, ALEXANDER CADIEUX AND OTHERS.

CANADA: }
North-West Territories, }
To wit: }

I, Robert Jefferson, of Battleford, in the North-West Territories, farm instructor, make oath and say:

1. That Arcand and Cadieux, above mentioned, were at Battleford during the latter part of the rebellion for the purpose of standing between the Indians on one side and the half-breeds and teamsters and other white people on the other, and they did nothing else during their stay in the camp.

2. I saw Alexander Cadieux, above mentioned, *alias* "Kitty-way-hoe," standing at the door of the tent of the scout Fontaine a prisoner about the sixth day of May last past, and keeping the Indians away from the said tent.

3. That the said Arcand and Cadieux, while in said camp, did nothing criminal or disloyal, on the contrary their actions were all on the side of humanity and order.

ROBERT JEFFERSON.

Sworn before me at Regina in said }
Territories, this 11th day of }
August, A.D. 1885.

HY. LEJEUNE, a Justice of the Peace in and for the North-West Territories.

THE QUEEN vs. ALEXANDER P. FISHER AND PHILIP GARNOT.

CANADA: }
North-West Territories, }
To wit: }

I, Louis Marion, of Duck Lake, in the North-West Territories, freighter, make oath and say:

1. That Alexander P. Fisher, above mentioned, was a prisoner at large, and not under arms from eighteenth to twentieth March last past, staying at home, except when sent for by Louis Riel and brought by force to Batoche, in said Territories, across the river from his home.

2. That Philip Garnot, above mentioned, had no connection with the rebellion until the twentieth day of March last past, or thereabout, when he was brought by

force from his boarding house to the church, both at Batoche and in said Territories, and he began to act as secretary, taking no personal or individual part in the doings of the Council, but merely acting as a scribe to the Council.

LOUIS MARION.

Sworn before me at Regina, in said }
Territories, this 7th day of }
August, A. D. 1885. }

CHARLES NOLIN, *a Justice of the Peace in and for the said Territories.*

THE QUEEN vs. ALBERT MONKMAN AND OTHERS,

CANADA : }
North-West Territories, }
To wit: }

I, Vital Fourmond, of St. Laurent, in the North-West Territories, priest, make oath and say:

1. That said Albert Monkman during the rebellion tried to escape from Batoche and to desert from the camp of Riel, but was discovered in the act of doing so and was thereafter made a prisoner by the rebels, and was thereafter until the end of the rebellion a prisoner of Riel's.

V. FOURMOND.

Sworn before me at Regina, in the }
North-West Territories, this }
7th day of August, A.D. 1885. }

CHAS. NOLIN, *a Justice of the Peace in and for said Territories.*

CANADA : }
North-West Territories, }
To wit: }

I, Vital Fourmond, of St. Laurent, Director of Catholic Missions, being duly sworn, doth depose and say:

1. That I am perfectly aware of the uprising of the half-breeds and of the causes which led thereto, and I am compelled to declare that the poor half-breeds were coaxed and forced into that disastrous rising through orders and insane instigation of Louis Riel.

2. From what I personally witnessed and heard from, before, during and after the establishment of Riel's so-called Provisional Government, whether at St. Laurent or at Batoche, the evidence of this my deposition is so certain and manifest, that it does not admit of any doubt.

3. Louis "David" Riel, in his strange and alarming folly, fascinated our poor half-breeds, as the snake is said to fascinate its victim, abusing, for his own ends, the great confidence that all the half-breeds reposed in him, a confidence founded upon his influence over their minds through his great and impassioned language, and above all the appearance of his profound religious feeling and devotion, which he displayed in the most glaring and hypocritical manner, which was rendered so convincing to their minds by his public proclamation of his injuries, as an inspired prophet, which he forced upon their imagination in the most insidious and diabolical manner; he proclaimed himself a new Moses, who had come to deliver his people from bondage and to place them in a new land of promise, where they would enjoy the greatest liberty and happiness and soon become masters of the world, as he would soon march them on Winnipeg by way of Portage la Prairie, and thence to subjugate Canada, and afterwards the whole of the States of the whole world, until he, their inspired leader, would be crowned king of the world, and sit in the chair of St. Peter at Rome as the Pope, in proclaiming which he did the inimical authority of the Tyrants of Europe, is and ought to be deprived of.

all his temporal and divine powers and privileges. The Spirit of God has left the Pope of Rome, and has taken up its abode in the holy person of that great saint Archbishop Bourget of Montreal, from whose soul the spirit of God has passed into the soul of your leader Louis Riel, thus, said Riel, I have received my divine mission conveyed to me in this letter from that saint and bishop, hear the words, "You have a grand mission to fulfil, you must accomplish it at all points." Now, cried he to his poor superstitious listeners, this is a proof of my commission from heaven, and I have been confirmed in it through the Holy Ghost, who has come to me and taken up his abode in my soul and through me is now beginning on the great work of modern times, that to carry out a grand and most necessary reform of the whole world; to finish the complete influence over the poor half-breeds he next after strongly insisted on his sacred mission, insisted on the gravity and legitimate nature of their claims against the Ottawa Government, the indifference of the Government to their humble petitions and demands and the consequent misery and distress into which they were plunged, and out of which he alone, as God's agent, could lift them up and make them happy, notwithstanding the power of the Dominion of Canada, and of their other heartless tyrants, the Hudson's Bay Company, and notwithstanding the power and evil influence of the priests, who were traitors to their sacred calling and were using their influence on the side of tyranny and the oppression of the poor half-breed people.

4. The Sunday before the outbreak, Riel, after mass, came to my house and spoke to me as follows:—"You have turned the pulpit of truth into one of falsehood, politics and discord, in daring to refuse the Holy Sacrament to all those who would take up arms in defence of their sacred rights." Another time, at the store of Walter & Baker, at Batoche, in a public meeting of the people, seeing that he was losing ground in consequence of the influence of the religious feeling of the poor people, he jumped up, his eyes flaming like the eyes of a veritable maniac, which gave him such a striking appearance that it forcibly impressed the people, he cried: "How can these poor people, whom you try to deceive and mislead as to the truth of my divine mission, for one moment believe you when they have the proof before them that you are a traitor to them, and you are unworthy of their confidence? How dare you say that it is a crime to take up arms against the tyrant in defence of their rights?" I replied to him: "Yes; I said often before, and I repeat it here to your face, and in the face of these poor misguided people whom you are leading to destruction, despair and death, it is a crime to take up arms against the constituted authorities; it is a crime to raise the standard of rebellion. God proclaims it the duty of all Christian people to render to Cæsar the things that are Cæsar's, and to God the things are God's." He, Riel, replied: "Yes, render to God glory, honor and adoration, but to the tyrants of the world render that which is due to them; sling back their authority, which they have usurped, in their teeth; tumble them down from power, that is what God orders." "Listen", cried he, "to this priest who dares to tell you that it is a crime you are committing, under my direction, in fulfilment of my sacred mission, who dares to call rebellion your taking up arms in a sacred cause, a cause ordained and directed by God, the cause of your native land which is bleeding and prostrated at the feet of tyrants, the sacred cause of the rights, the liberties, the lives of your wives and children for all time to come.

5. To impress the people and keep them within his power, this man, Riel, resorted to all kinds of trickery. Often have I seen him praying aloud, prostrating himself in prayer and ordering all the others to do so. Thus he made a deep impression on his poor ignorant dupes and so convinced them of his divine mission that it was impossible to convince them that he was a trickster and would lead them to destruction. Riel so played on their ignorance that he made them believe in his power to work miracles; they firmly believed this. I have heard them say that Riel could make it thunder and could cure disease without medicines. Riel himself, declared that he was once the victim of an incurable disease of the heart, but that on the 24th of May he had cured the disease by his divine power. He also declared that should he be killed it did not matter, he would be with them again alive and that would

prove to them his divine mission. He cried, "it is the Holy Ghost that speaks, who shall dare disbelieve me?"

6. When Riel had completely fascinated these people, and held them body and soul at his will, he next, to complete his object and plunge them into rebellion beyond recall, he announced that 500 mounted police were on the way to slaughter them men, women and children, to the last one. "Oh, my friends, look at those devils murdering your whole nation, see your wives and daughters ravished before your streaming eyes, see your wives and children tortured, dishonored, disembowelled, cut in pieces by those savage soldiers, who are paid and kept by tyrants to kill, slaughter and dishonor the half-breed nation." "To arms, to arms, or will you crouch and submit? God tells you to follow me. The Holy Ghost is with you in my person; courage, we will conquer." Oh, my poor people, I could not restrain them; they were under the infatuation of this arch actor and trickster till he got them committed by the effusion of blood; then they were in his power, and he used that power without any feeling of mercy. I heard him say and proclaim, "Death, death, death, to anyone who tries to desert," and many of the poor people had guns pointed at their hearts, by Riel's orders, because he suspected them of wishing to get away, and to complete his terrorism over the poor people he declared it to be his determination to put me thus, deponent, in the front of the battle.

I knew Phillip Garnot, I saw him among the people in the rebel camp, but I am certain he did not take any part with Riel until the 21st or thereabouts. I spoke to him and expostulated with him on being among the misguided people. "What can I do?" said he, "I am forced to be here, my life would be taken did I refuse to appear to act at least, and now I must do all I can to save the lives of the poor people who are shut up in Battleford, that is what consoles me in this dreadful affair; I may prevent the attack or give timely warning to save the lives of the Canadians." And I sincerely believe that Garnot was acting under compulsion and in fear of his own life; also, I know that he was always good and kind to the prisoners while they were in his power or within his reach or succor, and he was always kind and considerate and polite to myself, unlike Dumont, Riel and others, who were threatening, brutal and insulting towards us.

7. I also declare that during the trouble I had conversations with several of the persons who were in the rebel camp with Riel, and I found a large number of them there against their will, and only remained there because of the fear of being shot down did they try to escape or desert, as sentence of death had been proclaimed against all persons who would try and get away. I wish to particularly mention Maxime Lepine, Moise Ouellette, Pierre Parenteau, S. Emmanuel Champagne, and as I before mentioned, Philip Garnot, all of whom I firmly believe were kept in the rebel camp through terror of their own lives and for fear of their families being punished, should they attempt to escape.

8. Alexander Fisher, I can positively say, would have escaped while at St. Laurent, but for the fact that he had his two little daughters in the convent school there, but feared the vengeance of Riel should he escape. I saw Fisher from day to day. He never had arms or did he take any interest or part in Riel's acts or proceedings except when forced to do so, and I knew that in simple derision he once signed a paper as Lieutenant-Governor of the North-West Territories, and told me the next time he met me, and I laughed with him at the joke, for it was nothing else. Riel always compelled lukewarm persons to commit themselves if possible in writing, Fisher knew this, and in derision and to mark his contempt for which he was compelled to sign, wrote himself Lieutenant-Governor of the North-West.

9. In conclusion, as an humble and old servant of God, and as one who has been seventeen years among the half-breeds of this country, who knows their simplicity, how easily they are led away by designing and cautionless people, such as this man Riel, who being one of themselves, who was looked upon as their born and natural leader, one who knows well that the poor ignorant half-breeds were encouraged on from step to step in the late uprising till their false white pretended friends and their English fellow half-breeds left them on the very verge of rebellion and blood-

shed, in the name of God, I, His most humble servant, in the agony of my aged and suffering heart, cry aloud to the judge before whom these poor deluded half-breeds have to appear for justice, mercy! Oh, earthly judge, in Heaven from whose sacred lips the proclamation of mercy as He expired on the cross of salvation was given to the world—in His name, mercy.

V. FOURMOND.

Sworn and acknowledged before me at Regina, }
in the North-West Territories, this 7th day }
of August, A.D. 1885.

CHAS. NOLIN, *Justice of the Peace in and for the North-West Territories.*

THE QUEEN vs. MAXIME DUBOIS.

CANADA : }
North-West Territories, }
To wit :

I, George Ness, of Batoche, in the North-West Territories, contractor, make oath and say:

That Maxime Dubois, above named, frequently told me during the rebellion that he was desirous of escaping and would do so were it not for his wife and family of five or six children, and to the best of my knowledge, information and belief, he took a very minor part in the rebellion and would not have done anything at all had he not been forced to do so on peril of his life.

GEORGE NESS.

Sworn before me at Regina, in the }
said Territories, this 7th day of }
August, A.D. 1885.

DIXIE WATSON, *Clerk of the Court.*

CANADA : }
North-West Territories, }
To wit :

THE QUEEN vs. MOISE PARENTEAU AND BAPTISTE VANDAL
(RELEASED).

I, George Ness, of Batoche, in the North-West Territories, farmer, make oath and say:

That Moise Parenteau, above named, and Baptiste Vandal, above named, were very kind to the prisoners, on or about the twenty-first day of March last past, and, I believe, took a very minor part in the rebellion and not of their own free will.

GEORGE NESS.

Sworn before me at Regina, in }
said Territories, the 7th day }
of August, A.D. 1885.

DIXIE WATSON, *Clerk of the Court.*

THE QUEEN vs. ALEXANDER P. FISHER.

CANADA : }
North-West Territories, }
To wit :

I, George Ness, of Batoche, in the North-West Territories, farmer, make oath and say:

I. That the said Alexander P. Fisher, on or about the 27th day of March last past, informed me that he was against the rebellion, and had tried to escape, but failed to do so, and that he would not be there at all had it not been for his children.

2. To the best of my knowledge, information and belief, he did not, of his free will during the whole rebellion, commit any rebellious or treasonable act, but at the risk of his life and in the presence of and under superior force.

GEORGE NESS.

Sworn before me at Regina, in the said }
Territories, this 7th day of August, }
A.D. 1885.

DIXIE WATSON, *Clerk of the Court.*

THE QUEEN vs. JOSEPH PILON (NOT A PRISONER).

CANADA : }
North-West Territories, }
To wit :

I, George Ness, of Batoche, in the North-West Territories, farmer, make oath and say : That I have good reason to believe and do verily believe that Joseph Pilon, above named, tried to avoid being connected with the rebellion of 1885 by hiding and in other divers ways, and that had it not been for his wife and family of eleven children, would have succeeded in so doing, and would not be in prison to-day. The said Pilon resided for several years near where my residence then was, and I had the best opportunity for arriving at the whole belief.

The said Pilon took a very minor part in said rebellion, and that on peril of his life and against his will.

GEORGE NESS.

Sworn before me at Regina, in }
said Territories, this 7th day }
of August, A.D. 1885.

DIXIE WATSON, *Clerk of the Court.*

THE QUEEN vs. JOSEPH ARCAND (RELEASED), ALEXANDRE CADIEUX, EMMANUEL CHAMPAGNE (NOT A PRISONER), MAXIME DUBOIS, ALEXANDER P. FISHER, PHILIP GARIEPIE, PIERRE GARIEPIE, PIERRE HENRI, MAXIME LEPINE, MOISE OUELLETTE, PIERRE PARENTEAU, MOISE PARENTEAU (RELEASED), IGNACE POITRAS (RELEASED), IGNACE POITRAS, THE YOUNGER, JOSEPH PILON (NOT A PRISONER), BAPTISTE ROCHELEAU (NOT A PRISONER), JAMES SHORT, FRANCIS TOUROND (NOT A PRISONER), PATRICK TOUROND (NOT A PRISONER), BAPTISTE VANDAL (NOT A PRISONER), PIERRE VANDAL (RELEASED), AND OTHERS.

CANADA : }
North-West Territories, }
To wit :

I, George Ness, of Batoche, in the North-West Territories, Esquire, make oath and say :

1. I have for some time past been personally acquainted with each and every of the above named, Joseph Arcand and others named thereafter, and I have been one of Her Majesty's justices of the peace, in and for the North-West Territories, for some time past.

2. The said persons above named had each and every of them always been honest and peaceable inhabitants, and law-abiding and loyal subjects of Her Majesty the Queen up to the time of the late rebellion in the said Territories.

Sworn before me at Regina, in the said }
North-West Territories, this 7th day }
of August, A.D. 1885.

DIXIE WATSON, *Clerk of the Court.*

GEORGE NESS.

THE QUEEN vs. PHILIP GARLEPIE AND OTHERS.

CANADA:
North-West Territories, }
To wit:

I, Eleazer Swain, of Batoche, in the North-West Territories of Canada, farmer, make oath and say:

1. That immediately after the fight at Duck Lake I arrived upon the ground, and there saw Philip Gariépie and a number of others near to where Charles Newitt was then sitting.

2. Newitt appeared to have been mounted, and exhibited signs of having been struck upon the forehead and hand, and a conversation was going on among those about as to the cause. I heard it stated by several of these people, who were half-breeds and Indians, that the said Newitt had been struck in the manner above mentioned by an Indian.

His
ELEAZER X SWAIN.
Mark.

Sworn before me at Regina, in said Territories, this 6th day of August, A.D. 1885, after having been first read and then explained to the deponent, who made his mark direct in my presence.

HUGH RICHARDSON, *Stipendiary Magistrate for the North-West Territories.*

THE QUEEN vs. JOSEPH ARCAND, IGNACE POITRAS (THE ELDER RELEASED), IGNACE POITRAS (THE YOUNGER), PIERRE PARENTEAU, MOISE PARENTEAU (RELEASED), JOSEPH PILON (NOT A PRISONER), BAPTISTE VANDAL (RELEASED), BAPTISTE ROCHELEAU (NOT A PRISONER), PIERRE VANDAL (RELEASED), MOISE OUELLETTE, MAXIME LEPINE, ALBERT MONKMAN, EMMANUEL CHAMPAGNE, MAXIME DUBOIS, ALEXANDER P. FISHER, PATRICE TOUROND AND FRANCIS TOUROND, *ET AL.*

CANADA.
North-West Territories. }
To wit:

We, Harold Edward Ross, Peter Tomkins, William Tomkins and Thomas Eastwood Jackson, all of Prince Albert District, in the said Territories, severally make, oath and say:

1. That during the time of our imprisonment in the rebel camp at Batoche and vicinity we received considerate treatment and kindness from the above named defendants, Joseph Arcand and others, some of them supplying us with food, others of them protecting us as much as in their power lay from attacks of the Indians, cautioning us to keep away from the windows and doors for fear of being shot at by Indians and others, and generally exhibited a spirit of kindness and friendly feeling towards us. They also, many of them, stood between us and threatened death at the hands of Louis Riel to the best of our information. We, therefore, feel it a duty, as Christian men, to recommend them in turn to the mercy of the court. We especially recommend Baptiste Vandal, Ignace Poitras, Joseph Pilon, Baptiste Rocheleau, Albert Monkman, Alexander P. Fisher, Emmanuel Champagne and Patrice Tourond to the mercy of the court for their marked humanity and kindness to us while in prison. And this declaration on our part is not a new-born feeling. Whilst we were prisoners we mutually determined, should we escape with our lives, that, should these men, in turn, be arrested and imprisoned, and put upon their trial, that we, in gratitude for their kindness, would not fail to come forward

and give evidence on their behalf, which we now do, and we earnestly recommend them to the consideration and mercy of their judge.

HAROLD E. ROSS,
PETER TOMKINS,
WILLIAM TOMKINS,
THOS. E. JACKSON.

Sworn before me and acknowledged by the }
deponents, Harold Edward Ross, Peter }
Tomkins, William Tomkins and Thos. }
Eastwood Jackson, at Regina, in said }
Territories, this 7th day of August, }
A.D. 1885. }

DIXIE WATSON, *Clerk of the Court.*

THE QUEEN vs. JOSEPH ARCAND, EMMANUEL CHAMPAGNE, ALEXANDER P. FISHER, PIERRE GARIEPIE, PIERRE HENRI, MAXIME LEPINE, ALBERT MONKMAN, MOISE OUELETTE, PIERRE PARENTEAU, JOSEPH PILON, IGNACE POITRAS, THE ELDER, IGNACE POITRAS, THE YOUNGER, BAPTISTE ROCHELEAU, FRANCIS TOUROND, PATRICE TOUROND, BAPTISTE VANDAL, *ET AL.*

I, John W. Astley, of Prince Albert, in the North-West Territories, civil engineer, make oath and say:

I was in the rebel camp from the twenty-sixth of March, until the twelfth of May last, after the battle of Fish Creek. The half-breeds were notified by Louis Riel that they had better fight now to the last man, as no mercy would be shown them whether they surrendered or were taken prisoners, that they would be every man hung or shot, by the mounted police, or by the Canadian Government, and it was by thus terrifying them that the half-breeds were kept together.

On the twelfth of May I talked to Louis Riel for a long time about the rebellion and its results to himself. I said to him, "God knows you escaped from the consequences of your first rebellion through politics." He replied that he had, but, said he, "I have three chances or means of escape this time; first, through politics; secondly, through the papers of the Council. You must know that I have so arranged all the papers of the Council in such a way that everything will show that the Council did everything, and my name will not appear as doing anything, and should we arrange to do as you wish, the papers will all be found properly fixed in the Council chambers. My third chance will be on the question of my being the head of this new religion. If you will mention that to the general (meaning General Middleton) it will give me the greatest chance, as it will show that I wish that." I said to him, "What will I say to the general about the French half-breeds' claim?" "Oh," said Riel, "that is a very secondary consideration; I think of myself first." Again I said, "if there are any claims of the half-breeds a word now might be of great advantage to them, as the general will not forget to report it." Again he replied, "I assure you their chances are of a very secondary importance, my own safety is of the first importance." After this conversation I returned to General Middleton to try and get the troops to cease firing, and then came back to Riel, when I said to him, "Now, there is no time to lose; call your Council together and let us have an understanding, I will address them." Riel said, "that is quite unnecessary, I can do as I wish." Then I said, "you admit that you act without any Council," and he said, "yes, I do just as I wish." As I left Riel I said to him, "should I not be able to return you know what to do; come in all of you and surrender; if I can I will come back. The old man Ross and Onellette actually did await my return till they were shot dead.

I know Alexander P. Fisher, he was in the rebel camp. I always looked upon him as a kind of a soft-headed fellow who had no harm in him, he had no arms and did not do any harm to anyone. He is a kind of small wit, and would do almost any

kind of foolish thing to make the people laugh. I considered him a harmless nonentity.

Pierre Gariepie was a kind old fellow to the prisoners: Pierre Henri was about the same as the last. Maxime Lepine seemed to be anxious to end the matter, he did not seem to me to be heart and soul in it. Albert Monkman did all he could for the prisoners. I several times heard Riel scolding Monkman for not bringing in Scotch and English half-breeds as he had been ordered to do. Moise Ouellette carried a letter to Louis Riel from General Middleton, which letter was the cause of Riel's surrender. I gave the letter to the priest at Batoche. Pierre Parenteau was an ordinary man among the half-breeds. Ignace Poitras, senr., Baptiste Rocheleau and Baptiste Vandal were three great friends to the Canadian prisoners, and, indeed, had it not been for these three good old fellows we would have almost starved. Many a time they took all the care they could of us, and had it not been for them we would have been a terrible sight worse off.

The two Touronds and Ignace Poitras, the younger, I know little about, and never saw them take any active part in the rebellion. The other persons named were made prisoners more with a view to the corroboration, if necessary, evidence for the certain conviction of Riel by General Middleton, to my personal knowledge. I had given to the general a list of the leaders to be detained, which he lost, and some of the principal men are still at large.

JOHN W. ASTLEY.

Sworn before me at Regina, in said
Territories, this 11th day of }
August, A.D. 1885.

HENRY DODD, *Justice of the Peace for the North-West Territories.*

THE QUEEN vs. JOSEPH ARCAND, ALEXANDER CADIEUX, AND
OTHERS.

CANADA:
North-West Territories, }
To wit:

I, Louis Cochin, of Battleford, in the North-West Territories, priest, being duly sworn, depose and say:

1. I was a prisoner in the camp of Poundmaker from about the twelfth of April till about the sixteenth of May, or to the time of Riel's surrender, the news of which reached us four days later.

2. I saw Joseph Arcand, who is well known to me, for the first time among those in the camp on the third of May; it was Sunday, about seven o'clock in the evening. The said Arcand had, I understood, just arrived with others from Batoche, whence they had been sent by Riel to protect the prisoners from the savages.

3. Joseph Arcand was one of the most ardent of the half-breeds in protecting the prisoners from being killed, maltreated or robbed by the savages; he was always on the watch to guard the prisoners from danger, and I was indebted to him for his devoted protection of myself from danger and annoyance. I passed nearly half the time with him and he never used one solitary expression of disloyalty towards the Government, nor did he ever commit any hostile act; he occupied himself in attending to the safety of the prisoners, white and half-breed, in the camp.

4. It was Joseph Arcand who was specially active and successful in saving the life of the white prisoner, a teamster, who is I believe at present in Regina. Arcand also protected a scout named Fontaine from threatened death at the hands of the Assiniboines, that same scout Fontaine who so ungratefully accused his protectors on his return to Battleford. This fellow Fontaine, to my personal knowledge, is totally unworthy of belief, he is well known as a gaol bird, and in fact was liberated from gaol to become a scout. Joseph Arcand had left Poundmaker's camp three days before we heard of the battle at Batoche.

5. Pierre Vandal came to Poundmaker's camp at the same time with Arcand. This young fellow seemed to be a follower of the others simply through curiosity as a companion as some of the other half-breeds, and when he mounted guard with the others it was for the sole and only purpose of protecting the prisoners from the savages, who were only prevented from falling upon the prisoners by the most devoted and active efforts of the half-breed guards. I often passed hours with this young man Vandal and conversed with him and spoke to him in condemnation of Riel, and in favor of the Government, to which he assented and often condemned the rebellion. Gariépie all the time he was in the camp positively did nothing but protect the enemy to the best of his power, the prisoners white and half-breeds, from the savages, to which he devoted his whole attention, his conduct was immensely praiseworthy and kind. I am bound in conscience and gratitude to accord to him my best thanks and strong recommendation.

Alexander Cadieux, *alias* "Kitty-way-hoe," came to the camp with the others above mentioned. He is a fine savage, but has lived among the half-breeds, and is very ignorant. He has a great deal of influence with the savages, and through that influence he was enabled to save the lives of the teamster prisoners who were on the point of being killed by the Indians, who were very furious and determined. As one whose life was saved by the combined exertions and devotion of these poor men, when life was every moment in danger, I cannot sufficiently express my thanks to God and my gratitude to these poor men, and pray at the hands of the judge who is to pass the sentence of the law upon them, a merciful view of any fault they may have ignorantly committed, in view of the fact that they risked their own lives to save the lives of Her Majesty's subjects—men, women and children—from the fury of the savages.

L. COCHIN.

Sworn to and acknowledged before me }
 at Regina, in the North-West Ter- }
 ritories aforesaid, this 13th day of }
 August, A. D. 1885. }

DIXIE WATSON, *Clerk of the Court.*