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Page 364 is incorrectly numbered page 64.

DEBATES

—OF—

THE SENATE

—OF THE—

DOMINION OF CANADA,

1882.

REPORTED, EDITED AND PUBLISHED

—BY—

A. & GEO. C. HOLLAND,

OTTAWA.

FOURTH SESSION—FOURTH PARLIAMENT.



OTTAWA:

PRINTED BY A. S. WOODBURN, ELGIN STREET.

1882.

THE DEBATES

— OF THE —

SENATE OF CANADA

— IN THE —

FOURTH SESSION OF THE FOURTH PARLIAMENT OF THE DOMINION OF CANADA, APPOINTED TO MEET FOR THE DESPATCH OF BUSINESS 9TH FEBRUARY, 1882, IN THE FORTY-FIFTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN VICTORIA.

THE SENATE.

Ottawa, Thursday, Feb. 9th 1882.

The Speaker took the Chair at Three o'clock.

NEW SENATORS.

THE SPEAKER presented to the House, a Return from the Clerk of the Crown in Chancery, setting forth that His Excellency the Governor General had summoned to the Senate,—

THOMAS MCKAY, Esq., of Colchester, Nova Scotia ;

ALEXANDER W. OGILVIE, Esq., of the City of Montreal, for the Alma Division, Quebec ;

JAMES SKEAD, Esq., of the City of Ottawa, Ontario ;

DONALD McINNES, Esq., of Hamilton, Ontario,—and

THOMAS ROBERT McINNES, Esq., of New Westminster, British Columbia.

The following members were then introduced, and having taken the oath prescribed by law, took their seats :—

HON. JAMES SKEAD ;

HON. A. W. OGILVIE ;

HON. T. MCKAY ;

HON. D. McINNES, (Hamilton.)

The House was then adjourned during pleasure.

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THE SPEECH FROM THE THRONE

At 3 p.m., HIS EXCELLENCY THE GOVERNOR GENERAL proceeded in state to the Senate Chamber, and took His Seat upon the Throne. The Members of the Senate being assembled, His Excellency was pleased to command the attendance of the House of Commons, and that House being present, HIS EXCELLENCY was pleased to open the FOURTH SESSION of the FOURTH PARLIAMENT OF THE DOMINION OF CANADA, with the following Speech :—

Honorable Gentlemen of the Senate :

Gentlemen of the House of Commons :

The hope I expressed at the close of the last session, that on the re-assembling of Parliament we should be able to congratulate ourselves on a season of peace and prosperity has been fully realized.

Canada has been favored with a year of great prosperity.

Her farmers have enjoyed a plentiful harvest and remunerative prices.

Her manufacturing and other industries have been and continue to be developed under favorable auspices.

Her trade and commerce have been steadily increasing, and peace and order prevail within her borders.

For these various blessings we cannot be sufficiently thankful to the Giver of all good things.

The Chief Magistrate of the United States has been cut off by the hand of an assassin, and it is fitting that the sorrow of our people for a loss which was not that of our friends and neighbours alone, should be here adverted to as another instance of the sympathy which unites in brother-

hood the British Empire and the American Republic.

During the recess I had the pleasure of visiting the Province of Manitoba, and of traversing the extensive prairies of the North West, and from personal examination can sincerely congratulate Canada on the possession of so magnificent and fertile a region to be inhabited, I trust, in the course of years, by millions of thriving and contented subjects of Her Majesty.

The immigrants have not confined themselves to Manitoba or its vicinity, but are scattered over the country westward to the base of the Rocky Mountains, and from the international boundary to the banks of the northern Saskatchewan. It is, therefore, thought that the time has come for the division of the Territories into four or more Provisional Districts with an appropriate nomenclature. This subject will be submitted for your consideration.

During my journey I was met by numerous Indian tribes, all expressing confidence in the continuance of the traditional policy of kindness and justice which has hitherto governed the relations between the Government and the Aborigines.

I regret, however, to say that the necessity of supplementing the food supply of the Indians still exists and is likely to continue for some years.

Every exertion has been made to settle the Indian Bands on Reserves, and to induce them to betake themselves to the raising of cattle and cultivating the soil.

These efforts have met with a fair measure of success, but we can only expect by a long continuance of patient firmness to induce these children of the Prairie and the Forest to abandon their nomadic habits, become self-supporting, and ultimately add to the industrial wealth of the country.

The influx of a white population has greatly increased the danger of collision between the settler and Red man, and in my opinion renders an augmentation of the Mounted Police a matter of urgency. Your sanction to this increase will be sought.

The second report of the Commission appointed to investigate the existing system of the Civil Service will be laid before you, and a measure on the subject submitted for your consideration.

The decennial Census having been taken last year, the duty of reconsidering and readjusting the representation in the House of Commons is imposed upon you. A measure for the purpose will be laid before you.

Several other measures of importance will be submitted to you. Among them will be Bills for the winding up of Insolvent Banks, Insurance Companies and Trading Corporations; for the consolidation and amendment of the Laws respecting the Dominion Lands; for the amendment of the Acts relating to the Supreme Court of Canada, and Bills relating to the tenure of office of the Judges of County Courts, and to Fugitive Offenders within the Empire; and your attention will be called to the present anomalous position of the Vice-Admiralty jurisdiction.

The work of construction on that portion of the Canadian Pacific Railway between Prince Arthur's Landing and Winnipeg is being pressed to completion, and it is confidently expected that in July next, railway communication will be established between those places. The section between Rat Portage and Winnipeg, one hundred and thirty-five miles in length, has been completed and transferred under the terms of the contract, to the Canadian Pacific Railway Company, by whom it is now operated. Considerable progress has been made on the Eastern Section, commencing at Callander Station, and the vigorous prosecution of the work on that portion of the line during the present year provided for.

In British Columbia the work upon the section between Savona's Ferry and Emory's Bar is being carried on, with every prospect of its completion within the time specified in the contract, and the line from the latter place to Port Moody which has been carefully located during the past season is now being placed under contract with a view to its completion at the same date as the section from Savona's Ferry to Emory's Bar.

Upon the sections to be constructed by the Railway Company, the work has been most energetically carried forward. During the past summer the road has been graded for the distance of two hundred and eighteen miles, and of this, one hundred and sixty-one miles are open for traffic.

The Company have, in addition, graded eighty-nine miles of branch lines.

I am pleased to be able to state that the traffic on the Intercolonial Railway has largely increased, and that this line was during the last fiscal year, for the first time in its history, worked without loss to the country.

The works on the Welland Canal were so far advanced that the waters of Lake Erie were introduced for its supply in June last, and in September the new portion of the Canal between

Allanburg and Port Dalhousie was opened for traffic.

You will be pleased to know that a monthly line of steamers which has been subsidized under the authority of Parliament, is now plying between the Dominion and Brazil with good hopes of a mutually profitable trade.

The Report of a Royal Commission issued to inquire into the question of factory labour, and into the best means of promoting the comfort and well-being of the workingman and his family, without undue interference with the development of our manufacturing industries, will be laid before you, and I invite your earnest consideration of this report.

Gentlemen of the House of Commons :

The Accounts of the last year will be laid before you. It will be satisfactory to you to find that the expenditure has been less and the revenue considerably more than the Estimates of last year, leaving a surplus of over four millions of dollars. A portion of this sum has been used in the reduction of the public debt by the redemption of matured debentures bearing six per cent. interest, and the remainder applied to the payment for public works, chargeable to capital account. The necessity of issuing the Debenture Loan authorized by Parliament for those purposes has therefore been obviated.

The Estimates of the ensuing year will also be submitted, and will, I trust, be found to have been framed with due regard to economy and the efficiency of the public service.

Honorable Gentlemen of the Senate :

Gentlemen of the House of Commons :

I now invite your attention to the several subjects mentioned and to the general business which will come before you, with full confidence in your ability and patriotic desire to forward the best interests of the country.

BILL INTRODUCED.

HON. SIR ALEX. CAMPBELL introduced a Bill intituled "An Act relating to Railways."

The Bill was read a first time.

THE ADDRESS.

MOTION.

HON. SIR ALEX. CAMPBELL moved that the House do take into consideration the speech of His Excellency the Governor-General to-morrow.

The motion was agreed to.

COMMITTEE ON PRIVILEGES.

MOTION.

HON. SIR ALEX. CAMPBELL moved, and it was ordered,

That all the members present during this Session be appointed a Committee to consider the orders and customs of this House and Privileges of Parliament, and that the said Committee have leave to meet in this House, when and as often as they please.

The Senate adjourned at
Thirty minutes after
Four p.m.

THE SENATE.

Ottawa, Friday, Feb. 10th, 1882.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and Routine Proceedings.

THE ADDRESS.

MOTION.

The Order of the Day having been called for the consideration of His Excellency's Speech on the opening of the session,

HON. MR. MCINNES (Hamilton), said:

The duty has been assigned to me as a new member of this Honorable House, in accordance with long parliamentary usage to move the Address in response to the Speech from the Throne.

The unexampled prosperity of the country makes it a pleasant and an easy duty.

While prosperity, peace and contentment reign within our borders, the great nation to the south of us, which is also prosperous beyond precedent, has been afflicted with a great loss in the assassination of its Chief Magistrate. Probably there is no crime recorded in history which has called forth more universally the execration as well as sympathies of the whole civilized world. Our Queen, holding her sceptre with a wider sway than any monarch ever had or possessed, laid, as it were with her own hands, a touching tribute on the coffin of the murdered President, as a sister in bereavement with his mourning widow. Such an expression of sympathy embodies

the feelings of the whole people of which she is the head, and has shewn the American nation that we are at one with them in their great calamity.

The undivided interests of the country, agriculture, manufactures and commerce, are in the highest state of prosperity. Agriculture must form the basis of that prosperity, but among a versatile, intelligent and industrious population like ours, something more, honorable though it is, is needed in order fully to employ our population. Manufactures and commerce are essential elements in our progress, and it is the duty of those to whom is entrusted the shaping of our policy to legislate for such industries as will furnish employment to our own people and to such as may be induced by such industries to come amongst us, to whom it is obviously to our interest to tender a cordial welcome as well as a helping hand. The lesson which has been taught us by the United States in respect to the advantages which have accrued to that country by the immense influx of emigration from all parts of the world must not be lost. All Canadian statesmen and leaders of public opinion, without respect to party, should strike hands in the furtherance of this one great object of peopling our immense domains.

The Government has steadily pursued a course which is calculated to build up this great territory so fortunately acquired by us in the North West, the resources of which can even now be scarcely grasped by the imagination.

The contract for building the Pacific Railway, although it has been subjected to the severest scrutiny and the most searching criticism, has commended itself to the public mind. The progress of the work, as set forth in the Speech from the Throne, far exceeds the promises made by those who have undertaken it. All portions of the work are proceeded with in a manner that leaves no reasonable doubt that it will be brought to completion much within the time stipulated. The results to flow from the completion of this gigantic undertaking cannot be easily exaggerated.

The information, in respect to the resources of the country traversed by our great transcontinental highway, although as yet imperfect, is sufficient to shew that in this vast territory to be opened up,

Canada possesses wealth beyond computation, and our people are to be congratulated that the problem of developing that wealth is now made clear.

Canada is deeply indebted to His Excellency the Governor-General for having undertaken an extended journey over those vast regions; a journey attended with many difficulties and extending over a large portion of the uninhabited southerly territory lying between the Red River and the Rocky Mountains. The valuable information thus gained by his practical experience and made public by him in his eloquent speeches on both sides of the Atlantic has largely increased public attention which had already been drawn to these regions, and cannot fail to be of great service in the promotion of emigration.

The land subsidy granted to the Railway, without which all that vast territory would be of no practical value, is estimated at one-tenth of the productive area and it must be borne in mind that this subsidy consists of alternate sections and that the lands retained by the Government must be benefited in equal proportions with those which are granted in this subsidy and must, therefore, be intrinsically a source of vast revenues to the Dominion, and form a sound basis for the payment of our public debt, while in the near future it is conceded that we shall derive from excise and customs duties from its population a sum which will provide the interest and sinking fund of the cash subsidy.

It is most gratifying to think that the just and merciful policy which has always characterized the dealings of the Government with the Indian tribes within our borders, and which was also a marked characteristic of the Hudson Bay Company, has borne its fruits in the confidence which these helpless people have felt and continue to repose in our dealings with and treatment of them. Perhaps it may be too much to hope that their nomadic habits can be so far changed as to reconcile them to a permanent residence and to agricultural pursuits, but if this shall prove to be impossible it will not be because of want of effort in that direction on the part of those who are entrusted with the responsibility of dealing with this interesting race.

It is a wise policy, in view of the con-

stantly increasing complexity of the relations between the settlers and the aboriginal inhabitants, that every precaution should be taken for the protection of both. The country will not therefore hesitate to sanction such measures as may be deemed necessary to secure that result. The increase of the Mounted Police Force which has hitherto performed a most arduous service in a manner that is worthy of all praise, will meet with the cordial approval of the country.

While the progress made in the West has been so rapid, great strides have been made by the older Provinces in the development of industries within their limits. Capital, which is slow to respond to enterprise, having met with severe discouragement during a period of great depression, has gradually been brought to the aid of these industries and greatly extended them, giving profitable employment to thousands of our artisans who were forced to expatriate themselves under the less favorable conditions which had previously prevailed. Capital so employed has been fairly remunerative, without adding to the cost of the manufactured product. A judicious and well-considered Tariff, the practical effect of which has not been to increase the price to the consumer or to injure the revenue, has given a steady market within our own borders, and secured to the country the advantages of steady and continuous employment to our people, and has been largely advantageous to the agricultural producer, who cannot fail to reap his share of the general prosperity.

Among the most cheering evidences of the advancing prosperity of this country is the steady increase of business on the Intercolonial Railway. Although it was for a long time considered that the maintenance and operation of this railway would be a burden on our revenue, it is most satisfactory to learn that they are met by the receipts, and it is only reasonable to hope that there will soon be an excess of receipts over expenditure. These results speak for themselves and are an evidence of the ability and economy with which the road is managed.

The growing importance of the trade of the Dominion may be inferred by the information which we have before us, that a line of steamers has been established to ply between Dominion ports and ports of

the Brazilian Empire, from which we may hope for valuable results, and that the liberality of Parliament in granting a subsidy to the line will be fully rewarded.

A Commission to enquire into the needs and condition of the Civil Service was appointed several months ago. I was honored by being selected as its Chairman, and with the zealous and efficient aid of the gentlemen who were associated with me—to whom I beg to express in this public manner my sincerest thanks—an exhaustive investigation, extending over a considerable time, was made, the results of which have been embodied in reports which have been presented to the Government. It is gratifying that a measure will be submitted to Parliament in connection therewith.

Although not immediately within the province of this honorable House, before concluding my remarks I cannot refrain from saying that I notice with the greatest pleasure that the results of the fiscal policy inaugurated in the first session of this Parliament, have exceeded the most sanguine expectations in producing a large surplus of revenue amounting to over \$4,000,000, which has been judiciously applied to the reduction of the public debt by the redemption of matured debentures bearing 6 per cent., and the payment of public works chargeable to capital account—that therefore the necessity for issuing the loan authorized by Parliament has been obviated.

I now proceed to the duty of moving:—

That the following Address be presented to His Excellency the Governor General to offer the respectful thanks of this House to His Excellency for the gracious Speech he has been pleased to make to both Houses of Parliament: namely—

To His Excellency the Right Honorable Sir JOHN DOUGLAS SUTHERLAND CAMPBELL (commonly called the Marquis of Lorne), Knight of the Most Ancient and Most Noble Order of the Thistle, Knight Grand Cross of the Most distinguished Order of Saint Michael and Saint George, Governor General of Canada, and Vice-Admiral of the same, etc., etc.

MAY IT PLEASE YOUR EXCELLENCY:

We, Her Majesty's dutiful and loyal subjects, the Senate of Canada, in Parliament assembled, respectfully thank Your Excellency for your gracious Speech at the opening of this Session.

We feel with Your Excellency that the hope you expressed at the close of the last Session, that on the re-assembling of Parliament we should be able to congratulate ourselves on a season of peace and prosperity, has been fully realized :

Canada has been favored with a year of great prosperity :

Her farmers have enjoyed a plentiful harvest and remunerative prices :

Her manufacturing and other industries have been and continue to be developed under favorable auspices :

Her trade and commerce have been steadily increasing, and peace and order prevail within her borders :

And for these various blessings we cannot be sufficiently thankful to the Giver of all good things.

The Chief Magistrate of the United States having been cut off by the hand of an assassin, we feel that it is fitting that the sorrow of our people for a loss which was not that of our friends and neighbors alone, should be adverted to by Your Excellency as another instance of the sympathy which unites in brotherhood the British Empire and the American Republic.

We learn with great satisfaction that during the recess Your Excellency had the pleasure of visiting the Province of Manitoba, and of traversing the extensive prairies of the North-West, and is able, from personal examination, sincerely to congratulate Canada on the possession of so magnificent and fertile a region, to be inhabited, we trust, in the course of years, by millions of thriving and contented subjects of Her Majesty.

We recognize the fact that the immigrants have not confined themselves to Manitoba or its vicinity, but are scattered over the country westward to the base of the Rocky Mountains, and from the international boundary to the banks of the Northern Saskatchewan ; we agree with Your Excellency in thinking that the time has come for the division of the Territories into four or more Provisional Districts, with an appropriate nomenclature, and that this subject, when submitted to us by Your Excellency, will receive our attentive consideration.

We are pleased to learn from Your Excellency that during your journey you were met by numerous Indian tribes, all expressing confidence in the continuance of the traditional policy of kindness and justice which has hitherto governed the relations between the Government and the Aborigines, while we share Your Excellency's regret that the necessity of supplementing the food supply of the

Indians still exists and is likely to continue for some years.

We are happy to know that every exertion has been made to settle the Indian Bands on Reserves, and to induce them to betake themselves to the raising of cattle and cultivating the soil, and that these efforts have met with a fair measure of success ; but we are aware that we can only expect by a long continuance of patient firmness to induce these children of the Prairie and the Forest to abandon their nomadic habits, become self-supporting, and ultimately add to the industrial wealth of the country, and that the influx of a white population has greatly increased the danger of collision between the settler and the Red man ; we observe that Your Excellency is of opinion, that an augmentation of the Mounted Police has been rendered a matter of urgency, and our attention shall be given to the sanction of such increase as Your Excellency may think it necessary to seek.

We learn with much satisfaction that the second report of the Commission appointed to investigate the existing system of the Civil Service will be laid before us ; and any measure on the subject submitted to us shall receive our willing consideration.

We are aware that the decennial Census having been taken last year, the duty of reconsidering and readjusting the representation in the House of Commons is imposed upon us, and we will carefully consider any measure for the purpose which may be laid before us.

We learn with much interest that several other measures of importance will be submitted to us, and that among them will be Bills for the winding up of Insolvent Banks, Insurance Companies and Trading Corporations, for the consolidation and amendment of the Laws respecting the Dominion Lands, for the amendment of the Acts relating to the Supreme Court of Canada, and Bills relating to the tenure of office of the Judges of County Courts, and to Fugitive Offenders within the Empire ; and that our attention will be called to the present anomalous position of the Vice-Admiralty jurisdiction ; and all these measures, when submitted, shall receive our best attention.

That we receive with much satisfaction the information which Your Excellency has afforded us respecting the Canadian Pacific Railway, and are glad to know,—

That the work of construction on that portion of the said railway between Prince Arthur's Landing and Winnipeg is being pressed to completion,

and that it is confidently expected that in July next railway communication will be established between those places; that the section between Rat Portage and Winnipeg, one hundred and thirty-five miles in length, has been completed and transferred under the terms of the contract to the Canadian Pacific Railway Company, by whom it is now operated; that considerable progress has been made on the eastern section, commencing at Callander Station, and that the vigorous prosecution of the work on that portion of the line during the present year has been provided for:

That in British Columbia the work upon the section between Savona's Ferry and Emory's Bar is being carried on, with every prospect of its completion within the time specified in the contract, and that the line from the latter place to Port Moody, which has been carefully located during the past season, is now being placed under contract with a view to its completion at the same date as the section from Savona's Ferry to Emory's Bar:

That upon the sections to be constructed by the Railway Company, the work has been most energetically carried forward. That during the past summer the road has been graded for the distance of two hundred and eighteen miles, and that of this, one hundred and sixty-one miles are completed and open for traffic:

And that the company have, in addition, graded eighty-nine miles of branch lines.

We share the pleasure expressed by Your Excellency in being able to state that the traffic on the Intercolonial Railway has largely increased, and that this line was during the last fiscal year, for the first time in its history, worked without loss to the country.

We are glad to learn that the works on the Welland Canal were then so far advanced that the waters of Lake Erie were introduced for its supply in June last, and that in September the new portion of the Canal between Allanburg and Port Dalhousie was opened for traffic.

We are pleased to know that a monthly line of steamers which has been subsidized under the authority of Parliament, is now plying between the Dominion and Brazil with good hopes of a mutually profitable trade.

We shall read with great interest the Report of a Royal Commission issued to inquire into the question of factory labor, and into the best means of promoting the comfort and well-being of the workingman and his family, without undue interference with the development of our manufactur-

ing industries, which Your Excellency is pleased to say will be laid before us, and shall give it our most earnest consideration.

Your Excellency may rest assured that we shall give our best attention to the several subjects mentioned by you, and to the general business which will come before us, and that we thank Your Excellency for the expression of your full confidence in our patriotic desire and our ability to forward the best interests of the country.

HON. MR. OGILVIE—I believe that the duty has devolved upon me of seconding the Address. I certainly, on this occasion, would have much preferred to have heard some person else do it, who could discharge the duty with more ability. The subject has been gone over, however, so well by the hon. mover of the Address that there is but little left for me to say.

The country during the last year or two has been visited with marked prosperity: the farmers from one end of the country to the other have been blessed with large crops and very good prices. I probably know a little more about the industrial portion of the great centres of population in Canada, and I think there are but very few people who live in Canada that have taken any notice of what has been going on during the last two or three years who will not be more than surprised, if they take the trouble to enquire, at the great strides that have been made during the last four years in our manufactures, and not only in a few things that not long ago it was supposed we could make in Canada, but in many branches. It is but a short time since almost the whole of us who live here supposed there were only three or four articles which it would be possible for us to manufacture here; to-day we are manufacturing a very large portion of what we require, from the coarsest fabrics to the very finest. We are manufacturing the finest silks and cottons, I believe, that are produced anywhere in the world, and manufacturing establishments are continuing to increase every day. In iron the progress is quite as marked, and the very best proof that we have of it is that not only in our large cities but in our small villages wherever you can find waterpower, and even where water power does not exist and steam is used, you can find hardly any man out work: at least there are no idlers going about, the same as we

had a few years ago. That is the best proof we can have of the success of the existing policy, and we would fain hope that in a few years we will be able to look to Canada as one of the great manufacturing as well as the greatest wheat producing country in the world.

The great and fatal disaster which happened to the President of the neighboring republic has been alluded to in this Speech from the Throne, and although nothing could possibly be more sad than it was, there is generally some good arising from the worst possible ills of life that can happen, and if any good has come out of this calamity I truly and sincerely believe that it is this—that it has consolidated and increased very much the deep feeling of respect and love that the two countries always had for each other, and that they have now grown more than ever to each other. The very deep regret and sympathy that was expressed in Montreal, which I know more about than other cities, I know was most marked. From the wealthiest citizen to the poorest person, the evidences of sorrow were universal and the regret was as deep as it possibly could have been on the other side of the line. I know that we all felt very proud when we heard of the expressions of feeling from Her most gracious Majesty the Queen.

The next point of importance is the allusion to Manitoba and the North West Territory, and it may seem egotistical for me to say so but I think there are few people in the country who thoroughly appreciate the great wealth we have in that vast territory. I was one of the first that went out there to visit it, and I have had a good deal to do with it ever since, and for the last thirty years I have been over the western prairies of the United States a good deal, and I know I speak of it advisedly when I say we have by far the most extensive and by far the richest wheat fields in the world. The Government of the country is certainly to be highly congratulated upon the progress which the Canadian Pacific Railway Company is making at present, because you can hardly speak about the North-west Territories without including them. I know that in Manitoba especially there were very hard things said, and very hard thoughts entertained about the Pacific Railway contract a year ago, as well as in the older Provinces of Canada; but I know as well to-day

that the feeling has changed so much that a large majority of the thinking men of Manitoba as well as the North-west are delighted with the work that has been done by the Canadian Pacific Syndicate. Not only are they doing all that they have agreed to do, but they are doing and are going to do a great deal more in opening up the North-west. After all, if our lands are to be worth anything out there, it is simply by having roads opened through them, for they are practically valueless until we have railways, and we will not be very much older until we have a railway to the foot of the Rocky Mountains, to the Bow River country, and then we will have lateral branches from that in every direction. I have heard it very often said that we are going to ruin the older Provinces by sending the best of our population to the North-west. I think that is a mistake, and that while we shall have a great many of our people moving to those territories, on the other hand we shall have an equally large number of wealthy immigrants coming from the old country who will be glad to settle in the older Provinces. But whether I am right or wrong I am one who believes thoroughly, and have always believed that you cannot do good to one portion of Canada without helping the whole of it.

As to the surplus that was spoken of a few moments ago, we are certainly all very proud of it, and I think that is only a beginning of what is to come. That it will increase if the same policy be carried out, I have not the slightest doubt. When thousands of people go into the North-west they will certainly add to our revenue just as much as if they came into the east.

Thanking you kindly for having listened so patiently to my remarks, I beg to second the motion.

HON. MR. SCOTT—I am sorry that I was not present when the hon. senator from Hamilton (Mr. McInnes) addressed the House. I was deprived of an opportunity of hearing his observations and comments on the first few paragraphs of the address. I am glad to congratulate the hon. senator from Montreal (Mr. Ogilvie) as well as the hon. senator from Hamilton, on their appointment to this House. It is always gratifying when these appointments are made, that they should be made from amongst a class of men who in some degree may be regarded as representative

in their respective localities. Both hon. gentlemen are largely connected with the manufacturing and industrial interests of the country. Coming from commercial and manufacturing centres, the one in Ontario the other in Quebec, it is to be presumed that they bring to this Chamber a knowledge of the trade and industry of the country that will in the future be of service to us all. Whether we may agree with them in their conclusions or not is apart from the question; they will at all events from their standpoint be enabled to discuss intelligently those important topics.

With the first few paragraphs of the Address having reference to our improved trade and the development of our wealth I, and I am sure this House, cordially concur. The Government, or the gentlemen who placed this speech in the mouth of His Excellency, have very wisely and discreetly abstained from attributing this improvement to any other cause than the natural one of the growth of the country during the last year. They very properly give cordial thanks to a kind Providence for having vouchsafed to us the sunshine and the fertilizing rains that have more largely than any other cause contributed to the improved condition of our affairs—good crops consecutively from year to year on this side of the Atlantic, and bad crops on the other have stimulated the trade of the country. If we examine the cargoes of the ships that sail from our ports to the other side of the Atlantic it will be found that they consist not of the manufactures of Canada but of its grain and beef and various food products which they carry to the people on the other side of the Atlantic who have been less fortunate, and His Excellency's advisers very properly ascribe to the improved condition of the country to the blessing of Providence.

Some few comments have been made by the mover and seconder as to the great benefits which flow to this country from the manufacturing interests. It was but natural that those gentlemen, coming as they do from cities which are in some degree manufacturing centres, and who have been in common with a portion of the residents of those cities, benefited by the National Policy, should presume to speak for the whole of Canada although the facts to which they give utterance should be confined to the respective areas

from which they come. In my judgment, and I think if the subject is to be discussed, as it probably may be, in this Chamber, the figures and statistics will prove that a very small percentage of the people of Canada have shared in the benefits which have flowed from the tariff adopted by the Government a few years ago. The sugar refining interest, the woolen and one or two other manufacturing industries that might be named have no doubt immensely increased in value. Their stocks have gone up from a few cents in the dollar to very considerably above par, and the gentlemen who hold those stocks, therefore, speak very highly and feelingly of the advantages those laws from which they derive such benefits; but I doubt if those who have to pay the increased cost of revenue in this country fully share in the views that they have given utterance to.

The paragraph in the Address in which reference is made to the terrible and shocking act which deprived the United States of its chief magistrate on the second of July last, comes in very properly in the Speech from the Throne. It is but right that we should express on this occasion our deep sympathy with the people of the United States on the great loss that that country has sustained by the death of its President by the bullet of the assassin. As has been very properly observed by the hon. senator from Montreal, (Mr. Ogilvie) good sometimes arises from causes that we all regret, and I have no doubt that the kindly feeling, the deep sympathy, the mournful expressions over the open grave of President Garfield, will long be remembered by the people of both countries, and though statesmen may have their views as to the Clayton-Bulwer treaty and the Monroe doctrine, the great English speaking population of Great Britain and the United States will be slow to forget the interchange of sympathy which took place over the body of Garfield when it was committed to its last resting place. The act of Her Majesty Queen Victoria in placing on that coffin a wreath, was felt by the people of the whole British Empire as a proper act, and one that was typical of the feelings of those whom Her Majesty represents.

The next paragraph is an equally pleasing one, in which His Excellency adverts to the visit which he himself

made to the North West Territories of this country in the past summer. His Excellency undertook the very arduous duty of seeing for himself whether that great fertile plain lying to the north-west of the older provinces of Canada really merited the extraordinary representations that were made concerning it by the persons who had visited it, and had described it as being such a wheat producing and grain producing country. His Excellency has given us the benefit of his observations in a speech which he delivered on his return from the trip, in Winnipeg, in September or October last. The effect of His Excellency's observations given to the public in the manner in which they were, has no doubt had an excellent influence on the future of this country. We know that emigration agents are always suspected; they speak from an interested stand-point; they are anxious to shew the Government of the country that they have been zealous, and that their efforts are attended with good results. Consequently their utterances are always regarded with a good deal of suspicion; but the testimony of His Excellency the Governor General, given in the disinterested manner that it has, will no doubt redound to the very great benefit of the Dominion. We have seen that his speech was taken up by the *London Times*, and other journals that rarely had a good word to say for Canada on former occasions, and which did not hesitate to recommend the United States as a more favorable field for emigration as compared with Canada, and that they seconded the views of His Excellency, and began to point out, though late, that there was a vast area on this continent where the British people at all events might find a more congenial home than by settling in the neighboring republic. Therefore I think the thanks of the country are due to His Excellency for the trouble he has taken in visiting that country, and traveling over 8,000 miles, and publishing to the world his own convictions, and the deductions he was enabled to draw of its fertility, and its adaptability for settlement.

In reference to what was said as to the Indian policy, I am one of those who have always recognized the fact that we have not done as much for the Indians as we might. It is quite true that it is a considerable burden on the revenues of this country to pay so

large a sum every year as the result of our various treaties with the Indian tribes, but even from a financial point of view, it is more economical than if we had not treated them liberally. Our policy as compared with that of the United States, apart from the financial aspect of it, is the humane one. This vast country at one time belonged to the Indian tribes. It is quite true that various explorers took possession of portions of it in the names of their respective sovereigns, but it was really the country of those Indian tribes, and the true policy has been that pursued by the British people in fairly satisfying the Indians at all events for the land they surrendered. The amount we give to the various tribes is comparatively small, and it is diminishing every year in the older Provinces. Unfortunately contact with the white race has not always tended to the improvement of the red man, and the readiness with which whiskey can be obtained, is destroying the Indian tribes. The policy adopted a few years ago, and which I hope will be perpetuated in the North-West, will I believe, tend to elevate the red man and afford an opportunity to see whether he can be brought up to the plane of the other residents of the country. I myself have very little doubt that if we only persevere in the policy which has been inaugurated, of keeping spirituous liquors out of the great North-West, that it will be attended with success. I trust that in the Bill which my hon. friends promise, to divide up that country into several provisional territories, the regulations as to the sale of spirituous liquors will be preserved. I should have very much greater faith in the future of that country, if the principles on which we have already acted with reference to the keeping out of stimulants will be continued to be observed.

Reference has been made to the census of last year, and the probable re-distribution of the territorial boundaries of the constituencies of the House of Commons. I assume, as we have not a note of congratulation, that the Government are unable to say that the population of Canada has increased during the last ten years as rapidly as one would have hoped it would; otherwise, no doubt we would be treated to the usual congratulatory phrase—that Canada had made great progress.

We are promised measures, very proper in their way, and which no doubt will be useful legislation when placed on our statute books. I notice we are also to have a consolidation of the laws relating to the Dominion Lands; this is, I think, in four years the third we are to have with reference to the Dominion Lands. It seems exceedingly difficult to get those North-West lands on the plane we should have them.

HON. Sir ALEX. CAMPBELL—It is a large subject.

HON. Mr. SCOTT—The hon. gentleman says it is a large subject: the Dominion Lands Acts were consolidated before and largely amended last session.

Reference has been made to the Canadian Pacific Railway and the progress in construction that is going on. Well, it is not a matter of surprise with the singular facilities that the Government of the day have given to the Company which controls the Canadian Pacific Railway, and the large amount of money which is at their disposal, and with the Government building the expensive portions of the line for them—it is not to be wondered at that progress has been made. They get a very large subsidy. They are enabled to get a large portion of the value of the lands; they are enabled to discount \$25,000,000 on the lands. No doubt this is a small amount that the lands will be discounted for, in the next 25 years we will have this \$25,000,000 paid off and another \$25,000,000 issued. It does not require a very prophetic spirit to see in the future that those lands will be discounted from time to time as may suit the stockholders of the Company, and with the vast sum at their disposal it is not to be wondered at that they are enabled to push on the work so rapidly. They are not confined in their operations apparently to the North-West. We hear of them also in the older Provinces of Canada to the eastward. I notice that the Government propose that the western end of the road in British Columbia down to Port Moody shall be built now within four years. The Onderdonk contract of last year was limited to five years. We were told when the Pacific Railway Bill was under discussion, that the road in British Columbia would probably not be finished

for ten years. That was the limit given for its completion, and it was assumed that that was to be a very expensive part of the work—that when completed it was not to be remunerative, and one justification for the large subsidy was that the line was to be kept open where it would not pay. It seems rather singular if those representations were correct, that the road in British Columbia has to be finished in half the time. If it was to be a losing speculation, no doubt the time for its completion would be extended to the full term of ten years; but the people of Canada are to be called upon to pay for its completion in five years to suit somebody.

We are told that the Intercolonial Railway has paid expenses. We are all very much pleased, no doubt, to learn that fact. The tariff of the Intercolonial Railway has been a reasonable one: we have had no complaints at all as to its being oppressive. I should like to see a comparison between the tariff of the Intercolonial Railway and the tariff of the Canadian Pacific Railway. Some inquisitive person a few days ago, I am told, was comparing the freight rates of the two lines, and it is said (I do not vouch for it, because I do not know anything about it myself) that the Canadian Pacific Railway tariff was only about 400 per cent. larger than the tariff of the Intercolonial Railway. I should like to ask my friends from the Maritime Provinces if they would like to have this road transferred to a syndicate, and the tariff put up to such rates as would make them believe they had a white elephant in the country. If we could run the Intercolonial Railway profitably (a very much more expensive road to run than the Canadian Pacific Railway, and with less prospects of traffic than the Pacific Railway,) why could not we run the Canadian Pacific Railway? I do not think my friends from the Maritime Provinces would be disposed to see that road pass into the hands of any company.

We are told also that a monthly line of steamers between the Dominion and Brazil has commenced running. I believe a vessel has passed once or twice between the ports of the two countries. Whether it will be a success or not remains to be seen. I have no doubt that under a more moderate tariff it would; but I understand that the duty on the goods

imported by the last trip of the steamer amounted to some \$19,000. That would go a long way to balance the subsidy which the country gives it, and in my judgment it very seriously obstructs trade between the two countries.

Another subject adverted to is that of factory labor. It is no doubt a very important one, and it is proper that at this early period we should consider whether the children, those whose growth has not matured, are confined in factories unduly to seriously affect their health. A very large proportion of the inmates of those factories are women and children. If I am wrong hon. gentlemen will correct me, but I believe that in some of them half the employes are women and children. If that is a fact, it is very important that they be not subject to extreme hours, and that the surroundings are such as do not affect their health as has been the case in some other countries. But I notice here with what tenderness His Excellency's advisers have thought proper to advert to this subject. We are told that measures will be considered "for the best means of promoting the comfort and well being of the workman and his family, without undue interference with the development of our manufacturing industries." One would infer from this that there was a little timidity in the expressions of sympathy with the women and children therein implied, if it was to unduly interfere with the profits of the manufacturer.

The next paragraph adverts to the surplus of \$4,000,000. Well, I suppose if the tariff had been a little higher we might have made it \$5,000,000. It was simply a question of taxing the imports of the country. My hon. friends who speak so enthusiastically of that surplus, more especially the hon. senator from Montreal (Mr. Ogilvie), seem to think it was in some way due to the fiscal policy of the country. Now, in my judgment, it was due to the increased purchasing power of the people of Canada. It was due, no doubt, to the large importations with a high tariff, and to no other cause. The products of this country, the grain, the flour, beef and other farm produce, had been selling at good prices to the United States and to Europe; our lumber had gone up enormously in the last two years, probably fifty per cent.; the demand was greater

than the supply. That has brought back immense wealth to this country. Hon. gentlemen cannot say that that branch of industry has been in any way helped or fostered by the National Policy; on the contrary it has been injured, because people have had to pay more for their supplies. The condition of affairs which I have described has been one of the causes of the great prosperity of this country. The ability of the United States to take our lumber at higher figures than they were able to pay in former years, and the prices which prevailed for agricultural products enabled our people to buy abroad, and the imports being heavily taxed, the consequence is: we have \$4,000,000 of a surplus. The mere fact of putting up a tariff could not have the effect of stimulating trade. We know that in the United States the high tariff did not prevent terrible depression, that although it was the same as it is to-day it did not stimulate importation. The imports of the United States during the last four years have more than doubled. Any one who will consult the returns will see that the imports of 1881 were double those of 1876, and the effect is to give that country a surplus of \$126,000,000. In some months the surplus amounted to between \$13,000,000 and \$14,000,000. Taking the population and the other circumstances into consideration, that is a very much larger proportion than the tariff of Canada has yielded. The United States has had a wonderful era of prosperity in the last three years, and the consequence is they have bought largely and exported largely, and they are rapidly paying off their national debt. If the Government, while adverting to this subject, had coupled with it the statement that they proposed to remove those duties which press unduly on the people of this country, there would have been some cause for rejoicing. If the people of the Maritime Provinces were told that they were to get their flour and grain and other food supplies without having to pay a heavy duty I think it would be a cause for congratulation. If the people of Ontario were told that they were to have the coal tax removed there would be some reason for rejoicing. Whether the members of the Government propose to remove those obnoxious taxes, we cannot at the present moment foretell.

I have no other observations to make at

the present moment. No doubt the topics adverted to in the Speech from the Throne will be up for discussion at other periods of the session when, with the reports and other information before us, they can be discussed to greater advantage.

HON. MR. ALEXANDER—It is a considerable time since I have had the privilege of addressing this honorable House, and therefore I hope that I may claim your kind indulgence for a very short period.

I desire first to express the feeling, which I am sure is shared by every member both in this branch of the Legislature and in the House of Commons, and not only by both branches of the Legislature but by the country, a feeling of deep sorrow and regret that Her Royal Highness the Princess Louise has not recovered entirely from the effects of that untoward accident. It would have been most gratifying to the people of this Dominion to have seen one of the Queen's daughters again in our midst, distinguished always as she was for doing good; a noble example to society, devoting much of her time to visiting the charitable and educational institutions of the country; a noble example in regard to her simplicity of dress, tending in every way to cultivate in the country a love of the true, the good and the beautiful—one calculated in every way to elevate the tone of society.

I now desire to proceed to the consideration of the Address, and to express how deeply gratified I was, and I am sure the whole House has been, at the manner in which the mover and seconder of the Address have discharged their duties. They have displayed an ability which assures us that we have in them very valuable additions to our numbers. With regard to the Speech from the Throne, there can be no doubt that Canada has enjoyed a year of very great prosperity. I am not going to enter into the arguments of my hon. friend the leader of the Opposition. The causes of the great prosperity which the country is enjoying are very well understood, not only by the commercial men of the Dominion, but by every intelligent man. It is particularly gratifying to know that we have such a large surplus, and I am sure the people of the country will be pleased to know, as our Minister of Finance is, that the Government have ap-

plied a large portion of the surplus to the reduction of the national debt; because our people feel that with the example set by the United States government, which ought to be followed by the whole world, in reducing their debt, it is very desirable that we should not increase our indebtedness; and it is gratifying to learn that the remaining portion of the surplus will be devoted to expenditure for our public works.

I think that there is but one feeling in the country, that our Pacific Railway is in very able hands. There can be no doubt that since these gentlemen have undertaken that work nothing has been wanting on their part. They have prosecuted the work with vigor and there is no reason why we should doubt, while there is every reason to believe, that they will go on faithfully and carry out their part of the agreement. But it remains to be seen whether we are not pursuing that stupendous work too rapidly. The future will show that to the inhabitants of this country.

The Speech from the Throne mentions certain measures which are to be brought up for our consideration, including one for the winding up of insolvent banks, but I have to state at this particular moment that we want legislation of another character, namely to check fraud on the part of bank directors who have brought about such insolvencies. I may observe here that our criminal law is framed with very great care to prevent all ordinary cases of fraud and crime. The poor who are guilty of ordinary cases of crime are disposed of, no doubt, entirely in the interests of property, but there is a feeling amongst the business men of the country, and amongst a large portion of our industrial classes, who have invested their money in bank stocks, that there is urgent necessity for Parliament to consider this important matter, and to devise such stringent laws with regard to bank directors as will prevent disasters which may befall a large part of our people. What have we seen in the past? We have seen men of high position who happened to be in financial difficulties finding their way into certain bank boards. There has been, in one or two cases, an amount of fraud committed from time to time which we cannot well understand the Government of the country overlooking, which we cannot well understand the

shareholders over-looking, because the amount of suffering which has been caused by it no language can express. Some of those men have gone into our bank boards as the highwayman goes into the private residence. We find on bank boards men of fine character: we find that in one or two instances men occupying good positions, at the head of bible societies, at the head of our religious societies, at the head of religious institutions, playing that game with great success, with wonderful skill and science. They obtained from their high position, and from their religious character, the proxies of widows and orphans who naturally had entire confidence in men making such professions; they obtained the proxies until they secured control and swept the capital away, and suddenly we find widows and orphans, old ministers and elderly men, who had invested all their means in bank stocks, rendered penniless. It is a blot on the history of Canada. I was myself a bank director and I have had a large experience and I repeat it is a blot on the history of this country. If those bank directors to whom I refer could follow the people who have been rendered destitute, to the asylums, hospitals, and their impoverished homes, they would derive less pleasure and feel less pride in the money that has been obtained by such means. I knew an old gentleman of 63 who sustained such serious loss in this way, that knowing his children would be deprived of food and clothing and education, his heart was broken and he sank into his grave in six months, leaving his family penniless. A gentleman remarked to me to-day, really with a great deal of force, at the breakfast table in the Russell House, that he thought that this would not be stopped until we hang a bank director every year; that would be a warning to people, who, because they have high social positions, and drive out with their horses and carriages, think they can with impunity bring about those disasters. There was a public rumor some time ago—I saw it in one of the papers—that one individual had been the cause of half the capital of a bank being lost; that he went into a board and remained there twelve months, during which time half the capital of the bank was lost. It went into the pockets of his associates, and the bank failed.

HON. MR. ALEXANDER.

HON. MR. SMITH—Was that in this country?

HON. MR. ALEXANDER—Yes in this country.

HON. MR. SMITH—I never heard of it before.

HON. MR. ALEXANDER—I desire to make a few remarks with regard to the Senate. I think it behoves us, as senators, to discuss the position of the Senate, to discuss its vocation and how it can be rendered what the people of this country would desire it to be. Most intelligent men hold that a second Chamber is indispensable, but a second Chamber to be satisfactory to the people of this country must not be a partisan body; it must be what it was intended by the framers of the Confederation Act to be—a high judicial body, like the Supreme Court of the country and the judges of the land. Whom do we represent? We represent nobody. We are the nominees of the first Minister of the Government of the day—we are the representatives of the two parties. Those hon. gentlemen who are nominated to-day, are the nominees of the present Government, but we may have another Government in power in a few years hence, which will appoint senators, and they will represent another Government. The way to raise the Senate is strictly to avoid all partizanship. We should act as a judicial body, and if bills which we do not approve of come from the present Government, no matter whether we are Conservatives or Reformers we should accept or reject those bills as enlightened gentlemen, and no men in Canada have more education and experience than the members of this hon. House. I am a Conservative, but no partizan, and I hope I never will be partizan. I regard a partizan Senator, who uses his position for his own selfish purposes, as a most ignominious member of the House. A member of the Senate who uses his position as a stepping-stone to his own advantage—that he may get office—reflects no credit on this body. Many of the hon. gentlemen who are here to-day never looked for office, and would not take any office the Government could give them. Three-fourths, or a larger number, would not take any office, and why should their reputations suffer by the selfishness of those who could use their positions for selfish purposes? I do not believe that any mem-

ber of this House should issue partizan pamphlets to influence elections; I do not believe that any member of this House should act as chairman of a partizan banquet for selfish purposes. It is time that we spoke freely on this subject, because the people could not elect a body such as the members of this House are, for intelligence and experience, and we ought to desire to raise the Senate in the public estimation, so that the people will love and honor this body. I think the Senate must display greater activity, it must not permit any Government, I do not care what Government it may be, to treat us as we have been treated. It is simply discreditable that we should remain without any bills before us until 36 hours previous to the end of the Session. What an insult to the House, that measures should be brought to us within 48 hours of the end of the Session! It is treating us with contempt, and shewing that they do not care what becomes of the Senate—it is shewing that they do not care what use is made of this body, and that they do not care if the Senate gets into bad repute with the country. I desire the opportunity of saying—you will pardon me for it—that I think the Senate has allowed itself to be insulted in regard to the discontinuance of the publication of its debates. I am perfectly certain that before a fortnight is over the members of the House, one and all, will find the present method unsatisfactory. I was not aware of the method until I asked two or three days ago. We know, as has often been stated, that the press of the country we are spending so much money on in attending to the House of Commons, and publishing the debates of that Chamber, that they could not afford to bring reporters here. They cannot afford to pay telegraph operators, they cannot afford to give their columns to two Chambers, and it is necessary—and no money could be better spent—to have the debates of this House placed before the public, in the same manner as the debates of the House of Commons. If the publishing of the debates in the Ottawa *Citizen* was not sufficient, let us go to greater expense: the people would be glad of the expense if they only knew what we are actually doing. Those gentlemen who led the House to do away with the reporting, said to us, “depend upon the press.” Well, we have had a little experience of

that. Perhaps it may occur again when an independent member of this House does his duty honestly and fearlessly, he will be called names of the most unwarrantable character, and a leading organ at Toronto will be inspired, to slander him and call him all manner of names: when he is trying to do his duty he is held up to public opprobrium simply through the instigation of one or two unworthy members here. I thank the House for its indulgence on this occasion.

HON. MR. BELLEROSE—I do not intend to offer any remarks on the question now before the House. I believe the resolutions which have been moved speak for themselves, and from the speeches to which we have listened it is apparent that there can be no opposition to them. for my part I do not see on what ground they could be opposed. They are based on facts, and we can only congratulate ourselves on the general prosperity of the country. I do not propose, therefore, to trespass upon the time of the House further than to enter my protest that the Government have done nothing during the last twelve months towards rendering justice to the French minority in this House. As I stated during the first Session of this Parliament, I contend that it is not merely a question of justice, but a question of constitutional right. Viewing the matter in that light, I feel it my duty to protest against the course which the Government are pursuing on this subject. I will merely add to my former remarks on this point, that I am sorry the hon. Minister of Justice, in his reply to my observations last year, thought fit to state that the Premier could not avoid continuing to treat the French minority of this House with injustice, because the representatives from Quebec in another place required him to give the full representation of that Province in the Government to the lower House. I am in a position to contradict that statement, and to say that so far from the representatives of the people in the other House being in favor of continuing this injustice and pursuing this unconstitutional course, they think it would be but right to give the French-speaking element in this House a representative in the Government. I was surprised at the statement of the hon. gentleman last year, and with some of my friends

took the first opportunity of ascertaining whether that statement was correct or not, and it is probable that an occasion will occur during the Session to furnish proof that the statement which I have made to the House to-day is true. But I go further and say the members of the other House have no right, even if they desired to do so, to force the Government to perpetrate an injustice, or to act in an unconstitutional manner. I hope that another twelve months will not be allowed to pass without something being done in the direction I have indicated, and if the Government should fail to do justice to so respectable a portion of the community, that the people will themselves take the matter in their own hands and demand an explanation from the Government of the reasons why they trample upon the rights of the minority in this manner. I do not wish to detain the House, but I feel it my duty to enter my protest against the course which the Government persists in pursuing on this important question.

HON. SIR ALEX. CAMPBELL hoped that the House would at all events continue the debate until six o'clock if they could not conclude it to-day. He was glad to be able to promise that there would be a change in the practise which had obtained with regard to the introduction of bills in the Upper House. He had in his hands six or seven bills which he proposed to introduce the moment the debate was concluded.

HON. MR. READ hoped that the debate would be adjourned in order that members who had only arrived to-day and others who were on their way to the Capital might have an opportunity to participate in it. (Cries of "go on.")

HON. MR. HAYTHORNE—I cannot but feel some regret that it has been deemed expedient by the majority in this House to press the motion. I think the precedent we have had on former occasions should be followed this afternoon. However, as it has been decided to continue the debate, I will endeavor to make a few remarks upon the subject before the House.

I observe that the Speech from the Throne commences with some very general sweeping statements. We are told by

His Excellency that "Canada has been favored with a year of prosperity. Her farmers have enjoyed a plentiful harvest and remunerative prices." Now these are sweeping statements. It seems to have been forgotten by those who placed this language in the mouth of the Governor General that Canada is a country covering a very wide region. It has been sometimes the boast of Canadians that their territory is washed by the Atlantic and Pacific. It is, therefore, not by any means unnatural to conclude that a great variety of climate, soil and circumstances exists between these broad areas. Now it may be perfectly true that in the western regions of Canada, in Ontario, and perhaps also in many parts of Quebec, the season has been a very favorable one for agriculturists and that the crops which have been garnered have been very large and of a very fine quality, but the Government appear to have forgotten that they have some Maritime Provinces whose climate differs materially from that of Ontario. Unhappily in the Maritime Provinces the summer was not a genial one by any means. The early part of it conduced to a vigorous growth, but in the latter part of it, when sun and heat were required to mature the crops there was gloom, and the consequence was the hay crop which is one of the most important in the Maritime Provinces was very much deteriorated in quality. Although at one time it had every appearance of being superior to any that had been seen for years before the continuous gloom in the end made it comparatively worthless, and the same cause also conduced to injure the cereals. In the province with which I am connected wheat was a failure and the oats and barley were not so good a crop as we had been accustomed to harvest in some seasons. It is true that the Province from which I come is only a small one; nevertheless, it is a province of the Dominion, and was at one time an independent colony, and the people of that Province like to feel assured when a general statement is made in a speech from the Throne like this that if unfortunately there should be an exception in their case it should be noticed. People, who have labored hard and had very poor returns for their work, do not like to have it said in quarters which should be better informed that they have

HON. MR. HAYTHORNE.

enjoyed a most prosperous season. I think it is necessary to make these remarks, because I am well aware of the fact that the hay crop and the harvest of Prince Edward Island last year were very far from good.

I occupy a position myself this year which enables me to speak on this point with some confidence. I have been a commissioner of the provincial exhibition, and I am aware that the samples of grain were not by any means as good as is usually the case. In former years we sent samples to Paris, Philadelphia, Montreal and St. John, which were scarcely to be excelled in any part of the Dominion. I think I may say with confidence that there was very little grain exhibited in those places very much superior to that grown in Prince Edward Island. Whether it may be from the industry of our farmers (for that I think is very generally recognized by those who have been acquainted with our country) or from whatsoever cause, the samples were remarkably good at St. John, Montreal and other places at which they were exhibited. The crops of roots also, from which a large portion of our wealth used to be derived, were defective last year. Probably the same causes which affected the hay crop and the cereals also affected them, and although the price of potatoes was exceedingly high, we were not in a position to benefit largely by that rise.

It is stated in a paragraph that our "manufacturing and other industries have been and continue to be developed under favorable auspices." I daresay that paragraph may commend itself to those who believe in the benefits of the National Policy. For my part I rejoice when I see established in Canada any branch of manufacturing industry which is supported on its own merits, but when I know that the manufacturing industries of Canada whatever prosperity they enjoy, whether it be much or little, is due to protective duties and the exclusion of competition from other countries, I must take exception to the general character of this remark.

I quite agree with the propriety which has led the Minister to introduce into the speech from the Governor-General at the opening of Parliament, the subject of the loss of the Chief Magistrate of the United States. I think it is a subject which may most properly be enlarged upon by the

Chief Magistrate of the Dominion, but it is one on which as a private individual, although I may feel as strongly on the subject as any one, I do not feel it necessary to dwell. I regret the loss of President Garfield, the more so because I believe he was a thoroughly patriotic man, but the subject is better left in the hands of His Excellency and the Government.

But when we come to the paragraphs in the Speech from the Throne which refer to the North-West, one feels at once that the Governor General is then speaking his own experience, and the experience of a gentleman who has made a journey under the best opportunities for observing, and whose natural intelligence led him also to make correct observations. Therefore, whatever opinions are expressed by him, we naturally look to them with the greatest respect and confidence. I only hope myself that the expectations which have been entertained by most classes of this community with regard to the North-West will be speedily realized. There is not a doubt that Canada, after the great vicissitudes she has gone through, requires now the assistance of the piece of good fortune which it is anticipated has fallen to her lot in possessing these North-West Territories. But there may be one or two points connected with the administration of affairs which may be very properly touched upon by members of this House. I think that one great source of prosperity is to be found in opening up good and cheap means of communication throughout that Territory. Without that it is not possible that you can offer very great attraction to immigrants. Another is that your land regulations should be well considered. It is undesirable, in my judgment, that land regulations should be subject to frequent changes. A liberal policy should be adopted for promoting immigration, and having been adopted, it should not be modified except for adequate cause. I think, speaking of the subject of immigration from Europe to the North-West, that no great fears need be entertained as to the expenditure for that purpose; because it must be perfectly obvious, and the fact is recognized in the United States and elsewhere, that an adult immigrant arriving on the shores of this continent, whether in Canada or the United States, is a valuable addition to the wealth of the community

to which he joins himself. In the United States I think an adult male has been valued at something like \$1,200 the day he landed in New York or elsewhere, and no doubt an adult male or female immigrant is worth as much to Canada. Any expenditure, therefore, which is made in inducing immigration and promoting the arrival of a good class of immigrants is an expenditure well made.

His Excellency alludes to the Indian population of the country. Of course it is very gratifying to be assured that the Indians are sensible of the good treatment received from the Canadian Government. It is also cheering to know from His Excellency's Speech and other sources that the efforts which have been made to induce them to adopt agricultural pursuits has met with a fair measure of success; but I think there is one thing essentially necessary before you can induce the Indian to devote his energies to agricultural pursuits—you must give him a personal interest in the soil that he cultivates. The general title must be broken up, and individual titles must be substituted. It is to be supposed, to a certain extent at all events, that the same intelligence regulates the Indian's action which regulates the action of civilized man. He labors on a piece of land and obviously improves its capacity for supporting human life and its marketable value, and he feels that the land to which he has contributed that value should be his exclusive property, and I think the sooner individual titles are granted to the Indians the sooner will they embark their energies in agricultural pursuits. Of course there will always be individuals in the Indian tribes whose habits are indolent, but it is not improbable that employment can be found congenial to their disposition. There seems to be a large amount of carriage necessary in the United States, and I believe it has been the experience of that country that the Indians have been induced largely to undertake the carriage of stores required by the Government. I think it probable that Indians who will not work farms will undertake other kinds of work for the Government or individuals. It is perhaps rather unfortunate that it should have been found necessary immediately after the reference to the North-West and Indian questions in the Speech to have re-

ferred to the proposed increase of the North-West Mounted Police. I believe it is a very desirable and necessary thing to do, but I doubt very much whether it is judicious, or whether it will have a tendency to induce European emigrants to join us. Hon. gentlemen will easily understand that the population of Europe have a great horror of being brought face to face with the Red man. They have an idea that he is still the ferocious and dangerous savage that is described in Cooper's novels. Perhaps he is if left without control, and I quite admit the necessity of increasing the North-West Mounted Police. That force, excellent as it is and useful as it has been, is still too small for the service it will have to perform. I quite concur in the advisability of increasing it, but I doubt the advisability of introducing a clause to that effect in the Speech in the midst of the paragraphs relating to the North-West affairs, because it is certain that this speech is even now in the hands of Europeans, Englishmen and others contemplating emigration to the North-West, and they will see with some regret, perhaps, and some apprehension that there is a fear of incursions of the Red man, and females and children may be frightened almost out of coming to a country where this Indian danger exists. It would have been perhaps wise on the part of the Government to have omitted that paragraph altogether or to have mentioned it in some other portion of the Speech.

Reference is made in the Speech to several measures which, it is said, will be brought before the House, and the gentleman who preceded me, in the remarks which he made, alluded at some length to banking affairs. Without canvassing his views generally, which may be sound and perhaps are, I must say this, that I think it would be a judicious thing on the part of the Government if they would introduce a measure having for its object the inspection of the affairs of Joint Stock Banking Companies. I can say this, that in the Province from which I come, two catastrophes have occurred of this kind in the last two or three years, and though they may not result in liquidation, yet there has been a vast amount of temporary inconvenience and great permanent loss. I believe those losses would have been obviated or prevented if there had been a rigorous inspec-

tion of banking affairs, made perhaps at periods unexpected by the directors and cashiers. Such an inspection would have the effect of keeping evil doers, if such there happen to be, in check. I believe if such an act had been in operation a short time ago, the catastrophe which befel the Bank of Prince Edward Island would not have happened. Allow me to extend my remarks on this subject a little further, and point out the very proper care which is displayed by the Government of the Dominion with reference to the interests of those concerned in Life Insurance. I presume the reason why parties who have policies in life insurance companies are cared for by the Government is, that the Government have felt that such people are completely at the mercy of these companies—that by making very florid representations and offering great advantages the companies may obtain customers in great numbers all over our Dominion, and that then they may collapse and cause extensive misery. It is felt, of course, that the policy holders are perfectly helpless to protect themselves on such a question as this, because they are and must be in the natural course of things, perfectly unaware of the extent and solvency of the Companies in which they are assured. I would like to ask hon. gentlemen, in what respect do the holders of bank stock differ from the holders of policies in life insurance companies? If it is necessary that policyholders should be protected by the Government through Acts of Parliament, is it not equally necessary that the holders of bank stock should also be protected by the Government, and made secure by the institution of efficient bank inspectors? I have often discussed this question with gentlemen connected with banking institutions, and they have urged many objections. There may be objections, but there are many advantages. I cannot conceive that such an inspection as I advocate would be at all injurious or felt to be an objection by well managed institutions. In my judgment a well-managed joint stock bank would welcome such an inspection. They have nothing to fear from it, and their emerging from the ordeal would enhance the value of the stock and give confidence to their stockholders and customers. On the other hand, the fear of a bank inspector coming

at any time upon a defaulting cashier or a board of directors who have been remiss in their duties, would have the effect of stimulating them in their duties. I speak feelingly on this question, because the Province with which I am connected has been a heavy sufferer from this cause within the last few weeks, and though I feel confident that the result will be favorable, still I believe it would conduce to a return of public confidence in joint stock companies if the Government would come to the conclusion that it is advisable to act in this case as they have acted in the case of life insurance companies, and bring in a measure which would institute a rigid bank inspection.

Of course it is very pleasing to hear that good progress is being made in the great work of constructing the Canadian Pacific Railway. I hope the work will not only be prosecuted with despatch, but what is perhaps of more importance that the work will be thoroughly well done, so that when the road is opened generally for traffic we may have none of those catastrophes and delays which sometimes are caused, owing to imperfections in the permanent way, defective rolling stock and other causes. Of course this can be to a great extent obviated by careful construction in the first instance. That I hope the Government will take measures to attain, also that the fares on this road and freights on this line shall be fixed at the lowest possible rates. One gentleman who preceded me remarked that the rates were much higher than they should be. The Government have the power, and I hope they will exercise it, of reducing the rates to something like moderate bounds. I observe that the Government congratulates the Legislature and the country on the fact that Intercolonial traffic has largely increased and that the line is now self-sustaining. That is certainly a matter for congratulation from one point of view, but perhaps it has not occurred to the Government that some of the traffic has been obtained at the expense of the Provinces which used to obtain goods, which are now carried for their consumption on the Intercolonial, in their own bottoms from Europe and elsewhere, and what has been a gain to the Intercolonial railway has been *pro tanto* a loss to them. That has been so to a large extent in the Maritime Provinces, and though it is a question

of some congratulation that the Intercolonial is in a prosperous condition, yet I must say there is some alloy to that question, for being, as most of my countrymen are—a free trader—we wish to enjoy the privileges of free men, to buy in the cheapest market, or wherever in fact we are disposed to buy.

I observe that the Government intend to introduce to the House the subject of factory labor. Of course at this time there are none of us disposed to be very exacting in the matter of female and non-adult labor. It is a very injurious thing no doubt to a population, that mothers and young children shall be kept under the roofs of factories for a long time together, but at the same time we must remember that labor must be self-sustaining, and it will not do to be too liberal in this matter. Governments must be just before they are generous. I shall, myself, hail with great pleasure any bill coming before the legislature having for its object the securing of female and child labor in factories a wholesome atmosphere and freedom from danger of falling into machinery, or any object of that sort; but as to the hours of labor and that sort of thing, I think it is wise to reserve our independence of action. I believe in the United States the hours of labor are a great deal longer than in Europe. In England we know the hours of labor are limited and it has sometimes been felt as a grievance, when competition is threatened, that England has a limit in this matter while the United States is free. Nevertheless I shall be disposed, when this measure comes up, to give it my support.

It is no doubt cheering that the revenue has been productive, because there can be no productive revenue unless there has been prosperity, if not universal, at least pretty general prosperity, but of course the high duties which have been levied, in connection with large imports, must have produced a large revenue, and no doubt the Government have made a wise disposition of it; but when we speak triumphantly of a large increase of revenue, we must remember how this increase has been obtained. It has been obtained by a large increase of the customs duties of the country, and therefore has abstracted from the pockets of the people a large amount of their earnings. That they have been able to purchase a vast amount of foreign

goods is a matter that I think ought to give rise to grave consideration on the part of the manufacturers of Canada, who are congratulating themselves on the excellence and variety of their goods. It seems, notwithstanding the excellence and variety which are claimed for them, that after all the Canadian is bound to go back to the markets of the old world when he or the females of his family wish to be well dressed, and the consequence is, of course, this very large increase of revenue.

HON. MR. WARK—I do not rise to prolong this debate, for I see the hon. the leader of the House is very anxious to introduce some measures; but there is one remark I cannot allow to pass without a few observations: it is the sentence which states that the farmers of Canada have enjoyed a plentiful harvest and remunerative prices. I ought not to allow this remark to pass without observing that in New Brunswick they have enjoyed neither a plentiful harvest nor remunerative prices. Although I never saw some products bring higher prices than now prevail they have not been remunerative because farmers have not had those products to sell. Potatoes, for instance, never brought higher prices, but many farmers have none to sell, and some are even short of seed. The crop is a greater failure than I ever remember in New Brunswick, not even excepting the years of the potato rot. The remark also applies to the wheat crop which has been a failure and a very extensive failure. Many I think, have not received more than three or four times the seed that they sowed.

The grass crop, I may say in corroboration of what the hon. member from Prince Edward Island remarked, was abundant in many parts of our Province, but unfortunately the season was so unfavorable for saving that a great portion of it has been secured in bad condition and is very inferior in quality. I regret that the members of the Cabinet coming from distant parts of the Dominion did not take more care to enquire about these matters before committing themselves to such a statement. I see that the leader of the House is very anxious to introduce some measures, and as I sympathized with the leader of the Imperial Government in the ordeal he passed through not

long ago, I would regret if the leader of this Houses should suffer similarly from obstruction.

The motion was agreed to, and it was ordered that the said Address be presented to the Governor-General by such members of this House as are members of the Privy Council.

BILLS INTRODUCED.

The following Bills were introduced and read the first time:—

Bill (A)—“An Act to amend the Act respecting Insolvent Banks, Insurance Companies and Trading Corporations.” (SIR ALEX. CAMPBELL.)

Bill (B)—“An Act respecting County Court Judges.” (SIR ALEX. CAMPBELL.)

Bill (C)—“An Act respecting fugitive offenders in Canada from other parts of Her Majesty's Dominions.” (SIR ALEX. CAMPBELL.)

Bill (D)—“An Act respecting Harbor and River Police of Canada.” (SIR ALEX. CAMPBELL.)

Bill (E)—“An Act to amend the Act 40th Vic., cap 30, intituled ‘An Act to make provision against the improper use of fire-arms.’” (SIR ALEX. CAMPBELL.)

Bill (F)—“An Act to continue in force the Act 43 Vic., cap 36.” (SIR ALEX. CAMPBELL.)

Bill (G)—“An Act to further amend ‘The Seamen's Act, 1873.’” (SIR ALEX. CAMPBELL.)

The Senate adjourned at 5.15 p.m.

THE SENATE.

MONDAY, Feb. 13th, 1882.

The Speaker took the chair at 3 o'clock.
Prayers and routine proceedings.

BILL INTRODUCED.

Bill (H)—“An Act to amend the Consolidated Insurance Act, 1877.” (MR. BELLEROSE.)

The Senate adjourned at 3.35 p. m.

THE SENATE.

TUESDAY, 14th Feb., 1882.

The Speaker took the chair at Three o'clock.

Prayers and routine proceedings.

THE STANDING COMMITTEES.

MOTION.

HON. MR. AIKINS moved the appointment of the following Sessional Committees:—

JOINT COMMITTEE ON THE LIBRARY.

Hon. DAVID LEWIS MACPHERSON, *Speaker*,
and the Hon. Messrs.

ALEXANDER,	MONTGOMERY,
ALLAN,	MCINNES, DONALD,
ALMON,	ODELL,
BAILLARGEON,	REESOR,
BELLEROSE,	RYAN,
BOUCHERVILLE, DE,	SCOTT,
BOURINOT,	STEVENS,
CAMPBELL, (Sir Alex)	TRUDELL,
CHAPAIS,	WARK.
HAYTHORNE,	

JOINT COMMITTEE ON PRINTING

Hon. Messrs.

AIKINS,	MACFARLANE,
BUREAU,	NORTHWOOD,
COCHRANE,	ODELL,
FERRIER,	REESOR,
GUEVREMONT,	SIMPSON,
HAYTHORNE,	SKEAD,
KAULBACH,	WARK.
MCCLELAN,	

ON STANDING ORDERS AND PRIVATE BILLS.

Hon. Messrs.

AIKINS,	HAYTHORNE,
ALMON,	HOWLAN,
ARCHIBALD,	MACFARLANE,
ARMAND,	MCINNES, T. R.
BELLEROSE,	MCKAY,
BOTSFORD,	MONTGOMERY,
BOURINOT,	NELSON,
BOYD,	ODELL,
CAMPBELL, (Sir Alex)	PAQUET,
CARVELL,	PELLETIER,
DEVER,	POWER,
DICKSON,	POZER,
FERRIER,	READ,

FLINT,	REESOR,
GIRARD,	SCOTT,
GLASIER,	SUTHERLAND,
GRANT,	TRUDEL,
GUEVREMONT,	VIDAL.

ON BANKING AND COMMERCE.

Hon. Messrs.

AIKINS,	HAMILTON (Kingston),
ALLAN,	
ARCHIBALD,	HOPE,
BELLEROSE,	LEWIN,
BENSON,	MCMASTER,
BOTSFORD,	MILLER,
BOUCHERVILLE, DE,	PAQUET,
BOYD,	PELLETIER,
CAMPBELL, (Sir Alex)	RYAN,
CHINIC,	SIMPSON,
COCHRANE,	SKED,
FERRIER,	SMITH,
GIBBS,	THIBAudeau,
HAMILTON, (Inkerman),	TRUDEL,
	VIDAL,
	WARK.

ON RAILWAYS, TELEGRAPH AND HARBORS.

Hon. Messrs.

ALEXANDER,	MACDONALD,
ALLAN,	MCINNES, D. (Hamilton),
BOUCHERVILLE, DE,	
BOYD,	MCKAY,
BUREAU,	MONTGOMERY,
CAMPBELL (Sir Alex)	MUIRHEAD,
CARVELL,	NELSON,
CHAPAIS,	OGILVIE,
COCHRANE,	PAQUET,
DICKEY,	POWER,
FERGUSON,	PRICE,
FERRIER,	RYAN,
GIBBS,	SCOTT,
HAMILTON (Inkerman),	SKED,
	STEVENS,
KAULBACH,	SUTHERLAND,
LEONARD,	VIDAL.

ON CONTINGENT ACCOUNTS.

Hon. Messrs.

ALEXANDER,	MACFARLANE,
ARMAND,	MCCLELAN,

BOTSFORD,	MCINNES, T. R.
CAMPBELL (Sir Alex)	MCKAY,
CHAFFERS,	MCMASTER,
CORMIER,	MILLAR,
DICKEY,	NELSON,
DICKSON,	POWER,
DUMOUCHEL,	POZER,
GIRARD,	READ,
GRANT,	RYAN,
HAMILTON (Inkerman),	SCOTT,
	SKEAD,
LEONARD,	SMITH.

REPORTING DEBATES.

HON. MR. AIKINS moved that the following members be appointed a Committee on Reporting the Debates of the Senate :—

Hon. Messrs.

BOYD,	SCOTT,
BOUCHERVILLE, DE,	THIBAudeau,
GIBBS,	TRUDEL,
HOPE,	VIDAL.
MACFARLANE,	

HON. MR. ALEXANDER thought it would be desirable to postpone this motion until the leader of the House was in his place. He thought it would be satisfactory to the House if his suggestion were adopted.

HON. MR. AIKINS was not aware of any special reason why this motion should be deferred to another day.

HON. MR. ALEXANDER said it was a matter of perfect indifference to him what members of the Senate were named on this Committee. He would much rather himself not serve upon it ; he had been connected with the Debates Committee upon a former occasion, and no member of the Senate had ever acted more faithfully, conscientiously and honestly to raise the standing of the Senate than he had done as a member of that Committee, and he had been repaid with opprobrium, which he felt was unmerited, and which he was sure the House did not consider he deserved. It would be remembered that during the session before last one or two members of the Senate raised objections to the reports, and especially to the reporters themselves. These

objections did not apply to the members constituting the Committee, and no such objections could be raised; no member of the Senate could say that they had not done their duty; but one or two members of the Senate found fault with the action of the reporters, and in the discharge of his duty (he hoped he would never fail to discharge his duty, no matter what bad feeling it might excite against himself) when he saw two gentlemen censured unfairly, as he thought, he endeavoured as an honorable member of this House to see that they were defended and to defend them. There was no objection to the members of the Committee who served in 1880, and while there was none he was surprised when he saw—at a time when he was in wretched health during last session—the leader of the House rise and say that, in order to promote peace among the members of the Senate, he must strike his pen through the name of every gentleman on that Committee. The Hon. Senator for DeLanau dière (Mr. Bellerose) very naturally found fault with that, and so did the Hon. Senator from British Columbia (Mr. Macdonald), neither of them could see any reason why hon. gentlemen who had discharged their duty satisfactorily, and against whom no charge could be made, should be treated in such a manner. They had given a great deal of their time and endeavoured faithfully and honestly to try and raise the character of this House, yet their names were wiped out in the interest of peace. He repeated he had no desire whatever again to serve on that Committee or to impugn the motives of the hon. leader of the Senate, who had named the new Committee, but he did feel it his duty to say that the utility of the Senate was going to become the great question at the next general election, and he should be ill discharging his duty if he failed to say so. He knew it to be the case in the Province of Ontario. He had himself been visited by Conservative friends in the County of Oxford—most industrious and intelligent Conservatives of that constituency—who told him that this would be the great question. There seemed to be no desire to remove the hon. gentlemen who at present constitute the Senate, but the question of the utility of this Chamber would be raised at the next general election, and the Senate owed it

to itself that the country should be informed of what took place in this House. Here were seventy-six gentlemen from all parts of the Dominion, men of education, intelligence, property ability and experience, and they did not wish to have the charge brought against them that they were so indifferent to public opinion that they did not care to have a Committee appointed in this Chamber, who would see that the debates and proceedings of the Senate were made known to the public. He did not wish to predict evil of the system of publishing the debates that had been proposed, but he was perfectly certain from what he had seen of the manner in which the first debate of the session had been reported in the newspapers that no good could arise from it. As he had stated over and over again, every one was aware that the leading press of the country could not afford to send reporters to the Senate and go to the expense of transmitting over the wires long reports of the debates of this Chamber in addition to all the expenses which they incurred in reporting and publishing the debates of the House of Commons. It was simply puerile, therefore, for the leader of the Government in this Chamber to say “depend upon the press of the country.” It would be necessary, in order to bring the proceedings of this House before the country, that the Senate should pay for it, and the people would cheerfully acquiesce in any expenditure which would be necessary to enable them to see whether the Senate was of any service to the country or not. He would beseech the Senate to pause, and not to agree to the motion now before it, but to wait until the leader of the House was present, and hear what his view was upon the subject. He repeated he did not wish to be a member of the Committee. God forbid that he should after all the bad treatment he had received—not at the hands of the House, for the House had always given him credit for acting faithfully and honestly, but he had been treated most unjustly, and had had language applied to him on the floor of this House, and by a paper inspired by a member of this House, which was simply discreditable, and of which any honorable member might well be ashamed.

HON. MR. DICKEY said the House

would agree with him as to the extreme inconvenience, and, he should add also, the unparliamentary character of the proceedings of the honorable gentleman in discussing a matter which was before the House last session, and which was not before the House now. Because, if the Senate should continue to act on this principle, there would be no end to their debates. Even the end of the session would be no termination to the discussions and the circumstances connected with those discussions. With regard to the present matter he was very glad to hear his honorable friend say that he had no desire to serve upon the Committee. It would be strange indeed if he had when he was already appointed to three committees for the present Session. As far as he (Mr. Dickey) was aware, no other gentleman had been appointed to a greater number than three committees, and very few to even that number. For his own part, he was a member of only two committees. But there was another matter which suggested itself to his mind. The honorable gentleman had expressed very strong opinions the other day as to the character of the reporting. He (Mr. Dickey) only wished to say that on a former occasion he had stated his disapproval, not of the manner in which the duty was done but of the system itself. After the House in its wisdom had decided to continue that system, he quietly asked to be removed from the Committee, because he did not think his services would be of any use upon it; and the hon. Senator from Woodstock (Mr. Alexander), actuated by the same considerations no doubt, after the strong expressions he had given utterance to on a former occasion, would not like to be an element of disturbance on that Committee. So he did not see the slightest necessity for any postponement of the consideration of this motion to-day. For his own part, he had not found fault with the Committee last session, although they had differed from him as to the system which should be pursued. The hon. Senator from Woodstock had adverted to the possibility of questions relating to this House coming before the country at the next election. He (Mr. Dickey) could only say, in all frankness and in all good feeling, that it appeared to him, the best

way to elevate the character of the Senate and to make it what it ought to be—the reflection of the matured intelligence and public opinion of the country—would be for hon. members to be very careful how they conducted themselves in this Chamber; and at the same time not to introduce unnecessarily any disturbing element into their discussions. Every member had an interest in promoting good feeling, and he trusted he had not said a word which could be construed into a disturbance of that good feeling. The hon. member had stated frankly that he did not wish to be a member of the Committee, and as there had been no suggestion of any other name, he saw no reason why the Committee proposed should not be appointed.

HON. MR. AIKINS said he was under the impression when the hon. member from Woodstock (Mr. Alexander), rose that he was about to object to the manner in which the Committee was constituted. Unfortunately the hon. gentleman had a grievance with regard to the reporting of the Debates of the Senate. He presumed that every hon. gentleman, when he said anything that he considered important, would like to have a report of it go to the country. Every member of the House would be gratified if a better system of publication could be devised than the one which had been in existence in the past. After the appointment of this Committee, if they should report to the House a scheme for publishing the reports, the hon. gentleman might make a speech such as he had delivered to-day, but it was very much out of place on a motion for the appointment of the Committee, when he did not take exception to any of the hon. gentlemen who had been named to serve upon it.

HON. MR. BOTSFORD suggested that as the appointment of this Committee involved the expenditure of money, a member of the Government should be added to it.

HON. MR. DICKEY said the report of the Committee could only have effect after the decision of the House.

HON. MR. AIKINS said that inasmuch as anything the Committee could do or

suggest could only be effective after receiving the sanction of the House, he did not see any necessity for a member of the Government being on it. If he could assist them in any way he would be happy to serve. He had been a member of the Committee in former sessions and had taken considerable interest in its proceedings, but he did not think he could be of any assistance to them this session. No doubt the Senate would have the results of their deliberations as embodied in their reports.

The motion was agreed to.

The Senate adjourned at 4.55 p. m.

THE SENATE.

Ottawa, Wednesday, Feb. 15th, 1882.

THE SPEAKER took the Chair at Three o'clock.

Prayers and Routine Proceedings.

REPORTS OF COMMITTEES.

Reports were presented from the following Committees :

RAILWAYS, TELEGRAPHS AND HARBORS,
STANDING ORDERS AND PRIVATE BILLS,
and
BANKING AND COMMERCE.

The Senate adjourned at 3.50 p. m.

THE SENATE.

Ottawa, Thursday, Feb. 16th, 1882.

THE SPEAKER took the Chair at Three o'clock.

Prayers and Routine Proceedings.

NEW SENATORS.

THOMAS ROBERT McINNES, Esq., of the City of New Westminster, British Columbia, was introduced, and having taken and subscribed the oath of office, took his seat.

THE CENSUS.

A Message was received from His Excellency the Governor General, transmitting a copy of the 1881 Census.

The Senate adjourned at 3.50 p. m.

THE SENATE.

Ottawa, Friday, February 17th, 1882.

The SPEAKER took the Chair at Three o'clock.

Prayers and Routine Proceedings.

REPORTS OF COMMITTEES.

Reports of the following Standing Committees were presented :

STANDING ORDERS AND PRIVATE BILLS.

JOINT COMMITTEE ON PRINTING.

DISALLOWANCE OF RIVERS AND STREAMS BILL.

MOTION.

HON. MR. POWER moved :—

That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before this House, copies of all correspondence, Petitions, Papers, Reports and Orders in Council, relating to an Act of the Legislature of the Province of Ontario, entitled : "An Act for protecting the public interests in Rivers, Streams and Creeks," disallowed by His Excellency in Council, and a copy of the said Act.

He said: I do not propose to enter into any of the questions which might be suggested by the first resolution of which I have given notice. I think it would be better that no discussion should take place until after the papers and other information asked for are brought down by the Government.

HON. SIR ALEX. CAMPBELL—I am very glad that the hon. gentleman has postponed discussion on the subject until the papers are before the House. It is the more convenient plan. The Gov-

ernment have no objection to the Address.

The motion was agreed to.

DISALLOWANCE OF WINNIPEG
SOUTH EASTERN RAILWAY
BILL.

MOTION.

HON. MR. POWER moved:—

That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before this House, copies of all Correspondence, Telegrams, Petitions, Papers, Reports and Orders in Council, relating to an Act of the Legislature of the Province of Manitoba, entitled: "An Act to incorporate the Winnipeg South Eastern Railway Company," disallowed by His Excellency in Council, and a copy of the said Act.

HON. SIR ALEX. CAMPBELL—
There is no objection to the address.

The motion was agreed to.

RESERVATION OF PROVINCIAL
BILLS.

MOTION.

HON. MR. POWER moved:—

That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before this House, copies of all Correspondence, Petitions, Reports and Orders in Council, relating to Acts of Provincial Legislatures passed since the first day of January, 1880, or Bills of Provincial Legislatures reserved for the signification of His Excellency's pleasure thereon since that date, not already asked for by Address or Order of this House.

HON. SIR ALEX. CAMPBELL—I do not know whether it will meet the wishes of the hon. mover of this resolution, if we bring down a return showing all the bills that have been disallowed since the Union. Supposing that it was likely such a return would be called for this session I have given instructions for the preparation of a return showing all the bills disallowed since Confederation, the reasons for such disallowance and what was the result in each case. Occasionally the bills were disallowed because of amendments which were thought necessary here and which

HON. SIR ALEX. CAMPBELL.

were afterwards made by the Local Legislatures; sometimes the bill is disallowed and sometimes notice is given that it will be disallowed unless certain steps are taken by the local legislature. The return will include all that information, but of course I can bring down a return in the shape which the hon. gentleman calls for if he desires it, but I think it would be preferable to have the full return which is being prepared.

HON. MR. POWER—Of course, it is very desirable that we should have all the information which the hon. Minister of Justice speaks of, but there is something asked for by the third resolution now before the House more than would be included in the return which he has described. There are Bills now under the consideration of the Government, as to which there has been a good deal of correspondence. The return would not include that correspondence.

HON. SIR ALEX. CAMPBELL—I will bring down the correspondence asked for.

HON. MR. SCOTT.—With reference to the return of which the hon. gentleman has spoken, perhaps he would have no objection to include also the correspondence which took place with the local Government in each case.

HON. SIR ALEX. CAMPBELL—I will do so, certainly, but I do not know the extent of the correspondence.

HON. MR. SCOTT.—It cannot be very extensive.

HON. SIR ALEX. CAMPBELL—Then I will bring it down.

The motion was agreed to.

BILLS INTRODUCED.

The following bills were introduced and read the first time:—

Bill (I) "An Act to amend the Act incorporating the Canadian Steam Users Insurance Association, and to change the name of the said Company to 'The Boiler and Inspection Insurance Company of Canada.'"—(MR. VIDAL.)

Bill (J) "An Act to incorporate the First National Bank of Canada."—(Mr. GIBBS.)

FUGITIVE OFFENDERS IN CANADA BILL.

SECOND READING POSTPONED.

The order of the day having been called for the second reading of Bill (C). "An Act respecting fugitive offenders in Canada from other parts of Her Majesty's dominions."

HON. SIR ALEX. CAMPBELL said that the Bill was not yet printed and he therefore moved that the order be discharged and the second reading fixed for Tuesday next.

HON. W. DICKEY said this bill was a very important one, providing for the first time legislation with regard to the extradition of fugitive offenders passing from one part of Her Majesty's dominions to another. He had been informed that correspondence on the subject had passed between the Imperial authorities and the Dominion Government on the subject, and if that information was correct it would be desirable, before passing to the second reading of such an important measure to have that correspondence laid before the House in order that they might have an intelligent appreciation of the necessity for such legislation.

HON. SIR ALEX. CAMPBELL said the hon. gentleman had been correctly informed. There was such correspondence and be concurred in the opinion that it was desirable to lay it before the House and would have it brought down before the second reading of the Bill.

The motion was agreed to.

The Senate adjourned at 4 p. m.

THE SENATE.

Monday, February, 20th, 1882.

The SPEAKER took the Chair at Three o'clock.

Prayers and Routine Proceedings.

REPORTS OF COMMITTEES.

Reports were presented from the following Committees :

CONTINGENT ACCOUNTS,
JOINT COMMITTEE ON PRINTING,
REGULATIONS RESPECTING COAL LANDS.

HON. MR. McLELAN presented the Report of the Minister of Marine for the fiscal year ending 30th June, 1881.

HON. MR. AIKINS laid upon the table a copy of Regulations for the disposal of coal lands.

HON. MR. SCOTT—Are they different from those published in the *Gazette*?

HON. MR. AIKINS — No, but they have to be laid on the table of the House and do not take effect until forty days after they have been submitted to Parliament.

AN ADJOURNMENT.

MOTION.

L'HON. M. PAQUET propose :—

Que lorsque cette Chambre s'ajournera, demain, elle soit ajournée à mardi, le 28 du courant, à huit heures du soir.

L'HON. M. PAQUET dit que cette honorable Chambre a toujours, dans les années précédentes ajournée pour le Mercredi des Cendres. Entre mercredi prochain et mardi de la semaine suivante, il n'y a que jeudi, vendredi et lundi que cette honorable Chambre siégerait. Vu que l'absence du Greffier en Loi retardait la soumission des mesures promises par le chef du Gouvernement, dans cette Chambre, et que depuis quelques temps cette Chambre ne siégeait que quelques minutes, il (M. Paquet) pensait que l'ajournement proposée par sa motion, serait sans effet préjudiciable et nuirait aucunement aux intérêts du pays.

HON. MR. ALEXANDER—said this motion reminded him of an incident which had occurred in another quarter in the past history of Canada, when the Premier of the country stated to the House that,

with regard to a certain proposition, that Hon. body had passed through three theatrical representations—first, tragedy, second, comedy, and lastly they had come to what might be called a farce. While he did not wish to reflect upon the hon. gentlemen who had submitted the motion, which was now before the House, he asked the Senate to consider the position in which it placed the Senate. When the Senate met after the opening, the desks were not in their places, and several hon. gentlemen who wished to speak on the subject of the Address, in reply to the Speech from the Throne—hon. gentlemen who were most respected by this House, and who had important statements to make—were unable to do so. The leader of the Senate had stated that they must go on with the debate, because he had some important measures to introduce, and when the debate was closed that hon. gentleman did lay on the table four bills. Where were those bills? They had never been printed or placed in the hands of hon. gentlemen. Although the debate on the Address had been closed before many hon. gentlemen were in a position to take part in it, the Senate had been sitting since, from day to day, without having a solitary bill before it. A more prodigious farce had never been witnessed than had been enacted by the leader of this House, but it was in keeping with the manner in which the affairs of the Senate had been conducted by him. The Senate had been made simply a laughing-stock through the country. Where could any one see, in a single newspaper in this country, any report of the debates in this Chamber? The hon. gentleman had been the means of inspiring this House to stop the publication of the debates in the newspapers, and not one single person in Canada could say what transpired in the Upper House. Was that the way to conduct the affairs of the Senate of the Dominion, composed of seventy-six gentlemen of large commercial experience; men who had left their homes at great sacrifice to come here and discharge important duties in the interest of the country—that all their efforts should be completely nullified by the course pursued by the leader of the Government in this House? It was time to speak out. Would the Senate allow itself to be made a laughing-stock before the country? It

would be strange indeed if hon. gentlemen did not rise and express their desire that another mode of conducting the proceedings of this House should be adopted.

HON. MR. KAULBACH did not quite agree with his hon. friend who had just spoken, in attributing all the delay which had occurred to the leader of the Government in this House. He (Sir Alexander Campbell), had introduced four important bills worthy of careful consideration by every member of the Senate, and he presumed it was not the fault of that hon. gentleman that they were not on the papers yet. However, they might be expected at any moment. They were bills which would occupy a great deal of time, and would require careful consideration. Such measures, initiated in the Senate, would receive, and ought to receive more than ordinary care in the consideration of them, and for that reason, if no other, the leader of the House, who had these bills in his charge, and who controlled the legislation of this Chamber, should state whether he considered in the interests of the country that this adjournment should take place. Some two or three years ago the hon. gentleman had assumed that position and it was reasonable to suppose that the precedent then established would be followed, thus obviating the necessity of this annual debate; which, he was sure, must be very unpleasant to every member of the House. He (Mr. Kaulbach) thought that the legislation of the Session would be better prosecuted by having no adjournment. At the opening of the Session it had been thought proper not to prolong the debate on the Address. In Nova Scotia, which had an older legislature than Canada itself, it was the custom if there was anything to criticize in the policy of the Government, to refer to it in the debate upon the Address in reply to the Speech from the Throne, but he supposed that this Government were so strong that opposition to them could not do much good, and consequently it was useless to criticise the Speech from the Throne. He concurred in the opinion of the hon. Senator from Woodstock (Mr. Alexander) that the Senate had had very little to do this Session. It was not the fault of the Government, because they had introduced important measures at the very earliest opportunity; but as he

had before remarked, these bills might be distributed at any moment, and he questioned the wisdom of adjourning for a week when such bills were looked for from day to day. Certainly the halls of Parliament were the best place for members to mature their minds for properly discharging their duties as legislators. He was constantly opposed to motions of this kind, and he hoped that the leader of the Government in this House would take the matter in his hands, and if he conceived that the public interests would not be prejudiced by the proposed adjournment, give expression to that opinion. Without such an expression, he for one would feel it his duty to oppose the motion

HON. SIR ALEX. CAMPBELL—said the hon. Senator opposite (Mr. Kaulbach) had made an appeal to him partly as leader of the House and partly because of the course which he had pursued in the debate on the Address. He was anxious on that occasion that the debate should close, in order, that he might introduce certain measures, which he did introduce in the course of that evening. The House was aware that after the introduction of bills it required a certain time to have them translated and printed, and if he had not brought in those measures on the day after the opening of the session there would have been a longer delay than was taking place in the translation and printing. By the course which he had pursued he had saved time and he expected that in two or three days these bills would be distributed. It was only in order to save time that he had requested the closing of the debate on the Address the day after the opening. The bills which he had introduced were in a much more advanced stage than any others had ever been at so early a period in the Session, so far as he knew, in the history of the House. Those bills were seven in number and were:—

To amend the Act respecting Insolvent Banks, Insurance Companies, and Trading Corporations.

Respecting County Court Judges.

Respecting Fugitive Offenders in Canada from other parts of Her Majesty's Dominions.

Respecting the Harbor and River Police of Canada.

To amend the Act 40 Vic: Cap. 30.

To continue in force the Act 43 Vic; Cap. 36.

To further amend the Seaman's Act of 1873.

These seven bills were all printed and ready in one language, and were introduced on Friday, the 10th instant, and he ventured to take credit for the Government for the prepared state of those measures at such an early period in the the session. Those were the bulk of the measures which were to be introduced by the Government, so that the complaint which had so often been made that bills were not introduced in this branch of the legislature was, to this extent—and it was a great extent—answered.

The bills this Session were introduced in the Senate first, as was the fact last Session. With reference to the complaint which had been made that these measures were not now before the House, the Government was in no way to blame for that. They had been introduced, printed in one language, and they had to be translated and printed in another language, and there was a difficulty about the marginal notes which had been got over, and the bills would be ready for distribution at as early a date as possible. This was the excuse (and he hoped the House would consider it a sufficient excuse) for the fact that the bills were not yet before the Chamber. With reference to the adjournment he might state that if the House continued in Session these bills would probably be distributed during the next two or three days, and he could only say that if they were not considered within the next two or three days, owing to the adjournment, the Session would not be prolonged. The business was in a very advanced stage, and he hoped the bills would be ready for the consideration of the House in two or three days. It was for the Senate to say whether they would adjourn, and, if so, for what time.

The motion was agreed to.

The Senate adjourned at 4 p.m.

THE SENATE.

Tuesday, Feb. 21st, 1882.

The SPEAKER took the Chair at three o'clock.

Prayers and Routine Proceedings.

THE GARDNER DIVORCE CASE.

THE PETITION READ AND RECEIVED.

The petition of Matthew Gardner, praying for an Act to dissolve his marriage with Elizabeth Ann Gardner, was read at the table.

HON. MR. FERRIER produced an affidavit from the petitioner, with accompanying documents, setting forth that ineffectual efforts had been made to personally serve Elizabeth Ann Gardner with a notice of the application for this bill.

The affidavit and accompanying papers were then read at the table.

HON. SIR ALEX. CAMPBELL.—Do I understand that notice has not been served?

HON. MR. FERRIER.—Not since last session.

HON. SIR ALEX. CAMPBELL.—It will be for my hon. friend to move that the efforts made to serve notice upon the defendant be considered satisfactory.

HON. MR. ALMON.—I should judge from the number of attempts that have been made to find her, and the way she has been hunted by the officers of the law, it will be difficult to convince this honorable House that she has not been *chaste*.

HON. MR. FERRIER moved :—

“That proof having been made of the attempts made to effect personal service, to the satisfaction of the Senate, the petition of Matthew Gardner, praying for an Act to dissolve his marriage with Elizabeth Ann Gardner, be now read and received.”

HON. SIR ALEX. CAMPBELL.—Will the hon. gentleman explain what efforts have been made to serve notice upon the defendant?

HON. MR. FERRIER—Notice was served on her previous to last session, and it will be seen from the number of letters which have been read to-day that since then the petitioner's attorneys have been constantly in search of her, that she has continued to evade them, and has managed not to have the process served on her. There is proof that she is thoroughly acquainted with the fact of her husband being determined to bring a bill before Parliament for the purpose of getting the marriage dissolved.

HON. SIR ALEX. CAMPBELL—How is that shown?

HON. MR. FERRIER—From the fact that her attorney, acting for her, received a service upon the first occasion. The hon. gentleman who seconds my motion has read over the papers and will probably explain the case.

HON. MR. DICKEY—Before consenting to second this motion, I took a course which I think will commend itself to the Senate in asking to see the evidence, and having had some little experience in these matters I looked into the case carefully. I read over the testimony which has been adduced and which has been read rather imperfectly to-day at the table, and I was satisfied that such reasonable efforts had been made to effect this service, ineffectually, that perhaps it would satisfy the Senate. The condition of affairs appears to be this :—last year formal notice was served upon the wife. Notice was published in the *Gazette*, but, in consequence of Parliament meeting at an unusually early period, the notice was not published during the necessary six months and the result was that the party could not go on with his bill. He renewed his application, I believe, as early as May last and had another notice given for application at this session. He published this notice a sufficient time as I suppose—at all events that will be a matter for the Committee to enquire into—and endeavored to get service. In doing so he found this lady had shifted her residence. There is evidence from the postmasters of various towns that she was followed from town to town in the endeavor to effect this personal service upon her, and there are letters of postmasters stating that she had been there and gone

away to another place. They finally traced her to Toronto and endeavored to get personal service on her there, but found that she had crossed the line. They put themselves into communication with her legal representatives, who appeared to act as gentlemen desiring to give every facility in the matter, not wishing to oppose technical objections, I suppose, or perhaps, being instructed to do so, received notice as her solicitors, and there is an endorsement of acceptance of the notice some time ago. It appears to me that this places the matter in a position that will satisfy the House. The seventy-third rule is as follows:

"A copy of the notice in writing, is to be served, at the instance of the applicant, on the person from whom the divorce is sought, if the residence of such person can be ascertained; and proof on oath of such service, or of attempts made to effect it, to the satisfaction of the Senate, is to be adduced before the Senate on the reading of the Petition."

That is just what has been done here, and that is the issue that is raised by the resolution which my hon. friend has offered, and which I have had the honor of seconding.

The resolution was adopted on division, and the petition was read.

REPORT OF A COMMITTEE PRESENTED.

HON. MR. BELLEROSE, from the Committee on Standing Orders and Private Bills presented their fifth report.

BILL INTRODUCED.

Bill (K) "An Act to incorporate the Montreal and Central Canada Railway Company."

The Senate adjourned at 4.05 p.m.

THE SENATE.

Tuesday, February, 28th., 1882.

The SPEAKER took the Chair at Eight p.m.

GOVERNMENT RAILWAYS IN NOVA SCOTIA.

MOTION.

HON. MR. POWER moved:—

"That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before this House, copies of all Orders in Council, Reports of every description, Memorials, Agreements, Proposals, Offers and Correspondence relating to or connected with the disposition or management of the railways in Nova Scotia, now or formerly owned by the Government of Canada, including amongst others the sections of the Intercolonial Railway between Truro and Pictou, and between Windsor Junction and Windsor, the return sought, to include all information as to running powers or other privileges proposed to be granted over other portions of the Intercolonial in the said Province, and to include all information not heretofore submitted in accordance with any Address or Order of this House and printed."

He said:—I do not think it necessary to say much in support of this resolution. Canada has invested in the roads to which reference is particularly made—the road from Truro to Pictou and the road from Windsor Junction to Windsor—something over three millions of dollars. It is understood that arrangements have recently been made by which this property is to pass from under the control of the Government and Parliament of Canada, and I think it is only proper, it is certainly very desirable, that the public should have all the information necessary to enable them to judge as to the terms upon which the property has been disposed of. I think there is no doubt as to the fact that that is desirable, and I presume that the Government have no objection to furnish the information.

HON. SIR ALEX. CAMPBELL—The Government have no objection to the address.

Motion agreed to.

P. E. I. BANK RELIEF BILL.

THIRD READING.

The following Bill from the House of Commons was introduced and read the first time:—

Bill (38)—“An Act for the relief of the Bank of Prince Edward Island.” (SIR ALEX. CAMPBELL.)

HON. SIR ALEX. CAMPBELL—I hope the House will allow the Bill to be read the second and third times at once. The Bank of Prince Edward Island has fallen into difficulties and has suspended specie payment for a period of nearly ninety days, I believe the ninety days expire to-day. They have a prospect, and I am told a very good prospect, of being able to resume payment, but under the present law without the aid of this Bill they would be unable to do so. The Bill is to extend the time for resumption of specie payment for another ninety days from the time of the passage of the Bill. This is an emergency and I am sure the House will desire to meet it by allowing the Bill to be read the second and third times, and I move that the forty-first rule of the House be suspended so far as it relates to this Bill, and that the Bill be read the second time at length at the table.

Motion agreed to

Bill read the second time.

HON. MR. HAYTHORNE—Perhaps it might be expected that I should offer a few remarks upon this bill. The circumstances under which it has become necessary to pass it are perhaps not unknown to many members of this House, and do not arise from any ordinary trade losses. The circumstances surrounding the trade of the Island of Prince Edward were not unusual last year, and not at all such as were likely to bring a well established bank to grief. The suspension of this bank arose from the misconduct of its principal officer, its Cashier, who on his own authority and without the sanction of the Directors, issued notes as long as he had any to issue, and the consequence was that suddenly and unexpectedly the bank—whose stock had been as high as forty-five premium within the last two years, and within the last two or three months had sold at twenty-eight premium—was compelled to temporarily close its doors. Of course at the commencement of the winter when communications were exceedingly difficult not only in the Island itself, but also

between the Island and the Mainland and between the Island and Great Britain, it became exceedingly difficult to get together a sufficient amount of cash to enable the bank to re-open its doors within the time appointed by law. It can easily be understood that in a Province situated as Prince Edward Island is, this would be the case. Their resources were not so easily available as those of the larger banks on the Mainland would be, and it became necessary in consequence to send a deputation to England. That deputation was detained by very stormy weather, and the result of that detention was that there did not remain a sufficient interval of time between their arrival in London and their negotiations there to telegraph the result to Prince Edward Island and to Canada. In consequence a telegram was received here last week, when this House was not in session, requesting that a bill might be introduced in the House of Commons to the effect which we have heard read here this evening; it has passed that House and I hope and believe it will pass this House too, without any objection. I believe myself that the stockholders of that bank will come to the rescue and provide new capital in place of that which has been squandered, and that the bank will resume within the ninety days appointed, probably with some surplus.

The Bill was read the third time and passed.

FUGITIVE OFFENDERS IN CANADA BILL.

SECOND READING.

HON. SIR ALEX. CAMPBELL moved the second reading of Bill (C), “An Act respecting Fugitive Offenders in Canada, from other parts of Her Majesty’s Dominions.”

He said: In the history of the former Province of Canada, and I believe in the history of several of the other Provinces, Nova Scotia and Newfoundland, there were measures for the arrest of fugitives from one Province who were found in any one of the other Provinces; but there had been no provision, and could be none, by which fugitives could be taken across the seas—no provision, for instance, as

between Newfoundland and Nova Scotia, or Newfoundland and old Canada, and still more so, no provisions between Australia and other distant colonies of the Empire, and the colony of Canada. Some two or three years ago, it was proposed by the Imperial Government that legislation should be had in the Imperial Parliament, for the purpose of meeting that difficulty; and some correspondence took place, which was laid on the table of the House four or five days ago, between the Imperial Government and the Government of the Dominion relative to the legislation upon this subject which was found to be necessary, the Imperial Government suggesting that the legislation should come best from the Imperial Parliament, inasmuch as they, from their pre-eminent power, could deal with the subject through all parts of the Empire, and in so far as it was affected by the transition on the high seas. At one time that course was rather objected to by the authorities of the Dominion, but after some additional correspondence it was found that that was really the most useful course to be pursued upon this subject, and accordingly we acquiesced in the legislation which was proposed on the part of the Imperial Parliament, and which affects not only the colony of Canada, but all the other colonies of the Empire, and which provides for the rendition of fugitives from one colony to another and their transmission across the high seas by the general legislation of the Imperial Parliament. At the same time the right to deal with this subject so far as Canada was concerned, and so far as all dealings with persons within our own limits were concerned, was undoubtedly given to the Parliament of the Dominion by the British North America Act of 1867; and we, the present Government, have thought it desirable, for the purpose of preserving intact the autonomy granted to us by the Confederation Act to legislate upon this subject so far as our own limits are concerned, and this bill, although it proceeds upon the same lines, and is almost absolutely in the same language—not quite, but almost absolutely in the same language as the Imperial Act, is for the purpose of asserting on the part of the Dominion the right to deal with the subject in so far as regards the limits of the Dominion of Canada. The correspondence that has taken place was laid on the table of the

House at the suggestion and request of my hon. friend from Amherst. I do not see that it has been printed, but if hon. gentlemen desire to examine it, I can postpone going into committee on this bill until they see it, but the effect is as I have mentioned it to the House. It is, in the first place, the desire of the Imperial Government to legislate on the subject; the reasons for that desire; the remonstrance of the Government of this country that this was a subject which had been dealt with by the former legislatures of the different Provinces of the Dominion, and could be dealt with again; and then the reply that so far that might be true yet they could not deal with it upon the high seas and between other colonies of the Empire and this colony, and therefore it was a subject which could be with more convenience, more force and greater propriety and certainty, dealt with by the Imperial Parliament than by the legislature of any of the Colonies; and then the final rejoinder of the Government of the Dominion that it would be well at all events that we should assert our right within our own Dominion, which right is asserted by the bill before us.

The motion was agreed to, and the bill was read the second time.

CRIMINAL JUSTICE IN DISPUTED TERRITORIES BILL.

SECOND READING.

HON. SIR ALEX. CAMPBELL moved the second reading of Bill (F), "An Act to continue in force the Act 43 Vic., Cap. 36."

He said:—The House knows that the Government of the Dominion and that of the Province of Ontario, and latterly that of the Province of Manitoba, have not been able to come to an agreement as to the boundary between Ontario and Manitoba, though efforts have been made on both sides to do so. I do not desire to go into the relative earnestness or merits of these exertions, but simply to say that they have been made, and yet, so far, that they have failed. Hon. gentlemen know the direction in which exertions have been put forth by the Government of the

Dominion and the objections that have been taken by the Government of Ontario and the suggestions made on behalf of that Government as well as by our own. But in the meantime, and until a settlement is arrived at it is desirable that this Act, which provides for the administration of justice in the disputed territory, should be continued. The Bill itself was introduced some years ago, and it is desirable to continue it for the purpose of having an efficient administration of criminal justice in the disputed territory. I hope the time is not far distant when it will cease to be disputed, and when it will be awarded either to the Province of Ontario or to the Province of Manitoba.

The motion was agreed to and the Bill was read the second time.

MONTREAL AND CENTRAL CANADA RAILWAY COMPANY'S BILL.

SECOND READING.

HON. MR. SCOTT moved the second reading of Bill (K) "An Act to incorporate the Montreal and Central Canada Railway Company." He explained that the object of the Bill was to incorporate a Company for the construction of a railway from Smith's Falls to the city of Montreal in a direct line.

The motion was agreed to and the bill was read the second time.

The Senate adjourned at 8.45 p.m.

THE SENATE.

Ottawa, Wednesday, March 1st, 1882.

The SPEAKER took the Chair at Three p.m.

Prayers and routine proceedings.

PETITIONS FOR PRIVATE BILLS.

TIME EXTENDED.

HON. MR. BELLEROSE presented the Sixth Report of the Committee on Standing Orders and Private Bills. He

said: I beg to inform the House that the time for receiving petitions for private bills expires to-day, and that the committee has not recommended an extension of the time; but the House of Commons having done so, it might be necessary to follow the same course in the Senate. There is no recommendation on the part of the committee, but if the House has no objection I move that the time for receiving petitions for private bills be extended to the 10th instant.

The motion was agreed to.

BILL INTRODUCED.

HON. MR. FERRIER introduced a Bill for the relief of Matthew Gardner.

The bill was read the first time.

INSOLVENT BANKS AND TRADING CORPORATIONS BILL.

SECOND READING.

HON. SIR ALEX. CAMPBELL moved the second reading of Bill (A) "An Act respecting Insolvent Banks, Insurance Companies and Trading Corporations."

He said: This bill has for its object the providing of machinery for the purpose of winding up insolvent banks, and insolvent trading companies. Some measure of the kind has been considered desirable for some years past, and in fact, has been alluded to once before in the Speech from the Throne, but it is now presented for the consideration of Parliament for the first time. The bill is drafted mainly upon the provisions which existed in the English law upon the same subject, but some parts of it have been suggested by our own old bankruptcy law. The Bill proposes that in a certain contingency any bank or trading company may be placed in liquidation. The contingencies are enumerated in the bill in detail, but I think, for the purpose of discussion, I might put them all in one phrase by saying, when a bank or any other company suspends payment it shall be liable to be placed in liquidation. In such a contingency the creditor, or any creditors for a certain amount, applies to the judge, and the bank or insolvent company is summoned before the judge

to show cause why the institution should not be placed in liquidation. There is an opportunity then afforded for testing the circumstances which led the creditors to demand that the company be placed under the jurisdiction of the court. Should the court or the judge be of opinion that more time should be given for the purpose of ascertaining one or the other of these points he is at liberty to do so, and should it turn upon the second point—that is whether the corporation is really insolvent—the bill arms him with power to place an accountant not in possession exactly, but to place an accountant in such a position as to be enabled to investigate the books and the standing of the institution, and it enables the accountant to ask for the assistance of the officers of the bank or corporation, and gives him power to enquire thoroughly into the affairs of the institution. Until his report is made the matter is held over. The judge having made up his mind whether the debt really exists and whether the corporation should be placed in liquidation, makes the order which places the estate in liquidation. In the same way he appoints a liquidator who is armed with all necessary authority to wind up the institution. He is invested with all the authority which the institution itself ever had. He can collect debts and compromise debts, can make calls upon the shareholders, either with reference to the stock which they may have taken and which they have not paid up, or the liabilities which they have incurred under the double liabilities clause, in the case of banks, and can exercise, in short, every power which is necessary for getting in the assets of the institution. The liquidator is in the same position as an officer of the court and liable to be dealt with for any malfeasance or misfeasance, in the most prompt manner,—not by any lengthened proceeding but by being punished for contempt as though he were a clerk or crier of the court and disobeyed an order of the court. So that the judge has the most prompt means to deal with any shortcoming or wrong-doing on the part of the liquidator. The court can appoint one or more liquidators, as may be thought fit, and the remuneration of the liquidator is, by this measure, within certain limits, left also to the court. The House will observe that this power is given, not to the creditors, but to the court, and this

has been the result of consideration of the opinions of various eminent men in England, and I believe many in Canada, who have given attention to the subject and who have had experience with reference to the working of insolvency laws in England and in this country. That experience, strange to say, leads to this conclusion, that those most interested in a bankrupt estate will not give it special attention, that where it rests with the creditors to say that such and such steps are necessary or that such and such proceedings shall be taken by the assignee, or if he has not done his duty, or in case of a variety of complaints of that nature which will suggest themselves to the minds of hon. gentlemen, the creditors will not attend to these things and time passes on, and what is not attended to by one is not attended to by the creditors as a whole. It is nobody's particular business and time passes on until the collection of the assets of a bankrupt estate becomes very difficult. In England it was very slow, and it became almost a by-word in many parts of Canada that the assets of a bankrupt estate never got beyond the hands of the assignee. That, I think, was the result of a want of vigor or want of interest on the part of the creditors, because they certainly had under the old bankruptcy law of Canada all the power in their own hands and could have attended to the matter and had better results if they had given personal attention to the winding up of insolvent estates and had shown proper vigor and persistence. Particularly they did not proceed persistently. In case of a bankruptcy the creditors met, and for the moment everything would seem to be going on vigorously, but the estate would soon be lost sight of. There was not the persistent attention necessary to wind up an estate in a satisfactory manner by the creditors.

The opinion of most eminent men in England, the present Lord Chancellor and the late Lord Chancellor and one or two judges who have taken an interest in the matter and have seats in the House of Lords, and whose opinion can be ascertained by hon. gentlemen who take an interest in the subject, speak favorably of the plan which is embodied in the Bill now before the House—that is, of not leaving the matter in the hands of the creditors, but of placing it under the con-

trol of a judge who being only one and therefore prominent, and whose neglect would come home to himself—leaving it in the hands of one person and making him see that the liquidator attends to the collection of the debts and the proper division of the assets, and that the estate is wound up in a manner that business men would be satisfied with. The bill does not propose to give a discharge to an insolvent company. It does not propose to do that because at present there is no insolvency law in force in the Dominion, and there are no means of giving a private debtor a discharge, and therefore it is not contemplated in this Bill to give a bankrupt corporation a discharge. It is rather for the purpose of winding up bankrupt institutions (not of depriving them of their charters), and of placing their assets in the hands of their creditors. The Bill, as I have said, has been framed principally on the English law on the same subject, but with a good deal of reference to, and I may say, many provisions drawn from our old bankruptcy law.

It occurred to me in bringing it before the House that it would be desirable, and I propose with the sanction of the House to avail myself of the opportunity, to get the assistance of some of those members of the Senate who are likely from their experience and professional knowledge to have given this subject most attention; and I propose with the assent of the House to refer the bill to a private select committee for the purpose of obtaining such suggestions as can be given with reference to all the features of the Bill which I have mentioned. I think it very desirable that this committee should be composed of gentlemen from the different Provinces and belonging to different professions. I venture to submit the names not only of gentlemen belonging to the legal profession, but also of gentlemen who are merchants and who can, because of their practical knowledge of business affairs recommend the best course to be pursued in reference to the estates of insolvent corporations. I hope with the assistance of that committee, whose names I shall submit to the House when the bill is read the second time, to perfect a measure which will meet with the approval of Parliament. I have mentioned the general scope of the bill, and I trust with the assistance of this committee, we shall

be able to present it in such a shape that it will be a useful addition to the laws of the country which are singularly defective on this point. I have received during the time I have given consideration to the bill several suggestions, some of which are given at length, some from the Province of Ontario and some from the Province of Quebec, all more or less valuable, and all pointing to what was considered by those who have prepared them as defective portions of the measure. Whether they are so or not, will be a matter for the consideration of this committee to whom I will submit them with the bill. I do not think I need detain the House by any further observations. I have given hon. gentlemen a general idea of the measure, and I am quite sure that the principle of it will be readily assented to by every member of the Senate.

HON. MR. DICKEY—Before the motion is put from the Chair I would like to call the attention of the hon. Minister of Justice to the fact that with regard to one branch of this measure, that is the winding up of insolvent banks, there is already legislation in the Banking Act, and it would be convenient for the House to know to what extent this legislation differs from the existing provisions, which are certainly stringent enough for the winding up of insolvent banks. These powers which have been mentioned with reference to requiring parties to pay up calls, double liabilities, etc., have all been provided for with regard to banks. The other two classes—insurance companies and trading corporations—I say nothing about at present, because that will be a matter for detail and enquiry. It would be convenient, however, for the House, if my hon. friend would state to what extent the provisions in this Act for winding up banks differ from those now in force.

HON. SIR ALEX. CAMPBELL—As far as my recollection goes, under the Banking Act there is a provision for the purpose of enabling calls to be made without exhausting in the first place the assets of the bank. That was the difficulty which led to the Banking Act being amended in that sense. A bank fails and there is the double liability clause by which the stockholders can be called upon to contribute very largely to the payment

of the debts which the bank may owe. But it was held by the courts that that clause could not be put in operation until the assets of the bank were exhausted, and that put off indefinitely the time when the stockholders could be called upon to meet their liabilities under the double liability clause. Under the amendment the double liability clause can be used without waiting until the assets of the bank are called in, but there is no legislation beyond that for the passing of the estate into the hands of the liquidator. There is no provision giving the liquidator the powers to which I have referred: there is none for giving the court power to ascertain whether the bank is insolvent or not; and none to give to the court or to the liquidator power to deal with the assets of the bank or with the liquidator in a summary way. In the banking act there is just a provision to meet the difficulty which was experienced with respect to the double liability clause not being capable of being used until after the assets were all called in. None of the provisions of this bill, to which I have alluded, are in the banking act.

HON. MR. McMASTER—I desire to call attention to the fact that clauses 57 and 58 of the act provide that if a bank should fail to meet its liabilities within ninety days, that constitutes insolvency; and provision is made for the appointment of an assignee. In the event of its remaining in this position for six months, power is given to the assignee, or to the directors, to make an assessment, at intervals of thirty days, for the purpose of meeting the liabilities without reference to the assets. This is a very important provision, and it appears to me that there is no great necessity to include banks with the other companies in this bill, in view of the provisions to which I have referred and which appears to be quite ample.

HON. SIR ALEX. CAMPBELL—We will consider that in the committee.

HON. MR. SCOTT—Is this Bill intended to supercede the banking act?

HON. SIR ALEX. CAMPBELL—No.

HON. MR. SCOTT—I notice, with reference to the clauses to which my hon. friend alludes, that the time specified is

the same as that mentioned in the banking act—ninety days—before any proceedings can be taken before the court, but the observation which the hon. Senator on my left (Mr. McMaster) has made is a very pertinent one—that it is the case of other corporations than banks that this measure is intended to meet. It may possibly be a matter for the committee to decide whether the clauses of the banking act are sufficient, and whether the banks might not be excluded from this measure. We all admit that the time has arrived when legislation of this kind is necessary, and we should have some law upon our statute-books by which the vast number of ephemeral corporations, which have become insolvent, should be wound up. This legislation is not a day too soon. I assume that the Government are not committed to the principle of including banks, and that if the committee are of opinion that the legislation which already provides for the winding up of insolvent banks is sufficient, the provisions in this bill will not be made to apply to banks. Their case is different from that of ordinary trading companies, being institutions of an entirely different character; however I shall reserve any opinions I may have to express until the bill is before the committee.

HON. MR. ALEXANDER—This appears to me to be a measure of such importance that, the hon. leader of the House having already explained its details, I am sure there are many members of the Senate who desire to have the discussion on the second reading stand over until to-morrow, in order that they may thoroughly digest the remarks which he has made, and understand in what manner the interests of shareholders are to be dealt with. It does appear to me that it is an excessive power which this bill proposes to give to the court to appoint a liquidator to deal with the property of shareholders in this summary manner, without the shareholders having any voice in the appointment of the accountant or liquidator. Suppose we are all shareholders of a bank, the bank suspends, under this measure application is made to the court to deal in a most summary manner with our property! We have no voice whatever in the appointing of the accountant or liquidator in order that we might have some hope of the shareholders' interests

being protected. It is all very well to say that the judges of our courts are men of unimpeachable integrity. We know they are, but surely it appears reasonable that where a large body of men, the shareholders, have their all in the bank, and that perhaps their property may have been thrown away in a most discreditable manner, they ought to have some voice in the appointment of the liquidator in whose hands their property is to be entrusted. We may be called upon to pay a double liability in a summary manner, while we have not one comforting assurance to feel that our interests are fairly dealt with. It does appear to me that the House ought to pause. Does the hon. gentleman propose that the Bill shall be retrospective.

HON. SIR ALEX. CAMPBELL—No.

HON. MR. ALEXANDER—I think it is very desirable that it should be retrospective, to deal with certain banks which have got into difficulties within the past five years. It does seem to me that in view of the history of some of the banks of this country that we know of, a measure which empowers a court to appoint liquidators in this manner, will have the effect of driving every man to take his money out of bank stocks and invest it in other securities.

HON. SIR ALEX. CAMPBELL—I beg to move that the bill be referred to a select committee to consist of Hon. Messrs. Scott, Dickey, Trudel, McMaster, Gibbs, and the mover.

HON. MR. ALEXANDER—I again ask why a Bill of this importance should not be left to the committee on Banking and Commerce? No objection can be raised to the members of that committee, but to send the bill to so small a number when we have the Banking Committee selected from the leading merchants and the leading bankers of the House, seems to me an improper course. I cannot understand why the hon. gentleman should propose a select committee to deal with an important matter like this, and I hope the House will not agree to it.

L'HON. MR. BUREAU—J'attire l'attention des honorables Sénateurs sur l'importance de conserver aux actionnaires ou autres personnes ayant des réclamations

contre les corporations en question, tous leurs droits et privilèges que ces actionnaires ou autres pourraient avoir contre ces corporations, leurs directeurs ou agents responsables afin que telles liquidations ne puissent en aucune manière leur préjudicier. Je sais que durant la Session actuelle ces questions seront soulevées à l'occasion d'une banque à Montréal qui a été mise en liquidation. Le Bill actuel peut régler équitablement les droits de toutes les parties intéressées en pareille circonstance, sans avoir recours à une législation exceptionnelle.

HON. MR. POWER—I do not think the objection of the hon. gentleman from Woodstock (Mr. Alexander) is well taken. This is a public bill introduced by the Government, and I do not think it has been the practice to refer bills of that sort to any committee; I think perhaps the Government are judicious in referring it to a special committee, consisting partly of members of the Opposition, because in that way the Government get rid of a great portion of the responsibility, which perhaps, properly ought to rest on their shoulders alone. I think that the Hon. Minister of Justice has shewn a great deal of judgment in the selection of the committee, and I feel that the bill could not be in better hands than those in which he proposes to put it. I rise chiefly for the purpose of saying, that I presume—I wish to get an expression from the leader of the Government in this House on the subject—that there will be the fullest opportunity to consider the bill in detail when the report of the committee comes up, and that we shall have just as ample opportunity to discuss the details of the bill as if it had not been referred to this committee, but had gone to a committee of the whole House.

HON. SIR ALEX. CAMPBELL—Certainly.

The motion was agreed to.

COUNTY COURT JUDGES' BILL.

SECOND READING.

HON. SIR ALEXANDER CAMPBELL moved the second reading of Bill (B) "An Act respecting County Court Judges."

He said—Great difficulty has been

found in dealing with some of the county court judges whose conduct has not been such as the country has a right to expect from men occupying that high position. The county court judges in Ontario were at one time liable to be displaced by proceedings before what was termed in the Act, a court of impeachment. This court of impeachment consisted of judges of the Supreme Court or judges of the Court of Queen's Bench in Ontario. During the history of Ontario since it became a separate Province from the old Province of United Canada that Act was repealed, or at all events, language was used intended to repeal it, and to create another tribunal for trying judges of the county courts against whom there was any complaint. This new tribunal consisted of the Lieutenant-Governor-in-Council. Great doubt arose as to whether or not, under the measure which repealed the Act of old Canada and constituted what was called a court of impeachment, the legislation of Ontario purporting to repeal that statute was within the scope of the legislative powers of Ontario, and a doubt has been felt not only by those gentlemen who have been concerned in the administration of the law here in Ottawa connected with the different Governments of the Dominion, but has been felt by those gentlemen concerned in the administration of the law in Ontario; and the result has been that they were unwilling for the Government of Ontario to act upon the law which enacted that judges of the county courts might be tried before the Executive Council and the Lieutenant Governor of that Province. They distrusted the legality of that statute, and latterly, when I have been endeavoring to put in force some machinery for the purpose of trying to deal with complaints against a judge in Ontario, whose name and locality I will not mention, I found that the judges, or one of them, a very learned judge of one of the courts of Ontario, was of opinion, and was ready to pronounce judgment to that effect, that the legislation of Ontario which I have described, and which repealed the old statute of Canada providing for a court of impeachment, was *ultra vires* of the powers of the Legislature of Ontario. The result was, that we were thrown back upon the necessity of legislating as the bill proposes to do, or of trying to put in force

an old statute of the Imperial Parliament which made provision for the removal of judges in the colonies under certain circumstances and with certain formalities. It was somewhat difficult to avail ourselves of that statute. We did try, but difficulties were encountered, and on the whole it was thought necessary almost, (I think I may say absolutely necessary,) that some legislation should take place upon the subject for the purpose of enabling the executive government to deal with the case—and there are one or two very flagrant cases—of misconduct on the part of county court judges. This bill provides that these cases should be dealt with by the Governor-in-Council, who may for the purpose of investigation avail himself of the services of one of the judges of the Supreme Court who shall conduct the inquiry and report upon the complaint made against any judge: that report, and evidence will be laid before the Privy Council, who ultimately will deal with the case. This provision which is made in the bill is analogous to that which was made by the statute of Ontario, and analogous to that which was provided by the English act to which I have alluded, and which I tried to put in force in one of the instances which I have mentioned. I desire to put in the bill other provisions one of which relates to their pensions; the sixth clause is not so full as I intended it to have been and as I propose to make it in committee. There is now a provision in the law under which after twenty-five years' service a county court judge may be pensioned; that has not been placed in the sixth clause as I intended it should have been and as I will ask hereafter to have it placed by the committee of the House. Then I have provided that if a judge of the county court is removed by the Governor-in-Council for inability or incapacity, and that the inability or incapacity has arisen from old age or ill health, that that shall be the same as though he had resigned and that he may still have the pension. It does sometimes happen and I think it is now the case that a judge clings to office when in reality it would be far better for himself and for the administration of justice that he should retire. At the same time he is not of that opinion, he thinks he is still able to discharge his duty; we all cling to the belief that we continue to possess

our full powers in old age, and these gentlemen cling to their offices in a way which is disadvantageous to the administration of justice. It is proposed in this bill that they shall be removable for inability arising from old age or incapacity, and that they shall be entitled to a pension. Then there is a provision which I do not feel quite sure about, and I am not desirous of pressing it; as to the appointment of a junior judge, unless there is a given population; I think, perhaps, that had better remain over. Then I have received many remonstrances against the last clause, which provides that a judge of a county court shall not hold any office under the Government of a Province. In Ontario there are many judges holding the office of Master in Chancery and Registrar in Chancery, and these offices they derive from the Government of the Province. They occupy a great deal of their time and they get remunerated by fees; sometimes it may be said that the discharging of their duties as judges is hindered, and their time occupied to the disadvantage of their duties as judges by those other duties; but I have received so many remonstrances—some of them shewing such strong reason for the continuance, for the present at all events, of the system—that I am not prepared to press that clause upon the consideration of the House. The statute of Ontario makes it incumbent upon the judge to be the Master in Chancery; this statute makes it incumbent upon him not to be so, and the judge would be placed in a dilemma. I think, perhaps hereafter, when some future Government, or this Government reconsiders the subject of judges' salaries generally, that the opportunity might then be taken of passing a law confining them wholly to the discharge of their duties as judges, but I think just now it would be unfair to do so. These are the general provisions of the bill of which I move the second reading.

HON. MR. SCOTT—It is a matter of very great regret that there should be any necessity for this legislation proposed by the Government; but I really feel myself that the observations which the hon. gentleman (Sir Alexander Campbell) has made with reference to the necessity are true, and that it becomes important to

deal with certain judges, who have not the good taste to resign when they become incapacitated from causes for which they themselves are somewhat responsible, and therefore it becomes necessary to remove them in the manner laid down in this bill. The only portion to which I take a very strong objection, is that which gives the Governor-General-in-Council power to name other persons than those who are specially mentioned in the bill itself. Now, I think in placing in the statute book a measure of this kind, which affects in so tender a point a class of gentlemen, many of whom—a very large proportion, in fact—are of very high standing, we ought to be extremely careful in the selection of the tribunal that is to try them. A judge of the Supreme Court would be a very proper tribunal, but the clause goes on to give the Governor-in-Council power to name other persons. We might as well strike out all the preceding portion of the clause, and say that the Governor-in-Council may investigate the matter. I think if these words to which I have referred were struck out, and the number of persons to whom this sovereign power could be delegated could not be increased, the bill would not be objectionable. I am glad to hear the hon. the Minister of Justice say that he does not intend to insist upon the tenth and eleventh sections, more particularly the latter, which would deprive judges of the right to accept fees in addition to their salaries. It would affect more than the Master-in-Chancery. For instance, there are judges of surrogate courts. I know there are some county court judges who are surrogate judges and they are entitled to draw fees for their services in that court; and they are really the best tribunal to which wills could be left. There are some other details of this bill which it is not necessary to advert to further than to say that I generally acquiesce in the principle of the measure, but would be glad to see it altered in the direction which I have indicated. Parliament should know, and the judges themselves should know the tribunal before which they are to be tried; otherwise if a judge were inimical to the Government of the day it would give them power—a very extraordinary power—to appoint a person who might be of a yielding character and who might be disposed to do what was

not right or proper. Therefore, I hope the Government will see the propriety of making this change.

HON. MR. READ—I am very glad to hear the hon. leader of the Government in this House say that he is not going to insist upon the 10th clause, because there are localities with which I am acquainted where the interests of justice demand a junior judge. The county in which I reside is nearly 100 miles long and the judge would have to travel from where he lives fifty or sixty miles, to hold courts. There is no railway, and the roads are very bad, and it would take him a long time, and he would be prevented from discharging the duties entailed upon him. That is one instance. Then in the counties of Lennox and Addington the judge would have to travel over a large district. In the county of Renfrew there are forty townships, yet the population is only 40,000. There would be a great inconvenience there. For these reasons I am very glad to hear that the Hon. Minister of Justice does not insist at the present time on the 10th clause, because I think in many cases it would be necessary to have junior judges.

HON. MR. KAULBACH—Might not some of the provisions of this bill apply to judges of other courts as well as to the judges of county courts—I mean as regards removal for incapacity from age or ill-health?

HON. SIR ALEX. CAMPBELL—I am much obliged to my hon. friend opposite for the kind spirit in which he received the Bill. There is great force in the suggestion which he makes as to the objections to giving power to hold this enquiry, to other persons than the judges named. Before the bill comes up for consideration in committee, I will discuss that point with my colleagues, and will perhaps be able to meet my hon. friend either wholly or to some extent, in the direction in which he finds a difficulty. The case which is mentioned by the hon. Senator from Belleville (Mr. Read), was before me, and the judge did tell me that he was unable to discharge the duty,—although the population of his county was not greater than that mentioned in the bill—in consequence of the distances which he

would have to travel. The county of Hastings is very long and not very broad, and the railway does not extend far through it, so that it makes it difficult to conduct the business of the courts there with only one judge. Still, I am strongly of opinion that if the judges gave the whole of their time to their duties, and displayed the ordinary vigor which men should do in the prime of life—as most of them are—that a great deal more could be done than is accomplished now; but it is necessary to go gently. The hon. Senator for Lunenburg asks, why not extend the provisions of this Bill to other courts? The reason is that they hold office during good behaviour and can only be removed by the action of both Houses of Parliament. They can be pensioned after serving fifteen years if they are unable to discharge their duties from illness or inability. I think most of these provisions are substantially to be found in the existing laws with reference to other courts; but that also I will examine into and see if there is any thing omitted in that respect.

HON. MR. POWER—I regret that I cannot agree with the leader of the Opposition in congratulating the Government for having struck out the two last clauses of the bill. It seems to me that the tenth section contained a very proper provision. I think that the multiplication of county court judges is not desirable. Under the provisions contained in the earlier sections of the bill, any judge who is incapacitated from old age or illness to discharge his duties, will be removed, and then the necessity of appointing junior judges will not arise. There is a good deal of force in the remark of the hon. Senator from Belleville (Mr. Read), with reference to those counties which are very extensive; but I think, as a rule, where a small population is spread over a large county the amount of litigation is very trifling, the great bulk of litigation being, as a rule, in the towns and cities. I think it will be found that the amount of business in a large district sparsely settled is very small, and that a man of fair energy and vigor having charge of those districts, will be quite able to overtake all the work to be done there. I think further, that if it is found, that the work done by a judge, in other capaci-

ties than that of a county court judge, conflicts with his regular duties it would be better for the Government to pay him a sufficient sum to confine his attention to the county court work. I regret that the Hon. Minister of Justice does not see his way to doing anything of that kind at present. The Treasury is overflowing to an extent never known before, and this is a most opportune time to give hard working and valuable officers, like these county court judges, such salaries as will enable them to devote all their time and energies to the discharge of their duties, and to live in a way becoming such important functionaries.

HON. MR. DICKEY—I am very glad that the suggestion which was made by the hon. gentleman below me as to the mode of conducting these enquiries has been accepted so freely by the leader of the Government in this House. I have a very strong opinion, and I hope he will concur in that opinion, that it is very undesirable that a judge of the county court should be removed by any lower functionary than a judge of the Supreme Court.

HON. MR. SCOTT—I do not desire to be misunderstood with reference to the tenth clause. I do not think it would be wise for the Government to tie itself up to the necessity of a population of 10,000 before appointing a junior judge. I have in my mind's eye several counties in Ontario where the population is under 70,000, and where it would be impossible for one judge to discharge all the duties. Where a county extends over a large area there might be a population of only 60,000, and yet it would be impossible for one judge to discharge all the duties, especially if it was a commercial county. There is always more litigation in a county where you have a number of towns and villages, and therefore, I think the limitation as to population is too high. My impression is that the general rule that has been kept in view by former Governments has been, that there should be at least a population of 50,000 to 60,000 to warrant the appointment of a junior judge. There are some counties where the area is large, in which there is but one judge. There are other counties where the area is not so large, but where the population is larger,

and where there is a junior judge. I think 70,000 is too high a standard, so far as population is concerned. If you are to name a limit at all, I think it should be lower than that. At all events it would be putting on record that in a considerable number of cases the junior judge was a supernumery. There are eight or ten cases in Ontario where there are junior judges, where the population does not reach 70,000, and this would be practically our opinion, that the appointing of junior judges in the past in unions of counties where the population was less than 70,000, was an improper exercise of the appointing power. The Governor-in-Council should decide when the time has arrived for the appointment of a second judge in a county or union of counties. My idea is, that the limit is high and that it should be made lower or left as it is. Unless there is ample business for two Judges, a junior judge should not be appointed

HON. SIR ALEX. CAMPBELL—I should like to add, with reference to that point, that a paper of much interest was submitted to me after this clause was prepared, which contained the views of one of the most eminent men who have held the office which I now fill—Mr. Blake—who was considering this point and who suggested with reference to the question which occurred to the mind of the hon. Senator from Halifax, and which was also alluded to by my hon. friend opposite—the effect of a certain kind of population on the business of a court. Mr. Blake was of opinion, and goes at length into the subject in this paper, that the population in towns should be counted as two against the rural population in estimating the business of any locality. It is discussed at considerable length in this paper which Mr. Blake very kindly furnished my predecessor in the office, and I feel very much inclined to defer to that view. That would restrict the appointment to a certain population. Various reports have been made by judges pointing out the difficulties in their several counties such as have been referred to by the hon. Senator from Quinte, which rendered it inexpedient to lay down a hard and fast rule as to population. The matter, I think, must be left to the responsibility of those who are Ministers of the Crown at the time.

HON. MR. FLINT.—The population of the County of Hastings at present is about 60,000 and we have twelve Division Courts, one in Belleville and eleven outside of it. It requires at least seven to eight weeks for a deputy judge to attend to these courts, and consequently it would take a great deal of time away from the principal part of the business of what is called a County Court. Hastings is a very long county: from Belleville to its northern extremity it is about 120 miles. The whole of the courts, with the exception of one are within a radius of 30 miles. That one is seventy-eight miles to the north of Belleville and fifty miles north of Madoc where the last court, you may say, is held. As a general thing it would take two days to go there, two to come and say two to attend to the business of the Court. We have only two Courts there in the year, one every six months, and as a matter of course, a vast amount of business accumulates. The time will soon arrive when it will be necessary to have up there a greater number of courts—that is to have either three or four through the year, which will expedite the business, but if the limit of 70,000 of a population is to be adopted, and deputy judges are to be done away with, we could not have any courts, or else the majority of the courts would have to suffer from the absence of the judge. I think however, the day is not far distant when there will be a division of the County of Hastings, and then the probability is that one judge could attend to the different divisions, but as matters are at present it would be simply impossible for one to do it, and if the Minister of Justice could see his way to lowering the standard to 50,000 it would be far more acceptable.

The Bill was read the second time.

IMPROPER USE OF FIRE-ARMS BILL.

SECOND READING.

HON. SIR ALEX. CAMPBELL moved the second reading of Bill (E), "An Act to amend the Act 40 Vict., cap. 30, intituled 'an Act to make provision against the improper use of fire-arms.'" He said—Under the existing law fire-arms, when

they are illegally found in the possession of any person, are broken up and required to be destroyed. Remonstrances were made on this point from certain municipalities, and it was suggested that the weapons instead of being destroyed, should become the property of the municipality. This Bill is to carry out that suggestion.

The motion was agreed to and the Bill was read the second time.

STEAM USERS' INSURANCE COMPANY'S BILL.

SECOND READING.

HON. MR. VIDAL moved the second reading of Bill (I), "An Act to amend the Act incorporating the Canadian Steam Users' Association, and to change the name of the said Act to the 'Boiler and Inspection Insurance Company of Canada.'" He said—The Bill is one of a very simple character indeed. It has been found by the incorporators that the name is not a sufficient indication of the character and work of the Association, and they therefore desire that the name should be changed from that of the "Steam User's Insurance Association" to that of the "Boiler and Inspection Insurance Company," the object of the Association being the inspection of boilers and the issuing of insurance against the explosion of boilers. The second section, although it may appear long, is only made so by repeating in full the clause of the former Act which it seeks to rescind. That clause required that the Company should be managed by a Board of Directors, one-half of whom should retire each year in rotation, and it is thought desirable that the new Board should be elected each year.

The Bill was read the second time.

FIRST NATIONAL BANK OF CANADA BILL.

SECOND READING.

HON. MR. GIBBS moved the second reading of Bill (J), "An Act to incorporate the First National Bank of Canada."

He said: This is a Bill for the purpose

of establishing a bank in the town where I live, with a capital of one million dollars, and subject to the usual provisions of the Banking Act. I do not suppose it is necessary that I should go through all the clauses of the Bill, as I believe most of them may be found in the general Banking Act.

The Bill was read the second time.

HARBOR AND RIVER POLICE BILL

SECOND READING.

HON. SIR ALEX. CAMPBELL moved the second reading of Bill (D), "An Act respecting the Harbor and River Police of Canada." He said:—This is a Bill with the object of reducing to better order than it is now the Harbor and River Police of Montreal and Quebec. The history of that police force is this: It was constituted in the first place by an ordinance passed in the time of Lord Durham, and the money necessary for keeping up the force was then voluntarily contributed by the merchants and ship-owners. Subsequently in old Canada the ordinance was changed, and instead of voluntary contribution a tax was levied upon the vessels coming into the harbors of Montreal and Quebec. This tax was imposed for that purpose, and the money which was raised from it was given to the police authorities who were called upon to disburse it, and who reimbursed themselves by this tax. It has been going on in that sort of way, which I must say is a slipshod way, from that time to this, any deficiency between the money received and the cost of the force being paid out of the general revenue of the country. Then difficulties arose as to the command of this force, as to whether it was a Provincial or a Dominion force, or whether it was under the control of a certain official in Quebec, or under the control of the Minister of Marine and Fisheries. This Bill provides that the force shall be under the authority of the Minister of Marine and Fisheries, and that it shall be composed of a superintendent and so many policemen, that they shall be paid out of the Consolidated Revenue of the Dominion, that a certain tax shall be continued on shipping, which shall go into the Consolidated Revenue;

and it is believed that one will be sufficient to meet the other; but there is no pretence (which was a very bad plan) of applying that particular money received from the ships to the payment of the police.

The pay of the police is charged against the general revenue, and the proceeds of the taxes levied go into the general revenue. Provision is made for the maintenance of order, etc., and is sufficiently precise I think to meet the necessities of the case and to remedy those inconveniences which experience has shewn in the administration of the force. I have the various statutes by me, but I do not think it is necessary to trouble the House with them upon the occasion of the second reading of the bill. The superintendent is made a justice of the peace, for the purpose of carrying out the criminal laws, which he was not before. That was done for this reason—this police force has jurisdiction outside of the harbors of Quebec and Montreal, and may go down to enforce the laws as far as Anticosti and other places, and therefore it was thought desirable, if they had to go to a distant part of the Gulf, where there were no magistrates, that the superintendent should have the power of a justice of the peace; and in that sense he is made a magistrate, but it is not intended that he shall interfere in any way with other magistrates and their duties. There is a certain jurisdiction conferred by the Merchant Shipping Act on certain officers in Quebec and Montreal, and this bill cannot interfere with their duties in any way since the Merchant Shipping Act provides in so many words, that the proceedings under that Act shall be before a judge of the Court of Sessions.

HON. MR. SCOTT—In reference to the eighth clause, I think it would be *ultra vires* of this House to pass it. That clause should originate in the House of Commons, it will really have to come back to this Chamber again.

HON. SIR ALEX. CAMPBELL—We have introduced Bills of this kind in the Senate several times for the purpose of advancing them. They go down to the House of Commons and the blanks are filled, and they come back to us again.

HON. MR. GIBBS.

HON. MR. DICKEY—The hon. gentleman has referred to the conferring of the powers of a justice of the peace upon superintendents. The Dominion Parliament has no power to create justices of the peace, and we certainly ought not to give them jurisdiction with reference to laws which are not within the purview of the Dominion as criminal laws are. This clause goes further and says that "every superintendent of harbor and river police appointed under this Act shall for the purpose of carrying out the criminal laws and other laws of Canada," etc. I think this ought to be limited in a different way or the question of jurisdiction might arise, and a question of the power of this functionary to discharge the duties of a justice of the peace in respect to matters which are not within his jurisdiction. I understood my hon. friend to say that he did not propose that these superintendants should interfere in any way with other justices of the peace!

HON. SIR ALEX. CAMPBELL—No.

HON. MR. DICKEY—This extensive wording of the clause might lead to a conflict and I therefore called attention to it.

HON. SIR ALEX. CAMPBELL—I am very much obliged to the hon. Senator from Amherst for his suggestion. We will consider that before going into committee. It may be the words "and other laws," should be stricken out. I think it requires some consideration, because it is for the purpose of enforcing the laws enacted by the Dominion. However, I will give most careful consideration to the objections that have been made.

HON. MR. TRUDEL—I beg to call attention to the eighth clause by which power is given to collect tolls from vessels entering the harbors of Quebec and Montreal. In previous sessions both Houses have considered the question whether it would not be proper to take steps to diminish the tolls upon vessels entering those harbors in order to increase the traffic by way of the St. Lawrence. This hon. House will recollect that comparative statements have been submitted to us showing that the tax upon vessels by the St. Lawrence route exceeds the tolls levied

upon vessels entering the harbor of New York for instance, and that this difference is operating prejudicially to our ports by diverting trade which should naturally come to them. I understood at the time that the policy of the Government was in the direction of diminishing those charges, as I think should be done in the interests of the country. If I recollect right the pilotage, harbor dues and other charges at the port of Montreal are more than double those paid in the harbor of New York, and if a new tax is put upon vessels entering the St. Lawrence, it seems to me that it will be a mistake. I merely call attention to the matter and ask whether it would not be possible, not merely in the interest of the ports of Quebec and Montreal, but in the interests of the whole of the Dominion not to increase those duties. We have all learned with great pleasure that the revenue exceeds the expenditure and, therefore, I think that these new charges contemplated by this Bill should be borne by the Government of the Dominion, and I hope they will take the matter into their serious consideration.

HON. MR. KAULBACH—I do not know whether new charges will be created by this Bill, but I beg leave to differ from my hon. friend (Mr. Trudel) with respect to the charges at the port of New York and at the port of Montreal. From what I know of those ports, the charges at Montreal are not so great as at New York. The towage at Montreal is large, but except that, the difference is the other way.

HON. SIR ALEX. CAMPBELL—The question raised by the hon. Senator from DeSalaberry (Mr. Trudel) is a large one, and it was discussed in this House some sessions ago. Some approach has been made towards the accomplishment of the object which the hon. gentleman has in view by the assumption by the Dominion of some of the debt incurred at the harbor of Montreal, and by lessening the debt on it materially—reducing it from six to four per cent—but it would be hardly fair I think to the rest of the country to do away altogether with those charges which really relate to a very great extent to the ports of Montreal and Quebec. This force sometimes, abnormally, goes to other parts of the country; but it is for

the most part to maintain order, and to enforce the regulations in the harbors of Montreal and Quebec. To a very great extent these are local, and therefore I do not think it would be fair that the charges which are necessary for the enforcement of these local rules and regulations should be borne by the country at large. If in any way the charges by the St. Lawrence route could be reduced, I should be glad to see it done, and I hope, in the course of time, that ingenuity will suggest some way; but it is very difficult, because of the extent of the Dominion, and what is due to other localities. If the charges were taken off the navigation of the St. Lawrence and the ports of Montreal and Quebec, under what circumstances, and for what reasons, shall we maintain such a force? What interest, except as belonging to one country, have the inhabitants of other parts of the Dominion in the reductions of charges to be made in those ports?

HON. MR. TRUDEL—I would ask the Government to consider whether in the interest of the public generally it would not be well not to augment the charges. I admit at once that it is perfectly reasonable that those expenses which arise from local difficulties in the harbors of those cities should be met by local charges, but if one of the consequences of those charges is to prevent trade going by the St. Lawrence and to divert it to the harbors of the United States, and if the country loses more by that than it would by assuming these charges, I think it would be reasonable for the Government to bear the expense. I simply call the attention of the Government to the matter.

HON MR POWER—The hon. Senator from De Salaberry seems to be under the impression that this Bill imposes new charges on shipping entering the ports of Montreal and Quebec. I understand that it is merely continuing the charges which have been paid since 1867. There is no augmentation of the duties at all, and I was very glad to hear the hon. Minister of Justice speak as he did on this subject.

HON. MR. RYAN.—It would appear to be uncertain as to whether new charges are to be imposed or not because there is an important blank in the Bill to be filled

up. When that is done, we shall see what the charges on ships are to be. There is a peculiarity in the system which has prevailed hitherto with regard to ships entering the harbours of Quebec and Montreal, and that is, that while the police can be employed for other services, throughout the country, a large portion of that charge comes upon the shipping interest. In saying this, I do not wish it to be at all supposed that I mean to object to proper and fair charges being imposed upon the shipping interest either of Montreal or of Quebec, to the shipping interests of which ports this Act applies. It will appear when that blank, which is still in the Bill, is filled up, whether the charge is to be as formerly reasonable or excessive, and it will be time enough then to pronounce upon it; but I repeat that it is a peculiarity in this Bill that shipping is made to pay a tax which is not entirely for the benefit of that interest, but a large proportion of which goes to other interests which require protection. I believe the shipping interests of Canada, or rather of the two ports of Quebec and Montreal, as long as they are fairly well protected, and such occurrences as have taken place previous to this are prevented by the efficient exercise of Government Police, will have no objection to pay for that protection; but they expect that this will be done, and they also expect that the charge will be moderate.

I take it for granted that the Government in bringing in this measure have ascertained the views of the important shipping interest of those two larger ports, and I trust that they are acting in such a way as will not prove objectionable to that interest. I take it for granted, and I dare say the Hon. the Minister will be kind enough to state, that they have assented to, and concurred in the views of the Government upon this subject.

HON. SIR ALEX. CAMPBELL—I would be very glad to give my hon. friend the assurance, if I had it in my power to do so. The Bill is the result of an application made to the Department of Justice by the Department of Marine and Fisheries. Some papers have been sent in, I see, from Montreal and Quebec, and I have no doubt that the views contained in them have been duly considered. I think I said before that the police were not em-

ployed entirely in the discharge of duties connected with the ports of Montreal and Quebec, but that that was their normal duty. They are occasionally employed elsewhere, and to that extent—if we only could arrive at what that extent was—some other income should be devoted to them; but it would be very difficult to arrive at that amount.

The motion was agreed to and the bill read the second time.

CONSOLIDATED INSURANCE LOANS AMENDMENT BILL.

SECOND READING.

HON. MR. BELLEROSE moved the second reading of Bill (H), "An Act to amend the Consolidated Insurance Act of 1877." He said that this bill having been introduced last session, and having passed this House, it was useless for him to make any further reference to it. He simply moved the second reading.

The motion was agreed to, and the bill was read the second time.

CRIMINAL JUSTICE IN DISPUTED TERRITORIES BILL.

IN COMMITTEE.

The House went into Committee of the Whole on Bill (F), "An Act further to continue in force for a limited time the Act, 43 Victoria, cap 36."

In the Committee,

HON. SIR ALEX. CAMPBELL moved the adoption of the first clause.

HON. MR. POWER called attention to what he thought was a matter of some little importance, and which would involve some slight amendment to the bill. The Act passed in 1880 was before the extension of the boundaries of Manitoba, and at that time the only question was whether this disputed territory belonged to the Province of Ontario, or to the District of Keewatin; and the language of the Act which it was now proposed to continue was such that it did not apply to the existing state of affairs. At the present time the disputed territory might be in the Province of Manitoba or the District of Keewatin or the Province

of Ontario, and he thought it would be necessary to amend the second section. He therefore proposed the following amendment:—

"That the Bill be amended by inserting after the word 'Canada' in the first section the words following: 'is hereby amended' by inserting after the name 'Ontario,' in the third line of the second section thereof, the words 'or in Manitoba,' and by inserting after the name 'Ontario,' in the sixth line of the said section, the words 'or in an undisputed part of Manitoba and as so amended shall.'"

HON. SIR ALEX. CAMPBELL said it seemed to him at first blush that there was something in the objection which the hon. gentleman had taken, and he would prefer to give it further consideration. He was disposed to think that the amendment was necessary, and he therefore moved that the committee rise and report progress and ask leave to sit again.

HON. MR. FERRIER from the committee reported that they had made some progress, and asked leave to sit again to-morrow.

The Senate adjourned at 5.50 p.m.

THE SENATE.

Ottawa, Thursday, March 2nd, 1882.

The SPEAKER took the Chair at Three p.m.

Prayers and routine proceedings.

FREDERICK DUNBAR, SCULPTOR.

MOTION.

HON. MR. ALEXANDER moved:—

"That this House desires to recommend to the favorable consideration of the Government, the merits of Frederick Dunbar, a native-born Canadian, whose skill as a sculptor has been eminently exemplified in the execution of various busts of the Right Honorable Sir John A. Macdonald, and of other men of distinction in this Dominion and in the United States; and to express the satisfaction with which this House would entertain a proposal to encourage this distinguished native artist, by ordering the execution of marble busts of their Excellencies the Governor General and H. R. H. the Princess Louise, to be deposited in the Library of Parliament."

He said :—The motion which I have presented to this House is one which I am sure will be regarded by the Senate as presented at a very opportune moment. It is quite unnecessary for me to dwell upon the responsibility which rests upon the Parliament of this Dominion, the responsibility of fostering every interest which affects not only the material prosperity of our people, but which can also secure to them the happiness and enjoyment of a higher civilization. It cannot be questioned that this Parliament has been striving to do its duty as far as ordinary material interests are concerned, and the proposition which I now respectfully submit to the House is in the direction of raising the public mind to the ennobling enjoyment of art.

HON. MR. POWER—Hear, hear.

HON. MR. ALEXANDER—The hon. gentleman says “hear, hear,” I hope he appreciates the higher enjoyments of art! Sculpture is the noblest of all the arts. The works of Phidias and Praxiteles present to us the gods of ancient mythology and the heroes of ancient Greece. Who could behold the Appollo of Belvedere in the Vatican, the statuary in the Ducal Gallery of Florence, in the Glyptothek at Munich or in the Louvre without feeling that sculpture is the most ennobling of arts. Some of us who have seen the torsos which were dug by the orders of Lord Elgin, well known as the Elgin marbles, have been astounded when we have examined portions of the human frame mutilated, denuded of heads and portions of limbs, but presenting to mankind the most exquisite and most beautiful forms of the human body. The people of this Dominion will be proud to know that a young sculptor of promise has sprung up in our midst. Guelph claims to be his place of birth; but feeling the inspiration of genius he has labored manfully to make his skill and genius manifest to the world. He has already executed busts which have called forth the admiration of those who have seen them. One of these, namely that of the Hon. William B. Lawrence, American Minister to London in 1828, and Governor of Rhode Island in 1851, was a great success, and it has since been presented to the Historical Society of New York as a work of great merit. Since then their Excellencies,

representing her Majesty here, with their usual munificence, sent our young Canadian sculptor, at their own expense, to Florence and Rome to prosecute his studies in those schools of art, and his last bust of the First Minister which is now shown in the Library of Parliament, commands general admiration. As citizens of the Dominion we may well be proud of our native-born Canadian sculptor, and I am sure that the Government and the House of Commons will in their wisdom deem it a wise expenditure of public money, and order the marble busts respectfully suggested by this motion.

Monumentum exigimus aere perennius. It is known to all that His Excellency the Governor General has ever since his advent to us, manifested an increasing interest in everything that concerns the welfare of the Dominion. He has laid this country under deep obligation to him by the way in which he has used his exalted position for the advancement of this Dominion. This devotion to our best interests was equally shared by his illustrious consort until by a sad accident Canada was deprived, for a time at least, of her kindly presence amongst us, and of the encouragement afforded by her example. How could we then spend public money more beneficially and in a manner to do greater honor to ourselves than by contributing to encourage native artists, and thereby fostering a higher taste which adorns and beautifies our civilization. With the permission of the House I will now move the resolution of which I have given notice, seconded by Hon. Mr. Haythorne.

HON. MR. BOTSFORD—While congratulating the hon. gentleman upon the eloquent terms in which he has introduced this motion, I regret to say that I cannot concur in the views he has expressed, that it is right or proper that the Senate should pass that resolution and express the opinion which the hon. member has set forth in his notice of motion. Even the observations which the hon. gentleman made in introducing this motion show that the Senate is not the place in which such a resolution should originate. He admits that it will call for the expenditure of public money. I think that in itself is a fatal objection to the motion which the hon. gentleman has made. This resolution is

HON. MR. ALEXANDER.

based upon no information which the Senators have. There is no petition before the Senate that I have heard of, showing reasons why this resolution should pass, or setting forth the claims of the gentleman to whom he refers; but while I object to the motion, I beg leave to state that I know nothing whatever of the merits of the artist who is referred to. It is one of the objections which I have to the passing of this resolution—that there is no sufficient evidence before the House, even supposing it were one of the privileges of the Senate to pass a resolution which involves the expenditure of public money. After long experience in this House and in other legislative bodies, I am not aware that a similar motion to I am not aware that a similar motion to that has ever been proposed in the upper branch of any legislature that I have had experience of. There is no precedent for it, and I trust, under those circumstances, that the hon. member will see that however much merit this artist may possess, the course which the hon. gentleman has taken is not one which can be adopted by the Senate, and that he will, after having expressed his opinion of the merits of this gentleman as an artist in the eloquent terms he has done, deem it desirable to withdraw his motion.

HON. MR. BOURINOT—I have listened to the remarks of the hon. mover of this resolution. No doubt his views to some extent meet with the approval of every one who has heard them. But the question arises whether the resolution should be introduced in this hon. House. In my opinion it ought not be entertained here at all. If the object of the mover is simply to recommend a sculptor as a person entitled to some support from this House, he has accomplished it. The hon. gentleman who has just resumed his seat has anticipated many of the remarks which I intended to make at the outset. I am glad that he has spoken because he can do so more effectively than I can. I endorse his views. I look upon the course taken by the hon. gentleman from Woodstock (Mr. Alexander) as being one that should not in any way be encouraged, as it is making use of the Senate as a sort of advertising medium to make known the talents of artists, and many others might take advantage of this precedent if it were in any way countenanced. The hon.

gentleman's remarks were very eloquently expressed and were very creditable to him, and now that he has spoken, I hope he will withdraw his resolution.

HON. MR. ALEXANDER — If the House will permit I will give three precedents from the House of Lords for the course which I propose. In 1852, the House of Lords appointed a select Committee to inquire into the claims of Baron de Bode for pecuniary relief, in respect to a certain claim against the Government; and in the following year Lord Lyndhurst moved a resolution, based upon the report of this Committee, "earnestly recommending this claim to the favorable consideration of the Government."

HON. MR. BOTSFORD—What has that to do with it? This is a different thing altogether.

HON. MR. ALEXANDER.—It is a matter affecting money. In 1860, a Lord's Committee upon Floating Breakwaters, &c., recommended "that a sum not exceeding £10,000 be placed at the disposal of the Admiralty," to enable that department to test any plans for the suitable construction of such works.

HON. MR. BOTSFORD.—Was it recommended by a message to the House?

HON. MR. ALEXANDER (continuing)—On July 5, 1861, Lord Shaftesbury moved an address to the Queen, in favor of the extension throughout India, of the best systems of irrigation and internal navigation. The previous question was proposed on this motion, on the ground that the Government were themselves prepared to carry out the principle advocated as fully as possible, but would consider "the adoption of such an abstract resolution to be inconvenient." The House of Lords have on many occasions taken such a course, not that they actually make positive substantive motion for a money vote, but wherever they feel that it is in the public interest, they make such a recommendation. I have shown three precedents from the House of Lords, and Todd's Parliamentary Practice states with regard to these questions that they were decided merely upon their merits, and not upon any question of the constitution-

ality of the House of Lords dealing with such matters. If the Senate decide that they will not recommend that the talent of a promising young Canadian sculptor should be encouraged, then let them take the responsibility of it. (Cries of withdraw.) Of course, if the seconder says that the motion shall be withdrawn, I must let it drop.

ATTEMPT ON THE LIFE OF HER MAJESTY.

NOTICE OF MOTION.

HON. SIR ALEX. CAMPBELL read the following press despatch from London:

“Queen Victoria was fired on at Windsor Railway Station to-day. She escaped unhurt.”

He said—I give notice that I will on to-morrow move an address to Her Majesty the Queen, on her escape. (Cheers).

READJUSTMENT OF REPRESENTATION.

INQUIRY.

✓HON. MR. BOTSFORD enquired.

“Whether it is the intention of the Government to introduce a measure during this Session to re-adjust the representation of the Province of *New Brunswick*, so as to give the County of *Westmoreland* an additional Member in the House of Commons.”

He said—In making this inquiry I will not detain the House long, but I will refer to the recent census and to the representation of the Province of New Brunswick as it is at present distributed, and which has been allowed, for some reason or other, to remain unchanged, notwithstanding the injustice which has been done to certain counties in that Province. The census of last year gives New Brunswick a population of 321,233. I will now refer to the representation of the several counties of that Province to show that a readjustment of that representation is demanded, not only in fairness to the population in the several districts, but also to carry out the principle of the British North American Act which certainly is based upon representation by

population, and when I read the statistics which show the unequal representation of the Province of New Brunswick I would fain hope that the Government would take measures in this direction in order to remove the great inequality which now exists. The City and County of St. John have a population of 52,966. I may state that New Brunswick is now entitled to sixteen representatives and that a population of somewhere, in round numbers, about 20,000 would be entitled to a representative. The City and County of St. John have three members giving a member for each 17,500 of their people. The population is some 8,000 short of what it should be to entitle them to such representation. I refer to this because the Government of the day gave the City and County of St. John an additional representative which the Province of New Brunswick was entitled to under the Census of 1871. But following up this comparison I will now direct attention to some other counties. The population of Westmoreland is 37,719. The population of the County of Sunbury is 6,651 yet each has but one representative. Now, that certainly is not in accordance with the spirit of our constitution, nor in fact with the letter of the British North America Act. The next county to which I refer is the County of Restigouche the population of which is 7,058, yet it has a representative. These two counties put together contain a population of 13,709 and they have two members while Westmoreland with a population of 37,719 has but one member. The County of Queens has a population of 14,017 and has a representative, and the adjoining County on the opposite side of the River St. John, the County of Sunbury, to which I have already referred, has a population of 6,651 giving two representatives for 20,632 inhabitants while the County of Westmoreland with a population of 37,719 has but one member. I think these figures of themselves show that there is a great inequality and make out a case where the Government should endeavour in some way to rectify a manifest injustice to the County from which I come. I may say that the population of the County of Westmoreland during the last decade increased at the rate of 29 per cent. while the increase in the rest of the Province was only a little over 12 per cent. and in

this increasing County we have but one representative. Another claim for additional representation is the amount of duties collected in the four ports of entry of the County of Westmoreland. Some of the rural counties, to which I refer, have no ports and no duties are collected in them. Last year the amount of duties from Customs alone collected at the four ports of the County of Westmoreland was \$137,400.

In addition to these claims I would refer to the town of Moncton, which has a population of upwards of five thousand, itself, and the remainder of the parish some thousands more, making some 9,600 of a population in the town and parish of Moncton; while two of the counties, having each one representative, contain in one case some seven thousand odd, and in the other some six thousand odd,—shewing how very uneven and unjust the representation of the Province of New Brunswick is. In addition to that there are large manufactories in the town of Moncton. In the first place they have a gas and water company,—and this is of very great importance to the Intercolonial Railway, inasmuch as it supplies water to the trains,—they have a foundry, they have a sugar refinery in full operation, and they have a cotton factory in course of construction. These are all important works, which no doubt increase the revenue of the Dominion, and are entitled to consideration when representation is given to the district. In the next place there is the parish of Sackville; it has two foundries, a steam tannery, and a cheese factory; it has a boot and shoe factory, a steam furniture factory,—and a large amount of shipping owned by the inhabitants. It has a direct trade to the West India Islands, and also to other foreign countries; and further, a large amount of lumber is shipped at that port. Dorchester is another port whose inhabitants own a very large amount of shipping; they sail ships, and the port is the shipping place for coal from the Spring Hill mine. Another port is Shediac, a well-known place of call for the Québec and P. E. Island steamers; an *entrepot* for the products of P. E. Island, and exports a very large amount of lumber. These are additional claims, I think, why the County of Westmoreland should receive additional representation. I will not weary the

House by going further into details, but I trust I have shewn that something ought to be done to re-adjust the representation of the Province of New Brunswick.

HON. MR. WARK—I have listened to the statistics of the hon. gentleman opposite, but he has not gone so fully into them as the paper which has given us an outline of the claims, which he thinks entitles this County of Westmoreland to additional representation. He has referred to some of the smaller counties; he and I know a good deal about the representation of New Brunswick, and the course which has been pursued in regard to it. We have never laid down the principle there, of representation by population. When a small county was taken away from a larger one and a division took place, we always treated the smaller county with a great deal of consideration: we have assisted in the erection of its public buildings; we have given representation to its small population, and we have given additional aid for its public works, roads, bridges and the like; but the principle never has been broached there that population was to be the guide. To some extent it has, of course;—when a county increased faster, in population, than any of the others, we would give it an additional member, but there never has been any attempt made to disfranchise one constituency in order to increase the representation of another. The hon. gentleman, I believe, was in Parliament at the time when the County of Northumberland was divided into three, and subsequently into four, but they left Northumberland its original representation and gave the new counties representation as well. He and I were in Parliament when the County of Westmoreland, which he represents, was divided. It was originally represented by four members, and Westmoreland, although then left but a small county, and not a very populous one, retained its four members, and the County of Albert, which was set off from it, got two.

HON. MR. BOTSFORD—That is admitting the principle of representation by population.

HON. MR. WARK—The hon. member would disfranchise the counties of Queens

and Sunbury to a certain extent, in order to increase the representation of Westmoreland. Is that a course which has been pursued in any other part of the Dominion? Has any constituency been disfranchised? There have been readjustments I believe in Ontario; a section has been taken off one constituency and added to another, but no such thing has ever been thought of as depriving one constituency of a representative in order to give that representative to another county. The hon. member thinks the population of Westmoreland is not sufficiently represented: I think if any one else would tell him so he would resent it. From his ability and long experience, I should think it is well represented in this House and in the House of Commons. It is the only constituency in the eastern part of the Province that has a titled representative. He has represented Westmoreland for thirty years I believe, and so much to the satisfaction of those who elected him that he has retained their confidence for all that period. But if the hon. member thinks that the population is too great for its present representatives, why not transfer a portion to another county? Westmoreland is in the shape of a horse shoe. It runs three-fourths of the way around the County of Albert. Why not detach a portion and give it to Albert, which has a population of only 12,349? Why not divide the representation? If he thinks the people are not sufficiently represented now, I am satisfied that my hon. friend behind me here (Mr. McClelan) will represent them most satisfactorily.

HON. MR. BOTSFORD—The hon. gentleman has entirely misunderstood what I have said. I have no objection at all to the other counties being represented. I say that under the circumstances readjustment should take place and Westmoreland ought to have an increased representation.

HON. MR. WARK—The hon. gentleman knows that the County of Westmoreland cannot get another member without depriving some other county of a representative. He knows that we had a very narrow escape from losing a member by the last census, that is by taking off twenty per cent. we came within 7,000 of losing one

member. The reason I mention Queens and Sunbury is because the hon. member gives their population particularly. Now if the County of Sunbury is over represented it may be connected with the County of York, a county which contains upwards of 30,000 inhabitants, and let them send two representatives, and let the Counties of Albert and Westmoreland send two representatives if it is thought desirable; but I believe the people of New Brunswick do not want any other change. They were quite satisfied when we came into Confederation that each of the constituencies, large and small, should have its representative just as the Province then existed. At the last census when we gained a member I think the people were unanimously of the opinion that the City and County of St. John should have the additional representative.

HON. MR. BOTSFORD—Westmoreland made no claim!

HON. MR. WARK—Westmoreland is never backward in making claims, but I believe now that if we had lost a member, the City and County of St. John, instead of endeavoring to take representation from one of these small counties, such as Restigouche, Sunbury or Queens, would give up the member which they got at the last census. The hon. member speaks of the shipping of the County of Westmoreland. If shipping is to be represented, where would the County of St. John be? Where would Yarmouth and Windsor in Nova Scotia be? These ships are built and leave the port in which they are constructed and are never seen there again. They are abroad earning money for their owners and remitting exchange, but these large ships never come back again. The hon. gentleman speaks also of the factories. Well, in Fredericton we have some, and there are numerous factories in St. John. We have just the same description of factories in Fredericton that they have in the County of Westmoreland—shoe factories, foundries, and everything that he has named except a sugar refinery. I hope the refinery at Moncton will succeed; but from the representations that have been made, that one sugar refinery would be enough for the whole of the Dominion, I fear that it will not. However, that is their own business, but I do not see that

the existence of a refinery at Moncton entitles the County of Westmoreland to another representative. Then, the hon. gentleman speaks of the amount of duties paid at the four ports in that County, but that gives no idea of what the representation should be. What I look to is the exports from the county to show what it really produces to pay for the imports. It is true that they had a large amount of duties collected last year, because a vast quantity of sugar was imported into Moncton. For what purpose was it imported? To be distributed and consumed over the whole of the Dominion; but it is no proof that they are entitled to increased representation. I will give the House now some statistics with respect to the exports. Dorchester exported last year \$39,000 worth, Moncton \$40,645, Sackville \$58,040, Shediac \$87,912; making less than a quarter million dollars from that large County of Westmoreland.

HON. MR. BOTSFORD—How much did Sunbury and Queens export?

HON. MR. WARK—I can tell the hon. gentleman that we have one man in York County, very near the Sunbury line, who exports more than four times as much as the whole County of Westmoreland. He exported \$1,000,000 worth last year. I will now give the exports from some ports further north. I have shown that the exports from the four ports of Westmoreland last year were less than a quarter of million dollars. Dalhousie exported \$206,000 worth, Bathurst \$270,000 worth—more than the whole County of Westmoreland—Chatham and Newcastle exported \$1,356,000: that is in the County of Northumberland. Restigouche exported \$240,000 worth—more than the whole County of Westmoreland. Yet there is no claim put forward by any of these counties for another representative. We always look upon Northumberland, though, it has not so large a population, as one of the most important, after St. John, in the Province, because of its large exports. But there is one point to which I wish to refer, and I ask the Government to pay particular attention to it: the Province of New Brunswick was originally settled, first by the population moving up the River St. John and settling back from the river, second by settlers upon the streams

flowing into the Gulf of St. Lawrence and the Straits of Northumberland. These settlements gradually spread inland; but they had hardly any intercourse with each other any more than if they had lived in different countries—in fact, not so much. The settlers have never met yet in many directions. You could go down from the north to the south of New Brunswick for hundreds of miles through the middle of the Province without meeting a solitary settler, or seeing a human habitation, or hearing anything but the woodman's axe; so that the two sections of the population of these two parts of the Province are to a great extent isolated, one being along the line of the Intercolonial until you came to St. John, the other up the River St. John. On the St. John we have six counties. I do not refer to the County of St. John because it lies at the mouth of the river and fronts on the Bay of Fundy. The six Counties are: Kings, Queens, Sunbury, York, Carleton and Victoria. These six Counties have 115,733 inhabitants. Westmoreland, as I observed before, was divided into two counties—Albert and Westmoreland; Northumberland into four Counties—Kent, Northumberland, Gloucester and Restigouche: making six Counties on the eastern side of the Province. Now, these six Counties contain 126,440 inhabitants—about 10,000 more than the other six. But to what are they indebted for that difference? The Dominion Government built a railway from north to south of these Counties through the five Counties that border on the Gulf of St. Lawrence, and there was a large expenditure among the people of these counties. The hon. member refers to the town of Moncton. The Dominion Government are expending money there to an enormous extent. They have placed their great railway works in that town and the hon. gentleman cannot tell how much the increase of population in Moncton is dependent on the number of employes of the Intercolonial Railroad, and the same may be said of all the counties through which that railway runs. What the hon. member must aim at is this—that the six counties on the river St. John should lose a member and that the six counties on the Gulf of St. Lawrence should gain one. What feeling would that create among the people residing on the river St. John? They

have always considered themselves in every respect equal to the population of the Eastern counties, and believe that they should have the same advantages. Now the Eastern counties contain 10,000 more people than the counties along the river St. John, and he proposes in consequence of this to take away one of the members from the latter and give it to the former. Proceeding upon the principle of representation by population, he would give 126,000 people in the Eastern counties seven members, and 115,000 people in the river St. John counties five members. Now I contend that the feeling of the Province of New Brunswick has not been tested on this question. They have been smarting severely under the legislation of this Parliament, and it is not a time for the hon. gentleman to cast a fire-brand among them. I hope therefore that the Government will see that if they were to transfer a member from the river St. John to the Eastern counties, it would be resented by every member from that section, and I am satisfied that not one of the members from the Southern counties would hold up his hand for depriving the river St. John district of a representative.

HON. MR. BUREAU—I wish to say a word or two with reference to the last Census. I have no remark to make about the distribution of seats in the Province of New Brunswick, but I take this opportunity of submitting the result of the last Census, showing how it affects the different Provinces. The population of the Province of Quebec, divided by the number of its representatives in the House of Commons, forms the basis of representation for the Dominion. The population of that Province divided by 65 gives 20,908; and on this basis Ontario will be entitled under the new Census to 92 members with a fraction of only 692 remaining. Nova Scotia will be entitled to 21 with a fraction of 1,504 remaining. New Brunswick will be entitled to 15 with a fraction of 7,713 remaining; but having 16 representatives already, the Province does not lose any. Manitoba would be entitled to only three with a fraction of 3,230 remaining, but of course will retain its present representation, a number which it will no doubt largely exceed before another census is taken, and

HON. MR. WARK.

the North-West united to it would almost entitle it to three more representatives. British Columbia is entitled to only two with an excess of 7,643, but of course will retain its present representation, six. The Province of Prince Edward Island would be entitled to only five, with an excess of 4,351, but will of course retain its present representation, notwithstanding the change which the last census shows.

HON. SIR ALEX. CAMPBELL—In reply to the question which has been put by my hon. friend opposite I beg to say that it is the intention of the Government to introduce a measure during this session to readjust the representation of the several Provinces of the Dominion, but as to the precise effect of that bill upon this particular County of course I am not able to give any exact reply. The statistics which my hon. friend from that County (Mr. Botsford) has laid before the House possess very considerable interest, and I will take care that those of them that are not already in the possession of the Government shall be brought under the notice of those members who are more particularly charged with the readjustment measure than I am, and I have no doubt they will be very useful. I will also take care that the remarks of my hon. friend on my left (Mr. Wark) will receive due attention. The bill will of course be introduced in the other branch of Parliament, and when introduced it will speak for itself: I am afraid I cannot, in advance, give any information as to its exact scope or effect upon any particular county.

BILL INTRODUCED.

Bill (63)—“An Act to repeal the duty on Promissory Notes, Drafts and Bills of Exchange.”—(Sir Alex. Campbell.)

STAMP TAX REPEAL BILL.

SECOND. READING.

HON. SIR ALEX. CAMPBELL—This bill having been passed by the House of Commons, and having for its object the reduction of taxation I apprehend will meet with no opposition in this House. It has been considered very desirable that it should go into force immediately so as to avoid litigation and difficulties, and to

shew the public at large, at once, what the change in the law is. I desire, if the House will permit it, that the 41st rule may be suspended, and the bill read the second time now. I desire also to ask the House subsequently to read it the third time now.

The bill was read the second time.

HON. SIR ALEX. CAMPBELL—I ask the House to allow this matter to stand for a few moments. The Minister of Inland Revenue has not had an opportunity of seeing the Minister of Finance, and there is a difficulty which has just occurred to my hon. friend in this respect—that the bill as it now stands states that bill stamps issued shall be received at their face value, but in fact they have not been issued at their face value, since the Government allows five per cent. to all who take them. Whether it is worth while to alter it I do not know.

HON. MR. MILLER—Only to those who sell them.

HON. SIR ALEX. CAMPBELL—I would suggest that it stand for the last order of the day.

HON. MR. DICKEY—When these stamps are distributed to other people they have to pay the full value?

HON. SIR ALEX. CAMPBELL—Yes.

HON. MR. DICKEY—Why should not a party, who paid the full face value, receive the amount which the stamps cost him?

HON. SIR ALEX. CAMPBELL—But supposing there are larger quantities in the hands of postmasters and others who buy largely from the Government, they would be entitled as the bill now stands to the face value of those stamps.

The third reading of the bill was postponed.

SEAMEN'S ACT AMENDMENT BILL.

SECOND READING.

HON. SIR ALEX. CAMPBELL moved the second reading of Bill (G) "An Act further to amend the Seamen's Act 1873."

He said :—This bill proposes to amend the "Seamen's Act," which, as it originally stood, made it necessary that the punishment inflicted upon a man first arrested on board ship should be five years; that has been found in some cases to be too severe a punishment, and it is proposed to alter it by this bill to a period of not less than three years. The effect of that would be that if a person offended against the Act and was found on board ship, armed, he would be sent to the penitentiary for any period over three years, but not for an absolutely fixed period of five years, as mentioned in the original bill. The second and other clauses propose to remedy some difficulties which have occurred in the administration of the Act, some doubt having been felt by the Judge of Sessions in Quebec as to the possibility of enforcing the Act in certain cases: it is proposed to give him that power in the second clause, and it is a provision which was wanting in the original bill. The third clause is in the same direction, and the fourth is to correct a clerical error in the copy of the French translation of the bill as published in the Statutes.

The bill was read the second time.

CRIMINAL JUSTICE IN DISPUTED TERRITORIES BILL.

IN COMMITTEE.

The House resumed in Committee of the Whole consideration of Bill (F), "An Act to further continue in force for a limited time the Act 43 Vic., Cap. 36."

In the Committee.

HON. SIR ALEX. CAMPBELL said that when the Committee rose yesterday it was for the purpose of enabling him to consider the amendment which had been suggested by the hon. Senator from Halifax (Mr. Power), which was to the effect that the words "Province of Manitoba" should be added twice in the original Act, which is continued by this Bill. He (Sir Alexander) asked the hon. gentlemen, and afterwards the Committee, to allow the matter to stand over until to-day, in order that an opportunity could be had to look at the Act and ascertain whether the suggested amendment was expedient. Hay-

ing done so, he thought it was desirable that the amendment should be made. The original Act provided for a state of things existing at the time that the Act was passed, when the disputed territory between the two Provinces was either in Keewatin or Ontario, and it enacted that the offence in the indictment might be laid either in one or the other of these two places, Ontario or Keewatin. Now the southern part of Keewatin had been converted into the province of Manitoba, and therefore an offence might be committed in what might turn out to be Ontario, or what might turn out to be Manitoba; or what might turn out to be, if far enough north, Keewatin still. He therefore thought that the suggestion made by the hon. Senator from Halifax was a good one, and was prepared to adopt it. He moved that the amendment which had been submitted yesterday be inserted now.

The motion was agreed to.

HON. SIR ALEX. CAMPBELL said it had also been suggested to him by an officer of the House that the title should be altered. He therefore moved that it should be amended to read, "Respecting the administration of Criminal Justice in the Territory in dispute between Ontario and Manitoba."

HON. MR. POWER suggested that the title should read, "Further to amend and continue as amended."

HON. SIR ALEX. CAMPBELL accepted the suggestion, and the amendment was accordingly made.

HON. MR. FERRIER, from the Committee, reported the Bill with the amendments, which were concurred in.

STAMP ACT REPEAL BILL.

THIRD READING.

HON. SIR ALEX. CAMPBELL moved the third reading of Bill (63), "An Act to repeal the duty on Promissory Notes, and Drafts and Bills of Exchange." He said: I think that this Bill should be amended in this sense that the stamps should be

redeemed at what they cost the holder. My hon. friend mentioned a case just now of a bank which bought recently a thousand dollars worth of stamps. They obtained them at five per cent. less than their face value, and there is no reason why they should be allowed to return them at their face value. I therefore move that the following words be inserted "be received at their cost to the holder."

HON. MR. HOWLAN—The holders of the thousand dollars worth of stamps might distribute them among their friends.

HON. MR. AIKINS—It is not likely that the banks would resort to anything of the kind, and they are the large purchasers,

HON. MR. MILLER—What is to prevent a party holding a large quantity of stamps from handing them over to his friends to-day or to-morrow?

HON. SIR ALEX. CAMPBELL—Nothing.

HON. MR. MILLER—Then why change the Bill?

HON. SIR ALEX. CAMPBELL—We apprehend that a bank would not do anything of that kind. Finding itself a holder of a thousand dollars in stamps it would not try to pass them among its customers but would say:—"We gave you \$950, for these stamps, and will take that amount for them."

HON. MR. DICKEY—Should it not be limited to the cost to the holder at the passing of this Act?

HON. MR. MILLER—What means have you of proving that?

HON. MR. DEVER—Put the proof on them.

The Bill was amended by striking out the words "face value" and inserting instead: "At their cost to the holder thereof at the time of the passing of this Act."

The Bill was then read the third time and passed.

HON. SIR ALEX. CAMPBELL.

THE ROYAL ASSENT.

MESSAGE FROM HIS EXCELLENCY THE GOVERNOR GENERAL.

A message was received from His Excellency the Governor General announcing that he would attend in the Senate Chamber to-morrow afternoon to assent to the bills which had been passed during the present session.

The Senate adjourned at 5.05 p. m.

THE SENATE.

Ottawa, Friday, March 3rd, 1882.

The SPEAKER took the Chair at Three p.m.

Prayers and routine proceedings.

BILLS ASSENTED TO.

His Excellency the Right Honorable Sir JOHN DOUGLAS SUTHERLAND CAMPBELL (commonly called the Marquis of Lorne) Knight of the Most Ancient and Most Noble Order of the Thistle, Knight Grand Cross of the Most Distinguished Order of St. Michael and St. George, Governor General of Canada, and Vice Admiral of the same, &c., &c., &c., being seated on the Throne.

The Hon. the Speaker commanded the Gentleman Usher of the Black Rod to proceed to the House of Commons and acquaint the House—"It is His Excellency's pleasure they attend him immediately in this House."

Who being come with their Speaker,

The Clerk of the Crown in Chancery read the titles of the Bills to be passed as follows:—

Bill (38), "An Act for the relief of the Bank of Prince Edward Island."

Bill (63), "An Act to repeal the Duty on Promissory Notes, Drafts and Bills of Exchange."

To these Bills the Royal assent was pronounced by the Clerk of the House in the words following:—

"In Her Majesty's name, His Excellency the Governor General doth assent to these Bills."

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

MARRIAGE WITH A DECEASED WIFE'S SISTER.

MOTION

L'HON. M. TRUDEL propose:—

"Qu'il soit présenté une humble adresse à Son Excellence le Gouverneur-Général, pour prier Son Excellence de vouloir bien faire transmettre à cette Chambre copie de toute communication ou correspondance, et de toute décision, jugement, ordre ou consultation ou de tout autre document reçu de quelque autorité religieuse du Canada, sur le sujet de tout projet de loi relatif au mariage entre beaux-frères et belles-sœurs."

HON. SIR ALEX. CAMPBELL—I have no objection to the Address, I take it for granted that the hon. gentleman does not want the petitions which have been received sent down?

HON. MR. TRUDEL—No, only the official documents.

The motion was agreed to.

THE ATTEMPT ON HER MAJESTY'S LIFE.

MOTION.

HON. SIR ALEX. CAMPBELL—I am sure it must have been with a sense of great relief that members saw by the papers this morning that the wicked attempt which has been made on the life of Her Majesty, did not proceed from any one thinking that he had suffered any political wrong or grievance, or that he was in any way oppressed by Her Majesty or by the laws of the land. That, I think, is a great relief, because we do find that in other countries where attempts of this kind are made on the life of the sovereign those who make them believe at all events that they are suffering under some wrong or grievance which happily for Her Majesty's subjects no one under her benign

sway does suffer from in any part of her dominions. I think that is a great relief, and must have been so felt by all those who read the dispatch this morning. It would appear that the attempt was made by a person who, probably, was either seeking notoriety or who might not be perfectly sound in his mind, or actuated by some motive which one cannot understand ; but at all events it did not proceed from any of the motives to which I have alluded, and that, I think, is a satisfaction. No life, certainly, is more precious to Her Majesty's subjects than her own, and I think I may say that, not only with reference to ourselves, but also with reference to all English speaking people throughout the world. (Cheers.) It has always been a gratifying circumstance to me to notice the affection—for no weaker term can express it—manifested by our neighbors and friends to the south of us for Her Majesty. There are, I believe, a great many millions of people, American citizens, who feel nearly as strongly—we cannot admit that they feel quite as strongly as we do—but they feel nearly the same affection for the Queen that we do, and I am sure they will share our indignation that no matter from what cause or under what circumstances any one should make an attempt on her valuable life. The address which I propose for the adoption of the House will, I trust, be seconded by my hon. friend opposite (Mr. Scott). It has been so worded as simply to express our sense of the attempt which has been made, and that it gives us an occasion to renew expressions of our fealty and devotion to our Queen, the value which we all place on her life, and our delight and gratitude to the Almighty that it has been spared to us. We trust it may long be preserved. No nation can more thoroughly appreciate than we do the advantages of free and constitutional Government ; no one can have less cause to make any such attempts than we have, and no country could witness them with greater indignation than Her Majesty's subjects do all through the world. The Address which, I propose, is in the hands of my hon. friend opposite, and will be read in a few minutes by the Clerk.

The Address was read by the Clerk, and it is as follows :—

HON. SIR ALEX. CAMPBELL.

To the Queen's Most Excellent Majesty :

MOST GRACIOUS SOVEREIGN,—We, Your Majesty's dutiful and loyal subjects of the Senate of Canada, in Parliament assembled, desire most earnestly, in our own names and on behalf of the people whom we represent, to renew the expression of our unwavering loyalty and devotion to Your Majesty's person and Government. We were profoundly shocked, may it please Your Majesty, by the intelligence which was received by telegraph yesterday, that an attempt had been made on Your Majesty's most honored and valuable life. We take the earliest opportunity of adding our congratulations to those which we are persuaded will come from our fellow-subjects in all parts of your Empire, at your providential escape from so grave a peril. We are doubly grateful to the Author of all Good for averting a dire calamity from Your Majesty's people, and thankful to Him that Your Majesty's life may still be counted among the precious possessions of your devoted subjects.

We pray that the blessings of Your Majesty's reign may long be continued.

HON. MR. SCOTT—I have very great pleasure in seconding the address, which the leader of the Government has handed to me, of congratulation to Her Majesty upon her providential escape from the assassin's bullet. I think, in no part of Her Majesty's wide-spread dominions will there be greater or more heartfelt satisfaction and thankfulness to a kind Providence for having preserved Her Majesty's life than in this Dominion.

In the last fifty years, owing to the facility with which human life can be taken, from the multiplication of fire-arms and the ease with which they can be obtained, the lives of governors and sovereigns of empires have been much more frequently sacrificed than in former years. I believe this is the fifth attempt on the life of Her Majesty, and I believe I am speaking correctly when I say that on no one occasion, certainly not on the last occasion, was the attempt in any way connected with either a public grievance or a personal wrong. It has been properly observed by the leader of the Government that it is a very great gratification to us that it has sprung in no way from a confederate body, that it emanated from no desire to change the dynasty of the country, that it was not preconcerted, apparently at all events, by conspirators, but seems to have arisen solely and entirely from a morbid desire on the part of this man Roderick McLean, if possible, to acquire notoriety ; or, as it

has been stated in some of the newspapers, from sheer want, he made this attack upon Her Majesty in order that he might be arrested and taken care of. Certainly, in view of the admiration we all have for Her Majesty, regarding her as the type of the best sovereign in the world, who has kept up to the spirit of the age, never insisting on pushing the prerogative of the Crown, but recognizing the rights of the people as they developed day by day in the progress of government, bringing it to that perfection which the constitution under which we happily live has reached, it is fit and proper on an occasion of this kind that we should approach Her Majesty with assurances of the loyalty of her Canadian people, French, English, and of all nationalities. Her Majesty has the happiness to preside over a vast Empire—east, west, north and south—and a great variety of people. The shock and horror that will be felt through hundreds of millions of people will, I am sure, be universal, and we shall have going forth over the wires and by the cable under the ocean, from all directions of the globe heartfelt thanks to Divine Providence that Her Majesty's life has been saved to her people; and the wish will be expressed that she may long continue to bless the people over whom she so happily reigns.

HON. MR. ALEXANDER—It is scarcely necessary to add one word to what has been already so ably stated by the leader of the House and the leader of the Opposition. Long ere this, expressions of sympathy and congratulation will have been wired from every part of the globe to our beloved Queen. We do not find in the annals of human history a monarch who has been so beloved by her own subjects, and so revered and esteemed by the whole world. Where any calamity or suffering of an unusual character befalls any citizens of Her Majesty, she has always been the first to sympathise with them and to alleviate their distress. I am sure that in every church throughout this vast Empire prayers of devout and earnest thanksgiving will be offered to the Great Ruler of the universe that Her Majesty has escaped on this occasion without any injury from the attempt that has been made on her life.

HON. MR. PELLETIER—I believe this is a fitting occasion for the population

of Canada, English and French, to unite in expressing their sympathy with Her Majesty, the most esteemed and most beloved sovereign in the world, on the shocking and atrocious attempt which has been made on her life. As one of the members representing the French population in this House, I heartily unite in the sentiments so well expressed by the Hon. Minister of Justice and the hon. member on my right (Mr. Scott). I heartily concur in all that has been said. None of the loyal subjects of Her Majesty feel more grief than we do at the audacious attack which has been made upon her, and none feel more thankful than we do to hear of her escape. We sincerely hope that the general expressions of sympathy which will be conveyed to our beloved Queen will be a consolation to her under such distressing circumstances.

The motion was agreed to

HON., SIR ALEX. CAMPBELL—moved that the said Address be engrossed, and that the Speaker do sign the same on behalf of this House.

The motion was agreed to.

HON. SIR ALEX. CAMPBELL—moved that a message be sent to the House of Commons by one of the Masters in Chancery to acquaint that House that the Senate has adopted the Address to Her Most Gracious Majesty.

The motion was agreed to.

ADMINISTRATION OF CRIMINAL JUSTICE IN DISPUTED TERRITORIES BILL.

THIRD READING.

HON. SIR ALEX. CAMPBELL—Moved the third reading of Bill (F) "An act to further continue in force for a limited time the Act 43 Vic. Chap. 36."

The Bill was read the third time and passed.

IMPROPER USE OF FIREARMS BILL.

THIRD READING.

HON. SIR ALEX. CAMPBELL—Moved that the House go into Committee

on Bill (E), "An act to amend the Act 40 Vic. Chap. 30, intituled 'An Act to make provisions against the improper use of firearms.'"

HON. MR. ALEXANDER—I do not rise to oppose the House going into Committee of the Whole on this Bill. I hope the observations I am going to make will not be considered by the members of the Government in this House as in any way disrespectful to them but it does appear to me, with regard to this Bill, that when it goes to the other Chamber that House will be surprised that a measure should be introduced into Parliament the purpose of which is simply, instead of destroying a pistol that may be found on a criminal, to hand it over to a municipality, and where there is no municipality to hand it over to the Lieutenant-Governor. What difference does it make whether a pistol is destroyed in such a case or given to the Lieutenant-Governor or to a municipality. I hope the leader of the House will not consider that I am reflecting upon the Hon. Minister of Justice. I have no desire to do so but I am sure if a Bill were introduced into the U. S. Senate for such a purpose we should all laugh at it and I am afraid that when this Bill goes down to the other House they will say that the Senate can have very little to do when they devote their time to such a measure.

The House then went into Committee of the Whole.

HON. SIR ALEX. CAMPBELL explained that the Bill was introduced in consequence of representations from various municipalities on this subject. There was no object in destroying weapons found in the possession of criminals and it was thought that they might be utilized by the municipalities—to put in the hands of police officers, for instance.

HON. MR. WARK from the Committee reported the Bill without amendment.

It was then read the third time and passed.

HARBOR AND RIVER POLICE BILL.

IN COMMITTEE.

The House went into Committee of the

HON. SIR ALEX. CAMPBELL

Whole on Bill (D), "An Act respecting River and Harbor Police."

In the Committee.

HON. SIR ALEX. CAMPBELL said that the first clause of the Bill creating this Harbor and River Police force, enables the Governor-in-Council to appoint one or more proper persons to be superintendents of the force. The proposal was that the head of the force should be appointed by the Governor-in-Council, but the men shall be appointed by the Minister of Marine and Fisheries. The origin of the force was traceable back to 1837 or 1838, when Lower Canada was under the control of the Governor-in-Council, and when the laws were passed by the name of ordinances—there being no legislature at that time. The Governor of that time—Lord Durham, he thought—by such an ordinance created the police force in Quebec and Montreal, for the purpose of maintaining order and enforcing regularity amongst the shipping and all duties of that description. The force, as he mentioned when he asked the House to read the bill the second time, was then paid for by subscription; but afterwards, when a legislature was established, a tax was imposed under the laws of Lower Canada, and a duty was levied upon ships for the purpose of paying the cost of the force. The first statute of the Legislature affecting it was passed in 1851, when the force was found in existence and when they imposed a duty, without saying anything more about the creation of the force, or who should have the power of appointment, or in fact indicating anything more about it; they simply established a small tax of three farthings per ton, for the purpose of paying for the force. As the shipping increased the expense of maintaining the force became heavier, and the duty was raised from time to time, and it was now, he thought, three cents per ton.

HON. MR. RYAN—What is it intended to be in the future?

HON. SIR ALEX. CAMPBELL said it would be just the same. The Act of 1868 respecting the Harbor Police provides that the duty shall be three cents per ton. The force is really at this present moment

not in a satisfactory position as to the authority which the commissioner or head of it has, and as to the authority which the men composing it have, in the discharge of their duties; and representations have been made from time to time,—caused by litigation in Quebec chiefly—as to the necessity of some measure giving authority and defining accurately what the police shall be, who shall appoint them and what their powers shall be, and giving them the necessary authority to carry out that duty. This bill was passed to meet these difficulties and to give these powers. The first clause merely enables the Governor-in-Council from time to time to appoint one or more proper persons to be superintendent or superintendents of the force. He moved the adoption of that clause.

HON. MR. POWER said it seemed to him there was some objection to the wording of the first section. The old police force, so far as one could see, had no jurisdiction beyond the Saint Lawrence river; it was supposed to be a charge upon the harbors of Quebec and Montreal, and he thought that while the people and representatives of the Province of Quebec might view it as they pleased, it was a matter of some concern to Senators from the other parts of Canada that this first clause proposed to extend the jurisdiction of this force over the whole Dominion; and he thought that the Minister of Justice ought to have shewn some reason why so great a change in the law, as that proposed, should be introduced. He found at the ninth line that the superintendents of the police force at Montreal and Quebec are to have jurisdiction over the whole of Canada or such various ports as may be defined by the Governor-in-Council, and as coming from the Province of Nova Scotia he would object to these police having jurisdiction in that Province.

HON. SIR ALEX. CAMPBELL said the jurisdiction was not enlarged by the clause in question, that it existed at present; but it was not intended to employ them beyond the St. Lawrence. They were often employed, and had been for years past, in other ports of the St. Lawrence than those of Montreal and Quebec, and necessarily so. Supposing for instance a ship was going down the river and she

was twenty or thirty miles from Quebec, there might be some difficulty or trouble on board among the sailors, some of whom might attempt to escape, or some other difficulty might arise anywhere down the Gulf, and it would not do to confine the jurisdiction of the police force simply to those two harbors of Montreal and Quebec. It had never been extended beyond the St. Lawrence and there was no suggestion that it should be. It was not proposed to extend it to any ports of the Dominion other than the St. Lawrence, and certainly not to the harbor of Halifax which the hon. gentleman (Mr. Power) had in his mind; but it was desired that those words should be continued in the bill so as to enable the Crown, in case of trouble, to send the police force wherever it might be necessary. For example there was a great deal of shipping arriving at the port of Gaspé on the St. Lawrence, and it might be necessary to send some of the police force there; or sometimes they might be employed upon duties not immediately connected with shipping or navigation—say some unexpected emergency, or some very considerable difficulty, for instance a serious riot such as did occur in the city of Quebec some time ago. Difficulties arose and it became necessary to employ not only this police force, but the local police force, and also Her Majesty's troops. These men would be constantly paid all the year round, and he thought it was not an unsafe thing to trust the Governor-in-Council with such powers as this first clause proposed, in order that he might employ the police wherever the circumstances of the moment call for their services; and certainly we should not apprehend any danger from that in a country constitutionally governed as Canada is.

HON. MR. DICKEY asked if the wording of this clause did not run in the same direction as the meaning of the Act?

HON. SIR ALEX. CAMPBELL said he believed so.

The clause was adopted.

On the second clause,

HON. MR. POWER asked why the mode of appointment had been altered? From all he could gather the appointments

were made by the superintendents now, and he thought it would increase the patronage of the Government, which was not desirable.

HON. SIR ALEX. CAMPBELL said that difficulties had arisen as to the appointment of these men in the past, there being a doubt as to who had the authority. It was considered better to give the appointing power to the Minister of Marine and Fisheries who was responsible to Parliament for the manner in which he exercised it.

The clause was adopted.

On the fourth clause,

HON. SIR ALEX. CAMPBELL—In reply to the objection of the Senator from Amherst (Mr. Dickey) that there could not possibly be any other laws than criminal laws to be enforced in this way, said that there was other legislation such as the Seamen's Act, which was an Act of this Parliament under which certain transactions between a sailor and the master of a vessel for the recovery of wages, and respecting disobedience of orders, could be enforced by the Police Magistrate. Of course this was not giving them any additional power if the general laws of Canada did not of themselves provide and make it necessary that they should act. He did not think therefore, that the objection of the hon. Senator from Amherst was well taken, or at all events it would be wiser to let the words of that clause stand rather than perchance cut out from the superintendent some authority which he ought to have for the enforcement of the laws enacted by the Parliament of Canada which were not criminal.

The clause was agreed to.

On the fifth clause, the blank was filled in by inserting the words "twenty dollars."

On the seventh clause,

HON. SIR ALEX. CAMPBELL said that under the existing law the fines formed part of the fund for the payment of the police. It was now proposed to pay them into the consolidated revenue.

HON. MR. MACFARLANE.—Have the fines been sufficient to pay the force?

HON. SIR ALEX. CAMPBELL—Not of late years.

HON. MR. MACFARLANE.—Do they nearly pay the force?

HON. SIR ALEX. CAMPBELL said he did not know. There had been a short-coming for eight or ten years. During that period the fines and the revenue from shipping had not paid the charges of the police, and the balance had been made up out of the consolidated revenue.

The clause was adopted.

The blank in the 9th clause was filled up by inserting the words "fifty dollars."

The remaining clauses of the Bill were adopted.

HON. MR. MONTGOMERY, from the Committee, reported the Bill with amendments, which were concurred in.

THE LAW CLERK.

THE REPORT OF THE CONTINGENT ACCOUNTS COMMITTEE ADOPTED.

HON. MR. READ moved concurrence in the second report of the select committee on Contingent Accounts.

HON. SIR ALEX. CAMPBELL—I think there should be some addition made to this report. I do not desire to oppose its adoption, but the contrary; but I think there should be some addition made to the duties which are enumerated in the report, by way of avoiding any difficulties in the future. I am quite prepared to believe that the gentleman whom the report recommends will turn out to be zealous and anxious to do his duty, and that what has occurred in the past will not occur again; but still I think it is better to guard against it, and, therefore, I hope the House will concur in a resolution to this effect, either putting it in the report, or adopting it as a separate resolution. It might be put in the report if there is no objection by any one.

HON. MR. MILLER—It would be very irregular.

HON. SIR ALEX. CAMPBELL—Then it can be adopted separately. It is as follows:—"In addition to the duties enumerated, the Law Clerk shall discharge such other duties as may be imposed upon him by order of the Senate." I think that ought to be in. I do not suppose any difficulty will arise with this gentleman; but with his predecessor a difficulty did arise, and he objected to doing anything more than the duties assigned to him by his original appointment without additional remuneration.

HON. MR. DICKEY—I think that such a resolution as that is not only unnecessary, but is not a very creditable one for the Senate to pass because they have the power now. This officer is certainly under their control as much as any officer at the table or in the employ of the Senate, and if he were to refuse to do anything which he was ordered to do by the Senate, he would soon, I hope, find his walking ticket. He is under the control of the Senate constantly, and the Senate would never ask him to do an unreasonable thing. Then I think it is supererogatory to say that he must do what he is ordered to do by the Senate. We would preserve our own dignity by not passing such a resolution.

HON. SIR ALEX. CAMPBELL—No doubt he is under the control of the Senate, and if he should disobey our orders we could dismiss him; but it puts him in this position, if he chose to assume such a position, that he can say "I was appointed at such a time, and my duties were defined to be so and so. If the House desires me to do anything in addition to the duties so defined, I appeal to you that I ought to be paid for it." It would be put in that sort of way, and I think it would be very difficult to resist it. I will give you an instance which has occurred to my mind since I was attending the committee. Of course it is unpleasant to mention the names of those who are no more, and who are not present to answer for themselves: one duty which should have devolved on the Law Clerk, was furnishing corrected copies of the Acts to the Queen's Printer. It is a duty

which certainly should have been discharged by the Law Clerk, but our late Law Clerk refused to do that. He said he was appointed for such and such a purpose, and not to do that work, and he said "I hope if I have to do that, I will be remunerated for it." It is to guard against the possibility of such an objection in the future, that I propose this resolution.

HON. MR. ALLAN—In this very report the Committee say "He shall in addition to all the duties performed by the late Law Clerk do all drafting and amending of bills of a public nature for members of the Senate." If it is proper to mention one thing of that kind I do not see what objection there can be to this resolution.

HON. MR. DICKEY—That clause was put there in consequence of some difficulty with reference to his predecessor who had made some objections to that sort of work, and it was thought better, as the new Law Clerk might fall back upon the example of his predecessor, to point that out distinctly. There was no doubt about it, simply because he was appointed to do all the duty the Senate required of him, and I was certainly always under the impression that it was the duty of the Law Clerk to correct the bills; I was quite surprised to hear that there was any objection. Perhaps the difficulty may have arisen from the indulgence and forbearance exercised towards an old and meritorious public servant, but at present we are not under any difficulty of the kind because this is a new man and he must follow the directions of the Senate. So far as I am concerned I shall certainly not protect or attempt to defend him for an instant if he disobeys an order of the Senate. But I may mention another point which occurs to me; if this rule is necessary in regard to the Law Clerk, what about the other officers of the Senate? I think we should reserve our powers and exercise them whenever it may be necessary.

HON. MR. SCOTT—This subject was discussed before the Committee, when it was decided that the duties of the Law Clerk should begin four weeks before the opening of the Session, and terminate four weeks after its close. I remember myself making the observation that one

of the duties he ought to be called upon to perform was to correct the statutes, to see that the marginal notes were put in, and to attend to the printing. Whether that can be done within four weeks after Parliament has risen, I cannot say, but that is one of the duties which should be attached to the office, and I regard it as a limitation of time ; he, certainly, is not an officer of the Senate except during the time specified.

HON. MR. KAULBACH—I think the resolution of the leader of the House will meet with the approval of this body ; it seems to be nothing more than we all admit, and I think it is well that it should be drafted into the report of the Committee and adopted by the House.

HON. SIR ALEX. CAMPBELL—I think it would be safer, at all events, to add the resolution, and we might adopt the report ; I will then move the resolution.

HON. MR. BOTSFORD—It seems to me the simpler way would be to add that with the consent of the House. There can be no objection to the suggestion made. It seems to me, it is what we would all expect of an officer of the Senate, and the reason why I should be inclined to support the resolution is simply this ; that we have defined his duties in the report, and I think it ought to be qualified by the suggestion made by the Minister of Justice. I see no objection to it ; I think—of course, by consent of the House—that those words should be added to the report.

HON. MR. DICKEY—I think it is better to adopt the report and I would not oppose the resolution if the Hon. Minister of Justice thinks fit to move it.

The motion was agreed to.

HON. SIR ALEX. CAMPBELL then moved his resolution.

HON. MR. SCOTT—I would like to ask the leader of the Government a question. Can we impose any duties upon him anterior to the four weeks before Parliament meets, or after four weeks subsequent to the closing of the session ?

HON. MR. SCOTT.

HON. SIR ALEX. CAMPBELL—No, I should think not.

HON. MR. SCOTT—Then it is only during that time that he is our officer ?

HON. SIR ALEX. CAMPBELL—Yes.

The resolution was adopted.

BILL INTRODUCED.

Bill (M), "To amend the Acts relating to the Great Western Railway." (Mr. Vidal.)

The Senate adjourned at 5.05 p. m.

THE SENATE.

Ottawa, Monday, March 6th, 1882.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE ATTEMPT ON HER MAJESTY'S LIFE.

MESSAGE FROM THE HOUSE OF COMMONS.

A message was received from the House of Commons informing the Senate that it had passed an address to His Excellency the Governor-General praying that he would be pleased to transmit the joint address of both Houses to Her Majesty expressive of their congratulations on her providential escape from the recent attempt made on her life, with the utmost despatch in the first place by cable message, and in such other manner as to His Excellency would seem fit in order that the same would be laid at the foot of the Throne, requesting the Senate to unite with the House of Commons in the said address.

HON. SIR ALEX. CAMPBELL—Moved that the Senate agree with the House of Commons, and that the blank be filled up by inserting the words "and Senate."

The motion was agreed to.

HON. SIR ALEX. CAMPBELL—
Moved that the Speaker do sign the said
address on the part of the Senate.

The motion was agreed to,

HON. SIR ALEX. CAMPBELL—
Moved that one of the Masters in Chan-
cery go down to the House of Commons
to acquaint that House that the Senate
has agreed to the address.

The motion was agreed to.

HARBOR AND RIVER POLICE BILL.

THIRD READING.

HON. SIR ALEX. CAMPBELL—
Moved the third reading of Bill (D) "An
Act respecting Harbor and River Police."
He said that he had inquired into the
point raised by the hon. Senator from
Halifax (Mr. Power) as to the use of the
words "Receiver General" in this Bill.
On examining the Act which did away
with the department of Receiver General,
he found it simply did away with it as
a separate department by adding it to the
Finance department, but reserved the title
and duties of the office.

The Bill was read the third time and
passed.

COUNTY COURT JUDGES BILL.

IN COMMITTEE.

The House went into Committee of the
Whole on Bill (B), "An Act respecting
County Court Judges."

In the Committee,

HON. SIR ALEX. CAMPBELL said
that the second clause contained the con-
ditions under which a County Court judge
should hold office. These conditions
were, during good behaviour and his resi-
dence within the county or union of
counties for which the court was estab-
lished. A good deal of complaint had
arisen as to the non-residence of judges
within the limits of the counties where
they were required to discharge their
duties.

The clause was adopted.

On the third clause.

HON. SIR ALEX. CAMPBELL said
that this clause mentioned the causes
which might lead to the removal of a
judge—inability from old age or ill-health
or any other causes, or incapacity or mis-
behaviour. There should be a pause after
the words "other causes," which related
to inability.

HON. MR. SCOTT asked if it would
not simplify matters to strike out the
words as they now stood and leave simply
the words "any cause."

HON. SIR ALEX. CAMPBELL said
that there were judges of the county courts
now who were unable to discharge their
duties, not from ill-health or old age, but
from dissipation.

HON. MR. SCOTT—I am quite aware
of that.

HON. SIR ALEX. CAMPBELL—If
they are unable to discharge their duties
from any cause they can be removed.

HON. MR. POWER said that the lan-
guage of the clause was somewhat am-
biguous, and suggested that after the
word "or," in the fourteenth line the
word "for" should be inserted, which
would make it clear that the incapacity or
misbehaviour would not be connected
with ill-health or old age.

HON. SIR ALEX. CAMPBELL said
he had no objection to making that
amendment.

HON. MR. HOWLAN was sorry that
the Government did not see fit to raise
the salaries of the County Court judges of
Prince Edward Island. He found the
complaint was made not alone in that
Province but also in Ontario. He had
had a conversation with a judge in Ontario
a short time ago whose salary was \$2,400,
which was a very small amount. He
knew that judges in Prince Edward
Island had complained to the Minister of
Justice during the last two or three years
with regard to their salaries, which were
smaller than in other Provinces.

HON. SIR ALEX. CAMPBELL said
the salaries of the judges of Prince Ed-

ward Island were raised during the last session.

HON. MR. HOWLAN—A small amount.

HON. MR. MILLER—Are they not the same all over the Dominion?

HON. MR. HOWLAN—No.

HON. SIR ALEX. CAMPBELL said that there were three or four judges who got more than the others.

HON. MR. MILLER said that judges in such places as Halifax, St. John and Toronto got immediately on their appointment £600, and the other judges after three years got the same.

HON. MR. HOWLAN said that one of the judges in Prince Edward Island, the Judge for Queen's County had quite as much work to do as any of the judges who had been named, and there was no good reason why if he did the same amount of work he should not have the same salary.

The clause was adopted.

On the 2nd proviso of the clause,

HON. MR. MILLER asked if the Government had not the power to remove those officers before?

HON. SIR ALEX. CAMPBELL said that there was some difficulty, especially in Ontario, as he had explained at the second reading of the Bill.

HON. MR. POWER thought the section was imperfect without an additional proviso. It seemed to him that it was necessary not only to afford the judges the protection mentioned in the two first provisions in order to give them that feeling of independence which a judge should possess, but it was also essential that he should not be removed unless his incapacity was proved on investigation. There was no proviso in the Bill that this should be done, and it seemed to him it would be better to add to this section a proviso something like this;—"That such inability, incapacity or misbehavior shall be established after an enquiry conducted under the terms of this Act."

HON. SIR ALEX. CAMPBELL,

HON. SIR ALEX. CAMPBELL thought that was not necessary. The first clause stated that he should hold office during good behaviour, and that he was not to be removed unless by order of the Governor-in-Council for certain causes, and it proceeded to state under what evidence the Governor-in-Council should act.

HON. MR. POWER said that this conclusion might be drawn from the Bill by inference, but it would be better to have it set out.

On the 4th clause,

HON. SIR ALEX. CAMPBELL said that exception had been taken at the second reading of the Bill to the words, "And such other person or persons as the Governor-in-Council may think proper," which gave the Governor-in-Council power to issue a commission to one or more judges of certain courts named, and also to "other person or persons." The objection of the hon. Senator from Amherst was to these last words. He believed with that hon. gentleman that it would be safer to omit these words, and therefore moved that they be struck out.

The amendment was agreed to and the clause as amended was adopted.

On the fifth clause,

HON. SIR ALEX. CAMPBELL explained that the Act would apply to judges now holding office as well as to judges who might hereafter be appointed.

HON. MR. SCOTT—It is retroactive.

HON. SIR ALEX. CAMPBELL—Merely as to the mode of dealing with it.

The clause was adopted.

On the seventh clause,

HON. SIR ALEX. CAMPBELL said that this clause explained more fully than he had himself when speaking of the third section why the words "inability, old age, or any other cause," were preserved. This clause gave the Governor General in Council power to grant a pension to a judge who should be removed for inability or incapacity, provided the inability or incapacity arose from old age or ill-health,

If under such circumstances a judge should be removed it was proposed to enable the Government to give him a pension, and this clause met a class of cases of which there were several instances. A judge who is unable to discharge the duties of his office from old age, as every one but himself thinks, but he refuses to retire. If he is removed for incapacity or resigns through old age, then he is granted a pension.

HON. MR. POWER suggested that words should be added to meet the case of a judge who might be injured, for instance by a railway accident, and thus incapacitated from discharging the duties of his office.

HON. SIR ALEX. CAMPBELL said in that case the judge would resign and be entitled to a pension. This was to provide for cases in which judges were forced out.

The clause was adopted.

The tenth and eleventh clauses of the Bill were expunged.

HON. MR. VIDAL, from the committee, reported that they had made some progress with the Bill and asked leave to sit again.

SEAMEN'S ACT 1873 AMENDMENT BILL.

THIRD READING.

The House went into Committee of the whole on Bill (G), "An Act further to amend the Seamen's Act, 1873."

HON. SIR ALEX. CAMPBELL said that this Bill was for the purpose of giving the magistrate a larger discretion than he has now. As the law now stands if a man goes on board a ship armed, for any of the purposes mentioned, the punishment must be five years in the penitentiary. That was sometimes more punishment than the circumstances rendered just, and this Bill was drawn for the purpose of giving the magistrate greater discretion. Unluckily it was so printed that it did not carry out the object intended, in consequence of the omission of the words "than two or." The words should have been printed "he shall for every such

offence be subject to imprisonment in the Penitentiary for any period not less than two or more than five years.

The amendment was agreed to.

On the 2nd clause,

HON. SIR ALEX. CAMPBELL said the second clause had been rendered necessary in consequence of a decision, or several decisions which had taken place in the city of Quebec in which it had been held by two judges of the Superior Court at different times that the Act did not give power to the magistrate to punish an offender; that it only gave power to levy pecuniary penalties, and the judge pointed out that in the English Act the words "and to punish offenders" were found in addition to the words which were in the present Act of Canada which simply covers penalties. The judge of the Sessions had pointed out that it was absolutely necessary to alter the law in this sense.

The clause was adopted.

On the third clause,

HON. SIR ALEX. CAMPBELL said that the necessity for an amendment to this clause had arisen from the fact that in Quebec the judge of the Sessions of the Peace was also Police Magistrate and Stipendiary magistrate, so that when the judge of the Sessions was absent all the authorities mentioned in the Bill to determine in a summary way offences punishable under the Act were absent; except the judge of the County Court, and there was none there. It was thought, therefore, that this amendment was necessary. He suggested an amendment to the effect that in the Province of Quebec a judge of the Superior Court shall have the like authority and jurisdiction as that conferred by the terms of the Act of 1873, and by this Act upon the judge of the Sessions of the Peace.

The amendment was agreed to.

HON. MR. DICKEY called the attention of the hon. the Minister of Justice to the clause which imposed penalties, and asked him to consider seriously whether these penalties were not so much in excess of the offences that they were likely to

have a contrary effect to that intended. He thought that a person entering a vessel without the authority or concurrence of the master and being unarmed should not be liable to such punishment as imprisonment for not less than six months. He considered it entirely too harsh, and inadequate to the offence itself. The next penalty was that of a party going on board armed, but without any intention of using the weapon which might be upon his person, and which would not be dangerous until used; in that case he should not be liable to be put in penitentiary for three years. He considered it a great mistake to make the punishments so excessive that it would be very difficult to convict. He mentioned it that it might be considered before the third reading.

HON. SIR ALEX. CAMPBELL said he had taken the advice of persons connected with the trade before bringing the Bill to the House. Of course, if a person went on board of a ship innocently and without any bad motive it would seem to be very harsh; but the Act was not intended for such cases and would not be applied to them. But if one took the case of a ship arriving at Montreal, there were often a great many people there, stevedores and longshoremen, and these men, two or more, would go on board the ship, and do no other harm than prevent the seamen from working; they might perhaps stop the discharge of the cargo, and he thought such an offence should be punished very severely, even if they go on board unarmed. That, however, was a question for the Committee, whether the punishment was great or not. He was not himself an advocate of very severe punishment; but those hon. gentlemen who lived in seaport towns, he fancied, knew the difficulties which sometimes occurred with reference to ships when discharging their cargoes and the interference which took place from longshoremen and others who might be on strike. The whole business of the harbor of Montreal, or at any rate very much of it, had been arrested for twenty or thirty days during last summer and the summer before, in a manner that was most injurious to the commerce of the country, and if such powers as these should not exist it would be very difficult to prevent those longshoremen from going on board. He

thought the Committee might very safely trust that no magistrate would enforce this Act against a person who was innocently on board, as the Bill was not intended to affect such cases.

HON. MR. DICKEY said the hon. gentleman had referred to the experience of Montreal and Quebec. If this Act were to be confined in its operations to those ports he would be inclined to allow the gentlemen who were interested there to deal with the Bill; but it was a general act. His hon. friend had also said that when a vessel was discharging, stevedores and others might go on board and interfere with the sailors doing their work. That was one class of cases in regard to which the Bill was more extensive in its operations, because it extended to a person going on board any ship previous to her actual arrival in the dock or getting to her place of discharge. For instance, a vessel coming up the river might be boarded by a person who would not have the consent of the master, and would go on board innocently, yet, under the terms of this Bill, he was brought under heavy penalties—very severe penalties,—and might be taken to jail at once. He did not think that this was desirable, and felt that the clause should be amended in some way, so that persons who go on board a ship unarmed and without any evil motive should not, because they have not the permission of the master, be subjected to heavy penalties, or brought before a justice of the peace and committed to prison for a long term. It did not seem to him desirable to put these impediments in the way of navigation, and it was not in the interests of the ports, it appeared to him, that penalties so excessive as really to defeat the object if the Bill should be imposed.

HON. MR. MILLER suggested that it might be amended in this way: to read "without the permission and against the wish."

SIR ALEX. CAMPBELL thought that was already in the Bill.

HON. MR. HOWLAN said that this Act was merely carrying out the rule which had prevailed with regard to entering a man's house. One has no right to enter

a man's door without his permission, and if he does so he must take the consequences: in the same way a man who boards a vessel when sailing up a river, without the consent of the master, should take the consequences. The difficulty to be met was very easily understood by any one conversant with the matter. At certain seasons of the year a great many seamen are required and incoming vessels are boarded by people, who are known as "crimps," with a view of enticing the sailors to desert or of ascertaining how much they are getting a month, and acting as pilots or guides to lead those sailors to other vessels; and stringent rules were necessary to prevent this. In the first place no master or mate of a ship would bring a man before a magistrate unless he had been guilty of some improper act on board his ship, and in the next place without such a law as this a ship might be crowded from end to end with persons who had no right there. A vessel discharging her cargo had all the hatches off and was quite open; it was therefore necessary to have some such law as this in force. The old act had been passed specially to meet these particular cases, and he did not know that anything wrong had resulted from it.

HON. MR. FERRIER said that anyone who could remember the circumstances connected with the business of Montreal for the past three years, would agree that the provisions of the law should be made much more stringent than at present. They should particularly provide for such cases as persons going on board a ship in a way that would enable them to communicate with those on board and to stop entirely the discharging of the cargo by the sailors of the ship. He thought it really necessary that there should be some legislation more stringent than any that now existed, and which would protect the commerce of the country; especially that of the ports of Montreal and Quebec.

HON. MR. MILLER had no doubt the law was required for Montreal and Quebec, but the position seemed to be, that because the law was necessary for those two ports, a general law should be passed applicable to the whole Dominion, and affecting ports whose trade does not call

for such a law. He would have no objection to the measure, and would not consider it at all too stringent if it were confined to the ports of Montreal and Quebec, and perhaps it might extend east to St. John and Halifax, but not generally to ports in the Maritime Provinces. It was a very common thing there, when a vessel was coming into port, for friends to go on board, and for other parties to board her as she is coming into her place for discharging; under this law it would be optional with the officers of the ship to have every one of these people, who went on board thus innocently, brought up and subjected to severe punishment. He did not think a law should be placed upon the statute books that would leave such a power for abuse in the hands of any man, and therefore he was of opinion that the phraseology of the Act should be changed, or that it should be limited to those ports where it is considered indispensable to have such a law. If the clause were slightly altered as suggested, and made to read "without the permission and against the wish of the officer in charge," he did not think it would be so objectionable as at present.

HON. SIR ALEX. CAMPBELL said there was no objection to those words.

HON. MR. TRUDEL thought a change might be made in this sense—that the law should be enforced against a party who, having been ordered to retire, would remain on board against the will of the officer. It would not be easy to clear a person against whom a master of a vessel might go and make a declaration setting forth that the man came on board his vessel against his wish; and unless it were enacted that he should expressly order the man to withdraw and only proceed against him in the event of his refusal to obey, room would be left for arbitrary conduct on the part of an officer of a ship. He thought that a very severe law should be enacted to meet the requirements of such cases as had been alluded to, yet he felt it would be easy to frame the clause so that it would not allow of the exercise of any arbitrary power. The Hon. Minister of Justice had said a few moments before that he thought no magistrate or judge would enforce the law without very clear proof of the bad intention of the offender having been adduced, but some magis-

trates and justices of the peace are far from learned in the law, and have no great experience in its application, and might be inclined to take the letter of the law and say, "The law says that any person found on board a ship against the wishes of the master shall be imprisoned;" and so it could happen that a master would swear that the person was on board against his wish,—though no order had been given him to withdraw—and the magistrate might punish an innocent party. He thought it would be easy and desirable to mention that there should be an obligation on the master of a vessel to order the intruder to withdraw, and it would be a very simple way to meet the difficulty.

HON. SIR ALEX. CAMPBELL said there was no difficulty about making the bill a little more particular in the direction to which objection was taken, but he asked the House to bear in mind that the bill was not merely to provide against persons going on board, but going and being on board—which means that they continue there without permission; and he reminded the hon. gentleman from Richmond (Mr. Miller) that if a person remained on board without the permission or consent of the master it was almost equivalent to being there against his will. He was, however, quite willing to make the clause clearer and suggested that in the twelfth line instead of the words, "shall go and be on board" there should be inserted the words, "shall go and remain on board." Also that there should be inserted in the fifteenth and sixteenth lines, as suggested by the hon. member from Richmond (Mr. Miller) the words, "against the will and." It would then read, "against the will and without the permission of such master." He further considered it would be well to use the same words instead of those at present used in the twenty-first line, and thought when that was done there could be no danger of the bill being mis-applied. He stated that the same law was in force in England, at London, Liverpool and other seaports, and had existed in New Brunswick and Nova Scotia for several years past, yet no evil had followed and he felt the House might rest secure in the belief that no evil results would spring from the measure. He had no objection to amending the bill in the way proposed.

HON. MR. KAULBACH asked if the Hon. Minister of Justice meant to say that this power was conferred upon ordinary justices of the peace?

HON. SIR ALEX. CAMPBELL said the powers given would be found in the last clause of the bill, and they were all special magistrates.

HON. MR. KAULBACH asked if it would not then be the case that any ordinary magistrates, such as they had in Nova Scotia, would not have these powers?

HON. SIR ALEX. CAMPBELL replied they would not as it was desired that the provisions of the bill should be carried out by persons specially qualified to deal with it.

HON. MR. KAULBACH said in view of this explanation, the bill was not so objectionable as it otherwise would have been.

HON. MR. POWER thought that the alteration suggested by the Minister of Justice might to a certain extent defeat the object of the Bill, because one of its objects was to prevent these men loading a vessel when they were ordered not to do so. The alteration that the hon. gentleman proposed would not make that an offence at all unless they continued on board. The mere fact of a man going on board when the master ordered him off should be a penal offence.

HON. SIR ALEX. CAMPBELL—Very well I will make the alteration.

HON. MR. POWER said it seemed to him that the views of the hon. Senator from De Salaberry might be met by amending the sixteenth line by adding the following "without the permission and contrary to the orders of."

HON. SIR ALEX. CAMPBELL—It is the same thing.

HON. MR. POWER said it was necessary to meet the difficulties suggested by the hon. Senator from De Salaberry.

HON. SIR ALEX. CAMPBELL said the master would have to establish before

a magistrate that he had told the man to leave.

HON. MR. HAYTHORNE called attention to the fact that these offences could only be tried before certain judges. In Prince Edward Island a police magistrate could be found in Charlottetown, and also judges of the county courts, but as a general rule in the rural districts of the Island only justices of the peace could be found, and in cases of necessity a long journey would be required before any of the authorities mentioned in this Act could try the offence.

HON. MR. FERRIER—Have there been any strikes among the ship laborers there?

HON. MR. HAYTHORNE—No.

HON. MR. MILLER did not think the act would ever have to be enforced in such places.

HON. SIR ALEX. CAMPBELL thought the suggestion made by the hon. Senator from Richmond was to the same effect, and would have the same result as the suggestion made by the hon. Senator from Halifax; but he had no objection to either of them. After the words "without the permission," in the sixteenth line, he would insert "against the orders."

The amendment was agreed to, and the clause as amended was adopted.

HON. MR. BUREAU from the committee reported the Bill with amendments which were concurred in, and the third reading was ordered for Wednesday next.

The Senate adjourned at 4.40 p.m.

THE SENATE.

Ottawa, Tuesday, March 7th, 1882.

The SPEAKER took the Chair at Three p.m.

Prayers and routine proceedings.

THE ATTEMPT ON HER MAJESTY'S LIFE.

MESSAGE FROM HIS EXCELLENCY.

HON. SIR ALEX. CAMPBELL—The Address which the House voted a few days ago to Her Majesty congratulating her on her escape from assassination was transmitted by telegraph on the night of the day it was passed by this House. Since then a message has been received in return from the Colonial Secretary which His Excellency has desired me to read. It is as follows:—

“London, 6th March, 1882.

Message third instant laid before Queen. Her Majesty much gratified by congratulations of Legislature and people of Canada over her escape and by assurances of loyalty and devotion.

(Signed,) KIMBERLEY.”

FUGITIVE OFFENDERS IN CANADA BILL.

IN COMMITTEE.

The House went into committee of the whole on Bill (C), “An Act respecting fugitive offenders in Canada from other parts of Her Majesty's Dominions.”

In the Committee.

HON. SIR ALEX. CAMPBELL—As I mentioned on the second reading of the Bill, it is introduced with the view of preserving the right of Canada to legislate for itself with reference to fugitive offenders so far as regards its own borders. The Imperial Parliament passed an Act for the rendition of fugitive offenders from one colony of the empire to another, and they could pass it with greater advantage than could be done by any colonial legislature, because they have the right to deal with all the colonies and with prisoners on the high seas. Although we yielded to that view of the matter it was thought desirable to preserve our own autonomy, and to legislate within our own borders. It is proposed to do so by this Bill which really applies to Canada and to fugitive offenders within the limits of the Dominion the provisions of the Imperial Act. I think I can give the committee an idea of the whole measure by reading the English

Act. The second clause of the Bill before the Committee corresponds with the second clause of the English Act. The language in the English Act is general and applies to all the colonies of the Empire, while the language of this Bill applies specially and only to the Dominion of Canada.

The first and second clauses were adopted.

HON. SIR ALEX. CAMPBELL—The same difference runs throughout the two Bills. The third clause describes the proceedings to be taken in Canada on a warrant issued elsewhere. The duty is imposed upon the Governor General or a judge of the Superior Court in Canada.

HON. MR. POWER—Before that clause is put, I wish to ask the Minister of Justice why he has apparently adopted a different view of the law from that entertained by his predecessor. I find in the first page of the correspondence which has been laid on the table in connection with this Bill that the Hon. James Macdonald, at that time Minister of Justice, thought that the Governor General was not the officer who should act in Canada, but that the expression "Governor" should mean the Lieutenant Governor of the Province. I just wish to know why the Minister of Justice has adopted a different view on that question.

HON. MR. DICKEY—I have read the correspondence on this important subject, and I should like some explanation of the reason why we have this legislation running *pari passu* with the English Act. My hon. friend in explaining the second clause pointed out the discrepancy between this measure and the English Act, and I should like to see how this legislation is to be enforced if there be already existing an Imperial Act applicable to every part of Her Majesty's dominions. I do not wish to go into the subject at present; it is not a proper subject to discuss in committee at all events; but there ought to be some explanation why we should pass this clause, and why indeed we should pass the Bill at all if we recognise the existence of the English Act, and in that point of view the predecessor of the Minister of

Justice, and his predecessor the Hon. Mr. Blake, both took a sound constitutional ground in claiming that the right to legislate on this subject rested with Canada.

HON. SIR ALEX. CAMPBELL—With reference to the remarks of the hon. Senator from Halifax, I have not the correspondence before me at present. In the meantime I will refer to what has fallen from the hon. Senator from Amherst. The reason the Bill is introduced is this; we were anxious to secure for Canada the right to legislate for the Dominion on this subject in this Parliament. In one of the papers to which my hon. friend has referred—that which was sent by the Hon. Mr. Blake—the position is taken that Canada could of its own authority deal completely and advantageously with this subject and I think that also was asserted by my immediate predecessor, Mr. Macdonald, but I do not think that this is true because the rendition of fugitives must involve some proceedings beyond the borders of Canada, as for instance if the fugitive was demanded from Canada on behalf of Newfoundland or Australia some steps must be taken with reference to that fugitive outside of Canada altogether and in order that that may be dealt with completely, thoroughly and advantageously, it was, I thought and the present Government think, desirable to yield to the wish of the Imperial Government and allow the legislation which was about to take place in England to apply to all the Colonies, but, with the reservation on our part that we would supplement it so far as regards Canada and dealing with criminals within our own borders, by legislation of our own—not legislation such as the hon. Senator from Amherst supposes contradictory or in antagonism to that which has taken place in the Imperial Parliament but in furtherance of and in consonance with that legislation and merely repeating it for our own part for the purpose of preserving our autonomy and right to deal with the subject. That was our view. I do not know that I could express the idea in words that are more likely to readily catch the apprehension of hon. members of the House than by reading the memorandum which I prepared for Council and which is to be found on the last page of this return. It is as follows:—

The Committee of the Privy Council have had under consideration the despatch of Her Majesty's Principal Secretary of State for the Colonies to His Excellency the Governor-General, dated the 11th of December last, enclosing a copy of the "Fugitive Offenders Bill," proposed to be introduced in the Imperial Parliament, and a copy of a printed memorandum by Mr. Jenkyns, (one of the Parliamentary Counsel,) on the answers received from the various Colonial Governments respecting the Bill, with a report of the Minister of Justice on the subject dated the 30th of December last.

The Committee are of opinion that the general subject of deportation of criminals, and of their being rendered to justice from whatever part of the Empire they may be found, and in whatever part of it they may be found, is one which, in the interest of the good government of all parts of Her Majesty's Dominions, it is expedient should be placed as far as possible on one uniform system.

(As was pointed out by Mr. Blake very clearly in his paper which is to be found also in this return.)

The power of each colony to deal with such a subject is manifestly limited, and, although inter-provincial provisions did exist before their confederation, amongst Her Majesty's North American Provinces, they were necessarily restricted in their character, and did not purport to extend to the conveyance of prisoners over the high seas, or to or from other parts of the Empire.

The Committee of the Privy Council concur, therefore, with the Minister of Justice that the object in view can best be attained by Imperial legislation, and they humbly advise Your Excellency that the objections on the part of Canada to that course, referred to in Lord Kimberly's despatch, be not adhered to.

By-the-bye this recalls to my memory that the report of the Minister of Justice referred to in this minute was the report of my predecessor, and not my own. The recommendation that we should depart from the ground first taken and adhered to altogether by Mr. Blake and for a time by Mr. Macdonald, and that we should acquiesce in the legislation on the part of the Empire on the subject at large came from Mr. Macdonald, and this report concurs in that view, but suggests that for the purpose of preserving our own autonomy, we should legislate in the same direction and for the same object, but to confine that legislation to what is to be done with a fugitive criminal within our own Dominion.

"The Committee of the Privy Council are nevertheless of opinion that full jurisdiction in all matters relating to the "peace, order and good government" of the country was unconditionally conceded to Canada by the terms of "The British North America Act, 1867," and that it is not expedient that any portion of the autonomy thereby granted to the Dominion should be surrendered; and they are persuaded that neither Her Majesty's Government nor the Imperial Parliament desire in any way to withdraw or interfere with the full exercise of any of the powers or rights granted by the Act of the Canadian Constitution above referred to. With the view, however, of avoiding any apparent acquiescence, on the part of Canada, in an implied surrender of the complete and undoubted right of the Parliament of the Dominion to legislate on all subjects affecting its internal Government, which might otherwise arise from the withdrawal of the objections referred to; the Committee humbly advise that a Bill be introduced by Your Excellency's advisers at the next session of the Canadian Parliament, recognizing and re-enacting, so far as regards Canada, all those provisions of the proposed Imperial Act, which, in pursuance of its scope and tenor, will need to be enforced or availed of within the Dominion or any of its Provinces.

The Committee concur in the recommendations of the Minister of Justice in the reference to the definition of the word "Governor," and the words "Superior Court," when used in the Bill, and in the suggestions made by him as to the most convenient meaning to be given to these words as regards Canada."

That explains the whole object of the Bill—in the first place, when it was thought the Imperial Government would be asked to legislate on the subject at large, of the deportation of criminals from one part of the Empire to another, despatches were sent to the various Colonies, and amongst others to Canada, and then the first paper which is in this return was prepared by the then Minister of Justice rather objecting to that course, and saying that Canada had always legislated on such subjects on her own authority; that she had a constitution which enabled her to do so, and that the various Colonies had in the course of their history dealt with them, and claiming that the Dominion now deals with them. That was adhered to by Mr. Macdonald at first, but on argument and considering the opinions advanced by Mr. Jenkyns referred to here and supported by the Imperial Government, and the argument of convenience that as criminals were to be deported from one Colony to another all

over the Empire, and as no one Colony had jurisdiction outside of its own borders, it was thought better that legislation should be had in the Parliament of the Empire. It appears to me that that argument is sound, and should recommend itself favorably to hon. members. Further than that, this present bill proposes that we should for the purpose of asserting our own rights and our own authority within the limits of the Dominion, deal with this matter and legislate with the same scope and object and in the same direction as the Imperial Act. My hon. friend from Halifax asked why I departed from the view held by my predecessor. I think I have already explained that in the course of my remarks in reply to the hon. Senator from Amherst.

HON. MR. POWER—If the hon. gentleman will allow me, I will just read the particular portion of the late Minister's memorandum to which I referred. The first is this :—

"It is not, I think, necessary to discuss the legal questions which may arise as to the power of the Canadian Parliament to pass a law with reference to the deportation of an offender from Canada, over the high seas, to another part of Her Majesty's dominions, because in view of the practical difficulties suggested by the memorandum by Mr. Jenkyns, I think that the objections to legislation on the subject by the Imperial Parliament should not be adhered to, especially as no legislation on the subject has yet been passed by the Parliament of Canada, and the proposed bill is merely to take the place of an Imperial Act already in existence on the subject, viz :—6 and 7 Vic., ch. 34.

I recommend, therefore, that Her Majesty's Secretary of State for the Colonies be so informed.

This report of the late Minister of Justice was prepared at a time when his view on the subject was the same as I understand the view of the Minister of Justice is to-day ; but the late Minister went on to say :—

"There are a few of the provisions of the bill which, I think, require notice, because they do not appear to me to be applicable to the state of affairs in Canada, or to accord with the division of executive authority between the Dominion and the Provinces. I refer to those provisions relating to the acts to be performed by the Governor contained in sections 3, 4, 5, 6, 7, 8, 34 and 36.

By section 40 of the proposed bill, it is declared that the expression "Governor" means any person administering the government of

a British possession. A British possession is declared to mean any part of Her Majesty's dominions, and that all territories and places within Her Majesty's dominions which are under one legislature, shall be deemed to be one British possession and one part of Her Majesty's dominions."

Now, this is where the argumentative portion of Mr. Macdonald's report comes in :—

"Under the British North America Act the administration of justice in the Provinces, and the constitution, maintenance and organization of Provincial Courts, both of civil and criminal jurisdiction, are placed within the legislative authority of Provincial legislation, and it has always been considered that the executive authority over those matters is vested in the Provincial Executive.

The scope of the proposed bill appears to me to relate to the administration of justice, and, I think, it would be more convenient were the powers proposed to be conferred upon the Governor of Canada by the bill, conferred upon Lieutenant Governors of the Provinces instead. The only change which would appear to be necessary in this respect, would be to add to that part of section 40, which defines the meaning of the word "Governor," the following words, viz :—"With respect to Canada the expression 'Governor' means the Lieutenant Governor of the province, territory or district in or on the way to which the fugitive is or is suspected to be, or in which he has been admitted to bail."

I would merely add to this that it seems to me it would be much more convenient, as a matter of practice, that these warrants should be signed by the Lieutenant-Governor of a Province than by the Governor-General, who is at a point remote from all the places to which fugitives from across the seas would come. It seems to me that it would be practically much more convenient that the duties should be performed by the Lieutenant-Governor of the Province where the fugitive is found.

HON. SIR ALEX. CAMPBELL—The object of the Bill, my hon. friend must keep in mind, is the rendition of fugitives from one Colony to another and the only officer of the Dominion who could hold intercourse with the Government of another Colony would be the Governor-General. The reason why power should not be given to Lieutenant-Governors to give up fugitives is that it would be inconvenient because they can only deal with their own particular Provinces. However I will inquire further about the matter.

HON. MR. POWER—A judge of the Superior Court can endorse the warrant and he has nothing to do with other Colonies.

HON. SIR ALEX. CAMPBELL—But the correspondence would all come through the Governor-General afterwards. However I will not ask the the House to adopt the clause until it is thoroughly understood.

HON. MR. DICKEY—This legislation is only adopted, I believe, on the report of the Privy Council of the 21st of April 1881 and that report says.

“The Committee concur in the recommendations of the Minister of Justice in the reference to the definition of the word “Governor,” and the words “Superior Court,” when used in the Bill, and in the suggestions made by him as to the most convenient meaning to be given to these words as regards Canada.”

The suggestion is that the word “Governor” shall include the Lieutenant-Governor of a Province.

HON. SIR ALEX. CAMPBELL—There may be some confusion on the point. I shall refer to it again, and ask that the Committee consider the question and ascertain that point; in the meantime I move the adoption of the third clause.

HON. MR. POWER—I would respectfully make this suggestion, that instead of “Governor-General,” we insert in the different sections of the Bill, where the word “Governor-General” occurs, the word “Governor,” and in the last section of the Bill give the definition of the word “Governor” to mean “Lieutenant-Governor.”

HON. SIR ALEX. CAMPBELL—I would ask the Committee not to do that, because it may turn out that the Bill as printed is all right. If any confusion has arisen I can ask the Committee to consider the question and alter that.

The clause was adopted.

On the 17th clause,

HON. MR. POWER—I rise to call the attention of the Minister of Justice to the eighth section, which refers to the application of this Act. It is as follows:—

“This Act shall apply to the following offences, namely, to treason and piracy, and to every offence, whether called felony, misdemeanor, crime, or by any other name, which is for the time being punishable in the part of Her Majesty’s dominions in which it was committed, either on indictment or information, by imprisonment with hard labour for a term of twelve months or more, or by any greater punishment; and for the purposes of this section, rigorous imprisonment, and any confinement in a prison combined with labour, by whatever name it is called, shall be deemed to be imprisonment with hard labour.”

It occurs to me that it might be much more convenient for the Governor-General, and particularly for the judges in the Superior Courts in the different Provinces who might not have libraries at hand showing what crimes are so punishable in the different colonies, to have a list of the crimes included in a schedule or in this section; because it would be very difficult, I think, for the Superior Court judges, for instance in the Province of British Columbia, or in the Province of Nova Scotia, to tell what crimes are punishable in that particular way in Australia, or some other remote colony of the Empire. It seems to me that as a matter of convenience it would be better to have the crimes, or most of them, enumerated in the Bill.

HON. MR. DICKEY—I have an additional objection to that section because it provides for the extradition of prisoners for offences which are not crimes in Canada. It says that this Act shall apply to an offence, notwithstanding that by the law of Canada it is not an offence. It is very difficult to forecast what may occur under that clause. There may be trifling offences, or at all events offences which we do not consent to make criminal in this country; and yet we are forced by the operation of this Act, if it is considered a crime in the country from which the criminal escapes, to render him back again. I do not see why it is necessary to tie our hands up in that way by consenting to take the definition of the offence from the country from which the criminal comes, instead of taking the offence under our own law. I can hardly conceive a case in which injustice could be done if we should adopt the rule that criminals may be extradited for offences which are offences in our own country,

but can see that a great deal of inconvenience, and perhaps something still stronger, might occur from the fact of our being called upon to render a fugitive who is not a criminal under our own law, but only a criminal by an act in force in the country from which he escapes.

HON. SIR ALEX. CAMPBELL—My hon. friend will bear in mind that it is all within the Empire, and that the language of the Imperial Act, which this Act copies, applies to every colony of the Empire, and it would be very unsafe for us to depart from that, and establish some rule of our own. We should be placing ourselves then at a point of difference between ourselves and some other colony, or all the other colonies of the Empire and the United Kingdom itself. We are not to suppose in the first place that any injustice would be done in the Empire—that any hardship would result from giving up a criminal from Australia, for instance, whether his offence would be a crime or not. It may often happen by a change of the law that something which is a very serious offence in one colony is not an offence in another colony. We find that by changes in our own criminal law what is an offence now was not an offence two or three years ago, and changes may occur in the other direction. Suppose a man commits some offence in Australia, whether it is an offence here or not if it be a crime against the law of Australia why should that man not be given up. We have no object in keeping him here. His being here is no advantage to us and no source of pleasure, and should we not, therefore, give him up, and all the more so since he is not going beyond the protection of Her Majesty's law? Whether the offence is one here or not does not make any difference: there is no danger of giving up one of Her Majesty's subjects, because he is not going out of the Empire. Take for instance the state of Canada as it existed before confederation. I have no doubt there were many offences then which were offences in one part of the Dominion and not in another. Take for instance the case of a man committing an offence in New Brunswick: it would be certainly no advantage but rather a disadvantage to every body if the person who committed that offence fled to Quebec or Ontario because it happened that in

those provinces that particular crime was not prohibited by the law. It would be of no advantage that that man should be kept there and not sent back to New Brunswick to be tried; on the contrary he ought to be sent back to the Province in which the offence was committed. If the argument of my hon. friend opposite (Mr. Dickey) suggested any hardship at all it would be this,—that the man might be sent back to some place where he would be tried for some absurd thing, or where his liberty would be affected in some way to be regretted, and to which we ought not to subject him; but I do not think any difficulty of that kind would arise in any other Colony of Her Majesty. My hon. friend from Halifax (Mr. Power) will allow me to point out that it would be dangerous, in view of the simple argument that I have used, to attempt to define the offences more closely than the Imperial Act does; and that Act defines them in the same words which we have used in this bill. As the whole scope of the act is not to render any additional assistance to the Imperial legislation because it would be full and ample enough without this act, but simply for the purpose of asserting our own right within our own borders, the only safe plan is to follow the language of the Imperial Act, and to make that a crime which the Imperial Act recognizes as such. If we went to amend them and attempted to define the crimes within limits which were more circumscribed than those of the original act we should be running contrary to that act, and falling into the error which my hon. friend from Amherst (Mr. Dickey) suggested, of legislating in a direction antagonistic to the Imperial Act. We do not want to do that, but simply to exercise our own authority and means so far as regards dealing with offences within our own borders; and I think it is far safer, as I hope my hon. friend from Halifax (Mr. Power) will see, not to make anything a crime which is not a crime in that act, or to go into details which are not in that act inasmuch as some other difficulties would spring out of our attempt to define more closely than they have done, the crimes to which the Act applies.

HON. MR. BUREAU—I think the Imperial Act decides the question as be-

tween the Imperial Parliament and the Colonies. There is no doubt that certain Acts of the Colonial legislatures were conflicting with the Imperial statutes and to define and explain the position between the Imperial Parliament and the Colonies there was passed not long ago a special statute; I think it is contained in a book on constitutional matters which was published in 1880. I think the leader of the House is perfectly correct and if we were to legislate for any of the Colonies that legislation might be directly against the Imperial statute and it would be put aside. I think we have no other course to follow under present circumstances—so long as there exists an Imperial bill affecting or relating to the subject—than to submit to that law. We have had some difficulty of that kind in the past in the Province of Quebec and a judge suspended there because he gave his opinion against the laws that had been adopted here. He was a chief justice and he was suspended because he made it known that he thought the Imperial Act was correct and that the legislation in Quebec conflicted with that authority and was not good; that is to say that he maintained the correctness of the Imperial Act as against the local statute. The result was that the judge in question was suspended, and he complained to England of the injustice which had been done him just because he had interpreted the law according to the Constitutional rights conferred by the Imperial statute.

HON. MR. DICKEY—That must have been in the good old times before Confederation?

HON. MR. BUREAU—Yes, it was before Confederation, but we occupy the same position now. The judge was subsequently appointed a chief justice just as a kind of indemnity; but what I wish to say—and my authority is the Imperial Act—is that those conflicting interests have been decided by virtue of the Imperial Statute, and after the Bill is read I shall cite that authority. I have mentioned this specially but I do not complain if we demand no rights contrary to it; for I think we in this country, in view of our present position, should be quite independent in those matters as well as in commercial matters and what I wish to

state is not my personal opinion but the Statute by which we must be governed.

HON. MR. POWER—I am sorry to trespass so much upon the time of the Committee but this is a matter of some consequence. The Bill is an important one, and I suppose that the more it is discussed the better it will be understood. I regret to say I am not convinced by the last argument used by the Hon. Minister of Justice. As I understand the position taken by him it is this—that this is a matter entirely within the jurisdiction of the Imperial legislature; and although we are, as he says, passing a Bill of our own, in order to shew that we claim to have jurisdiction, still we are bound to follow the exact lines of the Imperial Act. Now the hon. gentleman's predecessor, in the report to the Privy Council from which I read a short time ago, and the hon. gentleman himself in the memorandum which forms part of the correspondence that has been laid on our table, proposed to modify the Imperial Act with reference to defining the word "Governor" and some other matters, and the words "Superior Court." It seems to me that while we are bound, perhaps, to follow the general outlines of the Imperial Act we are not therefore obliged to make our Bill a servile copy of the Imperial Act, but we should introduce such improvements into the Bill as will make it more easily worked within the Dominion. In making the suggestion I do not propose to alter the 8th clause at all, but merely to change the wording of it so as to make its meaning clearer to the officers who would have to carry it out. My proposition would simply amount to this—that in addition to treason and piracy the Minister of Justice should name a large number of other offences which, according to the laws in force in the Dominion, are punishable as provided in that section. I would make the bill very nearly define all the crimes to which it would be applicable and, in addition to that, the hon. Minister might retain the words that are at present in the bill "to every other offence etc." It is merely with reference to the practical working of the bill that I think the insertion of say some twenty or thirty crimes which are punishable in Canada in the manner described in the bill, would make the measure much more satisfactory. I do not urge the

thing very strongly but it seems to me desirable.

HON. MR. MACFARLANE—I should judge that it would make it more impracticable if the legislatures had the power of defining what were offences; it would appear on looking at it as if certain legislatures might designate as a crime what really was not a criminal offence with us. It is quite possible that such would be the case and I find that the ninth section of the Act entirely provides for it. Take the case of a judge before whom a party is brought supposed to have committed a crime and extradition is applied for; if the judge were of opinion that the offence was of a trivial character, or of such a kind as not to demand extradition he could still take it into consideration and could either release the party altogether or release him on bail as the necessities of the case required. I can see where this could possibly happen and that what would be a criminal offence in the Cape of Good Hope and some other Colonies, might not be an offence with us at all, and crimes, so far as we know them in Canada and as defined in our Criminal law, would in some cases find no parallel there. My impression is that the clause is sufficiently guarded and while giving all necessary protection to Colonies outside in the surrender of fugitives, it will still give every protection in this Dominion that we could or ought to afford.

HON. SIR ALEX. CAMPBELL—I will only add this to the remarks of my hon. friend who has just sat down:—how difficult it would be for us to say now, in the absence of information, for what offence we would decline to give up a criminal, we will say from Australia. How can we tell? We should have to know exactly what the offence is with which he is charged and we should have to know the laws of Australia and many other circumstances before we could say whether we would or would not give up the man. The object which the hon. gentleman has in view I take it is this—it must be with reference to any possible compromising of the liberty of the subject, any possible rendering up of a person to be tried for some offence which would be in itself very trivial, such an offence as should not interfere with a man's liberty, and in that way sacrifice

his liberty as a subject. As I said a moment ago as the person would come only from one part of Her Majesty's dominions to another, there can be no difficulty in that respect. Therefore I think the object we would have in view in specifying the offence would be to take care that a man would only be given up when he committed a serious offence and such as we should recognize as such. Here that object does not exist because this legislation applies only to cases of persons committing offences within the Empire and who on being given up will remain under the operation of Her Majesty's laws.

On the seventeenth clause,

HON. SIR ALEX. CAMPBELL—With reference to the part to be taken by the Governor-General in this matter and whether it should be taken by him or by the Lieutenant-Governor, I will enquire into that and if there are any errors made I will take care that they are corrected at the third reading; and whether there is an error or not I will take care to refer to it.

HON. MR. ARCHIBALD from the committee reported the Bill without amendments.

The report was adopted and the bill was ordered for third reading on Friday next.

GREAT WESTERN RAILWAY COMPANY'S BILL.

SECOND READING.

HON. MR. VIDAL moved the second reading of Bill (M) "An Act to amend the Acts relating to the Great Western Railway Company." He said: There is nothing new in this Bill. It is rather of a domestic character, affecting the internal management of the affairs of the Great Western Railway Company. It asks for no increase in their power, no addition to their loan capital or anything of that kind but simply that they may be permitted to change the nature of their securities and to issue their debentures at a lower rate than prescribed by law—six per cent. The sections all bear on the proper management of this affair, and they are sufficiently guarded by the requirement that

these debentures shall only be issued and any change made, upon being sanctioned by a majority vote of the stockholders, the taking of which is prescribed in the statutes already regulating these affairs. In the seventh section there is another subject introduced, asking for an amendment to their Act, 43 Vic., cap 49, authorizing the establishment of superannuation, provident and insurance funds, by striking out of the fifth section the words "within twelve months after the passing of this Act." That act was passed in 1880, and I am not informed whether its terms were strictly complied with within the twelve months. I think they were not, and in order to prevent any difficulty arising, although the superannuation fund is established, it is better that these words be struck out. The Bill will, of course, be referred to the Committee on Railways where its provisions will be closely and faithfully enquired into.

HON. MR. DICKEY—The hon. gentleman will be prepared, I hope, to call the attention of the committee to those particular sections in the Acts of 1866 and 1875 which are applicable to those which it is proposed to alter or affect. It is one of the inconveniences of legislating for these railway companies that sometimes incongruities creep in, and the hon. gentleman will see the necessity of turning his attention to those acts so that he may be in a position to enlighten the members of the committee by showing in what respect the clauses of this Bill differ from the present acts.

HON. MR. VIDAL said he had carefully read them, and that he proposed to submit them to the Committee.

HON. SIR ALEX. CAMPBELL—I hope the Railway Committee will see that the interests of outside parties are not prejudiced in any way. I did not understand from the remarks of the hon. member from Sarnia that they are, but glancing at the second section I see that the borrowing powers of the company are to be enlarged. It is very desirable that no legislation should be allowed that will interfere with the existing rights of any persons who may have loaned to the company.

The Bill was read the second time.

The Senate adjourned at 4.50 p. m.

THE SENATE.

Ottawa, Wednesday, 8th March, 1882.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE SCOTT ACT.

PETITION.

HON. DR. ALMON presented a petition from the official members of the Halifax North Circuit of the Methodist Church of Canada, praying that no amendment be passed to the Scott Act except to make it more effective. He said,—I think it is only justice to myself to say that I do not at all agree with this petition—that my opinions with regard to the Scott Act are as strong to-day as they were last year, nay more intensified, because I have seen the working of it in some of the counties of Nova Scotia, and have come to the conclusion that it is not calculated to promote temperance, while it encourages hard and unchristian feelings in the community.

STEAM USERS' ASSOCIATION BILL

THIRD READING.

HON. MR. BELLEROSE, from the Committee on Standing Orders and Private Bills, to whom was referred Bill (13) "An Act to amend the Act incorporating 'The Canadian Steam Users' Insurance Association,' and to change the name of the said company to 'The Boiler and Inspection Insurance Company of Canada,'" reported the bill without amendment.

HON. MR. VIDAL moved the third reading.

The motion was agreed to, and the bill read the third time and passed.

NOVA SCOTIA SUGAR REFINERIES.

MOTION.

HON. MR. POWER moved :—

"That an humble Address be presented to His Excellency the Governor-General, praying that His Excellency will cause to be laid

before this House, copies of all Orders in Council, Reports and Memorials, and all Correspondence between the Government and any Departments and Officers thereof, and the Directors of the Nova Scotia Sugar Refinery (Limited), or any members or officers of the said Company, respecting the granting of a drawback to the said Company upon Sugars or other merchandize intended for exportation."

He said—I think, before formally moving the resolution, it is desirable to make a few explanations, so that the Government will understand as well as I can state it, what the object of the motion is. From the statistics submitted last year it appeared that the whole amount of sugar consumed in the Dominion was about 117,000,000 pounds, and that the two refineries which were in operation in Montreal at that time (that is about twelve months ago) handled 87,000,000 or 88,000,000 pounds—that is that the two refineries in Montreal were able, without any inconvenience, to manufacture three-fourths of the sugar required for consumption in the Dominion. Since that time, two or three other refineries have been established, one in Moncton—a large one which has been successfully conducted—and another one in Halifax, which was erected at great cost and is a most perfect refinery as far as plant, machinery and buildings are concerned, and another smaller one, also in Halifax. So that instead of the two sugar refineries which we had last year there are five in operation. Now, it is quite clear, hon. gentlemen, that these five refineries are able to manufacture a great deal more sugar than is necessary for consumption in this country. The fact is, I believe that the two refineries in Montreal, with the smallest of the three in the Lower Provinces, would manufacture all the sugar required for consumption in the Dominion; and the consequence of that fact is that these refineries instead of finding a sale at home for all the sugar that they manufacture at their own prices, or nearly so, will go into competition with one another. One of the consequences will be that the prices of sugar may be very slightly reduced, although I do not know that they will be to any great extent; but the most serious consequence will be that those refineries will not be able to work to their whole capacity, and some of the refineries which are at a dis-

advantage as compared with others will probably be obliged to close. I see that this matter has been brought up at a meeting of the Halifax Chamber of Commerce, where it was stated that the freight on refined sugar going from Halifax and Moncton to the Upper Provinces is higher than the freight on raw sugar from the same points to Montreal. The result will be that one of the refineries of the Lower Provinces will have to close unless steps be taken to find a market elsewhere. The only hope, I think, that remains for the refineries in Halifax particularly, and to a certain extent of the refinery in Moncton also, doing a profitable business, is in their finding some other market than that of the Dominion. They will have to look for a market abroad. That is the fact of the matter, and I think that the shareholders in the Halifax refinery quite realize it now, and the Board of Trade there realizes it also. The only way in which the refined sugars in the Lower Provinces can find a market outside of the Dominion is by getting a drawback on the sugars exported. I think it must be perfectly clear to every hon. gentleman that if there is no market for the sugar in the Dominion the refiners will have to look abroad, and the only way in which they can export the sugar, which pays so high a duty coming in, is by having a drawback equal to the duty paid on the raw material. I will read a resolution adopted by the Halifax Chamber of Commerce at the annual meeting held on the first of the present month. The resolution was moved by Mr. Bremner, who is a prominent member of the Conservative party and one of the directors of the Halifax sugar refinery, and it was seconded by Mr. Silver whose sympathies are with the Opposition and who is not a director nor a very large shareholder of the company. The resolution was, I think, adopted unanimously, and was as follows:

"Resolved that the Executive Committee be requested to use their efforts to induce the Government to grant a drawback upon the various grades of refined sugar exported equivalent to the duties which have been put on the raw sugar used in the manufacture thereof."

I presume that this resolution has already been forwarded to the proper officer of the Government. It represents the opinion of the Halifax Chamber of Commerce in regard to the sugar refineries

in that city; and there is a gentleman here now who I understand represents the interests of the Moncton refinery, and his object, I presume, is to press upon the Government the necessity of granting a drawback in the interest of that refinery. I think it will be conceded that if it is in the power of the Government to assist these undertakings by granting a drawback it is their duty to do so.

On that point I wish to draw attention to one or two facts. In the Act to amend and consolidate the acts respecting the customs passed in 1877, and which so far as regards this particular matter still continues in force, it is provided by Section 136, that

“The Governor in Council may under regulations made for that purpose allow on the exportation of goods which have been imported into Canada, and on which the duty or customs has been paid, a drawback equal to the duties so paid, and in cases to be mentioned in such regulations subject to such provisions as may be therein made, such drawback may be allowed on duty paid goods manufactured or wrought in Canada into goods exported therefrom as aforesaid, and the period within which such drawback may be allowed after the time the duty was paid, shall be limited in such regulations.”

So it is quite clear that the Government have the power, if they have the will, to grant this drawback. The general question of drawbacks came up in the other Chamber shortly after I put this notice on the paper, and I find that the hon. Minister of Customs who has charge of this particular matter used this language in speaking on this question of drawbacks.

“All I can tell the hon. gentleman is that since our late discussion has been extended to a certain extent, that in every single instance where manufacturers have presented their claims in such a manner that it was possible for the Accountant to arrive at a correct decision as to the amount of drawbacks they should receive, there has been no delay whatever in paying it to them. I think he will find that, when it comes down, the return will show that there was a much larger amount paid in the way of drawback than there was in previous years; and I have no doubt that as the manufacturers continue to prosper, and when they shall have succeeded in more than supplying the home market, the export trade will continue to increase. And as it continues to increase just so in proportion will the Government pay back as large an amount of drawback as the law will permit.”

The Minister of Customs, then speaking on behalf of the Government, declared quite positively that the drawback would be paid in cases like this; and I hope that before Parliament rises this vexed question of the drawback on sugar will have been settled by the Government in a manner most favorable to the manufacturers. There is another reason in addition to the justice, and, as I think, the necessity of the case, why the Government are bound to deal liberally with the sugar refineries in the Lower Provinces. The Government, very properly, shortly after they came into power placed a sum in the estimates to aid a line of steamers plying between Halifax and Brazil and touching at some of the West India islands. After a good many delays this line of steamers has at last gone into operation, and the first vessel of the line arrived at Halifax shortly before Parliament met. A discussion has arisen, and there has been a good deal of difference of opinion amongst business men both in Montreal and the Lower Provinces, as to whether these steamers are likely to have outward cargoes. It is very doubtful whether the outward cargoes of these vessels will be such as will make the line profitable unless every encouragement that the Government can give in the way of helping them to get cargoes is afforded, and one of the best ways that the Government can do that is by granting this drawback on sugars. These steamers, and other vessels coming from Brazil, will probably bring large quantities of sugar for the use of refineries; and if the drawback asked for by the refiners in the Lower Provinces is granted, the probabilities are that they will be able to ship back to Brazil large quantities of refined sugar which will, to a certain extent, counterbalance the coarse sugars which we import from there. The sugar business is one in which the protective policy has run its course rather more rapidly than almost in any other and the reasons are obvious. The sugar required for consumption in the country can be supplied by a very few large establishments, and then as soon as these large establishments have been put up it becomes clear that the manufacture of sugar ceases to be profitable unless an outlet can be found for the manufactured article outside of the Dominion; then the objectionable character of high duties becomes

apparent—that is unless these duties are compensated for by drawbacks to the exporter. I think it is not only the duty of the Government, as a matter of justice and fair play, particularly to the capitalists and other people in the Lower Provinces who have invested their means in these undertakings, but they are bound by the ties of affection to treat these sugar refiners in a particularly friendly manner. Not only hon. gentlemen in this Parliament but gentlemen outside of this Chamber who support the Government have been the last two or three years very fond of claiming with a great deal of pride that all these manufactories are their children—the legitimate offspring of the policy that they adopted in 1879. Now, it seems to me that the Government should not treat this offspring as they might treat step-children, but they should show a little natural affection for them as well as a disposition to give them fair play; and, if the Government do desert these undertakings in the Lower Provinces, their action will be very much calculated to shake the faith even of those who are strong believers in that National Policy. With reference to the Halifax sugar refinery, the one as to which the question is particularly asked, I merely wish to say that a very large sum of money has been invested in the building and plant and machinery; that the refinery as a whole is looked upon by gentlemen competent to form an opinion as being without any superior in America. The refinery when in operation—I believe it is in operation again, although operations had been suspended for some little time—gives employment for a considerable number of men. There are about 150 men employed there, and it has one of those tall chimneys the sight of which gladdens the heart of the leaders of hon. gentlemen opposite. I think the hon. gentleman who leads the Government in this House, and all his friends, would feel very sad indeed if they were to visit Halifax and find that that “tall chimney” did not belch forth its proper quantity of smoke, and I hope they will do their best to keep it going. If the Government do not grant the reasonable request of the friends of this refinery, and the establishment is in consequence obliged to suspend, a certain number of men will be thrown out of employment. In addition to that, it will have a very serious effect

on the condition of many other manufactures in Nova Scotia, and probably in the Lower Provinces at large, if this refinery with all its advantages and all the expenditure on it is not able to keep alive. And the probabilities are that no one who has any regard for his capital will care to invest it in any other undertaking of a similar character, and manufactures in the Lower Provinces would not increase. There is another argument which, perhaps, I should not use, but it is one that ought to have some weight with the hon. gentlemen who support the Government, and that is, that if this refinery, upon which so many hopes were built, and about which the press supporting hon. gentlemen opposite boasted so loudly, should prove a total failure its effect upon the prospects of the Government candidates in the elections which are expected to take place shortly may be very serious indeed.

I trust, then, that the Government will not be deaf to the cries of justice and to the demands of natural affection, and of a judicious regard for their own interests; but that they will grant the sugar refiners of Halifax the drawback to which they are entitled, and that they will not be niggardly in their treatment of the application. In conclusion, I would ask the leader of the Government in this House if he will be kind enough to have the return brought down to the present day, because I think there has been some correspondence within the last few days with the Government.

HON. MR. KAULBACH—I am very glad to second the motion of my hon. friend who has placed so well and forcibly before the Government the important matter of this sugar refinery. In doing so he has no doubt expressed the general feeling of Nova Scotia and I trust it is within the power of the Government to grant the application which is made. Indeed, I understand that a member of the Government sitting in another place, has stated that when the consumption in Canada is not sufficient to exhaust the quantity of an article manufactured here, from imported material, and a portion of such manufactured article is exported to a foreign country, that a drawback, equivalent to the duty paid on the raw material used in the manufacture of such exported

article, would be paid to the manufacturer. My hon. friend has shewn clearly that this is a case coming within the views of that member of the Government to whom I refer, and I feel that it would be only acting in accordance with our National Policy to accede to his request. I am very glad to find that my hon. friend (Mr. Power) has become such an advocate and supporter of that policy as he has shewn himself to be in the present instance. I am sure, as regards the sugar refining interest, my hon. friend could not have made a clearer or more forcible speech in favor of the policy of protection to home industries, and I am therefore the more pleased to second his motion. He has expressed the opinion of the Chamber of Commerce of Halifax, a most important body, whose resolution, as passed, is to the same effect as the speech my hon. friend has just made. The important subject of our foreign trade is affected by this motion and I regret that it has not in the past attracted that attention to which it is entitled. Our foreign markets are now very limited. It is true we have sold largely to Great Britain, and particularly within the past two or three years our exportation to that country of cattle and meat products has been very large, but I fear that market has been opened to us not so much because of the enterprise of our own producers as from the necessities of the consumers there. In this our day of prosperity we should strive for a diversity of markets, and for new outlets for the products of our factories, fields and forests: those resources are the main-springs of commercial enterprise, and now is the time to seek out and test the value of distant markets. With the aid afforded by this Government and that of Brazil a line of steamers plying monthly between the two countries has been established, and when we come to examine the matter of our home products and those of Brazil we find open to both countries a large and valuable field for the interchange of their respective products. The total trade between Canada and Brazil in 1878 was \$669,804, and last year it was \$1,369,731 and shewed a balance of trade in our favor of \$100,000; yet this is but an insignificant part of our whole foreign trade which last year reached \$189,902,427. The dealings between ourselves and Brazil are confined almost entirely on our part to

the products of the forests and fisheries, and on their's to sugar, coffee and hides. I find that in 1880 there was imported into one port of that country, viz. Rio de Janiero, the following articles which are, and can be, manufactured and produced as well and as cheaply in this country as in any part of the world; but none of these things have we sent to any large extent, as yet, to Brazil. They are— Butter, 28,018 cases and 19,397 packages; Cheese, 10,406 cases; Candles, 47,567 cases; Flour, 313,112 barrels and 133,066 bags; Potatoes, 170,021 sacks, 9,470 hampers and 112,572 boxes; Beans, 30,490 bags; Coals, 296,988 tons; Coal Oil, 204,113 gallons; Bricks, 1,119,186 pieces, and of Boots and shoes 4,239 cases. The United States, France and Germany have controlled this trade, and what few of these articles have been exported from this country to Brazil have mainly gone through and been handled by the United States. With proper enterprise and with the aid given us by the present Government in the line of steamers, we have a new and valuable market for the products I have mentioned, and of which it is to be hoped this country will now avail itself and thereby extend the commerce of this whole Dominion and leave us more independent of the few outside markets we now have for our products and exports. I therefore support the motion of my hon. friend.

HON. MR. AIKINS—It is certainly very gratifying to find the hon. member from Halifax come out so heartily and endorse the policy which the Government has pursued in the past with reference to the establishment of national industries. As far as the City of Halifax is concerned it has a sugar refinery—a very extensive one—in which 150 hands are employed in the manufacturing and refining of sugar. There is also a very gratifying fact in connection with his speech, and that is, it proves that what has been more frequently stated than anything else by the supporters of the Government as well as by its members, that the result of establishing industries in the country would be to reduce the cost to the consumer, is correct. My hon. friend from Halifax has stated that the establishment of these sugar refineries will have the effect of reducing the cost of sugar. Now this is just one

of the results anticipated by those who have been the strongest advocates of the National Policy. With regard to the draw-back to which my hon. friend has referred I am not aware that application has been made to the Government for it but if application has been made what the hon. gentleman has stated is strictly true—it is quite in the line which the Government has been pursuing to grant a draw-back on articles manufactured in this country equal to the duty paid on the raw material when brought into the country. Now with regard to this Brazilian line of steamers, the course which the Government has pursued with reference to that must be highly satisfactory to my hon. friend. The Government have been anxious to cultivate a foreign trade. They have assumed—and very properly assumed—that by the establishment of that line of steamers raw sugar would be imported into this country and manufactured here at the several refineries that are being established and may hereafter be established in the Dominion, and that in this way our own people will have the benefit of manufacturing for themselves. I think the final results in connection with the Halifax refinery have shown this, that some of the statements made with regard to the great profits reaped by these sugar refineries, are scarcely correct. The term “bloated monopolists” had I believe been applied to them as a class. I think that what has taken place in Halifax has demonstrated this fact very fully—that even with regard to the manufacture of sugar notwithstanding the large profits (some consider very large profits) which the refineries are supposed to make, unless they are managed very closely and very well they will get into trouble just in the same way as the Halifax refinery did. In that case I believe a very large amount was spent in erecting a large building and in getting very expensive machinery—I suppose the best that could be procured—and the large amount expended in the building and machinery rather than in the manufacturing of sugar prevented the parties who invested in the enterprise from deriving the profits they expected. I understand that the refinery at Moncton has proved a decided success. Those who went into it were no doubt practical men, and in place of expending a large amount on buildings and machinery, they adopted another course. I am satisfied

it will be found that they cut their coat according to their cloth; they knew what their means were and tested the business on a small scale knowing that they could extend their manufactory at any time and the result is that it has proved very satisfactory and I trust it may continue to be successful. The same I believe is true with regard to the small refinery in Halifax. I have not the least doubt that it will be successful and that those who take stock in the enterprise will receive a handsome return, but if they do, we are assured by the hon. Senator from Halifax that the consumers will not have to pay any more for their sugar, and the Government have a right to congratulate themselves on the success of their policy. There is no objection to the address.

HON. MR. POWER—A construction has been put on the language that I used which I think it did not fairly bear. The hon. gentleman on my right (Mr. Kaulbach) and the Minister who has just sat down both expressed satisfaction at my endorsement of the National Policy. I never intended to endorse the National Policy, and I never expect to do so. I do not think it was ever pretended by gentlemen whose political opinions are the same as mine that the National Policy would not assist certain lines of manufacture. I recognised the fact that the tariff was particularly calculated to promote the growth of sugar refining, and I pointed out that the policy had run its course in that business in a shorter time than other ones, for the reasons which I gave. I am sorry that the hon. gentleman who has just sat down should have misapprehended what I said. I certainly did not wish to convey the impression that the prices of sugar are going to be lower than if we had the tariff which was in force before 1879. All I said was that the probable result of competition between the different refineries would be to make the cost a trifle lower than it is now, not lower than if sugar came in at a moderate rate of duty. There was one argument which I forgot to use, but it does not seem to be necessary, inasmuch as the Minister of Inland Revenue appears to say that the Government will be prepared to deal in a most liberal way with the sugar refinery, and that is, that there is no reason why we should not be able to

export refined sugar from Canada as well as they do from the United States ; and it is done there under the drawback system, such as these refineries in the Lower Provinces wish to get. The hon. Minister made one or two remarks about the ill success of the Halifax refinery, as showing that the profits made by sugar refiners were not large, but he went on to contradict himself by telling us that the Moncton refinery had made a great deal of money. I believe the profits of the Moncton refinery were very handsome last year, and the cause of the failure of the Halifax refinery last year was not in consequence of putting up too large a building and getting too fine machinery, but unfortunately, getting men to manage the business who were unfit for the position, and it was owing to the extravagance and blunders of those men that the business was unsuccessful. The Halifax refinery begins this year with a much greater competition than it would have had two years ago and needs what assistance the Government can give it now much more than it did at that time.

HON. MR. READ—This discussion has taken a rather wide range. I think I will have to refer to what the oracle of the hon. gentleman who has just sat down (Mr. Power) said the other day. The article is headed "Hark—stole away!" and then they refer to Mr. Redpath going to England, and say :

"They have paid in the last three years at least \$3,000,000 of illegitimate taxation to the industry represented by MR. REDPATH."

And then they add :

"But the latter gentleman, instead of diffusing downwards, according to the Tilliean method and promise, simply puts his millions into a bag and goes off to hob-nob with empresses and dukes, leaving an aching void in the sugar-pot behind him."

HON. MR. HAYTHORNE—Will the hon. gentleman inform the House what he is reading from ?

HON. MR. READ—The *Globe*. I think it must be apparent that the Opposition are in accord with the Government in their policy : I have long wanted an opportunity of saying so. We sit here from day to day, and week to week, and we hear the Opposition eulogizing the Government measures. They do not raise objections to

them, they do not make a motion, they do nothing but eulogize their opponents, and it shows to my mind conclusively that the policy of the Government is the policy in the best interests of this country. We do not hear a whisper, a resolution or a motion,—in fact we hear nothing—against the Government, but every now and then the Opposition flatter them, and I am glad to find that such is the case. We are a happy family here ; we are getting on immensely, and long may it continue : it is an admission that the Government of the day are the right men in the right place, and it is proper to eulogize them as the Opposition do, or rather to sit quiet and endorse their policy.

The motion was agreed to.

BILLS INTRODUCED.

Bill (N) "An Act to amend the Act incorporating 'The English and Colonial Insurance Company of Canada.'" (Mr. Allan).

Bill (O) "An Act to incorporate the Royal Canadian Academy of Arts." (Mr. Allan).

SEAMENS' ACT AMENDMENT BILL.

THIRD READING.

HON. MR. AIKINS moved the third reading of Bill (G) "An Act further to amend 'The Seamen's Act, 1873.'"

The motion was agreed to, and the bill was read the third time and passed.

The Senate adjourned at 4.35 p.m.

THE SENATE.

Ottawa Thursday, March 9th, 1882.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

NEW BRUNSWICK PENITENTIARY.

MOTION.

HON. MR. WARK moved :

"That an humble Address be presented to His Excellency the Governor-General, praying that His Excellency will cause to be laid before this House a copy of the case agreed

on by Dominion Government and the Government of New Brunswick, on the New Brunswick Penitentiary, and submitted to the Supreme Court, together with a copy of the judgment of the Court thereon."

He said—In moving this resolution I beg to explain that before New Brunswick came into this Confederation the policy of our Government was to collect criminals generally and keep them all under one management in our penitentiary; there was no limit as to the time which a man required to be sentenced for in order to obtain his admission. It was left with the local authorities, and if the sentence was of sufficient length with hard labor to justify them to go to the expense of sending him he was received. We felt that this system was for the public advantage. Those who were sentenced for long periods became experienced workmen at the different employments that were pursued in the penitentiary, and they were considered as skilled laborers. Those who were sentenced for short terms, although their labor could not be utilized in the county prison, yet could be rendered profitable by having it employed co-jointly with the labor of those who were more experienced. It was for the benefit of the prisoners themselves. They were much better employed at wholesome labor in connection with other prisoners than they would have been if shut up in a cell in solitary confinement, which was often the case. Besides, if there was a disposition to reform they had the advantage of religious instruction from the chaplain of the institution, and if their health was affected they had the best medical advice; consequently, for the benefit of the prisoners themselves and in the public interest in and order that their labor might be more profitably employed we thought it best to confine them all in the same institution. When we came into Confederation it was decided that the Dominion should take over the penitentiaries; the Government of New Brunswick handed over the New Brunswick penitentiary with all its lands, building, shops, machinery and tools—everything was handed over and the Dominion Government took possession. No one in New Brunswick, I think, at that time expected that we would ever hear anything about the existing state of things being disturbed; neither was it disturbed for a long time, but to our surprise a bill was intro-

duced and passed through Parliament which provided that no person should be received or imprisoned in any penitentiary unless he was convicted for two years or upwards.

That would have set all our short term prisoners at liberty at once if it had gone into operation. The time, at which the limit was set, was extended. Otherwise it would have set our prisoners at liberty because there was a flaw in the statute. The Act said "received or imprisoned" after a certain date; after that date it would have been illegal to detain the short-term prisoners in the Penitentiary if the Act had not been amended. The anomaly is now somewhat singular. The criminal laws are passed by this Parliament; the Judges are appointed, and their salaries are paid by the Dominion Government, yet one of these judges may hold a court in which two men may be indicted and tried for the same offence. They may be convicted, but because of some extenuating circumstances in the case of one, or some aggravating circumstances in the case of the other, the judge is allowed to decide that a different penalty should be imposed and if he sentences one to two years imprisonment and the other to eighteen or twenty months, the two are separated; the one goes into the penitentiary and is supported or punished, as the case may be, at the expense of the Dominion of Canada; the other is thrown on the local authorities to be supported, punished and taken care of during the time of his sentence.

This seems to me to be very anomalous. However the papers I am going to move for grew out of this state of things. The Province of New Brunswick protested that the Dominion Government had taken over the institution with the distinct understanding, so far as New Brunswick was concerned, that it should be managed just as it had been managed before; the only difference was that the control of it came under the Dominion Government instead of the New Brunswick Government. When we found that the state of things which we thought was permanent was thus upset negotiations were commenced which have now been going on ten or twelve months on that subject, and lately, I understand, a case was prepared by the Dominion Government and the Government of New Brunswick and submitted to the Supreme Court, and the reso-

lution that I have moved is that a copy of this case and the judgment of the court be laid before the House.

HON. MR. AIKINS—I am quite well aware from the facts which have come under my notice, that the hon. gentleman who has made this motion has given a fair and correct statement of the facts with regard to what has taken place in New Brunswick so far as the short-term prisoners are concerned. A good deal of friction, no doubt, existed in the public mind there, because, no doubt, it was supposed that the short-term prisoners would be kept at the expense of Canada in the way they had been kept before at the expense of New Brunswick. A case was decided upon, and that case was submitted to the Supreme Court. The points at issue, so far as I am informed (and I think I am correctly informed), were first with regard to the constitutionality of the Act—as to the power of the Dominion Government in passing an act such as that in reference to the transmission of prisoners from the Penitentiary at St. John to that of Dorchester. I believe the points of the case, as submitted to the Supreme Court, were as follows:

“(1) Had the Parliament of Canada legislative authority to pass the several acts above referred to in so far as they would, after a certain date, restrict the admission to the St. John Penitentiary? If not, in what respects are such acts not within the powers of Parliament?”

Now, that I believe was the case largely which was submitted to the Supreme Court, and on that I think they decided that the Act was constitutional. There was another point raised. I am not prepared to speak very definitely as to what the position on that was. However, when the papers are brought down the hon. gentleman will see what the decision was. The point submitted was as follows:

“(2) Is there any legal obligation upon the Dominion Government which the Parliament of Canada cannot affect, to make provision for the imprisonment and maintenance at the Dominion expense, in the penitentiary, of the class of persons who, before the 1st July, 1867, might, under the laws then in force, have been sentenced to the St. John Penitentiary?”

I cannot say definitely what the pronouncement of the Supreme Court was on that point. I think, perhaps, it would

be better if this motion was made a little more definite, because, what the hon. gentleman desires, I suppose, is to have the case as made up in reference to the short-term imprisonment. It is not so much the case of the Penitentiary at St. John as the dispute with reference to the short-term imprisonment. There is no objection whatever to the motion, and the papers will be brought down in due time.

The motion was agreed to.

The Senate adjourned at 3.55 p.m.

THE SENATE.

Ottawa, Friday, March 10th, 1882.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

MONTREAL AND CENTRAL CANADA RAILWAY CO'S BILL.

CONCURRENCE IN AMENDMENTS.

HON. MR. DICKEY from the Committee on Railways, Telegraphs and Harbors, to whom was referred Bill (K) “An Act to incorporate the Montreal and Central Canada Railway Company,” reported the same with certain amendments. He said—It will not be necessary to enter into any of the details of the amendments, as they will be read at the table, and they are simply of a verbal character, to improve the phraseology of the Bill and to correct certain discrepancies.

HON. MR. SCOTT—The alterations and changes made in this Bill are not of a very important character; as explained by the Chairman of the Committee, they relate to the phraseology of the Bill and to the correction of manifest defects. I therefore move concurrence in the amendments.

HON. MR. AIKINS—I do not rise to oppose the motion, having confidence in the leader of the Opposition on this question, but I am quite sure that hon. members of this House who are not members of the Railway Committee would know very little of what changes were made in that Bill. I have no objection to the amendments being concurred in, but I think it ought not to be followed as a precedent.

The motion was agreed to.

RAILWAY LANDS IN BRITISH
COLUMBIA.

INQUIRY.

HON. MR. MACDONALD enquired :

"Whether any questions are now pending between the Dominion Government, and the Government of British Columbia, relative to the Railway lands on the mainland of that Province, and whether it is the intention to offer for sale this year, such land as the Government may have acquired in that part of the Province?"

He said—I would ask permission to be out of order for a few moments in order that I may say something on this subject before asking the question of which I have given notice. We have every reason to expect that the public works now going on in our Province will induce settlers to come in and remain there, and with that view I would like to impress upon the Government the necessity of throwing open the railway lands there as soon as possible. Although the area for culture there is somewhat small as compared with the broad prairies of the North-West, yet I hope the Government will not deem it beneath their notice to take up the question of these lands and deal with it at an early day. Settlers now going in cannot get an acre of land in that part of the country. They desire to settle along the Fraser River and the line of railway, but at present all those lands are locked up as a Government reserve being part of the land ceded for railway purposes. Every settler brought into the country is, of course, a source of wealth and of importance not only to the Province itself, but to the Dominion at large. We all know how well British Columbia has contributed her quota to the revenue and I am certain that as population increases the revenue will keep pace with it. I hope the Government will see their way to placing these lands in the market this year as they have been locked up now for the last two years.

HON. MR. AIKINS—This question is now pending as between the two Governments and until a decision is arrived at no action can be taken as to the disposal of the lands. It is hoped that at a very early date this question will be settled, and settled satisfactorily to both Governments. As soon as that is done action can be taken in reference to their disposal.

CIVIL SERVICE RETURNS.

INQUIRY.

HON. MR. TRUDEL inquired,

Whether the Order of this Honorable House, made on the 8th March, 1881, that an humble Address should be presented to His Excellency the Governor General, praying that His Excellency would cause to be laid before this House,—A Return showing the distribution of the various offices in the Civil Service, has been executed?

HON. MR. AIKINS—In reply to this question I am sorry to say that very little progress has made in reference to obtaining the information or answering the address which was moved by the hon. gentleman and which the House ordered. It passed on the 8th March; this House was prorogued on the 21st, and since that time there has been no opportunity given to complete the return. I am told by the officers who would have the compiling of this return that it would take perhaps eighteen months before they could complete it. However I shall communicate with the Secretary of State and say to him that the hon. gentleman and this House desire that this report should be completed.

The Senate adjourned at 4 10 p.m.

THE SENATE

Ottawa Monday, March 13th, 1882.

The SPEAKER took the chair at Three o'clock.

Prayers and routine proceedings.

BILLS INTRODUCED.

The following bills were introduced and read the first time :

Bill (18), An Act to incorporate the Ottawa and Arnprior Junction Railway Company. (Mr. Scott.)

Bill (14), An Act respecting the Canada Southern Railway Company and the Erie and Niagara Railway Company. (Mr. Scott.)

Bill (P), An Act respecting Loan and Savings Companies. (Mr. Allan.)

MONTREAL AND CENTRAL CANADA RAILWAY BILL.

THIRD READING.

HON. MR. SCOTT moved the third reading of Bill (K), An Act to incorporate the Montreal and Central Canada Railway Company.

The motion was agreed to, and the Bill was read the third time and passed.

FUGITIVE OFFENDERS IN CANADA BILL.

THIRD READING.

HON. SIR ALEX. CAMPBELL moved the third reading of Bill (C), An Act respecting Fugitive Offenders in Canada from other parts of Her Majesty's Dominions.

He said—I promised when this Bill came up for third reading to explain a point which was raised by the hon. member from Halifax with reference to the use of the words "Governor General," instead of the words "Lieutenant Governor," as recommended by a report made by my predecessor in office and sustained by an order in council since I have held the office of Minister of Justice. The explanation is, that that recommendation was a recommendation to the Imperial Government asking them to insert that in their bill as presented to Parliament. No answer was ever received to their representation made on that subject, and the Bill was passed by them as it stood without reference to that suggestion. I therefore thought it best to introduce this Bill here in the same way they had passed it there, and to leave that question to further discussion between the two governments, and probably to be remedied ultimately by a bill to be introduced in this legislature with their concurrence.

HON. MR. DICKEY—When this Bill was under discussion my hon friend from De Lorimier (Mr. Bureau) called attention to some Imperial legislation which might bear very materially upon this Bill, and he quoted a work of some importance that has been recently issued on the subject by Sheldon Amos, entitled "Fifty years of the English Constitution," and I wish to call the attention of the House to it as this is a matter bearing on the question of paramount legislation of the Imperial Parliament and the legislation of

our own Parliament. I wish to call the attention of the House to it as being of itself a bill of a very important character, and especially in the direction I have alluded to. On page 175 of that work it is laid down that:—

"The assumed supremacy of Parliament over Colonial Legislatures as a whole, and as distinguishable from an assumed right of arbitrary supersession of the action of particular Colonial Legislatures, is manifested by the language of particular statutes, and by the nature of legislative acts the validity of which has never been disputed. Thus, by the statute of the 28th and 29th Vict. cap 63, entitled 'an Act to remove doubts as to the validity of Colonial Laws,' it is enacted that any colonial law 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 the authority of such Act of Parliament, or having in the Colony the force and effect of such Act, shall be read subject to such Act, order or regulation and shall, to the extent of such repugnance, be void. By the same Act, the Colonial Legislatures are empowered to establish Courts of Judicature; and representative Legislatures (which are defined to be legislative bodies, of which one half is elected by inhabitants of the Colony) are empowered to make laws respecting their own constitution, powers, and procedure, provided that such laws shall have been passed in conformity with any Act of Parliament, Letters Patent, Order in Council, or Colonial Law for the time being in force in the Colony. The term Colony in this Act includes all Her Majesty's possessions abroad in which there exists a Legislature, except the Channel Islands, the Isle of Man, and British India."

A notable instance of this power is given in the reference to the Copyright Act, passed in the 5th and 6th Vic., cap. 45, which says that the words "British dominions" in the Act shall include "all the colonies, settlements and possessions of the Crown," and enacts that the Act shall extend to every part of the British dominions. We have had some little experience of the effect of that Act upon our own efforts made from time to time when my hon. friend from Montreal (Mr. Ryan) was endeavoring to secure legislation respecting copyright. Another instance is given in the passing of the Act 30th and 31st Vict., cap. 45, sect. 16, by which Her Majesty is empowered to establish Vice-Admiralty courts in any British possession, notwithstanding that such possession may have previously acquired independent powers. I call attention to these authorities and to these laws as

affording very strong evidence of the paramount power that the British Parliament has thought proper to exercise over the different colonies; but I ought also to refer to the fact as being one of some importance bearing upon this part of the question, that this Act which is quoted is the 28th and 29th Vict., and the British North America Act which is the charter of our liberties was passed a year afterwards. In that respect it appears to me—I do not know that it occurred to my hon. friend who has considered this subject—to have a very important bearing, and to sustain in a great measure the position that was taken by the late Minister of Justice and his predecessor upon the point as to the power of this Parliament to legislate under the British North America Act.

The motion was agreed to, and the Bill was read the third time and passed.

COUNTY COURT JUDGES' BILL.

IN COMMITTEE.

The House resumed, in Committee of the Whole, consideration of Bill (B) "An Act respecting County Court Judges."

In the Committee,

HON. SIR ALEX. CAMPBELL said that some amendments had been suggested since the bill was last before the Committee, which he would submit to-day. The first was a suggestion by an eminent judge that the word "judge" in the Bill should be defined to include junior judges. While he did not consider the definition necessary, in deference to the opinion which had been expressed, he would move that the fifth clause be amended by defining the word "judge" to include the junior judge.

HON. MR. MILLER asked what effect that clause would have upon county court judges who were also Supreme Court judges, as was the case in such Provinces as Manitoba and British Columbia.

HON. SIR ALEX. CAMPBELL supposed that a judge of the Supreme Court could not be deprived of his office except by petition to the two branches of the Legislature.

HON. MR. MILLER—As to the question of residence, how would it affect them?

HON. SIR ALEX. CAMPBELL said the judge would have to reside in his county if he held the office of county court judge. In Manitoba the Government were about to appoint other county court judges, and perhaps that anomalous state of affairs would rapidly vanish. In British Columbia certain districts had been assigned to the judges within the last year or two, and the old system had been done away with. The Province was divided into judicial districts, and a judge of the Queen's Bench was assigned to each of these districts.

HON. MR. MACDONALD—I believe this Bill does not affect any of the judges in British Columbia.

HON. SIR ALEX. CAMPBELL said it did not affect judges of the Supreme Court, but if they were county court judges as well, it would affect them as county court judges.

HON. MR. MACDONALD—They have no appointment as county court judges; it is a duty placed upon them by the local legislature.

HON. SIR ALEX. CAMPBELL—They are judges of the Supreme Court doing county court work?

HON. MR. MACDONALD—Yes.

HON. SIR ALEX. CAMPBELL said the Bill would not, in that case, affect them. The next amendment which he would propose was one which had been suggested by the hon. Senator from Halifax (Mr. Power) to the third clause. He (Sir Alex. Campbell) did not consider it necessary; still, as the object was to make the meaning of the measure clearer, he would move to add the following words to the third clause:—"established to the satisfaction of the Governor-General in Council."

The amendment was adopted.

HON. SIR ALEX. CAMPBELL said that the sixth clause was intended to be a transcript of a clause in the Statute of 1879, but the following words had been omitted:—"Or in case a judge of the county court, after having continued in

office as such judge for a period of at least 25 years resigns such office," he is entitled to a pension. He moved that these words be added to the clause.

The amendment was adopted.

HON. SIR ALEX. CAMPBELL said it had been suggested to him also by a learned judge that there should be a repeal, in so many words, in this Bill of chap. 14 of the Consolidated Statutes of Upper Canada. That Act created a court of impeachment which formerly was the tribunal before which judges who had offended against the laws or against their duty, in Upper Canada, were tried, and the statute was in existence for some time though he did not remember any case in which it had been acted upon. The Ontario Legislature repealed that act and established another tribunal which was the Lieutenant-Governor in Council. It had since been decided by the courts of Ontario that that repealing act was *ultra vires* and that chap. 14 of the Consolidated Statutes of Upper Canada was still in force. This learned judge suggested that it would be better to repeal it in this Bill and he (Sir Alex. Campbell) therefore moved to add a clause which would repeal the statute referred to.

The motion was agreed to.

HON. MR. KAULBACH moved that the following be added as a separate clause:—

"Every inquiry under the third and fourth sections of this act shall be held as far as practicable either in the county town of the county wherein the judge whose inability, incapacity or misbehavior is being inquired into ordinarily resides, or at the place where such judge is domiciled."

HON. SIR ALEX. CAMPBELL said that it would follow almost as a matter of course that the trial would be where the judge resided. It seemed to him that this was a matter which might be fairly left to the Executive. The inquiry would certainly take place where the judge discharged his duties except under some very extraordinary circumstances. He had no objection to the clause being added but he really did not see the necessity of it and it would not be desirable in legislating to say that "as far as possible" anything shall be done. The Bill should either say that the trial shall take place where

the judge resides or leave the matter to the discretion of the Executive. It may happen for instance in the interest of the judge that it would be better not to hold the inquiry where the judge resides. The judge himself may have offended against the feelings of the community where he resides and may be anxious himself to have the inquiry take place elsewhere. At all events he thought the position of judge was so respected that there was no danger of his being inconveniently and to his prejudice tried anywhere than in the county where he resided.

HON. MR. KAULBACH saw a great deal of force in what the hon. gentleman said but he thought the word "practicable" would meet the case and leave it open to the Governor General in Council to say where the trial should be held; it would be inconvenient for the judge to be taken away from the sphere of his duties.

HON. SIR ALEX. CAMPBELL—That would be a strong reason why the inquiry would not take place outside of the county.

HON. MR. POWER quite concurred with the hon. Senator from Lunenburg. A difficulty might occur in the Maritime Provinces which might not arise in Ontario. In Nova Scotia there were districts of three or four counties in which there was only one judge, and in such a district the judge might naturally prefer to have the enquiry take place in the county in which he resided.

HON. SIR ALEX. CAMPBELL thought it was safe to leave the matter in the hands of the Executive.

HON. MR. DICKEY said that the amendment itself might produce difficulties in Nova Scotia, because a judge might reside in one county whereas the offence might have arisen in another county and if it were rendered imperative that the offence should be tried in the county where the judge resided he might be exposed to as much inconvenience as if the bill were left in its present shape. He thought under the circumstances, and as this would be only a preliminary inquiry, it would be better not to put in anything which would be an element of uncertainty. The amendment cut both ways by intro-

ducing an uncertainty and after all leaving the matter to the discretion of the Executive. His hon. friend would, no doubt, on reflection conclude that it would be better to leave the Bill as it was and throw the responsibility on the Government.

HON. MR. KAULBACH admitted that there was a good deal of force in the objections which had been raised and therefore would not press the amendment.

The motion was withdrawn.

HON. MR. POWER said he had an amendment to submit. As the bill provided for an investigation into the conduct of a county court judge and for his having counsel and witnesses in his own behalf, he thought it clear that the question of the expense to which a judge would be subjected in defending his position should be considered. The bill made no provision for the re-imburement of the judge for the expenditure so forced upon him, and he considered it only fair, in the event of charges being made and not sustained, that the judge should be recouped the money that he was out of pocket. He therefore moved the following amendment, though the wording was not quite what he could wish, viz :—

In any case where the inability, incapacity or misbehavior of a county court judge becomes the subject of enquiry under this Act, and the result of the enquiry is not to establish the existence of such inability, incapacity or misbehavior, such judge shall be entitled to receive, from the proper officer of the Dominion of Canada, immediately after the receipt by the Governor in Council of the report of the commissioner or commissioners, a sum equal to the costs and expenses reasonably incurred by such judge in connection with such inquiry.

HON. SIR ALEX. CAMPBELL thought the amendment was not in consonance with the course usually pursued in such enquiries. In the case of complaints or charges being made against judges or individuals,—supposing they were made in the ordinary courts of the country—and the parties were acquitted of the charges so preferred, the costs were not paid back to them ; and so in the case of a complaint being made against the character of a judge, or his conduct, before the two Houses of Parliament, there was no allow-

ance ever made to a judge for the costs incident to the making of his defence. He thought there was no reason to suppose that complaints would be made without grave reasons for them, and he doubted if anybody could recall a case where a complaint was made lightly against the conduct of a judge, either within his own recollection or from his reading on the subject.

HON. MR. POWER said there was a very recent case.

HON. SIR ALEX. CAMPBELL asked what the case was.

HON. MR. POWER said it was the case of the county court judge of Halifax.

HON. SIR ALEX. CAMPBELL said that had not been enquired into before any court and could not be except at the instance of the Government. The bill did not suppose that any enquiry would be had without the action of the Government, and the Government before ordering such enquiry would look into the complaints and satisfy themselves of the serious nature of the charges before taking such a step. If the complaints were of a trivial kind no investigation would ever be ordered and no judge could possibly be put to any expense until the Governor in Council decided there was something very grave adduced against his character into which an enquiry was necessary. It must be remembered that the judges were surrounded by the respect of the community and complaints were not likely to be considered by the Government unless shewn to be warranted. In such a case a judge or judges of the Superior Court would be sent to hear the case, to take evidence and report upon it. If from such report it appeared that the judge had not offended in the way alleged against him, he should be satisfied with escaping and should not ask that his expenses be paid. No judge against whom serious charges had not been made would be pursued by any party in power, and so far as he knew it had never been done either in this country, in England or in the United States.

HON. MR. ALMON said he would not have risen except for the remarks of the

HON. MR. DICKEY.

senior member from Halifax (Mr. Power), who said that the charges made against the judge of the county court of Halifax were very trivial; he thought, on the contrary, that any person who read them would say they were very grave. They were made by a large number of the barristers of Halifax but they had not been thoroughly enquired into, or if they had the result had not been made public. He considered a grave responsibility rested upon those who had charge of the matter. He was much pleased to see this law passed, and if the charges against the judge mentioned had been thoroughly investigated, at the place where they occurred, he had no doubt as to what the issue would have been. The senior member for Halifax had complained loudly and feelingly about the great trouble and expense to which a judge might be put in repelling charges made against his character,—but in the case of the judge of the County of Halifax, why were the charges made? If the hon. gentleman (Mr. Power) would carry his memory far enough back, perhaps he could say how that judge got his situation. He would remind him that it was simply by a decision that he had made on an election in—

HON. MR. POWER rose to a point of order; the hon. gentleman's remarks had nothing whatever to do with the matter before the House.

HON. MR. DICKEY asked the Hon. Minister of Justice whether the Senate had any power to pass such a clause as proposed by the hon. gentleman from Halifax, as it would impose a charge upon the public funds, and he thought it should originate in the other branch of Parliament.

HON. SIR ALEX. CAMPBELL considered that the amendment was out of order.

HON. MR. KAULBACH thought the remarks of the junior member for Halifax (Dr. Almon) very irrelevant and uncalled for, and considered the amendment of the hon. Mr. Power was deserving of consideration. In the case of the county court judge of Halifax—he felt that only vague and unsubstantial charges had been raised; nothing definite had been advanced against

that gentleman and there was no necessity for an enquiry. Many of those who signed the paper asking for an investigation did so believing there was nothing in the charges, but because of their anxiety that the judge should be exonerated, and they lent their names to the memorial for that reason. He considered that where a judge was very poorly paid—as was the case with the Halifax county court judge—and an enquiry was demanded into his actions at the instance of persons who may have been considered aggrieved by his decisions, if such investigation resulted in the acquittal of the judge it was only right that his reasonable expenses should be repaid to him. Referring to the charges against the judge at Halifax he cited as proof of their weakness the fact, that the same barristers who had signed the memorial asking for an investigation had subsequently supported a motion made by the law society there to have the judge's salary increased. He therefore regretted that the charges had not been investigated, and the judge acquitted by a properly constituted court of enquiry.

HON. MR. POWER thought that the remarks of the hon. Minister of Justice rather strengthened his position, when he said that this amendment would not be likely to be needed in any case; because if it was not likely to be needed there was less objection to inserting it. But the hon. Minister had no sooner sat down than his learned colleague from Halifax (Dr. Almon) gave the very best evidence that there was a necessity for some such provision as this. This was not the first time that his hon. friend had made statements here in reference to the county judge of Halifax, and it was only fair to that officer that the real state of the case should be known. A meeting of the Barristers' Society of Halifax had been held at that city more than a year ago.

HON. MR. ALMON rose to a point of order and asked if there was one rule for the junior member from Halifax and another rule for the senior member?

HON. MR. POWER said that the case of the judge might be brought before the House before the end of the session, and he (Mr. Power) only wished to say that although the majority of the meeting of the

Barristers' Society had voted for an investigation, some who did so did not think the judge was guilty, but they believed that in his own interest it was better there should be an investigation. At a recent meeting of the Barristers' Society some of the very same men who had voted in favor of an investigation supported the motion that his salary should be increased. There was a further fact that his hon. colleague had overlooked: that the charges against the county judge of Halifax had been submitted to the Government here, and the Government had not deemed them of sufficient importance, or sufficiently well supported by evidence even to make them a proper subject of enquiry. After the officers who were charged with the duty of making this investigation had dealt with it in that way it was hardly fair for his hon. colleague to get up here and attempt to injure the character of a person against whom he had some personal feeling.

HON. MR. ALMON objected to his hon. colleague imputing motives to him. He thought it was not in accordance with the rules of the House.

HON. MR. POWER—I withdraw the remark.

HON. SIR ALEX. CAMPBELL—Withdraw the amendment.

HON. MR. POWER—I withdraw the amendment.

HON. SIR ALEX. CAMPBELL moved that the Committee rise and report the bill with amendments.

HON. MR. READ asked if the 10th and 11th clauses of the bill had been expunged.

HON. SIR ALEX. CAMPBELL—The 10th and 11th clauses are both expunged.

HON. MR. VIDAL from the Committee reported the bill with certain amendments.

The amendments were concurred in and the bill was ordered to be read the third time to-morrow.

The Senate adjourned at 4.25 p.m.

HON. MR. POWER.

THE SENATE.

Ottawa, Tuesday, 14th March, 1882.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE SENATE DEBATES.

MOTION.

HON. MR. ALEXANDER moved:

To Resolve,—That the Select Committee, on reporting the Debates of the Senate, report to this House the names of the Public Journals and all persons to whom copies of the Senate Debates are forwarded from time to time, as they are printed for circulation.

He said:—It is with very great reluctance that I have placed this motion on the notice paper. I am sure that such members of the Committee appointed to manage the reporting and publication of the debates of this Chamber as my hon. friends from Oshawa, (Mr. Gibbs,) from St. John, (Mr. Boyd,) from Deboucherville, (Mr. Deboucherville,) from Wallace, (Mr. Macfarlane,) from Hamilton, (Mr. Hope,) and from Montreal, (Mr. Trudel,) could not suppose that I desire to reflect upon them; but I have to observe that we may take up at this moment every journal from the Atlantic to the Pacific, and where do we find any notice of the proceedings or the debates which take place in this Chamber. I have letters myself from editors of county papers in western Ontario stating that they never see a copy of the Senate Debates. I ask this House if there is a citizen of Ottawa, or any other city of the Dominion, who knows what takes place in this Chamber? Do the judges of the land know anything of what takes place in the Senate of the country? I would ask the Committee when they reply to the observations which I respectfully make to this House if they have sent a copy of the Debates to the representative of the Queen in this Dominion? No committee ever discharged their duties with a more earnest desire to endeavor to advance the interests of the country and to elevate the Senate in the estimation of the people than the former committee of which I was an humble member, along with my hon. friend from British Columbia, (Mr. McDonald,) Mr. Bellerose, Mr. Haythorne, Mr. Power, and others. No committee

ever labored more faithfully and more earnestly than we did. But last session the leader of the Government in this House rose at the opening of the session and declared that it was necessary to wipe out the whole committee; and what is the reason that he gave? That he wanted to have peace! Now, will he say wherein the peace was disturbed. I challenge the hon. gentleman to show that the committee disturbed the peace in any way in this Chamber.

We endeavored to the utmost of our power, to get the debates of this Chamber before the people. There may have been some little discord, but the committee did nothing to disturb the peace of this House. Will the hon. gentleman say that, as independent members of this body, we have not the right to circulate the utterances of this House amongst the people? Will he say when we find public abuses we should not expose them and try to correct them? Can he undertake to defend that position? I will mention a remarkable circumstance that has taken place to my knowledge within the last three weeks. A Toronto daily newspaper published the speech of an hon. gentleman in this House in its first edition—I hold a copy of it in my hand—but in some mysterious manner the second edition of the paper came out without it, the speech had been removed.

HON. MR. MACFARLANE—Will the hon. gentleman state the name of the paper?

HON. MR. ALEXANDER—The Toronto *Telegram*. I hold the two o'clock edition of that paper which contains the speech, in my hand, and I find that before the issue of the four o'clock edition parties whose characters that speech may have affected used private influences with the editor of the paper to get it suppressed. Who could believe that such a thing could take place in a free country like Canada?

HON. MR. GIBBS—Is it well reported?

HON. MR. ALEXANDER—It is tolerably well reported. The hon. the leader of the Government said upon one occasion, when the subject of the publication of our Debates was before the Senate,

"It is not necessary that we should incur any expense in sending the utterances of this House to the country. Let us trust to the public journals." I will give an illustration of that. I find a report of the Senate debates of the second of March, in a leading Toronto journal of the third of this month, on a motion purporting to be made by the hon. gentleman who is now leading the House. It is as follows:—"In the Senate to-day, Sir Alexander Campbell brought up his motion asking the Government to commission Mr. Dunbar to execute busts of the Marquis of Lorne and the Princess Louise, and supported it with a strong argument in favor of encouraging sculpture as a means of developing public taste, but the motion was defeated." That is the manner in which the reporting is done when it is left to the press of the country. I do not say that this was done intentionally; I believe it was done inadvertently. I do not desire to attribute any motives—it is contrary to the rules of Parliament—but one cannot help observing this, that while we have a body of gentlemen here of independent fortune, of education and of large experience, meeting from day to day, it is a most remarkable thing that some secret power is exercised somewhere to palsy (I use the word deliberately and calmly) the efforts of this House. What interest can a body of such gentlemen as I see around me here, have in addressing the House when they know that their utterances will not go to the people, and when they know that if they are presented in one independent journal, private influences will be used to prevent them going to the people.

HON. MR. GIBBS—Whose speech is that?

HON. MR. ALEXANDER—I decline to name the party. We have the fair name of the Senate in our keeping. We must all feel the responsibility of the position we occupy. We stand here independent of the popular vote, and our own sense of honor ought to lead us in every possible way to make this body useful to the country. I know that is the spirit of a large majority of this House; but there appears to be in the Senate an amiable spirit, a kindly spirit that where one or two members appear to be exercising an

extraordinary influence in some way paralyzing to the House, they do not wish to remonstrate and endeavour to oppose that spirit which I say calmly is quietly and insensibly destroying this Chamber in the estimation of the people. I hope that every member of this House will speak upon this subject. We have here men of culture to make this House more useful than the other Chamber, and still such are the influences which have been used to prevent our utterances going to the country, that the whole spirit of the Chamber is crushed, and now there are many members of the Senate who really do not care about entering the Chamber when the House opens.

HON. MR. HAYTHORNE—I have consented to allow myself to be made the seconder of this resolution but I do not feel that strong interest in the subject that has been evinced by my hon. friend, nor was I aware that he intended to ask me to second the motion. I may say that I do not altogether agree with the remarks which have fallen from him on the subject. He drew what I think was an unnecessary contrast between the part performed by a former committee, and by those committees which have subsequently dealt with this matter. For my own part, when I was a member of the Debates Committee I endeavored to do all in my power to discharge the duties which devolved upon me and I have no doubt that those who were associated with me, and the members of subsequent committees were animated by the same spirit. I claim no merit for what I did and I think the matter would better have been let alone. I was not disposed at first to approve of the mode of reporting our Debates which was adopted for this session but thus far I have had no reason to be dissatisfied with the change. I have addressed the House but once this session and on that occasion my remarks were very faithfully and ably reported and published very much to my satisfaction, and I have therefore had no reason to find fault. As to there being no publication of the Debates of this House, during the present session, in the press, I think that is not a matter of surprise to any body here, because the fact of the matter is, there has been very little debating on any subject. We have had very few measures before us

and these were not of a character to give rise to discussion or criticism and as a consequence our debates have not been very long or interesting. That I think is reason enough to assign for their non-appearance in the public journals. No doubt as the session advances and as matters of more general interest come before us there will be more prolonged debates and then no doubt my hon. friend's fancy for seeing the debates of the Senate appearing in the newspapers of the Dominion will be gratified. But there may be advantages in the present system. It sometimes gives rise to unexpected results. For instance my hon. friend (Mr. Alexander) has referred to some mistakes which have occurred by the transposition of names. I remember a laughable instance of the effect of such a transposition upon a friend of my own. He saw in a certain newspaper a speech which was attributed to the hon. leader of the Government in this House—some very able remarks as he thought, defining very accurately what he considered was the proper position of the Senate and what ought to be the duties of Senators. So much was he struck with this speech, which was attributed to the leader of the Government, that he wrote to me and said these were just the sentiments which were entertained by himself and which he thought should be shared by every hon. Senator. But it turned out that instead of being the sentiments of the leader of the Government in this House, the speech was one delivered by the hon. Senator from Woodstock (Mr. Alexander) himself; therefore he should feel satisfied when he finds his sentiments attributed to the leader of the Government and producing such impressions on the mind of a gentleman who was not present to hear them himself. I really think there cannot be any objection to bring down this return, but for my own part, although I have consented to have my name connected with the resolution it is only because I did not like my hon. friend to say that he could not find anybody in this House to second his motion. I do not, however, coincide with his views. It is a curious position perhaps to be placed in, and probably I ought not to have consented to second the motion, but my feelings as an Englishman led me to do so.

HON. MR. MACFARLANE—As far as

I have known, as chairman of the Debates Committee, we have heard no objections to the present system of publishing the debates of the Senate. We have received no complaints and heard none except from the hon. Senator from Woodstock. He appears to be the only one who has any fault to find. Now what is the position in which we stand? Last session we arrived at the determination to publish our debates in the manner that had been found so satisfactory in the other Chamber. Efforts were made by which it was supposed we would be able to bring to the floor of this House representatives from some of the leading newspapers in the Dominion. It was found, however, that this would involve a very large expense in addition to the cost of the official report—so large, in fact, that the Committee did not feel themselves warranted in recommending that expenditure to the Senate. We then made the existing arrangement with the Messrs. Holland who are now reporting our debates and who, up to this time of the session, I think, have faithfully fulfilled the contract which they entered into with the Debates Committee of this House. Our debates have been well and faithfully reported so far as the Committee know, and they have been regularly laid on the desks of members of this House at three o'clock each day. How does that compare with the former mode of publication? It is well known that under the system carried on by the hon. gentleman's committee, which he appears to laud so highly, sometimes days elapsed before we could have laid on our desks the reports of the debates. To such an extent was this the case that people lost all interest in the speeches delivered here. I am satisfied that the utterances of my hon. friend himself are reported fully and accurately, and they are laid on his desk at three o'clock the day following their delivery. If the newspapers of this country will not take the pains to report the hon. gentleman's speeches, it is not the fault of the Committee. We cannot compel the newspapers to publish his utterances. We do all we can; we send them to every leading paper in the Dominion. Under the arrangement made with the Messrs. Holland there is a daily edition of 700 copies of the Debates. Five copies are distributed to each member of this House; that absorbs upwards of 350 copies; and we

send one copy to each member of the House of Commons. So that in reality 600 copies of the daily edition go to the members of Parliament. In addition to that we send copies of the Debates to the editor of every daily paper in the Dominion, or, what is better, a copy is mailed to the representative of every paper in the reporters' gallery of the House of Commons. In the City of Montreal, the *Gazette*, *Herald*, *Post*, *Star*, *Witness*, *Courier de Montreal* and the *Minerve* receive in this way the reports of our debates; and so it is with the daily papers in other cities.

HON. MR. ALEXANDER—What about the weekly papers.

HON. MR. MACFARLANE—We send the Debates to every daily paper, but the hon. gentleman must bear in mind that there are in this Dominion upwards of 500 weekly papers, and to furnish them with copies of our Debates would entail an increase to that extent of our daily edition: The hon. gentleman complains that his speeches are mutilated. I do not know if he wishes the inference to be drawn that the mutilation is done at the instance of the Debates Committee; if so, I can only assure him that we have not interfered with the publication of his speeches.

HON. MR. ALEXANDER—Will the hon. gentleman allow me to say that I never meant anything of the sort.

HON. MR. MACFARLANE—I accept the hon. gentleman's explanation, and I can only say that if it was not done at the instance of the Committee, there is no reason to complain of their conduct. As to the non-appearance of the debates of the Senate in the press of the country, it is well known that up to this period of the session we have not had much important business before us, and most of the long speeches which have been delivered have come from the Hon. Senator from Woodstock himself. I fancy he will find, as far as the official reporters are concerned, that he has been faithfully reported. I can only say that he has made no complaint to the Committee or to any member of it, that I am aware of, that his speeches have not been accurately recorded. As the session advances,

I believe it will be found that the system we have adopted will give thorough satisfaction.

Now I may say that I have been in communication with a large number of the gentlemen who are representing the leading newspapers throughout the Dominion, and who are the reporters in the gallery of the other branch of the legislature; I have taken pains to make enquiries of them and I find that by no other means—so far as I can gather information from them,—could they be enabled to transmit to their papers so readily anything that is deemed of importance in this House, as they now can under the system we have adopted. They get the report and if they think there is anything in which their paper would be interested they at once send it off, each reporter having the report in his hands. I may say in addition that at the close of its labors last session the Committee, (being anxious to give the widest circulation to any valuable utterances in this Chamber) before adjourning requested his Honor the Speaker to take pains during the recess to communicate with some of the principal daily papers, and see if it would not be possible to have their reporters in regular attendance in this Chamber. He did so, and although they were not able to make any arrangements by which they would engage to report any certain portion of a debate, or to occupy any distinct portion of their columns, yet they agreed that their reporters would be present in this House. What, I ask, is the consequence? We have here to-day, and have had since the commencement of this session, reporters from the two leading daily papers of this Province, the *Globe* and *Mail*, and any utterances in this House which have been deemed worthy of insertion in those papers have been regularly transmitted to them, and published. I say that the Committee, in every way in its power has taken pains to give the utmost circulation to the utterances of members of this Chamber, including, of course, those of the hon. gentleman himself (Mr. Alexander) which he deems so valuable; and if the country does not appreciate them it is certainly not the fault of the Debates Committee.

HON. MR. KAULBACH—I do not wish to prolong this debate but at the

same time as my silence would seem to imply that I endorsed the views of the hon. gentleman, I am obliged to say that I do not believe he expresses the sense of this House when he asserts that the present system is acceptable to the majority of the members of the Senate. On the contrary I think it is not, but at the same time I do not wish to find fault either with the action of the Committee or with the reporters. As to the latter I believe under the existing system they do the work as well as it can be done; it is the system of which I believe the majority of this House complain as being one which does not give the widest circulation to the Senate debates. On many occasions some subject is discussed, and ably discussed, in this Chamber which affects the interests of a particular Province—say the Province of Nova Scotia or perhaps the county to which I belong—now it is perhaps easy to get some dozens or say hundreds of those papers to circulate, but no hon. gentleman likes to circulate these little sheets no matter how much the country may be interested in the debate. Complaints have come to me from a variety of sources asking why our debates have not come to them in the old way, and the reason is obvious; hon. gentlemen as a rule do not like to circulate what may emanate from themselves or from friends of theirs. For myself I know my desk is loaded with these sheets that come to me every day—and I think my experience is similar to that of other hon. gentlemen,—they lie there and are simply so much waste paper, as I fear may be said of a great portion of the 700 copies which my hon. friend says are circulated in this House. My own observation has suggested these remarks, though I am not complaining and do not propose to endorse the views of the hon. gentleman who moved this resolution. At the same time I do not believe in the present arrangement, and am of opinion that before the end of the session those hon. gentlemen who now support the present system will be convinced of its defects, they will make a new departure and perhaps go back to the system previously adopted.

HON. MR. READ—I certainly agree with the hon. gentleman who has just sat down, that the debates are just so much waste paper; they might almost as well

be thrown to one side and not be distributed; perhaps one copy would be useful, but I do not think the others are valuable. There may be, perhaps, one hon. gentleman in twenty who would circulate these sheets, but not more, and this expenditure might just as well be done away with; yet I say now, as I have done many times before, that the money spent in actually circulating among the people information as to what takes place in this House is money well spent. Why, hon. gentlemen, what do we find? We see that among those papers which pretend to circulate the utterances of members of this House, such things as the following are published: I will read a little extract from yesterday's issue—

“NOTES AND COMMENTS.—The Dominion Senate seem to have fairly caught the spirit of their master, and are pushing on the work of legislation at a rate that would do credit to Sir John himself. Only think of it. They actually managed on Friday to put one question, and learn in reply that very little progress was being made in executing an order of the House for a certain return; and then, exhausted by the effort, discharged the two orders of the day and retired to seek repose for their exhausted brains. And for all this the people have to pay only the trifle of \$2,250. What a luxury it is to be well governed!—And so cheap!”

Now this is from the leading organ of Her Majesty's Opposition, the *Toronto Globe*; it is an editorial, and such things go to the country—too often being uncontradicted. I therefore think the utterances and proceedings in this House should go to the country in some proper way, and I contend that the method now adopted will not meet the end which we desire. I have often said that this House costs the Dominion a great deal of money; there is no doubt about that fact, but a little more spent in allowing the country to know what is said and done here would be in the interest of the people at large, because I do not believe it can fairly be argued that the country does not get a full return for the money so expended, in the efforts of this Chamber to secure good government and wise legislation. I perfectly agree that the country is well governed; that paper from which I have read says it is well governed, though of course it does not mean it; and while it is true that we have had very little to do this session up to the present time I dare say,

as the session goes on, there will be many matters that will engage our attention, and we shall perhaps not have the *Globe* complaining that we sit so short a time and do so little.

HON. MR. FLINT—I receive every day five copies of the Debates of this House, and I take particular pains to send them away to people in the back country where newspapers are very seldom seen. I think if other hon. gentlemen would take the same pains to send away the copies that they receive it would be a benefit to a portion at least, of their constituents, and I do not see why they cannot do it as well as I can. I know very well it would be better if we could have our debates published as they were last year in the press, but even if they were published in a newspaper the probability is that very few except those along the frontier would receive them unless copies were purchased by hon. gentlemen for the purpose of sending them to their friends. I know that whenever my hon. friend from Woodstock (Mr. Alexander) made a nice speech last session, he usually purchased fifty or sixty copies of the papers containing the report and had them wrapped up and sent away to his friends. Of course he wished to have his speeches read and understood by his friends in every direction, and he knew that a great many others would read them. I was in hopes that my hon. friend was not going to throw any firebrands into the House this session; we had enough of that last year. When I met him at the opening of the present session he told me that he had been down the St. Lawrence last summer and had been drinking so much of the pure St. Lawrence water that it had cured him, and I thought that, having got rid of his malady, we should have a continuance of the peace and harmony that have so far characterized the Senate this session. I hope the hon. gentleman will be careful, now that he has returned to Ottawa, not to have a relapse, as the water here is not quite so pure as that of the St. Lawrence, and it is tinged with a color that I do not like. Under the circumstances, I think the hon. Senator has no great reason to complain of the manner in which we are treated in reference to our debates. If we cannot have all that we want we must be content with what we can get. I am quite willing

to be content with what I receive, and although I would not like to have to send away all the surplus copies of the Debates, I could dispose of a great many more of them than I receive if I had them.

We certainly cannot find fault with the Government or with the Committee. We cannot expect that every paper in the country should get the Debates, and even if they did, there are many of them that would not reproduce them. They could not print them in the weeklies, and if they published them in the dailies they could only give a garbled statement. It is only in the case of an orator such as my hon. friend from Woodstock that they will give a speech in full, and, as a matter of fact, the public see as much of our proceedings here as they do of the proceedings of the other House. The papers take the same course in reference to the Senate that they do to the Commons, and I think under the circumstances my hon. friend had better withdraw his resolution and let matters go on as they are at present.

HON. MR. POWER—I fail to see that there is any objection to the House adopting the resolution of the hon. gentleman. It simply asks for some information which will go to show how the present system of reporting the Debates is working. There can be no objection to that, more particularly as towards the end of the Session it will become the duty of this House to re-consider the whole question of the reporting and publishing of the Debates, and it will be necessary that the Senate should have the fullest information in reference to the manner in which the present system is working. I quite concur in the views of the hon. gentlemen from Lunenburg and Quinte, that the system we had last year is a better one than the system which the Government have, to a certain extent, compelled the House to adopt for the present session. I do not think there is any fault to be found with the reporters for the manner in which the system is being carried out, and I do not think there is any fault to be found with the Committee, as they are doing their duty very satisfactorily, and the work is being done as thoroughly as the system will permit; but I think the system is a bad one, and the probabilities are that the House will, towards the end of the

Session, revert to the system we had last year. I fail to see that there should be any objection to adopting the resolution moved by the hon. member from Woodstock as it is only asking for information. I do not endorse a number of the remarks which the hon. gentleman made in moving the resolution, and which had no particular connection with the motion itself.

HON. MR. AIKINS—There is one observation which the hon. gentleman from Halifax has made that the Government must demur to. The Government used no coercion or influence in adopting the present system; the Committee was appointed by the House and I do not think the statement should have been made by the hon. gentleman.

HON. MR. POWER—It will be within the recollection of hon. gentlemen that last year the Government did take this matter of reporting into their own hands by appointing the Committee, and when the leader of the Government indicates a certain course to be taken in this House that course is adopted. The leader of the Government did indicate the line to be taken this session, and if he had not interfered in the matter the reporting would have gone on as it had done in former years.

The yeas and nays were then called for: the motion was declared lost on a division.

BILLS INTRODUCED.

Bill (32) An Act to incorporate the Lake Superior and James' Bay Railway Company. (Mr. Dickey.)

Bill (43) An Act to incorporate the Sault Ste. Marie Bridge Company. (Mr. Read.)

COUNTY COURT JUDGES' BILL.

THIRD READING.

Bill (B), "An Act respecting County Court Judges" was read the third time and passed, without debate.

The Senate adjourned at 4.35 p.m.

THE SENATE.

Ottawa, Wednesday, March 15th, 1882.

The SPEAKER took the Chair at Three p. m.

Prayers and routine proceedings.

BILLS INTRODUCED.

The following bills from the Commons were introduced and read the first time :—

Bill (3), An Act to incorporate the St. Lawrence Marine Insurance Company of Canada. (Mr. Ryan.)

Bill (29), An Act to incorporate the Northwestern Bank. (Mr. Gibbs.)

Bill (16), An Act to incorporate the Manitoba Bank. (Mr. Girard.)

Bill (28), An Act to amend the Charter of the chartered Bank of London and North America and to change the name thereof to the "Chartered Bank of London and Winnipeg." (Mr. Gibbs.)

Bill (27), An Act further to amend the Act incorporating the Mutual Life Insurance Association of Canada and to change the name thereof to the "Life Association of Canada." (Mr. McInnes, Hamilton.)

Bill (32) An Act to incorporate the Quebec Timber Company, Limited. (Mr. Skead.)

OTTAWA AND ARNPRIOR JUNCTION RAILWAY BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (18), "An Act to incorporate the Ottawa and Arnprior Junction Railway Co." He explained that the object of the Bill was to incorporate a company to construct a direct line from Ottawa to Arnprior, to save a considerable bend in the Pacific Railway.

The Bill was read the second time.

BILLS DROPPED.

The following bills were discharged :—

Bill (H), "An Act to amend the Consolidated Insurance Act, 1877." (Mr. Bellerose.)

Bill (N), "An Act to amend the Act incorporating the English and Colonial Insurance Company." (Mr. Allan.)

LAKE SUPERIOR AND JAMES' BAY RAILWAY BILL.

SECOND READING POSTPONED.

HON. MR. DICKEY moved the second reading of Bill (22), "An Act to incorporate the Lake Superior and James' Bay Railway Company."

HON. MR. ALEXANDER objected to the second reading, the bill not having been distributed. Frequently bills were placed on the desks of Senators at 2.30 p. m., and they were expected to consent to the second reading of such measures without having an opportunity of seeing them. He hoped the House would insist upon a strict observance of its rules.

HON. MR. DICKEY moved that the order of the day be discharged and the second reading fixed for to-morrow.

The motion was agreed to.

SAULT ST. MARIE BRIDGE COMPANY'S BILL.

SECOND READING.

HON. MR. READ moved the second reading of Bill (43), "An Act to incorporate the Sault St. Marie Bridge Company."

He said :—This Bill purports to give authority to build a bridge at Sault St. Marie. It has the general clauses that are to be found in all such bills, and it gives no special privileges to any one company. All parties are to use the bridge on equal terms, when constructed, on payment of tolls.

The Bill was read the second time.

The Senate adjourned at 4 p.m.

THE SENATE.

Ottawa, Thursday, March 16, 1882.

The SPEAKER took the chair at three p. m.

Prayers and routine proceedings.

A PROPOSED ADJOURNMENT.

MOTION.

HON. MR. POWER moved—

That when the House adjourns to-day, it do stand adjourned to Monday evening next at eight o'clock.

HON. MR. DICKEY—No grounds have been given for this motion, and I should like to know why we should adjourn at this period of the session, while business is pouring in thick and fast? I suppose it may be suggested that to-morrow is St. Patrick's day, but I am not aware that there is any precedent for an adjournment on such a ground; and, certainly, we never adjourned on the 23d April because it was St. George's day. I confess that it would occasion as little inconvenience to-morrow as any day on which it could possibly occur, except Saturday; yet if we set a precedent of this kind it might on another occasion occur in the middle of the week, and interfere with the business of the Senate. I believe it is not the practice of the House of Commons to adjourn over St. Patrick's day, and I think it is only proper to add that my hon. friend ought to be content if the House would adjourn before the dinner hour to-morrow, and not meet again in the evening. That would quite carry out the purpose he has in view, especially as any procession that takes place occurs in the forenoon when the Senate is not sitting. Therefore, I trust that the House will not entertain this motion, chiefly on the ground that it may be referred to hereafter as a precedent. There is also a question whether the notice on the paper is a regular one, inasmuch as it was given, I believe, while the doors were closed. On these grounds I object to the motion.

The SPEAKER declared the motion lost on a division.

THE GARDINER DIVORCE BILL.

SECOND READING POSTPONED.

The Order of the Day having been called for the second reading of Bill (L), "An Act for the relief of Matthew Gardiner."

HON. MR. FERRIER presented the certificate of the Clerk of the Senate setting forth that the notice of the second reading of the Bill had been duly posted at the doors of the Senate for fourteen days.

Also, an affidavit of the service of the notice and a copy of the Bill on the wife of petitioner.

HON. SIR ALEX. CAMPBELL—This is not the kind of proof which the rules of the Senate require: this is simply an affidavit of service. The proof which the Senate requires is evidence to be adduced at the bar of the Senate *vive voce*. I do not know whether the House will see fit to depart from the rule or not. If so, then the rule must be suspended and this affidavit accepted in lieu of the evidence required. The formalities are laid down in the 76th rule, which is as follows:—

"The second reading of the Bill is not to take place until fourteen days after the first reading, and notice of such second reading is to be affixed upon the doors of the Senate during that period, and a copy thereof and of the Bill duly served upon the party from whom the divorce is sought, and proof on oath of such service, adduced at the Bar of Senate, before proceeding to the second reading, or sufficient proof adduced of the impossibility of complying with this regulation."

The rule clearly requires that the witness shall appear at the Bar of the Senate. I do not know that it will make any difference in the case; but perhaps the Senate might come to different conclusions from hearing a witness at the bar and the manner in which he gives his testimony, from that which they would arrive at from reading his affidavit. At all events, the witness must be called to the bar and furnish proof of the service of the notice and of the Bill.

HON. MR. DICKEY—It is quite true, as stated by my hon. friend, that it has been the practice to have the witness examined at the bar, and to put to him certain questions, and the answers to those questions form the evidence on which the House is to judge. But I apprehend, and probably it will occur to my hon. friend himself, that on other occasions besides the last case before us an affidavit of the service of the formal notice was received, and the House will see that the rule only requires that proof shall be made on oath at the bar of the Senate. In this case the affidavit is produced to the House. I recollect a case in which such evidence was received, and my hon. friend acceded to the view that it was sufficient proof unless the House had some doubt on the subject and wished to examine the witness orally.

HON. SIR ALEX. CAMPBELL—I have no objection to whatever course the

House may pursue on the matter ; but my hon. friend is mistaken in supposing that an affidavit is the proof required by the rule. "Proof on oath" is the language which is adopted with reference to the service of the preliminary notice—that is, the notice of the intention to apply for a bill of divorce. Rule 73 says :

"A copy of the notice in writing, is to be served, at the instance of the applicant, on the person from whom the divorce is sought, if the residence of such person can be ascertained ; and proof on oath of such service, or of the attempts made to effect it, to the satisfaction of the Senate, is to be adduced before the Senate on the reading of the Petition."

That has been done by an affidavit, which, of course, is proof on oath, and then the Senate resolves that is satisfactory. But when you come to the 76th rule the language is changed, and it is not then "proof on oath," but "proof on oath * * * adduced at the bar of the Senate."

HON. MR. FERRIER—The proof is contained in the affidavit of service directly on the individual.

HON. SIR ALEX. CAMPBELL—The rule requires the presence of the witness here to prove it.

HON. MR. FERRIER moved that the rule of the House be suspended, and that the affidavit be deemed sufficient, and the attendance of the witness at the bar be dispensed with.

HON. SIR ALEX. CAMPBELL—It is for the House to say whether they are disposed to suspend their rules, and accept this affidavit in lieu of the presence of the witness. It may not be attended by any evil results, but it certainly is a departure from the rule—a departure from that formality in which safety is often found.

HON. MR. POWER—As has been suggested by the leader of the Government, we are acting in a judicial capacity now, and I have very grave doubts as to whether it is competent for the House, without any notice given beforehand, to suspend the rule which is intended to protect the parties in bills of this sort. It is possible that the counsel for the defendant, the wife, in this case may be prepared to contradict the evidence which would be given at the bar on behalf of the husband. And

I may say further, I have very grave doubts as to whether this is a case in which we should suspend the rules of the House. It will be remembered that the proof of the attempt to serve a notice of the bill in the first instance was made in the same way, by affidavit here. I learned afterwards (it is not evidence, of course) from a member of the House of Commons whose firm happened to be interested in the matter, that they had offered to accept service on behalf of the wife, and further that there had been no attempt whatever on her part to evade the service. Consequently grave doubts are thrown on the reliability of the affidavits made here on behalf of the plaintiff. I think under the circumstances the House ought to be slow to accept this affidavit as satisfactory proof.

HON. MR. KAULBACH—Would not it be competent for that evidence to be contradicted by proof before the Committee?

HON. SIR ALEX. CAMPBELL—No, the rule requires that the evidence be furnished here at the bar of the Senate.

HON. MR. DICKEY—A rule of the Senate may be suspended without notice, but it requires the assent of the Senate.

HON. SIR ALEX. CAMPBELL—The unanimous assent.

HON. MR. DICKEY—The ordinary rule is that notice shall be given in the first instance, but there is no doubt it is equally in the power of the Senate to suspend a rule without notice.

HON. MR. FERRIER—I may state that the respondent's counsel is present.

HON. SIR ALEX. CAMPBELL—That does not make any difference.

HON. MR. FERRIER—I mean to say there is positive proof that the respondent has received the notice in the way I have stated. This affidavit is confirmed by the fact of the counsel for the respondent being present to act for her in the matter.

HON. SIR ALEX. CAMPBELL—I would be sorry to interpose any obstacles

in the way of my hon. friend getting on with his bill, but it is very essential that we should preserve the forms of the House in what is really a judicial question. In a court of justice a judge would have no hesitation in saying in such a case as this "It is my duty to examine the witness and if he is not present in court I cannot allow the case to proceed." That would be the decision of a judge. As we are sitting here in a judicial capacity in this case, is it not safe to adhere to the rule which says that proof shall be adduced at the bar of the Senate? Would it not be unwise and unsafe to depart from that rule and to take an affidavit as proof? It seems to me that it is far better for the House to adhere to the rules. It may postpone the second reading of the Bill for a day or two, but it is far safer to follow the regular course which the rules of the House prescribe. Outside of that I think there is no safety.

Hon. MR. FERRIER moved that the order of the day be discharged and the second reading of the Bill fixed for Tuesday next.

The motion was agreed to.

CANADA SOUTHERN & ERIE & NIAGARA COMPANIES BILL.

SECOND READING.

HON. MR. SCOTT moved the second reading of (Bill 14), "An Act respecting the Canada Southern Railway Company and the Erie and Niagara Railway Company."

He said:—The Erie and Niagara Railway Company under their charter had power to construct a branch railway connecting with the Welland Railway at or near Port Robinson on the Welland Canal. That Railway subsequently became the Canada Southern Railway with a charter issued in Ontario, and power to make connection with other lines and also to build branches. The present Bill is on the petition of the two Railways asking that the time limited for building these branches, which they had power to build under their several charters—shall be extended for three years. This Bill also asks power to enable the Canada Southern Railway Company to enter into

an agreement with the St. Clair River Railway Company for the purposes of completing and purchasing that line.

The motion was agreed to and the Bill read the second time.

LOAN AND SAVINGS COMPANIES. BILL.

SECOND READING.

HON. MR. ALLAN moved the second reading of (Bill P), "An Act respecting Loan and Savings Companies."

He said:—The object of this Bill, which is an amendment to the law respecting Loan and Savings and Building Companies is to enable the shareholders of any such company, if they so desire, by resolution passed at any regular meeting of the company called for that purpose, to increase their stock in the manner prescribed by the act. As the law stands, in the issuing of any shares the directors are bound to allot them to the existing shareholders, and if any are not taken up they can be sold for the general benefit of the company. By this act it is provided that the shareholders may, if they see fit, on a vote, of not less than two-thirds in value, of all the shareholders of the company present in person or represented by proxy, at a special meeting called for that purpose, prescribe how such new stock may be issued with regard to allotment to the existing shareholders or otherwise, and what amount shall be issued, the amount to be paid on subscription of such shares, the time at which the balance shall be called up and the dividend to be paid thereon. The reason why the amendments are asked for are these; hon. gentlemen are aware that at present most of the Loan Companies in Ontario have obtained more or less money from capitalists in England on debentures and it is believed that many of those parties hitherto investing in these bonds would very gladly invest in the shares of companies if they had the opportunity of doing so, and this Bill is to enable any company that desires to issue shares and place them on the market in England, to do so in the manner prescribed by the Act. Hon. gentlemen are, of course, aware that in England, for instance, stock that is not fully paid up is much preferred

to stock which is paid up in full. I ask that the Bill be read the second time, although it is an amendment to a public Act and should perhaps be referred to a committee of the whole House. I think however, it would be more convenient and more satisfactory to refer it to the standing Committee on Banking and Commerce.

HON. MR. ALEXANDER—I conceive it my duty as a shareholder in various loan societies to state what I feel to be objections of so grave a character that I think the Bill should not be read the second time. It is well known to every member of this House that the Banking Committee of the Senate bestowed great labor and care in making the charters of the loan companies as perfect as possible, to guard the shareholders and to guard the public; and what is the effect of a bill of this character brought in by a private member, unknown to the public, under the provisions of which Bill the Directors of a loan society can at any time increase their capital stock.

HON. MR. AIKINS—You surely have not read the Bill?

HON. MR. ALEXANDER—The directors by getting a vote of the shareholders can increase the capital of the loan societies. It is well known that various complaints of this character have come up within the last six months; that commercial men and others have been speculating in the stocks of loan companies and they have been misled and have lost large sums of money. We have the case of the Ontario Bank; we have the case of parties connected with certain of the loan societies who made investments under an entire misapprehension of the position of the Bank. We find that certain stocks of loan societies stand at a certain premium. Take the Huron and Erie, for instance, standing to-day at 62½! Take the Freehold, standing at about 72, and other loan societies. The speculator takes the charter and he there sees what is the capital stock of the loan society and he speculates in their stock, forming his estimate entirely on the amount of the capital of the company, and judging by the premium at which the stock stands. Yet here is a bill brought in by a private member, under

which the directors of loan companies may increase the capital stock of such companies, and the public may not be aware of it. I am sure the House will not allow a private member to legislate in this direction, after the explanation I have given. If such legislation is necessary at all, it is the duty of the Government to take the responsibility. Then we would have a guarantee that the legislation will be safe for the protection of the shareholders and the public. We all know that in the city of Toronto we have a number of gentlemen who are directors of loan societies and their chief object is to get the allowance of four dollars for each weekly meeting of the Board. They have no deep interest in these loan societies—I could cite twenty to fifty cases where they simply purchased enough stock to qualify—being what is called "Guinea pigs." That is the name by which they are known in London, England, and the fact has been much dwelt upon there. They take stock perhaps to the extent of \$2,000, in order to get on the board of directors and draw their four dollars for each meeting. I ask would you give those men,—who perhaps have got the control of millions of money,—a power unknown to the public, and which they may exercise at any moment, by passing a bill of this sort, which is not introduced by the Government but by a private member? Is there any petition before this House from any loan society, or from any individual within this country, demanding legislation in this direction? I think not, and we should not load our statute books with legislation which may be fraught with evil. There are various other objections to the bill, which may be pointed out if the House allows it to go to the second reading, but I now protest against legislation of this kind and I think it is unworthy of the Government to allow a private member to bring forward such a bill.

The motion was agreed to and the Bill was read the second time.

LAKE SUPERIOR AND JAMES' BAY RAILWAY BILL.

SECOND READING.

HON. MR. DICKEY—I was placed in the position of taking charge of this Bill for the purpose of getting it before the Committee, in order to expedite the busi-

ness of the House, but without having very much knowledge of the Bill and, in fact, no interest in it whatever; but I will state its object and repeat what I said yesterday on this subject.

HON. MR. MACFARLANE—Has the bill been circulated?

HON. MR. DICKEY—It has been circulated. The object of the Bill is to provide railway communication between the great inland sea of Lake Superior and our great ocean sea of Hudson Bay, and in this connection I may observe that the introduction of this Bill suggests considerations of the most gratifying nature with regard to the extent and resources of our Dominion in a direction where only a short time ago such resources were not supposed to exist. This is no less than a bill for the construction of a railway for several hundreds of miles across a country which, only a few years ago, was a lone land; a country of which little was known, and less was expected; yet I believe it is a region of very large resources in timber, fish and other commodities. These facts may be expected to induce capitalists to build this railway, and I hope—without wishing in any way to make anything like a spread-eagle speech upon this subject—that it will be gratifying to the House to bear in mind that this is a bill to develop a country from which, until very recently, we expected to derive little or no benefit. I have therefore great pleasure in moving the second reading of the Bill.

The motion was agreed to, and the Bill was read the second time.

The Senate adjourned at 4.20 p. m.

THE SENATE.

Ottawa, Friday, March 17, 1882.

The SPEAKER took the Chair at Three p.m.

Prayers and routine proceedings.

PRINTING OF PARLIAMENT.

THIRD REPORT ADOPTED.

HON. MR. MACFARLANE, in the absence of the Hon. Mr. Simpson, moved the adoption of the third report of the

Joint Committee on Printing. He explained that it was one of the usual reports of the Committee recommending the printing of certain documents.

The motion was agreed to.

The Senate adjourned at 3.50 p.m.

THE SENATE.

Ottawa, Monday, March 20, 1882.

The SPEAKER took the Chair at Three p.m.

Prayers and routine proceedings.

SAULT ST. MARIE BRIDGE BILL.

REPORTED FROM COMMITTEE.

HON. MR. DICKEY, from the Committee on Railways, Telegraphs and Harbors, reported Bill (43), "An Act to incorporate the Sault St. Marie Bridge Company" with certain amendments. He said that these amendments were generally in the direction of making the Bill conformable to the Railway Act and other existing legislation.

ST. PETER'S CANAL ENLARGEMENT CONTRACT.

INQUIRY.

HON. MR. MILLER inquired—

"Whether Kennedy the assignee of Tuck, the contractor for the enlargement of St. Peter's canal, Cape Breton, has been paid in full for all work done in connection with that undertaking; or has the Government reserved any portion of the money due for said work to pay the claims of persons to whom Tuck was largely indebted for labor and materials supplied for said canal enlargement; and if not, is it the intention of the Government to afford any relief to those persons who have suffered from the fraud of the contractor in relation to that public work?"

HON. SIR ALEX. CAMPBELL—In reply to the question that has been put by my hon. friend, I beg to say that Mr. Kennedy, the assignee of Tuck, has been paid in full for all work done in connection with the contract in question. The Government has not reserved any portion of the money due for said work to pay the

HON. MR. DICKEY.

claims of persons to whom Tuck was largely indebted for labor and materials supplied, and it is not the intention of the Government—in fact they have no means—to afford relief to those persons who have suffered. I have answered the question categorically. I may add that at the time of the assignment of the contract from one contractor to the other, the Government was not informed that there were any claims against the original contractor. It was only after the assignment was consented to, that the Government was informed that Tuck was largely indebted to the laborers. Representation was made to the then Minister of Public Works (Mr. Mackenzie) and he distributed, amongst the creditors of the original contractor, the ten per cent. which had been reserved in the hands of the Government. That was all that could be done. Afterwards further application having been received, a reference was made to the Department of Justice to know if anything could be done by way of retaining money out of the hands of the new contractor. The Department of Justice informed the Minister of Railways and Canals that nothing could be done. A letter was written on the 21st September, 1880, by Mr. Lash, the Deputy Minister of Justice, to the Secretary of the Department of Railways and Canals, which I will read.—

“In reply to your communication of yesterday asking for opinion as to the liability of the Government in respect to certain claims made against Mr. J. P. Tuck late a contractor for the enlargement of the St. Peter's Canal, C. B., I have the honor to say that in my opinion upon the state of facts disclosed in the report of the Engineer in charge (paper No. 89,159) the Government is in no way bound to pay the claim, nor would they be justified without an order to that effect from the contractor in using any moneys which may be due to him, in paying such claims.”

So it will be seen to have been out of the power of the Government to do anything more than was done.

HON. MR. MILLER—It is evident from the material in the hands of the Minister of Justice that he expected a speech from me in reference to this mat-

ter, and I am sorry that I have disappointed him. But the truth is, I have spoken so frequently upon this subject in the House that I do not feel justified in trespassing upon the time of the Senate upon the present occasion with any remarks. I have been applied to on numerous occasions by persons who suffered through the fraud of the contractor, Tuck, and have been pressed to get for them a final answer as to whether anything could be done to afford them relief under the circumstances as no other course was open to me than the one I have adopted, and as it was the most ready means of conveying the information to the applicants that they desired to receive I concluded to ask this question. I can only express my regret that after having, in conjunction with other representatives from Cape-Breton, done everything in my power to press the claims of those unfortunate individuals on the Government, I have been unsuccessful. It is only within the last few days that four or five farmers, who were in comfortable circumstances, have, in consequence of the frauds practised upon them by Tuck, had their farms sold under mortgage, and been thrown out of house and home. The numbers of such cases in Cape Breton is very large, much larger than one would suppose from the amount of the claims, which is about \$12,000 or \$13,000. I have done what I could to get satisfaction or redress for these poor people, and, having failed, they must, so far as I am concerned, only take the will for the deed.

WINTER COMMUNICATION WITH PRINCE EDWARD ISLAND.

MOTION.

HON. MR. HAYTHORNE moved,

That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before this House a Return showing:—

1st. The number of trips made by the Contractors for carrying the mails between *Cape Traverse*, in *Prince Edward Island* and *Cape Tormentine*, in *New Brunswick*, from the recommencement of the Mail Service by that route in the present year, to the 15th day of the current month.

2nd. The number of mails which have been delayed at either Cape, also, the length and cause of such delays.

He said:—The subject contained in the motion of which I have given notice is one of very considerable importance to those inhabitants of the Dominion who live by the sea side, and I wish to divest the question as far as possible, of all extraneous matters and confine myself to one view of it, and to avoid those parts of the subject which relate to the carriage of mails and passengers on the land. I wish to deal with a far more difficult and more important question—the carriage of mails and passengers across the straits—and I desire, first and foremost to simplify the question still further by drawing the attention of the House to the fact that this question is not one belonging properly or solely to Prince Edward Island. The question is the carriage of Her Majesty's mail which, I take it belongs to the whole of this Dominion—and the whole of Her Majesty's dominions; and therefore it would be very narrow minded indeed to view the question as one belonging exclusively to Prince Edward Island. There might be some hesitation, perhaps, in making a very large expenditure of money, or entering upon some untried experiment with a view solely to the interests of one Province. But when the question relates to the welfare and trade of the whole Dominion it assumes far larger proportions. There is another view of the question to which I wish also to draw attention, and that is that when the Province with which I am connected entered Confederation, now nine years ago, one of the terms was that the Province was to be kept in communication, winter and summer, by steam with the Intercolonial Railway. I am not going to assert that no attempt has been made to fulfil those conditions, because the fact that a steamer was built specially for this purpose and has been endeavoring to run during several seasons past between the harbor of Pictou and the harbor of Georgetown, would be a sufficient answer to that; but the truth of the matter is that that steamer has been unsuccessful in her attempts to keep open winter communication by steam. I am not going to disparage her performances, or to speak lightly of the ship herself. She has proved herself to be a strong and useful vessel and the vicissitudes she has gone through not only this winter but on frequent other occasions, in the ice has demonstrated

that she has been skilfully constructed. I believe myself that but for the skill which has been displayed in her construction she would not now be in existence or that those embarked on her would be alive to tell the tale of privations they had gone through in the ice; but it has been found necessary in a very early period of our experience in this winter communication, to have recourse to the old method of carrying the mails in the winter. It has been found by experience that the *Northern Light* cannot, and perhaps it would be safe to say no vessel which could be constructed, can safely contend with the ice-pack in the month of February, between Georgetown and Pictou. That I believe to be a fact. Hon. gentlemen and many others seem to think that all conditions of ice are the same. It would be necessary for those who have to deal with this important question, to disabuse their minds of that idea, and ascertain what the difficulties to contend with really are—to discriminate between the really solid ice which obstructs navigation and that which is broken and which can be overcome by steam, or even small vessels. I have, therefore, put my motion on the paper in the form in which it appears. I consider myself, that it is pretty nearly a certain thing that the branch railways which have been talked of in connection with this subject will be constructed at a not very remote period, if not by this Government by some other Government, or in connection with the proposed marine railway; and, therefore, I am not sorry to drop that question of railway connection from the subject. At the most they are not surrounded by engineering or other difficulties. They are simply questions of dollars and cents, and the whole cost of them, including the wharves, &c., necessary, amounts to but \$634,838, which certainly is not a very formidable sum for a purpose so generally useful for a Dominion like ours, which is expending money by the million in British Columbia. This subject of the transport of mails and passengers across the strait which separates Prince Edward Island from the mainland, is now becoming more important than ever, and for reasons which I will briefly describe: many years ago, when our commerce was less and our population was smaller, and inter-

course between the Island and the main-land was a very small thing on the whole, these small boats could perhaps perform the service without much difficulty, but times have completely altered. Our population has grown, and what has effected perhaps the greatest change, is our entrance into the Confederation. That has also made a great change in our trade, which formerly was more exclusively with Great Britain and the United States. It is now to a large extent conducted with other Provinces of the Dominion, and consequently our intercourse with other parts of the country has greatly increased. It has therefore become more important than ever that the mail service across the straits should be conducted with greater regularity. It is evident that difficulty and danger might arise from a few days delay through the accumulation of mails. On ordinary occasions the mail passes every day, and so long as the weather remains favorable there is no great accumulation, and the danger is less, but in some conditions of the straits and weather it is impossible for days to pass, and consequently there is a large amount of mails which is of itself a cause of very great danger in crossing the straits.

Hon. gentlemen will easily understand that when perhaps one hundred or more mail sacks are to be carried across a strait such as that which separates Prince Edward Island from the main land, it is an undertaking of very considerable danger. What I want to bring before the attention of the Government and this House is the possibility of preventing these interruptions. I want to show what conditions of the strait and weather cause these delays and having done that, I want next to show how they can best be obviated. It would be quite unnecessary that I should state when these interruptions take place; they occur every winter; they have occurred within the last few days. It is an actual fact that as I came to take my place in the House to-day, I had two letters placed in my hands from Prince Edward Island, dated 11th March, showing they were nine days on the road, but that is a short interruption compared with some that have occurred. Three seasons ago this subject was under discussion by the gentlemen representing Prince Edward Island in both branches of the Legislature and they came to the conclusion that they would wait upon the

Minister of Railways, Sir Charles Tupper, with a memorial. We did so and had a long discussion upon the question with the Minister. The tenor of our memorial was to advise that the subject was surrounded with difficulties, and that to the best of our belief the Government did not possess that information on the subject which was essential to enable them to deal with it successfully. The answer given to us was that since the previous session a report had been received and I think had been ordered by the then Minister's predecessor, Mr. Mackenzie. That is numbered one hundred and forty-four, and dated 1879, and is a report of a civil engineer of some eminence Mr. Henry McLeod. It is, I may say, a very valuable report, but it does not touch on the points at issue. Mr. McLeod appears to have gone to the Island with very full instructions and, if I am to judge from the report, with some forty questions drawn up for him or by himself at his leisure—which I will not say. He not only acted as an engineer on this occasion, but also examined a great many witnesses whose evidence is before us in this report. His instructions were to ascertain whether it was practicable to navigate that strait from day to day during the winter—in fact whether steam communication can be kept up there. Now, I think our further experience is conclusive as to the point that during a severe state of weather, when these straits are blockaded with heavy pack ice, it is utterly impossible for any steamboat to navigate them, but these are not the occasions when interruptions occur. When the weather is most severe, the ice is most solid and connections are most regular. Consequently though there may be interruptions to traffic such as taking goods across, nevertheless there is more regularity in the transportation of mails and passengers than at any other time and less to complain of. What really cause the interruptions are the thaws during the course of the winter, such as have occurred this year and heavy storms which break up these thick strata of ice and prevent boats crossing readily and safely. These great storms and the changes from severe to mild weather break up the ice to such an extent that men and boats cannot pass over it, and the existence of any considerable expanse of this broken ice pre-

vents communication between the island and main land. These are the two causes of the interruptions to the carriage of our mails. Hon. gentlemen can understand that a small boat laden with passengers and mail bags cannot be safe under such circumstances as those; a heavy breeze would have the effect of swamping the boat.

The time has evidently arrived when the Government must do something to overcome this difficulty. It is not merely their own characters as administrators that are at stake, but the safety of Her Majesty's mails and of her subjects whose lives are constantly jeopardized under the circumstances which I have just described to the House.

Now, while I am willing to admit, so far as our modern science and experience have gone, we do not believe in the possibility of navigating these Straits, or any other Straits surrounding our Island, while the ice is at its thickest, I do say that the real interruptions can to a great extent be obviated by assisting the mail boat service with a steamer. The attention of Mr. McLeod, the engineer whose report I have alluded to just now, had been carefully drawn to this point, and he examined several witnesses upon that subject. I will just read the question which he put and the answer given to it by several witnesses:—

“Can the present ice-boat service be improved in any way, if so, state how; would high towers on each side be serviceable with lights and signal bells; are boat-houses with stoves required; would two small tugs, one on each side, be useful?”

That has been answered by several witnesses in the affirmative. The first is a man who has lived on the bank of the Straits his whole life. His name is Allen. The twelfth question and his answer to it are as follows:—

“In your opinion, what draft of steamer would be most servicable for both winter and summer service?”

A screw steamer drawing 8 to 10 feet.”

Then again several other witnesses answer the same question: “A steamer would not be as safe off Capes as off Georgetown; but she would be as safe as

off Pictou.” But perhaps the most experienced witnesses of any who were examined were the present contractors, Messrs. Muttart and Irving. These gentlemen are now advanced in years, and this service has been the occupation of their whole lives. They are both men of high intelligence, and I think about as capable of judging on this point as any that can be found. The only objections which have been urged against placing a steamer on this route is that she could not be safely berthed there. These two witnesses, and several others whose evidence was taken by Mr. McLeod, speak with very great confidence not only as to the safety of vessels so berthed, but also the facility for this accommodation. In the first place they say that the vessel could make a place for herself—that a screw-steamer drawing eight to ten feet of water would be in no danger; that the berth would not become blocked up with “lolly” or drift ice for any length of time. “The easiest place on the main-land to make a berth would be off Cape Jourmain. The steamer would be just as safe as off Georgetown. The depth of water at the edge of the board-ice would be about six fathoms on the island side, and three fathoms on the main-land.” Then, being asked “What is the easiest condition for crossing with boats, and what causes the difficulty?” the answer will, I think, confirm the fact which I have just placed before the House. Mr. Irving says that the easiest condition for crossing is when there exists “level field ice without snow. Lolly is the great obstruction; open water with wind is an obstruction.” But, as I explained to the House just now, the question which was paramount in Mr. McLeod's mind when he took this evidence and made this inquiry was, that a steamer should be maintained day by day there, constantly navigating those straits, and feeling the impracticability of that, I took occasion first in the year 1879, and subsequently in connection with my hon. friend opposite from Prince Edward Island, when some of those long interruptions occurred, to put myself in communication with these two contractors and inquire from them what had been in their opinion the cause of some recent interruptions, and whether in their opinion they would have been obviated by the assistance of a steamer. If the House

will bear with me for a few minutes, I will just read the communication to them and their answers :

To ARTHUR IRVING, ESQ.,
Cape Traverse,
DEAR SIR,

Senator Montgomery and I, in common I believe with all others here who are connected with Prince Edward Island, have been much disappointed at the interruption of all communication by mail with our homes and with those we represent. We feel assured, however, that this interruption has not been caused by any remissness on your part or that of Mr. Muttart or your crews.

We are confident that all has been done by you both and by your men to ensure success.

I will now proceed to state the more immediate objects of this communication. Yesterday Mr. Montgomery and I called at the Postmaster General's Department, to enquire after news from the Island, and at our request telegrams were sent to the Cape, in the course of the day two answers were received and forwarded to us. By these we find that the boats returned to the Island on the 18th inst., and had not been able to accomplish a passage to Tormentine since up to yesterday; also that the prospects were considered bad.

Mr. Montgomery's wish and mine is, of course, to servé the interests of our Province by using our positions as Senators with the best effects. And we think we might possibly accomplish something towards a more regular transmission of mails by the combination of the boat and steamship service between the Capes, if we were in possession of a reliable statement of the causes which have prevented you from crossing during the last ten days.

We therefore make it our request that you would confer with Mr. Muttart on this subject and write us as soon as possible thereon, stating particularly as far as can be remembered, what was the state of the weather since the 18th, day by day, if possible, if not, state generally; also if crossing was prevented by storms whether of wind (with open water in the Gulf), or snow, or by both, but what we particularly wish to know, whether in your candid opinions the Northern Light could have effected a passage on any of those days which prevented the boats from crossing. Our opinion has always been, and our more extended experience each year confirms it, that the boat and steam service should act in combination and that the best station is between the Capes.

R. P. HAYTHORNE.

In answer to that I received very shortly afterwards from the contractor a letter explaining what the causes had been, and it confirmed my opinion on every occasion. He does not assert that he could have kept up communication under all

circumstances; but he does assert that if he had been assisted by a steamer he could have carried the mails with tolerable regularity. His letter is as follows:—

CAPE TORMENTINE,
March, 15th, 1879.

On the 17th of February I crossed to Tormentine with mails, wind north, had no mails that day to return. Mr. Muttart came over the next day, wind north-east, blowing pretty hard, about three miles thin ice. I did not put out from this side. Mr. Yeo and Son, passengers on that day. Mr. Muttart said I would have had no chance to have made the Island. The storm was up by 12 o'clock. The Northern Light, that day, could have crossed to the good ice, meet ice boats and exchange mails. The same on Wednesday and Thursday. We were out a good part of the day; had not one pan of old ice. Steamer, this day, could have crossed from board ice to board ice a number of times. Next day—Friday—the big storm; nothing could be done that day. Saturday, the wind north-west, report from the Island—three miles of lolly. Steamers service good this day, also on Sunday boats crossed to Island. It so happened there was no crew on hand, it being Sunday, the four regular boats crews were all at Tormentine. The crossing was not so that any of the crews could make a return trip that day. Steamer would have been of no service. Monday, Tuesday and Wednesday, wind north-west, blowing hard and stormy at times; ice running all this time east. On Thursday, crossed and returned with all the mails.

We had another delay since last Wednesday until yesterday: the boats from the Island made out to get across, but from this side they had to return. Half way, lolly and Island shore. Steamer could have kept up communication every day this time.

I remain,
Your obdt. svt.,
ARTHUR IRVING.

Hon. gentlemen will observe that under the circumstances these small boats to which the mails and passengers are committed could not pass at all. whereas in the opinion of this experienced contractor a steamer could have passed from shore to shore several times. He gives some instances in which their passage was interrupted by the existence of rough water, or this other condition of "lolly" (which hon. gentlemen do not understand so well perhaps) and if they had been assisted by a screw-steamer on that occasion they would have been able to deliver their mails and passengers with regularity. On some occasions, when great storms prevailed, he could not cross. I had a further communication at another time, when the mails

were interrupted, from the same parties and with the same results. It was as follows:—

CAPE TORMENTINE,
April 18th, 1879.

Hon. R. P. Haythorne,

DEAR SIR,—I received your letter yesterday evening, too late to answer it by to-day's mail

On Tuesday, 1st April, the boats left this side—south wind—not much water—but blowing pretty hard. The boats' aid were afraid to put out from the Island side, knowing there would be much more water in the after part of the day—and wind increasing—they would stand a poor chance of landing. To remedy this a six or eight-oared water boat should be kept on this side.

Second and third.—Wind north, blowing hard, with snow showers; water about half-way from Island shore; steamer could have kept up communication these two days.

Fourth, Friday.—Snow storm; wind east. No possibility of crossing.

Saturday, Fifth.—Boats crossed each way; had about three miles lolly, which we were able to row through. The same amount of storm earlier in the season would have prevented crossing for a day or two.

A steamer would have no trouble at present, or for the last fortnight.

I remain, &c.,

ARTHUR IRVING.

Again last year the same thing occurred also with the same results. I think, therefore, I am justified in asserting that these interruptions could, to a great extent, be obviated if this boat service were assisted by a suitable steamer. Of course I understand perfectly well that steamers, particularly those required for special purposes, cannot be extemporized in a moment, but the Government might, if they were so disposed, considerably assist that boat service across the Straits with very little delay, and at comparatively small expense.

These boat houses have been recommended by many experienced men, by Mr. McLelan and by a deputation of members of Parliament and Senators of the Dominion, who waited upon the Minister of Public Works, and the utility of them has been admitted. They might be built at a very small cost and they will have the effect of enabling the boats to go out to their work in a dry and serviceable condition; whereas all that can be done at present with their equipment, oars, etc.; is simply to turn them bottom upwards on the board ice. I would like to make one more point before I resume my seat,

which is the very small remuneration allowed for this service. It is performed by contract, and perhaps it may be said that if men are to be found prepared to attend to this work at unremunerative prices, it can hardly be expected that the Government shall advance the amount. I think under ordinary circumstances I could endorse that view but the circumstances of this case are so special that I think the arguments which would prevail in favor of letting work by contract in general, do not apply to this particular service; because it is necessary that the parties who are to perform it must be men of undoubted steadiness and experience besides their other qualities; and if it were entrusted to inexperienced men, living perhaps at a considerable distance from the sea-shore there would be continual danger. It seems to me the proper plan would be to consider what a fair remuneration for the service would be, and to grant that to the present contractors as long as they are capable of performing the work, and there will always be a number of young men, who, having had the advantage of the experience of their parents would be able in future to take the matter in hand. In the Local Government of the Island, before Confederation, although public opinion was rather in favor of the general principle of letting contracts by tender, they actually declined to let that particular service by tender and had it performed by private contract. Another very important point is the want of some larger boats to assist the smaller ones when much open water is found. Such boats would cost very little, and until a steamer is provided by the Government (if they should decide upon putting a steamer there) I hope they will furnish such boats; they would be very useful adjuncts to the present service. There are times when the ice disappears altogether for a time, and under such circumstances the larger boats would be of very great use. I regret to have detained the House so long upon this subject, but I hope the Government will bear in mind the strong feeling which is growing up in the Island upon this question; the papers there are beginning to take an exceedingly bitter view of this matter and it is affected in their estimation by subjects which perhaps have no strict connection with it. They are beginning to talk about the large ex-

penditure that is being made at the western end of the Dominion while their own important interests are comparatively postponed: I hope that the House will allow me to combine with this motion the question of which I have also given notice, because they both relate to the same question so closely that it is hardly possible to separate them, and possibly the one statement from the minister may serve for the two. The question is as follows:—

Whether the attention of His Excellency's advisers has been directed to the practicability of assisting the Boat Service between Cape Traverse, in Prince Edward Island and Cape Tormentine, in New Brunswick, by the employment of a suitable Steam vessel, or by any other means?

HON. MR. MONTGOMERY.—This matter has been before us for the last three or four years or more, but I am sorry to say there has not been very much done towards improving the crossing between the Island and the mainland, though it has been shewn that communication can be kept up for the greater part of the year between the two. I do not think myself that the crossing between Pictou and the Island can be kept up during the month of February and a great part of March. I think something should be done towards assisting those small boats which have to perform the service of crossing between the Capes during the months I have named. I have crossed there myself, and have had a very severe time of it, having reached the edge of the running ice, we came to a piece of open water one mile and a half broad, which had to be crossed before the board ice could be reached, and if the wind had not fallen just as we came up there, I believe we should have had to remain on the ice the whole night. Had such been our fate, the consequences would have been very serious, as the succeeding day saw one of the most severe snow storms one could imagine. I think there should be some means adopted for meeting the boats carrying the mails. In the month of February when the wind prevails from the West small boats are not able to cross and some steps are absolutely necessary to improve the crossing there; larger boats should be provided, or else a steamer, and in the event of the latter boat being supplied there would be occasions when the

larger boat could not be used and then the small boats could perform the service; on the other hand when the smaller boats could not be utilized the steamer could take their place. It is a hard undertaking I admit, but I have often wished we had some member of the Government with us on such days as that I named when real danger and hardship had to be faced.

HON. MR. HAYTHORNE—Hear, hear. I wish you had them all then!

HON. MR. MONTGOMERY—I cannot help thinking that afterwards we should have no difficulty in getting these boats furnished. At present when you go down to the ice boat you find it turned up on the ice and often covered with snow, I would strongly urge that there should be boat houses on both sides of the Straits to keep them dry, they would then be comfortable to travel in. As matters now are it is a great hardship to travellers and passengers crossing over to the mainland, both mails and passengers being liable to a wetting. I might mention that on one occasion, some four or five years ago, three boats were crossing and it was blowing so hard that one of the boats being smaller than the others began to fill; we in our boat seeing her danger were preparing to throw the mail and luggage overboard and go to their rescue, but fortunately they weathered the storm. As it was, some of the passengers were thoroughly soaked. Such is the crossing there and I am sure that the Government ought to take this subject into their serious consideration and endeavour to provide some more certain and less dangerous means of communication.

HON. MR. ALMON—The hon. gentleman has mentioned the "*Northern Light*." Now we have heard stories of persons being in very great danger on that vessel, and two or three times there have been reports that she was lost. The Government may be at a loss to know what to do with this boat in case she is not to run any more, and in case they should lay her up I advise that she be given to the British Government in return for the *Charybdis* which they have given us.

HON. MR. HOWLAN—This question has no doubt in the opinion of a large num-

ber of Hon. gentlemen been discussed *ad nauseum*, but under the terms upon which the Province of Prince Edward Island entered the Union, steamship communication was to be kept up winter and summer. That point was discussed very intelligently, as whether communication of that sort could be kept up and it was settled beyond question or doubt that such could be done. Unfortunately perhaps for Prince Edward Island the Government of that day went out of power and the Government that preceded this present Government came into office. I believe I am not going too far in saying that a majority of the gentlemen within reach of my voice at the present time can bear evidence to the fact that the Government used every means to have a boat constructed suitable for that service; and I feel it is the impression of a majority in this House that the *Northern Light* was built particularly and principally for the service of Prince Edward Island. But that is not the fact. There is nothing further from the fact. The *Northern Light* was conceived by a gentleman living at Quebec, and she was no doubt intelligently conceived for the particular service for which she was intended, viz. to assist the Quebec Tug Boat Association; she was to be a valuable adjunct to the Association in assisting vessels to make the port of Quebec early in the Spring and to leave late in the Autumn. In fact she was three years on the stocks before Prince Edward Island ever thought of entering the Union. The model, the construction and the sailing of that ship were never considered with regard to Prince Edward Island; but when we entered the Confederation the question was brought up. It was a novel question to a great many hon. gentlemen, but it was not novel to us: it was one which we had long considered and which we were satisfied could be carried out. I ask what took place next? A gentleman who happened at that particular time to be member for Levis—he was also a poet—was selected to get a ship that would navigate the Straits of Northumberland, and I need not tell hon. gentleman what the consequences must be when poets select ships. A gentleman better qualified than I am expressed the opinion that she could not be successfully placed upon the route, but when I, from my seat on this side of the House

gave utterance to the same views I was sneered at. I stated that however useful she might be for service in the Gulf, she would certainly prove a failure for our purpose. My hon. friend says she was not a failure, and that she is a strong vessel; but it has been shewn by another hon. gentleman that a sum nearly equal to the cost of that ship has been expended upon her since she entered the Dominion service in order to make her useful. It seems now to be decided that the ship was totally unfit to perform the Winter service in Prince Edward Island. She was constructed for river navigation, and ocean and river navigation are entirely different. She was built for the river St. Lawrence below Quebec, to be used as far down as Bic where the current runs alternately twice a day; she was fitted for that service but she cannot run through solid pieces of ice as large as this room. She can perform the service in Prince Edward Island as long as there is moving ice between Georgetown and Pictou, but as soon as the ice gets driven in on the coast she is useless and she gets jammed in the ice. It is to remedy this that we want a boat built to run between Cape Traverse and Cape Tormentine. The question may be asked why cannot the same boat which runs from Georgetown to Pictou, also run from Cape Tormentine to Cape Traverse? The answer is because she draws too much water, she was constructed on a river where the depth of water was no consideration at all; therefore she was not constructed to perform the service in Northumberland Straits, and that fact is acknowledged now after a large amount of money has been fruitlessly spent upon her. There is no question in my mind that the service can be performed from Cape Traverse to Cape Tormentine; if I had any doubt about it I would not for a moment attempt to place my views before this hon. House. I believe that a boat can be found, but if this service is to be made use of in the same way now as it has in the past—viz. to advance party interests—then I think it never will be performed. But if the Government take hold of it in an intelligent way and appoint a commission of hon. gentlemen to examine into and report upon this subject I believe the service can be efficiently performed. I would however suggest that the Government should be very chary of

taking any boat that has not been built specially and particularly for this service and that they should select as their advisers practical men, who can be found in the Maritime Provinces, and who can give them intelligent information on the subject.

HON. MR. CARVELL—I did not happen to be in my seat when the hon. gentleman from Prince Edward Island introduced this motion, and therefore do not know what points he made; but I may say that this is a question of very much more importance than it is generally considered to be by, I think I am safe in saying, a very large majority of hon. gentlemen present, or a majority of the members of Parliament generally. As has just now been remarked one of the conditions on which Prince Edward Island entered the Confederation was that we should have the closest possible daily communication with the mainland. I do not hesitate to say now that no matter what the Government may do, and with all the appliances science may suggest, it is impossible literally to fulfil those terms, but a very great deal may be done, at a comparatively small cost, to improve winter communication between the Island and the mainland. I may say that I understand this question as well, perhaps, as any man in Canada to-day. One reason why I say so is the fact that for the last twenty-two years I have crossed the Straits nearly forty times. Having made some winters three trips across, and having discussed the question each time with the intelligent men who have charge of the service, I have no hesitation in saying that that service is capable of very material improvement. But it is absurd to say that it can be made perfect and complete. With reference to the steamer *Northern Light*, I think she is the best abused piece of public property the Dominion Government possesses to-day. That vessel has done good service and if too much had not been expected from her we would all have reason to be satisfied with her performance. That she has been badly managed from the day she first went down there I am in a position to demonstrate. The first winter she was in the Straits, she got into the ice off Charlottetown harbor, and had to remain there with all on board for some

time, perfectly helpless. Mr. Sewell, the intelligent builder of the vessel, was sent for, and on going to her found that his plans had not been followed. The ship, instead of being trimmed to draw only thirty inches forward, was loaded down to eight feet forward, and then she was no better for that particular service than any other vessel. I claim now that, well handled she will do good work, but there are times when the ice is in such a condition that no vessel can cross the Straits. That steamer was only intended originally as an auxiliary, to do a certain amount of work and then stop. She should be laid up, taking one winter with another, between the 10th and 20th of January, and not be sent out again until March, because, as I have already stated, it is utterly impossible at times for any steamer that ever has been or can be built to cross. Hon. gentlemen will understand this to some extent, when I tell them that the harbor of Georgetown, on the 6th of June, has been blocked with icebergs grounded in thirty feet of water. When large quantities of heavy ice are massed together by strong winds, blowing in one direction for days, they become so firmly packed, that no power, it is possible to bring to bear against them, can move or penetrate them. The ordinary or summer steamers have to go off that route generally between the 1st and 10th December, then for three or four weeks, or in some winters five or six weeks, the *Northern Light* does good work. Up to a certain point she can do excellent service, but the time for refusing to go out should be placed at the option of those on board of her. The captain and the pilot should be the ones to decide, and not the officers in the Marine & Fisheries Department, in Ottawa, nor their agent at Charlottetown. The men who navigate her are the best judges as to when it is safe to cross and when to refuse to go. There was no necessity for that ship being out in the ice this winter if the captain and pilot on board had as they ought to have had, discretionary power to decide when the crossing was safe. With reference to the passage between Capes Tormentine and Traverse, it is simply impossible to navigate between these points continuously during the winter, and the experience I have had in crossing thirty or forty times, and the

information I have gathered from men who are now and have been crossing and re-crossing is this: they want but a very few thousand dollars to improve the means of crossing and make it comparatively safe. The "board-ice," which is solid ice, remains all winter and forms out from either shore about a mile, leaving a space of about eight miles in which there is floating ice. The tides run there up to four or five miles an hour. It is not a steamer that is wanted to run across there: what is wanted is a small steam launch on either shore. You may go down on the ice; with the weather bright and the wind off shore, but you cannot cross in a small boat, because there is too much sea. Perhaps you may have three miles of open water and everything favorable, except that the boats used are too small—say only fourteen feet long, and less than four feet deep. Then they are loaded with the mails first, then with baggage, and sometimes, very improperly with freight—commercial traveller's trunks, iron-bound, four or five feet long—loading the boat down to within six or eight inches of the gunwales. When these boats go out loaded thus and get into the sea, it is impossible to go on, and they have frequently to return. I have had to return myself, after having crossed to within half-a-mile of the opposite side of the Strait, simply because the boats were overloaded, and the sea was too heavy for them to proceed. Say for instance we had to start out from Cape Traverse to-morrow morning, the wind being off shore and one, two or three miles of clear water was found on the Island side, you then would take the steam launch, and, with mails, passengers and light luggage on board, and the ice-boats in tow, you would make rapid, safe and comfortable progress over that which without the launch would be impossible. The next morning, perhaps, the ice may be on this side, and consequently a launch would be required on each side. Two steam launches, one on each side, with proper boat houses that will only cost two or three hundred dollars each, are what is required. The boat houses should have stoves in them, so that the boats, after performing a journey, could be taken in and cleared of ice. It is very important that they should be cleared of ice after each trip, as they are frequently stove in crossing and

made to leak. In very cold weather the boats get covered with ice, and it is impossible to see where they are broken. One instance occurs to me where loss of life resulted from this cause. A Mr. Roberts, of our town, started to cross from Pictou, and made an arrangement with some men to take him across to Pictou Island, and from Pictou Island to Wood Island. The party started in their boat and have never been heard of since. The general impression was that they had taken an old ice-covered boat and did not know that it leaked until they were too far from shore, the leak being stopped for a time by the ice in the seams.

The loss of these lives, one of them at least a very valuable one, was owing to that very fact. I have crossed between the Capes when it was necessary to constantly bail the water out of the boat; I have crossed when I was within an ace of losing my life, as others have crossed before and since. We want a good house on each side to put the boats into so that in the morning when they go out they can be free of ice and clean; they would then be lighter and easier to handle. This is a service not for the benefit of our Province alone; it affects the whole of the Dominion, because not only are the islanders crossing the Straits during the winter and at all seasons, but the commerce of the country is such that, as I remarked last winter, there are more people from Montreal, Toronto and other centres of the country than there are of the islanders crossing these Straits. It is a Dominion service, and it interests every man who is likely to go across there. The position I take is this, that you want this boat house, you want a little more money paid to the contractors, perhaps not a great deal more, and you want some kind of inspection or supervision. Boats go out there in the morning not knowing where they are going, sometimes without provisions or even water. Sometimes they are out for many hours at a time, and sometimes all night; fortunately that does not happen often, but still there should be some inspection to prevent them going out unprepared for such contingencies. Hon. gentlemen will understand that where men become accustomed to these things they grow comparatively careless; they take out a four-oared boat with only two oars fit for use, water casks

that are empty and straps out of order. It may interest hon. gentlemen to know that passengers are harnessed to the boats with straps and have to assist in dragging the boat over the ice. The service is an important one, and the cost of putting of it into a greatly improved condition is so trifling, that it is a shame to the Government and perhaps more so to the people of Prince Edward Island, that such a state of things should exist. The Humane Society, or some like influence, should be implored (if the Government will not come to the rescue) to remedy as far as possible the hardships and dangers to which human beings are exposed on that, the only mid-winter route between the Province of Prince Edward Island and the mainland. I remember on one occasion, when the thermometer registered 22° below zero, with a high wind, I crossed the straits, and while doing so was submerged chest deep, when, about half passage, was much frightened because I thought I must necessarily freeze to death. The fright perhaps saved my life. Exertion was my only chance. I hauled the boat and its contents for some time over not very good ice until I felt warmth returning. We were out over two hours after my ducking and I sustained no injury from it. I think there should be an inquiry by commission, committee or other way, into this matter, and that the requisite means should be adopted to remove what I say is a shame to the country. I remember once I waited a week for a chance to get across, and at last one fine frosty morning the men said they were prepared to go; I said "I won't go," but they thought they would try it. They went out and were thirteen hours gone, and could not get across. I went home and waited a week longer, and then got across easily. I speak warmly on this subject, because I know how little money is required to remove what I consider a great disgrace to the country. I would strongly impress upon the hon. leader of the Government in this House, the necessity of making it impossible that the couriers should take freight of any kind, with the mails. Only a few days ago we received our mails so wet that the letters were blurred and we could not in some cases read them, and we found that there was a great

deal of freight conveyed in the boat with the mail, and the consequence was they were nearly lost. The boats sometimes reach a certain point but being too deeply laden they cannot go further, whereas if they had nothing but the mails and passengers—because the passengers are necessary to help to convey the mails—they might complete the trip. What I advise is to increase the pay to the couriers; they have always been underpaid. With a house on shore, freight prohibited and a little more money I think the service can be made very satisfactory to everybody. As for the steamer, it would not be too much to say that you might as well expect two Indians to paddle a canoe through this building, as to run a steamer through the ice jammed there some forty, fifty and even sixty feet thick. It cannot be done.

HON. SIR ALEX. CAMPBELL—The hon. gentleman from Prince Edward Island, who introduced this subject in the House, has, I am confident, done a good service, not only to his own Province, but to the Dominion at large, accompanied as his motion has been, with elucidations which he has himself given, and followed by information from every hon. gentleman in the House, coming from that Island, showing that the service is insufficient, and suggestions how to make it more regular. My hon. friend, who made the motion and the hon. gentleman who spoke afterwards, are quite wrong, if they suppose, as they apparently do, that the full importance of this subject is not quite present to the members of the Government. I recognize the truth of the remark which fell from the hon. gentleman who made the motion, that this is not a question for the Province of Prince Edward Island only, but for the whole Dominion. It affects particularly the Provinces on the two shores of the Straits of Northumberland, but it also affects the entire country, since we are all interested, no one can tell how much. The question arises out of the terms which Prince Edward Island made when entering the Union. Those terms, neither this Government nor the one which preceded it, have been at all indifferent to: on the contrary, every effort has been made by both Governments to carry into affect the

condition which was imposed by the terms of Union in respect of this service. The condition is as follows:—

“Efficient steam service for the conveyance of mails and passengers to be established and maintained between the Island and the mainland of the Dominion, winter and summer, thus placing the Island in continuous communication with the Intercolonial Railway and the railway system of the Dominion.”

It was supposed, when the *Northern Light* was put upon that route, she would be able to keep up this steam service as far as it could be maintained (because I gather from what my hon. friends, particularly the last speaker, state, that no steam service could be maintained the whole season) and it was thought when that vessel was put upon the route that the best was done that could be accomplished to carry out the service. Until my hon. friend explained the purpose and the route for which the *Northern Light* was constructed, I was not aware that the vessel was not specially built for this service. It was thought by the Government of that day that she was adapted for that service and would do all that could possibly be done to maintain communication by steam between the mainland and the island. If it be true, and I rather apprehend that it is the fact, that no steam service can be effectually maintained all the year round, then we can only do the next best thing to carry out the terms of union, and that would be either the plan suggested of having steam launches or some auxiliary steam service between the two capes, or something of that kind. That can only be determined upon careful inquiry. The investigation to which reference has been made, was instituted by the Board of Works, for the purpose of arriving at some satisfactory and intelligent conclusion on that point. Communications have been received from a company of gentlemen in Prince Edward Island, with a view of placing the service in the hands of those who would be most interested in making the service efficient. These communications referred, not only to the service between the two capes, if that were found to be absolutely essential, but mainly to the service between Summerside and Shediac, and Georgetown and Pictou. All these matters were considered and negotiations were opened and are still pending, I believe, for the completion

of such a contract as would place this service in the hands of those who would be most likely to maintain it efficiently. Whether that be the best plan of doing it or not is a doubtful question. Hon. gentlemen from Prince Edward Island, who have spoken, think the service is of such a character that it should be kept in the hands of the Government, and that it would be more efficient than placing it in the hands of a company, however strongly they might be organized to maintain the service. The auxiliary service of two steam launches, from what we have heard to-day, seem to be the most practical way to deal with the question. I am exceedingly glad that the question has been discussed in the manner in which it has been, and all that has been suggested to-day will be brought under the notice of the Minister of Public Works, who has the most earnest desire to give all possible effect to this condition of the Union to which attention has been drawn. We are most anxious to afford every facility which could possibly be given to my hon. friend in the exertions which he is making, and which we desire to further. We are as anxious to maintain an efficient steam service as any of the hon. gentlemen can be, and if it is not done it will not be for want of effort on the part of the Government to accomplish it. The hon. gentleman proposes an address asking for the number of trips, etc. To avoid any delay I have brought down the return, and have it here in my hand and will lay it on the table so that my hon. friend who has moved in the matter may have the information which he desires at once. It has been brought down from the day he mentions—from the re-commencement of the service, 25th of January—to the 4th of March. I find that during that period of thirty-nine days, which, including the service both ways, would give a total of seventy-eight days, there were forty-eight when they did not cross, and thirty when they did. The number of mail bags varied very much, and it will be seen from the figures in the return that the service is a very important one and deserves all the attention the Government can give it for the purpose of making it effective. In answer to the enquiry which my hon. friend has made, I beg to say that the attention of His Excellency's

advisers has been directed to the practicability of assisting the boat service between Cape Traverse and Cape Tormentine, and they are considering, and anxiously desire to ascertain the best way to carry it out effectively.

HON. MR. HAYTHORNE.—May I be allowed to express my thanks to the hon. gentleman for the promptitude with which he has brought down the return and to say also that when we waited on the Minister of Public Works in 1879 one of the requests we had to make of him was that a commission should be appointed. I always have been of that opinion and am so even now, but what I want to say at present is, we have arrived at the ninth year of Confederation and it seems strange that after the experience we have gained in that time, we have to fall back on what should have been done in the first place. If the House will allow me I will read what the members of the other House and Senators from Prince Edward Island said on that point; it is as follows:

“The undersigned are aware that much diversity of opinion exists in Prince Edward Island as to the ports or places between which winter communication by steam can be most easily and regularly maintained; and they admit that on this point they themselves are not unanimous. They acknowledge that influences of a political and local character may perhaps have some effect on their judgment, but they are fully agreed on the expediency of instituting a searching inquiry into this subject in all its bearings, through the medium of a Commission, the members of which should be carefully selected by the Government for their independence, their freedom from local prejudice, as well as their competence in other respects. Their instructions might require them to report, not only on the points of approach and departure, but on the manner of conducting the steam communication in winter; on the fitness of the *Northern Light* for the service, and if deemed unfit, in what manner she might be disposed of and her place filled by a vessel of adequate power and suitable construction. The Report of the Commission should also deal with the kindred subjects of wharves, breakwaters or other structures required at the points of departure, also on the very important consideration of access to those points by Railroads.

It is obvious that these subjects embrace a wide range of enquiry, and that much time would be required to enable such a Commission to perform its work in a complete manner, but the undersigned submit that as all local interests and every shade of opinion would be represented before the Commission by competent witnesses, results might be

anticipated and summed up in its report, far more reliable and more worthy of public confidence than the opinions of individuals however large might be their capacity and wide their experience.”

That is the ground which the members from Prince Edward Island took in addressing the minister in 1878 and thereupon the minister referred us to this report of Mr. McLeod. It is a very useful report; I agree with a great deal of it but it does not go the length I have gone myself. It does not recommend the facilities which are required in assisting the service with steam vessels. I should prefer something larger than launches, but steam we must have in connection with that boat service or else the lives of Her Majesty's subjects and the safety of Her Majesty's mails will be endangered in the crossing of these Straits.

The motion was withdrawn the return having been brought down.

CHARGES AGAINST JUDGE JOHNSTON.

MOTION WITHDRAWN.

HON. MR. ALMON rose to withdraw the motion of which he had given notice, and which was as follows:—

That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before this House, a copy of the charges made by the Members of the *Halifax* Bar against Judge *Johnston*, County Court Judge, and a copy of what action, if any, was taken on said charges.

He said,—In doing so I beg leave to say that I do not retract one word that I uttered I feel that the charges are as grave as I stated them to be, and that if those charges were brought before this House an investigation would have to take place, and what the result would be I cannot say, because a man can never be said to be guilty until he has been tried; but if it should have the result which I fear it would, it is one which should not come from me. From circumstances which are known to those who come from the Province of Nova Scotia, I withdraw this motion with some reluctance, and feel that I am making public duty yield to feeling, which on the floor of this House I ought not to do. The hon. Senator from

Lunenbùrg (Mr. Kaulbach) says that the charges which I tell you are so grave "are unsubstantiated charges," and that there was "nothing advanced against that gentleman, of any importance." My hon. friend, the senior member for Halifax, (Mr. Power) said, I think that they were "frivolous." Holding such opinions, and hearing me express the views that I did, it is easy for them to prove that I am in the wrong. Let them take up the motion which I have dropped, and ask for an investigation of those charges. They must know that a judge's character, like Cæsar's wife, should be above suspicion. They are both members of the bar, and I think they are much more interested than I am in having these charges inquired into, and there are not the same peculiar reasons to prevent them from pressing for an investigation. I therefore withdraw the motion, feeling certain that the hon. gentleman from Lunenburg and the senior member for Halifax will take it up.

HON. MR. KAULBACH—I am very glad that my hon. friend's better judgment has prevailed and caused him to withdraw his motion. The charges are without foundation and it would ill become this body to inquire into the conduct of judges or the correctness of the decisions at which they arrive in the exercise of their judicial functions. I am glad that he has withdrawn his motion but I think in doing so he might have spared his friend the insinuations which he has cast upon him and refrained from maligning his character and position as he has done. I am sorry that he has endeavored to impress upon the minds of the House and the country that the gentleman to whom he refers is in any way guilty of the charges so vaguely and, as I believe, so unjustly made against him.

HON. MR. POWER—I feel strongly tempted to adopt the suggestion of the Hon. Senator from Halifax and to move for these papers.

HON. MR. ALMON—Hear, hear.

HON. MR. POWER (continuing)—But I do not think there is sufficient reason. The fact is, as the Minister of Justice is aware, certain charges were made against the Judge of the County Court for

the district of Halifax; that these charges were submitted to the Government and investigated by the proper officer and that the gentlemen who made the charges were informed that some of them were frivolous, that others were vague and that others were not proper subjects for inquiry, but they were informed that if they were prepared to formulate and press again one or two of the charges mentioned in their list, the Government would be prepared to order an investigation of them. The gentlemen who made the charges did not take the advice. The Government who have no reason to be friendly to this gentleman who is a political opponent, not finding there was sufficient ground for inquiry I do not think it is proper for this House to spend its time in considering the subject. Any time employed in discussing this matter is simply wasted, and it will be soon enough to ask for these papers when we find that there is some substantial charge made against Judge Johnson—some charge which the Government think is worth enquiring into.

ST LAWRENCE MARINE INSURANCE BILL.

SECOND READING.

HON. MR. RYAN moved the second reading of Bill (3) An Act to incorporate the St. Lawrence Marine Insurance Company. He said :—This is a bill to establish a marine insurance company with the usual powers, I believe, given to companies of that description. Those who seek the Act of incorporation are men of high standing and wealth, and fitted to manage a business of that description properly. Within the last few minutes I have been informed by a gentleman from Prince Edward Island that there is a marine insurance company there bearing the same name. However, as this bill is to go before a select committee of this House, I am sure if there is anything which makes the names and interests of the two companies conflict that those who are interested in this Company will be at once prepared to amend their Bill.

The motion was agreed to and the Bill read the second time.

HON. MR. ALMON.

NORTHWESTERN BANK INCORPORATION BILL.

SECOND READING.

HON. MR. GIBBS moved the second reading of Bill (29) "An Act to incorporate the Northwestern Bank."

HON. MR. DICKEY—I do not rise for the purpose of opposing the second reading, although my hon. friend has not offered the usual explanation of the object of the Bill. I merely rise to make the remark that it is the first of three bills on the order of to-day relative to banks, to be followed during the session by I do not know how many more. I am not a member of the Banking Committee, and therefore I merely call attention to the fact that there are so many bills for the incorporation of banks and I think it is well that the Banking Committee should investigate this matter and ascertain if there is any necessity for so many of these acts of incorporation. Now is the time to make the inquiry and have these banking incorporation bills brought before the House in such a way as to avoid putting them in the position of the third of these companies whose bills are on the order of to-day, asking for an extension of time and a change of name. I have no further remark to make except to call the attention of the House and of the Committee to the subject.

HON. MR. McMASTER—Most of the directors named in this Bill reside at quite a distance from Winnipeg where the bank is to be incorporated. Some of them live at Whitby, some at Oshawa and elsewhere. I think it is desirable that the incorporators should reside at or within a short distance of where the bank is to be established so that they can give that attention which is necessary to its organization. Probably the gentleman in charge of the bill will offer further explanations on that point?

HON. MR. GIBBS—This Bill is sought for the purpose of doing business principally in the City of Winnipeg. It is quite true as the hon. gentleman from Toronto states that some of the incorporators reside in the Town of Whitby. They are gentlemen of means and capital who desire to

establish an institution of this kind in the North West for the purpose of doing business in the Province of Manitoba and perhaps further West. They are gentlemen of means, character and reputation, and in my opinion may safely be entrusted with the powers which they seek to obtain at the hands of this Legislature. They ask for it in the usual way, and I do not know that gentlemen living in the Town of Whitby and desiring to place their money in the North West should be debarred from doing so because of their place of residence. They choose to place their money where it will yield them a better return than in the neighborhood in which they reside. They have asked me to take charge of this Bill, I know them all personally and can vouch for their respectability; I therefore ask the House to grant them the act for which they seek to-day. I might further state the Bill has passed the other House, and I believe at none of its stages met with opposition there.

The motion was agreed to and the Bill was read the second time.

MANITOBA BANK INCORPORATION BILL.

SECOND READING.

HON. MR. GIRARD moved the second reading of Bill (16), "An Act to incorporate the Manitoba Bank." He said: I will explain the objects of the Bill in a very few words, but before doing so I would refer to the remarks of the hon. gentleman from Amherst (Mr. Dickey). It seems to me that an application for the incorporation of a bank need not alarm the country. The establishment of a bank means progress and I am sure that the present application will be acceded to unanimously by this House, because it is the first attempt at incorporating such an institution in the city of Winnipeg. At that place nearly all the banks of Canada have established branches but we have no bank of our own or entirely in the possession of the people of Winnipeg and I think it is but right that some such bank should exist. The gentlemen who are named as having applied for incorporation are men of wealth and standing and in asking what they now do they offer every kind of

security. The capital of the bank is limited to \$1,000,000, and the gentlemen applying for the Act will be provisional directors. They will receive subscriptions, and as soon as a certain amount shall be subscribed the bank will begin business in the city of Winnipeg. In every way this bank will be under the general terms of the Banking Act. At the same time there are provisions in this bill under which the incorporation now asked for will cease if the terms of the bill are not complied with. I am satisfied, however, that the details will be fulfilled and that the bank will do as large an amount of business, and have as fair an amount of success as is enjoyed by all those banks which are in existence there.

The motion was agreed to, and the Bill was read the second time.

LONDON AND NORTH AMERICAN CHARTERED BANK BILL.

SECOND READING.

HON. MR. GIBBS moved the second reading of Bill (28), "An Act to amend the Charter of the Chartered Bank of *London and North America*, and change the name thereof to 'The Chartered Bank of *London and Winnipeg*,'" He said;—This is a bill to revive, amend and change the name of the Chartered Bank of *London and North America* to that of the Chartered Bank of *London and Winnipeg*. I believe the provisions of the Act are the same as the others which have been presented to this House, and it has already received the assent of the House of Commons. The gentlemen interested now ask for the assent of this House to the Bill, which I trust will be granted.

HON. MR. MCMASTER—I do not oppose the Bill but there are one or two exceptional things in it. It is reviving a bill passed in 1876 incorporating a bank with an array of very prominent names as provisional directors—all of whom reside quite a distance from the place where it is now sought to establish the bank. I find the following names—James Domville of New Brunswick, President of the Maritime Bank; Hon Mr. Chicic, Senator and President of La Banque Nationale; Hon. John Henry Pope, director of the Eastern Townships Bank; Hon. Henry A. D.

Kaulbach, Senator, of Lunenburg Nova Scotia; Hon. Clement Francis Cornwall, Senator, of British Columbia; Hon. Thomas Heath Howland, director of the Bank of Prince Edward Island; Angus Morrison, Mayor of Toronto—now these gentlemen all reside a great distance from Winnipeg where this bank is sought to be established. It is quite evident they have not taken any interest in the bank heretofore, and I merely suggest to the promoters of the Bill whether it would not be better that he should be prepared, when the Bill goes before the Committee, to add a number of names from Manitoba, in addition to the few that are in the Bill, who will be on the spot to see after and take charge of the organization.

HON. MR. GIBBS—I do not know why that should be necessary. Corporators in the city of London, England, are directors of a business as far away from London as British Columbia, and they manage its affairs as seems best to them and for the promotion of the bank's interests. Although perhaps the persons desiring incorporation may not object to the suggestion that has just been made—that other gentlemen should be added—I do not know whether we should be able to correspond with all those gentlemen in time to do that and place their names upon the Board of Directors as corporators. At any rate I do not see what objection there can be to giving an Act of incorporation simply because the gentlemen live at a distance from the place where they do business. Most banks in the country have head offices; they do their business, most of them, in the city of Toronto and in Montreal, and they have agents in various parts of the Dominion, as seems best in the interests of the shareholders and for the advancement of the bank generally. I presume it is the purpose of these gentlemen, whose application is before us, to act in precisely the same way. I do not know why gentlemen in Australia cannot be owners of bank stock in the Province of Manitoba. I should not be surprised if we find before very long that the hon. gentleman who has raised these objections, has invested some of his capital in that direction, and is endeavoring to make that country still more prosperous.

HON. MR. GIRARD.

The motion was agreed to and the Bill was read the second time.

QUEBEC TIMBER COMPANY INCORPORATION BILL.

SECOND READING.

HON. MR. SKEAD moved the Second reading of Bill (32), "An Act to incorporate the Quebec Timber Company, Limited." He said:—This is an association wishing to be incorporated in Canada; they are now I believe incorporated in Scotland under the provisions of an Act of the Imperial Parliament for the purposes hereinafter mentioned, and they are now praying to be incorporated in Canada for the purpose of purchasing the large and extensive mills of the Messrs. Atkinson at Etchemin, Quebec. They want to hold limits, to purchase timber lands and generally to trade in timber. They have limits in Ontario as well as in the Province of Quebec, and it is a Bill which I think will be of great use to the country. The association seems to be composed of men of wealth, and they want to be organized under some special arrangement of their own. Further explanation will be given and the charter of the Scotch Company will be produced before the Committee, if necessary; the said Bill I may add has passed in the House of Commons.

HON. SIR ALEX CAMPBELL—A question arises in connection with this bill which I think it is desirable to bring under the notice of the House. It is this that this Company already exists as a Corporation; it exists apparently in some Scotch Act. I presume that that Act is in force in Canada or else it would not be recited in the preamble. If it is in force here then we have proof of its already existing here, yet this Parliament proposes to incorporate it again. Well that cannot be; you cannot have a double-headed corporation. You cannot have a corporation which owes its existence to foreign legislation and at the same time to the legislation of this House. The question has come up with reference to other bills in the House of Commons, and it has been discussed there before the Private Bills Committee with reference to a bill which originated in Ontario, and a company, having its charter

from the Legislature of Ontario, asking another charter from the Dominion Parliament by its corporate name. This company, being in existence in Canada, cannot have a double corporate life; it can only have a single corporate life. But supposing they are incorporated here by force of this Imperial Act, then they cannot come here in their corporate name and ask us for incorporation. If they want to get an act of incorporation they must have no other life except that which we give them. You cannot add to their powers in the way that is proposed to be done. I think it should be taken up by the Private Bills Committee, with some conference with the same Committee of the other branch of the Legislature, and they might arrive at some conclusion upon that point. It seems to me there is another objection. A company owning mills in Quebec, when desiring the acquisition of land in Ontario or the United States, does not get an act of incorporation from the Dominion, and I do not think it is sufficient authority for the Dominion Parliament to act, simply because the parties want to acquire land in the rest of Canada. They could do that supposing they had no existence under this Scotch law at all. They could be incorporated by the Province of Quebec and by that protection they could come here and by their corporate name acquire timber limits, float logs down, and do all they wanted. Supposing the Bill is to be passed at all, I think it should originate and be complete in the Province of Quebec. I do not think that the reason given—that they want to acquire land here—is sufficient. They propose to do their business in Quebec, and it seems to me they ought to get their corporate powers there, if at all. I think the other point is one for the Private Bills Committee, in order that we may arrive at the same conclusion here as has been arrived at in the other House.

I do not know that the Private Bills Committee in the other House has pronounced upon the point, but I know it was under discussion with a view of arriving at a decision on this point, whether a company already incorporated, and having an existence in the country could come and take a second act of incorporation—having as it were a double existence. Hon. gentlemen will see without my ar-

guing what grave confusion it would lead to. Supposing it should turn out hereafter, that some of the gentlemen in Scotland have not been consulted, and when they find what has been done, they should say: "We do not want to acquire limits or pine lands in the Dominion of Canada, we want them in Quebec only, and this is something quite novel to us." There is no remedy against that, and you would have legislated in one place for one purpose—a limited one—and they would be incorporated in another place for a different purpose, a sort of double-headed corporation, with increased liabilities, increased risks and all that kind of thing, which would lead to very great confusion. I mention the point because it is an important one, and I am sure will receive the grave attention of the members of the Private Bills Committee, and I believe will be dealt with by them. I would suggest a conference on the subject with some of the legal gentlemen upon the Committee on Private Bills in the other branch of the Legislature.

HON. MR. SKEAD—I hope the hon. leader of the House will permit the Bill to go to Committee for it has passed the other House and has been fully discussed there. When it is before the Committee, evidence will be produced that will, I think, be satisfactory to the Committee and to the House also.

HON. MR. RYAN—While the House is on this subject I should like to refer to a Bill that was passed last session; it was called, I think, the "Consolidated Gold Mining Company's Bill." If I remember right in that case a charter was given to a company doing business in New York under a New York charter. They came to this House under similar circumstances and asked for a charter and got it. I thought at the time that it was objectionable, but as there were higher authorities on the subject than I was, I did not press my objection strongly—besides I was interested somewhat in the company and it was not my business to interfere. However, such a Bill passed last session, and I fancy that the Committee to which this Bill is referred will have the Consolidated Gold Mining Co's charter, as a precedent, to contend with.

HON. MR. DICKEY—The incident cited by the hon. gentleman for Victoria furnishes, perhaps, the strongest reason for calling attention to this legislation, because if such a thing has occurred it is high time that we should look at those Bills more closely as they come before us when our attention is directed to them. I entirely concur in what has fallen from the hon. Minister of Justice on this point. I know of no reason why a corporation regularly constituted in England or Scotland may not acquire property here in their corporate name and hold it. With regard to this Bill it professes in the first place only to ask power to purchase land in Quebec, and then, strange to say, it goes on asking us to grant them power to purchase land in the Dominion of Canada and in the United States. This is a point that requires some explanation. Then when we look a little further into the Bill we find a still more dangerous clause; I allude to section five which empowers the company to purchase and sell, accept or endorse and make bills of exchange or promissory notes, without any restriction whatever. Hon. gentlemen who have been on those Committees, and who watch closely the proceedings of this House know very well what pains have been taken to restrict this power of making bills of exchange and scattering them over the country. One of the indispensable provisions has always been that such companies shall not do any business that partakes of the nature of banking; but here is a power given in these couple of lines, which a Banking Committee would require a dozen clauses to restrain within proper limits. This is all the more remarkable inasmuch as the last clause is of this extraordinary character:—

"The chief office of the Company shall be their registered office for the time being in Scotland, but the Company may appoint and have officers, agents, and servants in Canada for such purposes and with such powers as the Company may assign to them respectively."

No chief office in this country, yet the Company may appoint and have officers, agents and servants in Canada in such places and with such powers as the Company may assign to them! There is no protection to the public: you give the Company a sweeping power to purchase,

sell and issue promissory notes, and you have no office in Canada where the holders can go to look for payment. It is one of the extraordinary features of the Bill that occurs to my mind at the moment.

HON. MR. READ—I believe that a similar Bill has just now passed the other branch of the Legislature in which a company organized in New Jersey and applies here for an act of incorporation under circumstances somewhat similar to those of this Quebec Timber Company. They base their charter on the legislation passed for other companies—the Canada Consolidated Gold Mining Company, for instance. I refer to the New York and Ontario Furnace Company. The Company carry on furnace works in New Jersey, and they wish to extend their business to this country. If my memory serves me right I think we have other precedents for this legislation. If I am not mistaken the Trust and Loan Company have an Imperial charter as well as a Canadian charter.

HON. SIR ALEX. CAMPBELL—Yes, they have a Royal patent.

HON. MR. READ—While it is necessary that this matter should be looked into, I think we have precedents enough to guide us, and the industries of the country should not be retarded by little matters of law, or we should make the law so that they should not be retarded. This Furnace Company have entered into arrangements to erect large furnaces in this country, and a large amount of local aid is being given to this enterprise for which they are now seeking a charter. Parliament should not do anything that would tend to retard the development of such enterprises amongst us. We want the whole of them, and if people are prepared to come here and invest their capital in such enterprises they should be encouraged.

HON. SIR ALEX. CAMPBELL—Nobody would for a moment interpose to prevent the spread of activity in business, on the contrary, everyone would be most anxious to afford every facility for the promotion of such enterprises, but we must do so legally. Supposing this difficulty exists the charter would be illegal, and

therefore it is in the interest of the Company itself that we should go safely. It is not with the view of interposing difficulties that these objections are raised, but to facilitate matters safely.

The Motion was agreed to, and the Bill was read the second time.

CONTINGENT ACCOUNTS.

THE THIRD REPORT OF THE COMMITTEE ADOPTED.

HON. MR. READ moved the adoption of the third report of the Select Committee on Contingent Accounts. He said—This is a recommendation that the estate of the late Mr Montezambert be paid one hundred dollars for books that the late Law Clerk seemed to have an interest in.

The motion was agreed to, and the report was adopted.

ROYAL ACADEMY OF ART BILL.

SECOND READING.

HON. MR. ALLAN moved the second reading of Bill (O) "An Act to incorporate 'the Royal Canadian Academy of Art.'" He said: this Bill is for the purpose of incorporating the Royal Canadian Academy of Art, founded in 1879 by His Excellency the Governor General and Her Royal Highness the Princess Louise. The objects of the Society are stated in the preamble of the Bill to be briefly the encouragement of design as applied to painting, sculpture, architecture, engraving and the industrial arts, and the promotion and support of education leading to the production of beautiful and excellent work in manufactures; and then the Bill sets forth the methods by which they hope to attain these objects. The provisions of the Bill are mainly founded upon the constitution and by-laws of the Society as they were prepared at the time of the first formation of the Academy. The Academy, as hon. gentlemen are aware, is now by sanction of Her Majesty entitled to call itself the Royal Canadian Academy of Art, and they now ask for an Act of Incorporation in order better to carry out the objects of the Association.

HON. MR. ALEXANDER—I desire only to make one observation—when I had the honor on a former sitting of this House to submit for its consideration, a motion to encourage native genius in connection with the art of sculpture, the mover of this Bill displayed upon that occasion so much disinterested and enlightened patriotism and love of art, that I am bound to give this Bill my support. It would be ungrateful on my part if I omitted now to express how deeply I appreciate the noble efforts which the hon.

mover put forth on that occasion, to encourage one who is likely to become one of the brightest ornaments of this School of Art. I further desire to refer to the venerable and honorable Senator (Mr. Botsford) who thought himself the highest authority on constitutional law and practice, but who misled this Chamber upon a certain occasion lately, contrary to precedents cited from the House of Lords. I hope and trust that the hon. gentleman will not upon the present occasion have any compunction and prevent this Bill being read a second time.

The motion was agreed to and the Bill was read the second time.

The Senate adjourned at 5.50 p.m.

THE SENATE.

Ottawa Tuesday, March 21st, 1882.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

CANADA SOUTHERN AND ERIE AND NIAGARA RAILWAY BILL.

THIRD READING.

HON. MR. DICKEY, from the Committee on Railways, Telegraphs and Harbors, reported Bill (14), "An Act respecting the Canada Southern Railway Company and the Niagara Railway Company" without amendment.

HON. SIR ALEX. CAMPBELL moved the third reading of the Bill.

The motion was agreed to, and the Bill was read the third time and passed.

OTTAWA AND ARNPRIOR JUNCTION RAILWAY BILL.

REPORTED FROM COMMITTEE.

HON. MR. DICKEY from the Committee on Railways, Telegraphs and Harbors reported Bill (18), "An Act to incorporate the Ottawa and Arnprior Junction Railway Company" with several amendments. He said:—The amendments are chiefly applicable to the fourth section which asked for an unlimited power to build branch lines. That we restricted by making it entirely conformable to the provisions of sub. sections 17 and 18 to section 20 of the Consolidated Railway Act. It also asked for an unlimited power to purchase railways and to sell them to any company whatever. There is power asked for and granted to amalgamate with certain specified railways but the company is confined, in selling or leasing, to those specified companies instead of leaving them the unlimited power they ask for to amalgamate with any company whatever. Again, in the clause which has given so much trouble, with regard to promissory notes, they ask for unlimited power to issue such notes for any amount, no matter how small. We have amended that to confine it to notes of not less than \$100 each. We protect the public by a provision that when a bill of exchange is made by the President or Vice-President and countersigned by the Secretary, it shall be valid.

BILL INTRODUCED.

Bill (48), "An Act respecting the Niagara Grand Island Bridge Company." (Mr. Macfarlane).

GARDINER'S RELIEF BILL.

SECOND READING.

The order of the day having been read for the second reading of Bill (L) "An Act for the relief of Matthew Gardiner," and that the parties be heard by their counsel.

HON. MR. FERRIER moved that the witness who served the notice be called and examined at the bar.

The motion was agreed to, and the witness appeared at the Bar, and was sworn by the Clerk.

HON. MR. FERRIER moved that the following questions be put to the witness :

"What is your name, occupation and place of residence ; and do you know the petitioner, and Elizabeth Ann Gardiner, his wife?"

The SPEAKER—Is it the pleasure of the House that the question be put?

The motion was agreed to.

The Clerk then read the question from the table.

The WITNESS (reading)—Harry Dallas Helmcken, of the City of Toronto, student at-law. I know the petitioner, and Elizabeth Ann Gardiner, his wife, and I have served upon her a duplicate of the Bill now before the House for the relief of Matthew Gardiner, and produce the document, being a duplicate of the Bill served by me on the said Elizabeth Ann Gardiner. I compared the document served by me with the document now produced, and ascertained that it was a correct copy before I served it.

HON. MR. KAULBACH asked that the document be produced.

HON. SIR ALEX. CAMPBELL—It will be produced, no doubt, before the next question.

HON. MR. FERRIER—Did you serve the order now produced with the said Bill by leaving a copy of it with the said Bill, and did you compare the two to ascertain that you served a true copy of such order?

The WITNESS—I served the order now produced with the said Bill by leaving a copy of it with the said Bill at the time of such service, and I compared the two to ascertain that I served a true copy of such order.

HON. MR. FERRIER—When and where did you serve a copy of the said Bill and order, and to whom did you deliver the same?

The WITNESS—I served a copy of the said Bill and order on the said Elizabeth Ann Gardiner by delivering the same to herself in person at her present place of residence, 79 Girard street, in the city of Toronto on the 9th day of March instant.

HON. MR. FERRIER moved that the witness have leave to withdraw.

The SPEAKER—The witness may withdraw.

HON. MR. FERRIER moved that the petitioner present at the Bar of the Senate for the purpose of being examined as well generally as in regard to any collusion or connivance between the parties be not now examined, but that it be an instruction to any select committee to whom the Bill on the subject may be referred to make such examination.

HON. SIR ALEX. CAMPBELL—The House should pronounce in some way that the evidence of the service of the Bill is satisfactory, if it is satisfactory.

The SPEAKER—Hon. gentlemen, is the House satisfied with the evidence that has been given at the Bar that the service has been regularly and properly performed.

Hon. gentlemen—Content.

THE SPEAKER—Carried.

HON. SIR ALEX. CAMPBELL—It ought to appear on our Minutes that the person who asks for the Bill is at the Bar, and is ready to be examined.

HON. MR. FERRIER moved that the said Bill for the relief of Matthew Gardiner be now read the second time.

The motion was agreed to, and the Bill was read the second time on a division.

HON. MR. FERRIER moved that the said Bill, entitled "An Act for the relief of Matthew Gardiner," be referred to a select committee composed of hon. Messrs. Dickey, Kaulbach, McInnes (British Columbia), Skead, Sutherland, Read, Gibbs, Hope, and the mover, with power to send for persons, papers and records, and that all persons summoned to appear before the Senate in this mat-

ter appear before the said committee, and that the said committee have leave to sit on Saturdays and other non-sitting days, and that the petition of the respondent be also referred to this committee.

HON. MR. ALMON—I have not the slightest objection to make to the committee, but it appears to me to be a matter of justice, and more fair to the defendant, that she should have something to say in the appointment of the jury who are to try the case.

HON. SIR ALEX. CAMPBELL—The House names the committee.

HON. MR. MILLER—I was going to call the attention of the mover of that resolution to the fact that there is a redundancy in it, inasmuch as he asks for power for the committee to sit on non-sitting days. Any committee of this House has power to sit on non-sitting days. That is the practice of the House of Lords as laid down in *May*, and I do not wish to be understood as assenting to what may be a precedent for having to ask leave for a committee of this House to sit.

HON. MR. FERRIER—I have just followed the wording of a similar motion in the Lyon divorce case reported on page 120 of the Journals of the Senate, 27th of March, 1878.

HON. MR. MILLER—There you see the effect of a bad precedent, for there is no doubt that committees of this House have power to sit on Saturdays and non sitting days.

HON. MR. DICKEY—The objection taken by my hon. friend is perfectly correct, and although there have been cases such as have been mentioned by the hon. gentleman opposite (Mr. Ferrier) he will find that in later cases it has not been thought necessary to insert that provision in the resolution; therefore it is simply a redundancy. As my name has been referred to in connection with the committee hon. gentlemen will perhaps pardon me for referring to a question that has been raised by the hon. leader of the House as to the sufficiency of the proof of service by

affidavit. On that occasion although I had no interest in this matter I thought it but right to suggest to the hon. gentleman who has charge of this Bill that the affidavit of service would be quite sufficient if it was the pleasure of the House to receive it. On that occasion I was told it was quite true that there might be precedents for the reading of the petition on an affidavit of that kind, and my attention was called to the 73rd rule which simply required evidence upon oath, but I was told, and it was strongly contended on the other hand that there was no such precedent for any reference under the 76th rule on the second reading of the Bill—no precedent for dispensing with the examination of the witness at the bar; that the affidavit is made at the bar and sent up to the House and placed by the gentlemen in charge of the Bill on the table. I stated that I thought there were precedents in that direction but I was told there were no such precedents. If I found that I was mistaken, I should have been the first to correct any misapprehension under which I had placed the House, but I find, hon. gentlemen, that I was perfectly correct, and I refer my hon. friend now to the proceedings which took place on the 5th of March, 1875, in this House in the case of the Peterson divorce case. Then the proceedings adopted were exactly what my hon. friend who has charge of this Bill took on Thursday last. An affidavit was produced of the service of the notice of the petition on the second reading, not merely on the presenting of the petition but on the second reading of the Bill, and it appears in this form, and the House will say as I go on that I have very high authority for it because the proceedings were taken by a Minister of the Crown:—

“The return of Archibald Henry Macdonald of the town of Guelph, in the county of Wellington, and Province of Ontario, Barrister at law, relative to service of notice for a Bill of Divorce on Emma Grange, wife of Henry William Peterson, was then handed in and read by the Clerk.

“The Honorable Mr. Aikins moved seconded by the Honorable Mr. Leonard,

That the return on oath of the said Archibald Henry Macdonald of the service required by the 77th rule of this House to be made on the party from whom the divorce is now sought by the said Henry William Peterson, be deemed sufficient.

The question of concurrence being put thereon the same was, on a division, resolved in the affirmative."

It appears to have been objected to, because "the question of concurrence being put thereon, the same was on a division resolved in the affirmative." So there was a precedent, and I believe my hon. friend on my left objected to it at the time. What I contended was that the House did not require that the witness should be examined at the bar. I hope the House will not expect any apology from me for setting myself right on a point like this, because it is of some consequence that we should adhere to the regular procedure in such matters.

HON. MR. KAULBACH—I am glad that my hon. friend has brought this matter up and set himself right before the House, so that in future we shall know what to do in such cases. I see by a manual of procedure of the Senate, which has been placed in our hands (by whom I do not know) that the course which my hon. friend from Amherst (Mr. Dickey) says is the correct one, is laid down there at page 76, as follows:—

"On the day appointed for the second reading, the order being called, the member in charge presents, Firstly, The Clerk's certificate that the notice was posted on the doors of the Senate, and it is read by the Speaker. (R. 76, Sen. J., 1878, p. 79.)

Secondly, The return of service on the respondent. The return is read by the Clerk, and motion is made for the second reading of the Bill, unless the allegations of the return are not deemed sufficient. In that case the member in charge informs the House that A. B., who served the notice, is in attendance, and asks that he be called in and examined. (Sen. J., 1878, p. 120.)"

This procedure appears to be consistent with precedents we have in other cases before us, and with the strict construction of the rules of the House, sections 76 and 77. I am very glad that there should be no mistake made with regard to this manual which has been placed before us. If it is to be our guide it should be correct, so that in future parties will know how to proceed.

HON. MR. FERRIER—From the remark which fell from the hon. member from Richmond, I wish to know whether in the opinion of this House those words should be struck out.

HON. MR. DICKEY—No; they are mere redundancy.

HON. MR. SKEAD—It appears that there is some dissatisfaction with the committee named in this affair, and I should like in all seriousness to withdraw my name. It is the last committee on which I should imagine anyone would wish to serve, but if there is any hon. gentleman who would like to take my place, I should be glad to let him have it. If I might be allowed to make a suggestion, I would name my hon. friend from Halifax (Mr. Almon); I daresay a medical man would be useful on a committee of this kind.

HON. MR. ALMON—I have not the slightest wish to serve, only it appeared to me rather unfair that the petitioner in this case should nominate the committee. It seems to me that it is not consistent with the rules of common fairness which I learned as a schoolboy and which have guided me ever since. I have great objection to serve on that committee, because my views differ very greatly from those of the majority of this honorable body. When I first came here a divorce case was before the Senate, in which the adultery was witnessed to have been committed by two parties. I believe that when Francis, the supposed author of the Junius letters, while holding a legal appointment in Calcutta, was accused of adultery, but as the fact had been only witnessed by one person, and according to Indian law no one could be convicted for such an offence unless witnessed by three parties besides the two engaged, he was acquitted. From what I heard in the first case which came up after I was appointed to the Senate, I should say that in Canada two witnesses are not sufficient. My view is that much less evidence is required to convict than this body had before them in that case, and therefore I should object to serve on the committee, for that, if for no other reason. I do not object to the members who have been named, but I do object to such a mode of appointing a tribunal of this kind, which has to act in a judicial capacity. I do not believe that we should be called upon to deal with such cases, but that they should be decided elsewhere, but so long as they continue to come before us, I think in all fairness the

accused should have something to say about the appointment of the committee, although, personally, I have not the slightest objection to any of the gentlemen who have been named.

HON. SIR ALEX. CAMPBELL—The hon. gentleman who has just spoken does not keep quite in mind that although the motion comes from the hon. Senator who moved the second reading of the Bill, yet it must receive the sanction of the Senate, and it must be presumed that he is acting with perfect fairness to the House and does not name any one from whom the utmost impartiality could not be expected. If the House adopts the motion the committee is named by the House. If it could be shown that any member is biased, of course an objection could be made, and if there was such objection to any member I am sure he would at once ask to have his name withdrawn. The hon. Senator from Amherst has certainly cited a precedent for admitting an affidavit instead of requiring oral evidence at the bar, but I did not say anything about a precedent or the non-existence of a precedent. What I said was that the rule of the House required the presence of the witness at the bar. My hon. friend quoted the 73rd rule to show that an affidavit should be accepted. I said that was a preliminary proceeding and quoted the 76th rule to show that there was clearly a distinction between the two rules, the one requiring simply evidence to satisfy the House and the other rule requiring specifically and in so many words the presence of the witness at the bar. Then the hon. gentleman said that that could be dispensed with if the House so pleased. I assented to that and said it could be done if the House was unanimous. The hon. gentleman who has charge of the bill had not given any notice of the intention to present an affidavit instead of having the witness examined at the bar, and therefore the request, being made at the moment, could only be granted by the unanimous consent of the House. I was not arguing as to the existence or non-existence of a precedent, but as to the legal effect of the rule. If my hon. friend will read the report of what I said he will find that I did not lay stress on the question of precedent, because I could not expect to be informed as to precedents. These

things occur and pass out of one's mind and I seldom cite precedents because I do not retain them in my memory. I think, however, that it would be unwise to depart from the rule. It might in some cases be exceedingly desirable that the witness should appear at the bar of the Senate so that we might ascertain whether the service actually took place. I remember one case in which the service was effected in the United States, and there was quite a cross-examination as to whether the witness was sure of the identity of the person on whom he had served the papers. Such a case might occur again. Half a dozen cases of that kind might be imagined in which it would be very desirable and important that the witness should appear at the bar of the House and it is because it is so desirable and important that the 76th rule requires oral evidence instead of an affidavit.

HON. MR. DICKEY—My hon. friend certainly stated distinctly that I was mistaken in supposing that the affidavit was sufficient—

HON. SIR ALEX. CAMPBELL—I say so still.

HON. MR. DICKEY—I stated there were precedents for the affidavit, but my hon. friend tells me at once that I am mistaken.

HON. SIR ALEX. CAMPBELL—No. I did not say so, it is not here in the report.

HON. MR. DICKEY—The hon. gentlemen said: "I have no objection to whatever course the House will pursue, but my hon. friend is mistaken in supposing that an affidavit is the proof required by the rule." Then he goes on to say this proof on oath is required with reference to the service of the preliminary notice, that is, the notice of the intention to apply for a bill of divorce; that is the notice which my hon. friend says might be supplied by affidavit. But when you come to the 76th rule, which is the one we were discussing the other day, and the one which applies to the second reading, "the language is changed and it is not then proof on oath merely, but proof on oath

at the bar of the Senate." So that my precedent was questioned as not applying to the second rule, and the House acted upon that impression. I certainly did not challenge it any further, because I did not want to put my memory or my opinion against the opinion of the leader of the House.

HON. SIR ALEX. CAMPBELL—I did not say my hon. friend was mistaken in his precedent; I said he was mistaken in his belief that the rules were identical.

HON. MR. DICKEY—My hon. friend to-day has gone farther; he says it is not sufficient to move the suspension of the rules, but they ought to give notice. Now I have quoted to him from the journals here and shewed him that it was done without giving notice and that it was resolved on a division that this be dispensed with at the moment, and the Bill was received and read the second time. That action was taken by my hon. friend Mr. Aikins at the time, and I thought that was the very best authority.

HON. SIR ALEX. CAMPBELL—The rule was not suspended; it was said that that was sufficient—that was all.

HON. MR. MILLER—The House will perceive the wisdom of adhering strictly to the rules in a matter of this kind where we are acting in a judicial capacity. I recollect the case that my hon. friend alludes to, and I know that I opposed accepting evidence by affidavit of the service. I think the leader of the House is perfectly right in the interpretation he gives to that clause of the rules of the House. On the case in question I took the same ground he has taken now, and I say it only shows the wisdom of adhering strictly to the rules and not allowing any precedent which might conflict with their spirit to get upon our Journals, because it has the effect of continuing the irregularity and in some cases may work very serious injustice.

HON. MR. DICKEY—I am not discussing the question whether it would be better to have the evidence taken at the bar of the House or to have it upon an affidavit. Upon that fact I stated frankly that the House had generally been in favor of examination at the bar, but I said

there was a precedent for this on the second reading and that was the question, and I did not like a statement I had made here to be questioned. I may state, now that I have called the attention of the House to the fact, that a Minister of the Crown moved this same resolution which was proposed last Thursday; that was on the second reading. It was moved by the Hon. Mr. Aikins and was to the effect that the affidavit be considered sufficient proof of service, and was carried on division; it was not on reading the petition, it was on the second reading of the Bill. So that it appears to be my misfortune to be misunderstood in this matter, although I have read the words out of the report in the hearing of every gentleman here. Now I am told that the division which took place was on the second reading. Of course it was, but it was carried on a division, this very resolution which was questioned, and my hon. friend was one of those who questioned it and he had a perfect right to question it. I said the other day that any hon. gentleman had a perfect right to object if he thought proper to do so. Now I will set myself right here, and will again read the record.

(The hon. gentleman again quoted from the journals.)

HON. SIR ALEX. CAMPBELL—I must again deny that I questioned the precedent in any way. What I questioned was the interpretation of the rule.

The motion was agreed to on a division.

SAULT STE. MARIE BRIDGE COMPANY BILL.

AMENDMENTS CONCURRED IN.

HON. MR. DICKEY moved concurrence in the amendments made by the Committee on Railways, Telegraphs and Harbors to Bill 43, "An Act to incorporate the Sault Ste. Marie Bridge Co."

HON. SIR ALEX. CAMPBELL—Will my hon. friend explain the motion, or was it explained yesterday?

HON. MR. DICKEY—The amendments are not very formidable. They

are chiefly verbal ; the most important is the power they ask to make regulations with regard to this bridge. I myself took exception to giving too extensive powers because it might lead to amalgamation with a railroad company in the United States. A bridge company was a very different thing because it might happen there would be two companies empowered to bridge a stream which divided the two countries and they naturally might wish to amalgamate, and I therefore struck out the word "Railway Company" and inserted the word "Bridge." That was the most important. Then in the section which gave power to them to take action without any reference whatever to the provisions of the present Act, we inserted the words "that all said action should be taken subject to the provisions of this Act." The only other important amendment was that this word "Company" should be considered to mean the company incorporated by this Act, or such amalgamated company, so as to make the checks and guards in the Bill apply to the consolidated company, in case it should be formed, as well as to the company mentioned by the Act. The other amendments are strictly verbal.

HON. SIR ALEX. CAMPBELL—I am much obliged to my hon. friend for the explanation. There is another point which has been under the consideration of the Government, in reference to these bridges extending from Canada into the United States, which is, the desire that in all bills for incorporating such bridge companies, there should be a clause to the effect that the Act should not go into operation until it has been proclaimed by the Governor General. The object of that was to take care, that in some way or other, the consent of the United States Government was signified to the Bill. We thought, and I am of the opinion that the House will think, there might possibly be some complication with the United States Government, with reference to these bridges. This particular bridge at Sault St. Marie does not probably interfere with navigation, because there is no navigation above the Sault, at least just at the Sault. But there are other cases of the incorporation of bridges in other places asked for along the St. Lawrence, and one or two or three below Prescott, where the river is the border, Canada being on one side

and the United States on the other. Now the bridges incorporated for the purpose of traversing the river there, might or might not give rise to complications with the United States with reference to the navigation to which they are entitled, in consequence of these bridges, the entering of the channel, the character of the bridge, or some other complication of that kind; and we think that where a company is incorporated to construct a bridge one side of which is to be in the United States, there should be signified to the Government of this country the assent of the United States in some definite way. It was thought it might be done in this way; that if these bills had inserted in them a clause that they did not come into operation until after the proclamation of the Governor General, then the persons who are interested in this Bill might correspond with the Government at Washington, and might procure some official communication from the Secretary of State there to the Secretary of State here showing that the United States had no objection to that bridge. In that way we could avoid ulterior complications. I will suggest to my hon. friend, the chairman of the Committee, that in future that point may be brought to the notice of the Committee. I do not know who has charge of this particular Bill, but I hope that he will let this clause be inserted: that the Act shall not go into operation before a day to be fixed by the Governor General-in-Council.

HON. MR. READ—I have had charge of the Bill. It has passed the House of Commons, and has come up here. Perhaps it would be better to lay it over until I telegraph to find whether there is any objection to a clause of that sort. It would perhaps be more prudent, and I can easily communicate with those interested. Mr. Bell was here when it was before the committee. I think there is no objection to such an amendment.

HON. SIR ALEX. CAMPBELL—I do not think they will object to it at all.

HON. MR. READ—I do not think they will myself; but it will be better for me to postpone it until Monday.

HON. MR. DICKEY—I do not think there will be any danger in the delay.

As reference has been made to me, as chairman of the committee, I have pleasure in saying that I am in favor of such a clause. It struck us in the committee, but we had no precedent, as no objection was ever taken to those bills that have been passed from time to time. I think it is very proper that a proviso should be inserted in some way or other by which conflict or confusion might be prevented, and a clause requiring the proclamation of the Governor-General in Council would meet this. I can only say that in any bridge bills that may come before us in the future, I shall feel it my duty to communicate with the leader of Government on that point.

The motion was agreed to.

GREAT WESTERN RAILWAY LAWS AMENDMENT BILL.

AMENDMENTS CONCURRED IN.

HON. MR. VIDAL moved concurrence in the amendments made by the Committee on Railways, Telegraphs and Harbors to Bill (M) "An Act to amend the Acts relating to the Great Western Railway Company." He said—These amendments, although at first sight they appear numerous and might seem to require some consideration, if a little attention is bestowed on the minutes, as recorded on page 175, it will be at once seen that they are really very unimportant, and mainly refer to a change in certain figures. I might say that the amount originally inserted in the Bill was considered to be right, but inasmuch as the business to which it refers is transacted in England it was only when they received from England a correct statement of the exact figures of the bonds which had been issued at that date that they were enabled to put in the exact amount. It is very desirable that the amount should be accurate, and these alterations are simply in order to correct a very trifling error. There are two or three amendments, one of which is mentioned here on page two, line forty-two, where some twelve or thirteen additional lines are inserted in the Bill simply to bring it into harmony with the alterations and changes made in the figures. The effect is not to give the Company any enlarged powers. If it has any effect at all it is to restrict them in the interests of

the public. It is merely showing that the extent to which they are permitted to issue their bonds shall be reduced when in place of those bonds money is invested in other securities. A little further down power is taken to change the day of rendering their annual accounts, and the day for holding their annual meeting. These are strictly following the legislation which has been granted by this Parliament to other companies, and the latter one is amended by the clause which requires that it shall only be done with the consent of two-thirds of the stockholders. There is really nothing that is important in the amendments which have been made in committee. They were very carefully considered there and assented to by that committee without a division.

I have to ask the indulgence of the House to make yet two trivial amendments, that were overlooked or not thought of while the Bill was in the committee. They are merely verbal. I wish to explain why I do not propose to make the amendments at the third reading; I think it will be much more convenient to the House that the Bill should be printed perfect with all the amendments in it. As it now reads it almost implies that the running of steamboats and the carrying of freight on vessels is a part of the business of the railway. They do not wish it to appear as being in their business; they wish it to appear as being in connection with their business. Another amendment is in the 10th section making no change whatever in the meaning of the clause, but simplifying it in its expression.

HON. SIR ALEX. CAMPBELL—We are now upon the reception of the report of the Committee, and cannot very well add anything to the Bill at this stage. When it comes before the House for third reading it will then be open for amendment.

HON. MR. VIDAL—I see that the amendment cannot be properly made now; I ask, therefore, that it shall stand as a notice of amendment to be made at the third reading.

The motion was agreed to and the report was adopted.

The Senate adjourned at 4.35 p.m.

THE SENATE.

Ottawa, Wednesday, 22nd March, 1882.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THIRD READINGS.

The following bills, reported from the Committee on Banking and Commerce, were read the third time and passed :

Bill (3) "An Act to incorporate the St. Lawrence Marine Insurance Co." (Mr. Ryan.)

Bill (29) "An Act to incorporate the North-Western Bank." (Mr. Girard.)

Bill (16) "An Act to incorporate the Manitoba Bank." (Mr. Girard.)

FIRST NATIONAL BANK OF CAN-
ADA BILL.

THIRD READING.

HON. MR. ALLAN, from the Committee on Banking and Commerce, reported Bill (J) "An Act to incorporate the First National Bank of Canada," with amendments which, he explained, were with one exception of a purely verbal character. The only important amendment was to alter the name to "The Western Bank of Canada."

HON. MR. GIBBS moved concurrence in the amendments.

The motion was agreed to, and the Bill was then read the third time and passed.

BUILDING, LOAN AND SAVINGS
SOCIETIES BILL.

THIRD READING.

HON. MR. ALLAN, from the Committee on Banking and Commerce, reported Bill (P) "An Act further to amend the law respecting Building Societies and Loan and Savings Companies carrying on business in the Province of Ontario," with an amendment which he explained was

for the purpose of removing doubt as to the vote by which the resolution for increasing the capital stock of the Company was to be passed. The ordinary phraseology adopted in other acts of a similar nature was used in the Bill, but a doubt had been suggested as to whether it might be construed to mean a vote of two-thirds in value of all the shareholders present or represented by proxy at the meeting, and to remove this doubt and make it perfectly clear, the word "present" was struck out and the word "given" substituted, and striking out also the word "represented," the clause is made to read "by a vote of not less than two-thirds in value of all the shareholders given in person or by proxy." He moved concurrence in the amendment.

The motion was agreed to, and the Bill was read the third time and passed.

GREAT WESTERN RAILWAY BILL.

THIRD READING.

The order of the day being read for the third reading of the Bill (M) "An Act to amend the Acts relating to the Great Western Railway Company."

HON. MR. VIDAL moved that the Bill be not now read the third time, but that it be amended in accordance with the notice which he had given.

The motion was agreed to, and the Bill was then read the third time and passed.

BILLS INTRODUCED.

The following Bills from the House of Commons were introduced and read the first time :—

Bill (52) "An Act to incorporate the Planters' Bank of Canada." (Mr. Ryan.)

Bill (26) "An Act to incorporate the Saskatchewan and Peace River Railway Company." (Mr. McInnes.)

Bill (34) "An Act to amend and consolidate as amended the several Acts relating to the British American Insurance Company." (Mr. Smith.)

Bill (17) "An Act to grant certain powers to the American Telegraph and Cable Company." (Mr. Gibbs.)

Bill (31) "An Act to incorporate the Clements Steamship Company, limited." (Mr. Macfarlane.)

Bill (65) "An Act respecting the New York and Ontario Furnace Company." (Mr. Read.)

Bill (4) "An Act respecting the Sun Mutual Insurance Company, of Montreal." (Mr. Ryan.)

The Senate adjourned at 4.05 p.m.

THE SENATE.

Ottawa, Thursday, March 23rd, 1882.

The SPEAKER took the chair at Three o'clock.

Prayers and routine proceedings.

THE LAKE SUPERIOR AND JAMES' BAY RAILWAY BILL.

REPORTED FROM COMMITTEE.

HON. MR. DICKEY from the Committee of Railways, Telegraphs and Harbors to whom was referred the Bill intitled "An Act to Incorporate the Lake Superior and James' Bay Railway Company," reported that they had gone through the said Bill and had directed him to report the same to the House with certain amendments. He said: The first amendment refers to the third section of the Bill and is merely to correct some tautology by striking out a couple of lines. The amendment in the twelfth section is merely a transference of a word in order to improve the language. The amendment to the seventeenth clause is merely verbal. The eighteenth clause is amended so as to make it conformable to legislation already existing. The Bill as it stood limited the time for commencing work on the Railway to five years. While it was admitted that this line would pass through, to some extent, a comparatively unknown country, yet it was thought an unreasonable extension of the ordinary limit which is two years; but under the circumstances the Committee considered that the Company should be allowed three years within which to commence operations. The most important amendment to this Bill is the striking out

of the clause 21 which gives this Company power to amalgamate with any other company. Under this amalgamation clause the Company asked for a sweeping power which the Committee thought it was not advisable to give in view of the fact that in most of these railway bills the companies with which they propose to amalgamate have always been named so that Parliament could see if they were rival lines or subsidiary lines. Considering also that this Company was not in a position geographically to unite with any other company except with the Canadian Pacific Railway, it was thought the proper time had arrived to make a stand on this point, and call the attention of Parliament to the necessity that exists for restraining these unlimited powers of amalgamation that have crept into a great deal of our railway legislation; and the further fact that this company has three years within which to commence its operations. After that time, if they find it necessary to unite with any other specific company, there will then be ample time to call upon Parliament to give them necessary power to do so.

HON. MR. SCOTT moved that the amendments be taken into consideration to-morrow.

The motion was agreed to.

DOMINION DEBENTURES.

MOTION.

HON. MR. READ moved to resolve—

That, in the opinion of this House, it is desirable that a certain portion of Dominion debentures issued on the authority of Parliament, at whatever rate of interest they are disposed of, may from time to time, be placed with the Assistant Receivers General in each Province, and that the interest thereon should be payable where such debentures are circulated for the convenience of trustees and other investors in the particular locality.

He said: The motion I have given notice of aims at placing within the reach of investors of this country a class of securities that, to my mind, is not easily to be found even if you have the money. In looking over the list of shares and stocks presented to investors in this country I see no notice of Dominion debentures. It is quite evident they are not on the market in this country or else they would be placed in the long list I have before me, of other

stocks, from the Bank of Montreal down to the Champlain and St. Lawrence Railway Company. All have their market value, but Dominion debentures even in the Dominion of Canada do not appear to have any quotation or to be in the market at all. What I think is an apparent want in this country is that Dominion debentures should be placed in such a manner that capitalists would have an opportunity at all times to invest in the securities of their own country. I will be told, I dare say, that they can do so now; if they can do so it is by a very circuitous route; they have to go to England to buy them and they have to go there to collect their interest. The object of my motion is that some arrangements may be made by which Dominion debentures shall be obtainable here and the interest be made payable here at such places as they circulate in. What I mean by circulation is that they shall be obtained at the offices of the Assistant Receiver General in each Province. It will not add to the expense of those offices and will be very convenient to persons who may desire to obtain a class of securities in which they have confidence. To my mind the world does not present a better security than Dominion debentures. The credit of the country is established beyond doubt; we have been enabled to reduce the rate of interest from time to time in the money market of the world, where securities are closely scrutinized for purposes of investment. From year to year the interest on our debentures has been reduced, and the reason for that is very obvious: in the first place we have always paid our interest, and we have always been able to meet our debentures when they became due. Consequently, in the money market of the world the value of our debentures is well established. It must be apparent to every one that the capital of this country has vastly increased within the last few years. We have only to look at the public accounts and the statements presented to Parliament, to see that there is an enormous increase of wealth in Canada. This must be apparent to hon. gentlemen here, who are well versed in this question. I am almost ashamed to present the figures, but still every one has not the same opportunity of seeing them as hon. gentlemen who are within hearing of my voice. We

find that on the 14th May, 1869, our paid-up bank capital was \$30,843,337, and on the 18th of the present month the paid-up bank capital of the country was \$62,176,933, or an increase in twelve years of \$31,334,596. I have no doubt that that capital is finding profitable investment. On looking a little further I find that the bank deposits, bearing interest, in the different banks of the country, on the 14th May, 1869, amounted to \$22,496,624; deposits without interest, \$14,534,404, or a total deposit of \$37,031,028. On the 18th of the present month, I see, by the returns just in, that the deposits in the banks of the country, bearing interest, have increased to \$45,055,009, while deposits without interest have increased to \$46,565,576, or a total of \$92,620,585 of the people's money deposited in the chartered banks of this country. This is a very great increase but if we add to that the Post Office and Savings' Bank deposits, we find that on the 30th June, 1881, they amounted to \$6,208,226, an increase over the previous year of \$2,262,507. To this may be added Dominion stocks which have been issued to the depositors of the Post Office Savings' Bank amounting to \$2,431,900, or making the total deposits of the people, \$101,260,711; an increase in 12 years of \$64,229,682 of capital placed within the chartered banks and in the Government Post Office Savings' Banks. That is such a vast increase that we must take warning, because I believe we have entered upon an era of great prosperity. We may be asked how this prosperity arises: For a great number of years we have been engaged in clearing lands, building fences, bridges, roads, churches and school-houses and other permanent improvements that caused a great outlay without giving us an immediate return; but for the last 20 or 30 years the people have been reaping the reward of their industry and the capital that they invested in the early settlement of the country is beginning to yield them a profitable return. That to my mind accounts for it in some measure. Then, we have this vast country in the North West, the extent of which and the future of which we can hardly conceive. Until now we have had no prairie land to offer to the settler. The immigrant who come to us had to rough

it in the woods, enduring great hardships and spending a lifetime before reaping a fair return for his toil. But now, those who come among us will go to the prairies and in a very few years enjoy a competence as the result of their labors. I think I am not visionary when I predict that the wealth of the country will thus increase with great rapidity and beyond our powers of calculation. The future of the Dominion is, to my mind, highly satisfactory, and will invite millions to the great North West where by honest industry they can surround themselves with every comfort necessary to make life happy.

Let us now look at the growth of the revenue of this country. In 1868 it was \$13,835,460: in 1881 it reached \$29,638,975, showing in thirteen years the marvellous increase of \$15,803,515. Of course wise legislation has had something to do with it; the people of this country are all at work. A gentleman told me just now that he had six hundred girls working for him in one factory and that he paid \$11,000 every month in wages. We are seeing effects of this wise legislation in the increased deposits in our savings banks, representing the profits of the laboring classes. On the 30th June, 1880, the amount deposited in the Post Office Savings Banks was \$3,945,664; on the 30th, June 1881, just one year later, it was \$6,208,226, an increase in one year of \$2,262,557. Now, this represents the savings of artisans, laborers and others. All these facts show that it is necessary to place within the reach of the public of this country debentures which they can invest in with some feeling of security. The Post Office Savings Banks are safe enough, but my idea is to give them an investment which shall be irredeemable. Take the case of a trustee. He has money to invest and he requires a safe investment. He is not so particular about the rate of interest as having good security. For instance, a trustee has \$100,000 to invest. If he buys building society stock, he may, perhaps, get his interest, but when he wants to sell the stock it may not be saleable. If he buys bank stock, the bank may fail and he may lose the money and be responsible for more. If he buys loan society stock, it may, if the business of the company is well managed, bring him a good rate of interest, but they may have more farms thrown on their hands than

they can sell. While they can manage to wring the interest out of borrowers it is all very well, but after a time borrowers may become disheartened and abandon their properties. If he buys houses and land, the houses may be destroyed by fire or the land depreciate in value. It does seem to me that a trustee should be in a position to purchase the securities of this country and thus be relieved of all responsibility as to the safety of his investments. Then, again, if any one wishes to make provision for some member of a family, these debentures would afford a desirable security. There are helpless people in Canada as in every other country, and people whose duty it is to take care of them, and Parliament should give them an opportunity to make safe investments. We are increasing in wealth enormously and there are benevolent people who may wish to aid useful and charitable institutions; in what way could they invest their donations so safely as in the debentures of this country? Almost every country has a public debt, and the people who bear the burden have an opportunity to invest in it. With us the case is different: it is exceedingly difficult to obtain Dominion debentures. It is only a day or two ago that a gentleman who, I should think, has every opportunity to be informed on this subject, said to me he was anxious about his little family and felt the want of Dominion debentures in which to invest his means so that the interest would be payable here. See how the French nation took up their national debt! Look at the immense amount of money which the Franco-German war cost them, and how, when their bonds were offered, the people took them up! I was reading to-day a statement showing that when the Government asked for 400,000,000 francs, they had offers to take up 1,000,000,000, and on another occasion when they asked for 800,000,000 francs, the offer was 8,000,000,000.

HON. MR. ALEXANDER—Taken up by their own citizens?

HON. MR. READ—Yes. The offer to take up the loan was ten times more than the requirements of the country. Look at the debt of the United States! On July 1st, 1856, the debt of that country was only \$31,762,761, bearing interest at

the rate of 5.88; on March 1st, 1882, it was \$1,584,326,600, bearing interest at the rate of 3.90; showing that the capitalists and people of this continent had faith in the recuperative power of their country. We have a debt, but it has not been created for war purposes. It was incurred in the construction of public works and other useful enterprises; so that I do not consider our debt amounts to anything. Why, it is only a few years since we were frightened about building the Intercolonial Railway. We built it for \$25,000,000, yet we do not feel the burden it entailed; and so it will be with the Pacific Railway; we will hardly know that it is being done, as regards the placing of burdens on the people. I was very glad to learn, when the Finance Minister was delivering his budget speech, that in paying the interest on our debt in England we are saving \$15,000 a year, and that by an arrangement which he had made for a loan to meet the debt due in 1885, there will be a saving to this country of \$350,000. Now, all this half per cent., or whatever it may be, could be saved to this country, because the Assistant Receivers General could do such work to the extent that is necessary to meet the wants of the people of this country who would take up debentures. I do not wish to detain the House; while it is a fit subject to bring before the attention of Parliament, I admit that it is one with which I am not thoroughly familiar. I beg, therefore, to move the resolution which appears on the paper, seconded by the Hon. Mr. Ogilvie.

HON. MR. OGILVIE—My reason for seconding this motion was simply this—that if the Government see nothing in the way to prevent this being done, I think it would be a very great convenience for many people in the Dominion, not only for the investment of money for estates, for which it would be useful, of course, but for a great many people who have small savings of \$500 or \$1000, now drawing but 3% interest. To many of them it would be a great convenience, indeed, if they could buy a bond of \$500 or \$1,000, or whatever amount the Government might see fit to issue—if they could buy that and hold it and get their interest every six months, I think there would be a feeling of having property in their hands that was perfectly secure and

satisfactory; and it would lead people to save more than even depositing money in savings banks. It is certainly a question that troubles many people at the present time. I have felt it, I know, myself in one or two estates which I had to manage. One does not know what to put money into in order to have it perfectly secure and so as to run no risk. Executors and trustees do not generally get any pay for their work, and when they get no remuneration and have to run serious risks besides, if it is possible to furnish a safe investment such as these debentures would be, I think it should be done. I do not say that it is possible: there may be objections which I do not see, but if it is possible to have it carried out, it would be of great use in every part of the Dominion.

HON. MR. KAULBACH—This is a question which is probably not within my sphere and which I do not know much about, but listening to my hon. friend who moved in the matter and the gentleman who has just sat down, I think we have reached such a state of prosperity in this country, that this subject is worthy of the consideration of Parliament and of the Government—whether these debentures could not find a market in the Dominion as well as outside of it. Evidently we have entered upon a new era of prosperity in this country, and notwithstanding the fact that the Government have restricted the rate of interest in the savings banks, we find large amounts of money deposited there by mechanics and others, who do not probably see any other safe and sure means of investing it. I consider a matter of this kind is worthy of grave consideration. When we come to find, as my hon. friend from Belleville has said, that we have \$100,000,000 more wealth now than we had 15 years ago, deposited in the banks and savings banks of the Dominion, it seems to me that the people are in a state of prosperity. There is a large amount of capital in the Dominion, a considerable portion of which might be invested in the way suggested by my hon. friend. The House and the Government should consider whether these debentures could not be sold in this country as well as in England when we require to borrow money. I think it is in the interest of the country that they should be held, if pos-

sible, by the people of Canada. It would be conducive to good government; it would increase the interest which people should have in the welfare of the country and in the proper administration of public affairs.

HON. MR. HAYTHORNE—I think the proposal which has been made by the hon. Senator from Belleville will meet with general approval, throughout the country at least, whether it meets with the approval of the Government itself. There may be technical objections to this among financiers but I can say from my own experience that the want of such investments has at a not very remote period been sensibly felt by the people of the Province from which I come. Large quantities of lands having been expropriated in Prince Edward Island, it became necessary to invest the money which formed a trust fund for which ordinary investments would not answer, because they are not sufficiently secure and do not relieve trustees from personal liability. There was an instance of that in Scotland at the time of the failure of the Glasgow Bank. In that case trustees found to their astonishment and horror that the investments made in the most *bona fide* manner by them on behalf of parties for whom they were acting, were worthless and they themselves were liable to the trust funds for the moneys they had so invested. In Prince Edward Island before Confederation, when the local Government expropriated estates from proprietors, they used to pay them with debentures bearing six per cent. interest. Since Confederation expropriation has been carried on much more extensively. I remember myself being summoned before the Court of Commissioners who adjudicated upon those expropriation questions on the point as to how proprietors who had been paid for lands taken from them, could safely re-invest their money so as to yield a revenue similar to that which they had received from their lands. I was compelled to admit the great difficulty existing as to finding in the Island a secure and profitable investment. The proposition of my hon. friend, if adopted, would meet all those difficult questions and provide a means of investing savings and trust funds, and I very much hope that the Government will look with a kindly eye upon it.

HON. MR. ALEXANDER — This House and the country are certainly much indebted to the hon. gentleman from Belleville for bringing this matter under discussion, and his explanations have been so lucid, so practical, and so able that I feel myself that it is almost unnecessary for me to add one word to what has fallen from him. We all know that the Parliament of this Dominion has resolved to construct public works which must roll up the public debt of this country to a very much larger amount than it now is. While it is necessary for the Government to borrow money, there can only be one opinion that the statesman should borrow it in such a manner as to drain the least possible amount of wealth out of the country. He should borrow it if possible to consolidate and strengthen the bands which hold this Confederation together. Let us take for example the mother country which has the largest debt in the world; but the debt of Great Britain is acknowledged to be the strength of the nation, because it is chiefly held by its own citizens. We have thus exhibited to us two great objects which the British nation aimed at. It constitutes the wealth of her people by the interest remaining in the country, while we observe that a vast mass of the population have a direct interest in upholding and strengthening the Government against any foe at home or abroad. These are two points which statesmen ought not to lose sight of, either statesmen of the European world or of this Continent. The same reasoning can be used in favor of the adoption of the patriotic motion offered by my hon. friend from Belleville. We may well ask why has the present Government made no movement in this direction? No doubt, it will be replied the loans are more easily effected by our financial agents in London, and our credit is so good there that we can raise as much as we please by paying a commission to our financial agent.

But that is not the whole duty of a statesman. All the interest up to the present moment on the indebtedness of our municipalities, our counties, cities and local governments—and even on our Dominion debt—has been flowing out of the country. We must all remember that while at the present moment this country is in a very high state of prosperity, it yet was but a short period ago that we lamented

the fact that gold was being drained out of the country in consequence of the large municipal, provincial and Dominion indebtedness. We cannot suppose that the sun will shine upon any country for ever, or that we are going to be blessed always with good harvests; and we shall be subjected in the future, no doubt, as in the past, to a change in our financial position. In addition to the interest flowing out of the country, I find by referring to the public accounts now before me that we paid commissions to our financial agents in London last year to the amount of \$92,820. Messrs. Glyn, Mills & Co. alone received \$83,820, as commission, and I think that it is now confessed by our present Minister of Finance that we have been paying a great deal more than we should have done, and he is now entering upon an arrangement by which \$320,000 will be saved during the next five years, simply because we have our own high commissioner, Sir Alexander Galt, now in London, who simply tells our financial agents that he is prepared to negotiate our loans in future at a very much smaller rate. When these gentlemen find they are going to lose our business they come to him and offer to make terms with us by which we shall affect this saving. What a vast amount of money have we been throwing away in the shape of commissions! It may be replied that there would be difficulty in floating the debentures of the Government and getting them taken up, but I maintain there would be no such difficulty. I do not say that the whole of every loan would be taken, or one-half of it, but who that knows the present state of Canada and the position of our farmers, who are accumulating by their industry year after year considerable amounts of money, and who are anxious to invest that money safely—who will say that the farmers of this country do not look forward to some such investment as my hon. friend from Belleville now desires? Again, men who are managing estates as trustees will be glad to get such trust funds invested at say four per cent. in this way. How many there are living to-day who really, when they come to look at the present insecurity of investments, and at the state of our banks and loan societies,—at the competition amongst them and how frequently failures are found when they are least expected—

will welcome such safe and reliable investment as that now proposed! Frequently the very men in whom we have placed confidence prove unworthy and families are ruined by their speculations. No head of a family at the present moment knows whom to name as his executor and therefore I think the motion of my hon. friend from Belleville ought to be carried because if heads of families have such a mode of investing their moneys as these debentures would offer they would no longer be liable to loss through the incapacity of others. I would hope that a large number of the members of this House will adopt the suggestions and motion of my hon. friend from Belleville. I hope and trust that no objections will be raised by the leader of the Government in this House, but that the common sense view will be taken and every effort put forth in favor of this motion. We ought to afford to our own people thoroughly reliable securities and we cannot better strengthen the bonds that hold this confederation together than by adopting this course. Suppose any trouble should arise with the United States—if any great number of our citizens held a large portion of our own debentures it would be an additional tie—an additional reason for them to band all together to meet the common foe; and if any internal troubles arise here the same argument might apply. I hope there will be no objection to this motion.

HON. SIR ALEX. CAMPBELL—In the object which my hon. friend from Quinte Division has in view the Government entirely concur. That object I believe to be that there should be placed at the disposal and command of the people of this country the opportunity of investing in Government stocks. Those stocks are divided into inscribed stocks and debentures, and the hon. gentleman suggests that these debentures should be placed in the hands of the Deputy Receivers General in different parts of the country; and I presume his object was the disposal of them to persons who desired to purchase.

In that object the Government entirely concur, and if debentures were to be sold, or if the debt of the country was at this moment to be increased, that would be the course the Government would pursue; because in Canada to-day a

very considerable sum could be borrowed from the people of this country at the same rate as it could be borrowed in England. The advantage which the hon. gentleman from the Quinte Division has pointed out, of having the interest upon the debt payable to persons who reside in the country is very great and is thoroughly acknowledged by the Government, but I do not think—much as we agree in the desirability of adopting the course which the resolution somewhat vaguely points at—that it would be desirable or expedient for the House to pass this resolution; for the circumstances of the country may vary at any moment. It so happens that the Government, at this particular epoch, do not desire to borrow any money. Large sums of money are coming into the treasury from different sources, particularly from the Canadian Pacific Railway Company, from the sale of debentures which Parliament authorized that Company to issue and the proceeds of which are to be deposited in the hands of the Receiver General until that Company shall, by virtue of the construction of so many miles of the road, be in a position to call for the payment of the money. Until that period arrives a very large sum of money is deposited, and will be increasing, in the hands of the Government, belonging to that Company. The money in the treasury arising from post office savings banks and from other sources is also very considerable, so that at the present time the Minister of Finance does not anticipate being obliged to borrow any money. Therefore it would be inexpedient to say, with the authority of this House, what should be done in an eventuality which does not now exist. Nobody can tell what the circumstances may be next year, or when the Minister of Finance for the time being may desire to borrow money; the rate of interest then may be six per cent. or eight per cent. in this country, and it may be four per cent. in England or elsewhere. It would therefore be very inexpedient to tie down the hands of the then Government or the then Minister of Finance, and to make him place any part of any loan, which he may desire to make, in the hands of the Assistant Receivers General. I therefore think, while at the present moment it might be safe, it would be unwise to lay down for the future the policy which the

hon. gentleman from the Quinte Division proposes by this resolution. Then again the hon. gentleman's proposed resolution places these debentures in the hands of the Assistant Receivers General, meaning I suppose thereby, that they were to be bought from them. But his resolution is vague in that respect though I presume the hon. gentleman meant that persons should go to the offices of the Receivers General and buy them. That might be very expedient; supposing the existence of circumstances different from the present, and that the Finance Minister desired to borrow money and the rate of interest here was as low as now. He might think it expedient to borrow in this country but it might not be the best way to borrow. It might be very desirable—instead of placing the debentures in the hands of the Assistant Receivers General, for persons to go and take them up at par—to receive tenders for them. In fact it would be very awkward if tenders were not received and I apprehend Parliament would censure very severely the Government of the day and the Minister of Finance, if he had placed the debentures in the hands of the Assistant Receivers General—as proposed in this resolution—and allowed them to be bought up at a rate fixed by him. If the plan pointed out in this resolution were adopted, the Minister of Finance would have to fix a rate so that these debentures would be sold at par or at such and such a rate, and then public censure would probably be visited upon him and it might be said:—"Oh, you should not have fixed a rate; but you have done so when you might have got much better terms. You have said 'par' here in the most rash way, and you have written a circular to all the Assistant Receivers-General placing these debentures at par. Why, if you had asked publicly for tenders you might have got five per cent. premium. And the Government and Minister of Finance of the day would be reprehended, and I think properly so, for not having taken the best means of ascertaining what the markets would offer in different countries for these debentures. So I think the plan suggested by this resolution is not expedient. Even supposing the Government wanted to borrow money to-day, and supposing that money was as cheap here as in England, it would not even then be

expedient for the Minister of Finance to take this particular mode of disposing of these debentures, and I think the House will see that.

I think the House will see that it is true not only with reference to the whole amount, but it is true with reference to any part of it. The Finance Minister of the day is bound to get the best price he can for every dollar that he issues, and anxiously endeavors to do so, and the only way to secure that end is to leave his hands untrammelled, allowing him to do it by public tender or advertisement if he thinks fit, or by naming the rate and seeing that the debentures shall be sold at that sum if he thinks fit. My hon. friend has paid considerable attention to this class of subjects, and he knows very well the different results that were arrived at by these two modes of disposing of debentures—the course pursued by the late Minister of Finance, and the course pursued by the present Finance Minister. In one case the price of the debentures was fixed, and they were sold at that price; in the latter case tenders were asked for and the competition resulted in a higher price being obtained for our debentures. But this resolution points to the future. Supposing that in five years hence it is still the case that debentures could be sold here as advantageously as in England, still it would not be expedient to tie down the hands of the Minister of Finance by this mode of placing his debentures. If the Government or their Finance Minister take a wrong method and do not dispose of their debentures to advantage, they are visited at once by the censure of Parliament and the withdrawal of its confidence. In this way the public have a guarantee that the Government will do the best they can to get the best possible terms when they have got to increase the public debt. Hon. gentlemen know very well that that is a special point with a Minister of Finance. I do not wish to draw any distinction between one Finance Minister and another, for I believe that every Finance Minister, when he has been obliged to ask for a loan, has done the best he could to obtain it as cheaply as possible, because his own reputation and the reputation of his Government were affected by it. If he does it badly and clumsily, and to the disadvantage of the

country, then his reputation and the reputation of his Government suffer, the country suffers, and they are at once visited by the censure of Parliament and the withdrawal of its confidence. On the other hand, if he places his loan ably and well, then it redounds to his own reputation, the reputation of his Government, and the advantage of the country. That is the true guarantee that the people have, and that the Government have, that the Finance Minister will do his utmost to secure a loan on the best possible terms. To my mind it would be exceedingly unwise to tie the hands of the Government to any particular mode of disposing of debentures; it would be particularly unwise to tie them down to this or that mode, for the next year you might have money at seven or eight per cent. here when it would be only four per cent. in England. Above all, I think it would be unwise for this House to seek to do so, for any resolution we might pass upon the subject might differ from the resolution or conclusion that might be arrived at in the other branch of the Legislature who have the control of this class of subjects, and with whom it rests to say when and where money shall be borrowed, and upon what terms. It is quite open for this House to express its pleasure, and ministers can bow to it as far as they can bow to it, but they cannot say they will obey it if it differs from the conclusion arrived at in another place. The Government will say generally with the greatest possible respect to this Senate that no resolution has been passed in the other branch of the Legislature, and we must obey the decision of the House of Commons. So that in every way it is inexpedient, because this House does not speak with authority, and I think it is always to be deprecated when the Senate speaks on any subject on which it cannot speak with authority. So far as my experience goes in this branch of the Legislature I would prefer that a resolution should not pass unless it is obeyed. It is the only way to preserve the influence and proper position of the Senate, and therefore I deprecate the passing of a resolution which, peradventure, may not be obeyed because it may be contradicted by the branch of the Legislature which has superior authority on this subject. But laying that aside, and the reasons I have mentioned I consider that the

resolution is not one that the House should adopt, and I hope my hon. friend, after having drawn attention to the necessity or expediency of an opportunity being given to the people residing in this country to invest in this kind of securities, and having received from me the assurance that the Government is quite alive to that necessity, and quite aware of the advantages that would result to the country from having a large portion of its interest payable to persons residing in the Dominion; that if circumstances were as they are now we should adopt some such course as that now pointed out and give the people in Canada an opportunity, to invest in these debentures—I think when my hon. friend has drawn attention to that point in the useful way that he has done and received the assurance he has received from the Government he will not consider it necessary to press his resolution.

HON. MR. READ—I have taken a good deal of interest in what the leader of the Government has said, and I must say that by his own argument he has convicted himself. He is doing to-day what he says he should not do; he is borrowing money from the people to-day. I see that there are debentures issued for \$2,400,000, and if it is not proper for him to do it, why is he doing it? He is borrowing money in the savings' banks, and why is he doing it if it is not proper? While he admits that the Government see the importance of the course I have suggested he does not give the assurance that the Government will give the country the benefit of it. When he talks about authority, I think I have the best authority that this resolution is in order. I shall not say by whom it was drawn,—but it was drawn by a person who, I think, is an authority, and I did not move it without knowing that my authority is one which is quoted here every day.

HON. MR. MILLER—The question of order is not raised.

HON. MR. READ—I do not fix any rate of interest, yet they are doing it every day up to the amount of \$3,000. If they are doing it for \$3,000 and it is wrong to do it, why are they doing it?

HON. MR. BOTSFORD—It is for the benefit of the depositors.

HON. MR. READ—Then it is for the benefit of investors who are the people of this country as a general thing. That is what I aim at—the benefit of investors. The Government tell us that we do not want any money. However, if they look at the little book before me they will find that we will want \$32,467,169.20 in two years and a few months. They will have to borrow somewhere for that and it will not be long before they will want more. There is something coming due every year and I hope the Government will be in a position to pay it without borrowing. As to the mode of investing of course there will be differences of opinion. Sir Richard Cartwright says he took the best method of selling our debentures when he fixed them at a certain rate, and he defended this course in Parliament. I do not think it was the proper mode of disposing of them, but Parliament sustained him. I think if the Government would say three per cent. or any other per cent., and act upon their own judgment, the country would sustain them. I know it is a growing want, a want that should be met, and I hope that the Government will, after what has taken place, take the matter into consideration—I have no doubt they will—feeling that it is a policy that everyone desires to see carried out, as we would rather subscribe for our own stocks at a little less percentage than invest in American securities. I have no desire to press the question to a division, and if it is the wish of the House I will withdraw the motion.

HON. MR. WARK—There is a difference of opinion between the hon. mover of this resolution and the Minister of Justice, which, I think, can be got over in this way. The policy of the country ought to be, as far as possible, to transfer the debt which we owe beyond the Atlantic to the Dominion if there is money here to be invested, rather than to increase the debt. Interest ought not to fluctuate. If we owe a debt on the other side at five per cent. we have merely to watch if there is any premium, and what the premium is, and offer our debentures here at that premium. Then if we do not want to borrow money we can purchase on the other side and pay so much of the debt there, and by this means transfer it to this side of the Atlantic. There is another class of securities that would be very

acceptable to a considerable number of our people, that is life annuities, in which single people can invest their money, or parents can invest for their children. It is a great pity that our Government have never adopted that system as it would be a great boon to many of our people who have now to invest in bank stocks and other securities which are not considered to be as safe as Dominion debentures.

With the consent of the House the motion was withdrawn.

WINNIPEG POST OFFICE.

INQUIRY.

HON. MR. GIRARD inquired

Whether the attention of the Government has been called to the defective character of the Post Office arrangements at the City of Winnipeg, both as regards the Post Office building, and the inefficiency of the staff employed therein; and if so, what steps have been taken to remedy the defects now existing, and which are the subjects of general complaint?

He said—It is admitted that at present there is a great deal of complaint about the management of the Post Office. I do not blame the Government, or the officials: very likely it is due to excessive work in the office, owing to the rapid increase of population. It was remarked here the other day that the eyes of the world are turned to the Province of Manitoba, and it seems to me that the eyes of the Government should also be turned in the same direction, and precautions should be taken to remove the causes of these complaints. There is not a province in the Dominion but is represented in Winnipeg: we have population from every part of the Dominion, and it seems to me it is the duty of the Government to avoid causes of complaints which would circulate far and wide from Winnipeg. It seems to me we do not receive the care and attention, in Winnipeg, that we are entitled to. It is a matter of public notoriety that any one who has anything to do with the Winnipeg Post Office is subject to a great deal of inconvenience. The building is not large enough for the amount of business transacted there, and the officials very likely are not numerous enough or sufficiently paid to attend to

the work which is thrown upon them. I think the building itself should be enlarged to accommodate the volume of business transacted there, that the staff of officials should be increased and that their remuneration should be in proportion to the services required of them. We cannot expect efficient service from underpaid officials—officials who receive no more than clerks in any common store. It must be remembered that there is a boom in Winnipeg, and we see every day young men on the streets, smoking cigars, who have cleared from \$5,000 to \$10,000 during the summer. Now, if you want to have officers to discharge their duties properly you must pay them higher salaries than the officials in the Winnipeg post office receive. The staff there will bear comparison with any organization of the kind in any other city or town in the Dominion; but they have too much work to do, and it is unreasonable to expect under the circumstances that they will give satisfaction to those who have business to do at the post office. There are good grounds for the complaints which have been made, but I attribute the trouble to the amount of mails arriving there beyond what was anticipated. We have seen such reports in reference to this matter that people in other parts of Canada might be led to suppose that we are behind them in civilization. It is unnecessary to say that such an opinion is not correct; but I shall avail myself of every opportunity to say that as good order and civilization exist in Winnipeg as in any other part of Canada. With this explanation I respectfully solicit an answer to my question.

HON. MR. DICKEY—I should like to say a word with reference to the statement of my hon. friend behind me. I have heard, and I think a good many must have heard, of the defective character of the postal arrangements in Winnipeg, but it is hardly necessary that any gentleman should say anything upon that subject in confirmation of the views of my hon. friend, in whose statements we always have confidence. At the same time I think it right to call the attention of the Minister to one fact which has come within my own knowledge—that is, in reference to a valuable box which arrived at the railway station in Winnipeg in due course; a drop letter was sent to the party

HON. MR. WARK.

to whom it was addressed, and it was seven weeks before the letter was delivered. The consequence was, that the box, during the whole of that time, remained at the station. This is only one of numerous cases I have heard of; but I mention this because it comes within my own knowledge. I think the reason is the rapid strides which Winnipeg and the West have made, and the postal business has entirely outgrown the facilities provided for it in Winnipeg.

HON. SIR ALEX. CAMPBELL.—I think my hon. friend from Manitoba has good reason to complain of the state of things in connection with the post office at Manitoba. The attention of the Government has been drawn to it several times by correspondence from that place, and we have done as much as seemed to be possible at the moment to remedy the inconvenience and to increase the facilities for the post office work there. I think there is this excuse for the dereliction of the Government—that Winnipeg has grown so fast—it is very difficult to keep pace with the city. It is the case of a growing young fellow who grows out of his trowsers every few months, and it is very difficult for his mother to keep him clothed. It is the same with Winnipeg as it was with San Francisco and Melbourne during the gold fever. The business of the post office increases so rapidly that it is difficult to make arrangements to keep pace with it: what seems sufficient to-day is found by the time it is carried out to be insufficient. The complaint comes to-day that the post office staff is short two men. Immediately two are sent up; by the time they get there the deficiency is greater than before, and the two officials do not meet the wants of the office. So it is with the area devoted to the public and the area devoted to the clerks. The complaints made with reference to the Winnipeg post office, only show the great prosperity of the city, and what lucky people its inhabitants are, and I hope it will help them to believe that they should put up with some of the inconveniences which follow upon their very great and unusual prosperity. That was the case in San Francisco and in Melbourne. Complaints were made a short time ago with reference to the post office in Winnipeg and in connection with the inquiry which my hon. friend

gives notice of, I ascertained from the Inspector and the Postmaster at Winnipeg, and the officials here, that the present business of Winnipeg can be managed by eleven persons besides the Postmaster and his Deputy. That staff was furnished and within the last ten days news came that three of these clerks had left. Then a few days ago five men were sent up to replace the three who had left. So far as the staff is concerned it was immediately attended to, and the number now would seem to be sufficient. It is very difficult, I may say, to get clerks in Winnipeg; you cannot get them there because they earn more than we can give. Above all you cannot get experienced men there, and where the business is growing so fast, it is very necessary to have a staff of experienced officials. They are taken from offices in the older provinces, such as Brockville, Belleville and other places, where they have served for four or five years and acquired some experience and a reputation in the Department. They are offered something to go to Winnipeg and sometimes when they are there four or five months they are offered something which promises them thousands where we give hundreds, and they go away and this increases the difficulty. It is the opinion of the Postmaster at Winnipeg, and the Inspector, and of the gentleman in charge here, that eleven of a staff is all that is necessary in Winnipeg, and that staff is there. With reference to the building, I believe it is insufficient even still, but we are increasing the area now and adding to the number of boxes. There have been boxes put in to the number of 1,300 besides having 1,300 lock boxes. Then the area in front of these boxes, into which the public come, which up to this time was 494 square feet, has been so increased as to give 878 square feet, nearly twice the amount it had when my hon. friend left Winnipeg. Then inside of the office, so that there may be more room for the clerks to discharge their duties, the area is being increased from 1,216 square feet to 2,903 square feet, and the Chief Inspector of the Post Office Department sends me a certificate in which he says, "I think that with proper arrangement the additional space provided in Winnipeg Post Office should be sufficient to meet the present requirements," and I notice that he

underscores the word "present," indicating that it may possibly happen that additional space will be required at some future period. The architect says "I concur" with the remarks made by Mr. Dewe. So the hon. gentlemen will see that so far as we can be guided by the information which we received, we have endeavoured to meet the requirements of the Winnipeg business, in regard to the space and to the number of men employed. We hope this will be sufficient at all events for a time. As quickly as there are indications that it is insufficient and that a larger staff or more space is required, that increased staff and larger space will be provided, and the Minister of Public Works is looking forward to a period as not being very far distant, when a larger building altogether must be put up for the service there. I assure my hon. friend that we are fully alive to the increased business there, and are very anxious to give every facility for the efficient management of the business of the Post Office at that place.

HON. MR. GIRARD—I have no doubt of the kindly disposition of the Government towards us, but at the same time, I think that something should now be done. It is the duty of the Government to keep pace not only with the growth of Manitoba, but of the Dominion. I understand there is more difficulty in Manitoba than in any other place, but at the same time we must rely upon the Government to meet any emergency which may arise.

HON. SIR ALEX. CAMPBELL—Certainly.

HON. MR. GIRARD—I concur in the opinion of the leader of the House that a staff of eleven men is perhaps sufficient to transact the ordinary business of the post office; but it must be remembered that we have from 800 to 1,000 people coming into our city every day, and these people on their arrival are naturally anxious to get news from their friends. If a staff of eleven officials is required to do the business of the post office at present, how is it that it has been suspended for days at a time? There were mail bags unopened there for weeks. I do not blame anybody, because every one appears to be attending to his business; but there is neces-

sarily a great deal of work in the office, and there will be more during the summer, and we may expect continual confusion when so many people are arriving in the city. When there are about 1,000 people arriving daily in Winnipeg at present, what number may we not expect when the spring opens? There will probably be 2,000 people daily going there requiring to visit the post office immediately on their arrival. They will find nobody ready to attend to them, and it will be very disagreeable for those who have to transact business with the post office authorities. I do not regret having drawn the attention of the Government to the matter because, I think, now is the proper time to provide for all this. If we are satisfied we may be a source of strength to the Government, but if not, the result may be that we will give them trouble.

BILL INTRODUCED.

Bill (9), "An Act concerning marriage with a deceased wife's sister." (Mr. Ferrier.)

NIAGARA GRAND ISLAND BRIDGE BILL.

SECOND READING.

HON. MR. MACFARLANE moved the second reading of Bill (48), "An Act respecting the the Niagara Grand Island bridge Company." He explained that the object of the Bill was merely to extend the time for carrying out the work.

The motion was agreed to and the Bill was read the second time.

MUTUAL LIFE ASSOCIATION BILL

SECOND READING.

HON. MR. McINNES (Hamilton) moved the second reading of Bill (27), "An Act further to amend the Act incorporating 'The Mutual Life Association of Canada' and to change the name thereof to 'The Life Association of Canada.'" He explained that the amendments asked for were only in the direction of giving additional security to the public who insure with the Company.

The motion was agreed to, and the Bill was read the second time.

OTTAWA AND ARNPRIOR JUNCTION RAILWAY BILL.

THIRD READING.

The order of the day having been read, for consideration of the amendments made by the select committee on Bill (18) "An Act to incorporate the Ottawa and Arnprior Junction Railway Bill."

HON. MR. SCOTT said :—I move the concurrence of the House in the amendments made by the Committee of Railways to this Bill. The first amendment has reference to the power of building branch lines other than the terms of the Consolidated Railway Act. The second amendment restrains the Company from amalgamating with any other roads than those named in the Bill; they have only power to amalgamate with certain roads there defined, and a general power of amalgamating with other lines was struck out by the committee. The third and fourth amendments are simply carrying out that principle. The fifth amendment is a verbal one, substituting "that" for "the." The sixth amendment restrains the company from changing the qualification of directors. The seventh amendment provides that the annual and special meetings shall only be held under the terms of the Act, and are not liable to be changed or altered by a by-law of the Company. The next amendment has reference to calls, which are to be as provided by the Act, and are not subject to be disturbed by the by-laws of the Company. The ninth amendment substitutes simply the plural for the singular. The tenth amendment provides that bills and notes issued by the Company shall not be less than one hundred dollars; and further that all bills and notes signed by the President and countersigned by the Secretary shall be presumed to have been done under proper authority. The last has reference to the quorum of directors, and it takes from them the power to fix the number which shall constitute a quorum, leaving it to the Company to say what shall be a quorum of directors.

The amendments were concurred in and the Bill was read the second and third times and passed.

SASKATCHEWAN AND PEACE RIVER RAILWAY BILL.

SECOND READING.

HON. MR. VIDAL moved the second reading of Bill (26) "An Act to incorporate the Saskatchewan and Peace River Railway Company."

He said :—In asking permission to introduce and move the second reading of the Bill, I need not occupy the time of the House with any explanation of it. It is an ordinary incorporation of a railway company, with clauses adapted to one or two circumstances peculiar to the road in that remote region—extending from the Saskatchewan River to the Peace River Valley. The names of the incorporators are sufficient guarantee of the genuineness and *bonâ fides* of the Bill. I think the Railway Committee has given a very good indication of the care with which all those bills are examined; that is evidenced by the numerous amendments which have been submitted to the House in connection with the bills which have been under their consideration, and as the Bill will go to that Committee I need not, I think, occupy the time of the House any further than to move the second reading of the Bill.

The motion was agreed to, and the Bill was read the second time.

CLEMENT'S STEAMSHIP COMPANY BILL.

SECOND READING.

HON. MR. MACFARLANE moved the second reading of (Bill 31) "An Act to incorporate the Clement's Steamship Company, Limited." He said: This is a Bill from the House of Commons for incorporating a Steamship Company in the western part of the Province of Nova Scotia. The incorporators are very well known as extensive owners of valuable shipping, and this Bill is sought for the purpose of conducting a trade by steam vessels between ports in Canada and in the United States. It needs no further explanation, and I beg to move the second reading.

The motion was agreed to, and the Bill was read the second time.

SUN MUTUAL LIFE INSURANCE
COMPANY OF MONTREAL BILL.

SECOND READING.

HON. MR. OGILVIE moved the second reading of (Bill 4) "An Act respecting the Sun Mutual Life Insurance Company of Montreal." He said: I beg leave to move that the Bill of the Sun Mutual Insurance Company be now read the second time. There is very little change required in this Bill, and one of the principal changes that we want is the same as has been granted here to the Mutual Life Association of Canada. The name of our Company was the Sun Mutual Life Insurance Company of Montreal. Well, it was a misnomer; it is not a mutual life, it is partly a mutual and partly a stock company. One other amendment is that we require a reduction of from 50 to 25 in the number of shares owned by men qualified to be directors. We do not require that at all for the directors in the city of Montreal, but we hope to have directors in different cities in Canada, and sometimes it is hard to get gentlemen at a distance to invest in as many as 50 shares to become directors. In fact, if I am informed correctly, the first company of Canadian growth is the Canada Life Insurance Company, and a man only requires to own one share in it to become a director. We want to reduce our qualification for a director from 50 to 25 shares, and that is about the most important change.

The motion was agreed to, and the Bill was read the second time.

The Senate adjourned at 5.23 p. m.

THE SENATE.

Ottawa, Friday, March 24th, 1882.

The SPEAKER took the Chair at Three p.m.

Prayers and routine proceedings.

QUEBEC TIMBER COMPANY'S
BILL.

REFERRED TO THE SUPREME COURT.

HON. MR. BELLEROSE, from the Select Committee on Standing Orders and Private Bills, reported Bill (32) "An Act

to incorporate the Quebec Timber Company, Limited, recommending, in consequence of doubts which had arisen as to the jurisdiction of Parliament to legislate as proposed by this Bill, that before proceeding further with the measure, the opinion of the Supreme Court, or of two judges of it, be obtained on the following points: 1st, Whether a Company, already incorporated under the Companies' Act of 1862 to 1880 of the Imperial Parliament, for the purposes mentioned in the Bill, has a legal corporate existence in Canada, and, if so, whether a second corporate existence can, upon its own application as a Company, be given to it by the Canadian Parliament, and 2nd, Whether the objects for which incorporation is sought, are such as take the Bill out of the exclusive jurisdiction of the Legislature of the Province of Quebec.

The report was adopted.

PRIVATE BILLS.

TIME FOR RECEIVING REPORTS OF THE
COMMITTEE EXTENDED.

HON. MR. BELLEROSE presented the thirteenth report of the Select Committee on Standing Orders and Private Bills, recommending that the time for receiving reports of the Committee on Private Bills be extended to the 15th April next. He moved the adoption of the report.

HON. MR. DICKEY—I should like to hear some explanation from the Chairman of the Private Bills Committee why at this period of the session there should be a further extension of the time for receiving reports of private bills. I should like to know if he has any intimation when the session is really to end, or when these extensions are to end.

HON. MR. BELLEROSE—The Senate having adopted a motion the other day to extend the time for receiving petitions for private bills, and, the time for receiving reports of the Committee on Private Bills ending by the rules six weeks after the opening of the session, it has become necessary to extend the time for receiving reports for a few days at any rate; otherwise we could not receive the reports of the Committee, and we thought we might

take a few weeks more, when asking for the extension, and fix the date on the 15th April, feeling sure that Parliament would be sitting at that time.

The motion was agreed to.

ROMAN CATHOLICS AND PUBLIC OFFICES.

INQUIRY.

HON. MR. POWER.—In order that I may be clearly understood, and that no difficulty may be experienced in following the thread of the observations which I propose to address to the House, I shall begin by reading the notice which I have given, which is that I shall

Call attention to the expectations which were excited previous to the General Election of 1878, that, in case of a change of Government, the Roman Catholics of the Maritime Provinces would be more liberally treated, in the matter of appointments to the higher offices, by a Conservative Administration than they were by that of Mr. Mackenzie, and to the fact that those expectations have not been realized; and shall ask the Government the cause of the latter fact.

I have to establish, in the first place, that previous to the general election of 1878 expectations were excited that, if the party of hon. gentlemen opposite were successful in regaining the power which they had lost in 1873, the Roman Catholics of the Lower Provinces would receive more liberal treatment from them, in the matter of appointments to the higher offices, than was bestowed upon them by Mr. Mackenzie's Government. To do this it is not necessary to go beyond the record of the debates of this House for the session of 1878.

I shall first quote from the remarks made by the hon. gentleman from St. John (Mr. Dever)—in connection with an inquiry respecting the judiciary of New Brunswick. That hon. gentleman—assuming to speak on behalf of the Roman Catholics of his Province—used the following language, which will be found at page 748 of the Hansard for 1878.

"In connection with this subject I may mention a case in which a large section of the people of New Brunswick feel that they have not been treated with proper consideration in the appointment of the judiciary in that Province. It is now understood that another judge is to be appointed there, and I would call the attention of the Government to the claims of a gentleman (Mr. Watters)

for the position. He is a man eminently qualified to fill the highest position to which lawyers may aspire. He has held the office of Solicitor-General in New Brunswick for many years, and I and others cannot explain why his merits have been so long overlooked, unless it has been on sentimental or political grounds."

The hon. gentleman said further ;

"I would be the very last to advocate the appointment of any man to a high judicial position merely on the ground of his religious faith, but, I think, on the other hand, the claims of a man of ability should not be ignored because of his creed. It is hardly right that a gentleman possessed of such qualifications, and who has held such a high position in New Brunswick as Mr. Watters has, should be overlooked so long, and it is from that standpoint I ask the Government, in making appointments to the Bench in New Brunswick to give the claims of Mr. Watters and his friends that consideration to which they are fairly entitled."

and again, in reply to the leader of the Government of that day, who thought that my honorable friend complained that Judge Watters did not receive a sufficiently large salary as County Judge of St. John, he said

"The only fault I had to find was that the claims of Mr. Watters to elevation to the Supreme Court had not been recognized. I contend that he would be an ornament to the highest Bench in New Brunswick. His claims have not been considered, in some way or other, in the manner that a large section of the people of New Brunswick have a right to expect. I hope they will be no longer overlooked, if other appointments are to be made to the Bench of New Brunswick."

In the course of the discussion which arose upon the inquiry of my honorable friend from St. John, the honorable gentleman from Richmond made a speech, characterized by all his usual force and eloquence, in which he took broader ground and was more outspoken than the gentleman who brought the matter to the notice of the House. I trust that the Senator from Richmond will excuse me if I quote somewhat freely from that speech. I need not ask any excuse from other honorable members; because the language of that honorable gentleman is much more eloquent and pleasant to listen to than any description of its substance that I could give.

On page 750 of Hansard, he is reported to have said.—

"I will tell the hon. Secretary of State what the hon. member from St. John desired

to say ; he desired to say that Judge Watters' religion was a barrier to his promotion in the Province of New Brunswick, and, I believe, there is much truth in that opinion. It cannot be denied that the Roman Catholics in all the Maritime Provinces have not fair play in the distribution of patronage—do not receive justice in regard to the honors or emolument of public life—and do not stand on equal ground with their Protestant fellow-citizens in this respect in those Provinces. Conceal the matter as we may, there can be no doubt of the truth of these allegations—a Roman Catholic's creed in the small Protestant Provinces is a barrier to his success in public life, and a serious obstacle to his attaining any of its higher distinctions. This is no less true, although there may be an exception to the general rule—although it may not have been politic or possible to ignore the body altogether—and in one instance a high office is held by a representative of the Maritime minority ; but that is an office belonging to the Dominion, and the giving of it to that gentleman was not due to the liberality of the majority in the Maritime Provinces, but to the justice of the whole Dominion. That act of justice was done too, to compensate for the intolerance of this party, in denying to the Roman Catholic minority in the lower Provinces a single seat in the present Government. Under the present Government we have been treated from the outset with the greatest contempt and injustice, for which the day of reckoning is not far distant. The Roman Catholics are very nearly one-third of the population of the Maritime Provinces ; they comprise 241,000 out of a population of about 750,000. These Provinces have never had less than four representatives in the Cabinet since the present party has been in power, and for a while they had five seats at the Council Board, but no place could be found for a representative of the proscribed minority at that Board. Is it fair, with four or five seats in the Government at the disposal of the Premier, not to find a place for a representative of one-third of the people in the position above all others in which it is most essential that there should be representation ? The want of such representation has been too evident in the distribution of patronage under the present Government. I do not deny that some of the lower class of offices have been given to Roman Catholics in the Maritime Provinces within the last few years, but for the higher offices and distinctions, as a general rule the minority are not considered as on an equal footing. There seems to be an understanding not openly expressed, but secretly acted on, that outside of the lowest grades of patronage Roman Catholics are to be quietly ignored. This is the conviction at any rate among a large body of that denomination, and it is well that the whole Dominion should know it."

After calling attention to the fact that, out of fifteen Dominion Judges in Nova Scotia, only one was a Catholic ; that in

New Brunswick, out of eleven judges, the Roman Catholics had only one county judge, and that out of six in Prince Edward Island, they had also only one inferior judge, then the hon. gentleman went on to say :

"I must not be understood as claiming appointments for Catholics on account of their religion. What I contend I have a right to denounce, if I believe it to be true (and I do believe it to be true) under this Government, is that being a Roman Catholic in the Maritime Provinces is a barrier in the road of any one of that ignored class in regard to their fair share of distinction and public patronage. It is especially true with regard to the higher offices of the State, such as those I have been alluding to."

When the speaker declared that "the Roman Catholic majority of Quebec should not look with indifference on the injustice being practised towards the Roman Catholic minority in the Maritime Provinces," hon. gentlemen opposite manifested their approval of his language by cries of "Hear hear."

Then the hon. member continued as follows :

"In the days of Sir George Etienne Cartier that minority had a just friend, who would not allow their fair claims to be ignored, and in those days Sir Edward Kenny and Mr. Hugh McDonald had seats in the Dominion Cabinet as representatives of their class. Sir George Etienne Cartier was a statesman who believed in doing justice, not only to his own people but to all classes. The French representatives in the present Cabinet do not even seem to care for their own countrymen—they are too busy in thinking of themselves ; and it is no wonder that they do not trouble themselves to see justice done to the minority in the small Protestant Provinces. But there is some consolation in the thought that, although a Grit Government with a large majority in Parliament has been able to ignore the rights and claims of the Roman Catholic minority in the Maritime Provinces during the past five years, have treated us as mere hewers of wood and drawers of water in the political order ; although, for a short time they have been enabled by their great strength in Parliament to treat us with contemptuous injustice, they cannot in the approaching elections so boldly disregard our power. They would like (in fact, all parties like very well) to get our votes, but when our votes are once recorded, it seems as if we had no other purpose to serve. If it must be so, let it be so, but I shall not hesitate at all times to denounce the hypocrisy and injustice of men who, professing liberality and fair play, are, in truth, intolerant bigots, and disposed in deed, if not in words, to place the iron heel of intolerance and proscription wherever they have the

power to do it, on the class to which I belong. The Catholics of the Maritime Provinces will not forget Grit proscription at the coming elections; and if any party venture to act in the same way in the future, it will not receive my approval."

The following is the close of the hon. gentleman's spirit stirring address :

"The wrong that is at the bottom of all the unfair treatment of the minority in the Lower Provinces, is that which exists in depriving one-third of the population of any representation in the Government to advocate their interests and watch over their rights. This wrong is at the foundation of all the others, and I can never support a Government that perpetrates it, neither should the Catholics of Quebec support any Government that treats their co-religionists in the Protestant Provinces with injustice. Is it fair that, with nearly half the population of the Dominion belonging to that denomination, there should only be four Catholics in a Cabinet of thirteen members? or that the Catholics of Nova Scotia, New Brunswick and Prince Edward Island should be denied all representation whatever? It is a mockery of fair play, and a strange commentary on the boasted liberality of some people, and the equality of all classes in this country. The equality only exists in name; practically, it has no existence at all in some portions of this Dominion. I again repudiate the idea of claiming political consideration for Roman Catholics on account of their religion, that is not at all my desire—but I wish to show that that large body is, for some reason or other, deprived of its just share of public position and patronage in the section from which I come, and, deny it as much as you please, the only reason that Roman Catholics can believe to be at the bottom of the wrongs they suffer, is their obnoxious creed. That is the feeling, at any-rate, among a large class of the people in this country, and I am sorry that facts give it so much confirmation. The present Government have done much, by their systematic neglect of their Catholic supporters, to strengthen their belief; they have shown their true colors by taking advantage of their great strength after the last elections, to inaugurate a policy of proscription, instead of using it to do justice to all classes. The next election, when the people will be called to pass judgment on the manner in which they have exercised the power vested in them, is near at hand, and I have no doubt the minority in the Maritime Provinces will give fitting expression to their opinion of the treatment they have received from the great Liberal party of Canada."

When the speaker resumed his seat his friends again expressed their approval of his sentiments by their applause. When we remember how admirably organized the Opposition in the Senate were in those days, under the honorable gentleman whom we

are all delighted to see still leading this House, what entire harmony reigned amongst them, and the distinguished position in their ranks occupied by the Senator from Richmond, in virtue of his great experience, energy and ability, can we doubt but that the language applauded by honorable gentlemen opposite was adopted as their own? Would not any elector, who read that eloquent denunciation of Grit intolerance and proscription, feel that, if the friends and allies of the orator were placed in power, they would at the earliest opportunity redress the crying injustice under which the Roman Catholics of the Maritime Provinces were described as suffering? Must we not believe that those burning words had their due effect with the electors of the denomination whose grievances the honorable gentleman so vividly described?

As if to remove any doubt as to the fact that the language of the honorable gentleman from Richmond expressed the sentiments of gentlemen opposite, the Senator from Lunenburg, speaking at the close of the debate, used the following words :

"He did not intend to say anything on the question that had been raised by his hon. friend from St. John, but there was a strong feeling in Nova Scotia in favor of the views of his hon. friend from Arichat, not only among the body to whom he had referred, but among Protestants. It was remarked no denomination should be proscribed on account of their religion, and it was well that the Government should be made to understand it. The hon. member from Hopewell did not fairly meet the plain remarks of the hon. gentleman from Arichat, who had not claimed appointments on the score of religion, but had simply showed how unfairly his co-religionists in the Lower Provinces were treated. He did not claim any rights on religious grounds, but simply that so large and influential a body should not with impunity be proscribed on account of their religion. As for the remarks of the hon. member for Halifax."

HON. MR. ALMON—That was not I.

HON. MR. POWER—No, that was myself.

"As for the remarks of the hon. member for Halifax, they seemed to surprise nobody. He had assumed the role of Government advocate on all occasions, and under all circumstances, and it mattered not whether the best interests of his Province or of Halifax were sacrificed, he was bound to stand by the Government.

To-day he had gone yet further and had even commended and supported the Government in a course which the hon. member from Arichat had so manfully contended was a flagrant injustice to his co-religionists, who asked no favors but simply demanded that their religion should not be treated as a barrier to office."

Nor was the line of argument adopted by the hon. gentleman from whose speeches I have quoted confined to this House. Something of the same kind was heard in the Commons; and the *Irish Canadian* of Toronto, a paper professing to speak on behalf of the Irish Catholics of Canada although edited by a Protestant (Gen. M. Butt Hewson,) whose dealings with the Right Hon. leader of gentlemen opposite have lately been made more public than was contemplated when they took place, was most persistent and violent in its denunciation of the Reform Government for their alleged injustice and intolerance towards Irish Catholics. A similar line was adopted by the *Post* or *True Witness* published in Montreal.

Honorable gentlemen will see that, on the eve of the general election of 1878, we had this House, speaking through some of its most prominent members and with the approval of hon. gentlemen opposite, we had speakers in the House of Commons and on outside platforms, and we had a press inspired and subsidized by the leaders of the Conservative party, all united in denouncing Mr. Mackenzie's administration for their alleged injustice to Roman Catholics, and in claiming that their only hope of fair play was in the return to power of the generous and considerate Ministry of Sir John Macdonald. Can any one doubt then, for a moment, but that expectations were excited—perhaps more in the Maritime Provinces than in Ontario—that a change of government would result in bringing about a much more liberal treatment of Roman Catholics in the matter of appointments to the higher offices than they received from the Reform administration? I think not, honorable gentlemen; and I think it will be further admitted that these expectations had much to do with the increased Roman Catholic vote which the Conservative candidates received in the Lower Provinces at the last general election.

The second proposition which I have to establish, hon. gentlemen, is that the expectations which were undoubtedly ex-

cited in the minds of the Catholics of the Lower Provinces have not been realized.

This is not a difficult task. As to new Brunswick, we have the evidence of the Senator from St. John, who, when speaking last session of his friend Judge Watters, used the following language:

"Others have been raised to the Bench over his head without any regard to his prior right, and his friends are beginning to think that things are going too far for the peace and good of that Province. It is hard when men feel they have cause to believe they are deprived of and proscribed from the legitimate political prizes of their country. And I have no hesitation in saying that we think so in New Brunswick at present."

As far as my information goes, not a single Catholic judge of either Supreme or County Court has been appointed for the Maritime Provinces since the change of Government in 1878. No Catholic has been appointed a Lieutenant-Governor or a member of the Dominion Cabinet for any of those Provinces; nor, as far as my knowledge goes, has any Catholic been appointed to any important Dominion office in the Provinces. It is clear then, hon. gentlemen, that the expectations of greater liberality from gentlemen opposite than from their predecessors in office have not been realized. Nor have the present Government manifested such liberality to my co-religionists in the West as to atone for their sins of omission in the East. As far as I am aware, no Catholic has been appointed to a judgeship or other important Dominion office in Ontario, or elsewhere in the West. On the other hand, certain Catholics appointed to important positions by the late Government have been removed by their successors. This was the case, for instance, with Mr. Matthew Ryan, Stipendiary Magistrate for the Northwest Territories, and Mr. Haggart, General Medical Superintendent of Indians in those territories.

I have said enough, I think, to show that any hopes built upon the declarations of hon. gentlemen opposite and their spokesmen and organs, have not been realized, and that in fact the present Government have appointed no Catholic to any important office in the Lower Provinces, nor, with the exception of the Postmaster General, in any other Province than Quebec—a Province which does not enter into our calculations. But I ven-

ture to go farther, and to say that so far from being more generous than their predecessors in office, the present Government have been less so. If we had no Lower Province Catholic in the late Government, we had Mr. Anglin—perhaps the ablest and most distinguished Catholic in those Provinces—filling the office of Speaker of the House of Commons, one of the most honorable positions in the country. No such office is now held by a representative of that section of the country. The late Government appointed a Catholic, Warden of the Halifax Penitentiary, and another, Superintendent of the Intercolonial Railway at Halifax. No such appointments have been made by their successors. Two Catholic Lieutenant-Governors, Macdonald and Cauchon, were appointed by Mr. Mackenzie, none by Sir John Macdonald.

If the facts are as I have stated them to be, and I think my statements cannot be truthfully contradicted, it must be admitted that not only have I established my second proposition—that the expectations of more appointments of Catholics to the higher offices under the new administration have not been realised, but that Catholics now actually hold fewer of such offices than under the Reform Government; that not only have we not got any new Catholic governors, judges or members of Government for the Lower Provinces, but we have lost a Speaker of the House of Commons, without any compensating gain.

As to the inquiry with which my notice concludes, I wish to say a few words. I cannot tell what was the cause of the disappointment of the reasonable hopes of the Catholics of the Lower Provinces, but I can mention some causes to which it cannot be attributed. The reason for the non-appointment of Catholics to the higher offices in those provinces was, neither that there were not persons fully qualified to fill them, nor that there were not opportunities of putting such persons into the offices. There have been two governorships, four supreme court judgeships and six or seven seats in the cabinet, any one or more of which offices might very well have been conferred upon a Roman Catholic.

I do not propose to enumerate all the persons who were qualified to fill these

offices, but I shall speak of two or three. One of the two New Brunswick judgeships might have been bestowed upon Judge Watters. The gentleman who represents the county of Victoria in the House of Commons—Mr. Costigan—might very well have expected a seat in the Government, as a representative of New Brunswick, and as a tried and most obedient Roman Catholic follower of the right honorable leader of the party now in power. Having placed his oratorical and other powers completely at the service of Sir John A. Macdonald, in every case where it was desirable to influence the feelings of the Catholics of this country, the member for Victoria had a right to expect that his leader would not have neglected him in the day of triumph. Turning to our own body, we see with satisfaction that we have in this Chamber three Ministers of the Crown—one more than under the late Government; but it is a somewhat remarkable fact that these three gentlemen are all from the Province of Ontario, and that there is no Catholic amongst them. When we look back to the days when the hon. gentleman who now leads the Government in this House led the Opposition, and remember the prominent part taken in debate by the Senator from Richmond, who played Achilles to his honorable leader's Agamemnon, and when we remember the intimation of great things to be done for the Maritime Catholics, it seems almost unaccountable that that honorable gentleman should be in this House, and neither a member of the Cabinet nor Speaker. I trust that I shall be pardoned if I say of that honorable gentleman that, while I have not been able to view things from the same stand point as he, if long parliamentary experience, distinguished service in party warfare and great business capacity are to be regarded as qualifications for high office, no honorable gentleman in this Chamber was better qualified than the Senator from Richmond. Not only, however, was that honorable gentleman passed over when the Cabinet was first constituted, but again when Mr. Wilmont was appointed to the Governorship of New Brunswick, and still more recently, when a gentleman of much inferior ability was taken from this Chamber, to be placed in the Cabinet, and transferred to the House of Commons. I think, hon.

gentlemen, that I have made it plain that expectations were aroused amongst the Catholics before the election of 1878; that these expectations have not been realized by the Government, and that the cause of this non-realization has not been the lack of opportunity. It is for the Government to tell what the real cause is. Unless it be much more substantial than any which I can conceive, it strikes me that if the honorable gentlemen from St. John and Richmond spoke their true feelings in 1878, and I have no reason to think otherwise, their sentiments to-day cannot be those of entire and unmixed satisfaction.

I trust that the House will pardon me if I undertake, before sitting down, to explain briefly why I have called attention to this matter. There is the more reason for doing this, because I have been charged with attempting to excite religious prejudices and animosities. As to this, I can honestly say that nothing is farther from my thoughts. My sentiments to-day are the same as they were in 1878, when I am reported to have spoken as follows :

“ Religion should be kept out of politics as much as possible, and he thought before a charge of the exclusion of any body from any position in consequence of their religious belief should be brought before the Legislature, very convincing proof should be produced that that denomination were being dealt with in an unfair manner.”

Again, speaking of the Roman Catholics, I am reported to have said :

“ If there was a gentleman of that denomination who was in harmony with the party in power for the time being, who was better qualified than gentlemen of any other denominations, for a seat in the Government, he presumed that he should be appointed, on account of his superior qualifications, but apart from that, the question of religion should not be introduced at all. As long as the Roman Catholics of the Lower Provinces felt that they are receiving moderately fair play, it did not make much difference whether they were represented in the Cabinet or not.”

Even though I might regret the present state of things, I should not have been disposed to impute much blame to the Government, had they not when in opposition excited expectations that something very different would follow their advent to power. Having raised these expectations they should have fulfilled them, as they had every opportunity to do. They delib-

erately raised the cry of Liberal proscription of the Catholics to damage their political opponents. Surely we Reformers are justified in showing the hollowness and hypocrisy of that cry; and it is certainly absurd to taunt us with stirring up sectarian strife, when we undertake to do no more than that. It is a clear case of Conservative wolf and Liberal lamb.

It is not improbable that some new artifice will be used before long for the purpose of misleading the English-speaking Catholics of the Dominion, so as to induce them to cast their votes for the candidates of honorable gentleman opposite; and I feel that it is my duty to try, to the best of my humble ability, to hinder my co-religionists from being again hood-winked.

It was said of the right honorable leader of gentlemen opposite, by one familiar with his history, that his course was marked by the political grave-stones of his friends; now-a-days, I should be rather disposed to say that the career of hon. gentlemen opposite was marked by the remains of multitudinous broken promises. Why should I not try to teach my friends to estimate such promises at their true value, and judge the two parties by what they do, not by what they say?

HON. GENTLEMEN—Hear, hear!

HON. MR. KAULBACH—I have been taken a little by surprise, as I did not expect my hon. friend would have brought up this subject quite as he has done. This kind of discussion ought not to be introduced into any Parliament, and we know that such a course is usually only followed by a party too weak to attack the policy of the Government in any legitimate way. In Nova Scotia we remember the day when this cry was first raised, and we know the party that fanned such a controversy. We know that the Conservative party in Nova Scotia has been always true to the policy of giving equal rights to all parties, regardless of religion. We do not forget that when this cry was raised in that Province, it was due entirely to what is at present called the Liberal party of Nova Scotia, who declared then—that is thirty years ago, and before my hon. friend from Halifax (Mr. Power) had any political existence, or perhaps any other existence—that no Roman Catholic could hold any position

in the councils of the country or in the Legislature. Everybody who knows anything of the politics of Nova Scotia, must be aware that the proscription of the body, of which my hon. friend is a member, took its rise in the ranks of the party with which he is politically identified. I may say I have been taken by surprise by this debate, as I had forgotten it would come up to-day, and I was engaged until half-past two o'clock on a committee. My hon. friend must know the great reason why these complaints have not been remedied. Does he not know that the late Administration, of which he was so strong a supporter, while in power filled up every office in Nova Scotia with Protestants? Can he point to an office of any importance, either under the Government, or on the bench, or any other office, filled by a Roman Catholic appointed by them? I know that there was a new office created during their term, that of weights and measures, in Nova Scotia, in which there were some ten or twelve appointments, all made by that Government, and every one of them were filled by Protestants. There were new appointments of county court judges, and how were they filled up? Every one by a Protestant, and every appointment sanctioned and supported by my hon. friend (Mr. Power) from his place in this House. He asks why has not a change been made by the present Administration? It is simply because those gentlemen still hold their positions, there have been no accusations against them, and no vacancies have been created.

HON. MR. POWER—I may mention that there have been two judgeships vacant in Nova Scotia since the present Administration took office.

HON. MR. KAULBACH—I am not aware that there has been any vacancy in the county courts, and it is of the county court judgeships I am speaking particularly. There were several county court judges appointed by the Government, of which my hon. friend was such an ardent supporter; in none of these offices has a vacancy occurred since,—and I should like to ask the hon. gentleman how he can expect that his co-religionists can be appointed to those offices? Does he ask that we shall make a vacancy in any of those offices, the appointments to which

he sanctioned and supported? If my hon. friend could show that any vacancy has occurred in Nova Scotia, or in the Maritime Provinces, in which his co-religionists have been ignored and overlooked he might have a grievance; but it is evident to my mind that he has no such case to point to. He has said that these expectations were excited at the last general elections in Nova Scotia; but how they were excited I am at a loss to know. I do not believe that such inducements were held out, and I do not think that the people of Nova Scotia believe anything of the kind, further than the fact that they believed that common justice would be done to every person, regardless of his religious creed or predilections should the Conservative party come into power. I believe that is the proper way to look at these matters—regardless of what a man's religious convictions may be, and that he should only be appointed to office according to his qualifications to fill it. It would be highly improper to say that a man should be appointed to any position simply because he happens to be a Roman Catholic, or a Presbyterian, or an Episcopalian, or a member of any other denomination. My hon. friend ought to know that he has no grievance; he cannot bring forward an individual case in which a man claiming a position, to which he was entitled has been ignored on account of his religion. My hon. friend has talked about Nova Scotia grievances; I do not know how, or when, or where they exist. I believe that in the election of 1878 the people of Nova Scotia thought nothing of the kind, further than they expected that if they would bring an honest Government into power they would deal fairly and justly with every party regardless of creed, and proscribe no party on account of their religion. Although the Reform Government were in power only a few years, yet they managed to block every office in Nova Scotia, and their appointees were all Protestants. I can tell the hon. gentleman this fact, that the Roman Catholics of Nova Scotia never had a judge upon the Supreme Court Bench until Mr. Hugh McDonald was appointed by Sir John A. Macdonald whose desire was to do all he could to obtain justice for that denomination. I believe the hon. gentleman would find if a vacancy

occurred to-morrow that the Government would do in future as they have done in the past, appoint the best man to the Bench, and that my hon. friend would probably find another co-religionist placed upon the Bench in Nova Scotia.

HON. MR. ALMON—The Halifax Chronicle is the authority for that.

HON. MR. KAULBACH—My hon. friend from Halifax (Mr. Power) has quoted from my remarks made in 1878, as well as from the remarks of other hon. gentlemen. I do not know why he has made those quotations, and although he has patted some of us on the back I do not think he has done so from any interest he has in us, but it is done evidently in order to test the temper of hon. gentlemen, and see what kind of reply they will make to his remarks on this question. I shall also make a quotation from the speech my hon. friend delivered in the same debate to which he refers, and which he says has so excited the people of Nova Scotia. In his motion he says it had excited the minds of the people of Nova Scotia in the last elections and so influenced the elections by the votes given by his co-religionists. But how did that debate arise? It seems to me it came up impromptu on a motion of my hon. friend, Mr. Dever, on the question of an increase of salary to the Judge of the County Court of St. John. It came up impromptu, as far as the broad aspect of the question was concerned, and the extent to which it was debated, as it seems to have diverged from the question before the House and involved the general question of patronage to the different denominations. In that debate my hon. friend proved by his own remarks that every justice had been done to his co-religionists, and if so what has he now to complain of. I will first refer to what the then leader of the Government in this House (Mr. Scott) said on that subject during the debate in question. Speaking of the reason why so few Roman Catholics were appointed to the bench he said, "it was due, he believed, to the absence of gentlemen suitable for the position in the minority class—to the fact that they did not seek the higher walks at the bar in the same proportion to their numbers that other classes did."

HON. MR. POWER—He was then speaking with reference to the Province of Ontario.

HON. MR. KAULBACH—My hon. friend says that that remark was confined to Ontario. It may be so, but what does my hon. friend himself say?

"It did not therefore seem as though the Roman Catholic interests had been neglected in the western part of the Dominion."

Coming down to Nova Scotia he says;

"It was true that no Roman Catholic judge had been appointed in Nova Scotia since the present Government came into power, but the reason for that was not difficult to find. The last appointment made to the Supreme Court of that Province by the late Government before they went out of power was a Roman Catholic one, and it was not to be expected that the next appointment would be a gentleman from the same denomination. As the hon. Secretary of State has said, in these matters due regard must be had to other things besides religion—the qualifications of the individual had to be looked at apart from religion altogether."

Further on my hon. friend, speaking of the appointment of Roman Catholics, apart from qualification, said:—

"There was a very fair representation of the Roman Catholics of Nova Scotia in that House, (speaking of the House of Commons) and, if they had considered that their interests required it, they might have had co-religionists of their own appointed. In fact, he understood that the position had been offered to two Roman Catholics, who both declined to accept it; so it could hardly be said that their claims were not recognized. It would also be found that since the present Government came into power, a very fair proportion of the public appointments in Nova Scotia had been given to gentlemen whose creed was now said to be proscribed. * * * One of the best offices in Nova Scotia, that of Warden of the Penitentiary, was given to Mr. Flinn, a Roman Catholic. Then when a vacancy occurred in the office of Superintendent of the Intercolonial Railway at Halifax, a Roman Catholic, Mr. Macdonald, had been appointed to it. That did not look as though the present Government had ignored the claims of his co-religionists. The new Superintendent of the Provincial Insane Asylum, and the Provincial Engineer of Nova Scotia, who had been appointed a year or two ago by the Local Government, were also Roman Catholics. Those names had occurred to him on very little reflection; and other instances could be cited if the matters were looked into, to prove that the Roman Catholics had not been ignored by the party now in power. If there was a gentleman of that denomination who was in harmony with the party in power for the time being, who

was better qualified than any gentlemen of any other denominations, for a seat in the Government, he presumed that he should be appointed on account of his superior qualifications; but, apart from that, the question of religion should not be introduced at all. As long as the Roman Catholics of the Lower Provinces felt that they were receiving moderately fair play, it did not make much difference whether they were represented in the Cabinet or not."

I ask my hon. friend, in view of these expressions of his, if he can show an instance in Nova Scotia where his co-religionists have been neglected? I ask him if he can show where a vacancy has occurred in Nova Scotia? Has there been a vacancy in the judiciary, or has there been a Lieutenant Governorship to fill? True, Lieutenant Governors have been continued in their offices beyond their first term; but he cannot complain of that. We have, on the other hand, instances where vacancies have been filled by Catholics. Look at the Harbor Master of the Port of Halifax.

HON. MR. POWER—That is a minor office.

HON. MR. KAULBACK—It is a very important office, and was filled by the appointment of Mr. O'Brien. It was a good selection, and the appointment was made in a place where the hon. gentleman's co-religionists were in the minority.

HON. MR. POWER—What is the Harbor Master's salary?

HON. MR. KAULBACK—I cannot tell; but I know it is an important office. It is somewhere about \$1600 a year. I put the hon. gentleman to the test to show where a vacancy has occurred in Nova Scotia in the judiciary, or any where else, where a Roman Catholic of any position has come forward, or has been put forward by his co-religionists as a man qualified for a position and willing to accept office, in which the position has been refused him. Under the late Administration we can show office after office filled by Protestants, as in the case of the appointments under the weights and measures Act, and of the county court judges. In both instances none of his co-religionists were selected by the Government of which he was a supporter and which he sustained in every way up to the last moment of

their existence as a Government: yet the the hon. gentleman comes here and raises discord not only in the Senate but throughout the country when no cause for it exists. His co-religionists looked to this Government for fair play and they have received it. They have not been proscribed as they were by the Liberal party in Nova Scotia before and even since my hon. friend had any political identity or existence. It is to be regretted that this question should be brought up here at all. I care not what a man's religion is, whether he be Romanist, Episcopalian, Presbyterian, or a member of any other denomination, the Government should put the right man in the right place, irrespective of any other consideration. I contend that was not done in the past by the party with which my hon. friend is identified I fail to see what fault he has to find with the present Government and I think this body is the last one in which a question of the kind should come up. I do not wonder that in 1878, the subject was discussed on the question I believe, of increasing the salaries of the judges. The Roman Catholics were then smarting under the injustice which they had suffered at the hands of the Government which the hon. gentleman supported. Religious discords are bad any way. I believe this Government will in the future, as they have done in the past, appoint to office men who are qualified, regardless of their religious belief, and my hon. friend instead of doing any good to his co-religionists, or increasing the popularity of the party with which he is identified has only shown the striking contrast between the liberality of the present Administration and the injustice of the late Government of which he was a consistent supporter.

HON. SIR ALEX. CAMPBELL—I think I am within the bounds of parliamentary rules in venturing to express my regret that the hon. gentleman from Halifax has thought it his duty to bring this subject under the notice of the House; but if he really feels that he and his co-religionists have grave grounds for complaining of injustice done to them, undoubtedly he is in the strict exercise of his rights in calling attention to it. But I do not understand the hon. gentleman to complain in a direct manner. The hon. gentleman demands that there should

not be—I do not understand that he goes further than that—any barrier to a man's appointment to office, simply on account of his religion. Now I think we all agree in that. I do not think any of us would for a moment suppose there ought to be, or indeed has been, any barrier placed in the way of a man's fair ambition, on account of his religion. Of course it is a topic which it is very difficult to discuss without offending the sensibilities of others, and that is why I regret that the hon. gentleman has seen fit to introduce it here for discussion. The proposition suggested in the notice seems to me not to have been made out by the hon. gentleman. Where you say that expectations have been held out I think it must be meant that they have been raised by those who were in a position afterwards to realize them, and I had supposed, on reading the notice, that the hon. gentleman was coming here to quote from speeches delivered on the hustings by gentlemen who are members of the present Administration—that he would have been able to show that members of the Government from the Maritime Provinces, had on such and such an occasion, and at such and such a place, held out expectations to his co-religionists that matters would be changed on their entering office, that those gentlemen had come into power and still a change had not taken place. That is what I supposed he would have tried to establish in support of the first part of his proposition, instead of quoting speeches made by hon. gentlemen in this House and elsewhere who are not in a position to carry out whatever they may have thought was proper in that respect, or whatever views they may have advocated, or in whatever way they may have animadverted adversely to the conduct of the late Administration in respect to these appointments. But the expectations which may have been formed in the minds of the Roman Catholic population of the Maritime Provinces, were not raised by the gentlemen who are now in office. Then the hon. member goes further in support of that proposition, and refers in a very general way to the utterances of newspapers, quoting the opinions expressed by the editor of a paper in Toronto who holds no office in the Government, who had no responsibility then and has none now, and whose utterances ought

not to excite expectations in anybody. Then the hon. gentleman speaks in a very vague way of utterances on a platform, but refers to no particular platform, and to no particular individual, and quotes no utterances. So that the whole of the first part of his proposition rests upon speeches made in Parliament by gentlemen who did not succeed to office, who did not represent those who afterwards succeeded to office in any way, and whose utterances were on their own individual responsibility. So far as the present Government are concerned it would be absurd to hold them responsible for what was said on these occasions by the gentleman to whom reference has been made. But as I have stated if the hon. gentleman really feels that injustice has been done to his co-religionists on account of their religion, I do not at all quarrel with him for bringing the matter under the notice of the Senate, though I very much regret that he should introduce a topic so likely to create feeling on such slight grounds as he has given in the address which he has made to the House. His allusions to cases are very very vague, and I think very insufficient for the purpose of establishing the position which he has laid down. If instead of speaking in the manner in which he has done, he had studied the returns which have been made to Parliament, and produced a list showing those who had been appointed to office during the term of the late Government and those appointed since, and, in addition to that, shown that a particular individual had fair claims to some position, and that those claims had been disregarded, and traced that to the claimant's religion, then indeed he would have established a case, and I am quite sure we should all be exceedingly sorry, and I myself, as a member of the Government (and I am sure my colleagues) would be ashamed that such an incident should occur. I do not believe any such incident has occurred. I do not believe that any man has been proscribed on account of his religion. It does not form a qualification for office. Men should not be appointed because they are Protestants or Roman Catholics; but their religion should be, and has been, no barrier to their appointment. So far as the present Government is concerned I am only apprehensive that we may have gone too far and unduly favored the denomination

to which the honorable gentleman belongs. I think that a much stronger case—I speak from the papers which I have been reading over—could be made out for some denominations of Protestants represented in the Government. I believe that an infinitely stronger case could be made out, if it were taken up by a denomination of Protestants very strong in this community—almost the strongest amongst Protestants—who have been treated by the present Government in a manner which is quite marked, but quite accidental. No one can suppose for a moment that the Government of the country would deprive any man of his fair field for ambition, or of his fair claims to office. But an infinitely stronger case could be made out today, if the matter were taken up, by one of the Protestant denominations which is represented by members in this House, than on behalf of the Roman Catholics. Why, gentlemen, any ministry would be guilty of suicide, if they could for a moment ignore, on account of religion, the fair claims of any of Her Majesty's subjects. To say that any Government would be rash or insane enough, or so anxious to commit suicide as to refuse the fair claims of our Roman Catholic fellow-citizens, seems to me the height of absurdity. Why, their interest, and their own desire to succeed and to make their Government popular in the country, would prevent their adopting so foolish a course. I was unwilling, and until the hon. gentleman took up that part of the subject, I had made up my mind not to quote any instances of appointment to offices; but when the hon. gentleman referred, as he did, to cases of appointments made in the Maritime Provinces, it seemed to me then, for the purpose of defending the Government, that it was necessary to mention cases to show, by absolute facts and by absolute instances, that the conduct which has been attributed to the Government, they are not guilty of, and that they have not in the Maritime Provinces, or elsewhere, been open to the charges which he makes; but that on the contrary, they have striven, as I hope they will continue, to do what is fair to all religions. We are not anxious to recognize any distinction, and the hon. gentleman does not put forward any claim on account of religion; but we are very anxious—and it is impossible that I can express the feeling too earnestly—that nobody should suppose for a

moment that the religion of any one is a barrier or an obstacle in the least degree to his being promoted to office, or having a fair field for his ambition as long as the present Government can control appointments. I have had a table prepared, showing how we have filled the vacancies which have taken place—but I desire first to refer to the case which has been mentioned of Mr. Justice Watters, of St. John, N.B., who was appointed by a Conservative Government. At this very moment there is a proposition before the other branch of the Legislature, and included in the estimates, increasing that gentleman's salary. Does that show any desire to deal harshly or illiberally with him, or to treat him as he would not be treated if he were a Protestant? On the contrary it shows every disposition to treat him fairly, and to put on one side his religion, and to show that it is not a matter which concerns the question of his promotion, or of his appointment to office, in any sort of way, nor does it. With reference to the instances which have occurred in the Maritime Provinces, I have had a list prepared. The language used in the hon. gentleman's motion is "higher offices." Well, I have endeavored not to go down very low in the scale of offices; I have kept within those that may be considered reasonably good appointments. It is very difficult to know what the hon. gentleman means by "higher offices;" but I have kept pretty well at the head of the ordinary appointments in the Civil Service. These vary from \$800 or \$900 to \$2,000 or \$3,000, and I have striven to keep above \$700 at all events. Well, now, since the present Government came into office the appointments to offices in the Province of New Brunswick have been small in number and comparatively unimportant. The House must bear in mind that the patronage, after all, is not a very great thing; we have not the gift of offices that lead to very high emolument and they are very few in number. The appointments in New Brunswick have been a postmaster in St. John, who is a Protestant, and whose salary is \$2,200; a postmaster at Fredericton, who is a Roman Catholic, and whose income is put down at \$1,400; an inspector of Weights and Measures at St. John, a Protestant, whose salary is put down at \$1,200; one in Kings County, also a Protestant, at \$800.

So that there have been altogether four appointments to this kind of offices in that Province. Of those four, three have been Protestants and one Roman Catholic. Well, now, I do not know that this is very unfair ; at all events there is nothing in it to create comment. The gentleman appointed as postmaster at Fredericton was friendly to the Government, and was a man of sufficient capacity and character to justify his appointment, and he was appointed without any reference to his religion. This is the case in New Brunswick. Now, take Prince Edward Island, where, I believe, the Roman Catholics are stronger in proportion to the Protestants than they are in New Brunswick, and, certainly, their appointments to offices have been in that sense. The hon. gentleman said there had not been a Roman Catholic judge appointed since this Government came into power. He is mistaken ; there was a judge in Prince Edward Island ; there was a County Court judge whose name I forget.

HON. MR. HAYTHORNE—Judge Kelly.

HON. SIR ALEX. CAMPBELL—He was appointed at \$2,400. There was an Inspector for the Marine and Fisheries Department appointed from Prince Edward Island at \$1,200, who was also a Roman Catholic ; a clerk was appointed to the Marine and Fisheries, a Roman Catholic, at \$1,150. Then there was a clerk appointed from Prince Edward Island, a Protestant, at \$750 ; there was an agent appointed for the Marine and Fisheries Department at Charlottetown, who was a Protestant, at \$1,000. Then the Master of a steam dredge, a Roman Catholic, who gets \$800 ; and an Inspector of Weights and Measures, also a Roman Catholic, who gets \$800. So that in Prince Edward Island, apparently there were five Roman Catholics appointed and three Protestants. Well, now, can anybody say that this is unfair, or that the Government has drawn any distinction between Roman Catholics and Protestants ? It is manifestly incorrect. I only apprehend that perhaps other denominations might complain, and say they were not sufficiently considered by the Government. In Nova Scotia there

have been more appointments than in the other Provinces, but still the proportion of Roman Catholics seems to have been very fairly maintained. There has been no appointment to any very considerable office there, nothing apparently higher than \$2,500 ; still that is a very good office. I will read what has been done there, since this Government came into power : an Inspector of Post Offices was appointed, a Protestant, at \$2,200 ; a clerk in the Customs, brought up to Ottawa, gets \$800, and is a Roman Catholic. There was a district Inspector of Inland Revenue, who is a Protestant, and gets \$2,200 ; also an Inspector of Weights and Measures, a Protestant, who gets \$1,200 ; a Collector of Inland Revenue at Halifax, who is a Protestant, gets \$1,200, and one at Pictou, a Protestant, who gets \$800. Then there was a Superintendent of the Pacific Railway, who is a Roman Catholic, at \$2,500.

HON. MR. POWER—That, I presume, was the same officer who occupied the office under the late Government. His name is Macdonald.

HON. SIR ALEX. CAMPBELL—No, the hon. gentleman is mistaken : his name is Lynskey. His appointment was first on the Intercolonial Railway, and he was afterwards transferred to the Pacific Railway. He was a Roman Catholic and was appointed at the request of the late venerable Archbishop of Halifax. His salary is now \$2,500. Then there is an engineer of the Railways and Canals who was brought from Nova Scotia and who is here in Ottawa now filling the vacancy created by the resignation of Mr. Smellie. He is a Roman Catholic and gets \$2,500. Then the master of the steamer *Newfield*, a Protestant, gets \$1,400. The second in command of the steamer *Newfield*, a Roman Catholic, gets \$800. An Inspector of Marine and Fisheries, a Protestant, gets \$1,400. An Inspector of Lights, I think a Protestant, gets \$1,200. Then there is the Provincial Arbitrator, a gentleman, I understand (I have not the pleasure of his personal acquaintance) of very great merit, who was dismissed by the late Government. I would not for a moment say that it was on account of his religion. I will say I do not believe it was. He was dismissed by the late Administration

and appointed by the present Government. He discharges his duty with great ability and to the complete satisfaction of the Minister more immediately charged with that branch of the public service. He is a Roman Catholic. There is a track master, a Roman Catholic, who gets a salary of \$1,200. So that there has been no unfair discrimination between Protestants and Catholics in Nova Scotia, and as has been said by the hon. Senator from Lunenburg, the very first appointment of a Roman Catholic to the Bench in that Province was made not by this Government but by the Government which was in power in 1873, whose mantle and whose sins we inherit, and whose good deeds we may possibly claim merit for too. And further, I beg to say that the offer of a judgeship was made to a distinguished Roman Catholic in the Lower Provinces but was not accepted by him. The late Mr. McKechnie, of Cape Breton, was appointed by the late Government. The present Government, in making all these appointments were actuated by a desire to do justice to all; and I had hoped, and up to this time believed, and will still endeavor to believe that even the hon. gentleman will concede there has been no discrimination between the various denominations in making these appointments.

HON. MR. POWER—They do not affect the question.

HON. SIR ALEX. CAMPBELL—Then I am surprised, and I confess I do not understand the question. The point which he raises is that we have unfairly discriminated against the Roman Catholics in appointments to the higher offices.

HON. MR. POWER—I never said anything of the kind.

HON. SIR ALEX. CAMPBELL—Then will the hon. gentleman explain what he did say?

HON. MR. POWER—I think it is very clear.

HON. SIR ALEX. CAMPBELL—The hon. gentleman's notice is to "call attention to the expectations which were excited previous to the General Election of 1878, that in case of a change of Government,

the Roman Catholics of the Maritime Provinces would be more liberally treated, in the matter of appointments to the higher offices, by a Conservative Administration than they were by that of Mr. Mackenzie, and to the fact that those expectations have not been realized." In reply to that I say that those expectations, to be charged against the present Government, should have been raised by members of the present Government. There is no consistency or logic in charging us with sins of omission when we held out no expectations. Therefore, the first part is not established. Then he says that these expectations have not been realized. I have shown that no matter who held out the expectations, they have been realized. I have shown it, not by contrast with the appointments made by Mr. Mackenzie's Government, but by establishing the fact that a very fair proportion of those appointed by the present Administration to offices in the Maritime Provinces are Roman Catholics. If that is not the proposition of the hon. gentlemen, then I confess that I am so dull that I have not been able to understand it; but I believe, notwithstanding his denial, the House will consider that his complaint is that the present Government have failed to realize the expectations which were held out (he does not say by them, but I contend he ought to establish that first) that if the Conservative party came into power, the Roman Catholics would be treated more fairly in appointments to the higher offices than they had been by Mr. Mackenzie's Administration. I have not been able to trace what appointments were made by Mr. Mackenzie, but I have been able to establish strongly, and, I would almost say, conclusively by the list which I have read, that those made to what might be called the higher offices in the Maritime Provinces by the present Government, are absolutely without objection on the score of religion to the denomination to which my hon. friend belongs—that it is established by the numbers of those who have been appointed and by their reasonable equality with the Protestants. If the Roman Catholics are one-third of the population they have had at all events one-third of the higher offices, and more than one-third as regards salary and dignity of position. They have had their full share, and I say, therefore, no matter who held out those

expectations they have been fully realized; full and ample justice has been done them, and I should be exceedingly sorry if it had not been done. I can assure the hon. gentleman and the House that it has been the constant desire of the head of the Government and of those gentlemen who hold the offices which involve the most patronage, and of the whole Government, to see carefully that no man's religion constituted a bar to his ambition or to his legitimate claim for appointment to office. Although that has been our desire, and although I believe we have completely executed that desire, yet we claim no merit for it, and there is no merit in it, but only a fair discharge of the duty entrusted to us by the united suffrage of Catholics and Protestants. We believe we have been true to the trust reposed in us by all classes of Her Majesty's subjects, regardless of religion, by holding a fair balance and seeing that no man's religion constituted a bar. We have endeavored to deal fairly by all classes of Her Majesty's subjects in that respect: I believe we have done so, and I should be ashamed if we had not accomplished that result.

HON. MR. POWER—I regret that I failed to make myself understood by the Hon. Minister of Justice. The gist of my argument was this: that under the late Administration, when it was not denied that the Catholics had, at that time, had fair play in the matter of comparatively small appointments like those, a list of which has been read over by the hon. Minister, it was alleged that in the matter of governorships, Supreme Court judgeships and seats in the Cabinet, the Catholics of the Lower Provinces had not received justice, and capital was made out of the allegation, and yet since the change of Government they had been less liberally treated in that respect. That was the complaint of that day, and I thought I quoted very good authority. The hon. gentleman said I had not made out a case to show that those expectations had not been excited. I think differently. When an hon. gentleman who is one of the leaders of the Conservative party in this House declares in the most positive terms that an injustice has been done to the body to which he belongs; and when he intimates in the strongest possible manner that when a change of government

takes place a different policy will be pursued; when he declares that the electors will punish the party in power for not having remedied this injustice, is it not reasonable to suppose that expectations shall be created in the minds of the people for whom he speaks, that something more is going to be done for them than has been done? I think it is perfectly clear that such should be the case; and it is all very well for the Minister now to say "we are not responsible for the utterances of the hon. member for St. John, or the hon. gentleman from Richmond." The hon. gentleman who sits by and applauds the language of a prominent speaker of his own party is responsible for what that speaker says, just as though he uttered it himself. And further, I state that the *Irish Canadian*, which was a subsidized organ of the Conservative chieftain, continually attacked the Administration of Mr. Mackenzie for not having done justice to the Irish Catholics. It has been made quite clear that that paper was strictly under the control of the Right Hon. leader of gentlemen opposite, who ought to fulfil the expectations which were created by the utterances of that organ.

HON. MR. KAULBACH—And they are being fulfilled.

HON. MR. POWER—Not at all. Supposing that what was advocated by hon. members of this House and by this newspaper, had been done, credit would have been claimed for it, and the Government would have said, "we have done what our friends said we would do." It seems to me that, in trying now to disavow the utterances of their own supporters, in this House and in the other House, and the utterances of their subsidized organ, the hon. gentlemen are pursuing a course which does not do much credit to their candor or honesty. I have not made any complaint whatever that the present Government were not giving the body to which I belong fair play. As I said in 1878, and in language which I quoted here just now, I think this is a complaint that one should be very slow to make and should make only on very good grounds. What I complain of is this; when gentlemen who are now in the Government were in opposition they could not show that the Government of that day had not given the body

to which I belong fair play, because it appeared in the discussion that in the matter of appointments in the various provinces Mr. Mackenzie had acted very liberally and had appointed a Roman Catholic Lieutenant Governor and two county Judges in Ontario, and a Roman Catholic Lieutenant Governor in Manitoba, and had made a number of minor Roman Catholic appointments in the Provinces.

HON. MR. KAULBACH—Not in Nova Scotia.

HON. MR. POWER—Yes, for instance the Warden of the Halifax Penitentiary, Mr. Flinn was a Roman Catholic, and the Superintendent of the Intercolonial Railway at Halifax. And if the hon. gentlemen to whom judgments were offered did not take them, I do not see that we have any right to complain if they were not filled by our co-religionists; but yet these gentlemen excited expectations that more would be done by the Conservatives, and these expectations have not been realized. There have been no Supreme Court judges, no member of the Cabinet and no Lieutenant Governor appointed from the body to which I belong. I am not complaining of that fact in itself; but think that after the expectations that had been excited, the Government should have made such appointments. Again, the minister says they have increased the salary of Judge Watters. The fact is that the same answer was made to the member of St. John when he made the complaint before. The hon. gentleman who then led the House said that the Government had appointed Judge Watters, judge of the Vice Admiralty Court, with an increased salary. The general election is likely to come off, if everything is serene and lovely, before Parliament meets again, and it is a very shrewd thing on the part of the Minister of Finance, who is to run an election in St. John to put a sum of \$600 in the estimates for this purpose, which will probably have a certain amount of influence in securing the votes of some of Judge Watters' friends.

HON. MR. ALMON—He buys it very cheap then.

HON. MR. POWER—I am very glad that this discussion has taken place. It

has had the effect of eliciting from the Leader of the House, the declaration that religion is not a matter that should be considered in making appointments at all.

HON. MR. BOTSFORD—No sensible man ever thought of the like.

HON. MR. POWER—I did not understand him to say that the late Government had ever dealt any way but fairly by the Roman Catholics in their appointments; and I hope that one result of this discussion will be that we shall not, in the next election, have the spokesmen and organs of hon. gentlemen opposite making efforts to again hoodwink and deceive the Catholic body by promises that they do not intend to fulfil.

HON. MR. CARVELL—I do not understand the object of this discussion, but I presume the hon. gentleman who moved this resolution does. I might remind him, however, that the first Roman Catholic member we ever had in the Government of New Brunswick was the Hon. George Watters. The first Roman Catholic judge we ever had in the Province of New Brunswick was Judge Watters who was appointed on the recommendation of the present Finance Minister and now his salary is about to be increased at the instance of the Minister of Finance, and I do not think it is quite fair that it should be alluded to as a possible election card.

HON. MR. BELLEROSE—I do not rise to speak to the question, but I think it is time to ask the Minister of Justice whether the report which was asked for last session by the hon. member from DeSalaberry—a list of all the officers of the Dominion, showing their nationalities, religion and salaries—is yet ready? I suppose that even though the Government employees numbered half a million the return could be compiled in twelve months. That statement might have been prepared and I believe it would have shortened this discussion, because such an official document would be the best argument. On both sides there seem to be good arguments, but I must acknowledge that to my mind the hon. member from Halifax has made the strongest point, and if we consider the logic of the argument

the victory is on his side. I should like to have the return moved for by the hon. member from DeSalaberry to see if the logical argument of the hon. member from Halifax coincides with the official figures.

HON. MR. ALMON—I did not intend to say anything on this question, but I hope that that return will never come down here. If we are going to have continually brought before us the religion and nationality of every man appointed to office to see whether the person who held the office before him was of the same religion, then I should say do not bring down that report. I think the majority of this House will say that this constant interference with and mention of peoples religion is very much to be deprecated. I had hoped the great honor of Nova Scotia was that it was there it was first discovered that a man's religion should not be considered as a barrier to public life. When Kavanagh was elected to represent Cape Breton, Protestants and Catholics joined hands to attain that result, and he was admitted without being required to take those absurd oaths of supremacy, and non ecclesiastical power of the Pope. It was first proved in Nova Scotia that a man's religion should not be a barrier to entering into public life, and I regret to see it now brought forward that religion should be the best means of appointment to public office. If it is in the power of the Leader of the Government to do so I hope he will not produce this return showing the religion of people who hold office. For the sake of harmony, for the sake of peace and Christian amity tear it up and keep it out of the House.

HON. SIR ALEX. CAMPBELL—The return was not asked for by my hon. friend behind me, but by the hon. gentleman from DeSalaberry, and was ordered by the House, and of course it is in preparation. When it is likely to be brought down of course I do not know. I am glad at all events that the discussion has elicited from the hon. gentleman who provoked it his sense of this, at all events that no injustice has been done to his countrymen by us in the Lower Provinces.

HON. MR. BOYD—I did not intend to take any part in this discussion, but

the reference made to St. John impels me to say a few words. In the first place, while I regret that this discussion has taken place, and that the hon. Member from Halifax has brought in here an element which, I think, should never be introduced into the Senate, an element which has created so much disturbance in another part of this building between religious contestants, I am the less sorry that the matter has been brought up because it has elicited a reply from the Leader of the Government in this House which must be satisfactory not only to the Senate but to the whole country. The statement has been thrown in my teeth, and has been thrown in the teeth of other hon. gentlemen, that the denomination to which my hon. friend refers has not received justice. While I was asking for an appointment the other day for a friend of mine, in a Department of the Government here, he said "Why, the cry is that I am appointing nothing but Roman Catholics." Whether that is true or not I am not called to say, but I must say that the list that has been presented to us here to-day shows that justice, full justice, has been done to my Roman Catholic fellow citizens in the Province I have the honor to represent. If my hon. friend had gone a little further and included in his list salaries under \$700 or \$800, he would have found numbers of others. With reference to Judge Watters, I had the pleasure of taking part in an election that gentleman and my hon. friend the Finance Minister ran previous to 1867. Then Protestants and Catholics fought side by side, and they won a victory, but I am sorry to say that from the year 1867 until this time we have not known in New Brunswick Protestants and Catholics fighting side by side for membership in the same constituency. Previous to 1867 we were Liberals and Conservatives, and known by these names, but in 1867 or previous to that there was a contest which took a different form altogether. It was a contest as to whether these Provinces should remain in the state of disunion in which they had been previously, or enter into a bond of union. I regret to say that under the leadership of an able man, an able journalist now in another part of this House, my Roman Catholic fellow countrymen, with a small exception, went with the party who

were opposed to the Union of these Provinces. In consequence of that they have not worked with us as formerly, and they have not, perhaps, partaken of the higher offices that might otherwise have fallen to them, because of the policy to the party belong the spoils. But I am happy to say from what I have heard since, and from all I know, this state of things is about ended, and I think you will find, when the next election comes on, whether it is this year or next year, that our Catholic fellow citizens will take a different course. They will come back to their allegiance; we shall find them side by side with us. The scales have fallen from their eyes; they see that the trade policy and the land policy of the present Government are the best for the country, and they will be disposed to cast in their lot with those who have endeavored to carry out this policy to the great success and prosperity that prevail all over the country. I hope hon. gentlemen, that this will be the last time we shall ever have brought up in this Senate any reference to the altar a man worships at, when he is seeking appointment to a public office. I trust we shall only look at his qualifications for the position, and that his religious belief shall neither be a barrier nor a recommendation. I state this fully and frankly because, while I am a Protestant there is no man in this House or in this Dominion who has within the same compass more warm friends than I have among the Roman Catholics where I live. I think I deserve them: I deserve them, not only on denominational and mercantile, but also on educational grounds. But I have never asked a man, under any circumstances, what his religion is and why, and I never will. Years ago, when I was a boy and given to poetry, I read some lines of Tom. Moore and have not forgotten them yet:—

Shall I ask the brave soldier who fights by
my side
In the cause of mankind if our creeds do agree?
Shall I give up the friend I have valued and
tried,
If he kneel not before the same altar with me?
From the heretic girl of my soul shall I fly,
And seek somewhere else a more orthodox kiss?
No, perish the hearts and the laws that
would try
Truth, valor or love by a standard like this.
I hope hon. gentlemen that this is the
last we shall hear of this question here.

HON. MR. DEVER—It is very painful to me to have to speak on this occasion, and I certainly did not intend to do so; but this debate has taken so wide a range that I feel it is my duty to give expression to my thoughts as I view the situation. It has been said that the Catholics of my Province opposed Confederation, and I believe a large body of them did so, in consequence of the advocacy of a very able man in that Province; but I have to deny wholly that the Catholics as a body were then or have been opposed to the Union since they found out the benefits of it, and realised that we are to have a national existence in which they will be identified as other classes of society. But I think I would be recreant to my trust if I permitted my hon. colleague from St. John (Mr. Boyd) to assert that they are quite satisfied with their present situation and representation in the Cabinet. It is well known hon. gentlemen that there should be five members representing the Lower Provinces in the Cabinet of this country, but at present there are only four, and those four are all Protestants. Nova Scotia has her quota—two—P. E. Island also is fairly represented, but New Brunswick has only one of the two members to which she is entitled. It is admitted that in New Brunswick the Catholics number at least one-third of the population, yet they are not represented. Now, I do not claim that the Catholics of this country can perhaps produce such men as the Right Hon. Sir John Macdonald, Sir Charles Tupper, Sir Alex. Campbell or Sir Hector Langevin; but we do claim that we have men quite as competent to fill the lesser offices in the Cabinet as the “small stowage” that at present occupy those positions, if indeed they are not much more competent. It is a cause of complaint, and we feel that we have a right to complain, that when a vacancy occurred in the Cabinet after the last election, we were deprived of that representation, which was our right; and I could not go back to my Province if I were silent on this occasion. I tell this House that we do feel that neither this nor any other Government has a right to expect the support of the Catholics if they do not give them representation in the Cabinet of the country. I say it is unreasonable for the present representative of New Brunswick to expect that he can go down there and receive the support of

a people who have been ignored in such representation; blood is thicker than water, and it is useless to try and suppress the prejudices of the masses, for they will have them. Many of those people may be personal friends of my hon. colleague (Mr. Boyd), and many of them have been faithful, true, honest and loyal supporters of Sir Leonard Tilley, ever since he entered on his course as an advocate of the Confederation of these Provinces, but still they are at present greatly dissatisfied. I have done every thing that I possibly could, I have even withstood the attacks of people with whom I was most closely identified; I worked in every possible way that was straightforward and honorable to reconcile their feelings, to what I conceived was right; and while we find to-day that in that Province, and especially in the city and county of St. John, there are no more truthful supporters of Confederation than the Catholic portion of the people, there is nevertheless a deep feeling of anger and dissatisfaction among them at the way in which they have been treated in this matter of representation. We all know the result of the last general elections: Hon. Sir Leonard Tilley was the only prominent representative from that Province who came up here to form a portion of the Cabinet. It would appear that because the representation from New Brunswick was against the Government he was opposed strongly by a large party. It was found that instead of bringing to his support and that of the Cabinet some 12 or 13 members he had only two or three, and out of those two or three we had a right to expect that one of our own people would be chosen. It was necessary to select two representatives for New Brunswick in order to make up the quota of that Province to what had been accorded in former years, for we have always had two members in the Cabinet ever since we entered the Confederation. My hon. friend from St. John knows that Sir Leonard Tilley came to Ottawa, and instead of taking one of his own party as a colleague in the Cabinet he went across the country and selected a man that was opposed to him for 20 years, hostile to his party and hostile to him, and whom Sir Leonard Tilley had educated the young men of St. John to oppose inasmuch as he was the very man whom he (Sir Leonard) put out of the political position

that he occupied, as Provincial Secretary in that Province, in former years. That man was selected from the opposite side of politics, to the exclusion of one of the Government supporters, and was made his colleague in the Cabinet. Gentlemen who had a right to that position naturally asked the question: how is all this, what is party government, are we to be supporters of a party in order to have an opponent of 20 years standing selected and put into the Cabinet of this country without any reason; a man known to be obsolete in his politics and without any fitness for the office? The result is, gentlemen, that the conclusion has been forced upon us that there were only some three men (two of whom were Catholics) to be selected from in New Brunswick, and in consequence of those two men being Catholics they were overlooked, and a man was selected who it was universally acknowledged, had no right or title to the position. Opposition was shewn to it and the result was that that gentleman retired from the Cabinet; he took the position of Lieutenant-Governor of New Brunswick, and he holds that office to-day. And I ask what has followed? His place in the Cabinet has been kept open and representation has been denied to New Brunswick in preference to taking in a Roman Catholic.

HON. MR. POWER—The position has been filled by a man from another Province.

HON. MR. DEVER—New Brunswick has no representative in the Cabinet but Sir Leonard Tilley: that is the position we hold. Now I have every respect for that hon. gentleman, there is no man in this Dominion thinks more of him than I do, but at the same time I believe in common justice, and it is wrong to say that men are satisfied who feel that they are entitled on party grounds and from party position to consideration, but that they have been overlooked. I know they are not satisfied, and they can only be brought to the polls by pressure that I think is not satisfactory. If I mistake not my hon. colleague will find the error he has made, and I am sorry for it. People may secure their elections, but it would be much more satisfactory to have the universal respect

and confidence of the electors, and that cannot be obtained by equivocation and deception; but it does not necessarily follow from the mere fact of election, that a candidate enjoys such respect. It would be far better to get the open, manly expression of all sections of the people in his favor, and that cannot be obtained while the Catholics feel they are only being trifled with; it is futile to expect them to go to the polls with that hearty desire which would be evinced if they felt they were treated with true friendship and open handed justice. I, for one, cannot go back to my Province and tell my people that they are fairly dealt with; by doing so I would feel I was discrediting both them and myself. I know they feel bitterly that the cause is simply this; they are ignored through fear lest the patronage should be divided and they should receive what is their due, from one of their own kind—and I may tell this House that they are not satisfied to receive it from any other source. Now that is the position and in saying so I wish it distinctly to be understood that there is no fault to be found with the prominent members of the present Cabinet from other Provinces than New Brunswick. We do not look to Sir John Macdonald, Sir Charles Tupper, or even Sir Hector Langevin, who represents Quebec. We acknowledge that Nova Scotia has a noble representative, but it is to Sir Leonard Tilley we look for justice; we feel proud of him but we cannot allow him to think that we are satisfied when we are not receiving that to which we are entitled. When a legitimate vacancy occurred in the Cabinet we had a right to expect that it would be given to one of our own people who had been faithful to the party; that has not been done and it is on that ground we are dissatisfied. I would fail in my duty if I did not let this Senate know clearly that it is not the small offices for which we look, but fair and equitable representation in the Cabinet of this country.

BILLS INTRODUCED.

The following Bills from the House of Commons were introduced and read the first time:—

Bill (51), "An Act to incorporate the Synod of the Diocese of Saskatchewan and for other purposes connected therewith." (Sir Alex. Campbell.)

Bill (79), "An Act to incorporate the American Electric Light Company of Canada." (Mr. Gibbs.)

Bill (46), "An Act to incorporate the Edison Electric Light Company of Canada." (Mr. Bellerose.)

Bill (Q), "An Act to make further provision in regard to the Supreme Court of Canada."

AMERICAN TELEGRAPH & CABLE COMPANY'S BILL.

SECOND READING.

HON. MR. GIBBS moved the second reading of Bill (17), "An Act to grant certain powers to the American Telegraph and Cable Company." He said:—This is a Bill to incorporate the American Telegraph and Cable Company which has already a corporate existence in the State of New-York. Its object is to construct a telegraph and cable line between America and Europe. Being incorporated already in the State of New York they desire to place themselves under control of the Dominion of Canada and to make themselves amenable to the acts of the Dominion: for that purpose they seek this Act of incorporation.

The motion was agreed to and the Bill was read the second time.

NEW YORK AND ONTARIO FURNACE COMPANY'S BILL.

SECOND READING.

HON. MR. READ moved the second reading of Bill (65), "An Act respecting the the New York and Ontario Furnace Company."

The motion was agreed to and the Bill was read the second time.

HON. MR. DICKEY, suggested to the chairman of the Committee to whom the Bill was referred, that he should take into consideration whether it would not be better to refer it to the Supreme Court for their opinion as to the regularity of such legislation.

LAKE SUPERIOR AND JAMES' BAY RAILWAY BILL.

THIRD READING.

HON. MR. DICKEY moved concurrence in the amendments made by the

Committee on Railways, Telegraphs and Harbors to Bill (22), "An Act to incorporate the Lake Superior and James' Bay Railway Company." He said:—"In the absence of hon. Mr. Scott I have been requested to move that the amendments proposed by the Railway Committee be concurred in. I explained them very fully yesterday and therefore will not again go into the matter as they evidently met with the approbation of the House.

The motion was agreed to and the Bill was then read the third time and passed.

PLANTERS BANK OF CANADA BILL.

SECOND READING.

HON. MR. CARVELL, in the absence of the hon. Mr. Ogilvie, moved the second reading of Bill (52), "An Act to incorporate the Planters Bank of Canada." He explained that it was applied for with a view to have more direct business communication with the West Indies.

The motion was agreed to and the Bill was read the second time.

THE SENATE DEBATES.

FIRST REPORT OF THE COMMITTEE ADOPTED.

HON. MR. MACFARLANE moved the adoption of the first report of the Committee on printing and publishing the Debates of the Senate. He said:—"This is a report which gentlemen will observe has been published in the minutes and is introduced by the Committee on reporting for the purpose of improving and enlarging the index of the Senate Debates. The Committee found on examining the index that it was not as complete as was thought desirable, and we had an offer from a gentleman in one of the Departments here, Mr. C. Campbell, who has made a specialty of this work, to prepare an improved index. He is the gentleman who in 1879 compiled the index for the House of Commons *Hansard*. His proposition was to give as an index similar in character, but on a reduced scale and in proportion to the size of our volume for our Debates for the sum of \$200. We then drew the Messrs. Holland's attention to the fact, but they

contended that while they were obliged by their agreement with the Senate, to provide an index to the Debates, they were not required by their contract to prepare such an index as was compiled by this gentleman for the House of Commons; but they were willing to allow \$1.00 per page of the printed index, which may be deducted from the amount payable to them under their contract and which would reduce the amount of the \$200 to be paid Mr. Campbell. We agreed to recommend that this sum should be paid to Mr. Campbell and it will probably give us an amended index of the Debates for the sum of \$150. The Committee think it would be a very valuable addition as a book of reference and, as the report states, we have recommended that sum for the purpose.

HON. MR. KAULBACH—I approve of the suggestion made in the Report of the Committee. I have looked over the index of the House of Commons *Hansard* and find it of great use for reference, and I think the price for the service is not extravagant. I would ask my hon. friend what the cost of reporting and circulating the Debates is now as compared with the former system?

HON. MR. MACFARLANE—I do not understand in what respect.

HON. MR. KAULBACH—What is the cost of the present system of reporting the Debates of the Senate compared with the cost under the old system? Is it more or less?

HON. MR. MACFARLANE—It is a very slight increase upon the previous sum under the agreement we have now with the Messrs. Holland, but the publication is more prompt and the speeches delivered in French are reported and printed in that language. If gentlemen will look over the Senate Debates they will notice that the book contains two indexes, a table of contents at the beginning and an alphabetical index at the end of the volume. On examining the former it seemed to us that it was not necessary, and we agreed to have that struck out altogether, as has been done in the House of Commons *Hansard*.

The motion was agreed to.

HON. MR. DICKEY.

BRITISH AMERICAN ASSURANCE
COMPANY'S BILL.

SECOND READING.

HON. MR. SMITH moved the second reading of the Bill (34), "An Act to amend and consolidate as amended the several Acts relating to the British American Assurance Company."

The motion was agreed to and the Bill was read the second time.

The Senate adjourned at 5.50 p.m.

THE SENATE.

Ottawa, Monday, March 27th, 1882.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

EASTERN EXTENSION RAILWAY
INQUIRY.

Hon. MR. WARK inquired :

"Whether Mr. Shanly, to whom was referred the claim of the Government of New Brunswick, to be refunded the balance of the sums expended on that part of the Intercolonial Railway known as "Eastern Extension" reported favorably thereon, and if so what amount he recommended to be paid to New Brunswick, and whether the Government intend to pay the same?"

He said :—This question refers to the railway which was undertaken in accordance with an agreement between the people of the United States, the people of New Brunswick, and the people of Nova Scotia to construct a road to connect the United States railways with Halifax, and shorten the ocean route. In pursuance of this arrangement we first built the middle section of our line to connect St. John with the Gulf of St. Lawrence at Shediac as a government work. We subsidised a company to meet the railway from the United States at the boundary in which we invested \$1,200,000—\$10,000 a mile, and \$300,000 stock. Our Government then agreed with the Government of Nova Scotia to build the connecting link at the other end. Nova Scotia was to build from Truro up to the boundary, and we had to

build from near the Shediac and to meet the Nova Scotia line. Both governments let the work by contract, and the contractors on the New Brunswick end commenced work about the time we entered Confederation. After a while it was found that those two sections being built in New Brunswick and Nova Scotia would form part of the Intercolonial railway. Nova Scotia stopped, and did not go on with their work. We had advanced too far, and when the road was well on towards being finished the Dominion Government agreed to take it off the hands of the Government of New Brunswick, but at a price which was fixed very low. The Commissioners were then of the opinion that, having let contracts on the Intercolonial, they could get the road built for \$24,000 a mile, and they advised the Dominion Government to offer New Brunswick \$24,000 a mile. That offer was made with the alternative that if it was not accepted they would go on and build one of their own, which would be a rival line. Of course the offer was accepted. We were subsidizing this road to the extent of \$10,000 a mile; but under the arrangement, out of \$24,000 which the Dominion Government paid us, all that our Government got was \$250,000 instead of \$400,000. The Intercolonial Railway cost much more than the price fixed at that time. Nova Scotia having made no progress with their contract, it was handed over to the Dominion Government, and that section was built throughout at the expense of the Dominion Government. We think the Dominion Government ought to pay us the amount we invested in that portion of the line which fell to them. I put my question on account of having seen a message sent down by the Lieutenant Governor of New Brunswick two years ago. On the 20th April 1880, a message was sent down, and a resolution with respect to the building of the new parliament buildings. The resolution is to this effect :—

"Resolved—That in view of the anticipated favorable settlement, during the recess, of the claim of this Province upon the Dominion Government in regard to the Eastern Extension Railway (so called) whereby the means for payment of the said Building, may be obtained, it is desirable that meantime the Governor in Council effect, and they are hereby authorized to effect a temporary loan or advance from the Dominion Government, or

any other source they may see fit for such sums as may be required to meet the cost of construction of the said Building, not exceeding, however, the said amount of seventy-five thousand dollars."

On the strength of this resolution, from which it appears that the Lieutenant Governor and his Council were well satisfied that the sum of \$150,000 would be paid, they have gone on and built a very beautiful building at a cost I am told—fitting up and all—of \$125,000, which would absorb most of this amount. This resolution contained the opinion which was held by Lieutenant Governor Wilmot, lately a member of the Dominion Government and speaker of this Senate, and his Council two years ago. A member of that Government made a speech in the New Brunswick Assembly a few days ago in which he said:—"I met Mr. Shanly in Halifax and I have confidence that his report will be favorable and satisfactory." Now this is the opinion of a member of the New Brunswick Government at this date, and the other is the opinion which was entertained by the Lieutenant Governor Wilmot and his Council two years. I think therefore, as negotiations have been going on so long about this matter, that the Government ought to be prepared now to give a favorable answer to the question I have put.

HON. MR. AIKINS—The piece of road to which my hon. friend refers cost the New Brunswick Government, I believe, \$400,000; but for the purposes of the Intercolonial Railway it was valued, and considered to be only worth, \$250,000, and the question at that time was whether the New Brunswick Government would take the sum of \$250,000, or whether the Government of Canada would build an independent line; and the Government of New Brunswick, I believe, at that time acquiesced so far as to say that they would take whatever this portion of the road might be considered to be worth. I believe these are the facts as they occurred. The answer to the question as put by my hon. friend is this:—the matter is still in the hands of the Minister of Railways, who will give it careful attention. Mr. Shanly was called to report on it confidentially for the Minister's information; it was merely a confidential report and—as it is now in the hands of the Ministers of

Railways—until it is considered by the Government, it cannot be brought down.

HON. MR. WARK—I am surprised at the answer to my question. This was one of the claims on the list which was referred to Mr. Shanly. Why this should be looked upon as a private report, more than any of the others, I cannot understand. The hon. Minister of Inland Revenue states that the Government gave New Brunswick its choice, but that New Brunswick need not have accepted this offer; I contend that there was no alternative. It was out of the question that there should be a rival road built, and they had to accept what was offered; but at the same time they accepted it on the understanding that the Dominion Government would build the whole road at \$24,000 per mile. The road has not been built at that price, nor at \$30,000 per mile, and I think New Brunswick is entitled to the same price as that which the adjoining section in Nova Scotia cost the Dominion.

SAULT STE MARIE BRIDGE BILL.

THIRD READING.

HON. MR. READ rose to move the third reading of Bill (43) "An Act to incorporate the Sault Ste Marie Bridge Company." He said: When this Bill was before the Senate the other day, the Government raised some objections to it and said it would be necessary to add a clause. I have one prepared which has received the approval of the leader of the Government in this House. It is as follows:

"The Company shall not commence the actual erection of the said bridge until an act of the Congress of the United States of America has been passed consenting to or approving of the bridging of the said river, but the Company shall have the power in the meantime to acquire the lands, submit their plans to the Governor in Council and do all other the matters and things authorized by this Act except the commencing of the actual construction or erection of the bridge, and the time for completion of the work as fixed by this Act shall run from the date of the passing of said Act of said Congress."

I move the adoption of the clause.

The motion was agreed to and the Bill as amended was read the third time and passed.

AMERICAN ELECTRIC LIGHT
COMPANY'S BILL.

SECOND READING.

HON. MR. GIBBS moved the second reading of Bill (79), "An Act to incorporate the American Electric Light Company of Canada." He said—The Bill is for the purpose of manufacturing machinery, apparatus and instruments for the manufacture, sale and distribution of electricity for the purposes of light, heat, and power. The Bill empowers the Company to purchase, sell or lease such machinery, and also gives the Company authority to construct and operate necessary works for the production of electricity and to hold real estate requisite for the purposes of the Company.

HON. MR. POWER—Under our rules the House has power, at the second reading, to refer a bill, as to the constitutionality of which there is any doubt, to the Supreme Court of Canada or any two judges thereof for their opinion, and I respectfully suggest to the hon. gentleman who has charge of this Bill, that it is one which should be referred for that purpose now. If it is not referred now it might be treated as another Bill has been reported by the Standing Orders and Private Bills Committee with a recommendation that it be referred to the Supreme Court—and I think it will expedite matters if the reference is now made. This is the regular stage. It is to the knowledge of other hon. gentlemen, as well as myself, that a very long discussion took place in the House of Commons as to the constitutionality of this Bill and the other on the Orders of the Day, the Edison Electric Light Bill. Some very high authorities in that House were of opinion that these Bills should be passed by the Local Legislatures and not by the Dominion Parliament, the work that they are to do being local—that although it may be done in different provinces the work in each province is of a local nature and not work which extends from one province into another. Then the companies are given certain rights with regard to the use of streets and real estate. On both these grounds the Bills are supposed to be measures which should be more properly passed by the Local Legislatures. On the

other side it is contended that as the companies propose to do business in more provinces than one they should come to this House for their charters. It seems to me it would be better to have this matter settled now than at a later stage or after these companies get their Acts of Incorporation. If the hon. gentleman has no objections I will move that this Bill be referred to the Supreme Court or two judges thereof for their opinion.

HON. MR. KAULBACH—This question was discussed in the other House, and the conclusion was arrived at that the Dominion Parliament had full power and authority to legislate in this direction. I think, after the full consideration which was given to the point which is now raised by my hon. friend, it will probably work injustice to the parties who are seeking to be incorporated by this Bill, if his motion be adopted. I cannot see any force in his objection, and, therefore, I cannot possibly support his motion.

HON. MR. GIBBS—I trust the Bill will be allowed to go the second reading, and be referred to the Standing Orders and Private Bills' Committee, where this question can be properly discussed, and, if the committee consider that the Bill should be referred to the Supreme Court, the reference can then be made. That is the course which has been pursued with reference to bills of a similar character. I trust, therefore, that the hon. gentleman will waive his objection, and let the bill be read the second time and referred to the committee.

HON. MR. DICKEY—This question has been up on several occasions, and the singular anomaly has been pointed out that we were called upon to affirm the principle of a bill, and afterwards to refer it to the Supreme Court. The rule formerly required the reference to be made before the second reading, but it was changed, and it now reads as follows:—

"At any time before the passing of any private bill, the same may, if the Senate think fit, be referred to the Supreme Court for examination and report as to any point or matter in connection with such bill expressed in the order of reference."

During this session we have acted upon that, and a bill has passed the second

reading and been referred to the committee, and the committee has recommended to the House that it should be referred to the Supreme Court—I allude to the Quebec Timber Bill—and the House acted upon that report. I think that would be the proper course to pursue in this case.

HON. MR. BUREAU—My hon. friend, in such an important matter as this, ought to have given some notice of his motion.

HON. MR. BOTSFORD—I think the principal objection to the motion as made, is that the hon. gentleman ought to state in the order of reference the point on which the opinion of the judges is to be asked. The simple resolution that it should be referred to the judges, without stating the order of reference, is irregular. Perhaps, under the circumstances, the hon. gentleman will allow the Bill to be read the second time, and referred to the Private Bills' Committee.

HON. MR. AIKINS—I think that in this case, as in others, we should be uniform as far as possible. Now, when the Bill to which the attention of the House has been called by the hon. gentleman from Amherst—the Quebec Timber Bill—was read the second time, and referred to the committee, a sub-committee was appointed specially to take that class of cases into consideration. I think it would be well to follow the same course now, and if the sub-committee thought it desirable that the Bill should be referred to the Supreme Court they would so report to the committee, and the committee would make the recommendation to the House.

HON. MR. POWER—I have no very great interest in the matter before us, but the old rule, which has been altered, was that the bill should be referred at the second reading. Hon. gentlemen will see the propriety of that, because when we read a bill the second time, we affirm the principle of it.

HON. MR. AIKINS—Not a private bill.

HON. MR. POWER—We affirm the principle and therefore it seems to me, strictly speaking, that the second reading is the proper stage at which to make the

reference. I do not think the objection raised by the hon. gentleman from De Lorimier (Mr Bureau) has any force; I do not think that notice of a motion like this is necessary. I think, however, that the hon. Senator from New Brunswick (Mr. Botsford) is right in saying that the reason for the reference should have been stated, and I had proposed to do so, but the order was called before I had time to prepare the motion. I have no special hostility to these Bills, and my motion was made rather in their interest than otherwise, because it seems to me there would be less loss of time by making the reference now and getting the opinion of the judges of the Supreme Court at once, than by referring the Bills to the committee, who would have to refer them to a sub-committee and afterwards report them back to the House to be dealt with again. I think the course which I have suggested would be the shortest and best.

HON. MR. MACFARLANE—The sub-committee might come to the conclusion that the reference to the Supreme Court would not be necessary, and in that case it would be an advantage to have the Bills read now and referred to the committee.

HON. MR. MILLER—The absurdity of affirming the principle of a Bill and then referring it to the Supreme Court, as pointed out by the hon. Senator from Halifax (Mr Power) must be apparent to any one who has given the subject any consideration whatever. If you read a Bill the second time you adopt the principle of it, and that is why the old rule required the referenee to be made before the second reading. It is no argument to say that, because an irregularity was fallen into the other day with reference to the Quebec Timber Bill, we should make that a precedent for another irregularity.

HON. MR. AIKINS—It is no irregularity under our rules, because a Bill may be referred at any stage.

HON. MR. MILLER—But the object of the great latitude given by the rule, is to meet cases which may arise after the second reading and where objection was not taken before the second reading, and it is as well perhaps that the rule is as

HON. MR. DICKEY.

broad as it is at present; but in a case where the constitutionality of a Bill is questioned, if there is really any ground for the contention, this is certainly the proper time to make the reference. I do not mean to say that there is any sufficient ground for referring this Bill to the Supreme Court, in fact I am rarely inclined to refer any Bill to them unless there is some urgent necessity for doing so. I think we should divest ourselves of as little as possible of the powers which we possess, but still I think the construction placed upon the rule by the hon. Senator from Halifax (Mr Power) is the right one.

HON. MR. GIRARD—I object to the principle of frequent reference of bills to the Supreme Court. We are here to legislate and express our opinions on the questions which come before us. The principle of this Bill is that certain parties ask power to manufacture machinery, etc, for the production, sale, and distribution of electricity for purposes of light, heat and power. There is no difficulty in admitting that principle in the limits of the Dominion. It seems to me the wisest course would be to refer the measure to the Committee on Private Bills and the question can there be decided, whether there is sufficient cause for referring it to the Supreme Court or not. We are here acting as a court and it seems to me that it is our duty to decide on these questions instead of referring them to the judges of the Supreme Court. There may be occasions where such reference should be made but in such cases it would be better to let the Committee make the recommendation and the House can then act upon it. I therefore object to the motion.

The amendment was withdrawn and the Bill was read the second time and referred to the Committee on Standing Orders and Private Bills.

EDISON ELECTRIC LIGHT COMPANY'S BILL.

SECOND READING.

HON. MR. BELLEROSE moved the second reading of Bill (46), "An Act to incorporate the Edison Electric Light Company of Canada."

The motion was agreed to and the Bill was read the second time.

The Senate adjourned at 4.10 p.m.

THE SENATE.

Ottawa, Tuesday, March 28th, 1882.

The SPEAKER took the Chair at Three o'clock, p.m.

Prayers and routine proceedings.

SASKATCHEWAN AND PEACE RIVER RAILWAY COMPANY'S BILL.

REPORTED FROM COMMITTEE.

HON. MR. DICKEY, from the Standing Committee on Railways, Telegraphs and Harbors, reported Bill (26), "An Act to incorporate the Saskatchewan and Peace River Railway Company," with certain amendments.

It was ordered that the report be taken into consideration to-morrow.

NIAGARA GRAND ISLAND BRIDGE COMPANY.

THIRD READING.

HON. MR. DICKEY, from the Standing Committee on Railways, Telegraphs and Harbors, reported Bill (48), "An Act respecting the Niagara Grand Island Bridge Company," without amendment.

HON. MR. MACFARLANE moved that the Bill be now read the third time.

The motion was agreed to, and the bill was read the third time and passed.

DECEASED WIFE'S SISTER MARRIAGE BILL.

SECOND READING.

HON. MR. FERRIER moved the second reading of Bill (9), "An Act concerning marriage with a deceased wife's sister." He said:—Two years ago when this Bill was before the House, it was unfortunately placed in my hands. I then expressed my regret that it was put in my charge, because I felt that I was quite unable to do justice to the measure, and, to-day I feel precisely in the same position. I regret exceedingly that the Bill is

not in the hands of a man who has the ability necessary to submit it to the House in a proper manner. Although the Bill was thrown out by a majority of two on the previous occasion. I felt no regret because it has given the time for consideration which was asked for on that occasion by the amendment so admirably drawn by my hon. friend from Amherst (Mr. Dickey). It is well that this Senate should invariably take care that no hasty legislation is adopted, and therefore, I felt perfectly satisfied regarding the decision of the House on that occasion. Instead of only the one year that was asked for by my hon. friend, and others who viewed it in the same light, being taken for a further consideration of this measure, two years have been allowed. The gentleman who introduced the Bill in the House of Commons was consulted last year, and after considerable enquiry I was glad to learn that he had come to the conclusion that it would be better to let the Bill stand for another year, so that there could be no excuse regarding the pushing of it through the House this session. That delay was granted, and since then I have been more convinced than ever of the necessity of the measure. I was asked by an honorable member of this House the other day whether I was acting conscientiously regarding this Bill. I told him that if I had not perfectly settled that question with myself my name would never have been attached to this measure. It is a question that was settled in my mind many years ago. I have had no relations of my own nor anything connected with my own family to lead me to that conclusion; but I have had many friends in a position that required this measure of relief, and I am perfectly satisfied from what has come under my own observation, not only within the last two years, but during many years past, that this legislation is necessary. I have certainly given more attention to it of late years than formerly, and to the hardships that many families have to endure for the want of the relief which this measure will afford. I quite understand that members of the Roman Catholic Church are in a better position than the members of some other churches in this respect; because they can obtain a dispensation to carry out what they desire in

relation to marriage with a deceased wife's sister. It appears to me, though, that this Bill will be a great relief even to them. Because, although they may get authority for such marriages, that does not settle the legal question in reference to their children, and I know very well the difficulty a family that I am acquainted with have had regarding the property to be left to their children and the trouble they experienced in having that question settled. It is only a very short time ago since the wife of an intimate friend of mine in Montreal died; her sister had been living in the house, for a number of years and taking care of the children with his wife. Two years after his wife's death, fearing to bring in another woman to take charge of his family, he proceeded to Kingston and married his deceased wife's sister. But he had to go back to Montreal to attend to his business and he found himself in this position "I have got married legally under the laws of Ontario but in Quebec I am in a different position regarding my family." Of course men in poor circumstances are unable to do what people in better circumstances can accomplish by getting proper writings drawn up when they have an addition to their family. These are matters for which a remedy ought to be provided. I am perfectly satisfied that the Roman Catholic Church in giving a dispensation to a man to marry his deceased wife's sister does not give a dispensation to remedy what it considers the law of God; whatever rules it may adopt I am quite sure it is not adopting them in direct opposition to the laws of God. Therefore I think the dispensation is perfectly right; but in passing this Bill the members of that church will have a law in reference to their families which will put them in a much better position legally without the exposure that they undergo under the present system. I am sure it is quite unnecessary for me to say any more in reference to this measure. Some nineteen members spoke on the subject two years ago and I do not think there is much change of sentiment in reference to it except in the minds of those who at that time did not consider the measure necessary. There is no necessity for me to quote authorities, and I shall not detain the House at present any further. Therefore I beg to move the second reading of the Bill, seconded by my hon. friend Mr. Botsford.

HON. MR. BELLEROSE—I must say I regret very much that I am obliged to oppose this Bill. I feel it all the more because the hon. gentleman who has charge of the measure is the last in this House with whom I would wish to disagree; but I feel that having been one of the framers of the constitution; that being one of those who undertook the great responsibility of uniting the provinces of the Dominion and making the contract between them, it is my duty to maintain the constitution according to its true intent and meaning as understood by the framers of the British North America Act. I regret the position I am now obliged to take, all the more because I am in favor of the principle of the Bill.

Hon. Gentlemen—Hear! Hear!

HON. MR. BELLEROSE—I am in favor of the Bill. The church to which I belong considers that the exception which it takes to these marriages is only a matter of discipline; that it is only an ecclesiastical rule she has made and which she may dispense with under certain circumstances, though I am bound to say that the Bill as it now stands is not quite acceptable to me, because there is an exception in it which to my mind there is no reason for. Nevertheless, as we say in French, "when we cannot have the whole we must take what is given." I have also another objection to the Bill, but it is one which I might possibly waive because I knew full well that I could not carry my point. The reason why I oppose this Bill is because of its unconstitutionality, and I say that the Dominion Parliament has no right to legislate on this subject: I can not suppose for a moment that the gentlemen who are now at the head of this country, members of the Government of the day, would be untrue to those for whom they spoke in 1867. On the contrary I have no doubt that to-day they will be ready to sustain the position that they took at the time of Confederation—and what was that position? If we refer to the report of the Confederation Debates in 1867 we will see, that the head of the present Government and some of the gentlemen who are now with him in the Cabinet pledged their honor that the resolutions then submitted to the House and

which formed the basis of Confederation, giving to this Parliament some jurisdiction over marriages, would never be utilized in the way this Bill proposes it shall be used. I may say now that since the opening of this session I had intended opposing this Bill, but my resolution failed me, and to-day I had almost abandoned what I consider now to be my duty; and I may say that the more I think of the question the more I am led to believe that I cannot sit silent and allow this Bill to pass unopposed. When I look at the Confederation Debates I find the following language reported. Hon. Mr. Cauchon says:—

"Marriage presents itself to us here under another aspect—that is, marriage with regard to civil effects. This project attributes the civil laws and legislation as to property to the local legislatures. Now, marriage, considered as a civil contract, becomes necessarily a part of these laws, and, I might even say, it effects the entire civil code, containing in its broadest sense all the marriage acts, all the qualities and conditions required to allow marriage to be contracted, all the formalities relative to its celebration, all its nullifying causes, all its obligations, its dissolution, the separation of the body, its causes and effects; in a word, all the possible consequences that can result from marriage to the contracting parties, their children and their estates. (Hear, hear.) If such had been the intention of the delegates, we might as well say that the civil laws will not be one of the attributes of our Local Legislature, and that the words 'Property and civil rights,' have been placed ironically in the fifteenth section of the forty-third clause of the scheme. But I was sure beforehand that such could not be the case when the Honorable Solicitor General for Lower Canada declared the other day, in the name of the Government, that the word marriage, inserted in the project of Confederation, expresses the intention to give to the Federal Parliament the power to declare that marriages contracted in any one of the provinces according to its laws, should be considered as valid in all the others. Then am I to understand that that part of the Constitution relating to this question will be drafted in the sense expressed in the declaration of the Honorable Solicitor General, and will be restricted to the case mentioned?"

"HON. SOL. GEN. LANGEVIN—I made, Mr. Speaker, the other day in the name of the Government, the declaration now alluded to by the honorable member for Montmorency relative to the question of marriage. The explanation then given by me exactly accords with that which was affixed to it at the Québec Conference. It is undoubted that the resolutions laid before this honorable House

contain in all things only the principles on which the bill or measure respecting Confederation will be based. I can assure the hon. member that the explanations I gave the other evening relative to the question of marriage, are perfectly exact and that the Imperial Act relating to it will be drawn up in accordance with the interpretation I put upon it."

"HON. MR. DORION—I thought I understood from some one, whom I had reason to consider well informed, that that article was intended to protect mixed marriages."

"HON. SOL. GEN. LANGEVIN—In order that I may be better understood by the hon. member, I will read the written declaration which I communicated to the House the other evening. This declaration reads as follows:

'The word marriage has been placed in the draft of the proposed Constitution to invest the Federal Parliament with the right of declaring what marriages shall be held and deemed to be valid throughout the whole extent of the Confederacy without, however, interfering in any particular with the doctrines or rites of the religious creeds to which the contracting parties may belong.'

Look at the precautions which the Minister, Hon. Solicitor General Langevin, then took! Having stated that he was the mouthpiece of the Government of that day and of all the delegates from the several provinces then to be united, he said:—

"In order that no doubt may exist respecting it, I have given to the reporters the very text of the declaration."

You will see, therefore, that at the time the members who were taking upon themselves the responsibility of what is now *un fait accompli*, took precautions that the great and most important question of marriage would be left to the Provinces, and if the Government of that day had not said so in the plainest and most explicit manner, the Confederation resolutions would never have been passed, because Lower Canada would have opposed them, and without that Province there would not have been a majority in their favor. If we consent to this legislation to-day, what will be our position? We will be acknowledging that any question relating to marriage can be settled by this Parliament. If we sanction this measure, another one may be introduced to-morrow to remove the restrictions existing under our civil and religious laws in Quebec. If you permit the marriage of a man with his deceased wife's sister to-day, you may find

to-morrow that the other six or seven impediments to marriage in that Province, exist no longer as legal impediments. These are the reasons why, after carefully considering the question, and after a conflict with myself as to whether I should rise to speak against the measure, I decided at the eleventh hour to do so, and to explain why I am obliged to vote against the bill. The hon. gentleman who moved the second reading says that this measure is one which he can conscientiously support: having studied the subject deeply, I have come to the conclusion that it is one which I must conscientiously oppose—one which, as a member who shared the responsibility of bringing about the union of these Provinces, I could not sanction by my vote. I have, up to the present moment, been speaking of the spirit of the law, and the intention of those who framed the Confederation Act and it is by the intentions of the framers of a law that you learn its true intent and meaning. I have shown what the intention was in this case, and that if we pass this bill to-day, it will be *ultra vires* since it is in contradiction to the spirit of the British North America Act. But I go further: if my memory serves me, the Judicial Committee of the Privy Council in England, in a judgment on an important case, expressed the view which I take on this point, in a reference which they made to these very clauses of the British North America Act. I am quite sure that the position which I have assumed cannot be controverted, and I am therefore obliged either to ask that a vote be taken on the second reading, or to move that the matter be referred to the Supreme Court, for their opinion. An objection was raised yesterday to such a motion, because no notice of it had been given, and I admit that I have not given any notice in this case. I had one prepared yesterday, but as I have said, I did not finally make up my mind to take the course which I am now pursuing until the last moment. My opinion is that notice for a motion of this kind is not necessary. I do not think there is any rule which calls for it. There is no rule providing for the reference of public bills, but doubts may arise with respect to them, as they sometimes arise with regard to private bills, another motion for reference then comes in as a matter of course.

HON. SIR ALEX. CAMPBELL—My hon. friend is mistaken in supposing that there is any possibility of referring such a bill as this to the Supreme Court under the statute which provides for the reference of private bills only.

HON. MR. BELLEROSE—It is true the Supreme Court Act provides only for the reference of private bills, but while the Act does not provide for the reference of public bills, the opinions of the judges upon them will be just as good as if the law made such a provision, and therefore there can be no objection to the reference of this measure.

If there is opposition to the reference, then I shall feel forced to move that this Bill be not now read the second time. I wish to explain that my intention in making such a motion is not to oppose the principle of the Bill, but to oppose the tendency towards centralisation which is evinced by those who are working for the Bill. We consider they ought to be working rather for that which we all contemplated at the time of Confederation, viz: the giving to the Provinces their rights and at the same time conserving those of the Dominion.

HON. MR. SMITH—It was not my intention to say a word on this matter, and it was not my good fortune to be present in the House when the vote was taken some two years ago. However, inasmuch as I find that the law of the Church to which I belong has no particular objection to this measure, I have made up my mind to support the Bill. I am impelled to this course by the feeling that I want my people to have no greater rights and privileges than my fellow-men of other denominations in this country. The last speaker said "refer this back to the Local Legislatures," but if you refer it back to those Legislatures there are some Provinces in this Dominion that would very possibly suffer, in consequence of a prejudice against this measure; but by passing this legislation here as a united Parliament to-day we may do a great and proper measure of justice to many who are now laboring under the disabilities which this Bill is intended to remove. Therefore I think it is but reasonable and right that we should consider this measure carefully, and not force our views on the

Protestant community by giving expression to any sectarian feeling which might militate against the passing of the Bill. I repeat that the law of my church does not forbid it and I say that in all justice to those who are suffering under disadvantages at present, we should do them the great benefit which this Bill contemplates; in following such a course I am sure we will not be transgressing any law of God. If we referred this matter to the Local Legislatures it is very likely that the people of the Province of Quebec would not be granted this relief, and my Protestant fellow-men in that Province would be laboring under a hardship perhaps for all time to come. By my vote to-day I shall be aiding to some extent in relieving them from such a disability; it is my desire to do so, and I shall therefore support the Bill.

HON. MR. ALEXANDER—It is necessary to have discussion upon all questions which are brought before Parliament, but I believe the feeling of this House is, that after the discussions which have taken place here and in the Imperial Parliament upon this great public question it is not desirable to have any lengthened debate upon the subject. This question has been before the Imperial House of Commons seven times, and was carried there by a large majority, being defeated in the House of Lords on one occasion by a majority of only eleven against it. On that occasion I happened to be present in the House of Lords and by a somewhat strange coincidence there happened to be eleven bishops of the Church of England in their seats: if they had been absent a bill almost the same as that now before us would have been carried by both Houses of the Imperial Parliament. I have no doubt that we shall to-day have hon. members of this House expressing their honest convictions and especially the views of their churches, of their bishops and their clergy, upon this measure; and while there is no member of the church to which I belong who is disposed to treat with greater respect the views of its bishops and clergy, still as an humble member of this House I conceive it to be my duty always to adhere to my own convictions upon any public question. Now let us look at what has been the opinion of the churches

in the past. In the eleventh century the Council of London forbade marriage with the kin of a deceased wife within seven degrees: in the fifteenth century we find that the Council of Westminster forbade marriage even with the daughter of god-father! Such has been the opinion held in past years, but we know that as the world goes on, opinion changes with regard to those great questions. Now what the law should forbid, but does not—and I take this opportunity of stating it—is a man marrying any flesh of his flesh or blood of his blood. Such marriages are forbidden by a higher power, and the evil effects of them are frequently manifested. I have witnesses of them in one of the Imperial families of Europe—in the house of Hapsburg—where they have been marrying and intermarrying for generations; and it is often the case that a man having married his cousin it has produced imbecility in the children. I have witnessed it in one of the Emperors of Europe. We have seen in private circles cases where men have married their first cousins, no doubt from affection, and most lamentable results—not only imbecility but great physical defects—have followed; to which I need not more particularly refer. The law should certainly prevent such marriages; I wonder that the church does not speak out on that subject, and that Parliament does not take action upon it and decide that no man shall marry his first cousin—who is blood of his blood and flesh of his flesh. We should enact human laws in this direction, for it is manifest that it is opposed to Divine Revelation and Divine Law, and it certainly would be for the well-being, happiness and comfort of mankind. Now, let us see how this is likely to affect society in our circumstances—the proposal to allow a man to marry the sister of his deceased wife. Let us take the circumstances of society in this Dominion, because we are differently placed here from the people in England. I can quite understand the prejudices which exist amongst the higher nobility and gentry of England, and in the state of society there, against the passing of this law; but the circumstances of our civilization upon this continent are different. We have seen some of the leading men of this country, who, when they have had the misfortune to lose their wives, have been obliged to go to the United

States to marry the sister of their deceased wife, to whom they have been attached. Those marriages have taken place; but we have seen no church in this country raise its voice against the practice, and such families stand in the highest position and retain the respect of their neighbors. I have seen in my own neighborhood wealthy, respectable and leading farmers members of the Baptist and the Wesleyan churches, both highly respectable bodies, go to the United States to contract such marriages; and when they have returned have they been less respected by their church and by their neighbors? Why they have stood in society as if this Bill had passed. That is the position of things among the better classes of society; and if this Bill were to pass no evil results would follow, for we know that marriages contracted in the manner referred to have been attended with all the blessings of ordinary marriages. Then let us look at the poor. We find the poor struggling with troubles, and every calamity in life. A poor man with half a dozen children may have the misfortune to lose his wife, and perhaps there may be a sister of his deceased wife attached to the children; I ask what can be more natural than that the man should marry the sister of his late wife who would take a deeper interest in his children than any other woman? These being the facts with reference to the state of society in the new world, how can I bring myself to vote against this Bill? I cannot see that it will be fraught with any evil to society, and there is no law either in the Old or New Testament against it. It is perhaps true that some bishops and clergy have recommended their people to oppose the Bill; but we are acting simply as members of the Senate, and citizens of the country, having the heavy responsibility resting upon us of doing our duty here in our judicial character according to our convictions.

HON. MR. KAULBACH—I cannot agree with the remarks of my hon. friend who spoke last (Mr. Alexander) and who thought that this House would not be disposed to listen to any debate or to any lengthened discussion, upon this matter. It is a subject of such vital importance, affecting as it does our whole social relations, that I hold this House should pause and

consider well before it commits itself to what, many of us at least, consider to be a violation of law, unscriptural and wrong. My contention, when this Bill came up to us before, was that I believed it would interfere with family relationships, besides being unscriptural; that those relationships which are at present shielded by law would be affected. The sister-in-law would be no longer the sister-in-law of to-day; her conduct would be open to suspicion and subject to doubt. Those were my views then, and after two years consideration, and discussion of the matter with persons of various opinions, I have only been confirmed in my belief. It seems to me that if you pass this law you do away with that cordial, and close fiducial relationship which exists between families to-day, that are connected by marriage. My hon. friend from Toronto, (Mr. Smith) who has just spoken seems inclined to support this Bill because of his sympathy for those who are now suffering from the alleged hardships which the measure before us is intended to remove. No doubt there may be some cases of suffering, but I do not believe that this Parliament is right in passing an act to relieve those who have openly violated the law, and we should not allow our sympathies to be influenced to the extent of legislating in a matter which many of us consider to be of such vital importance. I must state my conviction that the very sympathy to which my hon. friend alluded has had a very great influence, at least in originating the opposition to the present law. Consideration for those in that unfortunate position, and for the offspring of such marriages, has entered too largely into the arguments used in this debate both now and in the past; and I feel we cannot be too careful in giving our consent to any legislation which will have the result of changing the law under which our social relations have been so long preserved, and which I believe has been productive of so much good. There has been placed in my hand to-day a pamphlet published in Montreal, I believe, by the Marriage Law Reform Association. No doubt that association is a good one but it has originated from that feeling of giving relief to those who have placed themselves beyond the pale of the law. The society has for its object the legalising of marriages that were illegal and making the issue of such mar-

riages legitimate. It is very well if we can do that without violating what we consider a solemn and binding obligation upon us viz:—the protecting of society from what we consider to be dangerous and wrong. My hon. friend from Woodstock spoke of the state of the law in England, and went back to the eleventh and fifteenth centuries. The spirit of that age seemed to be that a person should not marry even his god-father's daughter, but we must not consider ourselves the slavish imitators of England, or the legislation of England, in this matter. We find that the law still exists there which was introduced with Christianity into that country prohibiting these marriages; but the hon. gentleman says if it had not been for some reason—what it is I really forget—the Bill which is now proposed would be the law in England. Well, if it would be, the consensus of public opinion there would be directly opposed to it, and I may just cite how the votes have stood in the mother country on this subject. The largest vote ever given in favor of a bill of this kind was 101, in the House of Lords, whose full complement of members is 460; and in the Imperial House of Commons, where it has been passed on several occasions, the two largest votes ever cast in its favor were on one occasion 243, and on another 177—while the full House contains 650 members.

HON. MR. MACFARLANE—Has my hon. friend the number who voted against it?

HON. MR. KAULBACH—When a Bill of this kind is pressed upon in Parliament it is presumed that all who have voted for a bill are in favor of it, and all who abstain from voting are against the Bill; therefore it stands to reason that only one third of the members were in favor of it, and my hon. friend cannot strengthen his position by referring to the decisions or the arguments made use of in England. We know that as often as this measure has come up it has been defeated, and that by decisive majorities, and I cannot see, while we take our rules and precedents and a great deal of our legislation on other subjects from England, that there are any different circumstances to suggest to us that the laws of England, so long established coeval with Christianity itself, should be violated and that we should set up a new code of

laws regarding marriage which would be opening the door to other evils of grave import.

All parties agree that the Divine law forbids blood relations marrying. That no woman shall marry a descendant of her own father or mother, or a man a descendant of his father or mother. This is a very plain principle and is sustained by common sense and reason. Although the Bible does not expressly forbid marrying in all these cases, yet it gives examples enough to show us this is the principle intended to be applied to every case.

Yet we also find more cases of relations by marriage or affinity forbidden and now more strictly enforced under our Christian dispensation. Under the table of degrees and the 99th canon of the Church of England a woman shall not marry those blood relations of her deceased husband whom she could not marry if they were her own blood relations—and a man shall not marry those blood relations of his deceased wife whom he could not marry if they were his own blood relations. The principle is plain and clear that in marriage the one to the other accepts a relationship of blood kindred in the prohibited degrees. There is no other rule or principle given to us. It is a plain rule founded on plain reasons, to depart from which would involve many clergymen in harrassing difficulties and conflicts with their church. We should act and legislate on this Bill in accordance with this Divine rule and principle, or we act on no principle and open the door to the legalizing of other forbidden marriages, beside those named in the Bill before us, and provide an excuse for all persons to marry as they please regardless of affinity—with the further result or tendency to relax the principle of consanguinity.

We ought to stay our hands and not allow this Bill to pass into law unless we are certain that Christianity has always been wrong in teaching that God's law prohibits this marriage, and that we are also certain that this breach upon the wall of protection built around our social, family and home life, and existing ever since England was Christian, will lead to no injurious effects and to none of those miserable results which we see in other lands. Legislation of this character, I am persuaded, tends to social demoralization, loose marriages, and easy divorces. We have to look no

farther than the United States of America as a proof of the effect of such laws. This is not a mere matter of sentiment as some allege—but of overmastering argument drawn from social life supported by law and common sense which sustains the sentiment. Yet it appears that to meet the desires of a few, the whole edifice of society and all that is blessed in domestic life must be imperilled without even an apparent desire fully and deliberately to discuss and consider the principles and effects of such a measure. By civil and Divine law the wife's sister is the husband's sister-in-law. Nobody seems to deny this close relationship, and yet by this bill we are asked to destroy this time sacred relationship and connection. I believe that every body within the sound of my voice revolts from the very thought of such a marriage, and yet we are now asked to legalize it. As I have already said, blood is not the only obstacle to legalizing indiscriminate marriages. If it was so, why is the marriage of a step-father with his step-daughter or of a step-mother with her step-son forbidden? Is there blood there or where in consists the difference between marriage with a wife's sister and a brother's wife? Our nature abhors the latter! Does it not also abhor the former? The affinity is the same, and I would ask hon. gentlemen if there is any, or wherein, is the difference? Yet we are now asked to stamp the former as holy and honorable—and ere long we will probably be called on to brand the other alliance I have just mentioned in the category of crimes, and legislate the perpetrators thereof into imprisonment, fines, and other penalties. How utterly inconsistent this must seem, and its inconsistency must tend to strengthen what I hope will be the conclusion of hon. gentlemen around me, and of the majority here, that by the Bill before us we are opening the door wide to graver inconsistencies and flagrant offences against morals and social life. I think if there is any matter that comes before the House for legislation on which we can act more in accordance with the dictates of our own consciences than any other, independent of public opinion, it is this. I can see no reason advanced for this legislation except that of sympathy for those persons who have violated the law. My own feelings and sympathies are strong in the same direction, but they cannot induce me to support a measure

that in effect will be most disastrous to family relations, and I shall now as I have done in the past, record my vote against this Bill.

HON. DR. ALMON—I am unwilling to record a silent vote on this question, because I feel that the vote I shall give will be against the wishes of the Bishop of the church of which I am an unworthy member, a gentleman whose zeal, learning and piety I have the greatest respect for, and against the petitions of the clergymen of the church to which I belong, many of them gentlemen for whom I entertain the highest personal respect, and I am anxious to record my reason for so doing. Although their action has not swayed my judgment, it has induced me to look carefully into the matter, and I have found nothing in the Bible to induce me to change my mind. There is nothing in Scripture relating to marriage with a deceased wife's sister, except the passage which says that a man must not take unto himself his wife's sister, to vex her during her lifetime. That would clearly imply that it is a sin only to take her during the lifetime of her sister, but polygamy was allowed, or at least winked at by the Jews of that day as you will see, a little further on, how a man is to behave who has two wives, one of whom he loves better than the other. We may infer from the command, that a man is not to marry his wife's sister while his wife is alive, but that he may marry her sister after his wife dies. It is said that the Bible prohibits the marriage of a widow with the brother of her late husband. It cannot be said to be a very heinous sin, as the only punishment is that they shall have no children. If a man wishes to take his deceased brother's wife, it is an unclean thing, and the Scripture goes on to say that they shall be childless. According to this, such a transgression of the law was considered a mere trivial offence, and a great many instances are given in which the command was broken through. Supposing, for instance, the husband died and left brothers, the widow might marry any of these brothers, provided she had landed estate. We find, even now, that widows with landed estate are very quickly picked up. If the brother should be of the same opinion as my hon. friend from Lunen-

burg, (Mr. Kaulbach) that it was a very wicked and naughty thing, and should refuse to marry her, she could go before the congregation, and in return for his having given her the mitten, take off his shoe and spit in his face. From all that the Bible teaches us, we must therefore look upon the marriage of a man with the widow of his deceased brother as a trivial offence. We find also in the New Testament an instance of seven brothers marrying one woman, and there is nothing said in condemnation of the act. In another place we are told of a man named Zelophehad who died, leaving seven daughters and no sons. The daughters were commanded to marry within their own tribe, in order that the land which they possessed from their father should not go out of the tribe. The deceased brother's widow would have had the same latitude given her, viz: to marry any man in the tribe, had the marriage with a husband's brother been a deadly sin. They all married their cousins, and I think they did right in doing so. Let us take the other view, and see what is the moral effect of the existing law. A man leaves Canada and goes to the United States. He has with him his wife and his wife's sister. His wife dies there, and acting within the laws of the country, he marries her sister. She is his honored wife there, and his children are legitimate issue. He returns to Canada, and what is the result? Some legal authorities tell him that his second marriage is void; others that it is voidable; and his wife is no longer the wife of his bosom, and a name can be applied to his children which every man shudders to think of. Are you going to retain such a law on the statute books? Take another case: Suppose a person of the religious belief held by a large number of the members of this House, who look upon matrimony not as a civil right, but as a sacrament, should marry his deceased wife's sister under the high authority of the Church. What does the law say? The law says, "No; the marriage is voidable," and this woman, who has certainly taken every precaution that religion allows her and common sense will dictate, feels that the marriage is not valid, and that her husband can, on the slightest pretext, throw her overboard. As far as sentiment goes, I agree with the hon. gentleman for Lunenburg. It is a thing I should not like to do myself, nor to see

any one very dear to me do, but am I going to oppose a bill from a mere feeling of sentiment! No; other members may have different views on this subject from what I have, and I am not going to trammel them. If the Bible is to be taken literally, I hold that according to St. Paul, a bishop has no authority to marry more than one wife; therefore I am not surprised that the bishops should be opposed to this bill, as they cannot derive any benefit from it. The bill must eventually pass this House, and why not let it pass now? It has passed the Lower House; it is the law of France and Switzerland, and must eventually be the law of this country, and why should we stop the way; why should we not keep pace with the spirit of the age, and adopt this legislation.

HON. MR. ODELL—I have no doubt that the hon. mover of this Bill has given it his support because he is convinced and is perfectly sincere in the matter. But at the same time I must add, that in his opening speech I think he implied that he was still influenced by a great deal of sentiment towards those with whom he has been brought into closest association, and I do not wonder at it. I have no doubt that there is a strong feeling of sentiment in his mind, but the hon. member who last addressed the House has told us that we are not to legislate for sentiment at all. I believe there is quite as much, if not more sentiment in this measure than anything else. I regret very much that the Bill has been introduced at all. If there were a necessity for it I am persuaded, in my mind, that a public measure like this, affecting as it does the whole community throughout the Dominion, from the Atlantic on one side to the Pacific on the other, ought to have been a Government measure; and I believe that when a Government undertakes a measure of this sort they should bring to this House indisputable proof that it is one that is really required in the interest of the people at large, and not merely in the interest of a few individuals. Now hon. gentlemen, I deprecate altogether, any interference on behalf of either an individual or a Government with these marriage laws. I think that it should be avoided except in most pressing circumstances. We do not know what the result of it may be. This measure is not

a final one; you may depend upon it it is only the entering wedge and you will find session after session other bills brought in by other individuals to extend the privileges here granted. And after this so-called disabilities will be frittered away one at a time until at last you will come almost to promiscuous marriages and a total disregard, perhaps, for the laws enjoined by Scripture. Something of that sort, I fear, is coming upon us and therefore it is that I deprecate entirely any interference with the marriage laws at all. Under the existing laws we have lived very contentedly and happily together, and we have never heard of any strong public exhibition of feeling with regard to it. There have been no public meetings. There is no proof that the country at large requires this legislation. It is very true that this law has been violated in a few instances, but these instances are few and I believe one may almost count them in any district upon their fingers. What, I ask, has been the consequence? No real public inconvenience has arisen either social or moral and in fact there have been no proscriptions, no penalties nor anything of that sort attached to these things, and I cannot see that there is any ground for the Act that is now proposed. But in the remarks which I am about to make with regard to it, I mean to avoid altogether all reference to any theological question. I think we had that on a former occasion, when it was pretty well sifted, and I shall be quite willing to leave the theological question to be discussed, if it is thought necessary, by my hon. friend from Belleville (Mr. Flint) who expounded it to us last year.

HON. MR. FLINT—I am not going to cast my pearls that way this year.

HON. MR. ODELL—I must say the hon. member, when he produced the book from his pocket last year, reminded me very much of Mr. Bradlaugh the other day when he produced the Bible from his pocket to take his oath. I hope the hon. gentleman will not quite rank me with the animals.

HON. MR. FLINT—I make no such allusion.

HON. MR. ODELL—I intend to base my arguments upon the propriety of passing such a law under existing circumstances,

and I will call attention to the history of this measure. You are all aware, hon. gentlemen, that in 1880 this Bill was introduced by a private member, influenced, as he himself admitted at that time, by sympathy for a woman who had violated the law. She had come to him and through her influence over him this measure was introduced. Now, it does not appear to me that that is a proper way for a grave and important question like this to come before Parliament. However, previous to this there was no public expression of feeling; there was not a petition before either House, or any meeting, or any expression of sentiment whatever, that I am aware of, until the question was started in this way by a private member in the other branch of the Legislature. In that way this Bill was sprung upon us, and Parliament was called upon, without any notice whatever, to consider the question. There was no opportunity given to get up petitions against it, except the time that intervened between the introduction of the measure in the other House and its discussion in this branch of Parliament. Notwithstanding the fact that the time was so short, petitions were brought before your honors to the number of sixty-one, against the passage of the Bill. And what may I ask, was the number before us to pass it? Only four, and two of those four came from the same locality, and really might almost be looked upon as the same petition. That, I think, of itself would show to this House that there was no public exigency for the measure, and the Senate wisely, under the resolution which was moved by the hon. Senator from Amherst, said "No, we cannot pass such a measure under such circumstances." And therefore, though the majority was very small, we did very good service. I think it was an act of wisdom and prudence on the part of this House to defer the consideration of that Bill as it did. I will now read the reference to remind your honors why the consideration of the Bill was postponed. On the 27th April, 1880, the hon. Senator from Amherst moved

"That the said Bill shall not be now read the second time, but that it be resolved that it is inexpedient to proceed with this measure during the present session in order to afford time to consider the various petitions to the Senate for and against the Bill, and to ascer-

tain the sentiments of the people on the question at the next session of Parliament."

That was the opinion of the Senate when this Bill came up in 1880. And here I would say that there was an opportunity for the Government to have taken charge of that measure, and in the meantime to have ascertained clearly and distinctly what the feelings of the country at large were, and whether there was really any necessity for it or not; but that was not done. I think there was an opportunity which might well have been improved, when the census was taken, to ascertain how many persons there were in the whole Dominion who had violated this Act. We could then have learned whether there was any real necessity for such a Bill at all; because I hold that we are not here to legislate for the relief of a few persons who have violated the law against the large mass of the community who have rigorously obeyed it, and therefore I should have liked to ascertain clearly what number of people would be affected by such a measure.

In the session of 1881 nothing was done: we never heard of this Bill or of any movement being made with regard to it. The consequence was that those who were opposed to the measure thought that the matter was dropped; they were lulled into security, and never took any trouble with regard to it. When the session of 1882 commenced, this Bill was introduced in the same manner. Under these circumstances I think it was the duty of those in charge of the Bill to take care to establish the fact that it was a necessity. But nothing of the sort has been done. So far from this being the case we have nothing constitutional before us to that effect. We hear from individuals that there is a feeling in certain districts in favor of the measure, or that individuals in certain places require relief; but we have nothing constitutional before us to show any necessity for the legislation asked for. On the contrary I contend we have the best possible proof that such legislation would be imprudent and hasty. The weight of public opinion, I think, is against the Bill. I am now going to appeal to facts, and I shall quote from the votes and proceedings of the representatives of the people, and then refer to the petitions which have been presented for and against this measure. In 1880, at the second reading of

the Bill in the House of Commons, there were nineteen votes against the measure and 140 in favor of it—that is, about one-eighth of the whole House opposed to it—and on one of the amendments the division came to sixty-seven to sixty, and that amendment the opponents of the Bill carried. Then, the last division which took place in the session of 1880 was 34 to 108, so that you see that there was one-third of the vote against the Bill. In 1882 upon the second reading we had thirty-four votes against the Bill and 171 for it—that is, one-fifth against it, so that there has been an increase from one-eighth to one-fifth in the opposition to the Bill.

HON. MR. FERRIER—I think it is the other way.

HON. MR. ODELL—You have in the first place nineteen votes opposed to it in the House of Commons, and this session you have thirty-four votes opposed to it. I want to know if that is not a gain.

HON. MR. SMITH—Instead of 140 you have 170 in favor of it now.

HON. MR. ODELL—This year when the question came up on the six months hoist there were fifty-one against the Bill and 104 in favor of it showing another gain in the opposition to the Bill in the popular branch of Parliament.

I want now to call your attention to the petitions, and I think that is a most important point, because petitions are the only way in which we can constitutionally ascertain the feelings of the people. But before drawing your attention to the number of petitions presented to the Senate upon the subject, I will refer to the speech of the member who introduced the Bill in the other branch of the Legislature. In moving the second reading of the Bill respecting marriage with a deceased wife's sister, he said :—

“ After having seen, as we have to-day, a petition from about 300 ladies of Montreal, for the repeal of the prohibition of the marriage with a deceased wife's sister, we cannot postpone the passage of the Bill.”

I was a little curious to see that petition and I applied to the proper officer at the other end of the building, but it was a long time before it could be found. At last I found it and took the trouble to count

the number of signatures. They all appear to be ladies, but some signed as Mrs. and some as Miss, and where there were initials you could not be sure. However, I counted the number of signatures, and found there were only 125. I do not charge the hon. mover of the Bill in the other branch of the Legislature with any intention to mis-state the case. No doubt it was a very long petition, and he imagined there were more signatures to the petition than there really were. When you come to find that instead of 300 there were only 125, I would like to know how many of these statements made by the supporters of this Bill can be relied on.

HON. MR. FLINT—It may be as bad on the other side.

HON. MR. ODELL—I am coming to that directly. What we have to look to is the evidence before us, and I want to call your attention to the petitions which have been presented to this House against the Bill. I have stated already that in 1880 there were sixty-one against the Bill and four in favor of it. I contend that a very short period has been allowed this year for getting up these petitions, because as I said before, the country was not prepared for the introduction of the Bill this session. It was supposed, as reference was made from one session over to the next session, that the Bill would probably have been introduced in 1881, but it was not, and therefore it was supposed that it was dropped. The hon. Senator (Mr. Ferrier) shakes his head, but I assure you that was the feeling in my part of the country at all events.

HON. MR. FERRIER—How many circulars were sent around to members during that year ?

HON. MR. ODELL—I do not know.

HON. MR. FERRIER—I got a large number myself I know.

HON. MR. ODELL—During the recess ?

HON. MR. FERRIER—Yes.

HON. MR. ODELL—I cannot answer the question because I got no cir-

culars myself. It has been suggested to me by an hon. gentleman near me that probably these circulars were sent only to those in favor of the Bill and not to those who were opposed to it. This session there have been fifty-eight petitions presented in this House against the Bill and how many signatures do you suppose there were to these petitions? I have taken the trouble to count them and I find that there were 3,369, of which 1,237 were females. The latter are underrated, for this reason that in counting them I wished to be particular so as not to overstate the thing at all and I omitted those who merely had initials. Now it is stated there were 300 signatures attached to the petition presented in the other House and I have shown that there were only 125. If we take the number which I have stated as correct and deduct it from the number of female signatures attached to the petitions presented here you will find over 1,100 more praying that this Bill do not pass than you find in support of it. I can safely say that these numbers might have been increased largely—quadrupled, or even more if necessary. Notwithstanding all that has been done on the part of the advocates of this Bill, during the short time that has been allowed its opponents, these fifty-eight petitions have been presented. Nothing could more clearly demonstrate the growing opposition to the Bill though it has been most carefully drawn to avowedly catch votes. It was openly stated by the hon. member in the other branch of Parliament, who introduced it that he had struck out the former most objectionable sections. The hon. Senator from Belleville has said that the figures may be incorrect on my side, but the petitions are on file and he can examine them for himself. With these facts, which cannot be disputed, on our records, in response to the resolution moved by the hon. Senator from Amherst in 1880, when he said the sentiments of the people should be ascertained, I ask how, with any show of consistency, we can pass the Bill which is now before us? Whatever the feelings of hon. members may be and however much they may be influenced by sympathy for isolated cases of those who have violated the laws, in view of the facts which I have feebly endeavored to submit and in justice to the petitioners, I hope you will accede to their prayer and reject

the Bill. You have asked for public expressions to guide you and you have 3,369 petitioners against the measure and only thirty-seven in favor of it, and an increase in the opposition to the Bill in the popular branch of Parliament. I would earnestly ask from your honors a verdict in accordance with the evidence which I have endeavored to lay before you; and I trust the resolution which has been moved by the Hon. Senator from DeLanaudière will be adopted.

HON. MR. SMITH—What was the majority in favor of the Bill, in the other House, in 1880?

HON. MR. ODELL—Sixty-two.

HON. MR. SMITH—And what is the majority in favor of it this year?

HON. MR. FERRIER—Seventy-seven.

HON. MR. SMITH—That is an increase of 15 in the majority this year.

HON. MR. OGILVIE—I will take up very little of your time, indeed, hon. gentlemen, and I certainly shall not follow the line of argument which has been adopted by some hon. members to-day. I do not think we should altogether vote here upon what petitions may be sent in. Petitions, of course, may have their influence, and may show sometimes which way public feeling goes; but I know perfectly well that on a great many occasions petitions have very little to do, indeed, with public feeling. People will sign many a time with very little thought, and very little care, I am sorry to say. I told a gentleman who wanted me to sign a petition once in Montreal, "Why, I could go out, and in an hour get a petition signed by fifty people to have you hanged." I believe occasionally you could do such absurd things. But since the hon. Senator for Rookwood (Mr. Odell) has spoken so much about the petitions presented to Parliament, I have the very best and most correct information that the petition which was signed by the ladies of Montreal had over 300 signatures. Then the hon. gentleman did not refer to the petition that was sent to the House of Commons this year, signed, if I recollect correctly, by about 1,200 clergymen. If any peti-

tion is of value at all, there cannot certainly be one of more importance than that. I would not record my vote here for all the petitions that could possibly be sent in to this House, but would be influenced solely by what I conscientiously believed to be right. I have come to my own conclusions of what I should do: they may be erroneous; I do not pretend to be infallible, but I have paid a good deal of attention to this question since ever it was first brought up in the House of Commons in England, and I have seen members of the poorest, of course, and also of the wealthiest families in Montreal, who went to the United States to get married, and returned, and are residing in Montreal to-day. If they are living in defiance of the law, certainly their social relations do not find fault with them; certainly it does not alter their feelings towards them. I think, in this age of electric telegraphs, railways and steamships, it is quite possible that we may be able to improve even such matters as the laws of marriage. The hon. Senator from Woodstock has stated that many years ago a man could not marry the daughter of his god-father. I do not think any of us would like to have that law in force at the present time. Many of us have seen the time when feeling ran very high between the different religious denominations. I am not a very old man yet, but I remember well where I was brought up, in a totally French-Canadian country, where the feeling ran so high between different religious denominations, that they would hardly associate socially with each other. I am very happy to say that this has been wiped out almost completely, and I hope to live long enough to see the day when religion shall not interfere with a person's social relations in the slightest degree. That being the case I cannot see why we should not improve the marriage law, if this is an improvement; and I certainly should not like, as a member of this House, that we should be called obstructionists here. There is no law that I am aware of against people marrying their cousins. I do not say by any means that such marriages are wrong; but, I think, if there is nothing against the inter-marriage of cousins, there certainly should not be anything against a man getting married to the sister of his deceased wife—I do not propose to quote the views of any of my re-

ligious superiors or instructors on this question. I exercise my own common sense on the subject; if I am wrong in my conclusions I must bear the disgrace of it; but if I am right I will act upon my convictions and nothing else. I feel quite certain that if we could only give the ladies a chance to vote upon this question, notwithstanding the long petition which has been presented here, you would find nine-tenths of them in favor of the passage of this Bill. The hon. senator from Lunenburg (Mr. Kaulbach) says they are against it; but he did not employ to-day the usually strong arguments used by him when he speaks on other subjects. I think it would be a great pity, after what has taken place in the House of Commons, if we should act as obstructionists here to prevent the passage of a bill which we know is wanted. The hon. senator from Rookwood (Mr. Odell) has stated that there did not seem to be any particular reason why this Bill should be brought forward at the present time, and he said it was sprung upon him suddenly—that he had not had time to see about it. It seems to me that two years is a good while to think over it. It was introduced first in 1880, and passed by a large majority in the House of Commons and it was defeated here by a very small majority indeed. Since then two years have passed, and I certainly think that I am within the mark when I say that the feeling is very much stronger to-day in favor of the Bill than it was then. I know that the majority in the House of Commons was larger this time than it was before.

HON. MR. POWER—Not at all.

HON. MR. OGILVIE—The majority was 62 in 1880; it is 77 now.

HON. MR. SMITH—The majority is 15 more this year.

HON. MR. OGILVIE—If that is the case we should at least concede that they know something of public feeling upon the subject. We know that the members of the House of Commons are somewhat particular about voting the way that the majority of their constituents feel, if they can possibly do so, and I think when they have a larger majority there it is the best

criterion of how public feeling is upon this Bill. I do hope that this measure, more than any other that will come before the Senate, will pass by a good majority, and I shall be more than sorry if the public have a chance to call us obstructionists here.

HON. MR. ALLAN—If I consulted only my own inclinations, and perhaps I might add the inclinations of the House, I should content myself with recording my vote against the Bill, and not trespass upon the time of the Senate by making a speech in reference to it. I, however, feel very strongly indeed that by taking such a course one sometimes lays himself open to the imputation, on the part of those whose opinion he values, of being lukewarm about the matter itself, or of having changed his views, or in some way or other altered his opinions. Now, for my own part, I desire to say very distinctly that I have not changed my views on the subject of this Bill since it was introduced here two years ago, and that I feel more strongly than I ever did as to the mischief which I believe will follow from its passage. I cannot forget, however, that when this Bill was introduced here in the session of 1880 it had not only been very fully discussed in the House of Commons, but the subject of it had been canvassed in the public press and in innumerable pamphlets; and not only that, but as the hon. mover of the Bill said in his opening address, on that occasion no less than 19 members of this House spoke on the subject. It would, therefore, be very great presumption on my part to suppose that I could put the subject in any new shape before the House which would be likely to convince hon. gentlemen who, as I quite imagine all have done, have made up their minds either on one side of the question or the other. I cannot suppose that I am at all likely to bring forward any arguments which would change their views, and therefore I have no intention of trespassing on the time of the House with a long speech. But I cannot help noticing one appeal which has been made to us, which was made very forcibly by the hon. mover of the Bill, but which I do not think is one that should have any weight whatever. It has been repeated again and again; it is that we should regard the

hardships to which those persons are exposed who have entered into marriage contracts which the existing law prohibits, and that therefore we are called upon now to relieve them from the disabilities under which they are laboring. Well, if the existing law is wrong, if the restrictions which it imposes upon marriage with the sister of a deceased wife be wrong and contrary to the law of God, and undesirable so far as the happiness of the community is concerned, then by all means sweep it away from the statute book. But it is no argument to any of us who believe that the law as it now stands is right, who believe that the doing away of that law would introduce very great mischief, and occasion much that we should regret to see in this community—it is no argument to address to us, that certain persons have offended against that law and are suffering great disabilities in consequence of it, and that therefore we ought to pass this Bill to relieve them. Again, it has been said, and very truly, by the hon. gentleman on my left (Mr. Ogilvie) that, after all, the number of petitions which may be sent to Parliament for or against any Bill is not always a safe gauge as to public feeling on the subject; and I am quite satisfied on this point, that the great majority of the people of this country have felt no deep interest in this measure, and are not in favor of it. Wherever you find a certain number of people who are deeply interested in having a particular measure passed, you will find them the people who are likely to be always most active in sending petitions and doing all they can to work up public feeling in favor of the particular measure they desire to see passed; and where there are parties who are laboring under certain disabilities and who believe themselves that those disabilities have been imposed upon them wrongfully, it is most natural that they should use ever endeavor in their power to have them done away with. Therefore we find that this agitation has been continued, not only in Great Britain but in this country, most strenuously, from year to year. But I do not believe, if the sentiment of the people of the country could be taken—if it could possibly have been ascertained in the way suggested by the hon. Senator from Rookwood, when the census was taken—

as to whether the present law should be repealed, that a majority or anything like it would be found in favor of passing a measure like this. The hon. mover of the Bill stated that he had been asked by a member of this House whether he was thoroughly conscientious in introducing it. I venture to say that no one who is acquainted with the hon. gentleman will for one moment suppose that he would introduce any measure which he did not believe to be right, and for the benefit of his fellow creatures. I thoroughly acknowledge that myself, and I give him credit for having done it with the most conscientious feelings, but I think it is only fair that those of us who differ from him should be credited with being actuated by the same feelings.

HON. MR. FERRIER—Surely.

HON. MR. ALLAN—While I think that the opinions of the bishops and clergy who have been referred to so frequently in this debate are entitled to the greatest respect, I at the same time think that this is a question which any man of intelligence and education ought to be able to decide for himself, and if, after having done so, he comes to the conclusion that in the first place the existing law is right and is founded upon what, so far as he is able to form any judgment on such matters, is the law of God, and, in the second place, believes that the law as it now stands conduces to domestic peace and purity, and to the promotion of happiness and comfort in family life, then I say that he is thoroughly justified in offering every possible opposition to the passage of a Bill altering those relations in the direction which he thinks most likely will be disastrous to family life and the happiness of the community. Believing most conscientiously that the Bill, if it passes, will entail these unhappy results, I shall do as I did when a similar measure was before us two years ago, and record my vote against it.

HON. SIR ALEX. CAMPBELL moved the adjournment of the debate.

The motion was agreed to.

HON. MR. TRUDEL—I moved the other day for certain papers relating to

this subject, and I beg to call the attention of the hon. leader of the House to the fact that they have not been brought down yet.

HON. SIR ALEX. CAMPBELL—Somebody drew attention to the subject before. I find that the papers were prepared but by some mistake were sent to the other House. The return contained what papers there were on the subject.

SASKATCHEWAN DIOCESAN SYNOD BILL.

SECOND READING.

HON. MR. VIDAL moved the second reading of Bill (51), "An Act to incorporate the Synod of the Diocese of Saskatchewan, and for other purposes connected therewith." He said: I need not take up the time of the House in explaining this Bill. It is founded upon, and, in fact, is almost identical with the original act of incorporation to which it refers, and, as the measure has been for some time before the House, I presume hon. gentlemen are acquainted with its contents.

HON. MR. DICKEY—I should like to call the attention of my hon friend to certain provisions of this Bill which are of a novel character, and to ask if he is prepared to submit any amendments. I allude to the second section of the Bill, which is as follows:—

"2. The said Synod may meet and frame a constitution and regulations for the general management and good government of the said Church of England in the said diocese, and from time to time as they shall see fit, alter and amend the same, and in such a manner and by such proceedings as they shall adopt, make regulations for enforcing discipline in the church, for the appointment, deposition, deprivation, or removal of any person bearing office therein of whatever order or degree, for the acquiring and disposing of property, and for the convenient and orderly management of the same and the temporalities, affairs, and interests generally of the church in matters relating to and affecting the same, and the officers and members thereof, and not in any manner interfering with the rights, privileges or interests of other religious communities, or of any person or persons not being a member or members of the said Church of England."

Now, there can be no possible objection to this incorporation for legitimate

HON. MR. ALLAN.

purposes; but is this House prepared to constitute a church tribunal in the distant diocese of Saskatchewan, and to give the sanction of the law to its decisions on questions of internal discipline? I have always understood that these acts were for the purpose of enabling parties to organize and hold property. In the Nova Scotia Legislature, of which I had the honor of being a member for several years, a similar bill was introduced for the incorporation of the synod of Nova Scotia, and on that occasion we had a fight which lasted for a week or two. I took the ground then, and I take it now, that it is not the function of Parliament to interfere with the discipline of any church, and to pass laws for enforcing such discipline, and more especially when it includes the power to deprive a clergyman of his sacred office. That view, I am happy to say, was adopted, and the Bill was subsequently passed on my own motion during the same session as a bill for what I think this ought to be—for regulating the disposition of property and their own internal affairs without this church court which, as I apprehend, is for the first time asked in legislation.

HON. MR. VIDAL—I very cordially and fully concur in the sentiments expressed by hon. Senator from Amherst and am quite prepared, when the Bill is in committee, to assent to any alteration which will bring it in harmony with any legislation of a similar character, asking no special privileges whatever.

The Bill was read the second time.

BILLS INTRODUCED.

Bill (13) "An Act to authorize and provide for the winding up of the Dominion Fire and Marine Insurance Company."

Bill (45) "An Act to reduce the capital stock of the Ontario Bank, and to change the nominal value of the shares thereof, and for other purposes." (Mr. Gibbs.)

Bill (53) "An Act to amend the Act incorporating the North American Mutual Life Insurance Company, and to change the name thereof to the North American Life Insurance Company." (Mr. Allan.)

Bill (8) "An Act respecting the Commercial Travellers' Association of Canada." (Mr. Macfarlane.)

The Senate adjourned at 6.05 p.m.

THE SENATE.

Ottawa, Wednesday, 29th March, 1882.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

PUBLIC LANDS IN MANITOBA AND THE NORTH-WEST.

L'HON. M. TRUDEL demande :—

"Le gouvernement se propose-t-il de faire traduire et imprimer en français pour l'usage du public les règlements concernant la vente des terres dans le Manitoba et le Nord-Ouest, ainsi que les cartes et plans des terrains à vendre?"

HON. MR. AIKINS—In reply to the hon. gentleman I would state that the land regulations are being translated into French. It is not considered necessary to strike off two forms for maps because it would be merely the change of a few names of rivers.

HON. MR. TRUDEL—If the hon. the Minister will allow me, I wish to call his attention to a fact that was pointed out to me some time ago. The names of certain places in the North-West, which on recent maps have been translated into English from the French—some of them well known names and are found in the geographies of foreign countries—have been so changed in the translation that they cannot be recognized, and I think this is likely to lead to great inconvenience. I would respectfully call the attention of the hon. the Minister to this fact. Of course, it might lead to large expense to publish maps in two languages, but there might be some translation of the most important terms printed at the bottom of the maps. That would be a guide to parties who cannot translate the names as they are.

HON. MR. AIKINS—I will suggest it to the officers of the Department speci-

ally charged with it ; and, if it can be done readily, certainly it will be attended to.

GOVERNMENT MEASURES IN THE SENATE.

MOTION.

HON. MR. ALEXANDER moved—

To Resolve.—That in view of the position occupied by the Senate, in the Parliament of this Country, it is desirable that the Dominion Ministers of the Crown should submit to the consideration of this House all the more important measures of Legislation in sufficient time to admit of their being maturely discussed and disposed of before the prorogation of Parliament.

He said :—A strong sense of duty impels me to present this motion for the consideration of the House. It is a simple matter of fact that if we take the editorials of the public journals as an expression of public sentiment, the country is not satisfied with the manner in which the Senate is doing its work. There is a feeling that we have degenerated into a mere partizan body to serve a party. Portions of the press charge us that we make no adequate return to the country for the indemnity we receive. A large body of the members of this House feel a natural indignation that the business of the Senate should be now so conducted as to give rise to such public criticism. Let us calmly enquire what grounds exist for this disparaging criticism. What influence does the Senate (as now conducted) exercise in preventing maladministration by the present party in power?

Are the more important measures of the Government brought before us in proper season, I may ask, since the advent of the present party to power? Then again there is a complaint that if any member of this House desiring to serve his country, brings forward an important motion—so important that every member of the House feels its importance, the, leader of the House, with half-a-dozen of his partizan followers, call out “Withdraw.” The motion becomes defunct and that is the last of it. I have on former occasions again and again shewn that no utterance of this House now reaches the public, as far as the people of this Dominion are concerned, and any information they receive of what is done within those four walls, we

might be regarded as a thing of the past, or perhaps occasionally a fear is expressed that a certain Legislative Chamber will obstruct some measure demanded by the country. Some of the scenes that have taken place recently in this House remind me of a conversation which I had while in England with Sir Robert Torrens, the member for Cambridge, who had been Prime Minister of the Colony of South Australia, but which he left on account of the manner in which party warfare was carried on there. He observed to me one day that no man of honor could remain there in public life. That the unscrupulous cunning of political leaders would shock the sense of any upright man. They inspired the Press to misrepresent and distort every thing he did. They bribed portions of the Press to omit his utterances. They tried to damage him by repeating and falsifying his private conversations. They influenced a certain number of members by promises of office, to join their cabal. The system of deception they practised was simply ludicrous. They exhibited great skill in keeping such members dangling in the vain hope of getting offices, some speaker-ships, some judgeships and others valuable positions in the Civil Service. Sir Robert said it reminded him of a basin of sugar, with a cloud of flies hovering around. But as he observed, the leaders kept all the sugar for themselves and their own kin, or some miserable servile and venal followers. The poor flies lived in the vain hope of getting, but never got any of the patronage. What a pitiable picture of human cunning and human credulity! Then of course there was the adjunct of state dinners, given with the large official salaries. The relation of my tale is finished. It has its moral.

I feel that in pursuing this subject, I am treading on somewhat dangerous ground. The lust of power would destroy anything and everything that stands in its way. It is rapidly destroying the Senate of the Dominion.

Let us see what the illustrious Washington said on this subject. In his farewell address he remarked:—

“All obstructions to the free expression and publication of opinion by the people’s representations, under whatever plausible pretence or argument, with the design to

counteract or awe the natural deliberations of Parliament, are destructive of every hope of good Government."

Then again he says:—

"However, partizan combinations may now and then answer popular ends, they are likely, in the course of time, to become engines, by which cunning, ambitious and unprincipled men will be enabled to subvert the power of the people and use their position for their own selfish ends."

Now hon. gentlemen, is such a body of men, as I see here before me, going to permit this dignified and useful branch of the legislature to sink more and more in public estimation till it becomes an object of general attack, an object of public derision, which I am sure every hon. member of this House would desire to avert. (Here the hon. gentleman quoted from the Stratford Beacon, Montreal Star, Brockville Recorder and British Whig). It only remains for me to move the resolution of which I have given notice, seconded by the hon. Mr. Read.

THE SPEAKER—Who seconds the motion?

HON. MR. READ—I suppose I must, as the hon. member has asked me.

HON. MR. ALMON—The hon. member leans upon Read, but it is a broken reed.

HON. MR. KAULBACH—I must rise to express my views of the language which the hon. senator from Woodstock (Mr. Alexander) has just used, and I am impelled to do so by a strong sense of duty. I am told by my hon. friends on my right and left that it is better not to notice his remarks, but to let them pass without any comment. The hon. gentleman has, however, quoted from several newspapers, and, in doing that, no doubt he endorses the sentiments therein expressed. I believe there is no member of this House who has done more to propagate such sentiments than the hon. senator from Woodstock himself. I do not wish to impute motives, but it seems to me that his whole course has been, as far as possible, to get just such expressions of sentiment as he has uttered here to-day himself and quoted from various newspapers published throughout the country. With regard to the manner in which the Senate does its work, I think

each member of this body can speak for himself; but I contend that no body of legislators has ever deliberated upon public questions with better judgment and less partisan spirit. The Senate have not been led blindly; their judgment has not been warped by partisan prejudices, and their decisions have met not only with the approval of Parliament, but of the public generally. It is not the fault of the Senate that important measures come up to us late in the session; it is necessarily so, and cannot be helped. The Government have no control of the general legislation of Parliament. It is in the hands of members, and when the measures come up to us at the end of the session, it is no fault of ours if the work crowds upon us. Every attention is given to them, not only in the Senate, but in its committees. I know, as a member of two important committees of this House, that every attention is given to the legislation which comes to us; and it is admitted, not only by members here, but by members of the other House, that the Bills which come up to us receive careful consideration; and the amendments which are made meet with their approval. In fact, those who are not favorable to this body admit that our criticisms and the amendments which we make to the Bills which are sent to us meet with their approval. I do not know what the hon. senator from Woodstock has to complain of this session, for all the measures controlled by the Government which could be initiated in this House have been introduced here, and we certainly have not delayed any legislation. As regards the publication of the debates of the Senate, I am fully in accord with the hon. gentleman in disapproving of the present system. I stood by him fearlessly in condemning it, though in opposition to the general sense of the Senate, because I believed I was right; but I cannot join him when he endeavors to belittle this branch of the Legislature. I find that his speeches in this House have been quoted by certain portions of the press to sustain the view that this body is not doing the work which it was intended to perform. Therefore, I should not be doing my duty if I did not express clearly my belief that, if there is such a feeling in the country as the hon. gentleman has stated, it has been produced more by his own expressions than by anything else.

My hon. friend from Belleville (Mr. Read) was quoted, as having brought up a somewhat similar resolution the other day. I consider that was a very important resolution, one well deserving the attention of this House, and I supported my hon. friend from Belleville in the remarks which he made on that occasion. That matter was properly brought before us, and received all the consideration this body could give it, and although we did not come to a vote upon the resolution, I am sure my hon. friend must have been satisfied with the expressions of the leader of the Government in this House, that they were prepared to consider the matter most carefully and give the utmost weight to the expression of opinion which the motion elicited from this Chamber. I may say, therefore, that we have nothing to complain of, and my hon. friend from Belleville (Mr. Read) on that occasion was evidently of the same opinion, for he did not press his resolution to a vote, as he otherwise would doubtless have done. We all know the independence of mind and action which characterises that hon. gentleman's conduct, and we may be sure that not even the utterances of the leader of the Government in the Senate would have dissuaded him from dividing the House if he had considered it necessary in the interests of this country to do so. After hearing the opinions of many Senators, however, he was satisfied that fair consideration would be given to the subject by the Government, and he allowed the matter to stand. Now, I think it ill becomes any member of this House to belittle the importance of the body to which he belongs. The moment I feel that this Senate is not doing its duty, and is consequently fairly open to the charge of neglecting the business of the country, I shall retire from it: but I do not think it right that any bird should make its own nest unpleasant. We should all endeavor to keep ourselves pure and in a proper position before the House and country: let us look at home first and exercise that due government of ourselves, that becoming deportment in the House and in our utterances, which will command respect here and in the country generally. I may say I am very sorry to have had occasion to make these remarks, but strongly as I coincide with the views of my hon. friend (Mr. Alexander) on

many subjects,—much as I believe that the Debates of this House are not properly circulated at present, and that we are not given sufficient credit by the people for our action upon public questions,—yet I cannot go with my hon. friend and endorse the sentiments of certain papers in this country, and say this Senate is simply the echo of a certain party. I, for one, must rise here and say that I always exercise my judgment as an independent member of this House upon any public measure that comes before us, and I cannot sit in my place and listen to the sentiments of my hon. friend, without giving them my strongest condemnation.

HON. MR. DICKEY—When I first read the resolution which is upon the paper, I was under the impression that it was merely to give expression to an abstract opinion as to the duty of this House, and if my hon. friend had contented himself with merely reading the resolution without making any remarks upon it, I should perhaps not have troubled the House upon this occasion. But he has given a gloss and colour to this resolution which will make it imperative upon the House to pass an opinion upon it. My hon. friend has not contented himself with merely placing that apparently weak official resolution upon the paper, but he has accompanied it by remarks, and what, may I ask the House, is the tendency of those remarks? It is to convince the House that the party in power neglected its duty, and that especially the leader of this House has neglected his duty and has not attended to the business of the country. My hon. friend has gone further; he has alluded to expressions in newspapers which charge the present Government with maladministration of the business of the country. He has also referred to the “unscrupulous cunning” presumably of the leader of this House, and stated he is ready to endorse—and I regret exceedingly that he is—the opinion of any newspaper, that has his *imprimatur* at all events, that the leader of this House by name is content to pocket his salary and leave the business of the country to take care of itself.

Now, I think that is a most unworthy imputation, and it gives a character to this resolution which requires the House imperatively to express its opinion upon

it. The hon. gentleman is not satisfied with that, but he goes on to give the opinions of other newspapers, that the members of this Senate are chiefly occupied with dangling after offices. Well I do not know exactly in what quarter that may apply; it certainly does not to me, for I have never had, and never expect to have an office. But possibly there may be some gentleman in this House to whom that imputation may be applicable, and I leave the hon. gentleman himself (Mr. Alexander) to make the application, if he chooses, to any gentlemen here, and let that gentleman rise and defend himself. I say it is a most unworthy imputation upon his fellows, that he should endorse an expression of opinion like that,—that the occupation of the Senate is that of dangling after offices. Now my hon. friend has quoted the opinion of Washington, and he has gone a little further even than that: he goes on and says that Senators use their positions for their own selfish ends. Now, I ask this House if this is language that should be applied to any party in power. If my hon. friend who sits at present below me, the leader of the Opposition, (Mr. Scott) were in the position which he once held, and which he filled ably and well—the position now occupied equally well by my hon. friend the Minister of Justice—I should just as strongly object to the imputation that is conveyed by that quotation. But my hon. friend is not satisfied even with attacking the leader of the Government in this House, and throwing across the Chamber the imputation on every gentleman that he is dangling after office; he mixes up with this matter the question of the reporting of the Debates. He has expressed his views upon that subject, and he has a right to them, and to enforce them if he can, and he has taken advantage of that right on several occasions during the present session. But it is also part of his complaint to-day, though it has nothing in the world to do with the subject of this resolution, which is applicable only to the presenting of measures to the consideration of this House. My hon. friend seems to convey to the House the impression that he has been inspired in this matter, because he says he is in a position to state that a gentleman, whose name we are not permitted to mention here, has not had the Debates

of this House forwarded to him. I would ask by what authority does he do that? Why should he import into this debate the name of a gentleman who is not supposed to be named in the discussions in this House?

HON. MR. ALEXANDER—Will the hon. gentleman allow me to explain that I went to our Post Office this morning to inquire whether the Debates were sent to a large number of journals, and it led me to ask the question, whether they were ever sent to His Excellency. The post office here is my authority.

HON. MR. DICKEY—My hon. friend might have ascertained, if he had taken the trouble to make a little further enquiry that it is not perhaps the ordinary practice to convey such documents to His Excellency through the post office; and I am quite sure the hon. gentleman will, upon reflection, rather reproach himself for making use of such an argument in this House. He has thought proper to bring the utterances of certain newspapers into this debate but he is perfectly aware that the papers to which he has referred, and he might have amplified the list no doubt—belong to the party in opposition to the present Government, and I do not see that we need be surprised at the tone of their articles. I do think however that my hon. friend ought, in justice to this body of which he is a member, to have stated that he himself could not endorse the sentiments contained in those papers; for he knows that this House devotes itself earnestly and thoroughly to the business of the country, and from that point of view the utterances of those papers were most unworthy and I do not think it is necessary to pursue that matter further. But the hon. gentleman has brought forward a resolution which, read by the light of his speech, and accompanied by the remarks he has thought proper to make, conveys an implied censure upon the Government of this country and more particularly upon the leaders in this House; for I do not suppose that my hon. friend for a moment intended to convey the impression that the House of Commons were to blame for not sending up their measures in sufficient time. His complaint is that the leaders of the Government in this House do not bring forward these measures

in ample time in order that they might be fully considered. Now I do not contend that in the past there has not been some reason for that complaint, but it is due to the Government of the day—of whom I am quite as independent as my hon. friend himself—to state that in the past session and during the present session the Government have made a new departure upon that point and they have brought forward a great many measures in this House. I do not intend to detain the House by going into details of these measures, but it must be within the recollection of my hon. friends that a great many important bills have been submitted to this House at an early period of the session. There has been a great improvement in that respect, and the amendment which I shall now propose to the House gives expression to what I conceive to be the general opinion on this point, an expression to which I think the Government are fully entitled. Such an amendment would not have been necessary had the hon. gentleman merely read his resolution, but under the circumstances I think it is due to the House that we should state clearly our opinion as to the manner in which the business is done in this Chamber. My hon. friend has not tabled any statement as to the manner in which this House conducts its business, except in so far as that part of his address which refers to reporting the Debates, and upon that part my hon. friend has expressed his views; but that is not sufficient and really does not refer in any way to the resolution itself. I therefore beg to move the following amendment:

To strike out all the words after the first word "resolved" and insert "That many of the more important measures of the Government having at the last and during the present session, been introduced in the Senate, ample time has been afforded for their discussion; and that as the rules of the House prescribe the mode in which business is to be conducted, such time as the House desires for the consideration of measures can be secured by enforcing them."

HON. MR. BOTSFORD—I rise, hon. gentlemen, to express my regret that the hon. mover of this resolution should in moving it have made use of the observations and sentiments that he has uttered. I must express my surprise that such observations should come from a gentleman

who during the whole of his legislative career in the Senate of Canada has talked more about the dignity, and about the importance, and about the influence of this body than any other hon. gentleman; and I say, and say it deliberately, that no statements that can be made in the press; no insinuations as regards the manner in which the Senate have performed their duty as legislators could have such an injurious effect upon the Senate, as the sentiments that have been expressed by the hon. gentleman himself. It strikes me most forcibly that the sentiments he has given utterance to in moving this resolution tend to destroy, and would destroy if they were at all correct, the influence, and would tend to impair the usefulness of the Senate in the performance of its public duties. The hon. gentleman does not see the force of this resolution. An expression of opinion in accordance with this resolution would take away from this House powers and privileges which we possess. It is not for the government of the country to bring forward all the important measures which may be necessary in legislating for this country. The Government have certain measures which they agree upon, and which they bring forward, but every individual member in this House has the right and the privilege of introducing important measures for the consideration of the Senate; therefore the hon. member is wrong in a constitutional point of view and he belittles the powers and the privileges which every individual member of this House possesses. Now with respect to the manner in which the business of this Senate has been conducted, I think that hon. members will say that the sentiments uttered by the hon. member from Woodstock are entirely incorrect. What measure has been brought before this Senate that has not been dealt with in the manner that a deliberative body should deal with it? I should like the hon. gentleman to point out where the members of this House have been derelict in their duty, and where they have neglected to debate them when it was necessary to debate questions; to elicit information where it was necessary to elicit information, or that they have not intelligently and astutely attended to the performance of their duties; looked to the manner in which the select committees and the standing committees

of this House have performed their duties, looked to the manner in which questions of importance are debated in the Senate ; looked to the care and the precautions which should be taken to see that all the rules and standing orders of the House are enforced in order that no measure should pass hastily through this Chamber? So far as my knowledge goes I am quite satisfied that no true charge can be made that the senators as a body have neglected their duty.

HON. GENTLEMEN—Hear ! hear.

HON. MR. BOTSFORD—That I lay down as a principle and hon. members who have long been members of the Senate will bear me out in that proposition. Now, I must confess that the Senate do not desire nor have they ever made a great display with respect to oratory. They deal with measures in a quiet sensible manner. They do not make speeches for effect and send them broadcast over the country. That is not the practice of the members of this House. When important measures are brought forward the members of the Senate are able to express their sentiments, and do express their sentiments, in sound common sense language, and debate such subjects in an able manner, but they do not make speeches for effect. They do not make speeches for *Hansard*, or for display. Therefore, the observations of the hon. member are entirely unjustifiable; they are unworthy, I consider, of any member of the Senate, and the hon. senator has made use of language and has made quotations which disparage the Senate and he thereby gives a tacit consent to, and approval of those sentiments. I must confess that if the hon. member talked less about the dignity and influence of the Senate in the country, and would forbear from bringing forward, resolutions such as this and some others which the hon. member has brought forward I think the Senate would stand in a better position perhaps than it does. With respect to the hon. member opposite (Mr. Dickey) he has commented very well on the measures which the Government have introduced during the present session and last session. It is quite within the knowledge of every hon. member that the measures of the Government were introduced earlier this session than they ever were before,

and they were thoroughly discussed, debated upon, and passed, and the hon. gentleman is most unreasonable in bringing forward a resolution of this kind this session, because there never was a session in which the Government have been more prompt in introducing the measures they had to lay before Parliament.

HON. MR. VIDAL—I do not intend to trespass any length of time upon the attention of the House. I am very unwilling indeed to believe that the hon. Senator from Woodstock really sympathises with the sentiments which he has read in our hearing as extracts from the papers. At the same time, I think hon. gentlemen will admit that had he been employed to give prominence to these sentiments with respect to the Senate, it could not have been done in a better or more effective manner than in the speech which he has delivered to this House. The hon. gentleman stands prominent among us in his desire that the Senate should be respected and honored in the Dominion. I may be wrong, but I think the course which he has thought proper to pursue is well calculated to produce the opposite effect. While making his remarks he could not resist the opportunity of having a fling at the committee on reporting the Debates, and I should like to say a word for his comfort, on that all important subject. He has ventured to surmise and complain that the speeches delivered in this House—his own most eloquent and patriotic utterances—do not find their way to the ear of His Excellency, or even those higher in position. Now, I venture to say that it is a very good thing, for the hon. gentleman, if he wishes to retain the respect and approval of those high dignitaries, that the reports of his speeches are not carried to them. It was only yesterday that he ventured to reprehend in the strongest terms and to condemn in the most decisive manner the course of action which has been pursued by His Excellency's most gracious mother-in-law, our beloved Queen. How does the hon. gentleman think their ears, their eyes or their hearts will be touched when they read his remarks of yesterday on the impropriety of cousins marrying? Does he forget that his own most gracious Sovereign married her cousin?

HON. MR. ALEXANDER—The hon. gentleman is in error on that point : the Queen was not a cousin-German to the Prince Consort.

HON. MR. DICKEY—He was literally her cousin-German.

HON. MR. VIDAL—The hon. Senator from Woodstock is misinformed. The introduction of a remark of that kind in connection with the Bill, which was before the House yesterday, was uncalled for and could only be regarded by the distinguished occupants of Rideau Hall as an unnecessary and impertinent fling at the gracious lady who reigns in the hearts of her people. The hon. gentleman may congratulate himself that his speech did not find its way to Rideau Hall. The hon. member is a great stickler for the honor and dignity of this House and one would suppose that he would therefore be very careful to observe the rules of the Senate. Yet, what do we find? Almost every address which he has delivered during the present session has been in direct violation of the rules of Parliament. What is the custom as laid down in May? "A member is not permitted to read his speech but may refresh his memory by reference to his notes. The reading of speeches, which is allowed in other deliberative assemblies, has never been admitted in the British Parliament." I hope that such a stickler for the dignity and privileges of the Senate, as the hon. gentleman is, will bear this in mind in the future, I shall not further trespass upon the time of this hon. House because I do not think the matter is of sufficient importance to receive the attention and time which has been given to it.

HON. MR. READ—I should not have risen to speak on this subject if I had not felt it my duty, as seconder of the motion to do so. On reading the resolution I think it is a harmless one. The hon. gentleman who moved the amendment admits that it is a harmless one, and if it had not been for the speech and extracts that the gentleman who moved the resolution thought proper to give the House, there would have been no occasion for the amendment. For my own part I should have preferred it if the extracts had not been read. They were not suited to the

time, place or occasion, but the resolution itself contains nothing that is new to us here. To my knowledge we have heard this complaint in the Senate from time to time. I have been long enough in Parliament to remember a striking instance of it. A Government was defeated on a certain measure; an election followed and a new Government introduced a similar Bill; when it came up to this House, it passed through all its stages in one day. Was that consideration enough to give an important measure? This is an old complaint. I have had occasion to speak on the subject several times, and I think the hon. Senator from Amherst has had something to say about it too. In 1868 there were several Government measures thrown out in this House because there was not proper time given to consider them. I find by reference to the Journals that on one occasion the Supply Bill, the Independence of Parliament Bill and the Tariff Bill were introduced in the Senate on the 27th of April and on the 28th of April Parliament was prorogued. I do not think there is much cause for complaint this year. The amendment states that we have certain rules by which we can secure sufficient time to carefully consider the measures which come before us, but we all know how the rules can be put aside. Of course, if one wishes to be troublesome he can avail himself of the rules.

In the course of this debate a resolution which I moved a few days ago was referred to: I must say I am not satisfied with the manner in which it was received. I see no reason why it should have been withdrawn. "Withdraw" is an old story: I hear it when an attempt is made to bring up almost any subject in this House. I remember once I moved a very important resolution, and a cry of "withdraw" was raised. I did withdraw it after a long discussion had taken place upon it, because I am weak and good natured, and can hardly refuse to comply with such a request as was made on that occasion by my leader here. The resolution was as follows:

"That in the opinion of this House, the present and future interests of the manufacturing and agricultural industries of the Dominion call for the adoption of a national policy, by which either reciprocity

of trade with the United States is obtained, or a reciprocity of tariffs is established by Canada."

I lived long enough, at all events, to see the policy enunciated in that resolution adopted by Parliament. I think that this resolution is a reasonable one. It does not reflect on the Government: I would be the last to support the motion if it did. It simply sets forth a complaint which has often been made, with good reason, in the Senate.

HON. MR. FLINT—I certainly think that some steps should be taken to put a stop to those controversies which come up from time to time through my hon. friend from Woodstock. I think, under all the circumstances of the case, the introduction of six or seven Government measures on the second day of the session and the course pursued by the Government ever since—that no want of energy has been shown in conducting the business of the country in this House, and the hon. Senator should not have introduced his motion or spoken as he has done to-day. However, he has seen fit to press his motion, and to read quotations from newspapers opposed to the Government of the day. I think it would be advisable for him to follow the course which he has stated a certain gentleman by the name of Torrens took on one occasion—that is, to withdraw from this corrupt body. If he will consult his own dignity, which is so very great, he will certainly, after the exhibition he has made of himself here to-day, sever his connection with the Senate. I am sure if he should intimate to the House any intention to do so, we would all bid him God-speed. We would turn out in a body and escort him to his lodgings, or even further if he required it. The hon. member seems to be anxious to immortalize himself in some way. I think that he has, by his course here during this session and one or two other sessions, done more than all others to lower the dignity of this body. If he wishes to retain his position in this Chamber, he should pursue a different course for the future.

HON. MR. HAYTHORNE—In my opinion the motion is almost unobjectionable. If I had to compose one myself, I should make very small alterations in this resolution. If the hon. gentleman had

confined himself to pointing out the different ways in which the business of this House has been heretofore, and has this session, to some extent, been obstructed, he would have done excellent service here to-day. He had a splendid opportunity, and I am bound to say he did not avail himself of it: on the contrary, he threw it away. I am myself of the opinion that something more might be done to advance the business of this House by bringing forward measures earlier in the session. It is true the Government introduced some in the Senate early this session, but it was necessary from day to day to postpone the consideration of them because they were not printed. A little pressure applied to the printing office in connection with the business of the Senate might have ensured more promptitude in furnishing printed copies of the bills. There was a point to which the hon. gentleman might fairly have drawn the attention of the House. He might have shown, as his seconder did, the great inconvenience caused by bringing important measures before us late in the session, and if he, or this House in debate, could have suggested any means by which they could be introduced so as to afford ample time to discuss them, I repeat, the hon. gentleman would have done admirable service. But he did not adopt that course. He thought his object would be best served by retailing to the House the ridiculous reports of some local newspapers with reference to this body. If that hon. gentleman or any other thinks it necessary to combat in this House the statements which appear against us in the press, all I can say is, we shall have a hard and odious task, and one I should be very sorry to see attempted in this House. There has been some expression of opinion here to-day as to the inexpediency of constantly withdrawing motions. If the motion is good and useful in itself and unobjectionable, and if it had not been supported by the arguments—one can hardly call them arguments—by the statements which the hon. gentleman thought proper to make, I think in that case it would have been wrong to withdraw the motion, because, in my judgment, it is a useful motion, and if I am compelled to choose between it and the amendment, I shall feel it my duty to vote for the resolution; but the sense of the House is evidently opposed to the manner in which

it has been supported by the hon. gentleman. In my judgment, if an error has been committed, the wisest course is to retrace your steps as long as it is possible to adopt that course. Fortunately it is open to the hon. gentleman to ask leave of the House to withdraw his motion. (Cries of "No.") Is it not open to the hon. gentleman to withdraw his motion?

HON. MR. BOTSFORD—Yes, with the consent of the House.

HON. MR. HAYTHORNE—But if the hon. gentleman makes the proposal, let us see if the House will refuse its consent. If I have any judgment as to what the Senate will do, I think it will not adopt that course. If the hon. gentleman will accept the advice I tender to him, as an independent member of the Senate, it will be to this effect—that he ask the leave of the House to withdraw that motion.

HON. MR. BOTSFORD—And make an apology for the speech he has delivered.

HON. MR. BUREAU—I think it is very unfair to ask us to vote for the amendment. It is a motion of confidence in the present Government, and I think it should not have been moved without due notice. It does not bear on the same subject as the original resolution, but is of an entirely different character, expressing confidence in the Government of the day. I do not think the Opposition in the Senate number one-third of the whole body, and it is very unfair, without any notice, to call upon us to vote upon such a motion as this. We have acted in such a manner as to deserve some consideration at the hands of those who are in a great majority in this branch of Parliament. This motion involves a discussion of the whole policy of the Government.

HON. MR. DICKEY—Not at all.

HON. MR. BUREAU—I am satisfied that is not his intention, but that would be the result of asking us to vote upon the amendment. I hope the resolution will be withdrawn. I do not approve of all that was said by the hon. Senator from Woodstock in introducing it: quite the contrary. I think the press treats the Senate unfairly. We are doing what we

can to transact the public business, and I must say that the Government this year have taken the proper course of introducing important measures early in this Chamber, so that we are enabled to consider them carefully.

I cannot understand why some newspapers demand the abolition of the Senate, for this reason: we, in the Province of Quebec, were opposed to representation by population, and Confederation would never have been accomplished if the perfect equality of the two Provinces in the Senate had not been guaranteed. That is the reason why Ontario has no more Senators than the Province of Quebec, and that equality must be maintained as long as the union lasts. Some of us were opposed to the Confederation scheme, because we thought it was not matured at that time for the benefit of the country, and might result disastrously if harmony did not prevail among the different Provinces.

The Opposition in this House is small in numbers, but it is entitled to some respect, and I think it would be but fair play to us to withdraw both of the motions. I shall not ask the Speaker to decide whether the amendment, of which no notice was given, is in order; but the leader of the House will acknowledge, I am sure, that we have always pursued a course which entitles us to the respect of the majority, and to him I appeal for fair play.

HON. MR. KAULBACH—I think the amendment ought to be withdrawn. I am not quite certain whether the motion can be withdrawn, unless the amendment is dropped. I am not so much opposed to the motion of the hon. Senator from Woodstock, as to his remarks, which I think were uncalled for.

HON. SIR ALEX. CAMPBELL—In answer to the appeal of the hon. Senator from DeLorimier (Mr Bureau). I do acknowledge with the utmost pleasure that the course uniformly pursued by the opposition in this House has been perfectly fair and courteous on all occasions, and I should be exceedingly unwilling to see them led, by a motion of this kind, to vote in any sense confidence in the Government. I am quite satisfied that the hon. Senator from Amherst had no intention of

expressing confidence in the Government, and I certainly think no person who votes for this amendment will do so. I apprehend that perhaps my hon. friend from DeLorimier did not read the amendment, or hear it read, because there is nothing in it which, in the most remote way, bears the construction which he has put upon it. The first part of the amendment is "That many of the more important measures of the Government having at the last and during the present session been introduced in the Senate, ample time has been afforded for their discussion."

That is not an expression of confidence—it is merely an assertion of the fact that many of the Government measures, during the last session and this session, have been introduced in this House. The hon. gentleman from DeLorimier has just said that this is a fact. There is no expression of confidence in the next sentence "and that as the rules of the House prescribe the mode in which business is to be conducted, such time as the House desires for the consideration of measures can be secured by enforcing them." So there is nothing even in the most indirect way approaching an expression of confidence in the Government, but merely the assertion of two truths, both of which the hon. Senator for DeLorimier (Mr. Bureau) has either admitted or is ready to admit. I therefore can see no reason why any hon. gentleman who desires to make these assertions should not do so merely because he belongs to the Opposition; because the amendment expresses no such confidence, and on the part of the Government I entirely disclaim any idea that there is any expression of confidence, and my hon. friend who introduced it says that he had no intention of expressing confidence. It is a question of the mode in which the public business is transacted in this branch of Parliament. So far as my humble advice to the House is concerned, I would say, if the member who introduced this motion sees fit to withdraw it, I apprehend the hon. Senator from Amherst would also be willing to withdraw his amendment. If the hon. Senator from Woodstock (Mr. Alexander) does not see fit to withdraw his motion—and it seems to me he should withdraw it and apologise to the House for the language he has used—then, I for one would be glad to see the amendment pressed. I can assure the hon. Senator

from DeLorimier that I disclaim on the part of the Government that it conveys anything even remotely approaching an expression of confidence in the Government.

HON. MR. POWER—There is a further reason why the motion should be withdrawn; the result of a vote being taken will be that this resolution which the hon. Senator from Woodstock is anxious to have adopted, will be voted down. That is a consummation that, I suppose, he is not anxious for, and therefore I hope the hon. gentleman will consent to withdraw his resolution. I think it is the more desirable for this reason; although we have heard the disclaimers of the mover of the amendment and the Leader of the Government in this House, that we might feel perfectly satisfied the amendment is not a vote of confidence in the Government, still it must be remembered that in the journals of the Senate these expressions of opinion will not appear; you will simply have a record of the fact that Senator Alexander moved this first resolution. Now that motion is a perfectly harmless and proper one, and I think so more particularly in view of the discussions which have taken place towards the close of the last three or four sessions. I think that the season at which it has been introduced is also a proper one, but I regret that the hon. Senator from Woodstock, through some unfortunate knack which he seems to have—and which I am glad no other member of this House possesses—has the effect of making a resolution (which would be perfectly harmless, and even desirable, if put before the House by any other member) appear most objectionable when coming from him. As an independent member of this House, I do not wish to be put in the position of having my name appear in the journals as having voted down what, in itself, from our past experience we know to be a reasonable resolution. If the motion is pressed I shall be forced to vote for it, and not for the amendment, for the reasons which I have given.

HON. MR. ALMON—The amendment, I think, is not a motion of confidence in the Ministry; it is a motion of confidence in the Senate. I am very sorry that it has been introduced, and I think

my hon. friend from Amherst (Mr. Dickey) lacked his usual tact when he moved it. I should rather have voted down the resolution as it stands. However, as that cannot be done, I, as a member of this body, will not allow either the amendment or the motion to be withdrawn. Both of them having been moved and seconded (one seconded in a very lame manner, but still seconded) according to the rules of the House they must be put, and I think we would be derelict in our duty to ourselves, after the statements which have been quoted by the hon. Senator from Woodstock (Mr. Alexander) if we voted for that resolution. If I did so I would follow the advice which the hon. Senator from Belleville (Mr. Flint) gave the hon. gentleman from Woodstock, not only that he should go, but, if I approved of those sentiments, I should go out with him. (Cries of "withdraw.") If I have a right to insist upon it, and I think I have, I object to either the motion or the amendment being withdrawn, and I insist on their being put.

HON. MR. ALEXANDER—I have no reason whatever to complain of the tone of any remarks which have been made with reference to myself as the mover of this resolution, except those which fell from the hon. Senator from Belleville (Mr. Flint)—a gentleman whom I respect very highly. It is simply absurd to say that, on looking around me and finding nine-tenths of the members of this House, men of large estate and independent fortunes, men of the first position in the country, that I would charge them with corruption. I have in the discharge of my duty, observed that the press all over the country, are gradually gliding into the position of losing all respect for this body. With regard to the reply which has been made that these extracts are from the Reform press, I say that the fact of the Opposition newspapers attacking this Chamber is a very powerful argument in favor of my motion. A large number of the members of this House desire that it should stand as a high judicial body, above party, and that it should not be chargeable by the press of one party or the other with being partizan. I want this House to stand immeasurably above party. With regard to the question

HON. DR. ALMON.

itself, the matter rests with the House. (Cries of "withdraw.")

After some discussion as to whether the motion could be withdrawn, the amendment was declared carried on a division.

SASKATCHEWAN AND PEACE RIVER RAILWAY BILL.

THIRD READING.

HON. MR. DICKEY moved that the House concur in the amendments proposed by the Committee on Railways, Telegraphs, and Harbors to Bill (26), "An Act to incorporate the Saskatchewan and Peace River Railway Company". He said—Having fully explained the nature and scope of these amendments when the report came in, as required by the rules of the House, I have now merely to move that they be concurred in.

The motion was agreed to and the Bill was then read the third time and passed.

GARDINER'S RELIEF BILL.

FIRST REPORT OF THE COMMITTEE.

HON. MR. DICKEY presented the first report of the Select Committee on Bill (L) "An Act for the relief of Matthew Gardiner." He said—The report, which was submitted yesterday, is to the effect that the practice followed in the House of Lords in all these cases and which has been observed by this House in the past, when considering petitions similar to that now before us, should be followed in this instance; and as the wife is a person without means and having no separate property, she may be allowed the expenses entailed by appearing before the Committee. This is in accordance with our past practice and it is unnecessary to enlarge upon it; I merely express our opinion that it is desirable to follow the precedent established, and I beg to move that the report of the Committee be adopted.

The motion was agreed to.

NORTH AMERICAN LIFE INSURANCE COMPANY'S BILL.

SECOND READING.

HON. MR. ALLAN moved the second reading of Bill (53) "An Act to amend

the Act incorporating the North American Mutual Life Insurance Company, and to change the name thereof to the Dominion of Canada Life Insurance Company." He said: I took charge of this Bill when it came up from the House of Commons, nobody else being prepared to do so, but I presume some other hon. gentleman will probably take charge of it when it comes before the Committee on Banking and Commerce. As I understand it, the Bill is simply to enable the Company to change its name, and also to make an alteration in the number of its directors, to fix and determine what shall be the qualification of such directors, and what remuneration shall be paid to them and other officials of the Company. I beg to move that the Bill be now read the second time.

The motion was agreed to, and the Bill was read the second time.

COMMERCIAL TRAVELLERS' ASSOCIATION BILL.

SECOND READING.

HON. MR. MACFARLANE moved the second reading of Bill (8), "An Act respecting the Commercial Travellers' Association of Canada."

He said: This is a Bill from a large and important body that has grown up in this country. It refers to the Commercial Travellers' Association, and an occupation that is extensively followed at the present time, and to a fund that has been established for charitable purposes in connection with the Association to relieve cases of illness or distress. As commercial travellers are a class who travel a great deal by water and by rail, and are subject to casualties, they take this means of providing for their families. They have already an Act of incorporation and the object of the present Bill is to add a mortuary clause to it by which the families of commercial travellers who are members of the Association can draw from the large charitable fund already established, and to enable them to deposit their funds with the Government so that members of the Association can feel satisfied that it is well secured.

HON. SIR ALEX. CAMPBELL—The Commercial Travellers' Association is, I

believe, a society that is entitled to every consideration as they are a body without which it would be difficult to carry on the trade of the country. As far as the Government are concerned we are anxious to give the Association every assistance in our power. The insurance clauses of the Bill have received the assent of the Government in another branch of the Legislature, and I do not think it is necessary to draw attention to them, but in the interest of the Association; I think it is desirable to draw attention to one or two clauses which, if the Bill goes through in its present shape, will only bring disappointment to its promoters. One point is that the Bill proposes to enact that a sum which is payable to a beneficiary, that is, not to the traveller, but to a person to be named by the traveller, shall not be liable to any execution against that person, and the effect of that would be this: A traveller might under the by-laws of the Association declare that a sum of say one thousand dollars is to be payable in case of his death to his son or his nephew or any member of his family and supposing that death occurs that sum is given by this Bill to the beneficiary absolutely and is not to be "touchable" by an execution. That is unfair in itself. It may be reasonable for the House to enact—although I do not say that it is—that a sum payable to a widow or to children should not be touched; I do not say that that would be reasonable, but I contend that it would be unreasonable to say that a sum that would become the property of a nephew or grown up son shall not be touched for a debt that that son or that nephew might owe. There is another point more deserving of consideration; I think, it would be beyond the power of Parliament to say that a certain debt shall not be collected against a certain sum; it does not rest with this Legislature to enact such a measure. It becomes the subject of provincial legislation, and a subject altogether within their discretion, and therefore I think we should not enact it in this bill. Then the clause which provides for the deposit of certain sums of money in the hands of the Government, seems to me to be imperfect. It merely says that the money shall be deposited for the purposes of the bill, which seems to me to be very vague. It would be much better to follow the language of the insur-

ance bills, and to define accurately what is the security which it is contemplated this \$50,000 should afford to the holders of policies or whatever they are called—what the security is and how it should be collected. I think that point should also be attended to. Then there is another point which seems to me to be somewhat unsound and dangerous. Certain by-laws are attached to the Bill in the schedule, and these by-laws are declared to have the force and effect of an act of Parliament. In addition to that it is provided that the by-laws may be amended, and altered, and that the alterations shall also have the force and effect of an act of Parliament. It is true it requires that they shall be subject to the approval of the Finance Minister, but it is somewhat novel to entrust the Minister of Finance with such powers, and it seems to me desirable in all respects that the attention of the Private Bills Committee should be directed to these points, not that I desire to interpose any obstacles to the Bill, but that I desire that the legislation should be of a character not to dis-appoint those who are looking towards it with a great deal of anxiety, and in whose anxiety I deeply sympathise.

HON. MR. MACFARLANE—I quite concur in the remarks of the hon. Minister of Justice. I have not looked into the Bill as I have only taken charge of it since it came up from the Commons at the request of a friend. I have no doubt when it goes before the Private Bills Committee the points raised by my hon. friend will be carefully enquired into.

The motion was agreed to and the Bill was read the second time.

HON. MR. MACFARLANE moved that the Bill be referred to the standing committee on Private Bills.

HON. MR. DICKEY suggested that the Bill be referred to the Committee on Banking and Commerce as it related strictly to a commercial matter.

The suggestion was adopted.

The Senate adjourned at 5.45 p.m.

HON. SIR ALEX. CAMPBELL

THE SENATE.

Ottawa, Thursday, March 30th, 1882.

The SPEAKER took the Chair at Three p.m.

Prayers and routine proceedings.

INSOLVENT BANKS AND INSURANCE COMPANIES BILL.

REPORTED FROM COMMITTEE.

HON. SIR ALEX. CAMPBELL presented the report of the Select Committee to whom was referred Bill (A) "An Act respecting Insolvent Banks, Insurance Companies, and Trading Corporations," with amendments. He said: This Bill has received a great deal of attention at the hands of the Select Committee to whom it was referred, and in consequence of the number of changes that have been made, I thought it desirable, in order that the House may have a clear comprehension of it, that it should be reprinted. That has been done, and the amended Bill has been distributed. I now move that the Bill be referred to a committee of the whole House on Monday next.

The motion was agreed to.

SASKATCHEWAN DIOCESAN SYNOD BILL.

REPORTED FROM COMMITTEE.

HON. MR. BELLEROSE, from the Committee on Standing Orders and Private Bills, reported, without amendment, Bill (51), "An Act to incorporate the Synod of the Diocese of Saskatchewan, and for other purposes connected therewith."

HON. MR. VIDAL—There being no amendments to this Bill, I beg to move that it be read the third time presently.

HON. MR. DICKEY—On the second reading of this Bill I took occasion to call the attention of the Committee to whom it was referred to the extraordinary provisions which it contained, and I should like to have some explanation of the reason why my suggestions were not con-

sidered; especially as my hon. friend (Mr. Vidal) himself said that he entirely concurred in my opinions, and assured the House that they should receive every attention at the hands of the Committee. I must say that it is to me a novel principle of legislation altogether that this House should be called upon to sanction these Church courts, and their decisions as to the important matter of depriving a man of his living and divesting him of his sacred office—it is a novel principle that they should be incorporated in the legislation of this country. I speak strongly on this subject, because my hon. friend on my right (Mr. Archibald) and I were both members of a legislature where it was carefully considered, and where it was recognized as a vicious principle which ought not be admitted into our legislation with regard to a church which is not established in this country, and only stands on the same footing as other denominations.

HON. MR. VIDAL—I called the special attention of the committee to this particular clause, and, also, took the trouble to invite over to attend the committee the hon. gentleman who had charge of the Bill in the House of Commons. He very kindly came over, and explained to the committee very fully all the provisions of the Bill, clearly showing that there was nothing new or unusual in the wording of the clause—that it was simply a transcript of the clause as it exists in the former Act. It was, therefore, considered unnecessary to make any amendments to the Bill. However, if my hon. friend really wishes the third reading to be postponed for any purpose, I certainly shall not press it now.

HON. MR. DICKEY—I do think it is the general sense of the House, the principle is so unusual. Although, it may have crept into former legislation, there is no reason why we should keep it up any more than we should keep up the amalgamation clauses which have been struck out of bills during the present session.

HON. MR. VIDAL—Then, I beg to move that the third reading of this bill be fixed for Monday next, and I hope the hon. gentleman will let us have the advantage of his objections, in order that they

may be looked into, and I may be able to reply to them.

The motion was agreed to.

SUN LIFE INSURANCE COMPANY.

THIRD READING.

HON. MR. ALLAN, from the Standing Committee on Banking and Commerce, reported, without amendment, Bill (4), "An Act respecting the Sun Mutual Life Insurance Company, of Montreal."

HON. MR. RYAN moved the third reading of the Bill.

The motion was agreed to, and the Bill was read the third time and passed.

PLANTERS' BANK BILL.

THIRD READING.

HON. MR. ALLAN, from the Standing Committee on Banking and Commerce, reported Bill (52), "An Act to incorporate the Planters' Bank of Canada," with an amendment, which he explained was not of any importance.

HON. MR. OGILVIE moved concurrence in the amendment.

The motion was agreed to, and the Bill was then read the third time and passed.

MUTUAL LIFE ASSOCIATION BILL.

THIRD READING.

HON. MR. ALLAN, from the Standing Committee on Banking and Commerce, reported Bill (27), "An Act further to amend the Act incorporating the Mutual Life Association of Canada, and to change the name thereof to the 'Life Association of Canada,'" with an amendment, which, he explained, was unimportant.

HON. MR. HOPE moved concurrence in the amendment.

The motion was agreed to, and the Bill was then read the third time and passed.

CHARTERED BANK OF LONDON AND WINNIPEG BILL.

REPORTED FROM COMMITTEE.

HON. MR. ALLAN, from the Standing Committee on Banking and Commerce

reported Bill (28) "An Act to amend the Charter of the Chartered Bank of London and North America, and to change the name thereof to the Chartered Bank of London and Winnipeg with certain amendments."

HON. MR. GIBBS moved that the amendments be taken into consideration to-morrow.

The motion was agreed to.

MILITARY BARRACKS AT WINNIPEG.

INQUIRY.

HON. MR. GIRARD inquired:—

What measures has the Government seen fit to take in order to afford shelter for the numerous settlers who are expected to be on their way this spring to Manitoba and the North-West? And would it not be advisable to place the military barracks at Fort Osborne, within the limits of the City of Winnipeg, or such portions of the said barracks as are not needed by the Government, at the disposal of the local authorities of Winnipeg for that purpose? Also what does the Government intend to do with these buildings?

He said: I make this inquiry in view of the numbers of people who are arriving in Winnipeg every day, and I am desirous to get information from the Government if possible, as to what steps will be taken to provide for their accommodation. From a thousand to twelve hundred persons are arriving daily in Winnipeg, and there is no place to receive them. The hotels are full, and many are camped in tents around the city, exposed to the inclemency of the weather. It has occurred to me that it might be possible to place the barracks under the control of the local authorities. I do not know how far it is possible to do so, but if it can be done, it will render a very great service to the population flowing into Manitoba. It is to the interest of the country that the settlers who arrive there should be treated with care and attention if possible. I also ask what the Government intend to do with this building. My opinion is that in the course of next summer it will be in one of the most aristocratic quarters of Winnipeg, and that it should be sold when it can be disposed of to advantage. The land could be kept and converted into a *Champs de*

Mars, or public square. I have not heard whether the Government has done anything yet towards the improvement of what will be perhaps the largest city in the west before many years. Here is an opportunity to do something for the improvement of Winnipeg. Without further comment I beg to put my question, and I am sure that the answer will be favorable to the people of Winnipeg.

HON. SIR ALEX. CAMPBELL—In reply to the question of my hon. friend I beg to say that the Government does intend to place the barracks at Fort Osborne at the disposal of the immigrants who are arriving at Winnipeg, for the purpose of assisting to meet the difficulties that are felt there in consequence of the very large number of daily arrivals. I do not say that the barracks will be handed over to the local authorities for the purpose, for we have the means of doing it without that, but the barracks will be put at the disposal of the immigrants, and instructions will be forwarded to that effect.

MARRIAGE WITH A DECEASED WIFE'S SISTER BILL.

DEBATE CONTINUED.

The order of the day having been called for resuming the adjourned Debate on the Hon. Mr. Bellerose's motion in amendment to the Hon. Mr. Ferrier's motion for the second reading of the Bill (No. 9)—Deceased Wife's Sister Marriage Bill.—viz., to leave out "now" and after "time" to insert "this day six months."

HON. SIR ALEX. CAMPBELL said: Although I moved the adjournment of the debate the other night on this Bill, I had no intention of doing so with reference to my making an address to the House myself. It was rather with the view of adjourning the debate for the purpose of enabling others to speak; but I desire now to say one or two words, not so much on the measure itself as on some of the circumstances which have attended its presence here, and I will take advantage of my motion to make these observations. In the first place, I desire to say a word or two with reference to the objection taken by my hon. friend the Senator from DeLanau dière (Mr. Bellerose), and which

induced him to make the motion which is immediately before the House—that is, the motion that the Bill be not now read, but that it be read this day six months. The hon. gentleman explained to us that he was driven by conscientious motives into making that proposition, on account of his conviction that this Parliament had not jurisdiction to deal with this subject, and he proceeded to enforce that view not by means of the Confederation Act, which governs our powers and controls our deliberations, but by reference to a circumstance that had taken place before that Act had become law. That circumstance was a debate which took place at the time in the Legislative Assembly of the old Province of Canada, and in which certain declarations were made by a gentleman who was then a member of the Government, speaking for himself and on behalf of the Government. In those remarks he held out the expectation that the legislation which was then in contemplation, for the purpose of confederating the Provinces, would, with reference to this subject, not contain provisions which are now used for the purpose of enabling the House to deal with questions of this kind. I think I am stating the hon. gentleman's proposition correctly. The speech to which he made immediate reference, was delivered on that occasion by a gentleman who is a member of the present Government—Sir Hector Langevin—and in the course of his remarks he is reported to have stated that the Act of Confederation (he was speaking before it became law) would contain provisions with reference to Marriage and Divorce, but, as regards the first part of the subject, only so far as to indicate that a marriage in one part of the Dominion should be valid in all parts of this country. He said it would also contain some other provisions of a kindred character, which he described, but would not make provision for such legislation as is now contemplated. When that speech was made, language was used calling attention to the existing state of the laws in the old province of Canada, and either Sir Hector Langevin or another member of the Government said that the law as it stood then established would remain; and therefore my hon. friend from DeLanau dière (Mr. Bellerose) states that the legislation which has resulted

since, and under which we are now sitting, did not realize the expectations which were held out on that occasion, by the Government, with reference to it. All that I need say upon that point I think is this: that the time at which these expressions of belief were uttered has gone by and we are now to deal, not with what was then expected, but with what has since taken place. We cannot now interpret the British North American Act of 1867, by referring to what was said by individuals either speaking for themselves or on behalf of the Government of a time anterior to that Act, but he must interpret it by reference to the language which it contains. I do not understand for my own part that the Hon. Sir Hector Langevin, who uttered these sentiments has departed in any way from the pledge which he then gave, or that he or Sir George Cartier, who attended the London conference, in the least drew back from the position which they took. But my hon. friend from DeLanau dière (Mr. Bellerose) must bear in mind that the British North America Act may have received a different interpretation from that which Sir Hector Langevin expected from it at the time that he assented to it in London. It would have been very difficult probably to have used any other language than that which is found in it, and the right to deal with marriage and divorce must be vested somewhere, either in the Parliament of the Dominion or in the legislatures of the separate provinces. My hon. friend from DeLanau dière (Mr. Bellerose) must not forget that there are other provinces besides Quebec where the same conditions do not obtain, and where it might be much more difficult to keep legislation upon this subject within what I might call discreet limits than in the province of Quebec; and that in the London Conference all these provinces were protected. Therefore it was not exclusively the desire or wish of Quebec that could be considered or her exclusive usages that could be provided for; but it was necessary to consider the feelings, views and prejudices—if I may so say—of all the provinces of the Dominion, and in consequence the language which is found in the British North America Act may have been used. I dare say, from what I know of the frank disposition of my deceased hon. friend, Sir George Cartier, and from my know-

ledge of Sir Hector Langevin, that it has been used in a sense which they themselves—speaking for Lower Canada, and as Lower Canadians—may possibly not have expected; but of that I cannot speak positively. I think, undoubtedly, as regards the Act itself, every one will say that the right to deal with this subject is left with the Parliament of the Dominion. It says in so many words that the question of marriage and divorce is an attribute of this Parliament, and it says equally clearly that the solemnization of matrimony, as distinct from marriage and divorce, is an attribute of the local legislatures. But irrespective of that my hon. friend, if one may judge from his remarks, seems to suppose that some stress must be laid upon the words “civil rights” which always were given to the local legislatures. The matter then stood in this way, that not only the solemnization of matrimony, but civil rights, were given to the local legislatures. This is true of civil rights in a general sense, but they are limited by those powers which were given to the general Parliament; because there are a score of attributes given to the general Parliament which involve civil rights in one direction or another, as for instance the regulation of trade and commerce, census and statistics, military and naval service, navigation and shipping, currency and coinage, banking and savings banks, bankruptcy and insolvency, naturalization of aliens, copyrights; all these subjects involved civil rights and where the expression “civil rights” is used as showing the powers given to the Local Legislatures, you must take it subject to the other language used, and subject to the general effect of all the language found in the Act. If we take it in that sense then the meaning of the language that jurisdiction in matters relating to civil rights is given to the Local Legislatures must be taken as it may be limited by reference to all the attributes that are given to the Federal Parliament, and therefore, with proper deference to the views expressed by other hon. gentlemen upon this subject, I do not think that the expression “civil rights” adds anything to the argument, and notwithstanding the expression “civil rights” and notwithstanding the expression “solemnization of marriage” the question of divorce is left to this Parliament. Then this other fact is

left for consideration that the whole act is one giving all power not expressed to the general legislature, and on that principle there was an intended, and as far as it could be made, a marked departure from the principle on which the constitution of the United States was framed. There, wherever the constitution is silent the power belongs to the States; here whenever the constitution does not expressly give power to the Local Legislatures it is vested in this Parliament. Then I say the power to deal with marriage and divorce is not given expressly to the Local Legislature, therefore it is left with this Parliament, and I say moreover that the power to deal with marriage and divorce is left expressly with this legislature, and I do not think that upon the matter itself—the right of jurisdiction—there can be any serious doubt, at least there is none to my mind. I desire, however, to speak always with deference to the judgment and the views of others. This very question was submitted to the high authority of the English Law Officers of the Crown some eight or ten years ago, and with reference to it, these Law Officers of the Crown, who are almost always gentlemen of high legal authority, on this particular question of jurisdiction used the following language:

“Marriage and Divorce” which by the 91st section of the same Act are reserved to the Parliament of the Dominion, signify in their opinion, all matters relating to the status of marriage, between what persons and under what circumstances it shall be created and (if at all) destroyed. There are many reasons of convenience and sense, why one law as to the status of marriage shall exist throughout the Dominion, which have no application as regards the uniformity of the procedure whereby that status is created or evidenced. Convenience, indeed, and reason would seem alike in favor of a difference of procedure being allowable in provinces differing so widely in external and internal circumstances, as those of which the Dominion is composed, and of permitting the provinces to settle their own procedure for themselves; and they are of opinion that this permission has been granted to the provinces by the Imperial Parliament, and that the New Brunswick legislature was competent to pass the Bill in question.”

So that there the opinion of very eminent men of the legal profession is given in express terms that this power of dealing with marriage and divorce rests with this Parliament and the power of dealing with

the statutes under which the ceremony shall take place rests with the local legislatures.

HON. MR. TRUDEL—What is the hon. gentleman quoting from?

HON. SIR ALEX. CAMPBELL—I am reading from the opinion of the Law Officers of the Crown quoted by Mr. Blake in another place in the debate of the 27th of February 1880. Reported in the House of Commons *Debates* for that year, vol. 1, page 301, the opinion of the Law officers of the Crown is laid down in most positive terms that the Parliament of Canada has alone in this country the right to deal with this question of marriage and divorce; so that it would seem that upon grounds to be derived from the Act of Confederation itself—upon the ground of fair legal argument, deducible from that, and upon the consensus of legal opinion in this country, there is no reasonable doubt of the right of Parliament to deal with this subject. The other point which I desire to mention is in reference to a remark which was made by my honorable friend from New Brunswick (Mr. Odell) that this subject should have been dealt with by the Government. Well, I was somewhat surprised to hear that view advanced by my hon. friend, who is an old parliamentarian, and who, I think, must have known, but must have forgotten at the moment, that this subject has been again and again before the British House of Commons during the times of the most eminent Parliamentarians of our day in the last twenty years. Session after session it has been before the House of Commons when that House has been led by the most eminent men whom we have known in our generation—during the time it was led by Gladstone; during the time it was led by Palmerston; during the time it was led by Russell; during the time it was led by Disraeli. In the time of all those eminent Parliamentarians a bill such as this, or of the same character as this, has been introduced and discussed in the House of Commons for a series of nights by all the most able men of the time, and upon no occasion has it been a Government measure, but was introduced by a private member. It seems to me to be the only sensible way of dealing with this measure, one that is apt to create so much

feeling amongst men of different religious convictions. I do not think, therefore, it could be expected to be a Government measure, or that it is reasonable to charge the Government with any dereliction of duty in not making this matter a Government measure. I think it would have been very inexpedient and very unwise for any Government to have done so. Then, with reference to my own course on the last occasion when this Bill was before the Senate, when I voted for the six months' hoist, I did so in company with several other gentlemen, not from any objection to the Bill itself, but with reference to the delay. I was particularly induced to vote as I did by the fears expressed by hon. gentlemen in this House who come from the Maritime Provinces, who contended that no knowledge that any such legislation was in contemplation existed in the provinces from which they came; that therefore these people would be taken by surprise, and on their behalf it would seem to be an unfair thing to endeavor to pass through Parliament, the same session as it was introduced, a measure touching so many persons in so important and vital a manner as this Bill was likely to do. Therefore, in order that there might be time for consideration, and in order that we might not act hastily in legislation of such importance, I voted with those who desired time, at all events, to reject the Bill. A large majority of this House who so voted probably did so from other motives, some of them probably from a strong conviction against the measure itself. With their feelings I had nothing more to do, but with reference to my own motives for voting the same as those who voted with me, the explanation is necessary that I really voted on my own judgment for further delay, that the country might have ample time to deliberate on such an important subject, and see whether the desire for it was the earnest, settled conviction of the country, or whether it would pass away in the course of a year or two. The Bill comes again before us, after an interval of two years, supported in the other House by a larger majority than originally voted for it, and, therefore, so far as that House is taken as the representative of the people, we must take it as coming again with an increased expression of the desire of the people for this legislation. I am myself much impressed with

that. It is very difficult to say whether the great majority of the people are for or against this measure. For my own part, I should imagine that the great majority of the people do not care much about it; that there are a great many people who desire it anxiously, and that there are a great many people who think it ought to become law as a matter of theory and philosophy, and that the great bulk of the people are indifferent about it. I do not think my hon. friend from New Brunswick was right in laying so much stress as he did upon the petitions. I do not think that petitions indicate very accurately the feelings of the people; they indicate the exertions that have been used in getting them up, I think, more than the opinions of the public; but, if we are to judge by the majority of the representatives of the people who voted for it in the other House—if we are to judge by what we hear daily in social life, and by what we read in the newspapers, I should say that this Bill is now desired more strongly than it was when it first came under the notice of the House. I wish to offer these explanations on these three points: the first with reference to the jurisdiction of the House, the next with reference to the course the Government is pursuing with regard to it, and the next with reference to my own course in voting now contrary to what I did on the previous occasion. As to the measure, itself I must confess that I have no strong convictions as to the impropriety of such marriages. I do not think there is any impropriety in it, so far as I am able to form an opinion on the subject—and I should be loth to express an opinion in very strong language because there is nothing so likely to lead one astray as to undertake to interpret a text of Scripture or to pretend to do so. Certainly this text of Scripture which a certain number interpret in one way and a certain number interpret in another way, and on which it seems, as far as authority is concerned, such marriages are to rest I do not myself take as an authority on this subject. It does not seem to me to apply to such a connection as this Bill proposes to make legal, but to a connection made in the life-time of the first wife. There is no physical reason why this Bill should not pass, and then as to the feelings which may exist either during the life-time of the first wife or after her death, it seems

to me that the arguments are so divided as to make it difficult for any one to form an opinion who has no strong bias of his own, or to say what the decision on this point should be. The inclination of my own mind would be to arrive at this conclusion: the arguments anterior to the death of the first wife were somewhat against the measure, and the arguments after the death of the first wife are somewhat in favor of the measure.

I desire to speak with great deference to the views and opinions of hon. gentlemen, and not to assert my own in any dogmatical way whatever; but I do not think there is any Scripture rule or law against this marriage; I do not know of any physical reason why it should not take place, and therefore I think it should be left to the good or to the bad judgment of those who see fit to enter into such a connection. For these reasons I shall vote for the Bill.

HON. MR. POWER—I am very sorry indeed to find that the leader of the House has departed from the good path he chose to tread two years ago. On the other hand, we have this advantage from the delay that was caused by the defeat of the measure on that occasion, by the action of the honorable Ministers, that the Bill that is now before the House is an infinitely better one than the Bill we had before us then. The most objectionable feature of the measure of two years ago was that it allowed a man to marry his deceased brother's widow, and that objectionable feature has been eliminated from the Bill now before us, owing to the action of this House two sessions ago. I feel a great deal of hesitation in undertaking to differ on a constitutional point from the opinion of the Minister of Justice; but the very first question that meets us with regard to this Bill is whether Parliament has the power to pass it! I think that there is a great deal of force in the objection taken by the hon. gentleman from DeLanaudière (Mr. Bellerose); but I think possibly the position of the Minister of Justice is correct in this way: If the Minister of Justice were sitting as a judge in a court when the question of the constitutionality of this Act came before him, I think probably that the view he has taken to-day might be the correct one, but I think the position of a judge is different

from that of a Legislator. As a judge, the hon. gentleman would have had nothing whatever to do with the deliberations that took place in Parliament when the constitution was being considered. I think that, as a member who took part in those discussions, as the colleague of gentlemen who made pledges before the constitution was adopted, the hon. gentleman stands in a totally different position from the position he would occupy as a judge. But taking the hon. gentleman's own statement here, to-day, the conclusion, one would naturally come to, would be that he would feel bound to oppose this Bill. He does not deny that a gentleman, who occupied a position in the Government of which the hon. Minister of Justice was a prominent member, and which was led by the gentleman who now leads the present Government, gave pledges with reference to this matter, that they would prevent the passing of an Act such as this. The hon. gentleman in the latter part of his speech stated that he really had very little feeling in the matter; that the success or defeat of this Bill was a matter of almost indifference to him. One would suppose that, in a matter in which he is personally so indifferent, he would feel bound to carry out the pledges made by his colleagues to the Province of Quebec a few years ago. While it is true that possibly a court might not be bound to construe this Act in the way that the hon. gentleman from DeLanauidière would wish, I think that it is not at all clear that the court would not construe it in that way. I shall just call the attention of the House to two or three points in connection with these two sections of the British North America Act, and I shall first read the sub-sections to which I refer. Among the matters placed by the 91st section within the jurisdiction of the general Parliament, we find "26. Marriage and Divorce," and, in the 92nd section we find, among the subjects placed within the exclusive power of the Provincial legislatures, "12. The solemnization of the marriage in the Province," "13. Property and civil rights in the Province." I admit that at the first blush it would appear that the matter of marriage rests with this Parliament and not with the Provincial legislatures, but I think if we go a little further we will find a reason

to doubt that. In the first place, recent decisions of the Judicial Committee of the Privy Council in England on questions arising under the 91st and 92nd sections of the British North America Act have tended to give us altogether different ideas as to the proper interpretation of those sections from those which seemed to prevail a little while ago. The tendency of these decisions has been to widen the sphere of the local legislatures and to restrict the jurisdiction of the Parliament of Canada. I think the last decisions we have had bearing on these questions were the judgments in Parsons and the Queen's and Citizens' Insurance Companies. I noticed in reading over the decisions in these cases that one point upon which the Lords of the Privy Council laid particular stress was the extent of this thirteenth sub-section of the 92nd section. They held that the effect of that sub-section and of some others giving power to the local legislatures could not be avoided by giving an extensive interpretation to the provisions in the 91st section. For instance, they held that the words "the regulation of trade and commerce" did not refer to insurance at all. Although the question before them was one with reference to insurance, the language and general wording of the decisions were such as to limit very much, indeed, the extent of these provisions under the 91st section. Now, I think that it is not an unreasonable interpretation of the 92nd section, that under the term "solemnization of marriage" you include not only the actual ceremony, but everything connected with the solemnization of marriage. It is natural, when you give the local legislatures jurisdiction over the solemnization of marriage, that you should give them the power to decide what parties should be united in marriage. That, I consider, is a reasonable interpretation of the clause. Hon. gentlemen will remember that the very next sub-section after this twelfth, is the one relating to property and civil rights. As was made clear, amongst others by the present Lieut.-Governor of Manitoba, in the discussion previous to Confederation, marriage is the very foundation, particularly in the Province of Quebec, of the whole system of property and civil rights; and if you take away from the local legislatures the right to decide who are to be married, and of declaring

whether the offspring are legitimate or not, you interfere with the most important function fulfilled by a local legislature. I think we ought to be slow in a matter of comparative indifference, as the Minister of Justice admits this to be, to do anything calculated to interfere with the rights of the Provinces. The fact is, if you pass this bill you repeal one or two sections of the civil code of Quebec. Then again, with reference to the interpretation of the expression "marriage and divorce," in the 91st section. I think it is a principle that is not altogether uncommon in the interpretation of a statute, that where you find words together, as in this case, the one is to be taken to a certain extent as cognate to the other, and I think, when the terms "marriage and divorce" are found there, the natural interpretation is that this Parliament has the right to deal with divorce and, and it has a right also, to deal with the marriage *status* as regards the sundering of the tie.

It is further reasonable to look at it in the light of the meaning given to it by the Solicitor-General of Lower Canada during the Confederation debates. At any rate, there is some reasonable doubt as to the interpretation of this British North America Act, and I think that it will be admitted that, at all events as legislators, if we should not have the right as judges, when we find doubt as to the interpretation of this statute, we have the right to go behind the Act itself and see what were the intentions of those who passed it. I will, with your permission, refer to one or two points in connection with the Confederation debates. In the first place let us look at the resolutions which were adopted at Quebec and upon which the British North America Act was based. The second section, in the address to the Queen, sets out the kind of constitution the delegates proposed to frame, and its language is as follows:—

"In the federation of the British North American Provinces, the system of Government best adapted, under existing circumstances, to protect the diversified interests of the several Provinces and secure efficiency, harmony and permanency in the working of the Union would be a general Government charged with matters of common interest to the whole country, and local Governments for each of the Canadas and for the Provinces of Nova Scotia, New Brunswick and Prince Edward Island, charged with the control of local matters in their respective sections, &c."

This matter of the status of the people in the Provinces, the legitimacy of children is hardly, I think, a matter that would be left to the general Government. It is not a matter of common interest to the whole country; it is a matter of interest to those individuals themselves, and their neighbors, and the Province which has to deal with property which they may own. Then I find this other fact in connection with the terms agreed upon at Quebec: I find that while the powers given to the general Parliament with reference to marriage and divorce are worded exactly the same as in the British North America Act, in the section of the address to Her Majesty which defines the powers that are to be given to the local legislatures there is no mention whatever of the solemnization of marriage. Immediately before "property and civil rights" comes the subsection dealing with the incorporation of companies, and there is nothing dealing with the solemnization of marriage. The question that naturally suggests itself to one is, why that change took place. My impression is that the reason of that change was just the discussion which was referred to by the hon. Senator from DeLanau dière. The original articles contained no provision directly giving power to the local legislatures to deal with the question of marriage at all. It was contended by the Solicitor General for Lower Canada and other gentlemen, that under the title of property and civil rights they had the power to deal with it; and I have no doubt it was with the view of making this point clear that the delegates representing the provinces in London provided that the solemnization of marriage should be dealt with by the local legislatures. That is merely my impression, but it is one which I think is highly probable. I shall not quote the very eloquent speech of the hon. gentleman who is now Lieut.-Governor of the Province of Manitoba, with reference to the position of the family, but I shall quote again the declaration made by the honorable the Solicitor-General of that day, Mr. Langevin. His language was as follows:—

"In order that I may be better understood by the hon. member, I will read the written declaration which I communicated to the House the other evening. This declaration reads as follows:

'The word marriage has been placed in the draft of the proposed Constitution to invest

'the Federal Parliament with the right of declaring what marriages shall be held and deemed to be valid throughout the whole extent of the Confederacy without, however, interfering in any particular with the doctrines or rites of the religious creeds to which the contracting parties may belong.'

That is the declaration; then he continues,—

"The hon. Member for Hochelaga will please to remark that I have been careful in reading this declaration, and, in order that no doubt may exist respecting it, I have given to the reporters the very text of the declaration."

Nothing could be more solemn than the pledge here given as to the meaning of this provision.

HON. MR. BOTSFORD—Can those declarations change the constitution as we have it?

HON. MR. POWER—I have already said that, if we were sitting as judges in a court where a question of right came up, and where we had to interpret an Act already passed, I thought very possibly we would not be justified in going behind the statute; but we are not acting in that capacity here. We are now asked to pass an Act taking this question out of the jurisdiction of the local legislatures, and, I think, looking at the solemn pledge made by the Government of 1865 as to what the provisions of the Union Act were to be, that we would be breaking faith with the Province of Quebec at any rate, if we were to pass that Act. If there is not a strictly legal obligation, there is a moral obligation on the House not to do that. So much with reference to the provisions which directly affect marriage; but it seems to me that, under the other sub-section as to property and civil rights, we are also infringing on the domain of the local legislatures, and we should not do that. I think that this is not an improbable result of our action—if we pass this Bill, our legislation will be in conflict with two or three articles of the Quebec Civil Code. This question will come up in the Courts of the Province of Quebec, very probably, in a little while, and it is not unlikely that the Courts will hold that our legislation is *ultra vires*, and instead of putting an end to the confusion which is said to exist, the probabilities are that that confusion will be increased. It happens that one Province in the Dominion feels more keenly

about this question than the others, and I think that, in a case of this sort, in view of the solemn pledge to which I have referred, that this question would be left within the domain of the local legislatures, we should not pass this Bill. Everyone knows how jealous the people of Quebec are about all those questions of a quasi religious or moral character, and I think we would be acting very unfairly in now undertaking to deal with the matter in violation of the pledge that was given at that time. It is just one of those measures calculated to create dissatisfaction in the Dominion. If we are in a position now to interfere with civil rights in this way, and with the status of individuals in the Province of Quebec, or any other Province, we may hereafter interfere further with their civil rights by a forced construction of the Union Act. But, leaving the constitutional question, which, I think, is one of very great importance, there are two or three other questions which arise. Supposing we have the power to pass this Act, that there is nothing unconstitutional about it, is it such a measure as we should sanction? Does it recommend itself to the moral sense of hon. gentlemen? (Cries of "Yes") I mean, is it one that there is any sort of moral obligation on us to pass?

HON. MR. OGILVIE—Yes.

HON. MR. POWER—With all due deference to the hon. gentleman behind me (Mr. Ogilvie) I think the moral obligation is the other way. I agree with the honorable the Minister of Justice that so far as marriages of this particular kind are concerned, there is not much to be made out of the Scriptural argument: texts may be construed in either direction; but we have this fact which there is no gainsaying—that whatever the practice may have been under the old dispensation, whatever the correct interpretation of the Old Testament may be, there is no doubt whatever that under the Christian dispensation, from the beginning, these marriages were forbidden everywhere throughout the Christian world. (Cries of, "No, no.") I presume that hon. gentlemen on all sides agree that at all events during the first ten centuries, the Christian Church held none but sound doctrines, and during all that time those marriages were forbidden.

One of the changes made by the new dispensation was that a man and his wife were one flesh for all purposes, and her relatives were his relatives. That law was rigidly enforced. That is not only the general law of the church to which I belong, but it is the law of the Greek Church, which has preserved almost all the old practices of the early church. The rule is very strict in the Greek Church. We find that the same rule has existed from the beginning in the Church of England. The same rule is laid down by the Presbyterian Church. Those marriages are forbidden by all these Churches, and, consequently, whatever the doctrine laid down by the Old Testament may be, we have the fact that all Christian denominations, up to the seventeenth century at all events, concurred in forbidding those marriages. The hon. gentleman from Montreal (Mr. Ogilvie) said the other day that in these days of steamboats, telegraphs and railways, we ought not to be restricted in this way. I regret to say that a great many of the old limits which did restrict and control people in morality and order are giving way at the present day, and I think it is very much to be regretted. This Chamber should be one of the last bodies in the world to remove any of the barriers which still exist. The hon. gentleman, I presume, does not wish to see Canada in the same position as a great many states of the Union, where the barriers have been swept away to a very much greater extent than here, and where the family has been almost destroyed.

HON. MR. OGILVIE—If the hon. gentleman is referring to me again, I think it might be as well for him to be correct in his statements. When he said that I spoke as if I wished to have these restrictions removed, he is totally wrong. I said that in this age of telegraphs, railways and other great improvements, there was no reason why we should not have improvements in the marriage law as well as in other things.

HON. MR. POWER—I think the probabilities are that if the improvements go on in this direction for any length of time we shall not have any marriage left. That is really where they have got to now in a great many States of the America Union.

HON. MR. POWER.

In some of the States I think the proportion of divorces to marriages is one to six; and a little further progress in that direction, a little more improvement out of the way of the restrictions which now operate to prevent marriages, will bring them down to pretty near the level at which the South Sea Islanders were when first discovered. There are very strong moral reasons why we should not do away with the present restrictions.

But putting aside the constitutional and religious objections, I think there is a very serious question whether this is such a measure as we should pass. When any small number of petitioners come to this House, and ask us to alter a system which has existed from the beginning of the Christian dispensation until the present time, and which has worked very satisfactorily on the whole, they ought to make out a very strong case on their own behalf. Another thing must be remembered—they are asking us to alter our law so as to make it unlike that of the Mother Country. With all deference to the ability of gentlemen who have spoken with reference to this Bill, no strong case has been made out for such a change. That is not because the hon. gentlemen are wanting in ability, for they are full of it; but it is because there is no strong case to be made out on behalf of the measure. The hon. member who had charge of the Bill, and one or two others who followed him, undertook to show cause for its introduction. One of the principal reasons was that it was necessary, because of the great hardship suffered by persons who had contracted these alliances and who had found themselves in a very embarrassing position. I cannot sympathize with those people as much as these hon. gentlemen do. I think if a person sees an article of furniture, or a purse of money belonging to his neighbor which would suit him very well, and he annexes it, the law is apt to visit his offence with very serious consequences; but I never heard much sympathy expressed for people under such circumstances. Then as to the difficulty which arises about property in cases where these alliances are contracted, that is one of the inconveniences of contravening the law. Where the law has been contravened and property has to be disposed of, a man can get over that difficulty by making his will.

One argument has been used by the hon. gentlemen who have spoken in favor of this Bill which was used before, and has appeared in the press a great deal—that is, the argument that the best person to take care of the orphan children is their mother's sister. Now I think there is a great deal of truth in that statement; but I do not at all agree in the conclusions that the supporters of the Bill draw from it. The fact is that, while a man looks upon his wife's sister in the same light as he does on his own sister, there is no reason why she should not stay in his house even after his wife's death, and act the part of a mother to her nephews and nieces: but if you pass this Bill and place her in the same position as any other woman, she has to leave the house at once; and the effect of passing the Bill would be, instead of giving the children their aunt's care, to take that care away from them.

HON. MR. ALMON—Might I interrupt the hon. gentleman to inquire whether a widower is allowed to have a governess in the house to look after the children, even when she is young and good looking? Is it wicked or wrong, or does it lead to immorality?

HON. MR. POWER—If I were any friend of the governess, I should sooner not have her there.

HON. MR. ALMON—You have a very bad opinion of mankind in general.

HON. MR. POWER—As to the argument of convenience and propriety, there is no preponderance of argument in favor of the Bill, and consequently it would be our duty to reject it. In the absence of any preponderance of argument in support of the measure, those who ask us to pass it should show that there is a strong popular feeling in support of it outside. There has been no evidence of the existence of any such feeling; on the contrary, the popular feeling, so far as we have evidence of it, is hostile to the measure. The hon. gentleman from Rookwood (Mr. Odell) pointed out that while there have been only two or three petitions in favor of the Bill there have been fifty-eight against it, and that while the signatories to the petitions for the Bill have not amounted to more than 200 or so, at the outside, the

signatories against the measure have amounted to 3,369, of whom 1,237 are females. These petitions against the measure come from all parts of the Dominion—from Ontario, Quebec, Nova Scotia, New Brunswick, and Prince Edward Island; while the petitions in favor of the Bill come from Quebec only. I think the fact that there are so few signatures to the petitions in favor of the measure is the best evidence in the world that the popular feeling is against it.

Now I presume the House will be rather pleased to hear that I have nearly finished; but I must refer to the last argument to which hon. gentlemen are driven who support this Bill. It is that if there is no other reason for agreeing to it there is the fact that the House of Commons has passed it a second time. Now I do not think there is any hon. gentleman here who looks with more respect on the decisions of the House of Commons than I do, but I think at the same time that we should not sacrifice our independence as a House. If I felt that there was a proportionate majority of the voters outside sustaining the majority of the House of Commons on this question, I should not dream of voting against the Bill; but as I have said the evidence is the other way; and notwithstanding what has been said by the hon. Minister of Justice, the fact is that the majority in favor of the measure this year was less than on the previous occasion. The division which tests the feeling of the House for or against a measure is on the second reading, and two years ago there were nineteen members of the House of Commons who voted against the second reading, and one hundred and forty voted in its favor; the opponents of the Bill numbered on that occasion only one-eighth of the House. This year at the second reading in that Chamber thirty-four voted against the Bill and one hundred and thirty supported it—out of a House of one hundred and seventy-one members; so that one-fifth of that House voted against the second reading. Now I think that shows a very decided growth of sentiment in the popular branch of Parliament, in what I consider a proper direction, and my impression is that if we postpone this measure for a couple of years more we shall probably have a majority in the House of Commons taking a proper and

moral view of this question. As I have tried to show, there is no very strong argument in favor of this Bill, and I for one fail to see that there is any pressing reason why we should pass it. No one has attempted to show that any very serious consequences will result from letting it stand over, which I think would be the better course to pursue. In the first place it is questionable whether we have a right to pass the Bill, when we look at the wording of the British North America Act and at the discussions which took place in connection with that Act or with the Quebec scheme, and the pledges given by the Government at that time. But even if we have the power, it is not this sort of measure that we should pass.

HON. MR. FLINT—When I was a boy I used to obey the school-master, but it seems that we have a school-master in this House who, upon every occasion, lays down the law in connection with all business matters which come before us; I refer to my hon. friend who has just taken his seat. No doubt his great legal talents entitle him to give his views upon all occasions and there is perhaps no objection to that, but when we remember that we have in this Chamber opinions of our own it is not to be expected that we shall all agree with him. I certainly differ from him very materially in the question which is now before us, and after listening to his address I must say that he might have said in five or ten minutes all that was to the point, instead of consuming so much of the time of this House as he has done. However, as he has got through, I shall thank the House if I am permitted to speak for a few minutes, and I am sensible of the attention which is always accorded to me when I do speak. I am very much obliged to my hon. friend the Minister of Justice for the very lucid manner in which he gave us to understand what he believed and what I believe is the law on this matter of marriage and divorce. I fully agree with him, although I could not have got up here and given the full exposition which we have heard from him on this subject; and I think the thanks of this House are due to that hon. gentleman for the course he has taken in giving us that enlightenment, after the action of my hon. friend just below me (Mr. Belle-

rose), who moved the six months hoist and made a very labored speech yesterday. Now I differ from that hon. gentleman, and take objection to his motion for this reason: while in Quebec a man may marry his deceased wife's sister by means of a dispensation, we in Ontario and in many of the other Provinces on the contrary have no such course open to us, and why should we be deprived of marrying our deceased wives' sisters if we choose? The hon. gentleman went so far as to say he would be very glad if he could give us the Bill, but it was from conscientious motives and because of what he considered was a legal point in reference to the British North America Act that he opposed it. Now I maintain that, if the hon. gentleman was so anxious to give us the Bill, he should have lent his aid and co-operation to the measure instead of moving the six months hoist; and he should have left it to those who are opposed to the Bill to test its legality before the courts. I think that would have been a fair and generous course, because the people of the Province of Quebec are in a much better position in the matter of marrying the sisters of their deceased wives than we are in Ontario and the other provinces; and if my hon. friend had considered a little longer he perhaps would not have offered the motion which is now before the House. Leaving this point, I might remark that my hon. friend just below me (Mr. Odell) in commencing his speech yesterday seemed to address the first part of it to me. Now I have no objection to that, but he rather took me by surprise, for I did not suppose that an individual so humble as myself would command that attention from the hon. gentleman which he gave me yesterday. He spoke of my holding up the Bible, and seemed to wish to know if I was going to do the same thing on this occasion. I replied in a very few words that it was not my intention to cast my pearls, but I did not intend to convey what I think the hon. gentleman took as my meaning, in speaking in that way. I meant that I was not going to cast my pearls away by taking my Bible and reading from it on this occasion to hon. gentlemen here who jeered and laughed at me when I had it in this Chamber two years ago.

HON. MR. ODELL—Does the hon. gentlemen say I did so?

HON. MR. DICKEY—Who are the swine?

HON. MR. FLINT—So far as that goes there was a general laugh and I thought that some hon. gentlemen were inclined to jeer at me for having used my Bible. The reason why I brought that Bible and placed it on my desk was this; that I had heard passages in reference to this matter from Leviticus which were quoted wrongly; and I was prepared with the law and the testimony that I might quote correctly. It was not because I set myself up as a priest or bishop, for I am only a humble layman; but still I trust when I read my Bible that I can understand it as well as if I went to a clerical gentleman and asked him to explain what the meaning of the words might be. In a conversation with a clergyman just before I came here he gave me to understand that I did not know the meaning of the Scriptures, but I told him that I thought I knew as much about them as he did, and at any rate I can take a common sense view of the case. I wish to say here that there is not to be found in the Bible anything that goes to shew that a man may not marry his deceased wife's sister. Now, as to these petitions, my hon. friend from Montreal (Mr. Ogilvie) stated I think that twelve hundred clergymen had petitioned—

HON. MR. OGILVIE—I stated that I had the best information for saying that there was a petition handed into the House of Commons with the signatures of twelve hundred clergymen in Canada attached to it.

HON. MR. FLINT—It has been remarked that most of the fifty-eight petitions which have come here have been headed by clergymen, but I say that we stand in a vast majority in this matter so far as regards the number of people upon those petitions. My hon. friend from Rookwood (Mr. Odell) belittled one petition from the ladies of Montreal in favor of the measure, and stated there were not three hundred but only one hundred and twenty-five names upon it; but let us take his own petitions in opposition to the Bill and how do we know how those names

were obtained; how do we know that some one has not taken them into ladies' schools and got every little girl to sign them? I know how petitions are got up; the hon. gentleman said that a man might get up a petition to hang himself if he chose, and there is no doubt of it. There are plenty of ways of getting up petitions and I have seen enough of that kind of business. I had the honor of over-hauling one petition which came from a certain constituency in Prince Edward on which there were many names of persons who had left the country years before, and many others who had actually died and gone to mother earth; that petition was rejected, and very properly, by this House. I am stronger in my opinion, in reference to the question which is now before the House—that this Bill should pass in its present shape—than I was last session. I reiterate now what I then said, that when a woman dies she is no longer the man's wife and she is no longer the sister of the one who is left. Then let us take the Episcopal Church: when they marry they say "until death do them part," so it follows that when death parts them they are no longer connected. If a man is not connected with the dead body of his late wife surely the sister of that woman is not connected with her. I think that is fair and logical reasoning; at all events I have always held this view, and shall keep to it unless some hon. gentleman convinces me to the contrary. I do not wish to take up any more time, but I must express the hope that this measure will pass, and if any parties feel aggrieved, let them go to the higher courts and see if such legislation can be successfully opposed. I am satisfied that it will be better to pass this law rather than to have those of our people who wish to marry their deceased wives' sisters, going over to the United States for that purpose. I say let us save the money, and keep it in our own country; let our own clergymen have the benefit of it. In every respect I would follow that principle, I do not want to go the United States for anything; I am satisfied it is a wrong course, and one which does not tend to the advancement of this Dominion.

HON. MR. TRUDEL—The hon. gentleman who last spoke, has alluded to the time when he was a boy, and I may re-

mark that we old people are generally inclined to refer to the time when we were young. I shall myself have to allude to some important facts which occurred, not perhaps when I was a boy, but still many years ago, and which are still fresh in my memory. Before doing so, however, I must refer to something which was said in connection with the religious belief to which I belong. When a similar Bill to that now before this House came up two years ago, I thought it my duty to oppose it on two principal grounds. My first objection was to the form of the Bill, which was in direct opposition to the law of my church. The second objectionable feature was what seemed to me the unconstitutional character of the measure; but I must say at once that I do not think the present Bill is so objectionable as the one which was presented two years ago—at least in a religious point of view. The measure under consideration is not now in flat contradiction to the law of my church, but still I think it is objectionable to a certain extent. As to the constitutional reason it has not in any way been affected but it remains as strong as it was in the past, and has been placed squarely before the House by the hon. mover of the amendment (Mr. Bellerose). I may say I think the country is greatly indebted to that hon. gentleman for having raised the constitutional question so fairly on this occasion. As to the religious question, there seems to be a misapprehension upon the part of some hon. gentlemen in this Chamber. It appears to be the general belief—and it has been expressed by the hon. gentleman who has just spoken (Mr. Flint)—that there is some law in Quebec which places the people of that Province on a footing different from that of those in the other provinces of the Dominion. This is entirely incorrect, for we in the Province of Quebec are under the same prohibition as that which obtains in the other parts of Canada; but there is this difference between Catholics and people of other denominations,—that in the Catholic church, though such marriages are prohibited, there is reserved by the church the power to grant dispensations in extraordinary cases, when the authorities of the church believe there is good reason for such a course. And here I would say that this rule applies equally to the

Catholics in all the other provinces, and there is not the slightest difference between their position and that of the people of the same faith in Quebec. I ask the hon. gentleman to remember that the prohibition exists by a law of our church, and it is incorrect to say that these marriages are permitted by the Catholic church; but there is a special proviso if you like, and it is to the effect that they may be allowed under exceptional circumstances. To say that these marriages are permitted by the law of our church would be the same as to say that the rules of this House allow a private bill to be presented before being preceded by a petition—that it is permitted by the rules of this Senate to have the three readings of a measure during the same sitting—or something of that kind. Now any one who would make such an assertion, would at once provoke a denial from the members of this House, and he would be told that on the contrary our rules prohibit the three readings of a bill in the same sitting; that a bill could not here be introduced unless a petition to that effect had previously been presented. It would, however, be explained to him that there are certain cases where the House, for good reasons, may dispense with those rules; and it is the same with the Catholic church. My hon. friend from Halifax (Mr. Power) has properly stated that in all epochs of the Christian era those marriages have been looked upon with disfavor; it has been the general rule and policy of our church to discourage them, and I may say that such is even at the present day the tendency of all religious denominations. No one will pretend to-day that such marriages are to be desired, and if the Catholics of my Province are in favor of the passing of such a measure I would ask what is the reason for such a feeling? Is it for the purpose of encouraging such marriages, or that the old rule of the Church prohibiting them is recognized as unwise? Not at all; it is simply on account of the impression in the community that in certain cases such marriages are rendered unavoidable; and there are some exceptional circumstances where for private or family reasons a dispensation should be granted. We recognize that some reasons may exist for making exceptions,

but the general reasons against it still exist. We have now before us a measure the effect of which is to place these marriages on the same footing as all others which are not only permitted, but which are and have been formed and encouraged by our system of legislation, and which have always had the approbation of the Christian churches. So, hon. gentlemen, if we are in favor of this Bill, it cannot be denied that the legislation which makes such marriages legal will be open to serious abuse. I shall not now enter into details of the reasons generally which are urged in favor of this Bill, but I must refer to one argument which we find in the mouths of all who support the measure. It is that if you do not allow this Bill you will deprive the children of the deceased wife of the affectionate care of the aunt—their dead mother's sister. Now, I think, if we examine that argument carefully, we shall see that, far from coming to the aid of those children, by passing this law we shall deprive them of the care of that very person; because as it has already been stated, when this law is in force, if a mother dies it becomes at once impossible for the sister-in-law of her husband to remain in the same house with him. Again let us suppose that the wife is ill: it may happen that from the beginning of her sickness the dying woman will see in her sister a rival, and in nine cases out of ten it will be the duty of the sister-in-law to deny herself the consolation of cheering the last moments of the woman she truly loves. I cannot help thinking that such will probably be some of the results, in this direction, of enacting the proposed law. And now I come to the constitutional question which I regret to tell the hon. Minister of Justice has not been treated by him as I conceive it deserves.

I do not think that sufficient consideration has been given to the subject. In order to view the question which has been raised by the hon. senator from DeLanau-dièrè (Mr. Bellerose) in its proper light, we must consider the position in which the country stood when the confederation was accomplished. When the two provinces which composed old Canada were discussing the question, it depended on Lower Canada whether the union should take place or not. Hon. gentlemen who were in public life at that time will recollect the

importance which was attached to the subject which we are now discussing. They will remember that when it was known that such an important matter as marriage was to be left to the Federal Parliament it excited such a feeling that unless a satisfactory assurance was given on that point, the union would not have taken place. My hon. friend from DeLanau-dièrè, in moving his amendment, showed some hesitation in discharging that duty, and although he gave the proper reason for opposing the measure, he did not enter sufficiently into details to enable the House to thoroughly understand his position. He was influenced by a feeling which all of us representing the French Canadian population share whenever questions of this character come before Parliament. We are conscious of the opinion which is entertained by a majority of the members of this House and of the population of the Dominion, who do not feel it a sacred duty to preserve the rights and privileges of the French race in this country, that it is desirable the differences which prevail should cease to exist. I know it would be more convenient if only the one language were spoken throughout the Dominion. I know the majority consider that it would be advantageous to have the same system of law in all the provinces, but even though all the French members of Parliament could so change their opinions as to think so too, we would still have no right to deprive a large and important element of the population of their cherished rights and privileges. We are not here for our own personal advantage or pleasure merely, but to guard the vested rights of those whom we represent. However humble, and in the opinion of some, perhaps, unimportant they may be, they are still a part of our population upon whom, for a time, the success of the confederation scheme depended. The news spread far and wide in 1865 that the marriage question was to be left to the decision of a majority whose feelings and interests were not identical on this point with our own. The feeling of the people, wherever it could find expression, was unanimous, that such an important matter should not be left to the jurisdiction of the Federal Parliament, and the reason of that is plain. We had fought for a century to preserve not only

our language and religion, but our laws. Nobody who is conversant with the French laws will deny that marriage is the foundation of the most important civil rights in the Province. For instance, what we call the whole of our law relating to *communauté des biens* and *séparation des biens* and the whole law of succession are based upon marriage. If, therefore, we dispossess ourselves of the control of such an important civil matter, it is equivalent to abandoning our exclusive jurisdiction over civil rights in the province. The House will see how important it was felt to be, by the people of Quebec Province, that they should preserve the exclusive right to legislate on this matter for themselves. The leader of the Opposition at that time, the present Chief Justice of Quebec, Sir A. A. Dorion, took advantage of this feeling which existed in the province, knowing full well that if it was well founded he could prevent the Confederation taking place. In his speech in the Confederation Debates, on the 16th February, 1865, he spoke as follows on this question:—"Is the general Government to be at liberty to set aside all that we have been in the habit of doing in Lower Canada in this respect?" I call special attention to the words which follow:—"Will the general Government have the power to determine the degree of relationship, and the age beyond which parties may marry." Is it not exactly the question which is involved in the present bill—the degree of relationship and the age beyond which the party may marry? This was his objection. What was the answer? It cannot be said that the reply of the Solicitor-General, speaking for the Government, was given without proper consideration. On the 21st of February, five days after the question was put, during which time it is reasonable to suppose he consulted with his colleagues and spoke for the Government, he said, after quoting sub-section 13, relating to property and civil rights, excepting those portions thereof assigned to the general Parliament:—

"Well, amongst these rights are all the civil laws of Lower Canada, and among these latter those which relate to marriage, now, it was of the highest importance that it should be so under the proposed system, and therefore the members from Lower Canada, at the conference took great care to obtain the reservation to the local government of this

important right, and in consenting to allow the word 'marriage' after the word 'divorce,' the delegates have not proposed to take away with one hand from the local legislature what they reserved to it by the other. So that the word 'marriage,' placed where it is among the powers of the Central Parliament, has not the extended significance which was sought to be given to it by the hon. member."

Is it possible to state more clearly that the interpretation which was pointed out by Mr. Dorion and feared by the people of the Province of Quebec, was not the one which should be given to these clauses? But the hon. Minister of Justice says that whatever may have been the feeling of Sir Hector Langevin or Sir George Cartier or Sir A. A. Dorion, and whatever may have been the answer of the Government of the day, we can only look at the text of the constitution.

HON. MR. BOTSFORD—Was that the Government of the Dominion or simply the Government of one of the colonies.

HON. SIR ALEX. CAMPBELL suggested that as it was now nearly six o'clock the hon. Senator from DeSalaberry might move the adjournment of the debate and conclude his remarks to-morrow.

HON. MR. TRUDEL moved that the debate be adjourned and that the order be the first on the paper for to-morrow.

The motion was agreed to.

DOMINION FIRE AND MARINE INSURANCE COMPANY'S BILL.

SECOND READING.

HON. MR. HOPE moved the second reading of Bill (13) "An Act to authorize and provide for the winding up of the Dominion Fire and Marine Insurance Company." He said: There is nothing I think, that will call forth opposition to this Bill. The shareholders of this Company sustained severe losses, and, having re-insured all the risks, have now come to Parliament for this Act which has received the sanction of the House of Commons.

The Bill was read the second time.

The Senate adjourned at six o'clock.

THE SENATE.

Ottawa, Friday, March 31st, 1882.

The Speaker took the Chair at three o'clock.

Prayers and routine proceedings.

ROYAL CANADIAN ACADEMY OF ARTS BILL.

THIRD READING.

HON. MR. BELLEROSE from the Committee on Standing Orders and Private Bills, reported Bill (O) "An Act to incorporate the Royal Canadian Academy of Arts," without amendments.

HON. MR. ALLAN moved the third reading of the Bill.

The motion was agreed to and the Bill was read the third time and passed.

HON. MR. ALLAN said that although this was a private bill it was of a public nature, and, as it was well known that artists were not a wealthy class, he would give notice that the fee be refunded less actual expenses.

QUEBEC TIMBER BILL.

REFERRED TO COMMITTEE.

HON. MR. BELLEROSE moved :

"That the Bill intitled An Act to incorporate the Quebec Timber Company (Limited) referred by the House in accordance with the report of the Committee on Standing Orders and Private Bills, of the 24th March instant, to the Supreme Court for their examination and report, be again referred to the Committee on Standing Orders and Private Bills, together with the report of the said Supreme Court thereon."

The motion was agreed to.

BILLS INTRODUCED.

The following bills from the House of Commons were introduced and read the first time :

Bill (55) "An Act to incorporate the Canada Mutual Telegraph Company." (Mr. Bureau.)

Bill (20) "An Act respecting the Portage, Westbourne and Northwestern Railway Company." (Mr. Girard.)

Bill (60) "An Act to incorporate the Ottawa, Waddington and New York Railway and Bridge Company." (Mr. Skead.)

DECEASED WIFE'S SISTER MARRIAGE BILL.

DEBATE CONTINUED.

The order of the day having been read, "Resuming adjourned Debate on the Hon. Mr. Bellerose's motion in amendment to the Hon. Mr. Ferrier's motion for the second reading now of the Bill (No. 9) —Deceased Wife's Sister Marriage Bill.— viz. to leave out "now" and after "time" to insert "this day six months."

HON. MR. TRUDEL rose to address the House.

HON. MR. ALEXANDER—I rise to make an explanation. I desire to ask the hon. Senator from Sarnia (Mr. Vidal) whether he has been correctly reported in using the following words on the 29th of March in the course of the debate on the Deceased Wife's Sister Bill—

HON. SIR ALEX. CAMPBELL—I do not think that this is the time to raise a question of this kind. The time to raise it is before the order of the day is called.

HON. MR. ALEXANDER—I have been misrepresented by the hon. gentleman.

HON. GENTLEMEN—Order! Order!

HON. SIR ALEX. CAMPBELL—The hon. gentleman is not taking the proper time to make his explanation. Notice should have been given yesterday of the raising of this question.

HON. MR. ALEXANDER—I am quite sure the hon. gentleman has not been correctly reported.

HON. GENTLEMEN—Order! Order!

THE SPEAKER—Does the House wish me to rule on the question of order?

HON. MR. BUREAU—I think that the hon. gentleman from Woodstock did not understand the leader of the House. No objection has been raised to his making an explanation except that it is not the proper time to make it. The hon. gentleman will have no difficulty at another stage of the proceedings in addressing the House.

HON. MR. ALEXANDER—I desire to appeal from the decision of the Speaker to this honorable House.

HON. GENTLEMEN—Order! Order.

HON. MR. ALEXANDER—Then I move that this House do now adjourn to enable me to make my explanation.

THE SPEAKER—The Speaker made no ruling. The Speaker asked if the House wished him to rule, and the hon. gentleman on my left (Mr. Bureau) rose and asked the hon. gentleman not to proceed, told him that he misunderstood what had been said and suggested that there was a proper time on the regular motion for adjournment.

HON. MR. ALEXANDER—Then I beg to move that this House do now adjourn. I beg to refer hon. gentlemen to *May* on Parliamentary Practice for it. An hon. gentleman has the right to move that the House adjourn in order to make an explanation.

HON. MR. BOTSFORD—As the discussion to which allusion has been made was a very unsatisfactory one and not to the credit of the Senate, I move that strangers be ordered to withdraw.

HON. MR. DICKEY—I hope my hon. friend who has made his motion will recollect that we are now on the Orders of the Day, and we are considering the Bill respecting marriage [with a deceased wife's sister, and it is not competent for the hon. gentleman to propose a motion to adjourn at this stage of the proceedings. After the business has been gone through it is quite competent for my hon. friend to make his explanation; it is not competent for him to interrupt the progress of the Order of the Day which has been called and read by making a motion to adjourn.

HON. MR. TRUDEL—I have the floor, and I think it is my right to speak.

HON. MR. ALEXANDER—Have I not the right to call for the yeas and nays?

HON. MR. TRUDEL—I assert my right.

HON. GENTLEMEN—Go on! Go on!

HON. MR. TRUDEL—When this debate was adjourned yesterday, I was reminding the House of the importance which was attached to this question by the people of Lower Canada when the union of the Provinces was under discussion. I read from the "Confederation Debates" the question which was put to the Government of that day by the leader of the then Opposition, and the reply of the Solicitor-General on behalf of the Government. The question could not have been put in clearer language, and the reply could not have been couched in more unmistakable terms, and the Solicitor-General added, speaking of his countrymen, "I repeat that they ought to rejoice that their co-religionists in the conference have not been found wanting on this occasion." That is to say, it was ascertained and stated to the House at that time that proper safeguards were furnished at the conference against the wrong interpretation to which Mr. Dorion called attention. Such being the case, what stand should we from the Province of Quebec take upon the present occasion? I admit at once, taking the wording of the British North America Act, and nothing but the wording, that there is room for two interpretations, and I do not question the right of any member of this House to construe it as leaving the matter to the jurisdiction of the Federal Parliament; but should we who represent the French element in this Parliament abandon not only what we consider, but what we have a right to consider, a vested right on the mere statement that it could be construed in another way? Would the representatives of any Province in this Dominion, if they had been guaranteed certain rights and privileges, without which guarantee they would not have entered the confederation, abandon those rights without a contest, merely because the confederation Act is susceptible of two interpretations?

I do not think they would for such a feeble reason. The hon. the Minister of Justice quoted, if I remember correctly, the opinions of the legal advisers of the Crown in England as to the interpretation of this clause. Nobody has more respect than I entertain for the opinions of those high officials, and I am ready to admit that they are worthy of our consideration ; but my hon. friend will admit that less weight should be attached to them than to the decisions of a court of justice. In fact, a legal opinion upon a merely speculative question can never have the weight of a decision upon a question argued between two contending parties. Allusion was made the other day to judgments rendered by the Judicial Committee of the Privy Council in the cases of the Citizens' Insurance Company and the Queen's Insurance Companies versus Parsons. In both of these cases the principles which I maintain were laid down, and one cannot read them without coming to the conclusion that they are decidedly in favor of our contention and have an immediate bearing on this very question. The report says :—

“Notwithstanding the endeavour to give pre-eminence to the Dominion Parliament in cases of a conflict of powers, it is obvious that in some cases where the apparent conflict exists, the legislature could not have intended that the powers exclusively assigned to the provincial legislature should be absorbed in those given to the Dominion Parliament. Take as one instance, the subject ‘marriage and divorce,’ contained in the enumeration of subjects in section ninety-one; it is evident that solemnization of marriage would come within this general description; yet ‘solemnization of marriage in the province’ is enumerated among the classes of subjects in section ninety-two, and no one can doubt, notwithstanding the general language of section ninety-one, that this subject is still within the exclusive authority of the legislatures of the provinces.”

And further, the report says, —

“In these cases it is the duty of the Courts, however difficult it may be, to ascertain in what degree, and to what extent, authority to deal with matters falling within these classes of subjects exists in each legislature, and to define in the particular case before them the limits of their respective powers. It could not have been the intention that a conflict should exist; and, in order to prevent such a result the language of the two sections must be read together, and that if one interpreted, and, when necessary, modified, by that of the other.”

So that the judgment goes so far as to say that even the natural interpretation of clause 91 should be modified to bring it into harmony with the other. Then how can we prevent a conflict, and harmonize the twelve or thirteen sub-sections of section ninety-two, leaving to the provinces the exclusive jurisdiction over civil rights, property and celebration of marriage, with the ambiguous sub-section twenty-six of section ninety-one, if not by interpreting them as we do? It goes on to say that :

“The provision found in section 94 of the British North America Act which is one of the sections relating to the distribution of legislative powers, was referred to by the learned counsel on both sides as throwing light upon the sense in which the words ‘property and civil rights’ are used. By that section the Parliament of Canada is empowered to make provision for the uniformity of any laws relative to property and civil rights in Ontario, Nova Scotia and New Brunswick, and to the procedure of the courts in these three provinces, if the provincial legislatures choose to adopt the provision so made. The Province of Quebec is so omitted from this section for the obvious reason that the law which governs property and civil rights in Quebec is in the main the French law, as it existed at the time of the cession of Canada, and not the English law which prevails in the other provinces. The words ‘property and civil rights’ are obviously in the same sense in this section as in No. 13 of section 92, and there seems no reason for presuming that contracts and the rights arising from them were not intended to be included in this provision for uniformity. If, however, the narrow construction of the words ‘civil rights’ contended for by the appellants, were to prevail, the Dominion Parliament could, under its general power, legislate in regard to contracts in all and each of the provinces and as a consequence of this, the Province of Quebec, though now governed by its own civil code, founded on the French law, as regards contracts and their incidents, would be subject to have its law on that subject altered by the Dominion Legislature, and brought into uniformity with the English law prevailing in the other three provinces, notwithstanding that Quebec has been carefully left out of the uniformity section of the Act.”

The objection was raised by the hon. Senator from Sackville (Mr. Botsford) that the interpretation of the clause, as stated by the Solicitor-General, on behalf of the Government of the late Province of Canada was not given by the Government of the Dominion. This is very true ; but I respectfully suggest to the hon. gentleman, and to the House, that for the purpose of the present case this interpre-

tation is still more authoritative than if it had been given by the Dominion Government, and for this reason: when the Imperial Parliament passed the British North America Act, the intention was to embody in it the agreement between the Provinces which was entered into at the Quebec Conference. They had no intention to enact anything contrary to that agreement. I think nobody will deny that. Therefore, to arrive at the true interpretation of this Act we should look at the understanding which was come to at the Quebec Conference. What was this understanding? It was a kind of treaty between the difference Provinces; and from this point of view I respectfully submit to the House that this agreement is in the nature of a treaty whose provisions are guaranteed by the general law governing the intercourse between nations. Will any body deny that at the Quebec conference it was perfectly understood and agreed that this right of the people of the Province of Quebec should be preserved? And I ask, also, if there was a more competent or respectable witness of the true intent and meaning of the agreement than the Government of the old Province of Canada? Every one who has studied the law knows that an agreement is perfectly independent of the document which is to prove it, and it matters very little whether a deed is drawn in a certain form provided we can ascertain what was the intention of the parties. If this principle is true, and I think it is, does not the solemn declaration of the government of the two largest provinces, which was uncontradicted at the time, form complete evidence in support of the construction which I put upon this clause? Then the interpretation given by the then Government of Canada to the true meaning of the clause has more authority than that of the Government of the day, because it is that of one of the constitutional powers which made the confederation. I go further, and I say that although strictly speaking the British Parliament has the power of depriving us by its legislation of our privileges, yet the spirit of the law is that they had no right to do so, because those rights were guaranteed to the people of Quebec by solemn treaties passed between England and other nations—treaties which could not be violated without the sanction of

the contracting parties. The interpretation of this treaty is not only well known in the history of the diplomacy of England, and the whole history of Canada, but it was embodied in the special Act which is referred to; and I call the attention of the House to this fact, that my construction of this clause is the same as that which was put on it by the Lords of the Privy Council in the cases to which I have referred. They say:—

Their Lordships say:—

“It is to be observed that the same words ‘civil rights’ are employed in the Act 14 George third, chapter 83, which made provision for the Government of the Province of Quebec. Section eight of that Act enacted that His Majesty’s Canadian subjects within the Province of Quebec should enjoy their property, usages and other civil rights as they had before done, and that in all matters of controversy relative to property and civil rights, resort should be had to the laws of Canada and be determined agreeably to the said laws.”

This is the construction put upon that very question by the Privy Council of Her Majesty, and those rights which were then guaranteed by a solemn treaty and a statute of the British Parliament have been lately recognized again by the same high judicial body. I cannot but feel that with such an interpretation in our favor we are right in taking that position with regard to the construction put upon the wording of that clause by the Government of the day; and I may say here that I much regretted to hear from the hon. Minister of Justice an interpretation which is different to that given at the time by one of his colleagues—given not only in the name of the Government in general, but in his own name particularly. He was a member of the Government of that day, and it is useless to belittle the declaration made by the Solicitor General of the time—reflecting as it did the opinion of the Government of the day. And I must add that that interpretation was announced five days after the question was put by the member for Hochelaga, so that the Government had ample time and opportunity to decide upon the answer which should be given in their name. So that it cannot be denied that Mr. Langevin’s interpretation, given in presence of his colleagues, in their name, with their approbation, was the construction which the Government itself put upon the said clause. I do not think it is

necessary to quote authorities to convince this House of the bearing of that solemn declaration of the Government; and I think that, after all, what is written, or even what is signed, is but the secondary part of our constitution; because the most important parts of the constitution of England have never been written, and some of the most precious rights of the people of that country are based entirely upon the traditions of the nation. I ask is it not a fact that, here in our proceedings, many of the most important things are never written, and not only never written, but never even uttered? For instance the only part which the Sovereign takes in our legislation is the sanctioning of Bills passed by both Houses of Parliament. On such occasions we know that the representative of the Queen is present, and an officer of this House says that "in the name of Her Majesty His Excellency the Governor General sanctions these Bills;" but His Excellency does not even open his mouth and personally makes no declaration, still we know that the solemn declaration of one of the officers of this House is sufficient to testify to the part which one of the three branches of the legislature takes in the governing of the country. If we look at the constitutional authorities I think we will find that it has been admitted everywhere, in all countries of the world and in all centuries, that the solemn declaration of a Government is equivalent, if indeed it does not carry more weight, than any other solemn act of the public powers. For that reason I respectfully submit that this contract is binding upon Parliament. Many members of this House will recollect that at the time when the declaration to which I have referred was made, there were many among the conservative party who expressed some doubt, some fear, that the construction which might be put upon that clause in the future would not be of the same value as that which I have given here today; and the expressions of those men were spread abroad by some newspapers of that time as exhibiting a want of confidence in the Government, and the men who uttered them were held up as traitors to the conservative party, or something very like it, because the declaration of the Government was considered sufficient to guarantee us the recognition of the rights in question. That was the

way their expressions of anxiety were regarded, and I think in view of those facts we are justified fully in interpreting this clause as my hon. friend from DeLaudière did. I may say that I was somewhat surprised when I heard the other day a distinguished member of this House try to put us on our guard and warn us that we should not play the *role* of obstructionists. Well if you call obstruction the opposition we may make to any Bill which comes to us from the other House, I cannot help thinking that the duty of this House is one of obstruction. In fact if we were to be deterred from such a course by the consideration that the House of Commons had passed a measure once or twice, and that consequently we should bow our heads and pass it also no matter what might be our objections to the measure in question—then indeed we would to a great extent strengthen the hands of those who clamor for the abolition of this Chamber. There is another point; hon. gentlemen will recollect that when Confederation took place it was after a contest of about twenty years between Lower and Upper Canada on that great question of representation by population, and at the time one of the provinces accepted Confederation only on the guarantee that if on one side representation by population was given in the House of Commons, the two provinces would have an equality of members in the Senate. Hon. gentlemen will remember the reason for that; it was to give the Senate power to obstruct, to use the words of my hon friend, and if necessary to stop, any legislation which could not be accepted by the whole Dominion. I think it is a duty properly devolving upon the members of this House and particularly on Senators from the Province of Quebec whose numbers are somewhat in excess of what the actual population would seem to warrant, and in this sense my hon. friend, in accepting a seat in this House, has accepted deliberately the character of what he calls an obstructionist. I would ask if we are not appointed specially to prevent undesirable legislation coming from the other House being assented to here? If we are, then are we acting within the spirit of the constitution when we use our powers here to stop unwise measures, and I deeply regret to

hear such an argument used by any member of this body. I would not be astonished to hear such a contention raised by hon. gentlemen in the other House, and if my hon. friend (Mr. Ogilvie) had acceded to one of the repeated applications which were made to him by constituencies in our Province, and honored one of them by representing it in the House of Commons, I might understand him to express such a feeling as he uttered the other day. I merely refer to this subject because I do not think we should allow such utterances to go unchallenged in this House. Now I know there is a seemingly victorious answer which may be given to this and it is to the effect that probably a majority of the members of the House of Commons from my province, and therefore having to defend the same rights as myself, have voted for this Bill. It may be that a majority of the Quebec members of the House of Commons have done so but I contend that if we have certain rights, and the members of this House consider there is a question of justice to our province involved, it is their duty to defend those rights. I am reluctantly obliged to confess that on this question, as on many others, it is the misfortune of my province that some of the most precious of our rights seem to be abandoned by some representatives of our people. Amongst the rights so sacrificed are those secured to us by the constitution of this hon. House. The Senate was, in the views of the fathers of confederation, to be the counterpoise of the Commons, the House in which should be restored between the provinces the equity destroyed by the granting of representation by population in the Commons. I do not intend to show how that safeguard has been, in practise, rendered wholly insufficient, and how the representatives of our provinces, in the Senate, are deprived of the share of influence they should possess, as it has been repeatedly shown to this House. Hon. members understand that matter perfectly well, so that I need not give any further explanation. But I hope the time will come when the people of the province of Quebec will have an opportunity of pronouncing and voting upon this question. I, and those in this House who entertain the same feeling with me on this subject and who come from the province of Quebec,

have no more interest in it than the others of whom I spoke, and if the people of our province prove that they are not anxious to preserve the rights which were secured to us by the Act of Confederation, then the question will have been decided; but so long as those rights have not been definitely abandoned I think it is our duty to defend them. As I before stated the present representation of the province of Quebec in this House was granted as a safeguard in view of the concession of representation by population, and hon. gentlemen will remember that for twenty years the illustrious statesmen who were at the head of our provincial Government, the men who have left so great a name in the history of the country, had distinguished themselves in sustaining those rights; and surely we should not say now that those rights were not worth defending. If I am not mistaken the time is not far distant when our people will pronounce upon the propriety of abandoning those precious guarantees and safeguards, that inheritance which all of our nationality should be so anxious to preserve. I make this declaration also in justice to those of the majority here who may take ground against what we consider to be right, and I wish distinctly to say that we admit not only their right to do so, but it is not surprising that they should follow such a course when we see members from our own Province ranged on the same side with them. We feel that it is quite natural for them to take that ground but that is no reason why we should not vote for what we consider to be the rights of our Province.

HON. MR. VIDAL—In instituting a comparison between the Bill on this subject which was submitted to us two years ago and that which is before us to-day, I am free to confess that a very objectionable feature which characterised the previous Bill has been eliminated from the present one; but at the same time there has been introduced into the Bill now under discussion a new feature which, though not so distasteful to me on the score of its morality or rightness, is still objectionable from a technical point of view.

My objection is founded upon the expression which I see in the first section of the Bill, "All laws prohibiting marriage

between a man and the sister of his deceased wife are hereby repealed." I am not aware that on our statute book there will be found a similar expression with respect to repealing another, in any law which has been enacted by the Parliament of Canada. When a law has been repealed, it is certainly customary, and it is very desirable that that law should be specified in the bill repealing it, that we may know in what year of Her Majesty's reign, or in what year in a former reign it was enacted, and by looking into it may see what the repeal of that law may effect. It may revive some things which are very objectionable, or sweep out of existence others that are very desirable. Then the terms of this bill are so general, that I would like to ask is it really intended to repeal *all* laws prohibiting these marriages? Is it not a well-known fact to all of us that a very large proportion—may I not say a majority—of the Christian churches hold that the law of God prohibits this marriage, and are we in this Legislature to pass an enactment repealing the divine law! Where is our authority for such a course! A great many intelligent and excellent people also contend that there is a divine law prohibiting this marriage; is that law to be repealed by the authority of the Parliament of Canada? I am not aware of the existence of any law in the Province of Ontario interfering with the desire or the action of the people to contract alliances of this kind. I believe that any who see fit to contract such marriages, without considering it a violation of the law of God, are at perfect liberty to do so. I have never heard of a case where such a marriage has been declared illegal, or the issue of such a marriage illegitimate, or when the rights of such children to property have been interfered with. I have used this argument to persons who are advocates of this measure, and I have challenged them to produce a case in which any hurtful result has been experienced from the law as it stands. They fall back on the fact that they know of no law in the Province of Ontario or of the old Province of Canada which prohibits these marriages; but, they say, we come under a law of England, passed in some former reign by the Imperial Parliament. Granted there is such a law, are we sitting here to repeal a statute passed by the Imperial Parliament?

The Parliament of Canada surely has no power to repeal any statute of that kind. The Bill does not restrict its operation even by saying that it is repealed only in so far as it relates to this Dominion, or to this particular class of marriages. The same laws which we are about to repeal, and which prohibit the marriage of a man with his deceased wife's sister, may also prohibit the marriage of a man with his own sister. Although they have eliminated the most objectionable feature from this measure, I hold that the language of this Bill is so loose and so objectionable that it ought not to be placed on our statute book. I presume it would also repeal the ecclesiastical law of England, as well as the civil code of the Province of Quebec, if it repeals all the laws on this subject. Have we really any right to repeal the civil code of Lower Canada? I think not. Has it not been clearly shown to us that the inhabitants of that province have rights secured to them by treaty and by the Confederation Act? Has not the right been conceded to them, as to the other provinces, of dealing with all matters of private rights and property? Let me ask is not the right of property very closely and intimately connected with this question of marriage? Most assuredly it is. The issue of these marriages are entitled to inherit property or they are not. Under the law of the Province of Quebec they are not, and yet we are here asked in the Dominion Parliament to override that law—a law which has been guaranteed to them in good faith, and I agree with the argument adduced by the hon. member from Halifax (Mr. Power) with reference to this matter: I do not think we are sitting here as judges to interpret the law. I think it is our bounden duty to go behind that and take into full consideration the arguments which have been adduced to us in this debate by my hon. friend from DeLenaudière (Mr. Bellerose) and my hon. friend opposite (Mr. Trudel). I think, therefore, in using such a general expression as this, that "all laws prohibiting marriage between a man and the sister of his deceased wife are repealed," we are undertaking to repeal laws with which we have no constitutional right to interfere. I have not changed the views which I expressed to this House on the former occasion with reference to public sentiment on this subject, and I do not now

admit that this legislation has been asked for by the people of this country. My belief is that nineteen-twentieths of the people of this Dominion take no particular interest in it at all. There is, no doubt, a minority who will be seriously affected by it, persons who have contracted marriage contrary to the laws of the Province in which they reside. We know that marriages of this kind have not been common. We know that from the earliest ages—and I say this notwithstanding that the House has seen fit to take the statement from the lips of the hon. Senator from Halifax with something like amusement and incredulity—I say that the hon. gentleman is correct when he alleges that from the earliest ages of the Christian Church no such marriages have been permitted in any branches of that Church. It is a new thing, and I hold that the Churches which have in their standards embodied this as a law have done so not on their own authority; that they do not say that as a Church they decree such marriages are unlawful, but they say: by the way in which we interpret the Divine law such marriages are prohibited. That is the way in which it is found in the standards of the Presbyterian Church, and the Church of England and I presume in the standard of the Roman Catholic Church also. I do not propose to enter into the question as to whether this is the Divine law or not. My own impression is that although with great propriety reference may reverently be made to the Divine law in this House. I do not think this is the proper arena for discussions of this kind. I will merely briefly say in connection with it, to those gentlemen who have referred to the Scriptures, in support of their views that I have been a lifelong close and attentive reader of the Divine law, and am perfectly familiar with the passages to which references are generally made in connection with this subject, and I can assure them that if that chapter on which are founded all the objections to unlawful marriages be not considered as binding on us, then there is no chapter in the Bible, from Genesis to Revelations, which prohibits the marriage of a man with his own sister or his own daughter. That chapter and that alone, the 18th of Leviticus, is the chapter in which the Divine law is made known to man with respect to

marriage, and what is it founded upon? Upon a great and fundamental truth, a mystery. I allow that we cannot measure by any human standard the mystery that by virtue of that union which takes place man and wife become one flesh most clearly and distinctly, as set forth in the earliest history of our race in the book of Genesis, and confirmed by our great teacher, Christ himself, when He trod on earth, when He says “For this cause shall a man leave his father and mother and cleave to his wife, and they twain shall be one flesh.” It is because of that and in connection with that perfect and entire unity between the two, that the relations of the wife become the relations of the husband, and that the marriage of relations of affinity are prohibited, as well as that of relations of consanguinity. The Scripture referred to sets forth fifteen instances in which marriage is forbidden, eight of which are relations of consanguinity and seven are relations of affinity, and it will be seen that of these last mentioned as prohibited there are degrees of affinity which are not so close as that of a deceased wife's sister. I do not think it is a subject which we should discuss in this House, for it is one on which there may reasonably exist a great diversity of opinion, but we who oppose the Bill should have that measure of justice meted out to us which we concede to its supporters, that having formed an opposite opinion from that entertained by them, we are fairly entitled to hold that opinion without being called obstructionists, or being charged with endeavouring to interfere with the advancement of domestic peace, or of the general happiness of society. As the debate has been protracted to a great length, and as I am quite sure the House is anxious to have it brought to a close, I will not trespass on the patience of the Senate with any further remarks.

HON. MR. MACFARLANE—The hon. gentleman from Sarnia is no doubt sincere in the opposition he has shown to this Bill. He opposed it the last time it was discussed in this House, and is consistent in the stand he has taken, and although he tells us that the Bill in its present shape is less objectionable in his opinion than the Bill which was first introduced, still, there are sufficient ob-

jectionable features in it to warrant him in opposing it.

Now, I have no fault to find with the manner in which the hon. gentleman advocates the views he entertains. It is quite consistent with his previous course, and although he fails to convince me, I have no doubt he has convinced himself that he is correct. But I wish more particularly here to deal with the remarks of the hon. Senator from DeSalaberry who has given us a very long and learned argument in defence of the constitutional point which has been raised, supporting, as he was, the senior member from Halifax who also for two or three hours yesterday instructed the Senate in sustaining a similar view of the question. Now, it seems to me that the position taken by hon. Senator from DeSalaberry and a portion of this House supporting him, from a particular section of our people, is not only unsound, but entirely unwarranted. It is true that before Confederation the Province of Quebec was entitled to, and did enjoy, as did all the other provinces, the right to deal with marriage and divorce and all matters connected with the domestic condition of the people, but by the British North America Act, to which Quebec, as all the provinces, gave its assent, they are in the Dominion now and are all equally obliged to submit to the provisions of the constitution. The question of marriage is expressly given to this Parliament, and it is expressly withdrawn from the jurisdiction of the local legislatures. While the mode of solemnizing marriages is left to the several provinces, the right to deal with the question of marriage is expressly given to the Federal Parliament. I could not but notice during this entire debate that whenever the representatives of Quebec discussed the rights of that Province, they seemed to entirely ignore the fact that, while there is a preponderance of the French population—and we all respect them highly—there is also a very numerous, influential, wealthy and energetic portion of the people who are entirely debarred from the privileges which are enjoyed by the majority.

HON. MR. TRUDEL—I wish to state that on this point of preserving our French laws, our leading English speaking lawyers and judges, or the most of them, are as desirous of retaining them as the French population.

HON. MR. MACFARLANE—I do not at all object to the hon. gentlemen sustaining those rights. I dare say if I was one of themselves I should do so too, but what I mean to say is that a very considerable portion of the population of Quebec Province are debarred from the privileges which the majority enjoy. It is well known, and it has been admitted here, that in the Province of Quebec a man who desires to marry his deceased wife's sister can do so by a dispensation from the church and that the union is not regarded as improper and no stain rests on their offspring. With the minority in that Province it is different and it is well known that the very strong agitation for this measure has come more from Quebec than from any other province of the Dominion, because the disability is felt to a greater degree in that portion of the Dominion than in any other. The hon. Senator from Halifax (Mr. Power) did not go so far as the hon. member for De Salaberry in his argument. He did not profess to deny that this Parliament possessed the power to deal with the question of marriage, or that the Confederation Act was binding. In fact he admitted that if he himself were sitting as a judge, he would be compelled to interpret the clause as giving the jurisdiction to this Parliament; but, as a legislator, he said that we could go behind the Confederation Act and give it a different interpretation. There is no logic or consistency in such an argument. The argument of the hon. Senators from Halifax and De Salaberry are inconsistent with each other. They argue from different points, and endeavor to arrive by different reasoning at the same conclusion.

HON. MR. BELLEROSE—I beg the hon. gentleman's pardon; and as the hon. Senator from Halifax (Mr. Power) is not in his place, I will explain what he really did say. He admitted that there might be a good point in supporting the views which the hon. gentleman is sustaining now, and that, probably, a judicial tribunal would interpret the clause in that way, and that it might be a fair construction of the language; yet, to his mind, it would be wrong, because the intentions of those who frame the laws should be looked at, since there is a difficulty in the interpretation of the two sub-sections this House has to deal with, and if that were

done there could be no doubt as to the unconstitutionality of the Bill which is now before us.

HON. MR. MACFARLANE—That is the statement exactly.

HON. MR. BELLEROSE—The hon. member from De Salaberry (Mr. Trudel) states about the same thing.

HON. MR. MACFARLANE—What the hon. Senators from De Salaberry and Halifax, and the hon. gentleman himself, when introducing his motion, said, was that they felt bound by the statements made by gentlemen before Confederation in discussing the Union Act, and before that Act went into operation, that we at the present day should be bound, not by what was done, but by what they said was going to be done. That is not what binds this Parliament. I venture to say that nine-tenths of the members of this House will consider that this is a matter with which the Dominion Parliament alone has power to deal. Taking that view of the question, what position does it occupy? The hon. Senator from Rookwood (Mr. Odell), who argued at considerable length on it, endeavored to show us from the petitions presented, and the circumstances which he stated, that this subject had no great hold on the people. Indeed, the argument of all those who oppose the bill is that the people entertain no opinion one way or the other on this subject. It is true that we have not had many petitions presented to Parliament, but it is known, through the press, that there has been an agitation throughout this country, and that it is a subject that has taken a very deep hold upon the people, and is continually increasing in volume all over the Dominion; and why is it spreading? It is because the fact is known that the world at large is fast coming to the conclusion that this restriction should be removed. With the exception, I believe, of the Cape of Good Hope, of all the numerous colonies of the British Empire, Canada is the only one in which marriage with a deceased wife's sister is not now permitted. And what is the peculiar position which we in this country occupy? We live close beside a nation of fifty millions, where marriages of this kind are considered legal, and are con-

tinually taking place. With the facilities for inter-communication between the two countries, in a question affecting the rights of a numerous class of the people, it is easy to cross the border. My hon. friend from Sarnia (Mr. Vidal) says he never knew a case in which a hardship has occurred, and challenged any one to state such a case, if he knew of one. I do not know of any myself; but let a case arise in court—let any individual contest the legitimacy of children, the offspring of such a marriage, and there can be no doubt that any court of law would decide that they had no right to inherit their parents' property. Although no case may have arisen, it is an exigency which might occur at any time. When we debated this question here two years ago, the whole subject was gone into fully and explicitly, and, probably, very little could be said on either side that was not stated on that occasion. As to the religious aspect of the question, there can be no doubt, as stated by an hon. gentleman who preceded me, there is a diversity of opinion amongst the most eminent divines. No clergyman of any prominence professes now to say that there is anything incestuous in such marriages. It is admitted that there is no affinity between a man and his wife's sister. Some individuals oppose it on moral grounds. My hon. friend from Lunenburg (Mr. Kaulbach) contended that such unions are immoral. The fact is, there was hardly an improper epithet that could be found that he considered too bad to apply to those who contracted such marriages. That, I believe, is not the general opinion of the world to-day. It is true that, in the early ages, marriages were restricted within very narrow limits, but since that time the world has been making progress, as stated by the hon. Senator from Montreal (Mr. Ogilvie) the other day. A man who wishes to enter into such a marriage now-a-days can easily, in a few days, travel to a portion of the continent where the union would be legal, and where his children, if he died, would inherit his property. In every way that I can view this measure, I consider it one that would enlarge the power of persons to select their partners, and enable a man to bring to his household a presiding genius in the shape of a matron who will be a guide and protector to his children, and, probably, a comfort to him in his latter days. I can

only say I shall myself have much pleasure in voting for the second reading of the Bill. I do so with the more satisfaction that the objectionable portion of the measure which came up to us on a former occasion has been removed. I must say, if that section had been retained, favorable as I am to the Bill in its present shape, I should have been bound to oppose it.

HON. MR. BELLEROSE—I would like to ask whether the hon. gentleman believes there should be any impediments to marriage, and whether he considers this Parliament has a right to declare that such impediments which may be recognized by a church in any province can be removed by our legislation here?

HON. MR. MACFARLANE—I can only say that all ecclesiastical matters I leave to the churches to deal with as they please.

HON. MR. BELLEROSE—That is not an answer to my question.

HON. MR. MACFARLANE—Then I do not understand the hon. gentleman's question.

HON. MR. BELLEROSE—Suppose that in the different provinces there are civil laws providing that there shall be certain impediments to marriage—say marriage of brother with sister, or cousin with cousin, or anything you like—I ask whether this Parliament would have the right to wipe that off the statutes of the provinces?

HON. MR. MACFARLANE—I believe this Parliament has the entire right to deal with the subject of marriage. I believe that is one of the privileges of a free people and a free country, that we have the right to deal with it as affecting all the provinces of the Dominion.

HON. MR. BELLEROSE—What does the hon. gentleman understand by that section of the constitution which gives to the local legislature the right to deal with matters relating to the solemnization of marriage? Would he consider that this includes the impediments of which I have just spoken?

HON. MR. MACFARLANE—I must either be very blunt in my comprehension,

or I do not comprehend the hon. gentleman's position. What I do mean to say is, that with regard to all the provinces of the Dominion this Parliament has the power to deal with all the subjects that are expressly reserved to it, of which marriage is one, and, having that power, they have the right to deal with it in all the provinces alike. They have no right or wish to interfere with any person's religious convictions; they have no right to interfere with the solemnization of marriages; but as to the parties who can contract those marriages, I think that is a matter which pertains exclusively to this Parliament.

HON. MR. KAULBACH—The hon. gentleman (Mr. Macfarlane) says that if this Bill contained a clause permitting marriage between a woman and her deceased husband's brother, he would vote against it. I am glad that the hon. gentleman has so far receded from the position which he took before, because two years ago he voted for a bill containing such a clause. I am afraid he will find it difficult to explain to this House the difference in degree of affinity between a man and his deceased wife's sister and a woman and her deceased husband's brother.

HON. MR. MACFARLANE—That has nothing to do with the discussion of this question. When a bill to legalize such a marriage is introduced it will be time enough to consider the subject.

HON. MR. ODELL—The hon. member (Mr. Macfarlane) has argued that in view of the facilities for inter-communication between countries being now so great we ought to pass this Bill, because legislation of this nature exists in other countries. What I want to ask is, supposing this bill were passed, what would be the position of a man who married his deceased wife's sister in this country and removed his family to England to reside?

HON. MR. MACFARLANE—I can only say to the hon. gentleman that we cannot legislate for England; but we can, by this legislation, remove disabilities from those who wish to contract such marriages in this country.

HON. MR. GIRARD—The debate has been protracted and I have some hesita-

tion in rising to address the House on this subject, but it is one of such importance that I believe there should be an expression of opinion from every province of the Dominion. When a bill to legalize marriage with a deceased wife's sister was before the Senate two years ago, I voted with the majority to postpone the measure until the views of the people on this question could be ascertained. Since then the church has spoken and the people have been heard from through their representatives. For my part I do not see anything in this Bill which would lead me to give it my support. I admit that these marriages take place from time to time ; but I believe it would be better to let the law remain unchanged because I do not wish to see such unions encouraged. I respect the restrictions which the various churches place upon marriage because I believe them to be in the interest of society, and those who violate them frequently suffer in mind or body or in their children. I concur in the opinion of the hon. Senator from Rookwood (Mr. Odell) that this measure is of such importance that it should come from the Government. If it had been introduced in that way I should have given it my support, leaving the responsibility with them ; but introduced, as it has been, by a private member, I feel it my duty to vote as I did two years ago. With regard to the constitutional question I agree with my hon. friends from Quebec that the Act of Union was in the nature of a treaty between the different Provinces, and, in construing that treaty, the declarations which were made by those who brought about Confederation should guide us to a correct interpretation of doubtful points. When I look at the 91st and the 92nd clauses I find that in one the Federal Parliament is given jurisdiction over "marriage and divorce," and in the other the local legislatures are given the "solemnization of marriage." In the former, it seems to me, it means marriage following divorce, after the tie is severed. It is very likely that it was intended to give this Parliament the right to say whether a person, after divorce, should have the right to marry again, but that in all other matters relating to marriage the local legislatures only should have jurisdiction. That is my opinion.

HON. MR. GIRARD.

HON. MR. TRUDEL—The same interpretation was given in the debates on Confederation.

HON. MR. GIRARD—I was not aware of that : I thought the idea was original. It only shows that there is nothing new under the sun. I approve of the stand taken by my hon. friends from the Province of Quebec, in defence of the rights which were guaranteed to them when they became British subjects. It is the law of Lower Canada that the power to grant dispensations for such marriages rests with the bishops. It is for them to take cognizance of marriage, and to grant dispensations under certain circumstances. It does not follow that these marriages, where dispensations are necessary, are approved by the Church, but the Church in this instance, as in many others, must necessarily make some concession to the weaknesses of her children, and grant dispensations sometimes in cases where she not only disapproves of, but blames, the union. For my own part I would prefer to leave to the churches what belongs to them, and after hearing the opinions of members of the different denominations, I must say that the great majority of them seem to be quite in accordance with me. They cannot stop these marriages, but at the same time they cannot approve of them. No one could be more anxious than myself to come to the relief of those who have been married in the manner which it is now proposed to legalise, and I am also anxious to do all that is possible for the children, the issue of such unions. I would grant to them all the privileges of legitimate offspring ; but while I would be prepared to assist those who have contracted such marriages, if they could find some way of bringing their disabilities before Parliament, I am nevertheless opposed to passing a law placing such marriages on a par with marriages made under ordinary circumstances, and making them worthy of the same consideration and encouragement. We speak much of the National Policy, but I think these marriages are contrary to the interests of the State, inasmuch as we know they are opposed to the interests of the issue resulting from them. We are all interested in seeing families growing up in this country, and preparing to take a

stand in society which will be worthy of good and loyal men. Now, I do not say that the issue of such marriages will not be desirable, but I say there is a certain risk. That is not the way to improve the human race, and under these circumstances I think I shall be perfectly justified in advancing this as a question of National Policy, and in urging that these marriages should not be admitted. I believe that they are opposed to the interests of our people, and shall be forced to record my vote against the present Bill.

HON. MR. DICKEY moved the adjournment of the debate.

The motion was agreed to.

SUPREME COURT BILL.

SECOND READING.

HON. SIR ALEX. CAMPBELL moved the second reading of Bill (Q), "An Act to make further provision in regard to the Supreme Court of Canada." He said: This is a measure of very considerable importance, affecting appeals from the Province of Quebec to the Supreme Court of Canada. Many appeals from the Province of Quebec stand in an exceptional position before the Supreme Court. Certain of the laws of Quebec are peculiar to that Province, and in that respect, so far as regards those laws, appeals from that Province do not stand in the same position as appeals coming from decisions of the other courts of the Dominion. It so happens, and it must continue to be the case, that in Canada, taken as a whole, the great body of the profession of the law are men trained to English law. That is the case in Ontario, it is the case in the Maritime Provinces, in British Columbia, and more or less in Manitoba; and it will become still more the case in that Province; so that Quebec stands, as regards this class of cases, perfectly isolated. The court as now composed, and as it has been composed from its origin, includes two judges, who are members of the bar of the Province of Quebec, and who therefore are thoroughly competent to deal with the class of cases to which I have referred.

I desire also to say—and I am quite sure that those who may take part in the discussion which will follow this motion will agree in the expressions I am about to use—that there has been a great anxiety manifested by all the judges of the Supreme Court to give their utmost attention to all cases which come before them and to treat this particular class of cases with the greatest care. Nevertheless the majority of the Court is certainly at a disadvantage with reference to this class of cases, by reason of their original training and of their greater devotion to English law, to those laws which affect generally communities speaking the English language throughout the Dominion. The evil has been felt for some years and has been the subject of a good deal of anxiety on the part of the legal profession coming from Lower Canada, and on several occasions the matter has been brought under the notice of the other branch of the legislature and efforts have been made to bring about some change in the construction of the Court which would make it stronger with reference to this particular class of cases. The present Government has thought it very desirable that any change which should be made in the constitution of the Court should be as little as possible, and that we should endeavor to preserve the Court as originally constituted so far as we fairly can. Therefore in framing this Bill we have endeavored to depart as little as possible from the construction of the Court and only so to depart in order to bring about a better tribunal for the disposition of the class of cases to which I have alluded. That class consists entirely of those cases which are to be governed by and decided according to the laws which are peculiar to the Province of Quebec as distinguished from the others parts of the Dominion, and with reference to that class of cases only does it propose to make any provision; and this step is taken in order to minimise as far as possible any change in the construction of the Court. We did not desire to make the change greater than was absolutely necessary, if indeed we made any, and there fore we have confined it to the creating of additional judges for the disposition of only this particular class of cases from the Province of Quebec. Of course there are many cases from that province, under the

commercial and criminal laws and under the general laws of the Dominion, none of which are peculiar to Quebec but are governed by the rules and laws which are common to the whole Dominion. But the class of cases defined in the Bill is peculiar to the Province of Quebec and must be decided by French laws or by those which have their origin in French laws, and it has been thought very desirable to make the Supreme Court stronger in that particular direction. The proposition in the Bill is that this should be accomplished by calling to the aid of the Supreme Court two judges from Lower Canada. As the Court now exists, it has only two judges from the Province of Quebec. Now, it is a fact that appeals coming from that province before they reach the Supreme Court of Canada have already been heard by judges of eminence and great learning, equal in all respects to the judges whom we may find from time to time upon the bench of the Supreme Court. And not only have the cases been heard before these judges, but at times before two courts equally strong, so that one can understand, in cases which are peculiar to the Province of Quebec, an indisposition—I desire to speak as carefully as I can—an indisposition, on the part of those who are concerned in them, to appeal, with perfect and entire confidence to a tribunal here, which they would feel if that tribunal included a larger number of members familiar with the laws which governed the decision of the case originally. That is the feeling, no doubt, which has given rise to the dissatisfaction which, I confess, I believe has existed more or less in the Province of Quebec with reference to the construction of the Court. It is proposed to overcome that difficulty by calling to the aid of the Supreme Court, in that class of cases, two judges from the Superior Court of Lower Canada; The proposal is that, when the sessions of the Supreme Court come round, the judges of that Court, without argument and without hearing counsel in the particular class of cases covered by this Bill, shall decide what, if any, cases are set down, covering entirely the class for which this bill provides, and if there are any, then that the Court shall call upon Associate Judges, called in the Bill “Judges in aid” to come and sit with them, and that these “Judges in aid”

shall have the same power in all respects, and be subject to the same duties and responsibilities, and take the same oath of office as the judges of the Supreme Court. The result will be that then any cases coming within the class described in the Bill will be heard before the Court with these two associate judges sitting with them. The change will make the Court stronger in regard to this class of cases by two members who will be as familiar with French law, and as capable of deciding the class of cases to which I have referred as are the judges from Quebec originally in the Supreme Court. I think—and I am supported in this view by those who are much more familiar with the subject than myself—that this will have the effect of giving a tribunal more satisfactory to the feelings and wishes of the people of the Province of Quebec in this particular direction. There are some objections to the scheme which I have felt, and which I may just as well mention to the House; but I think they can be overcome, and that the proposal, notwithstanding the objections, is the most feasible one, although I confess it is not entirely satisfactory. The objections which I have in my mind are these: The provision is that the “Judges in aid” shall be called from the judges of the Court of Queen’s Bench and from the five or six judges of the Superior Court. It is proposed that the Governor in Council shall select the judges of the Superior Court who are to be “Judges in aid,” and that the five so selected by the Governor in Council, with the Chief Justice of the Superior Court and the Chief Justice and judges of the Court of Queen’s Bench, that they shall constitute the “Judges in aid,” and that the two judges that are to serve shall be chosen from amongst them, but they must not have heard the case before. The objection is this: It may be said that most of the cases which come before the Supreme Court will already have passed through the Court of Queen’s Bench—that being the Court of Appeal in Lower Canada—and that is an objection to the Bill, since the effect will be to deprive the Supreme Court at all events of the choice of judges of the Queen’s Bench, and therefore that the “Judges in aid” will, and of necessity must be, taken from the judges of the Superior Court. Well, the answer to that,

so far as a satisfactory answer can be given, is this: in the Court of Queen's Bench it is the case I understand—not of necessity, but by practice of the Court—that five judges sit in appeal. I have been corresponding with the Attorney General of the Province of Quebec, and I am not without hopes that the result of it may be that arrangements may be made that four judges only may sit in appeal in the Court of Queen's Bench in the Province of Quebec. That is the case, (and in Ontario four judges only constitute the court), the decision must of necessity be concurred in by three judges. In the Province of Quebec five out of the six judges may sit, and where five sit, three are necessary to constitute a judgment, which would make the condition of things virtually equal to what obtains in Ontario where the Court is composed of four judges and where also three are necessary to render the judgment of the court. Even if the change were made of which I spoke, and instead of five judges sitting in the Court of Queen's Bench they were limited to four, still, as now, three judges must concur in a decision. So we shall have three judges of the Court of Queen's Bench capable of serving under this Bill; and then there is a class of cases which it may be possible to bring here without their going before the Court of Queen's Bench. I do not say that it is possible now, and some legislation may be necessary to make it so, but there are classes of cases which, once taken from the Superior Court to the Court of Review and having been decided there, there is no appeal to the Court of Queen's Bench. This occurs in two or three classes of cases and it would seem that in the Province of Quebec if a party takes his suit to the Court of Review the other party may, if he likes, make known his desire not to waive his right to appeal, and in that case if the adverse party be discontented in Review he can go into Appeal; if he does not do that, then he loses his right. It may be possible therefore to bring a certain class of cases from the Court of Review directly here. It is not possible without legislation, but that might be very convenient legislation inasmuch as with reference to those cases the right of Appeal seems to terminate in the Court of Review. The difficulty which I have

felt in preparing the Bill is twofold, and would be very much diminished in the first place if we could have available three judges of the Court of Queen's Bench by the course which I have suggested; and in the next place if there were appeals coming to the Court from Quebec from the Court of Review to the Supreme Court. The difficulty is one which I saw no way of making any better provision for than that which the Bill contains. Any assistance which you get, in the way of disposing of those cases, must be from legal gentlemen who are familiar with the French law, and therefore capable of rendering assistance. They can only be obtained from the Court of Queen's Bench and the Superior Court. The proposition then is that these judges—they are twelve altogether—shall be divided into divisions of two and that they shall come on duty by some arrangement to be settled amongst them to sit with the Supreme Court on this class of cases. I do not know when the objection has been taken, but I understand that there is an objection with reference to the language of the Bill in some respects but we may alter the language to meet the objections if need be. The phrase "Judges in aid" it is thought is not one that should find its way into the Bill; that we should rather have used "associate judges." If that is a better phrase, I shall be very glad to adopt it. I will read to the House the section of the Bill describing the class of cases to be affected.

"In every case of appeal from the judgment of any Court in the Province of Quebec, a preliminary summary examination of the pleadings and papers in appeal shall be made by the Supreme Court, without argument or the hearing of counsel, and if the Court shall declare, by certificate under its seal, that the appeal is one the decision of which must be governed by, and should be adjudged according to, laws which are peculiar to the Province of Quebec, as distinguished from those of the other Provinces of the Dominion, the case shall be deemed to be one coming within the class which may be heard under the special provisions herein enacted, and shall be heard and determined as herein provided."

The whole scheme is framed with the idea of minimizing the change as much as possible, and of giving that assistance which may be necessary in the most easy way, and of getting it from the

class of persons who are most competent to give it; and I think and other people who are much better able to form an opinion than I am, think that such a measure as the present would probably give considerable satisfaction and would place the court in a better position to deal with this class of cases, than it is as at present constituted. At all events one can only say that it is an effort in that direction, and if experience should show that it is insufficient, or that in some respects it is not what it should be, it is quite open to Parliament, and no doubt Parliament will make such changes as seem necessary. In the meantime it seems to me to give the necessary assistance in the administration of the court.

HON. MR. DICKEY—It is quite evident from the observations which have been made by the Hon. Minister of Justice in his usual lucid style that he has no very strong opinion as regards this Bill. He will, therefore, be not very much surprised to learn that a good many of us have a strong opinion that it is a Bill of an objectionable character. Now, I am reluctant at any time to oppose a Bill coming from the Government, but at the same time I accustom myself to an independent examination of all these things, and an equally independent expression of opinion upon what I consider to be an objection in any measure which comes before this House. It is suggested that this is a very important Bill for the Province of Quebec. It may be so from one point of view, but at the same time it must be recollected that it is a Bill which affects the whole Dominion, and particularly and more closely affects the English speaking population of Quebec, and it may not remotely affect the interests of a great many people in other parts of the Dominion who are doing business in Quebec. I ask what is the present position?

At the time of the passage of the Supreme Court Act, there was a sort of treaty made by which the Province of Quebec secured to itself the appointment, for all time to come, of two judges, out of the six, to come from the bar of Quebec. The House will recollect that this provision was very reluctantly consented to

by the majority on that occasion, and it was accepted as a finality on that occasion. What is proposed by this Bill? The portion which the Province of Quebec secured—secured without reference to any of the other provinces—was one-third the body of the court. By no other province was any stipulation made that any proportion should be accorded to one more than to any other; and it seems to me that the Province of Quebec ought to stand by that arrangement, and be satisfied. Now what are we asked to do? We are asked to appoint two additional judges coming from Quebec—to make the proportion of Quebec judges, in effect, in regard to all the classes of cases provided for by this Bill, one-half of the whole bench. This is a provision which the hon. Minister, who has stated already that he is in communication with the authorities in Quebec on some point connected with the measure, will do well to consider before the second reading. I do not wish to go any further into the question at this stage of the Bill; but I would suggest, as this is a measure of great importance, and as the hon. gentleman has stated that he is in communication with the authorities at Quebec and has also received two or three suggestions with regard to the structure of the Bill, that nothing would be lost by allowing the order to be discharged and taking its second reading at a future date; because it is unfortunately a bill you cannot escape the responsibility of voting for or against. The whole principle is contained in it; you cannot emasculate it. It is a bill to double for all time to come the number of judges that were secured to the Province of Quebec by the passage of the Supreme Court Act. I hope we will not be called upon to vote upon the principle of a bill of this kind—a bill which I have reason to believe is open to criticism and, perhaps, in some degree, to suspicion by members from other provinces.

HON. SIR ALEX. CAMPBELL—I am very glad at all times to defer to any expression of a wish on the part of the hon. Senator from Amherst (Mr. Dickey) more particularly with reference to a measure of this kind affecting the Supreme Court, or any other legal measure; but the objection which my hon. friend takes is, I think, not a very strong

one. The composition of the court will, it is true, be changed, and two judges added, and the proportion will be, as my hon. friend says, one-half, but then it will only be with reference to this particular class of cases; it will not affect cases coming from other provinces, but will affect only this one class from the Province of Quebec, and the judges will come up and hear cases of this particular kind. It is possible that two or three sessions of the Court may go by without any such cases coming up at all. The Bill provides that all appeals from the Province of Quebec shall be examined, and the Court shall ascertain how many, if any, come within the class described in this measure, namely those that must be decided by the laws of that Province as distinct from the laws of other provinces. So that it is only to a very small class of cases, those which are governed by the French laws, that the Bill applies. It does not seem unreasonable, therefore, to add judges *ad hoc* to the Court to give it additional strength in deciding such cases. As to postponing the measure, I hope my hon. friend will not ask me to do that. It was referred to in the speech from the throne, and has been the subject of frequent enquiries in the House of Commons by members who naturally take a good deal of interest in it, and I should not like to lose any time by a postponement. Any objections that the hon. gentleman may have to it I shall be quite ready to acquiesce in his bringing before the House at such a time and in such a way as he thinks most convenient, and taking a subsequent opportunity of voting against the measure if my hon. friend does. (I hope he will not) think it necessary to do so. The measure has received very careful consideration. We are obliged in the interest of the Province of Quebec to make some provision of the kind, and I do not think there can be one suggested—none, certainly, has occurred to me or the other members of the Government—which will interfere less with the general autonomy of the court. It will only be for this one class of cases, and will interfere in the least possible degree with the court; and, therefore, I thought it was a scheme which would meet with the approval of my hon. friend, and I still hope it will. If he will reserve his objection to the Bill and allow it to be read the second time,

we can next week go into committee upon it, and the hon. gentleman can then make any objection which he may think fit.

HON. MR. TRUDEL—I think the Government deserve great credit for this effort to give satisfaction to the Province of Quebec, and I hope it will be successful. I feel the difficulties which are to be met, and see something in the objection which has been raised by the hon. Senator from Amherst, but, at the same time, we ought to take into consideration the position in which we are placed in Quebec. I have heard of cases which have been decided in one way by nine judges of that Province, and, when appealed to the Supreme Court, the judgment of the court below has been reversed by a bare majority of the court here. Some of those judgments had been unanimously confirmed by five judges of the Court of Queen's Bench.

I am afraid that in the working of this measure there may be a good deal of difficulty for the reason that our judges, especially those of the Court of Queen's Bench, from whom the selections are likely to be made under this measure, have more work on their hands now than they can attend to. For instance, in Montreal there are more than one hundred cases on the roll that have been in arrear for nearly a year, notwithstanding the fact that the Court of Queen's Bench has held special terms three or four times and for periods of nearly twenty days. I am afraid that this measure would so increase their duties that they would be unequal to the task. I will, probably, have other remarks to make on the subject when the Bill is in committee. I consider the measure a step in the right direction, and as a representative from Quebec, I desire to express my gratification that it has been introduced by the Government.

HON. MR. READ—I cannot refrain from this opportunity of expressing my opinion that I consider the Supreme Court a luxury which this country cannot afford. Only the wealthy can get to it. The hon. Senator from De Salaberry has complained of their decisions in cases coming from Quebec. I remember a case in which the decision was in one direction in the Court of Chancery, the

Court of Queen's Bench and the Court of Appeals, and was reversed by the Supreme Court. I should like to see the Supreme Court abolished. It encourages litigation. When a man commences a suit he never knows when he will see the end of it. Only the wealthy or those who can get credit can afford to carry on a law suit. A man of ordinary means has no business to enter a court. I have made up my mind to submit to a great deal rather than go to law. I have had some experience of it, and I would advise any man who has not plenty of money to throw away, to keep out of court. He will find himself taken from court to court till his means are exhausted. I have made up my mind if a man asks for my coat to give it up at once, and throw in the vest with it, rather than go to law to defend my rights.

HON. MR. BELLEROSE—In voting for this Bill I do not wish to be understood that I am in favor of the Supreme Court. I was one of those who strongly opposed the establishment of such a tribunal, and was successful, while in the House of Commons, in forcing the Macdonald Government to withdraw this same Bill which they brought before this Parliament during the seven years they were in office, from 1867 to 1873. It was only when the Liberals, who had helped me to oppose the Conservative Government in this matter, came into power and changed their views that the Supreme Court Act was passed. Their leader in this House, the late Mr. Letellier, by hard work managed to carry it by a majority in the Senate. That is how the Court was established and it has ever since been a public nuisance.

HON. MR. POWER moved the adjournment of the debate.

The motion was agreed to.

THIRD READINGS.

The following Bills were read the third time and passed:—

Bill (28) "An Act to amend the charter of the Chartered Bank of London and North America, and to change the name thereof to 'The Chartered Bank of London and Winnipeg.'" (Mr. Gibbs.)

HON. MR. READ.

Bill (31) "An Act to incorporate the Clements Steamship Company, limited." (Mr. Macfarlane.)

BILL INTRODUCED.

Bill (62) "An Act to incorporate the Lake Athabaska and Hudson's Bay Railway Company." (Mr. Girard.)

The Senate adjourned at 6 o'clock.

THE SENATE.

Ottawa, Monday, April 3rd, 1882.

The SPEAKER took the Chair at Three o'clock, p.m.

Prayers and routine proceedings.

BRITISH AMERICAN ASSURANCE COMPANY'S BILL.

THIRD READING.

HON. MR. ALLAN, from the Standing Committee on Banking and Commerce, reported Bill (34), "An Act to amend and consolidate as amended the several Acts relating to the British American Assurance Company" with amendments.

HON. MR. SMITH moved concurrence in the amendments.

The motion was agreed to, and the bill was then read the third time and passed.

QUEBEC TIMBER COMPANY'S BILL.

REPORTED FROM COMMITTEE.

HON. MR. BELLEROSE, from the Committee on Standing Orders and Private Bills, reported Bill (32), "An Act to incorporate the Quebec Timber Company, limited," with amendments.

HON. MR. SKEAD moved that the amendments be concurred in.

The motion was agreed to, and the third reading was fixed for to-morrow.

NEW YORK AND ONTARIO FURNACE COMPANY'S BILL.

REPORTED FROM COMMITTEE.

HON. MR. BELLEROSE, from the Committee on Standing Orders and Private Bills, reported Bill (65), "An Act respecting the New York and Ontario Furnace Company" with an amendment.

HON. MR. READ moved concurrence in the amendment, which, he explained, was merely to provide that the charter of the Company shall be deposited with the Secretary of State before the commencement of business.

The motion was agreed to.

HON. MR. READ moved that the Bill be read the third time presently.

HON. MR. TRUDEL—I understood that the constitutional question was to be raised as to whether it is expedient for this Parliament to grant such a charter as this or not. As the hon. gentleman who intended to submit the matter to the House is absent, perhaps it would be well to postpone the third reading until to-morrow.

HON. SIR ALEX. CAMPBELL—The question upon this Bill was just the same—perhaps not so strong in the direction the hon. gentleman means—as the Quebec Timber Company's Bill, in which case there was a company incorporated outside of Canada, desiring to do business in the Dominion. The Quebec Timber Company's Bill was referred to the Supreme Court, and they, in answer to the questions submitted to them, said that it was within the power of the Dominion Parliament to incorporate that Company, not saying in so many words that they recognised its existence outside of Canada, but, I think, implying that. This is a similar case. Here is a company, incorporated in the State of New York, coming to do business in Canada, and asking power to do so in several provinces. The circumstances being almost the same as in the other case, it seemed to the sub-committee of the Private Bills Committee that the answer to the one question was an answer to anything that might arise on this Bill, and,

therefore, they thought that there was no occasion to refer this particular measure to the Supreme Court, inasmuch as the points which might arise on it had already been answered in the reply to the questions which had been placed before that Court in the other case.

HON. MR. TRUDEL—I see no reason to object to this Bill, more than to any other; but I understood it was the intention to bring the matter before the Senate, and that is why I ask for a postponement of the measure.

The third reading was fixed for to-morrow.

THE GARDINER DIVORCE BILL.

WITHDRAWN.

HON. MR. DICKEY, as Chairman of the Select Committee to whom was referred Bill (L) "An Act for the relief of Matthew Gardiner," submitted the final report of that committee, setting forth that the petitioner had withdrawn the Bill, and recommending that he be refunded the amount of his fee, less the expense of printing and translation. He moved that the recommendation of the Committee be concurred in.

The motion was agreed to.

SITTING BULL'S REMOVAL.

MOTION.

HON. MR. GIRARD moved:—

That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before this House, copies of all correspondence, Petitions, Reports, and Orders in Council in reference to the removal of the Indian Chief, known under the name of *Sitting Bull*, from the *North-West Territories*, and his surrender to the *United States* authorities in July last.

He said: The application which I am now making may not be considered an important one, and I have to apologise to the House for bringing before them the name of *Sitting Bull*, an Indian Chief who with his band destroyed the army of Custer, an American officer, in the wilderness of the Black Hills a few years ago, and afterwards fled to the free land of Canada. He was not, as hon. gentlemen are aware, a very desirable acquisition to

our population although as a general thing we extend a hearty welcome to strangers who come to settle in this country. The arrival of this Indian Chief from the other side of the line was the cause of great uneasiness and alarm in the North-West as it was known that he and his band were a portion of the Sioux tribe, one of the most barbarous of the Indian tribes on this continent. When he settled on Canadian territory he was, naturally, living under the protection of the British flag so long as he paid due regard to our laws. However, it will be remembered, that those Indians were the cause of a great deal of trouble to the authorities on both sides of the line, and Sitting Bull and his band were looked upon as a plague in that country. Inducements were held out to him to return to the United States, which he refused to entertain, and promises were made to him by the officers of the mounted police that he would receive protection from the United States authorities if he and his people would return to their reservation. These Indians were the cause of a great deal of trouble and expense to our Government as they were in destitute circumstances. Buffalo were scarce, and Sitting Bull and his followers were sometimes forced by hunger to cross the line to find food, and on this side there was constant danger of collision between them and our own Indians. At this time a French Canadian, Mr. Legare who had been a most successful trader in the North-West for many years was appealed to by Major Crozier of the mounted police for assistance to induce Sitting Bull and his band to remove to their own country. I will quote an extract from a letter published in the "*Manitoba*" a French paper published in Winnipeg. It is from a letter dated Wood Mountain, 20th April 1881, from Major Crozier of the mounted police to Jean Louis Pare. The Major after setting forth what he wants from Legare in reference to Sitting Bull and his band concludes by saying:—

"I shall, of course, remunerate you for any trouble you may have in the matter, and not fail to let the Government know what a great assistance you have been."

My object in moving this resolution is to ask the Government what remuneration Mr. Legare has received for the assistance he rendered to the authorities,

under the promise made to that effect by the officers of the mounted police? When the appeal was made to him to assist the authorities, he, by his own efforts, induced Sitting Bull and all his followers to go with him to the American side. During the six or seven days he was on that mission, he was exposed to great danger and risk of life, but Sitting Bull and his followers were delivered safely by him to the guardian at Fort Buford, on American territory. I think such a courageous act should be acknowledged in some tangible way by the Government, because I do not hesitate to say that this man Legare has accomplished what the mounted police and the American and Dominion Governments could not succeed in doing; and that without shedding a single drop of blood or spending one dollar of money. Such an act should be rewarded in some way, and I should like to ascertain if any acknowledgment has been made, by the authorities, of those services. The occasion may arise again when such services will be required, and if they are properly acknowledged now, we may rely upon it that those to whom application may be made in the future will promptly respond; otherwise the possibility is that it may be treated with indifference.

HON. SIR ALEX. CAMPBELL—I did not know beforehand that my hon. friend proposed to call attention to the services of this Mr. Legare, or I would have informed myself as to what information the Government had in their possession in regard to his services and their value. I shall, however, make inquiries, and when the papers come down I shall reply to the hon. gentleman as he deserves, as I am quite sure he does not refer to this matter without some good foundation for doing so. I have never seen any reference to these services of Mr. Legare in any of the correspondence that has come under my notice; but if there is any correspondence on the subject it will be brought down.

CAUGHNAWAGA INDIANS.

INQUIRY.

HON. MR. TRUDEL inquired:—

Does the Government intend to introduce any measure for the emancipation of the Caughnawaga Indians, and of the other In-

dian tribes still existing within the limits of the former Province of Canada?

He said: In the course of the last three or four years several documents have been read to this House, and many facts have been stated in the newspapers of Montreal showing that the Indians of Caughnawaga, or at least a part of them, have reached such a degree of civilization that some of them have succeeded in attaining good positions both in trade and commerce; a proportion of them have also received a liberal education and are in every respect highly qualified to enjoy the rights and franchise of British subjects.

It is admitted by every body that the position in which they are kept prevents them from conducting their business successfully, and in other respects is a serious drawback. The press of the Province, French and English, and especially the newspapers of Montreal, take a deep interest in those Indians and recommend that they be emancipated. It has been shown that some of those Indians have extensive farms which they cannot cultivate, because they cannot depend upon Indian labor and are not allowed to employ white men. It has also been shown that children in several of these families have been educated in the convents and seminaries of the Province, but on their return home, their parents are prevented from putting them under the care of civilized persons to complete their education. This state of things retards the progress of civilization among them. My inquiry embraces other Indians besides those at Caughnawaga, because there may be others whose emancipation should no longer be delayed.

HON. SIR ALEX. CAMPBELL—It is not the intention of the Government to introduce any measure further to provide for the emancipation of the Indians of Caughnawaga or other tribes. My hon. friend knows, I presume, that there does exist now in the Indian Act a provision which he may think, perhaps, insufficient, for the enfranchisement of Indians by which an Indian who desires to be enfranchised, and to whom the Indians of his tribe are willing to assign a piece of land, may be examined by the superintendent of Indian Affairs and, if he is reported fit to be given the rights and privileges of a citizen, he is enfranchised; and there is

also a provision that any person admitted to a degree in a university or is an attorney at law, or who has taken holy orders or has been licensed to preach, and perhaps in some other cases, can be enfranchised. I do not know whether further provision is necessary or not: it has not been represented to the Government, so far as I know, that these provisions are insufficient. They certainly meet a good many cases. It is not the intention of the government to amend the Act this Session.

THE EASTER HOLIDAYS.

MOTION.

HON. MR. BELLEROSE moved that when this House adjourns on Wednesday next it stand adjourned until Wednesday the 12th instant, at 8 p. m.

HON. MR. HAYTHORNE thought such an adjournment extremely inadvisable and unnecessary.

HON. MR. ALMON suggested that if these adjournments were considered desirable it would be better immediately after the adoption of the address in reply to the speech from the throne every session, to adjourn for a fortnight, and the members from the maritime provinces need not come to the capital at all until the Senate reassembled and were ready to attend to the public business.

HON. SIR ALEX. CAMPBELL said there must be an adjournment at Easter, and he thought there was no objection to the motion. If he thought it would prolong the session one hour he would be very reluctant to consent to the adjournment.

HON. MR. KAULBACH thought there was plenty of business to be attended to, and was opposed to the motion.

HON. MR. READ was satisfied that the public business would not be delayed by the adjournment.

HON. MR. CARVELL concurred in the opinion and would not object if the motion read "from Wednesday to Wednesday inclusive."

The motion was agreed to.

ROYAL CANADIAN ACADEMY OF ARTS.

MOTION.

HON. MR. ALLAN moved :—

“That the fee paid on the introduction of the Bill to incorporate the Royal Canadian Academy of Arts, be refunded to the promoters of the said Bill, less the expenses of printing and translation.”

The motion was agreed to.

BILLS INTRODUCED.

The following bills were received from the House of Commons and read the first time :—

Bill (6), “An Act to amend and extend the Act empowering the Stadacona Fire and Life Insurance Company to relinquish their charter, and to provide for the winding up of their affairs.” (Mr. Pelletier.)

Bill (90), “An Act to incorporate the Ocean Mutual Marine Insurance Company.” (Mr. Dickey.)

Bill () “An Act respecting the Exchange Bank of Yarmouth, Nova Scotia, (Mr. Power.)

Bill (41) “An Act to incorporate the Tecumseh Insurance Company of Canada.” (Mr. McInnis.)

A QUESTION OF PRIVILEGE.

HON. MR. ALEXANDER—Before the first order is called, the House will permit me to move the adjournment of the House, to enable me to explain a matter which I conceive, and which every hon. gentleman here will conceive, affects the honor and dignity of the Senate. The hon. member from Sarnia, in this House, (Mr. Vidal) thought fit, on Wednesday, the 29th March, to use the following language, with regard to what had fallen from another hon. gentleman :—

“That the introduction of such a remark in connection with the Deceased Wife's Sister's Bill, which was before the House yesterday, was uncalled for, and could only be regarded by the distinguished occupants of Rideau Hall as an unnecessary and impertinent fling at the Gracious Lady who reigns in the hearts of Her people.”

Now, this charge really affects the honor and dignity of this House. I

believe such a charge could scarcely be laid at the door of the most abject and humble citizen of Ottawa, or of any other city in this Dominion. Surely the Senate would permit no member of this House to use such language, nor can I believe there is sitting here a single member who would use it. It is the more surprising that the hon. gentleman from Sarnia (Mr. Vidal) should make this unwarranted charge, because he told this House the other day that he was familiar with every part of the Bible, from the first chapter of Genesis to the end of Revelation. That hon. gentleman's name is conspicuous at the meetings of almost every Bible Society in the country, and such being the case, it is surprising that he should so far forget his own self-respect as to charge a member of this House with language which could hardly proceed from the most abject citizen of this country.

SUPREME COURT AMENDMENT BILL.

SECOND READING.

HON. SIR ALEX. CAMPBELL moved the second reading of Bill (Q) “An Act further to make provision in regard to the Supreme Court of Canada.”

HON. MR. PELLETIER—When this Bill was first introduced into the Senate, I was of opinion that it was a step in the direction of improving the law as it now stands, and to-day I have to thank the hon. Minister of Justice for trying to meet the views of Quebec; but, after considering the Bill, and particularly after the strong expression of opinion received from the various Judges and members of the Bar, both from Quebec and Montreal, I fear the remedy would be worse than the evil. I am not aware that there have been many complaints of the present constitution of the Court, and I am informed that the number of cases, of that class mentioned in the Bill before us, is very small—not more than one or two every year. It therefore seems to me that the small number of cases in itself is a strong argument in favor of not pressing the amendments to the Act at present. It is not, however, that I particularly desire to oppose the amendments, but rather to call the attention of the hon. the Minister of

Justice and of this House to the peculiar position in which this Bill would place many judges. The second and third clauses provide that six judges of the Court of Queen's Bench and six judges of the Superior Court, of the Province of Quebec, shall form a panel or "roster," as it is called in the Bill; and that they should serve, each in his turn, during the sitting of the Supreme Court. I think every hon. gentleman will remark that, in certain cases, this system would result in judges of the Superior Court coming to Ottawa to sit in the Supreme Court, and to revise, sometimes it might even be to reverse, decisions given by a higher tribunal in the Province of Quebec than that to which they themselves ordinarily belong. I do not think it desirable that Superior Court Judges should be placed in a position to revise or reverse the judgments of judges in the Court of Queen's Bench, and I cannot believe that any one would be satisfied to see the judges of the Court of Queen's Bench placed in such an anomalous position. I have no objection to this Bill being read the second time, but, I think, if some other way could be devised of meeting the difficulty, it would be more satisfactory to the people of my Province. It is a most important matter for Quebec, and, while we do not wish to ask for anything that is not necessary, I think, if time were given to consult the judges and members of the bar, some suggestion of value might be received. If, for instance, the further consideration of the Bill were postponed until after the Easter adjournment, we could get the expression of opinion of many eminent judges and jurists, and the result might be that such a change as that proposed would not be thought necessary.

HON. MR. READ—I feel it my duty to oppose this Bill in the strongest manner possible—

HON. SIR ALEX. CAMPBELL—you spoke before.

HON. MR. READ—I think I am in order, as I see by the orders of the day it is not an adjourned debate at all. This Bill I do not consider to be in the public interest and to my mind should not pass, as it affects as I understand it—I may be wrong—the great trading community of this country. The province of Quebec from

its geographical position is simply the toll-gate of the Dominion. We all know that Montreal is a city where large and very important transactions are conducted and which this Bill affects: people from other provinces having business relations in Quebec will be also affected by this Bill perhaps when they do not thoroughly understand it, and when they suppose their transactions are being made under the English law they are in reality working under the French law. Take for instance brokerage, wharfage, charters, warehousing—

HON. SIR ALEX. CAMPBELL—This Bill does not affect that class of cases at all.

HON. MR. READ—Then I do not read the third clause correctly.

HON. SIR ALEX. CAMPBELL—No, you do not.

HON. MR. READ—Those are peculiar cases under the laws of Quebec—buying and selling—does the hon. gentleman tell me that a contract made for produce in Montreal, if disputes arose that it would not come under the provisions of this Bill?

HON. SIR ALEX. CAMPBELL—No, not at all. That is a general law affecting the whole community; all the provinces. It is only cases arising under the French law which will be affected.

HON. MR. READ—Are not buying and selling under the civil code in Montreal?

HON. SIR ALEX. CAMPBELL—My hon. friend understands that the commercial law of Lower Canada is similar to that of the other parts of the Dominion, but there are certain classes of cases which are governed by the French law, and these are the cases to which this Bill refers.

HON. MR. READ—I do not understand that commercial law in Quebec is the same as the English laws.

HON. SIR ALEX. CAMPBELL—Yes, it is.

HON. MR. READ—Well certainly that removes a great part of my objection

to the Bill, because I understood to the contrary. I suppose lawyers do disagree, for certainly I have conversed with gentlemen versed in the French law and they have told me quite the contrary to what my hon. friend now states,—that if I were buying or selling in Montreal I would be governed by French laws in these transactions and not by English laws. I am not a lawyer myself, and there is such an uncertainty about the whole thing that I feel you may just as well throw up the dice in a law suit. We are multiplying our courts until it has come to this, that if a man enters upon a law suit he can hardly expect to see the end of it during his lifetime. Litigants are taken from place to place and at last if one has money enough and lives long enough he may see the conclusion of the case; I therefore view with disfavor even our present number of courts. However I withdraw my objection to the proposed bill for the present.

HON. MR. GIRARD—I cannot allow the present Bill to pass without expressing my views upon it. I am certainly glad to see the Government disposed to do something to meet the complaints which have been made by the people of Quebec in regard to the different cases which have come from that Province to the Supreme Court. I think that generally this Supreme Court has not given the good results which were expected from that high tribunal, and for my own part I certainly would feel disposed to vote for the suppression altogether of that court rather than retain it any longer; not that I would be absolutely opposed to such a tribunal, but it seems to me that it came into operation long before we were prepared to receive it. As long as there is an appeal to the Privy Council it seems to me that such a court as the Supreme Court should not have any existence, and the expenses attending it are not in consonance with the position our country to-day occupies. It is true the Province of Quebec stands in a very peculiar position; the gentleman who has just spoken (Mr. Read) has described it as the toll-gate of the Dominion. While I do not know in what way it is a gate, I would remind the hon. gentleman that that gate was open in 1759 to those who have since become the inhabitants of Canada, and who came

and took possession of the country at that time, giving a certain guarantee to the original occupants of this country—the French—that their laws, the French laws, would be maintained in all their integrity until, I suppose, some general code which would be accepted by the whole Dominion would be the law of the whole Dominion. I have more than once regretted that some measures have not been taken by the members of the Government to assimilate the laws of the Dominion, even as respects the civil law. I think it is the duty of the present Government to ask that assimilation, and it should be one which will not bear hardly upon the peculiar laws and customs which now exist in the Dominion, but we should be all ruled by the same law, the same principles and one code; we should have one court of justice which would impartially render, to all classes, that justice to which we are entitled, and to which we look. It seems to me it is a very important question, and when the civil code of Lower Canada was made I remember that it was one of the views of the promoter of that code, Sir George Cartier, to prepare it in a way which would perhaps result in its becoming the code of the whole Dominion. The principles of this code were taken from the Roman law from which all civilized nations have taken their best and wisest provisions for the administration of their public and civil affairs. I do not speak at all of the English law, I am perfectly satisfied that in all criminal matters, in all matters of trade, the law is generally the same throughout our Dominion. But in civil matters it seems to me that provisions should be made to have in the whole Dominion but one civil code. I would not feel disposed to make a sacrifice of the wise legislation comprised in the civil code of Quebec to-day, as I like its wise legal dispositions. I cannot help thinking that if any committee or any number of men were charged to prepare a code for the whole Dominion, then we would have a chance of seeing a part, if not the whole, of the civil code of Lower Canada acknowledged as being the best and wisest law which could be applied to this country generally. It seems to me that the present Bill is a little too complicated, it could be made a little more simple, and while perhaps it is not becoming of me to express this view

when there are so many abler and better qualified than myself, at the same time I merely do my duty in expressing these views. It seems to me the Bill goes a little too far, and I would prefer to see authority remaining with the Governor in Council for dealing with the different cases which would be brought before the Supreme Court. Then it would be possible, instead of having a judge appointed in the way proposed, to give the Governor in Council power to select amongst the judges of the Superior Court, or the Court of Queen's Bench, in the Province of Quebec, from time to time whenever the Supreme Court might be in session, two judges who had not previously heard of the case in dispute. Then these judges would come to the Supreme Court and do what this Bill requires of them instead of being appointed in the way which the Bill proposes, and being placed on a list much like a jury list. It seems to me it would be better not to make any addition to the salaries of the judges, but that the Governor in Council should be authorized to appoint two judges, to be chosen from amongst those of the Queen's Bench or the Superior Court, to act with the judges of the Supreme Court, and it should be part of the duty of these judges, who in this way would be added to the Supreme Court for the time being. They would not be entitled to any salary, and my impression is that the conscientiousness of the high appreciation of their character, which would be shown by their being chosen to perform this duty, would be ample recognition, without any money payment for this additional service. They might of course naturally expect to have their travelling expenses paid during the time they would be here acting as judges in aid, but nothing further, I think, would be desirable, or I am sure, would be looked for by the judges themselves. Such a system would be less complicated, and it seems to me it would render justice to the people of the Province of Quebec as it is provided by this Bill.

HON. SIR ALEX. CAMPBELL—I think the suggestion of my hon. friend from Grandville (Mr. Pelletier) is a perfectly fair one, and I should be led to adopt it—to read the Bill the second time, and let it go to committee after the holidays, and in the meantime the opinions

of the judges and the members of the legal profession would be elicited.

HON. MR. DICKEY—The first thing that strikes one on reading this Bill and in listening to the arguments adduced in support of it on Friday last and to-day is this—that no inconvenience whatever has been pointed to and no necessity has arisen for the Bill: that is my difficulty. It is quite true that my hon. friend from DeSalaberry (Mr. Trudel) deduced the argument, and dwelt upon it with considerable force, that as the Court is now constituted an appeal was from the decision of eight or nine judges in Quebec substantially to two here. Now, I need hardly say to the House that, I will not say the absurdity but the inconsequential nature of this contention is perfectly manifest and must be manifest to my hon. friend himself, when I remind him that the highest Court of Appeal, in the British dominions at any rate, in the high Court of Parliament itself, in the House of Lords, we frequently see these appeals decided by two or three lords' present besides other peers; and that is not all, because to make it applicable to this case it is my duty to remind the House that in a great many of those cases where the appeal is from the decision of judges in Scotland upon the peculiar law prevailing in Scotland very often the decisions when appealed from to the House of Lords are heard by two or three legal members, perhaps only one of whom is a Scotch lord. That is the case in England, and no inconvenience has ever been felt, no suggestion has ever been made that a wrong decision has been come to under those circumstances. But we are not told to-day of any case in which injustice has been done to anybody in relation to this matter in the Supreme Court which would form the foundation of an application for a bill such as this.

My hon. friend has referred to the number of judges in Quebec and I find that there is a very long list of them, judges of the Superior Court and judges of the court of Queen's Bench, and really if we are to test this Bill by the principles which my hon. friend has laid down we must come to this conclusion; that in order to make a court with proper weight—a proper Court of Appeal—we should have something like equality in the number of

judges, so that we should have to be asked to frame a Bill providing for an increased number of French speaking judges equal to the number in Lower Canada, the highest court being composed, as I learn, of six judges, that is the court of Queen's Bench. When my hon. friend comes to apply that principle to other provinces he will find exactly the position we are in. I have counted the number of judges in the superior courts in other provinces outside of Quebec and I find that exclusive altogether of county court judges we have judges of the Supreme Court to the number of forty, and yet the decisions appealed from in those provinces are referred only to four English speaking judges acquainted with the laws outside of Quebec. That being the case, it seems to me that some better reason than we have heard yet should be given for the passage of this Bill, two hon. members having stated to-day that there are doubts about the measure even in the Province of Quebec. I should like to know whether the judges have been consulted upon this point? I should like to know whether the judges of the Supreme Court have been consulted upon it?

HON. SIR ALEX CAMPBELL—Yes.

HON. MR. DICKEY—Perhaps they have; but have the judges in the courts below, those who are to be summoned here to do this duty—judges in aid—been consulted? At all events, we have sufficient before us to show that there is great doubt upon that point. We have the right to assume that the two French judges here, as compared with the four English-speaking judges, are equal to their position. We have the right to assume that, and, if not equal to their position, means ought to be taken to make the court strong by the appointment of other persons, and the superannuation of those judges. The Government is unfortunately in this position with regard to the Bill: that if those judges are inefficient, they ought to be replaced, and if they are efficient, there is no necessity for this Bill. Something has been said to-day about the parts of the civil code which are applicable to the people of Quebec. I am not going into that question at length. It is impossible, I apprehend, that any one can foresee what questions may arise which may not

indirectly affect people outside of the Province of Quebec, because the language of the Bill itself gives us a hint upon this point, where it says it refers to the laws which are peculiar to the Province of Quebec, as distinguished from those of the other Provinces of the Dominion. So there is the fact particularly stated on the face of the Bill, that we are proposing to legislate in the interest of those peculiar laws as contra-distinguished from the laws of other parts of the Dominion. I confess I am not competent to go into the question as regards how far those laws might operate on individuals; but it is clear that there are laws which apply to Quebec peculiarly, and do not apply to persons coming from other Provinces, and that is sufficient for me to observe in regard to the effect on outsiders—that is persons living in other parts of the Dominion than Quebec—that there are many other cases in which this Bill might act injuriously. But it must not be forgotten that there is a very large English speaking element in the Province of Quebec affected by these laws, and these persons, when they come up here, would be placed in this position: they, the English speaking residents of that Province, appeal to the Court of Quebec—I wish to say I have no sympathy with the feeling itself, I only refer to it as a fact—and, when they get their decision, come up to the Supreme Court here on appeal, and are met by four French speaking judges—

HON. SIR ALEX. CAMPBELL—No; two of the new judges may be English speaking.

HON. MR. DICKEY—They may be, but not necessarily.

HON. SIR ALEX. CAMPBELL—And not necessarily French.

HON. MR. DICKEY—But, at all events, they are not acquainted with the laws outside of Quebec peculiarly, any more than our judges are with the laws of Quebec. But it by no means follows that, even if there were only two French speaking judges from the Province of Quebec, that injustice would be done. Is it not plain that, when an appeal is made to the Supreme Court of Canada, it is made

to a tribunal where there are two French speaking judges who are perfectly familiar with the Civil Code of Quebec, and that it is an important part of the education of every judge who sits on that bench? I venture to say that every English speaking judge who sits on that bench has made a study of the Civil law; it is the very foundation of his profession, and I apprehend that these studies have been directed since the creation of the Court more in that direction than they ever were, so as to render them competent to decide on those cases where there is a doubt. I have not heard any complaint against their decisions, which is a strong argument to show that there is no necessity for this Bill. With regard to the Bill itself, I listened with some interest to the explanations of my hon. friend who introduced it, and I understood the Minister of Justice to negative the idea altogether that this was to be a permanent measure. He stated that it was to be a temporary expedient to provide at present for a contingency that might be rendered unnecessary hereafter. He did not go into the reasons for that, but the fact remains that it was placed before the House as a temporary measure, and I will say to my hon. friend that if it is, as stated, a temporary measure why not state it on the face of the Bill? If that were done it might possibly remove the objection which a great many hon. gentlemen have to the measure.

For example, if he were to say that this Bill were only to be enforced for a year from the end of the next session of Parliament, which would give it an existence of two years—a fair trial of two years, then the House would be in a position to pass upon it; but the trouble is, once pass this Bill as a permanent act of the legislation of this country and it would be very difficult to get rid of it, whereas in the other way—

HON. SIR ALEX. CAMPBELL—I have no objection to the suggestion of the hon. gentleman, but let it be for two years, and until the end of the then next session of Parliament, so that the experiment may have a fair trial.

HON. MR. DICKEY—That will relieve it of the objection, because it comes round to the view, after all, of the hon. gentle-

man, that this Bill is a temporary expedient.

HON. SIR ALEX. CAMPBELL—An experiment.

HON. MR. DICKEY—Under the circumstances, that would be the best way of trying it, because, after the Bill is tried for a year or two, the House would come to an intelligent conclusion as to the renewal or continuance of the measure after knowing what the operation of it was. My hon. friend has pressed upon us the fact that this Bill was mentioned in the speech from the Throne, and that, therefore, the country was prepared for it, and that this House ought to be prepared for it. I can only say that, when I refer to the speech from the Throne, I find no mention whatever of a Bill like this, but simply a Bill such as we have often had before us as a Supreme Court Bill. There is no intimation given of a bill of this kind, and I was very much surprised when I came to examine the scope and nature of the Bill. My hon. friend has alluded to the expectations that were created that such a bill as this would be passed. I say if any pressure of this kind exists, the best way to relieve ourselves would be not to pass this Bill; but the announcement that has just been made may perhaps modify that view somewhat. All I can say at present is that the Senate has been very often reproached with being a mere registering body. The fact I will not enquire into, that this body is composed very largely of supporters of the Government has often been thrown in our face by the press of the country, and I do think that the best service, perhaps, that we could do the Government and to the country, and to ourselves, would be to reject this Bill. My hon. friend has intimated that, if the second reading is passed, he is perfectly satisfied to let the Bill stand over the adjournment in order to have an opportunity of ascertaining the opinion of the Bench of Quebec, and since he is willing to make it a temporary measure, only an experiment, I offer no opposition to the second reading.

HON. MR. ALEXANDER—There is something very mysterious about this Bill. By whom is it demanded? In what portion of the press of Quebec Province have we seen any complaints

about the decisions of our Supreme Court? If the leader of the House can mention two of their judgments which have met with the disapproval of the bar or bench of Quebec Province, I should like very much to hear them named. I have conversed with several members of the bar of that Province on the subject, and am assured that this measure does not meet with their approval. Who are better judges of what is required for Quebec than those who argue in its courts and defend the rights of its citizens? We have a Supreme Court established at enormous expense to the country, composed of six judges, selected as the most eminent men in the Dominion for ability, legal acumen and experience, yet the Government ask us to experiment with this tribunal. Among them are Justice Fournier and Justice Taschereau, two of the most distinguished judges of Lower Canada, who thoroughly understand the code of that Province which governs their decisions. In that respect the laws of Lower Canada differ from those of the rest of the Dominion. In Quebec there is a printed and published code, under which all cases must be decided, and there is nothing to prevent any of the Supreme Court judges arriving at a sound and proper judgment on any case coming from that Province. It is well known that the judges of the Supreme Court confer together in coming to their conclusions, and these two judges can aid, with their experience, the other four who are less familiar with the code. Yet here we have the Government introducing in this Chamber an experimental measure, and I understood the leader of the House to say that he would consent to its being tried for one year. What sort of legislation is this? Here we are asked, at the inauguration of the Dominion, to tinker with the Supreme Court, which we should desire to see standing high in the estimation of the people. Either the judges are fit for their position or they are not. This Bill is not demanded by the press or the bar of Quebec: it comes, as I understand, from a political exigency. I have a right to say so, for I am assured by many members of the bar of Lower Canada, that the measure is not called for, and cannot be practically carried out, and I have heard even that the Government would be very glad to see it defeated—that they merely bring it in to satisfy the

demands of certain politicians. I have heard that stated openly by members of Parliament: that explains the position my hon. friend from Amherst, who is such an admirer of the Government, and usually thinks everything from the Minister of Justice is perfect. It reminds me of the occasion when a bill was brought in by the Reform Government, and when it came to this Chamber, two Senators voted against their own party to ensure its defeat. In the same way the hon. Senator from Amherst comes to the relief of the Government and opposes this Bill, carrying out the very view of which the politicians, to whom I have referred, informed me.

HON. MR. TRUDEL—As there seems to be a good deal of misunderstanding on this matter I think it is my duty to do what I can to remove it. The hon. Senator from Amherst has put the question (if he will allow me to say so) upon an incorrect footing. He refers to the English speaking population of the Province of Quebec and says that they should enjoy the privilege of having their cases tried according to the principles of English law. The hon. gentleman forgets that contracts between parties in the Province of Quebec are governed by the laws of that Province and it is this law which must be interpreted. What the Supreme Court has to do when cases are brought from Quebec, is to interpret the law as it is; and the feeling which seems to prevail in the Province of Quebec (I wish it to be understood that I am not giving my personal opinion in the matter) is that the majority of the Supreme Court are not competent to interpret that law correctly. If it be true—and I will not take it upon myself to say that it is—that the court, as at present composed, is not competent to interpret that law, the Government is seeking by this measure to solve the difficulty. There is a good deal of misapprehension and misunderstanding about the laws of Quebec; there seems to be an impression that the minority in that Province find themselves placed at a disadvantage as regards these laws, but as a matter of fact that is not the case and I assert without hesitation that if it was left to-day to the English speaking members of the Bar and Bench of the Province of Quebec to say whether they would retain the present

civil laws or abandon them, that nine-tenths of them would prefer that no change should be made.

It must be borne in mind that the laws of the Province of Quebec have been framed to suit not only the French people, but also the English speaking population and I sincerely believe that we have selected the best features of both systems. We have introduced the English law of evidence in commercial matters, trial by jury in commercial matters, and the criminal laws. It is generally admitted in Europe that the laws of France are the true interpretation of those old Roman laws which are the best in the world. I have heard from leading legal men in England the same opinion expressed and they have said that if it were not so difficult to introduce a radical change in that country they would be glad to see the civil laws of France introduced into England. Consequently, I do not think that the laws of Quebec Province should be looked upon as affecting injuriously the minority in that Province. The hon. member who has just sat down has challenged us to show in the press or from the bar of the Province of Quebec any demand for this measure. This surprises me a good deal, coming from a gentleman who speaks nearly all the languages of the world, and especially French. If he will refer to the press of that Province, English as well as French, he will find at least one hundred instances in which serious complaints have been made. The question has been asked why do you not specify cases in which injustice has been done? Well, I think that is rather a delicate question. There are many cases in which, I believe, the decisions have been improper; but some of those cases I was interested in myself as a lawyer, and in others, some of my friends were interested. However, it is no less true that, as a matter of fact, there is a general complaint in the Province of Quebec, such as I have described, and a general feeling that it is much safer to appeal to the Privy Council in England. The reason of this is obvious. It is a delicate matter to refer to, but I will mention it: When we go to the Privy Council in England we find there judges who entertain the belief that the system of law which prevails in the Province of Quebec is the most perfect in the world and there

is not one of those judges who has not made a special study of our laws, while in this country unfortunately the contrary feeling prevails. I do not say that it is the personal opinion of any member of the Supreme Court because I do not know that it is; but I say the general feeling throughout Canada, outside of the Province of Quebec, is adverse to those laws, and that the leading members of the profession do not study them. In England not only do the judges understand the French laws, but most of them are familiar with our language, and understand the French text books. These are the reasons why we feel that it is safer to appeal to the Privy Council in England where our laws are thoroughly understood and properly interpreted. It has been remarked that popular sentiment in the Province of Quebec is not as favorable to this Bill as it might be. That is true to a certain extent. The entire repeal of the Supreme Court Act would be preferred but failing to secure that they would rather have this than nothing. For my own part, I am not prepared to express an opinion as to the expediency or possibility of abolishing the Supreme Court. This Bill is considered as affording a remedy, to a great extent, to the existing state of things.

HON. MR. POWER—The hon. gentleman has just stated that the Bill is considered to be a measure of relief. I should like to know by whom?

HON. MR. TRUDEL—I do not profess to have seen or to have spoken to all the people of the Province of Quebec, but I know the feeling which exists there generally. I have had occasion to speak to very few of my countrymen on the subject. I have seen about a dozen members of the bar, and a couple of judges, but of course, I do not cite such a limited number as representing the views of the people of Quebec. I say as a matter of common sense that the moment you give to the court, as it exists now, the assistance of two more judges familiar with the laws of the Province, it affords a remedy and is, certainly, an additional means of obtaining justice. Before I sit down, I wish to remind the House that when the Supreme Court of Canada was created, it was proposed by members from

the Province of Quebec, who may be supposed to favor a system peculiar to their Province and nationality, to try and establish here an institution which has given ample satisfaction in England for four or five centuries—I refer to the Judicial Committee of the Privy Council. Why should not that system be introduced here? The proposition was made in 1875, and those who made it could not be taxed with having done so with a view to favoring French institutions. Allusion was made to the fact that that system had given satisfaction to Scotland when there was only one Scotch lord sitting upon it. When in 1873 a bill providing for the establishment of a Supreme Court in England was introduced, it met with unanimous opposition from the bar of Scotland and the bar of Ireland, occupying to a certain extent, a position similar to ours in this country. They preferred to retain the judicial committee; and even in England itself, as stated by the *Times* and other leading newspapers, the opinion of the bar was generally in favor of retaining the old system. This fact was represented to the Senate in 1875, and I merely recall it to show that what we are seeking is the best system not only for us, but for the whole Dominion. If less misapprehension and prejudice prevailed in this country, it would be more generally admitted that we in the Province of Quebec have adopted what is considered by all nations generally as the best system of law that is known. We have adopted, as I have stated the best features of the French and English systems, and if our friends throughout the Dominion would meet us half way and examine the code of Quebec they would find much in it to meet with their approval. I may say that it is far better than the French Code, because we have had the benefit of sixty years experience of the code of France, and our codifiers had access to the works of many celebrated commentators of high reputation throughout the civilized world—not merely French, but Italian commentators. We availed ourselves of the experience of those celebrated men, adopting the best of their suggestions, and as the result have a system of law which might be adopted with beneficial results by the whole Dominion.

Allusion has been made to complaints from English speaking gentlemen in our

Province. I know as a matter of fact that when an English speaking pleader in Montreal loses his case (I have heard it myself) he generally says: "It is too bad that I did not succeed, but it all owing to those wretched French laws and French judges." Now, as a matter of fact, the majority of our Court of Appeals during the past ten years has been constituted of English speaking judges. For instance the judgments of the Court of Appeals have been rendered by Monck, Ramsay and Cross, who are not only three leading members of the bar, but men of the highest position on the bench. For my part I consider it abnormal to appeal from such judgments to another tribunal which I believe, for the reasons I have stated, is not so well fitted to do justice to the people of Quebec.

I consider that the sound system of judicature is to allow only one appeal. The cases ought to be tried before a court which is a tribunal *de premiere instance*, and after that, if the judgment is not considered good, carry the case to the Court of Appeals. If the Court of Appeals is not a satisfactory tribunal, then let us render it efficient; but let us have no more than one appeal. However, the Supreme Court is in existence and the question is how to render it as acceptable as possible to our Province. I do not know of any better way to accomplish that result than the one proposed by the Government; and I hope this Bill will be accepted, not merely as an experiment for one year, because that would be of little value, but as a trial long enough to test the soundness of the system.

HON. MR. POWER—I regret very much that I am not gifted with the persuasive eloquence of the hon. member from Amherst (Mr. Dickey), because I feel certain that if I were, the Government would agree to withdraw this Bill altogether. As a result of the observations made by the hon. Senator from Grandville (Mr. Pelletier) the Government consented to make a certain modification and to look for further advice with reference to this Bill, and when the hon. Senator from Amherst urged them a little further the Government consented that the Bill should be in operation only for two years. I think, therefore, that if a gentleman possessed of the powers of my hon friend

from Amherst were to urge it a little further the hon. the Minister of Justice would agree to withdraw a Bill, the introduction of which is evidently a mistake.

HON. SIR ALEX. CAMPBELL—Not at all; no mistake.

HON. MR. POWER—The honorable gentleman from DeSalaberry (Mr. Trudel) has spoken a good deal of sentiment; but I regret to say he has not given the House many facts. I think the ground taken by the Senator from Amherst is perfectly impregnable—that these has been no solid, substantial reason shown for this interference with the Supreme Court Act. Every one must admit, and the hon. the Minister of Justice must feel, that before tampering with the constitution of the highest court of the country the very strongest necessity should be shown, and no necessity whatever has been proved to have arisen in this case. The fact is this, as far as I can gather; that, while the number of cases of the character which the Bill proposes to deal with that have gone to the Supreme Court for the decision of that court, is not large, none of them have been reversed by the judicial committee of the Privy Council; and that is the best evidence that there is no necessity for a change in the Supreme Court. The hon. gentleman from DeSalaberry made a very strong appeal to our feelings on the ground that under present circumstances a case could be carried from a court composed of five or six judges of whom only two were familiar with the French law. It may be slightly unparliamentary to speak of the qualifications of individual members of the Bench of Supreme Court; but every hon. gentleman who knows anything about that tribunal is aware of the fact, that one of the judges from Ontario is admitted to be a man quite the equal in knowledge of the law of Quebec of any judge who sits on any bench in that Province. I believe that fact is recognized by French as well as English lawyers.

HON. MR. TRUDEL—The hon. gentleman misapprehends what I said. I took great care to say that I did not intend to express an opinion as to the qualifications of the judges. I said that there was a feeling prevailing in Quebec Province, and I stated that I would guard

against testifying as to the basis of that feeling because I had not sufficient opportunity to judge of it.

HON. MR. POWER—the hon. gentleman has taken this position, that, while he does not say himself that there is any ground for dissatisfaction, and evidently does not believe the statement to be correct, he is willing to have it inferred that the people are not satisfied with the constitution of the court, because of a vague feeling abroad—no doubt created some years ago by the newspapers supporting the party to which the hon. gentleman belongs. The feeling would never have existed to any extent in the Province of Quebec if it had not been for that fact.

It seems to me that if a change were advisable this is hardly the proper one to make. I hope the Minister of Justice will excuse me for trespassing on his time and the time of the House in dealing with this matter; but if the Bill is to lie over, and we are not to go into committee on it until after the Easter adjournment, then I suppose the more the hon. gentleman hears of the objections to the Bill, the better he will be able to consider them. In the first place, power is given by the second section of the Bill, to the Governor in Council to select judges of the Superior Court to act as judges in aid. The advisability of leaving the selection to the Government is doubtful. The hon. gentleman from Grandville has shown that in some instances judges of the superior court (which though called "superior" is actually an inferior court) would sit as a court of appeals on decisions of the Court of Queen's Bench; and I wish to call attention to this fact, that in almost every instance the gentlemen who are to sit as judges in aid will come from the Superior Court, and not from the Court of Queen's Bench, because the third section of this Bill provides that the judges in aid shall be judges who shall not have heard in any of the courts below the cases appealed to the Supreme Court. As a rule, pretty nearly all the Courts of Queen's Bench sit in appeal cases; and the probabilities are that in order to get judges to sit in aid with the Supreme Court here, it will be necessary to take them from the Superior Courts in the rural districts of the Prov-

ince of Quebec. The idea of placing judges from the rural courts to sit in appeal on judgments of the Court of Queen's Bench seems to be absurd and quite unprecedented.

In the Province of Ontario the Court of Appeal is partly composed of judges of courts on the same level with the court from which the appeal is taken; but I think it is an entirely new feature to authorize judges of inferior courts to sit on appeals from superior courts. Then there is an additional expense in the payment of three hundred dollars to each judge; and we must not forget that even if there is only one of these cases to be heard in the Supreme Court here, the two or four judges chosen were to be brought up to attend the sessions of the Court. The hon. Minister of Justice must be aware that the Court of Queen's Bench in Quebec have more business to attend to than they are able to overtake. That has been shown very clearly in the course of this discussion; and it is a matter that is perfectly familiar to every gentleman who reads the Quebec newspapers. It is likewise the case in the Superior Court, in the district of Montreal, and I think, also in Quebec; and my conviction is that, the Government in trying to remedy the evil, which is imagined to exist in the Supreme Court, will really be doing a very serious injury to the people of the Province of Quebec, in interfering with the two Courts in that Province, which are now very much overworked. Then, the Minister of Justice suggests that the Legislature of Quebec might alter their law, so as to provide that four judges should be a quorum. Now, experience has shown that where there are four judges, there is often, practically, no decision—two being of one opinion, and two of the other—and the practical result of that has always been to cause further appeals; and I quite agree with the hon. gentleman from De Salaberry (Mr. Trudel) that the fewer appeals we have the better.

HON. MR. KAULBACH—I do not rise to prolong the debate to any extent, but just to say that I arose last year for the purpose of opposing the Bill of the Government because I was convinced that there was a large class in the Province of Quebec, members of the bar and judges, who opposed the Supreme Court and were not satisfied with its decisions

or the constitution of it, feeling that the laws peculiar to the Province of Quebec when coming before that Court would not be as satisfactorily interpreted as in the Courts from which they came. Certainly that feeling did exist and I believe there was good ground for that opinion at the time, but I was in hopes that after a time, the members comprising the Supreme Court would make themselves so familiar with the laws peculiar to the Province of Quebec that many of the objections which had existed, some of them probably only matters of sentiment, would be removed. I am of that opinion still: I believe the longer that Court continues in operation the less will be the objections to the constitution of it, and therefore I was not inclined to support a measure of this kind which seemed to me, instead of assimilating the laws of the various parts of this Dominion, was rather tending to perpetuate to some extent the peculiar laws of some of the Provinces. But the leader of the Government in this House has told us that this is not to be considered as part of the constitution of the Supreme Court but simply as a matter of experiment, the good or bad results of which are to be decided after a few years trial. On these grounds I for one do not feel inclined to continue the objection I formerly expressed to the Bill, and shall be very glad to allow it to pass—with the distinct understanding, however, that it is considered as an experiment.

The Bill was then read the second time.

ONTARIO BANK CAPITAL REDUCTION BILL.

SECOND READING.

HON. MR. GIBBS moved the second reading of Bill (45), "An Act to reduce the capital stock of the Ontario Bank and to change the nominal value thereof; and for other purposes."

He said: In moving the second reading of this Bill, I did hope, the other day, that it would have passed without debate in the usual way, as I did not suppose there would be any objection to the principle of the Bill. But, as an hon. gentleman in this House has expressed a determination to make what remarks he has to make—in

opposition to the Bill, or in support of it, as the case may be—at this stage it is but right that I should make a few observations in relation to the causes which have forced the Ontario Bank to ask for a change of the nominal value of its shares, and to reduce its capital stock. I may say that this Bank came into existence in the year 1857, when it was incorporated. Its nominal capital at that time was £250,000, or \$1,000,000, and upon £100,000 of such stock being subscribed and £25,000 paid in, the Bank was to go into operation. Among the incorporators of the Bank, at the passing of the Act in 1857, will be found the names of two hon. gentlemen in this House—one the member for Bowmanville (Mr. Simpson), and the other the humble member who now addresses this Chamber. The former gentleman has occupied the position of president from the incorporation of the Bank down, I believe, to the year 1880. My connection with it extended from the same period down to 1874, during which time I was a director for seventeen years, and for a considerable part of that time vice-president of the Bank. It was intended originally to do business in the locality in which the head office was situated, namely, the town of Bowmanville, and the counties east and west of it. For a time it confined its operations to that section of the country, but business increasing, and a desire upon the part of the shareholders having been expressed, to have the capital of the Bank increased to meet the business demands upon it, it was found necessary to so increase the capital from time to time, until finally it reached the very respectable sum of \$3,000,000, at which amount it nominally stands to-day. The Bank, starting, as I have said, in a small way, intending to confine its operations to a particular section of the country, has found it necessary to extend its branches both east and west, until to-day it has a very large number of them, extending as far east as the city of Montreal, and as far west as Portage la Prairie. In Manitoba it has two offices—Winnipeg and Portage la Prairie; and there is an office at Fort William, if I remember right, and a very large number of offices in the principal towns of the Province of Ontario. The Bank has gone on for a number of years, nearly a quarter of a century, doing a large volume of business; but, unfortunately, it

has met with reverses during the last few years in the conduct of its affairs, and it has been found necessary to ask for the Bill which is now before this House, and to which I am now making allusion. The affairs of the Bank, from time to time, were commented upon, until at last public opinion, and that of the shareholders, or both, required that a searching investigation should be made into its affairs with a view of ascertaining, if possible, its true condition. In order to do this it was determined by the Board of Directors to change the management, and accordingly in the year 1881 they appointed a gentleman of large banking experience to make a thorough investigation into the affairs of the Bank. I believe he made a personal examination at every office, extending as I have said from Montreal to Portage la Prairie. The result of this investigation was that he found the capital of the Bank had been very largely diminished by losses incurred during several years of depression, so that in the report which he presented to the directors in the fall of 1881, he recommended that the capital of the Bank should be reduced fifty per cent. and that the aid of Parliament should be invoked for that purpose, in order that the Bank might carry on its operations successfully, and be enabled to pay a dividend out of its legitimate earnings. That report is in my possession, and I am prepared, if it is deemed necessary or advisable,—which I think it scarcely is, at this stage of proceedings,—to give a detailed statement of the losses which have occurred at the several offices, and which make it imperative on the part of the Bank to ask for this Bill. I propose, however, by consent of this honorable House, when the Bill goes before the Banking Committee, that it shall there, as it has been elsewhere, be submitted to the consideration of a sub-committee, if deemed advisable. I shall then be prepared (as the officers of the Bank were in another place) to give all the information that may be required,—and any detailed statement of the affairs of the Bank or of its offices,—to show that the directors in asking for the reduction they now seek, do not ask any more than is necessary, in order to put the Bank upon a sound and substantial footing. That report I have in my possession. Consequent upon the presentation of the

manager's report to the directors, those gentlemen called a special meeting of the shareholders to take into consideration the affairs of the Bank. They called that meeting in the month of October, very shortly after receiving the report of the new manager, for the purpose of discussing the position of the Bank, and to take advice of the shareholders as to the course which should be pursued in future. That meeting was held in the City of Toronto, on the 30th November, and extended over a number of days. At that meeting, as is generally the case when the affairs of an institution of this kind are not in a very prosperous condition, a very bitter and acrimonious debate arose, resulting in the passage—after several days' exhibition of bitter feeling upon the part of those who attended the meeting, and who were large losers—of certain resolutions, the purport of which I shall give in as few words as I can to the House. I shall not read them, because it would take up too much time and I do not think it is necessary, but I will give the gist of them, so that hon. gentlemen may understand exactly what was done at the meeting to which I am now about to make reference. Upon the presentation of the report, a motion was made by Mr. David Glass, seconded by Mr. William Cowie,

“That in view of the great necessity of arranging an amicable and satisfactory basis upon which the affairs of the Ontario Bank may now be considered, and its future proceedings regulated, it is suggested that, with the concurrence and approbation of the present Directors of the Bank, the board could be remodelled in such a way as at once to place the affairs in active working order, by such means as would be agreeable to the directors themselves, as well as to the stockholders generally.”

The resolution goes on to show how this amicable arrangement may be arrived at, and suggests that two members may retire. The President and Vice-President of the Bank were asked to make way, in order that two other gentlemen might be nominated by the remaining Directors to fill their places, and so on until an entirely new Board was constructed. To that resolution an amendment was offered :

“That a committee of Shareholders be now appointed to consider the statements laid before this meeting regarding the standing and prospects of the Bank ; also, to take into consideration the present value of its

property, and the advisability of reducing its capital stock, and the amount of such reduction ; such committee to report to this special general meeting on the day to which, if adjourned, it may stand adjourned.”

The first resolution was declared to be out of order by the Chairman ; then this amendment was put to it ; whereupon, Mr. Glass then moved an amendment to the amendment, in the following words—seconded by Mr. Vidal :

“That no notice looking to a reduction of the capital stock of the Bank be given until the Board of Directors be re-formed.”

This resolution was passed by a vote of 22,782 to 17,774, being a majority of 8,008. While the vote was being taken, and while the parties appointed to take the vote were performing their duty, the following notice was issued :

“ONTARIO BANK,
“TORONTO, 1st December, 1881.

“Notice is hereby given that a Special General Meeting of the Shareholders of the Ontario Bank, will be held on Tuesday, the 17th day of January next, at the Banking House of the Bank, in the City of Toronto, at 12 o'clock, noon, for the purpose of receiving the resignation of the present Directors and to elect a new Board of Directors.”

This meeting was subsequently adjourned to the 24th day of January, whereupon it appears that the meeting became more harmonious, and the following resolution was passed, I think, without a dissenting voice :

“Moved by Mr. Glass, seconded by Dr. Clarke, that the Directors of the Ontario Bank be requested at the earliest moment to place in the *Canada Gazette* and other papers as required by law, a notice calling a Special General Meeting of the Stockholders of the Ontario Bank, to receive the resignation of the whole Board of Directors to make by-laws relating to the appointment of Scrutineers, the mode of filling up vacancies in the Board of Directors, and for the transaction and consideration of all matters whatsoever, which might be considered or transacted at an Annual General Meeting of the said Stockholders ; and further that the Board of Directors do forthwith make and publish the proper notices for an application to Parliament to reduce the Capital Stock of the said Bank without naming the particular amount of such reduction.”

It appears that the amount of reduction was the point upon which the meeting could not agree. The election took place according to this resolution on the 24th day of January following, when the most of the old Board were re-elected. I am

not sure whether all (but one or two) were re-elected—without receiving any special instructions as to what amount of reduction should be asked for by this Bill. The Shareholders left it to the newly elected Board to determine that point, as they were the better able to do so. Consequent upon this action the Ontario Bank has, by a petition in the regular way, asked that the capital stock of the Bank may be reduced from \$3,000,000 to \$1,500,000. I will read a few figures which show that it is necessary to reduce the capital stock of the Bank as prayed for. This statement shows that the losses made by the Bank, which were absolutely irrecoverable, that is, from parties who had gone into bankruptcy, and from whom there was no hope of receiving anything, amount to \$645,262 22. Then, there is an appropriation for doubtful debts and deficiencies in accounts still in course of liquidation \$756,503 99—making a total of \$1,402,766 21. From which must be deducted an amount of \$100,000 at credit of "Rest Account" and \$154,309 17 at credit of "Profit and Loss Account." These two items make \$254,309 17 leaving an apparent loss of \$1,148,457 04. In addition to this sum, the General Manager asks that the following shall be provided for: The reduction of the actual value of the Bank premises \$88,590 76, a rebate on current paper, that is on unearned interest, \$77,000 which would leave then to credit of "Profit and Loss Account" \$92,752 00 and to credit of "Rest Account" \$100,000 thus making up the total of \$1,500,000. I may say hon. gentlemen there is an apparent surplus—if you reduce the Capital to \$1,500,000 there would appear to be a surplus of \$92,952 00 at credit of "Profit and Loss Account" and \$100,000 at credit of "Rest Account" or an amount equal to about 7.57 upon the reduced capital of the Bank. The General Manager states, and I have the document to show, that it is absolutely necessary that the Bank's capital should be reduced to this amount; that if Parliament refuses to grant the prayer of the petition, the alternative will be simply this, the Bank will be unable to pay a dividend at present. In view of these facts—and as I said before, I shall be able to show most conclusively that it is necessary to reduce the capital of the Bank to the extent named. If my hon.

friend who is to follow me can show that the assets of the Bank are worth more than the manager places them at, he will be doing the Shareholders a very great service, and will make them feel that their property is a more valuable one than, from the report of the General Manager, they are led to suppose. The only point at issue is this, the reduction of fifty per cent. The rest of the Bill simply provides the machinery for carrying out that reduction. I beg to move the second reading of the Bill seconded by hon. Mr. Vidal.

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

After Recess.

HON. MR. GIBBS—Before the hon. gentleman from Sarnia rises to address the House I wish to correct a statement that I made before recess. I stated that the hon. member from Bowmanville was President of the Bank up to 1880. It appears that he ceased to be President in 1878. I want to correct the error that I made: I only spoke from memory.

HON. MR. VIDAL—In rising to call your attention to this Bill at its second reading I do so as the representative, in a great measure, of the stockholders, being myself president of a company holding a larger number of shares than any other individual, and also representing a large number of stockholders with whom I have been associated in the contest which we have been carrying on with the president and directors of the Ontario Bank. On their behalf I desire to say that this Bill comes before the Senate in a way in which I believe no other banking bill asking for a reduction of capital has ever come. It has been acknowledged by my hon. friend from Oshawa (Mr. Gibbs) in introducing the Bill, that no specific sanction has been given by the shareholders to the reduction of stock to the amount petitioned for, and embodied in the Bill. Hon. gentlemen will thus understand that the stockholders of the bank have never by any resolution which can be referred to at any of their meetings signified their acquiescence in the reduction of the capital to the amount named in the Bill. A very large number of the stockholders obtaining their information only through

those channels which are open to the public generally, the published annual and monthly statements—and by a careful investigation of the very report which my hon. friend has read some extracts from—mentioning the figures—came to the conclusion that the losses of the bank do not warrant the reduction of the capital to the extent of fifty per cent. They are firmly impressed with the conviction that had one million of dollars been taken for this purpose it would have been found sufficient to have covered all real loss, and to have allowed the bank to start even with a very fair amount at “rest” to meet any contingency that might arise. The stockholders also feel that not only has this action been taken without any specific consent on their part, but there has been from the first intimation of the loss given to the public, a persistent refusal on the part of the bank authorities to give the slightest information to the stockholders as to how their money has been lost, or to afford an opportunity of testing the accuracy of the statements that have been made as to the extent of those losses. In fact the executive of the bank, assumed a position antagonistic to the stockholders. They have come down and said to us: “One half of your capital has been lost you must adopt the measure proposed and you need ask no questions.” It is true, information was promised: it is true that when the announcement was made to the stockholders by circular of the intended reduction of stock we were informed that at a meeting that was called for the purpose of sanctioning it a full statement would be laid before us explanatory of the position of the bank so that we could judge of the propriety of the reduction of the capital to the extent proposed. Such a statement has not been furnished to the stockholders. Such information has been persistently refused to those who were appointed by the stockholders to seek it, and who waited upon the officers of the bank for that purpose. I might remark that the statements coming to us from the President and Directors of the bank are not, in my judgment, entitled to that credence which we are accustomed to render to statements of this kind. This may appear to be a very serious charge to make, but it is a charge which I can demonstrate to be strictly in accordance with truth. Allow me to call

your attention to those statements which have been made from time to time. I will commence with the bank statement made in 1878, the time at which my hon. friend from Bowmanville was president of the bank, and when, like other banks at that period,—very large losses having been sustained on account of failures in the country,—a large reduction of assets had to be made, taken from the rest however. They say in their report, at the annual meeting in May 1878, to the stockholders:—

“Their earnest attention had been devoted to the examination and consideration of the accounts at the head office and the branches, with the purpose in view of ascertaining with accuracy what losses have been incurred, and arriving at the true position of the business of the bank; and they have decided that all ascertained losses be written off, besides making full provision for all doubtful debts. To accomplish this it has been necessary to take the sum of \$300,000 from the reserve, and carry the same to the profit and loss account.

The Directors regret exceedingly the circumstances necessitating so large a provision for bad and doubtful debts, but have deemed this and the reduction of the dividend to be the proper course for action, and their duty towards the shareholders of the bank. They believe the present time, when there are indications of a gradual and general revival of business, to be a fitting opportunity for making these appropriations and placing the affairs of the bank upon a sound basis.”

You will thus see, hon. gentlemen, at that not very distant date, 1878, only four years ago, that the shareholders were informed that on account of the losses which had been incurred, a very careful inspection had been made of the affairs of the Bank; that they had ascertained the amount of their actual and prospective losses, and had taken from the then rest \$300,000 and \$65,000 from profit and loss account for the wiping out of those bad and doubtful debts and for prospective losses, and announced to the stockholders that now the affairs of the Bank were in a very satisfactory position, with \$100,000 as a “rest.” I might remark that it was after this annual meeting that the change in the presidency took place, and Sir William Howland was elected to be the president of the bank in place of my hon. friend from Bowmanville.

In the annual report next year, 1879, signed by Sir William Howland, we find these words:—

"Your Directors have felt it their duty to have special regard for the safety of the business to be done, although the effect might be to limit the volume of business, and to cause a low rate of interest to be realized. Under these circumstances, and in view of the uncertainty which still attaches to the future, your Directors have deemed it in the interest of the shareholders to limit the dividend to six per cent. A careful and thorough inspection of the business of all the branches has been made, and measures taken by which the expenses of management will be reduced to the lowest limit compatible with the proper working of the institution. The general manager and officers of the bank have been required to exercise special vigilance and care, and it affords your Directors satisfaction to bear testimony to their faithfulness and efficiency in the performance of their special duties."

Now, you will observe that after the lapse of one year we have a very satisfactory account of the bank: no losses had been incurred and the business had been managed in a satisfactory and economical way. The consequence was that the stock remained at a high figure and everyone had confidence in the bank. Again, the next year, 1880, in the annual report the president and directors say:—

"It is satisfactory to know that the business done has been carried on upon a much sounder basis than has prevailed for some years past, and much greater economy and prudence has been shown by all classes."

"The inspection of the various offices of the bank has been continued throughout the past year, and a careful scrutiny of the business done has been made by the officers in charge of those duties. Your Director shew pleasure in testifying to the faithful and satisfactory manner in which the general manager and other officials of the bank have performed their several duties during the past year."

Here we have the assurance that this report given by the president and directors to the stockholders is not made carelessly or without sufficient investigation, but after a most careful inspection has been made of the Bank in all its branches. Pass we now on to the report of 1881, and what do we find. They say:—

"The general statement of assets and liabilities, as on the 31st May, 1881, here presented, manifests, when compared with that of last year, a large increase in the volume of business, observable in the amounts representing circulation, deposits and loans. The current business of the bank throughout the year has been of a safe and satisfactory character, and considering the low rates ruling

for money, a fair return of profit on the means employed has been secured while the losses accruing from the year's business have been few and unimportant. The usual inspection of the branches has been made."

This is the statement given to the public no longer ago than June last. The House will observe that starting in 1878 with a clean sheet, you may say, and with \$100,000 at rest, and making no losses, everything is reported in the most satisfactory position up to June, 1881. You can imagine, therefore, how the stockholders of the bank were startled when, a few weeks after the last statement appeared, the announcement was made that the bank had lost so nearly \$1,500,000, that it would be necessary to wipe off fifty per cent. of its capital. Nor did the confidence of the public rest upon these statements alone. There are other documents furnished to the public on which considerable reliance is placed, and it is a melancholy proof how unreliable are the statements furnished to the Government, even when made on oath. I find in the sworn statements of this bank furnished to the Finance Minister some very interesting figures indeed. I take the statements published in the *Gazette* in May, June, July and August, 1881, and I find that the President swears month after month to a document in which it is stated that the assets exceed the liabilities to the amount of \$3,300,000. Now, hon. gentlemen, with such statements before us and with such annual reports of the business of the bank, how can anybody believe it possible there could be the losses announced in the circular sent out in the month of October? I may remark in passing, with reference to this document in my hand, that I noticed when attending those meetings in Toronto that the hon. member introducing this Bill has spoken of, that in the returns furnished to the Government the president and board of directors not only assumed this right to deal with the matters of the bank without reference to the stockholders, but they also assumed to deal with the capital of the bank without even the consent of Parliament. I found them stating that the authorized capital of the bank was \$1,500,000.

HON. MR. GIBBS—That is a mistake.

HON. MR. VIDAL—Who made the mistake? That was the statement sworn to and I called the attention of the President to the fact and asked how, without the consent of Parliament, it was announced to the world that the capital of the bank was \$1,500,000 instead of \$3,000,000, as it should have been. He said the alteration was made in Ottawa. I was shocked by the statement, and I made the rejoinder at once, "I am not in a position to contradict it, but I will take good care to look into the matter myself and ascertain the truth or falsity of the statement." I went to the office of the Finance Minister and I saw that the documents had not been altered, but were just as they had come from the bank, and that they had been signed by Sir William Howland in his own writing. I mention these facts because they illustrate the carelessness of the president as to the right of the stockholders and of the public to have correct information in respect to the position of the bank.

The statement which the hon. member from Oshawa has given of the history of these transactions is quite correct so far as it has gone. It is a statement with which I have no fault whatever to find; no more correct one could be given by any one who was not present at any of the meetings. Of course, he received his information at second hand. I happened to be present at both of the meetings and I know what took place, and while he states correctly the resolutions which were adopted, he has omitted something very important in connection with the passage of them. For instance, we were told in the notice of the meeting that was to take place that all information would be given in order to enable the stockholders to form a judgment as to the necessity of writing off fifty per. cent of the capital. When we met not one word of information was given to us. It is quite true we had the statement again placed in our hands which had been sent to us by mail, but what we had come to the meeting for was to have that statement explained—to have it shown how those losses had been incurred, by whom, where and when. We wanted to know these particulars, and I contend that as stockholders we had a right to be informed of them. With a view of preparing for the consideration of that state-

ment, a few stockholders met informally in Toronto. There were not many present, but they held stock to double the amount owned by the whole board of directors, and consequently were entitled to some consideration. They requested Mr. Glass, of London, a barrister of high standing—who had taken a deep interest in those bank matters, being connected with the same company of which I am president—and Mr. Fitzgerald, of London, to go to the bank and ask for information in order that we might be able, at the meeting of stockholders, to give intelligent expression to our views—perhaps to corroborate the statements furnished by the directors, and recommend the proposed reduction. Mr. Glass waited upon the President in order to obtain that information, and was met by a refusal. In the first place that refusal was based upon the allegation that the by-laws of the Bank prohibited any such information being given. On referring to the by-law of the bank it will be seen that it is to the effect that every director and every person in the employ of or connected with the bank, shall consider himself bound to secrecy, as to everything that takes place at the bank, and shall on no pretence whatever reveal anything unless they are authorized by the board of directors. Mr. Glass waited on the officers of the bank a second time and showed them that their own by-law allowed them to sanction an inspection. Then the president and board fell back on another excuse; they asked that the request be made in writing; this was done. The application contains a sentence to which I would like to call the attention of the House, because it shows the spirit in which it was made. It is as follows:—

"Nothing of a turbulent or vexatious character will be introduced. In fact upon enquiry it may be found that the investigation will not take as long as it at present anticipated. I will first endeavor through your kind assistance (he is referring here to the general manager to whom the letter was addressed) to come to some satisfactory conclusion without calling in the aid of another person."

This shows that it was intended that the examination should take place under the aid of the bank officials themselves with the view of arriving at a conclusion which would enable us to sustain the position which had been taken, or to show the reason why we could not. If we could

have thus taken friendly counsel with the President and the General Manager either they would have convinced us that their statement was correct and their proposition a sound one, or we would have convinced them that it was not necessary to make such a reduction as was proposed. This application was refused by the Board of Directors on the ground that it is prohibited by Act of Parliament, and the 37th section of the Bank Act, 34 Vic., cap. 5, was quoted as follows:—

“The books, correspondence and funds of the bank shall at all times be subject to the inspection of the directors; but no shareholder, not being a director, shall be allowed to inspect the account of any person dealing with the bank.”

It is quite obvious what that section means, and so many of you hon. gentlemen are connected with banks, that you know perfectly well it is to prevent an improper interference with private accounts, or looking into matters which individual stockholders have no right to meddle with at all, a totally distinct thing from a large body of shareholders asking for information when it is proposed to apply to Parliament to wipe out half their capital. There was no desire to look into any persons private account with the view of ascertaining what business he was doing; the only desire was to ascertain if this loss had really occurred. This information being so persistently refused, when we attended the meeting that was called by the directors to receive the statement, we were, of course, unprepared to take or recommend any particular line of action. We were not inclined to accept the statement as furnished to us for various reasons. Seeing this information was refused, the large body of stockholders then present came to the same conclusion. When a resolution was introduced, authorizing the 50 per cent. reduction of the capital, it was met by the amendment which the hon. Senator from Oshawa read, and which was ruled out. Two other amendments were then proposed, and the last one adopted. It was a large meeting; the greater part of the stockholders were represented there, and they were so dissatisfied with the statement which had been submitted, and that no information had been furnished to the meeting, that they felt that the only way in which the Bank affairs could be satisfactorily ascertained and managed was

to effect an entire change in the board of directors, or, at least, such a change as would procure for us the information that the stockholders were entitled to and which they desired to get. Therefore, instead of sanctioning the resolution proposing to reduce the capital 50 per cent., an amendment was passed, saying that nothing should be done until the board of directors should be first re-formed. At the same time it was felt to be necessary that proper notice should be given in the *Gazette* of application to Parliament for the reduction of the capital without specifying the amount. I hope hon. gentlemen will understand that I am not trying to do what was suggested by my hon. friend—to throw out the Bill.

HON. MR. GIBBS—No, no; I did not say that: I said I did not know whether the hon. gentleman was going to speak in favor of my Bill—that is, the reduction I was asking for—or whether he wanted a smaller reduction. I did not suppose he was going to oppose the Bill altogether.

HON. MR. VIDAL—I wish to say that the resolution which was passed was a clear and emphatic declaration of the stockholders that they did not authorise the reduction of the stock by fifty per cent. It was proposed to them and distinctly refused by the adoption of the amendment, which I have mentioned. At that meeting, although we were not furnished with the information which we desired, we were supplied with a very interesting document by the President, in which he sought to defend his own action, and made statements which were interesting to the stockholders if not to the House. There are two or three things in that statement to which I think, attention should be directed. In the first place it acknowledges that the statement which I have furnished to the House of what was done in 1878 was correct. The President says:

“In the fall of 1877 the Board instructed the manager, in conjunction with the inspector to make a special inspection and to report fully upon the position of the affairs of the Bank. The special reports were not finally completed by the inspector until the April following. The conclusions arrived at by the Board upon the consideration of these reports was to reduce the dividend to three per cent.—take \$300,000 from the reserve and appro-

private \$365,000 for bad and doubtful debts, thus making full provision for covering the estimated amount of bad debts with a liberal provision towards the doubtful ones, as exhibited in the inspector's reports."

Hon. gentleman will notice how deliberately the inspection and valuation of assets was performed, five or six months being occupied in the work. And yet notwithstanding that, we find further on in this document an extraordinary statement in these words:—

"I deem it necessary in justice to myself and colleagues to point out to you that much the larger portion of the losses estimated by Mr. Holland to be incurred results from operations entered upon before myself and most of my present colleagues, were in a position to exercise any direction or control over the affairs of the Bank."

Notwithstanding all this careful inspection; notwithstanding all these annual certificates which had been given, the statement is made that the greater part of these losses occurred under the management of my hon. friend from Bowmanville. In connection with this I may state that in the year 1875, which comes well within the time to which reference is made, this same gentleman who is now general manager and reports the enormous loss, was inspector of the Bank: he made an inspection of all the branches of the Bank and must have given an estimate of the value of the assets and of the bad debts, and it is remarkable that with all the judgment and skill which it is claimed he possessed that he should either have failed to discover the loss, or have allowed this state of things to continue without calling the attention of the directors and stockholders to it.

HON. MR. GIBBS—Do you know when he ceased to be inspector?

HON. MR. VIDAL—I am only certain of the year.

HON. MR. GIBBS—He writes to me that he has not been inspector for seven years.

HON. MR. VIDAL—Then that is exactly what I have just mentioned—he was inspector in 1875. These statements which I have read to you that were furnished by the president and directors annually to the stockholders, with the

monthly statements which were sworn to, turn out to be unreliable. On what ground then are we to accept the president's present statement and consider it reliable? The fact that these reports have been submitted to the public year after year, and that sworn statements were furnished to the Government month after month, is sufficient to show us that we should be careful indeed in our acceptance of any statements now submitted to us. That statement to which I have referred, and which took the stockholders so much by surprise, has already been alluded to, and some of the figures given, by my hon. friend from Oshawa. I shall, however, take the liberty of calling the attention of the House in a more marked manner, to some of the items referred to. This is the report which created such consternation and, by that mysterious process which nobody seems to understand but the stock-brokers, made the stock fall from being above par in May, to some fifty-five per cent. in October or November. In this document, upon which the shareholders were asked to sanction the reduction of their stock, we find that the irrecoverable debts amount to \$646,000. Now that is a very large sum, and when you add to that \$365,000, which was written off three years before, it makes over a million dollars written off for really bad debts. Then we find what appears to us to be rather an extraordinary item. After writing off \$646,000 for bad debts there is an appropriation for doubtful debts and deficiencies of over \$756,000. They had on hand at that time at the credit of rest account \$100,000, that had remained over from 1878, and at credit of profit and loss \$154,000, the two making together over \$254,000. That, of course, would be very properly used for writing off bad debts, but what do we find them doing? We find, although it is covered by a different form of statement, that they used only a portion of that—about \$60,000 out of \$254,000—to wipe out the debts, taking the balance out of capital and leaving still at the credit of rest \$100,000, and at the credit of profit and loss the sum of \$92,000, together, \$192,000. Now is that a proper thing to do with stockholders' money, to take out of the capital while they have a balance of profit and loss and rest, which should first have been applied to that purpose?

It appears to me to be rather an outrage on propriety, for one would naturally suppose that the profit and loss and the rest would be exhausted before trenching on the capital. Then there are other items which we look upon with something like suspicion. For instance, can we imagine it to be a likely thing that the valuation of the Bank property should differ in a very short space of time to the amount of \$88,500, from what appears in the sworn statements furnished to the Government month after month until September last?

Then there is an item representing discount on current paper, \$70,000. I am well aware that some few banks consider that this item should be deemed a debit; for my own part I think that in a statement of this kind it should not be mentioned at all. That, however, is a mere matter of opinion, but be this as it may it would appear that \$646,000 is to be written off, and this \$756,000 appropriation is only another name for "Rest" and "Profit and Loss" account; that it is really putting \$192,000 and \$756,000 together into what might be called the "Rest" and "Profit and Loss" account. I am well aware that recently it has been stated that the appropriation, for "bad" and "doubtful" debts of \$756,000 might all have been called a loss. Well, it is a very easy thing for a gentleman with his pen to write off a loss, and it is a very convenient thing to have some three-quarters of a million of dollars in that indescribable sort of shape which can be used for any purpose, but it is not at all a creditable item to have in a statement of this kind. Under these circumstances I think I am perfectly justified in expressing the conviction which exists in the minds of many stockholders, that the losses of the bank ought not to reach anything like the sum which has been here proposed to be written as a loss. Yet, hon. gentlemen, we are expected to take these figures without a murmur and without asking the president or directors anything about it; they are dealing with our money but expect us like so many children quietly to submit to all they choose to do or advise, and to have no say in the matter at all. We have no information in detail of the real facts to this day. I had hoped that when the matter came before Parliament we would have obtained the information, but in

attending the sub-committee of the House of Commons—at which I was privileged to be present when they were investigating this matter—I came to the conclusion that it would be utterly impossible for Parliament to make such an investigation as would enable them to judge correctly and satisfactorily of the actual state of affairs. It would require such an investigation into books and such a re-valuation of assets that it could not be expected could be made, and I then and there made up my mind that it would not be wise to offer much opposition to the reduction which is proposed; I simply intend to leave the matter entirely in the hands of the Banking Committee of the Senate, in whose judgment I have more confidence than in my own. If they see fit in the face of the papers which are before them and without going into any exhaustive investigation of the affairs of the Bank, to grant the wish of the President and Directors, I shall entirely concur in the decision, because as has been very properly observed it does not make a very great difference to the stockholders. If the money is not lost but is still either in Capital or Rest account they will still get their dividend upon it; that is the plausible argument by which the General Manager seeks to justify the appropriation which he seeks to make. Now, I think it affects the character of the Bank and the character of the Directors to whom reference has been made as having allowed such an enormous loss to occur under their administration. Why should money be left at the credit of "Rest" and "Profit and Loss" account and taken out of capital? It appears to me to be an unprecedented kind of proceeding; when a bank obtains a charter it does not set apart capital to make a rest. That is made by its earnings, and I fancy when a bank loses its capital it amounts to the same thing as though its reduced capital were new capital simply less by the amount of such loss. However, that is a matter to be left entirely in the hands of the committee. I might remark with reference to the proceedings before the committee of the other House that there was a small sub-committee appointed by the Banking Committee to hear what would be said by me on behalf of the dissentient stockholders, and by the President and General Manager of the Bank. I applied in writ-

ing for permission to have a reporter present, because I was anxious that whatever could be found out should be made known to the stockholders. I was informed however that it was a private investigation and it was not thought fit to admit a reporter to take notes of the proceedings; in fact so particular were they that I think they went even a little beyond what was necessary, for they would not allow my hon. friend who was in charge of the Bill (Mr. Gibbs) to be present, who might naturally be anxious to hear all that could be said on either side. I found a day or two after that very private examination a statement in the *Mail* newspaper of some questions I had put and some answers to them with respect to settlements made with some people who were largely indebted to the Bank; I was amazed when I saw these in the paper, and could not understand by what authority they got there. The Chairman of the committee met me. I don't think he suspected I had been guilty of such a dishonorable act, yet he felt it necessary to ask me, and I assured him at once that, not only did I not give any information to anybody, any written information, but I had not even spoken of what was done in committee, and had not uttered a syllable to anyone of what had taken place there, much less furnished any information to the papers. Moreover I called to his remembrance that I did not take a single note with reference to the questions being put or answered, and did not see any one else take notes, of the members of that committee. I don't believe any one of them would be guilty of such a dishonorable act as to communicate information to the papers when it was a well understood thing that the investigation was a private one, and how that information got into the papers I cannot understand. I can only think of one channel able to furnish it, and I know that the person whom alone I could have suspected could have given the information, utterly repudiates having done so in a communication to my hon. friend Mr. Gibbs. Now hon. gentlemen while it is obviously my intention to make against the president, and his fellow directors, a charge of the gravest character, in the way of neglect not intentionally, but in a way which I think is very reprehensible for a person in that position, deceiv-

ing the stockholders and the public, I wish it to be clearly and distinctly understood, and it is a great comfort in this controversy between us—that we do not attribute to any member of the board anything morally wrong—I do not accuse any one of them of doing anything by which they would make any gain, and it is a pleasant thing for us to be able to have that feeling. I am quite well aware that, in the minds of many stockholders the president's refusal to meet our request for information has suggested the idea that there must be something he and the other directors wish to conceal. I have not that feeling myself at all. I am strong in the conviction that there is nothing of that character. The complaint which I bring against them is that this money has been lost and that the stockholders ought to have information as to how that was lost, by whom, and when. I think as it is our money we are entitled to that information, and not having received it before we hoped to get it through this investigation by Parliament. Now, whether under these circumstances it may be necessary for the committee on Banking and Commerce to look very closely into this matter and ask for this information, I cannot say—I shall leave it entirely with themselves. I shall say nothing to bias their opinion or judgment as to what it is expedient to do in the interests of the Bank and the public. Of course, my interests are the interests of the Bank, representing, as I do, a very large portion of stock, and anything hurting the Bank, hurts those in whom I am interested—consequently, I cannot have any motive but one, which will be to advance the interests of the Bank. Now that it is in good working condition, is perfectly clear from the details which we have with the general manager's report, in the statement of the accounts of the Bank. In that he states that during the four months that had elapsed, the Bank had earned \$60,000, or at a rate of \$15,000 per month. That is what the Bank is still earning, I should judge, from their last monthly return, because I see the circulation, deposits, discounts, etc., are increasing, and the Bank is evidently in a flourishing condition. Now, if that is the case, is it not a very strong indication that the capital is not impaired to the extent alleged? If the Bank is earning six per cent. on \$3,000,000,

which is the rate mentioned, it looks to me that there is more money at work earning dividends than is shown in these statements. Of course, I cannot controvert the statements—I have had no opportunity of testing them since; it has been offered to me, lately, but up to the time that this public, official action was taken, no opportunity was ever offered which would enable us to judge as to what course the stockholders should pursue. At the first meeting, when the stockholders required the resignation of the Board, they demurred, on the ground that they could not legally resign, although the stockholders said we have lost confidence in you, they said, we cannot resign, our successors cannot be appointed, until six weeks' notice has been given in the newspapers. Under these pretexts they remained in office, and adopted most energetic measures to reverse the vote given in November. The president himself went down to Montreal and visited the stockholders, being accompanied by a person who has been exceedingly officious, and who was only a stockholder to the extent of one or two shares transferred to him shortly before the meeting, and who was gathering and circulating incorrect information by which the president and stockholders were greatly misled. A meeting was called in Toronto by some of the stockholders in connection with the president and directors, and at that meeting unfounded statements were made and garbled reports given of speeches made by Mr. Glass. I was present when those speeches were made, and I know the reports were untrue which were made at that Toronto meeting on 18th January. By these false statements and misrepresentations of his, and my motives and utterances many people were impressed, and even my hon. friend the Minister of Inland Revenue (Mr. Aikins) was so carried away with them as to preside at the meeting and to lend it the aid of his countenance. I am positive that, had he known the actual facts, he would have been working with us in the interests of the stockholders, and in obtaining such a change in the Bank directorate as would have been to the advantage of a large majority of the stockholders.

HON. MR. AIKINS—I think my hon. friend is somewhat mistaken if he says the

president or directors were present.

HON. MR. VIDAL—I did not say they were present, I said they were misled by the statements that were made about Mr. Glass and about his having said he wanted to control the Bank in the interest of another institution and things of that kind. I do not remember the names of those who were present but they were claimed to represent a very large amount of stock; when the names were tested by the stock list it showed a different state of affairs. Such means were resorted to at these meetings as the transferring of a single share or two shares to this, that and the other man in order to give them the privilege of being at the meeting and taking part in the deliberations, when really it was well known to all of us that they had no real interest in the Bank. These proceedings were to enable them to make trouble rather than otherwise. I will make only one remark more relative to the statement that has been submitted to us. The financial papers of the country and the leading journals adopted the idea that wise and proper action had been taken by Mr. Glass and myself, and those working with us, Mr. O'Brien and Mr. Cowie of Montreal, Mr. Barsse of Halifax, and some others prominent among the stockholders. It was clearly seen that our case was a good one but when all those numerous bank agencies to which the hon. gentleman from Oshawa has referred, were used to collect proxies and secure them it is easy to understand how with such appliances at their hand the Bank directors were able to secure a sufficient number of votes to reverse the vote given in November and retain their places, which they now hold. The stockholders do not apparently think that past dereliction of duty so gross was inexcusable on the part of men receiving what I would call a large salary for attending to their duties—for \$4,000 a year is quite enough to remunerate a person for giving a good deal of time and attention to bank affairs. Year after year, however, they certified that the bank was in a good condition when its tremendous losses had been increasing steadily, and the management had paid dividends out of capital contrary to law. This has clearly been done year after year according to their own statements. I think when the offi-

cers of a bank are guilty of conduct like that they certainly ought to lose the confidence of the stockholders and there ought to be such changes as will secure not only a faithful administration of the bank affairs, but close attention to its interests. I maintain that a person in that position ought to make it his business not to be ignorant of anything connected with the bank. There are examples that I might cite of presidents who have mastered the whole business and have everything in their own hands, who even direct the general manager.

They have the affairs of the Bank under their eye continually, and nothing of importance is done without the sanction of those officials. Such a state of things, I think, must be brought about ere the Ontario Bank regains the position in the country to which it is fairly entitled, and which I do trust is before it, even if the stockholders should see fit to retain the present officers, in the positions which in my judgment, they are unworthy to fill, it is not my purpose to oppose the second reading of the Bill, but I shall follow it in Committee, and there pursue the course which I have indicated not opposing the Bill, but concurring entirely in the opinion of the Banking Committee, who are gentlemen of experience in these things and who can form their own judgment whether it is necessary to reduce the capital under the circumstances, without the concurrence of the shareholders.

HON. MR. ALEXANDER—The Bill has come to us from the House of Commons, the members of which Chamber have examined all the facts to which the hon. gentleman has alluded, and they have passed the measure as petitioned for by the directors and manager of that Bank. Now, the hon. gentleman who has just addressed us appears before this Chamber on behalf of a large body of shareholders, and certainly as the President of a Loan Society, which purchased a large amount of the stock of the Bank, and has a perfect right to express his opinion. He appears on behalf of that Loan Society, but I do not know to what extent, he, personally, has been a shareholder in the Ontario Bank. I, myself, have been for the last fifteen years a shareholder in that institution, until very lately. Now, the hon. gentleman has gone on to relate

to this House his version of the course adopted by the President and Directors of the Bank, Sir Wm. Howland, Colonel Gzowski and the other Directors, who followed a certain course in the discharge of their duty. The hon. gentleman has spoken of Mr. Glass who was and is a leading director of his loan society in London, and who purchased as a matter of speculation, be it remembered by this House, a large amount of Ontario Bank stock, but I have failed to discover, after every enquiry, that Mr. Glass of this English Loan Company ever had any interest in the Ontario Bank beyond the interest of that company. The hon. gentleman has also been finding fault with the conduct of Sir William Howland, the President of that Bank, and he charges him with having failed in his duty as President, and with having received \$4,000 a year; but how did the hon. gentleman discharge his duty as president of that English loan society when he was speculating in bank stocks? I am surprised that the hon. gentleman is not ashamed to bring the case before this Chamber; he knows, as president of that loan society, that under its charter it was contrary to law to speculate in bank stocks. In this instance, having speculated in the stock of a bank which unfortunately had sustained certain losses they used their influence to get control of the board of that Bank to the exclusion of men who have a deep interest in it. Why, hon. gentlemen, Colonel Gzowski and his family alone have \$60,000 of stock in that institution, and does the hon. gentleman mean to say that the representative of so large an amount of stock is indifferent to the interests of the shareholders?

HON. MR. VIDAL—He told us he never knew anything about it.

HON. MR. ALEXANDER—He has labored to do the best for the interests of the shareholders and the public. The Ontario Bank, as was stated by my hon. friend behind me (Mr. Gibbs), was established by my hon. friend from Bowmanville (Mr. Simpson); and that Bank rendered valuable services to this country for a long period of time.

That Bank assisted large lumbering firms at a time when that industry was prosperous, and they happened, unfortu-

nately, to become deeply involved with some of these lumbering concerns; but I have never, as a shareholder of that Bank, discovered that there has been anything morally wrong with the management of that institution. They happened, unfortunately, to continue to assist these large lumbering firms when lumbering became unsuccessful, and they went on aiding them more and more until they became deeply involved. Of course, every bank was liable to this. We know that the Union Bank, the Merchants' Bank, and the Bank of Montreal suffered very largely from the same cause. But there is no charge that the management of the Ontario Bank has been morally wrong, or that the directors are chargeable with any intentional wrong-doing. They did their best in the interests of the shareholders, but lost a large amount of their capital. But here, a loan company speculated in the stock of this institution. They did so contrary to law, and contrary to the principle that governs every loan society, and they come to this House and complain that the shareholders do not place confidence in them. They first obtained a majority of the proxies; but, when the shareholders really understood the position—when they weighed in the balance the character of my hon. friend and the character of Mr. Glass as compared with the character of Sir William Howland and Col. Czowski—their proxies were at once withdrawn, and the directors carried the report by a large majority. How can my hon. friend come to this House, after the report of the present inspector, a man of thorough experience and pretend to know anything about the value of the assets? Why, anybody who knows anything about banking must be aware the directors dare not show the books of the bank to the public. The hon. gentleman knows nothing whatever of the value of the assets, and yet he has the presumption to come to this House and tell us that we should not accept the valuation arrived at by the board of directors, who have the deepest interest in the Bank. How can Parliament say that we shall not accept the proposition made by the management, that they shall reduce their capital fifty per cent? I am surprised that the hon. gentleman has the audacity to address the House in such a manner, simply as a president of a loan

society, and ask that this Bill, which has been carefully considered in the interests of the Bank, shall not pass.

HON. MR. VIDAL—The hon. gentleman talks very wildly of things he does not know anything about. He has no knowledge whatever of the dealings of our company, and his statements are entirely incorrect. Everything we have done has been done according to law, and approved by the shareholders. As to the investment in Ontario Bank shares, it was a matter that was left in the hands of the regular loan committee, who attended to the investment, and so far as application to myself is concerned, it is quite unnecessary. We answer to Mr. Holland's estimate that we accept his estimate, but we do not consider Mr. Holland's judgment to be infallible.

HON. MR. SMITH—I think I can see some of the reasons why this Bill comes before us now. When the President took charge of that institution he neglected somewhat his duty in not taking a list of the assets, and their value. It continued on in this way from time to time, until the directors saw it was necessary that a new cashier should be appointed, inasmuch as the gentleman acting as cashier, at that time was somewhat unable to carry on the work in a successful manner. They then asked Mr. Holland to accept that position. Mr. Holland said he would accept the position, but before he would finally accept, it was necessary that he should see how the assets of the institution stood. He being inspector of that bank for many years, knew that there were a great many accounts dragging in it for years that should be settled. The Board and the then manager were afraid to face the difficulty and write off those accounts from year to year as it was necessary to do, and he therefore said to the Board: "Will you authorize me to go closely into an inspection of this institution and I will give you a faithful report, and that report you will consider truly and fairly, and see if it is necessary to take the assets as they now stand." They did so. He went through the accounts and brought down a report, and the Board after the surprise and after a postponement and due consideration, came to the conclusion that Mr. Holland was perfectly right in the

statement he had brought down that assets that were supposed at one time to be valuable, were not worth anything, and some that were considered worth a trifle, but a good many of them still remain in the books as doubtful. After due consideration the directors said we will endorse your report, and that is about the way the bank now stands. Of course the gentlemen who invested since the report and in the latter end of 1881, were very much taken aback when they found their investments were reduced what they supposed to be one-half. They were disappointed, and aggrieved, and said that the President and Directors had not done their duty, and they would try and put them out and elect a board to suit themselves. They endeavored to do that, and at first it looked like as though they were going to succeed, but after due consideration the stockholders thought that they would allow the present board to go on until the next annual meeting. They have done so and the board now unanimously, and the general manager say distinctly "if you saddle this institution with any more than it now has, we will not be able to pay a dividend and it will only cripple the bank; therefore we ask you to do this, and reduce the capital fifty per cent." The manager has been before the Executive, and before the Finance Minister, and their view was that it was necessary for the safety of the public that they should reduce their capital fifty per cent. The directors, therefore, come to Parliament for power to do so, and as the Bill has passed the other House and will have to go to the Committee on Banking, I hope it will be allowed to pass second reading. I can see from what has fallen from my hon. friend on my left he is quite satisfied that the institution cannot bear much more, if any more, than fifty per cent. and he shows clearly that he is not going to oppose the bill, unless he sees something that he has not seen or learned before. He has been endeavoring to learn a good deal. He has been at the meeting and knows very well that no man in charge of a banking institution will allow an outsider to come in and get at the secrets of the bank and publish them to the world. You can all see how hard it is to keep secrets. It was supposed that what passed in the committee the other day was secret, but it leaked out a

few days afterwards, and was published to the world through the columns of the *Toronto Mail*. Somebody let it out. The directors feel confident that if we endorse this Bill it will place the Bank on a good footing, and it will put the stockholders in a good position. As the other House has endorsed the Bill, and as the manager has declared that if you put any more on him he cannot pay a dividend next year, I hope there will be no further opposition to the second reading of the Bill.

HON. MR. BOTSFORD—How did it come that the Bank now asks for a reduction of its capital, when so late as 1881 the president and directors made a return under oath that it was in a satisfactory condition?

HON. MR. GIBBS—I am not connected with the Bank, as I stated in my opening remarks, nor have I been for a number of years. I am not a stockholder in it; I have simply been asked to take charge of the Bill, and in doing so I gave as succinctly as possible, from statements furnished by the manager and directors, a brief history of the Bank's operations down to the present time. I am not here to defend the conduct of the directors of the Bank, but I think I am bound to state in defence of these hon. gentlemen, for honorable gentlemen they are (one of them being Sir William Howland), that after an acrimonious debate, lasting some days, when everything connected with the institution was thoroughly sifted, such statements and explanations were made to the shareholders that a majority of them thought they might safely entrust the affairs of the Bank in the future, in the hands of those who had been managing them in the past. I think it is useless to deny, however, that statements have been rendered both to the Finance Minister and to the shareholders, that were not strictly in accordance with the true state of affairs.

The hon. Senator from Sarnia has stated what took place at the meeting of shareholders, and after hearing all that they had to say, he admits there was no personal charge against any of the directors, that they never appropriated one single dollar for their own purposes, from the funds of the Bank. Every hon. gentleman who is connected with banking knows, that the

president must rely to a great extent on the statements made by his cashier. The book-keeping of the Bank is not always under the surveillance of the president and vice-president, though the general management comes before the board regularly, and the directors are supposed to familiarize themselves with the accounts of the Bank. Now I am not required at present to say (because I think that has already been given to the shareholders, who are the parties most interested in the matter) how or through whose fault these deficiencies have occurred. The fact is, the late cashier, a man of irreproachable character, had not the moral courage to write off every year what should have been written off for bad and doubtful debts, depreciations in property and other accounts, until they accumulated, and he was himself appalled when he came to realize the exact position of affairs. Then the time came when matters had to be dealt with incisively. Hon. gentlemen say that Sir William Howland ought to have given more time and attention to the Bank. That charge Sir William fully met at the shareholders' meeting, and I am not here to say whether he should or not, but he relied perhaps too implicitly upon the statements of the cashier who came into the Bank at the same time that the hon. Senator from Bowmanville and myself did, twenty-five years ago. He is a gentleman in whose integrity I had the most implicit confidence during the seventeen years that I was in the Bank, and he retained the confidence of the board up to the time it became apparent that a full statement of the affairs of the institution must be made known and dealt with. I need not go into a defence of Sir Wm. Howland, for he has done that himself, but he has made this statement that when the true state of affairs came to his knowledge it became a serious question which was the most prudent course to pursue. Nine out of ten would say that he should have dealt with matters promptly but if he had done so the Ontario Bank would not to-day have been in existence and the \$1,500,000 dollars now remaining would have been very largely diminished. I will not say whether he pursued the proper course or not but I am bound to say this, in defence of the board of directors, that after great diligence and pertinacity on the part of my hon. friend (Mr. -Vidal)

and Mr. Glass acting in concert with him, soliciting proxies—

HON. MR. VIDAL—Does the hon. gentleman say that I asked for proxies?

HON. MR. GIBBS—I do not say the hon. gentleman himself did, but I do say that Mr. Glass solicited proxies and that he also issued circulars, and I also know that the hon gentleman (Mr. Vidal) acted in concert with him.

HON. MR. VIDAL—That is quite correct.

HON. MR. GIBBS—Then I am correct in saying that Mr. Glass and the hon. gentleman made every attempt, as gentlemen holding a large amount of stock, to remove the old board of directors, and failed. There was scarcely a shareholder, either on this side of the Atlantic or the other, but received more than one, and more than two applications for proxies for the purpose of removing the old board of directors. It resolved itself into this at last: whether the Ontario Bank shareholders should hand over the management of their property to Mr. Glass and his friends, or whether it would not be better, under existing circumstances, to retain the old board. My hon. friend from Bowmanville was obliged, from age and infirmity, to resign his position. Another gentleman was put in his place, and five of the old directors were re-elected. Sir Wm. Howland was unanimously re-elected president and Mr. Gzowski was unanimously elected vice-president; and, as I stated before, it simply resolved itself into this: whether the old board should be sustained, bad as its management was said to have been, chargeable with inattention to the affairs of the Bank, or whether a new board should be elected. With all these things staring them in the face, and after days of animated and acrimonious discussion, the stockholders re-elected the old board, and resolved to let them take such proceedings in obtaining a reduction of stock as they thought best. You must remember that the new general manager, Mr. Holland, had recommended, in September last, that the stock of the Bank should be cut down 50 per cent. With that statement before them the shareholders re-elected the board of directors, knowing that in doing so they

would carry out the policy recommended by Mr. Holland. Now, the directors came down and said, with a full knowledge of the facts, that a searching investigation into the affairs of the Bank in all its offices from Portage la Prairie to Montreal—for the general manager made a personal inspection, familiarizing himself with every account—showed that it was necessary to cut down the stock of the Bank to \$1,500,000. The hon. gentleman says the reduction is too large. I do not think he speaks with authority. I have a statement before me in detail of the losses incurred by the Bank in every agency, and I state further, upon the information given me by the general manager, that, in the arrangement of \$400,000 of accounts which were in the doubtful lists, and for which he asks an appropriation of \$756,000, the valuation which he places upon these accounts has not been varied by \$10,000, so nearly has he arrived at a correct value of the assets of the Bank.

HON. MR. VIDAL—It is a curious thing that he should tell it to a non-stockholder.

HON. MR. GIBBS—It is only a few days ago that the facts came into his possession, and the general manager gave them to me to use in case the hon. gentleman should oppose the Bill. I thought that my hon. friend went a little too far when he referred, as he did, to the management of Sir William Howland, because the vials of wrath of the shareholders were poured out for nearly a week, on his devoted head. The truth is the shareholders wanted a sacrifice: they wouldn't be satisfied with my hon. friend from Bowmanville, he had resigned his position some time before, and they desired no less a personage than Sir William Howland, but the majority of the shareholders came to his rescue, and said, "Careless and indifferent as you and the old board may have been, yet on the whole we prefer you to the gentlemen who desire to take your places. You may ask for a reduction such as you think the affairs of the Bank warrant." As the hon. gentleman will not oppose the 50% reduction, it is inconvenient that I should proceed to give the statements which the hon. gentleman desires to obtain, but I will furnish them to the sub-committee.

HON. MR. GIBBS

Had the information been given by the directors to Mr. Glass and the hon. gentleman which they desired, it would have been a course which would render it unsafe for any one to keep a bank account, and been reprobated by every banker. It would never do to expose to the public the accounts of a bank, whenever any shareholder learned that his property had been mismanaged and desired to know the cause of the loss. I did think that my hon. friend went a little too far when he spoke of the capital of the Bank having been reduced without the consent of Parliament. I dare say it occurred in this way: some clerk knowing that the capital would be reduced put it down at \$1,500,000. It is unusual to bring up a debate on the second reading of a Bill when the principle of it is not opposed.

HON. MR. VIDAL—It is not necessary to take up the time of the House with it.

HON. MR. GIBBS—I was amused at one statement which the hon. gentleman made, he remarked that the stockholders were obliged to take the figures furnished them without a murmur. If hon. gentlemen will read the *Mail* and *Globe* reports of the meetings which were held during one week they will find there was something more than murmuring.

HON. MR. BOTSFORD—I do not wonder at it.

HON. MR. GIBBS—Sir Wm. Howland made the best defence he could under the circumstances and the result was that after hearing him the stockholders re-elected him to the position he had resigned.

The Bill was read the second time.

INSOLVENT BANKS AND TRADING CORPORATIONS BILL.

IN COMMITTEE.

The House went into Committee of the Whole on Bill (A), "An Act respecting Insolvent Banks, Insurance Companies and Trading Corporations."

In the Committee.

HON. SIR ALEX. CAMPBELL said that this Bill had been referred, after the second reading to a Select Committee composed of Messrs. Scott, Dickey, McMaster, Gibbs, Trudel and himself. It was very carefully gone through and a number of changes were made and some clauses introduced, and it was now reprinted in its amended and, as the Committee thought, its much improved state. The bulk of the measure was to be found either in the former Bankruptcy Law of Canada or the English Winding-up Act, and those portions of it which were altogether new he would explain as the committee went through the Bill clause by clause. In the select committee to which the Bill had been referred, at the suggestion of the hon. Senator for Midland Division, some clauses were framed relating exclusively to banks and others to insurance companies.

After some discussion the Bill was reported with amendments.

THE PRINTING OF PARLIAMENT.

FOURTH REPORT OF THE COMMITTEE.

HON. MR. SIMPSON moved the adoption of the fourth report of the Joint Committee on Printing. He said: The report contains a statement of our expenditure of last year, which I think will be satisfactory to the House. We have succeeded in reducing the cost of printing last year, as against the preceding year, by \$5,700, and the reduction that year was \$6,500, from the previous year. I do not think I am justified in predicting now a proportionate reduction next year; in fact I think we may have to increase our distribution list. We are doing what we can to economize but I think we cannot hope to show next year a reduction in the cost of printing.

HON. MR. ALEXANDER—I desire again to record the opinion that I have often expressed on the floor of this House, that while every praise is due to the Committee on printing for the saving they have effected, I am quite satisfied that if they would consult the opinion of the people they would find that too many public documents are scattered over the country. I know that I receive every year a mass of documents that I do not know what to

do with. I offer them to public institutions and they say they are loaded with those volumes. Notwithstanding the reductions which have been made in the cost of printing, I am satisfied that a large amount of public money is wasted in printing such quantities of returns. For instance we receive in Ontario copies of the report of the Minister of Marine and Fisheries which are utterly useless to us. I think a further reduction might be made,

HON. MR. MACFARLANE—If the hon. gentleman was a member of the Printing Committee he would find that instead of being able to contract or diminish the amount of printing the tendency is to increase it. There are now hundreds of applications, from institutions scattered all over the Dominion, for copies of these reports, and the belief is that the Committee have been too close—have really contracted too much the circulation of these documents.

The motion was agreed to.

HON. MR. SIMPSON—It must be borne in mind that we have Manitoba and the North West Territories now to provide with these documents, and I am happy to say the population is increasing very rapidly in that direction. Although the blue books may not be very interesting to my hon. friend (Mr. Alexander) I would certainly advise him to pay more attention to them: it would do him good, and he would be better able to enlighten us when he speaks.

The hon. Senator from Hamilton (Mr. Hope) moved last year for a return about the coinage of silver. It is a very valuable return giving the cost of our silver coin, the quantity of silver, the fineness of it, and how much we have made out of it. We have coined about \$3,728,000 and have made about \$190,000 profit. The return asked for is very interesting. It came before the Printing Committee, but it appears that we ordered it not to be printed, and now we cannot reverse that decision without the consent of Parliament. I move therefore that the return respecting coinage of silver be referred back to the Committee for further consideration.

The motion was agreed to.

CANADA MUTUAL TELEGRAPH
COMPANY'S BILL.

SECOND READING.

HON. MR. HAYTHORNE in the absence of hon. Mr. Bureau, moved the second reading of Bill (55) "An Act to incorporate the Canada Mutual Telegraph Company."

The motion was agreed to, and the Bill was read the second time.

PORTAGE, WESTBOURNE AND
NORTH WESTERN RAILWAY
BILL.

SECOND READING.

HON. MR. GIRARD moved the second reading of Bill (20) "An Act respecting the Portage, Westbourne and North-Western Railway Company." He said: This corporation has come into existence under a law of the Province of Manitoba, and has built under the name of the Westbourne Company almost thirty-five miles of road. They now come before Parliament asking for an extension of their powers to enable them to go further west and to change their name to that of the Portage, Westbourne and North-western Railway Company. It is understood that all the responsibilities of the first company will be embodied under the new one, and as the powers asked for by this Bill will not at any time conflict with the powers granted to the Canadian Pacific Railway the House can have no objection to it. The Company guarantee to continue the construction of their road at the rate of sixty miles a year until it is completed, and failure to do so involves a cancellation of their privileges. I am sure the Bill will be favorably received as another evidence of the rapid progress that is being made in the development of the North-west.

The motion was agreed to, and the Bill was read the second time.

OTTAWA, WADDINGTON AND
NEW YORK RAILWAY AND
BRIDGE COMPANY'S BILL.

SECOND READING.

HON. MR. SKEAD moved the second reading of Bill (60) "An Act to incorpo-

rate the Ottawa, Waddington and New York Railway and Bridge Company." He said: This Bill is for the purpose of incorporating a company to construct a road connecting somewhere within a few miles of Waddington, in the State of New York, and terminating at Ottawa, supposed to be almost forty-five miles in length through a level country. It will be a cheap road to build and as it will be a benefit to this section of the country I hope the House will permit the Bill to pass second reading.

HON. MR. DICKEY—The Bill is not printed.

HON. SIR ALEX. CAMPBELL—I hope that my hon. friend the Chairman of the Committee on Railways, Telegraphs and Harbors will see that the same clause is inserted in this Bill that was inserted in the Sault St. Marie Bridge Company's Bill respecting the crossing of the St. Lawrence.

HON. MR. DICKEY—The Bill will receive the same attention as all other bills referred to that committee.

HON. MR. TRUDEL—I understand that this Bill asks for power to bridge the St. Lawrence?

HON. MR. SCOTT—It does.

HON. MR. TRUDEL—It seems to me to be a very important matter to pass over so lightly,

HON. SIR ALEX. CAMPBELL—I am quite sure that it will be ascertained in the committee what the privileges are which it is proposed to confer upon this company, and that they will be surrounded with every safeguard with respect to the bridging of the St. Lawrence.

HON. MR. SCOTT—That provision is in the Bill. It must be subject to the approval of the Governor-in-Council, and the assent of the authorities of the United States must be obtained.

The motion was agreed to and the Bill was read the second time.

The Senate adjourned at 10.45 p.m.

THE SENATE.

Ottawa, Tuesday, April 4th, 1882.

The SPEAKER took the Chair at Three p.m.

Prayers and routine proceedings.

AMERICAN TELEGRAPH AND CABLE COMPANY'S BILL.

REPORTED FROM COMMITTEE.

HON. MR. DICKEY, from the Committee on Railways, Telegraphs, and Harbors, reported with amendments Bill (17), "An Act to grant certain powers to the American Telegraph and Cable Company." He said:—The first of these amendments, except the verbal changes, has the effect of striking out all the provisions contained in the second clause, which gave the company power to acquire and lease any submarine cable; the object is to avoid any amalgamation. We have also added a clause which prevents the company from ever increasing the present rate, which, I believe is one shilling a word, without the authority of the Governor-in-Council; and we have also added a provision which was inserted in another bill that they shall deposit a copy of their charter with the Secretary of State. I move that the report be taken into consideration to-morrow.

The motion was agreed to.

DECEASED WIFE'S SISTER MARRIAGE BILL.

DEBATE CONCLUDED.

The order of the day having been called for

"Resuming adjourned debate on the Honorable Mr. Bellerose's motion in amendment to the Honorable Mr. Ferrier's motion for second reading now of the Bill (No. 9)—Deceased Wife's Sister Marriage Bill.—viz., to leave out "now" and after "time" to insert "this day six months."

HON. SIR ALEX. CAMPBELL said—I wish to correct a misapprehension that, I understand, has been felt as to some remarks which I made the other day when this bill was under consideration. Reference had been made, in the course of the debate, to some language which

had been used by Sir Hector Langevin when the terms of confederation were under discussion in the Legislative Assembly of the former Province of Canada, and I am supposed to have separated or to have endeavoured to separate myself from the responsibility of the information which was then communicated by Sir Hector, then Mr. Langevin, to the House of Assembly. I certainly did not intend to do so. I have no specific recollection of the matter but it had been asserted again and again in the course of the debate that this declaration of Sir Hector Langevin had been communicated to the House by him as a member of the Government with the authority of the Government. This had been asserted by my hon. friend from DeLanau dière (Mr. Bellerose), and by other hon. gentlemen in the House, and was part of the debate. It never occurred to me to say anything more definite than I did in regard to the point. The fact had entirely passed from my memory, but I desire now to say that I was a member of the Government at that time, that it was the declaration of the Government, and without doubt was intended to give the interpretation which the then Government of the old Province of Canada placed upon language which ultimately became part of the act of confederation. The act, however, which can alone govern us, has been otherwise interpreted, and that interpretation I believe to be correct, and therefore feel bound by it. I trust that hon. gentlemen understood me to say on a former occasion what I am now stating, only I am endeavouring to make it a little more distinct.

HON. MR. DICKEY—Having two years ago discussed at large the religious and social aspects of this question, I had hoped to be spared the necessity of speaking on this occasion. But reference having been made so frequently to me in the course of this debate, I feel myself called upon to define my position in the matter. I do this reluctantly, because I am always reluctant to repeat myself, and, still more, to repeat others. On the present occasion my hon. friend, in introducing the measure, asked us to agree to it upon the ground that, as he says, a good many of his friends have been placed in a position which requires this measure of relief. Now

I hope that the House will pardon me for saying I think that is a ground on which the hon. gentleman can hardly expect the measure to be carried, although it is a position which we had a right to expect, perhaps, from one of his known good nature and kindly feeling towards others. I may say, in passing, before leaving that subject, that so far as I am concerned rather than pass this Bill I would gladly accept the compromise which was made in the Imperial Parliament in the year 1835, to enact a law to validate all past marriages and to forbid those marriages in future. My hon. friend from Alma (Mr. Ogilvie) has based his advocacy of this Bill on a different ground. He says that in this enlightened age, in the days of steamboats, telegraphs and railways, we had better get rid of those old laws and have a new law with regard to marriage. My hon. friend from Wallace (Mr. Macfarlane) endorses that sentiment, and I would simply stop to ask the House to consider whether a question which involves so serious a principle, and is mixed up not only with the law of the land but with the law of God, should be treated in a manner like that. My hon. friend from Toronto has advocated this Bill on a different ground. He says frankly, with the usual liberality of sentiment which attaches to all his utterances in this House, that he advocates the passage of this Bill because it will make the law of marriage uniform throughout Canada. That is a safe and sound principle; but my hon. friend will find that it is a principle on which he cannot base this Bill, because it comes to us with a direct negative of that principle from the other branch of Parliament. I find that on the occasion of its third reading Mr. Mills moved in amendment "that the said Bill be recommitted to a committee of the whole House with instructions that they have power to amend the law so that marriage with a deceased wife's sister may be uniform throughout Canada." That motion was defeated by a vote of 51 to 104; so that it is no longer in the power of my hon. friend to say that he advocates this Bill on that basis.

Reference has been made to the motion which I had the honor to submit to the Senate two years ago upon this question, and I think I require no further advocacy of the propriety of the course which I then

took than the fact that the Bill which is now submitted to us is a very different measure to that which we were asked to accept upon a former occasion. But the House will recollect that we have further the fact that two years were allowed to elapse before any measure was submitted to this Parliament. It has been said there is an overwhelming public sentiment in this country in favor of this Bill. Where is the evidence of it? In the first place, those two years have been allowed to elapse without a step being taken to enact this legislation. In the next place, we have been pointed by the hon. Senator from Rookwood (Mr. Odell) to the fact that the vote against this measure had nearly doubled between those two periods on the second reading in the House of Commons, and I point to the fact as remarkable only that the opposition to the Bill seems to have increased not so much in numbers as in force by the fact shown to us on the votes and proceedings of the House of Commons that there were no less than three divisions on the third reading of the Bill, varying in numbers from 36 to 49 and 51. Then we have the further fact that has been presented by my hon. friend from Rookwood with regard to the petitions for and against this measure—if this really were a bill which was required by the public we should have some evidence of it; but we have very strong evidence that there is a decided feeling against it in the number of petitions which have been presented. It is quite true that that has been rather sneered at and commented on in a way that, I think, will hardly commend itself to the House, by an hon. gentleman who said he would have no difficulty in getting up a petition to hang himself. But in all cases of this kind if there were an overwhelming sentiment in favor of the Bill we should have had some proof of it in the number of petitions in its favor. One hon. member, my hon. friend from Alma (Mr. Ogilvie), has quoted the fact that there was a petition from twelve hundred clergymen in favor of the Bill. On that point I will leave him to be answered by the hon. Senator from Trent Division (Mr. Flint), who followed him, as to the value which he attached to the opinions of clergymen. He told us that a clergymen had given him advice upon this subject and his answer had been:

"I am just as good a judge as you are on those questions." I think that is a sufficient answer to my hon. friend with regard to his argument as to the number of clergymen who desire this legislation. Perhaps the House will not be surprised at the remark of my hon. friend from Trent Division, when we find in these days, in almost every church, clergymen coming out from among their brethren, separating themselves in opinion from the standard of their common faith, giving expression to the most extraordinary doctrines on the most serious points, even those relating to the future state. Therefore we cannot be surprised at anything that a fraction of the clergymen of different churches may do with regard to a matter of this kind. But if my hon. friend is not satisfied with that, I will put against those twelve hundred clergymen the twelve hundred women who have petitioned against this Bill; and I think in all seriousness their views should have as much consideration as those of the —I will not say twelve hundred old women but—twelve hundred clergymen whose petition has been thrown in our faces here. My hon. friend says he thinks the women would vote for this Bill; well, he has managed to get one hundred and twenty-five to ask for it in the whole Dominion of Canada, and some twelve or thirteen hundred ladies have presented a contrary view; so I think the balance of evidence as to the feeling of the women on that subject is entirely against my hon. friend. I have no hesitation in expressing my own opinion, and I have just as much right to express it as my hon. friend, that if a vote were taken throughout this country of the women alone, they would be two to one against this Bill. (Cries of "No" and "Yes,") I am satisfied on that point, and I am justified in saying it, because it touches one of the most tender relations which a woman can have towards a man without being his wife. Before I pass from the women I ought, in justice, to notice a production, one of this series of parliamentary literature which has been thrown on our desks for our edification during this session. I have to call the attention of the House to the letters of a lady, well known as the Gunhilda letters: I find upon pages 38 and 39, this extraordinary statement, after referring to the question of marriage; she says:

"It is this treatment of women, not by the clergy but by some of the laity—who, however have never equalled them in wickedness—that the Bill brought before the Commons by the member for Jacques Cartier is intended to remedy, for while I write there are ten thousand women who, having married the husband of their deceased sister—probably through ignorance of the law—have been deserted, the husband marrying again and escaping without punishment."

I think an extraordinary statement of that kind, so far from inclining one to vote for the Bill is calculated to produce the very opposite effect, and it is singular that such a statement should be made in this connection.

My hon. friend from Trent Division has told us authoritatively that there is nothing between the two covers of the Bible to justify the construction which has been put upon the marriage law ever since Christianity commenced. I should like to put myself in a right position on that question, and I wish to discuss it seriously and as briefly as possible. If my hon. friend will turn to that Book, of which he is a student, he will find in all the regulations regarding the moral law that distinct and different cases are not always laid down but are governed by the same principle as parallel cases, and the injunction is as applicable to those parallel cases and must be as binding as with regard to the others. The former member from Alma (Mr. Penny), whose absence from this House, of which he was an ornament, we all deplore, attempted to answer the arguments I adduced on a former occasion, and he was the only gentleman who did try to meet them, and I repeat that the argument on this subject has never been answered. The only reply that has been attempted in this debate is that we have arrived at a point that we can afford to disregard those injunctions, and in this age of telegraphs and steamboats we can pass a new law. But on that occasion my hon. friend who did attempt to answer this argument told us that this could not be, because the Scriptures specially allowed—in one case commanded—a marriage between a man and the widow of his deceased brother, where there was no issue, and he strangely enough brought that as an argument for allowing these marriages. Upon that point I perhaps may be permitted to quote the opinion of a gentleman whose utterances in this

House are always listened to with respect—I mean the hon. Senator from Richmond (Mr. Miller) who, I am sorry to see, is not now in his place. His answer was this :

“It is true, as stated by my hon. friend from Alma (Mr. Penny) in his ingenious advocacy of the Bill, that under the old law, a man was commanded to marry his brother's wife, under certain circumstances. That was, where the brother died without issue, but the natural inference to be drawn from that command is, that where children had been begotten by the first marriage, it was wrong that any such connection should exist.”

That is the true ground : it must have been the inevitable inference, otherwise why should there be a command that in certain circumstances the party should marry? I therefore think it is hardly necessary to notice that argument ; but I will go back to the principle which I laid down, that all those commands, instead of being given under identical circumstances, are given in the shape of principles laid down which apply to parallel cases. Now, it is a very extraordinary thing, so far as I know, that there is no command to prevent a man from marrying his own daughter, but there is a law which prevents a son from marrying his mother, and as they stand under equal circumstances the law is applicable to both cases. Passing again to the injunction that a man may not marry his aunt, I find no command whatever against a man marrying his niece ; but the cases are perfectly parallel, and therefore we are not surprised to find that it was not thought necessary to double the injunction by repeating it in the parallel case. Then we pass to this further question of marriage with the widow of a deceased brother. I believe I am speaking the general sentiment of this House at all events, when I say that gentlemen would not have been prepared to vote for any such legislation.

HON. MR. ALMON—Yes.

HON. MR. DICKEY—My hon. friend may be an exception, but the very proof of it was that the principle was voted down in the other House by a large majority, and it was one of the strongest reasons given here by a gentleman who voted with me before for voting against the

HON. MR. DICKEY.

amendment now. He said “We are in favor of marriage with a deceased wife's sister, but not of the marriage of a woman with her deceased husband's brother.” Several gentlemen have given expression to that opinion, so that I am justified in saying that it is the sentiment of this House. At all events that is the injunction—that a man may not marry the widow of his deceased brother, and the corollary of that is inevitable, that a man may not marry his deceased wife's sister, because they stand in the very same relationship. There may be physiological reasons in the one case stronger than in the other, but it must be admitted that these two cases are parallel. There is an injunction also that a man may not marry the sister of his mother. Why? Because she is near of kin to his mother. Yet strange to say we are asked to pass this Bill which enables a person one degree nearer to the wife's sister to marry her than the son of her sister. So that on both these grounds the House will not be surprised to find that there is no particular injunction on this point except as I have endeavored to show to the House, and as I think fairly established. I think I am therefore justified in saying that this, instead of being a Bill entitled an Act to enable a man to marry his deceased wife's sister, should be entitled a Bill to abolish sisters-in-law, for the other statement of the fact conveys the idea that all the sisters of a man's wife are his sisters-in-law. They are all his sisters-in-law, and they remain so ; they are never placed in a different position. No authority has been shown for the contention that the relation is in any way changed by the death of the woman. I stated at the outset that I should not feel it necessary to occupy the attention of the House, as I had spoken on the matter before, and I wish to redeem my promise by making my statement as brief as possible. It is not improbable that this Bill will pass.

HON. MR. ALMON—Hear! Hear!

HON. MR. DICKEY—There is just one argument which has been used in this Bill which has some force in it. It is this: this Bill comes to us a second time from the House of Commons. I admit that if this were an ordinary question I should

be the first to give way, as I have done on some former occasions, and as the House of Commons have done with regard to us, but believing that it is a serious question of principle, and that these marriages are against the law of God as well as against the law of the land, and believing that this Bill will disturb one of the most tender relations which can subsist between woman and man, I feel constrained to vote against the Bill.

HON. MR. HAYTHORNE—I feel very reluctant to allow the vote to be taken on this measure without expressing my opinion upon it, the more so because, two years ago, when a measure of a similar kind was before the Senate, and when my hon. friend, who has just resumed his seat, moved an amendment, I voted with him. I had what seemed to me sufficient reasons for that course, although I was then, and am still, in favor of relaxing the prohibition which prevents a man from marrying his deceased wife's sister. The reason I voted in favor of the amendment moved by the hon. gentleman on the former occasion was simply this, that the question had not then been prominently before the people of this Dominion. It had not been at all before the people of my Province, and, generally speaking, it was not a question to which public attention had been directed. I therefore felt it was my duty to vote for a postponement of the measure, in order to give the people an opportunity to consider it, and to fulfil what I consider the duty of the Senate on such occasions, that is, to allow time for the expression of public opinion on important questions which come before Parliament. I had also an objection to a clause of the measure which was then before us, but which is not contained in this Bill. Both of these objections being now removed, I feel myself at liberty to vote in favor of the measure before the House.

I have listened attentively to this debate, and have heard very few strong or new arguments advanced. I have heard some old arguments reproduced, and arguments available for a measure of this sort, or any other. Of the first class, old arguments, I refer to some which were produced by the hon. gentleman from Rookwood (Mr. Odell) and the hon. Senator from Lunenburg (Mr. Kaulbach), and one of these arguments has just been reproduced by

my hon. friend who has just sat down—I allude to the so-called promiscuous marriages, and the so-called abolition of the sister-in-law. With all due respect for these gentlemen, I humbly submit that there is a ready answer for both of these arguments. My reply is simply this, that the disability that we now ask to remove, with reference to the marriage of a man with his deceased wife's sister, in many countries on this continent, and in Europe and Australia, no longer exists. Now, if the disastrous consequences which hon. gentlemen anticipate, the abolition of the sister-in-law, and the promiscuous marriages of which the hon. Senator from Rookwood speaks, are the natural results of such an act as this, then I say these occurrences should be frequent in countries in which such marriages are permitted. If that were so, would not the hon. gentleman be only too ready to come forward in this House and reproduce individual instances of the occurrence of such things in these countries? But nothing of the kind has been done. That argument has been used only in the most general way. One hon. gentleman stated that there was danger that the tone of morality in Canada would soon assimilate to that which exists in the United States. But the people of that country might, if they were so disposed, bring forward a very ready answer to an argument of that kind. They might say, "Our immorality is not our own. We receive into our capacious bosom, year after year and week after week, enormous numbers of inhabitants of older countries. These come in with all their crimes and peculiarities, and, perhaps, this is the result;" and they might safely say that, amongst a large portion of the American population, a high tone of morality exists and that, in fact, laws exist there against adultery and seduction which this Parliament of Canada is only now about to adopt. Is that a symptom of immorality in the United States? I rather think not, and that if any argument is to be drawn at all from those countries on a bill such as this before the House it is rather in its favor than against it. Some arguments more of a legal character have been used. Not belonging to that learned profession I should speak of those arguments with the greater deference. I do not at all wish to throw the slightest discredit upon gentlemen of that profession in this Chamber I

have the greatest respect for their ability and competence to advise us upon those matters of law, but I think we are all able to decide for ourselves questions such as arise from the two terms relating to marriage which appear in the British North America Act—the one referring to marriage and the other to solemnization of marriage. It seems to me there were admirable reasons for the course adopted in making marriage a matter subject to the cognizance of the Dominion Parliament.

If hon. gentlemen will let their memories run back forty or fifty years, they will recollect what a prominent position at that time the Mormon scandal occupied in the minds of the thinking men of the country. Those who were in the habit of travelling in Europe could then see, in every considerable town, Mormon agents striving to attract European emigration to increase the scandalous condition of affairs in the State of Utah; and I can easily imagine that those who were responsible for the framing of the British North America Act would say here, at all events, is a subject which ought to fall within the jurisdiction of the Dominion Parliament. There ought to be power here to prevent the existence of such an evil in any part of this Dominion, in the far West, in the North near the Hudson's Bay, or in any remote region. It should be in the power of the Dominion Parliament to prevent the existence for a single day of any such scandal as the American Government have found it so difficult to suppress in the State of Utah. I think these are sufficient reasons for giving the Dominion Parliament jurisdiction over marriage, and if that power is given at all, it ought to be, and must be, general; it must define whom a man may marry, and how many wives he may have at once. Therefore, I think the argument derived from that is not a very sound or conclusive one. Then, we know that the solemnization of marriages which are permitted belongs properly to the local legislatures, and I think we have reason for this provision, because the circumstances of the several provinces differ very materially as to the conditions under which marriages are contracted. In the province from which I come, I venture to say, there is no inconsiderable portion of the population who have been married by a Justice of the Peace. There may be other parts

of the Dominion—for instance, the densely populated portions of Ontario and Quebec where ecclesiastical institutions have existed for nearly two centuries, and where the clergy are numerous, and in those sections of country marriages may be solemnized in a church; but in the Province of Prince Edward Island, I think, it is fully more common to solemnize marriages in private houses—sometimes by a clergyman, and sometimes by a justice of the peace—than it is to contract them in a church. This convinces me of the propriety of permitting the local legislature to deal with the subject of the solemnization of marriage.

HON. MR. BELLEROSE—I would ask the hon. gentleman whether he believes that, in marriages such as he is now discussing—civil marriages—those restrictions in the constitutional law which make the solemnization of marriage either legal or illegal, are considered to be meant by the term “solemnization of marriage” in the law?

HON. MR. HAYTHORNE—I was going to add, when the hon. gentleman rose, that in addition to this it was quite right that the local legislatures should also have the power to deal with the marriage question in the way indicated; it is also very desirable and may be necessary that the country should possess statistics of marriages, and for that they should be kept. Now there are numerous individuals who neglect religious ceremonies altogether, and if I am not mistaken it is the case in England that marriage is legal even when contracted simply before a Registrar? I do not know whether I have exactly answered the hon. gentleman's views in answering the question?

HON. MR. BELLEROSE—My intention is to ask whether in the opinion of the hon. gentleman in the matter of these civil marriages, when the law speaks of the “celebration of marriage,” impediments are not included in that term, and whether the Bill now before this House does not come within the words “celebration of marriage?”

HON. MR. HAYTHORNE—I view the case in this way; it is quite competent for the local legislatures to decide

whether a marriage may be celebrated by the publication of banns, or whether it may be solemnized by license before a registrar or a justice of the peace ; that I think is an important power for the local legislatures to exercise and, I think, a very proper one for them.

HON. MR. BELLEROSE—But can the hon. gentleman point out in our constitutional law any words giving these powers to the local legislatures, except the general words “solemnization of marriage?” If this idea be right—if the publication of banns, etc., comes within those words, why would not impediments such as consanguinity or affinity—which are impediments by our laws governing marriage with a deceased wife's sister—why should not those fall just as well under the 92nd section as the banns the hon. gentleman speaks of ?

HON. MR. HAYTHORNE—I very much regret that my ignorance of the hon gentleman's own language is such that I cannot ask him to address me in French, but I think I have already fully answered the hon. gentleman's question. If it is the object to preserve the sanctity of these ceremonies, the publication of banns and the requirement of licenses or any other of the courses to which I have alluded sufficiently meet that objection. If there exists any objection to the marriage of parties whose banns are published then the clergyman, if I am rightly informed, is justified in refusing to marry the parties ; at least it is so in my province—unless some parties accompany the persons who apply for the license and are ready to become security for them that they are competent to marry, the license cannot be granted. Now these are the powers which in my judgment ought to be exercised by the local legislatures and not by the Dominion. At an earlier stage of this debate I observed rather a reluctance, on the part of many honorable gentlemen, to touch the religious part of this subject. Now, I for one am not at all disposed to shrink from the religious point of view ; in fact I think it is the most important part of the whole question. I have attempted to fortify my mind upon this question by a tolerably close study of it, and I have looked into those portions of Scripture which, in my opinion, bear upon it. I

have also read the opinions of learned church dignitaries, not in the Dominion alone, but wherever I could find them. After all I have come to a conclusion which is certainly in favor of this Bill before the House, and I shall vote for it. But I must speak of these petitions of which we have heard so much, and must say that I, for one, do not ignore the value of petitions. I admit the great importance that ought to be attached to them, but I wish to satisfy my mind, as far as I can, how these petitions were procured ; whether there really is that strong feeling for or against the measure, which may be gathered from the reading of these documents. Now, what I find in regard to this question is, that those parties who are opposed to the marriage of a man with his deceased wife's sister, have a great advantage over their opponents in this matter, because in the first place they find the opinion of the dignitaries of the churches is opposed to it ; they say that such marriages are contrary to the Word of God. An intimation of that kind—say from a bishop of the Episcopal Church—will no doubt have a great deal of weight with his clergy and with their flocks ; and if they were told that this question would probably be brought up in the Parliament of the Dominion, and the authorities of the church expressed a wish that the parishes should petition against it, very likely the effect would be to bring forth many petitions. This would be the case, because ordinary individuals do not concern themselves very much about this measure, and for this reason : because marriages of this nature we are now discussing are few compared with the whole number of marriages in this country ; nevertheless, I believe that even those who are not directly concerned in the matter, are largely in favor of removing from others all unnecessary disabilities, and one of these disabilities I verily believe we are now in a fair way of removing. I have spoken of the feeling of the bishops, and I have reason to know that the opinion of the Diocesan of Nova Scotia,—under whose pastoral charge the Province of Prince Edward Island is placed,—the charge of which I am a member—is that marriages of this sort are opposed to the Word of God. Well, I venture, with the greatest humility of mind, to differ from my worthy Diocesan, but I am not going

to set my opinion against his; therefore I intend to fortify my view by citing the opinions of other bishops quite as learned, quite as pious, and it may be, perhaps, also equal to the Diocesan of Nova Scotia in all respects. I look to their view of this matter, and if I find that they are opposed to it, I certainly shall shape my opinion greatly in consequence. But I do not find that to be the case. In the Church of England, not a few of the bishops are in favor of removing disabilities from the marriage of a man with his deceased wife's sister, although I freely admit that the majority of the bench of bishops are opposed to such unions. But feeling dissatisfied on this point, I extend the area of my researches, and I look to the opinions expressed by clergymen of other denominations—men whose learning, sincerity and piety cannot be challenged—and I find that the great majority of such men are in favor of removing the barriers which now exist. Different documents have come under my consideration in studying this subject. For instance I find in reading over the address with which we were favored by my hon. friend from Sackville (Mr. Botsford)—on the occasion when this measure was previously before the House—that he has brought forward a great array of theological opinion in favor of this relaxation of the marriage laws. This had very great weight with me for I find that the list comprises one archbishop and three bishops of the Anglican Church, besides several clergymen—seven in all—of the very highest character for learning and piety, and well known all the world over. I therefore came to this conclusion that, strengthened by such an array of authority as this, I have no difficulty in making up my mind to vote for the Bill. I have here before me the names of those gentlemen as quoted by my hon. friend (Mr. Botsford)—I believe he quoted from a speech delivered in the House of Commons in England—and I certainly think that any man whose opinion was weak and waning upon a point like this, might very fairly pin his faith upon the expressions of such men. They are: Archbishop Whately, the Bishop of Norwich, the Bishop of St. David's, the Bishop of Lincoln, Doctor Chalmers, Doctor Adam Clark and John Wesley. Now, surely if it is wrong—and I

cannot believe it—to promote the removal of this disability I can afford to do so in company with seven men so distinguished as these are. But I have further evidence of the same kind which, being very short, I shall ask leave to trouble the House with. Here is the opinion of a clergyman of the Scotch Church and he puts his opinion in such a modest and yet so convincing a way that I think it had greater effect in establishing the point in my mind than any other. I have read Gunhilda's letters: I have not pinned my faith on them at all. I have been amused with them, but not convinced. This letter I refer to is from Rev. Dr. Moffatt with reference to marriage with a deceased wife's sister:

“In reference to marrying a deceased wife's sister my opinion is, that the command ‘not to take a wife to her sister to vex her beside the other in her lifetime,’ can have only this one meaning, that after the death of a wife the widower is at perfect liberty to marry her sister. How any one can view the text in any other light is to me incomprehensible.

“Having in the providence of God been employed in translating the Scriptures into an African language I think I have thoroughly and prayerfully studied every verse, but I never could conceive it to be possible for Biblical scholars and critics to come to any other conclusion in regard to the above passage than the one stated.

“Having also thought of this subject seriously since my return from foreign labor, and with a knowledge that my own dear countrymen, proverbially distinguished for their acquaintance with Scripture, were said to be in general opposed to such marriages, I can hardly persuade myself to believe that Scotchmen are so far behind the age; and am convinced that they will be compelled to take a leaf out of our British Colonial Records, and acquiesce in the abrogation of an unjust and tyrannical restriction that puts a burden on men's shoulders which infinite wisdom never intended.”

The concluding words “placing a burden on our shoulders which heavenly wisdom never intended us to bear,” hon. gentlemen will remember, are very nearly identical with those used in Holy Writ when an oecumenical council, we might almost call it—a convention of early Christians—had been summoned to Jerusalem to decide upon a question that had sprung up as between the Jewish and the Gentile converts, and those words used by Dr. Moffatt comprise the conclusion they arrived at. We, in this nineteenth century, may well follow their example and abstain

from binding on our brethren's necks a yoke which neither we nor our fathers were able to bear.

HON. MR. CARVELL—The hon. gentleman who has just taken his seat has made reference to the reverend prelate who has exercised jurisdiction over the province from which he comes. I think it is but just to his Lordship to say that for many years it was his custom to visit Prince Edward Island only once in three years, which may, to some extent, account for the very loose views which my hon. friend holds in reference to the fundamental principles and teachings of his church. I do not propose to make any extended remarks in reference to this measure. I am opposed to it first, because it is opposed to my early teachings and convictions. I may go so far as to say that such marriages are repulsive to me. This Bill has not been asked for, and, as has been clearly stated by the hon. member from Halifax (Mr. Power), of the petitions that have come to this House in reference to this measure, a very large majority are against it—I think if my memory serves me, ten or twelve to one. I do not like it, again, because it is a one-sided jug-handled sort of legislation. I cannot see why a woman should be debarred from marrying the brother of her deceased husband while her brother is privileged to marry his deceased wife's sister. For my part I decline to be the recipient of privileges which are denied to my wife.

HON. MR. ODELL—I ask the privilege to say a few words in explanation, because an assertion that I have made in this debate, of my own knowledge, has been contradicted. With regard to the remarks that have fallen from me on this question, I feel rather flattered that so many members have taken notice of them and endeavored to upset the argument that I have based on them. After I had stated that I had examined the petitions which were referred to in another branch of the Legislature wherein it was stated that three hundred ladies from Montreal had petitioned in favor of this Bill, and found there were but one hundred and twenty-five signatures to the petition, the hon. member from Alma, not now in his place, when he addressed the House stated

that he had the best authority for asserting that that petition contained three hundred signatures. I do not charge the hon. member from Alma with making that assertion from his own knowledge. He says he was informed of it, and when I questioned him about it afterwards he told me the same thing; therefore the hon. member really knew nothing about the petition, but what he had heard from hearsay. He coupled that with another remark that there was also another petition with twelve hundred signatures, in favor of the Bill, emanating from clergymen from different parts of the country. I could not contradict that statement at the time because I had not had an opportunity of examining that petition, but I have since taken the trouble to look at it, and though those petitions are not constitutionally before this House they have been made use of both here and in the other branch of the Legislature to endeavor to strengthen the arguments of hon. members in support of this measure, and therefore I think I have a perfect right to allude to them. At the same time the argument has been made use of by the hon. Senator from Alma that these petitions were worthless.

He has told you as stated by the hon. member from Amherst, a moment ago that he could undertake to get up a petition in half an hour to hang a man. But that argument cuts both ways and if it applies to the petitions on my side it applies with greater force to the petitions on the other side of this question. The last petition was referred to as containing 1,200 signatures from different clergymen in these Provinces, but I wish to show you what that petition consists of. The hon. member from Prince Edward Island has told you that he does not disregard petitions but if he does not disregard them he is bound to pay some respect to those that are constitutionally before this legislature and reject those that are attempted to be introduced in any other way. He has also made some reference to the bishop from the Diocese of Nova Scotia including Prince Edward Island.

HON. MR. HAYTHORNE—I wish to observe that the hon. gentleman is now going virtually into the main question again and is making another speech, other gentlemen will claim the right to reply,

and whether it is wise to reopen the debate in this way I will leave it to the House to say.

HON. MR. ODELL—If the object is to have a free and fair discussion of a matter of this sort and to ascertain what is the feeling of the people at large the hon. gentleman will not endeavor to prevent me from speaking.

HON. MR. HAYTHORNE—I do not wish to do so.

HON. MR. ODELL—He has intimated here that the petitions against this Bill have, in a great degree, emanated from a certain party and in a certain place. I want to tell him there are fifty-eight petitions here which are constitutionally before this branch of the Legislature and these petitions came not from Prince Edward Island alone but from Nova Scotia and from all parts of the country, from Quebec, Ontario and the other Provinces. I will read a few of the names of the places from which they came. There are in the first place: Frontenac, Gaspé, Hamilton, Quebec, Toronto, Knox College, County of Wellington, Fredericton, Northumberland, Prince Edward Island, Shipton, Que., Halifax, Stanstead, Wellington, Scott's Corners, etc. These are a few.

HON. MR. MACFARLANE—Is it not a fact that four-fifths of these petitions are from one religious denomination in this country—those who are attached to the Church of which the hon. gentleman himself is a member?

HON. MR. ODELL—That may be, I have not looked into this point. I could go through the whole fifty-eight petitions and show you that they came from all parts of the country.

HON. MR. DICKEY—You have not told us what number of these 1,200 petitioners were Church of England clergymen.

HON. MR. ODELL—I contend they are not petitions at all; I have a sample here. This volume of petitions which I hold in my hand consists of postal cards. The postal card is as follows: "Canada Post Card. The address only to be written on this side:" It is addressed to R.

McGibbon, barrister, St. Paul Street, Montreal. On the reverse side you have the Minister's petition:

"To the Honourable the Commons of Canada in Parliament assembled. Your Petitioner prays that all prohibitions of marriage with a deceased wife's sister be repealed. Please add my name to the Petition."

It is signed so and so.

AN HON. GENTLEMAN—What more do you want?

HON. MR. ODELL—There are in this volume about 300 of these postal cards which I see, from some of the addresses being to the honorary secretary, have been got up by some sort of club, or some particular community in Montreal and have been sent all over the Dominion addressed to certain people—whether the same that have signed or not I do not pretend to say, as a number of these are signed, the Rev. so and so but a vast number of them have nothing to indicate that they come from clergymen at all. This I contend is the reason why this question did not come up last session; the promoters were not prepared with all those things and they have taken two years to send petitions broadcast over the country in order to get up a case. Moreover I hold, and hon. gentlemen must hold the same opinion, that these are not petitions at all. In the first place they have but one name attached to each of them and therefore under the rules of Parliament they cannot be admitted as petitions. If they are to be admitted they must have three names on the first sheet of the petitions and without this cannot be received at all. Therefore these fall to the ground completely and no argument can be based upon them. Now what is the prayer of these petitioners? They pray that all prohibitions of marriage with a deceased wife's sister be repealed. Does any body object to the sister of a deceased wife being married? She has as much right to be married as any other woman. But they say nothing about her being married to a brother-in-law. They merely pray that the sister of a deceased wife may be allowed to marry. Why they should take the trouble of getting up these postal cards in this way I cannot understand. There is one thing with regard to all this;

it seems to me that this branch of Parliament is ignored altogether: if these are petitions and are to be admitted and to have any force what is the reason they are not before us?

HON. MR. DICKEY—It would cost another postal card and double the expenses to send them to the Senate.

HON. MR. ODELL—This volume, as far as I can ascertain, contains 300 postal cards and if you take the back of the book you will find it is endorsed "postal cards" and not "petitions." I say that they cannot have any effect whatever on this question. I now give notice, that on the third reading of this Bill I shall move that it be amended by inserting the following clause:

"That this act shall not come into operation until Her Majesty's assent has been thereto had and declared."

HON. MR. HAYTHORNE—I had intended to supplement what I said about petitions by this remark; that I would attach a great deal more importance to them if I had found them to be in conformity with the vote of the House of Commons, but the recent vote of the House of Commons was in opposition to the views of the petitioners in this House.

HON. MR. WARK—An hon. gentleman has inquired of the hon. gentleman who last sat down, whether these petitions were not all from one church.

HON. MR. MACFARLANE—I do not say all.

HON. MR. WARK—Chiefly. The Church I belong to—at least a large majority of them—are opposed to this Bill and the reason they have not petitioned is that they did not expect it would come up during the present session. At a meeting of the Synod of the Presbyterian Church, the year before last, they appointed a committee to look after this Bill last session, but as it was not introduced then, I presume they thought the question had been dropped. The opinions of Dr. Chalmers and Archbishop Whately and others have been referred to as being in favor of marriage with a deceased wife's sister. That was an assertion made by a

member of the House of Commons many years ago, but I should like to see the volume and page where these eminent clergymen gave this opinion. I think it is very probable that the opinion referred to was on that very much controverted phrase in Leviticus. Different opinions are held in respect to that; some say that the word there may be translated "woman" not "sister," and it seems rather to oppose polygamy—taking a second wife while the first one was living. That may be the meaning of it; I know it is so held by some commentators. But my hon. friend has very properly stated the manner in which those prohibitions are recorded. They are all as regards men; the prohibitions are not repeated to women. A man shall not marry his mother; does it not follow that a woman shall not marry her father? A man is forbidden to marry his sister; then is not a woman forbidden to marry her brother? By the same system of reasoning, a man being forbidden to marry his mother's sister, a woman is forbidden to marry her mother's brother, and so on by implication down the whole list the same rule applies. Wherever a man is forbidden to marry a woman because of affinity, a woman is prohibited, for the same reason, from marrying a man. We come down to the prohibition which prevents a man from marrying his brother's wife, and, by the same process of reasoning, the woman is forbidden to marry a deceased sister's husband. That is a reasonable way to view it. One hon. gentleman complains that old arguments are used against this measure, but if those arguments rest chiefly upon the Bible we cannot have any better ground for opposing the Bill. We are told that a law of this kind has been passed in Australia and other countries without disastrous results, but that may arise from the utter abhorrence with which many people regard these marriages. The laws of those countries may permit them, but they consider the old and scriptural law more binding. Some hon. gentlemen have used the argument that many respectable people are in a bad position because the law prohibits such marriages, but that is no reason why we should repeal the law. We have statutes for the protection of property and we punish people who violate them. There are people who are called kleptomaniacs when they appropriate other

people's property for their own use, but that is no reason why we should repeal the laws for the protection of property. I know there is a great diversity of opinion on the subject of this Bill, and eminent divines have held conflicting opinions upon it, but I believe the large majority of those who interpret the Scriptures are opposed to such marriages. The same law which prohibits men from forming connections of this kind applies, in my opinion, to women also.

HON. MR. BELLEROSE—I do not rise to speak at length on this subject, because I have spoken already, and the privilege of addressing the House a second time has been denied to others.

HON. SIR ALEX. CAMPBELL—Go on!

HON. MR. BELLEROSE—No, I will not ask a favor which has been denied to others: I will have an opportunity to address the House at some future stage of the Bill. I merely wish to ask the leader of the House, in view of the grave doubts which exist as to the interpretation of the clauses of the British North America Act which relate to this subject, and the solemn declaration of the Government through Solicitor-General Langevin, in 1865, as to what their intent and meaning was, whether he will not now assist us in opposing this Bill, which, as we have shown, is a direct violation of the understanding on which Lower Canada consented to the formation of the Dominion. If the Bill is passed, we who represent the French population of Canada intend to sign a protest asking His Excellency not to sanction this measure, and, if that is disregarded, we will appeal to Her Majesty the Queen in Council to say whether she will sanction this legislation which is imposed upon us, when it is shown that we have been deceived in a manner which I will not characterize at this moment.

The House divided upon the amendment, which was rejected by the following vote:—

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Carvell,
Chaffers,
Chapais,
Cormier,
Dickey,
Girard,

Power,
Pozer,
Trudel,
Vidal,
Wark.—19.

NON-CONTENTS :

Hon. Messrs.

Aikins,	Leonard,
Alexander,	Lewin,
Almon,	McLelan,
Archibald,	McInnes,
Baillargeon,	McMaster,
Benson,	Macfarlane,
Botsford,	MacInnes,
Boyd,	Macpherson,
Campbell (Sir Alex.),	Miller,
Dever,	Montgomery,
Ferguson,	Muirhead,
Ferrier,	Páquet,
Flint,	Pelletier,
Gibbs,	Read,
Glasier,	Scott,
Grant,	Simpson,
Hamilton (Kingston),	Skead,
Haythorne,	Smith,
Hope,	Stevens,
Howland,	Sutherland.—40.

The Bill was then read the second time on the same division.

HON. MR. FERRIER moved that the Bill be referred to a Committee of the Whole House on Thursday the 13th instant.

HON. MR. BELLEROSE—I regret that I cannot agree with what has fallen from the lips of the hon. senator from Belleville (Mr. Flint) and must say I was taken by surprise when I heard that hon. gentleman trying to belittle the speech of the hon. senator from Halifax (Mr. Power) and even attempting to cast ridicule on the stand taken by that hon. gentleman on the very important question of the constitutionality of the Bill now under consideration. I am sure that the hon. Senator from Belleville would have praised such a vigorous speech if it had been made from his own point of view on this question. He would no doubt have commended him for the soundness of his arguments and testified to the vigour, clearness and logic of all his utterances. But because the speech of the hon. gentleman is made from a different point of view, it would seem that this hon. gentleman believes that he may be excused if he tries to cast a slur on the hon. gentleman from Halifax, and on arguments which

are so logical, that I do not hesitate to challenge any hon. member of this body to answer them.

In the same breath the hon. Senator from Belleville, praised the speech of the hon. Minister of Justice as being lucid and most logical. But it cannot be denied that the hon. minister, who is generally so logical and whose speeches are always so vigorous, has shown himself on this occasion extremely weak, so much so that I might fairly say that he made no argument against our contention that this Bill is *ultra vires*, save the assurance which he gave to this House that the promises which had accompanied the passing of the resolutions which were to be the basis of the Confederation Act were not the subject of this discussion, but that the Parliament had to deal to-day with the British North America Act, as it stood on the statute book. The hon. minister added there could be no doubt but that a court would decide in favor of this Parliament having jurisdiction in the matter.

After the vigorous and logical speech of the senior member from Halifax (Mr. Power) I would now like to refer to the masterly and elaborate speech of the hon. member from DeSalaberry (Mr. Trudel) and here again I may safely challenge hon. gentlemen on the opposite side to controvert a single one of the arguments made by that hon. Senator.

And what are those arguments? It being admitted (Mr. Trudel says) on both sides, here and abroad, that there is a difficulty as to the true meaning of the terms used in the 91st and 92nd sections of the British North America Act, then the spirit of the law and the intentions of the framers of the law are to be looked for. And then to show that such is the spirit of the law and the intentions of the framers of the law, he quotes the promises made by the Government of the late Province of Canada in 1865, when discussing the resolutions on Confederation. These passages have already been quoted, and are to be found in the speech of Solicitor General Langevin in the Confederation debates.

Now, I ask if better evidence can be given as to the intentions of those who had taken upon themselves the responsibility of uniting the four provinces?

An objection was made to the hon. Senator from Sackville (Mr. Botsford) that

neither Solicitor General Langevin nor any other members of the Government could have spoken for the Lower Provinces which they did not represent.

Since the hon. member for DeSalaberry did not answer that objection, I may here state that hon. Solicitor General Langevin did then speak for the five Provinces, and I am ready to prove it. He said:—

“I made the other day, in the name of the Government, the declaration now alluded to by the hon. member for Montmorency, relative to the question of marriage. The explanation then given by me exactly accords with that which was affixed to it at the Quebec Conference.”

And this declaration of the hon. Solicitor is backed up by every one of the members of the Government of Canada at the time, and has never been contradicted since. Therefore, it cannot be denied that such is our position, that such were the arrangements made between the delegates at the Quebec Conference, and that those promises were given, the Government pledging their honor that the “*Imperial act relating to it would be drawn up in accordance with the interpretation then given in Parliament.*” (I quote Mr. Langevin's words, page 579, of the Confederation debates). Notwithstanding this, we are now told by those very same gentlemen—the Hon. Minister of Justice, the Hon. the Premier, and their colleagues, except Hon. Mr. Langevin, who stands by the promises then solemnly made—that in the discussion of the present constitutional question, promises which may have been given have nothing to do with the question, but that Parliament have to look to the wording of the clauses under which we are legislating, and interpret them their own way. No doubt such would be the case if there were no doubt as to where the respective powers of both Parliaments—Federal and Local—begin and end. But not so if such a difficulty exists; and that it does exist is shewn by the citations made by the hon. Senator from DeSalaberry, when he quoted some of the remarks made in England by their Lordships the Committee of the Privy Council, in the case of the Citizens' Insurance Company of Canada.

Now, hon. gentlemen, let me call your attention to the 26th sub-section of the 91st section and to the 12th sub-

section of the 92nd section of the British North America Act, the former giving power to this Parliament to deal with "Marriage and Divorce," and the latter giving the provincial legislatures power to deal with the "Solemnization of Marriage." Will anyone tell me that there is no doubt as to the limits where the power of both Parliaments begin and end? Some will say, "Under the 91st section, the Federal Parliament has exclusive power to say what marriage is—to whom a person may be married; and under the 92nd section local legislatures have power to provide for the mode of making them man and wife." Others do not admit such an interpretation, and will repeat what the Privy Council in England have said, that though marriage is among the subjects reserved to the Federal Parliament, it is evident that "solemnization of marriage" would come within this general description; yet solemnization of marriage in the province is enumerated among the classes of subjects in section 92, and no one can doubt, notwithstanding the general language of section 91, that this subject is still within the exclusive authority of the legislatures of the several provinces. Now, if those words of their Lordships signify anything, they certainly show that great doubts exist as to the interpretation to be given to those two sections, and consequently the hon. members from Halifax and De Salaberry, as well as myself, were right when we stated that this Parliament, as well as any judicial tribunal who might have to deal with those sections, would be bound to act in accordance with the ordinary principles laid down in the common law in such cases—that is to say, the finding out the spirit of the law and the intentions of the framers of the law at the time of the passing of the Act. Then, I ask, if such is the case, ought we not to expect that our leaders, if they were sincere when they pledged their honor that they would see that everything was right in this matter, would help us in the vindicating of our rights and in opposing all legislation not in accordance with the understanding then arrived at, and to the execution of which their honor was pledged? But, hon. gentlemen, there is still more than that. Not only have we, the representatives of Quebec, a right to ask that the interpretation of those two sub-sections shall be according to the spirit

of the Constitutional Act and in accordance with the intentions of the framers of them, but we might even ask, in the present case, that the 91st section be so modified in its interpretation as to give to the provinces that authority which, as has been proved, it was contemplated to confer on them. In support of that I will now cite from the *Legal News*. Their Lordships of the Privy Council stated, in giving judgment in the case above referred to, that—

"It could not have been the intention that a conflict should exist: and, in order to prevent such a result, the language of the two sections must be read together, and that of one interpreted, and, when necessary, modified, by that of the other."

Now, it cannot be denied that this statement is quite lucid, and that it shews clearly that our pretensions are in accord with the opinion of their Lordships.

The hon. Senator from Shawineghan (Mr. Ferrier) is reported to have said:

"It is only a very short time ago since the wife of an intimate friend of mine in Montreal died. Her sister had been living in the house for a number of years, and taking care of the children with his wife. Two years after his wife's death, fearing to bring in another woman to take charge of his family, he proceeded to Kingston, and married his deceased wife's sister. But he had to go back to Montreal to attend to his business, and he found himself in this position: 'I have got married legally, under the laws of Ontario, but in Quebec I am in a different position regarding my family.'"

Will the hon. gentleman permit me to tell him that the remedy for such a case exists, without it being necessary to violate the well understood principles on which the British North America Act is based. And, if he desires, I am ready to help him in this matter. Let this unconstitutional Bill drop or be voted down, and let us bring in another providing that all marriages which may have taken place in a Province, in accordance with the laws of that Province, shall be deemed to be legal in every other Province of the Dominion. Such a law this Parliament has a right to pass, since it was to give the Parliament of Canada this right, that the word "marriage" was introduced in the 91st section of the Constitutional Act, as stated in the declaration of Hon. Solicitor General Langevin, above referred to.

If this Parliament could legislate on this question, and allow the marriage of a man with a deceased wife's sister, con-

trary to provincial laws forbidding such marriages, as the 125th article of the Quebec civil code does, how could the hon. member from Prince Edward Island (Mr. Haythorne) state, as he did, that as to marriage banns—one of the prohibitions found in some of the Provincial laws—it had been reserved to the Local Legislature, when it is obvious that this enactment is no more a prohibition and an impediment to the legal celebration of marriage than is the prohibition against the marriage of a man with his deceased wife's sister?

If this Parliament had such a power, it could then legislate on all questions of impediments to the celebration of marriage, and it could wipe out all provincial laws prohibiting the legal celebration of marriage, and so deprive the Province of Quebec of the 70 articles of her civil code on the celebration of marriage. Such a state of things, as hon. gentlemen know, Quebec could never have accepted.

I wish now to call attention to a remark which fell from the hon. Senator from Alma (Mr. Ogilvie) the other day. He said :

“ I am not a very old man yet, but I remember well where I was brought up, in a totally French Canadian country, where the feeling ran so high between different religious denominations, that they would hardly associate socially with each other. I am very happy to say that this has been wiped out almost completely, and I hope to live long enough to see the day when religion shall not interfere with a person's social relations in the slightest degree. That being the case, I cannot see why we should not improve the marriage law, if this is an improvement.”

I should like to remind the hon. gentleman that if at one time ill-feeling existed between French and English, between Catholic and Protestant, in Lower Canada, it was when an oligarchy deceived the British Government and induced them to be unjust to that Province. That time has passed, but the incident shows that when people are fairly treated they are not disposed to complain or to show an unfriendly disposition. Twice have we been deceived by the men in whom we trusted in 1867. When the Confederation measure was submitted to the Legislature for their approval, it was stated that the resolutions were in the nature of a treaty with the other Provinces and might be accepted or rejected, but could not be

amended in the slightest degree. We were assured that if the resolutions were adopted they would form the basis of the Imperial Act which would embody not merely the agreement itself, but the very words in which it was made, excepting some explanations which were to be given, and on the subject of marriage that explanation was furnished by Mr. Langevin in the name of the Government of that day, in the words which have been quoted, in the debate in the House of Assembly. Now, it turns out that the solemn pledge which was then given, by men in whose sense of honor we relied, is violated. The other was the New Brunswick School question. When that matter was brought before Parliament we were informed by the Government of that day, the same gentlemen who are now in power, that there was a word added to the clause of the Confederation Act relating to education which did not appear in the resolutions on which the Act was founded, and that in consequence the Roman Catholics of New Brunswick were deprived of their rights. That was the decision of the Premier. Having been deceived twice, is it unreasonable that we should complain of the breach of faith? Yet, when we rise here to explain our grievances we are told “ you ought not to speak of French and English : we should all be Canadians, etc.,” but it is not so easy to submit quietly to injustice. In the Province of Quebec the minority are treated with the utmost consideration by the majority, yet we hear complaints from them : Is it strange then that the majority in that Province, who are in a minority in the Dominion, should complain when their rights are disregarded by the very men in whom they placed the greatest reliance? At the time of confederation the minority in the Province of Quebec was uneasy—

HON. MR. BOTSFORD—The hon. gentleman is not speaking to the motion before the House, and I think he had better give notice of some resolution, and debate this question when it is fairly before the Chamber ; but surely he is not in order in the opposition which he makes to the motion that is now before us.

HON. MR. BELLEROSE—I readily admit that I am perhaps not in order but the House will excuse me if the bad ex-

ample which is set me every day has induced me to forget that we had rules; if I have been misled by the example even of those who now take exception to my remarks but yet on other occasions have themselves set aside the rules of this House, I trust I may be pardoned for it. I might say, however, that I am not so much out of order because the question is the referring of a bill, which I consider is unconstitutional, and I certainly have a right to discuss that question and was going to do so when the hon. gentleman (Mr. Botsford) objected.

HON. MR. FLINT—I regret to have to take up any time at the present moment, but after the attack which has been made upon me here in reference to my speech the other day it is necessary for me to say something now. I spoke very freely at that time in reference to the course which the hon. gentleman had taken. He gave us to understand that he would like to give his vote in favor of the measure, but could not do so on account of the unconstitutionality of the act. I shall not say anything further on this subject in reference to my hon. friend's course, for if I should do so it is possible I might grate a little on his feelings; but I did think, and I think still, that the hon. gentleman to whom I then referred (Mr. Power), took up more time than was actually necessary in making speeches here in reference to matters which came before this House, and that the hon. gentleman has shown to a certain extent a desire to be considered one of the greatest legal luminaries of the House. Now, if I am wrong I am very sorry for it, but it certainly struck me as being the case, yet I do not wish to stand in disrepute with any hon. gentleman here, and if the hon. gentleman had seen fit to attack me in reference to what I said on that occasion as regards myself, I should not have said one word against it, I should have allowed him to have his say. But when another member of this House takes up the cudgels and comes out against me in the way my hon. friend (Mr. Bellerose) has, I consider I have a perfect right to say that he is going altogether out of the way. I certainly do not speak very often in the House, but when I do I endeavor to speak to the point, and if I fail to do so, I am very willing that hon. gentlemen

should call me to order. Now, I have no ill-will against the hon. gentleman from Halifax (Mr. Power), indeed I would be just as willing to do him a kindness as any other gentleman in the House, and if he feels aggrieved at the remarks I made I am sorry for it. I do not wish to hurt the feelings of any person, but still I felt that I was simply doing my duty in reproving him for his course. As I speak so very seldom, I really think that what the hon. gentleman (Mr. Bellerose) said in reference to me was wholly uncalled for.

HON. MR. POWER—I regret very much that my name has been introduced into this discussion, and desire to say that it has been done altogether without my concurrence. I am very much obliged indeed to the hon. gentleman from DeLanau diere (Mr. Bellerose) for the kind intention with which he spoke, but the truth is, hon. gentlemen, that I did not feel at all hurt or pained by the remarks which fell from the hon. gentleman who has just sat down.

HON. MR. FLINT—I am very glad of it.

HON. MR. POWER—Well, there might be different reasons for my not feeling hurt, and perhaps it would be just as well if I did not state them in detail. They might possibly not please the hon. gentleman. I just wish, while on my feet, to make one more remark about the hon. gentleman, who has spoken as to the manner in which members in this House conduct themselves. When I sat down the other day after having spoken for, I think, half-an-hour on a very important question, the hon. gentleman rose and told the House that I assumed the attitude of a schoolmaster. Now, I think it is rather the other way; because he himself undertakes to tell the different members of this body when and how long they should speak and how they ought to conduct themselves. I dare say the hon. gentleman is old enough to teach me for some time to come; still I think that, as a matter of Parliamentary order, if the hon. gentleman has any advice to give me as to the manner in which I should comport myself here, the length at which I should speak, &c., it might be better delivered in the shape of a private

admonition than on the floor of the House. I think there is a certain want of consideration for my dignity as a member of this House, in undertaking to lecture me in public as to the length of my speeches. I really do not wish to detain the House any longer on a matter of this kind, which is merely personal.

The motion was agreed to.

QUEBEC TIMBER COMPANY'S BILL.

REFERRED BACK TO COMMITTEE.

HON. MR. SKEAD moved the third reading of Bill (32), "An Act to incorporate the Quebec Timber Company, Limited."

HON. MR. HOPE—Had the provisions of this Bill been confined strictly in accordance with the title of the Bill I should have made no objection to it; but upon looking into the provisions of it, I find some very objectionable features. I expected the Bill would have gone to the Committee on Banking and Commerce; but it did not make its appearance there, instead of that it went into another committee without my knowledge. It is ostensibly to carry on a timber business, but there has also been engrafted upon it a very large and unlimited company for borrowing money. A loan company is engrafted upon the Bill, and I find that sub-section four of clause two in the Bill reads thus:

"To borrow such sums as may be necessary for conducting the business of the Company, and that with or without security."

They do not seem to be very modest in the way they go about it. Then clause eight provides:

"8. To invest in or loan on the security of the stock or public funds of the United Kingdom or of the Government of the United States of America, the Dominion of Canada or any Province thereof, or any of the British colonies, or on the security of any municipal corporation, body of public trustees or commissioners, or incorporated company in any of the said countries, or in or on the security of the stocks, shares, debentures, or deposit receipts of any such company, or on the security of mortgage on real estate in any of the said countries."

Well, I think that an unlimited power to borrow money to deal in stocks, etc.,

ought not to be granted to a company of this kind. It is true that the committee added the following provision to the eighth clause which was read yesterday:

"Provided, however, that the Act shall not give such corporation the right to carry on business as a loan company."

But that clause says they have the power to carry on this business, and the proviso in question is merely to this effect—that they must not do it, although they have got the power. I think the proper way would have been to strike out the eighth clause altogether, and then to put some limit to the fourth clause. There are very objectionable features with regard to the various articles of association which they have under the law and which we recognise. I have a very serious objection to such a mode of legislation, and I say that anything in the shape of laws passed in a foreign country affecting incorporation of this kind should be inserted in the body of the Bill, and we would then know what we were doing. But to be told that there is a copy of them to be found in the Secretary of State's office does not really bring the fact before Parliament: we should have it here.

However my main object at the present moment is to move that this Bill be amended, and I make the motion because I had no opportunity of doing so before. I think that if hon. gentlemen will reflect upon it they will see the necessity of eliminating these objectionable features. I may here mention the case of a bill which came to the other House proposing to confer most unlimited borrowing powers, and I understand that the first minister of the Crown took a very active part against it, the result being that it was put to one side and they refused to entertain it. But they need only have started something in the shape of a timber company up west and there and then incorporated in it powers for borrowing and lending money; they would have perhaps got all they wanted. I do not propose to make any further remarks and will now move that this Bill be not now read the third time but that it be referred to the Committee on Banking and Commerce for consideration of the following amendments viz:—

"In section 4 strike out all after the word 'company' and insert the following words

"shall not exceed four times the amount of the paid up capital of the company,"

That is in accordance with the terms of of the general Banking Act. And further

"That section 8 be struck out entirely, including the proviso added by the Committee on Private Bills."

HON. SIR ALEX. CAMPBELL— I think that my hon. friend from Rideau Division (Mr. Skead), who has charge of the Bill would do well to consent to referring the Bill back to the committee, to have it reconsidered. I really think that there is a great deal in the objections taken by the hon. gentleman from Hamilton (Mr. Hope), and it can hardly have been the intention of this company to ask for incorporation for the purpose of investing and lending money on stocks, deposit receipts etc. That provision must have found its way into the Bill, I should say, by the ingenuity of some persons who had been preparing it; because the company is incorporated for the purpose of owning saw-mills and acquiring timber limits, sawing up lumber and conducting the business of a lumber and timber company in Canada. That is really the object of the Bill and the promoters of it can hardly want power to borrow and lend money on the security of stocks, shares, debentures,

deposit receipts, etc., which provisions should only enter into the incorporation of loan companies. I think that both the suggestions of the hon. gentleman from Hamilton (Mr. Hope) are entitled to great weight, and for my own part I should feel under the necessity of supporting them. I think therefore it would be well to refer the Bill back to the committee.

HON. MR. SKEAD—I am disposed to take the advise of my hon. friend the Minister of Justice but I would remind the House that this Bill was previously before us and was afterwards referred to the Committee on Standing Orders and Private Bills. That committee appointed a sub-committee which submitted certain questions to the Supreme Court concerning the measure; those questions were quickly answered by that court, and the measure having then been fully discussed in the committee now comes before the House.

HON. MR. HOPE.

SIR ALEX. CAMPBELL—No, these particular points were never taken up by the committee.

HON. MR. SKEAD—This is a company for bringing money into the country and its incorporation would be for the advantage of the Dominion. I do not wish to use any unparliamentary language but it looks to me like a very frivolous opposition. Still I am willing to adapt myself to circumstances and if the House desire it should go to the Banking Committee, I have no objection.

HON. SIR ALEX. CAMPBELL—Perhaps the hon. gentleman from Hamilton (Mr. Hope) will agree that the Bill may be referred back to the committee without any special instructions—just to reconsider it generally.

HON. MR. HOPE—Certainly.

HON. MR. DICKEY—I was just about to observe that it was but fair to the Private Bills Committee—I am not a member of it but I speak on their behalf—to say that bills of this character containing provisions such as I have heard read here are not generally referred to that Committee for their consideration, and they are not of a character that would naturally attract the attention of its members. Therefore I think it is not fair to them that it should be said the Bill has been considered, for it has not been considered at all from this point of view.

HON. MR. SKEAD—I asked to have it sent to the Committee on Banking to be examined but it was sent to the Private Bills Committee, not at my request.

The motion was agreed to.

NEW YORK AND ONTARIO FURNACE COMPANY BILL.

THIRD READING.

HON. MR. READ moved the third reading of Bill (65) "An Act respecting the New York and Ontario Furnace Company."

The motion was agreed to and the Bill was read the third time on a division, and passed.

INSOLVENT BANKS AND TRADING CORPORATIONS BILL.

THIRD READING.

HON. SIR ALEX. CAMPBELL moved the third reading of Bill (A) "An Act respecting Insolvent Banks, Insurance Companies and Trading Corporations."

HON. MR. SCOTT—my impression is that this Bill is not decisive enough; I think that further provision ought to be made. I may just read the clause to which I more particularly refer:—

"66. The property of the company must be applied in satisfaction of its liabilities and the charges incurred in winding up its affairs; and unless it is otherwise provided by law or by the Act, charter, or instrument of incorporation, any balance remaining must be distributed amongst the members according to their rights and interests in the company"

That would lead one to the conclusion that the liquidators should reduce it to cash, speaking of any balance remaining. If it read "the assets remaining" I think that would remove the objection.

HON. SIR ALEX. CAMPBELL—It says in the first part of the Bill "the property." I have no objection to adding the words "balance of assets."

The amendment suggested by my hon. friend from Amherst was shown to my hon. friend opposite (Mr. Scott) and approved of by him, and stands in the Bill as though it had passed yesterday. Then my hon. friend from DeSalaberry had another amendment which he has shown to me, and which should be introduced on the third reading of the Bill.

HON. MR. TRUDEL—The amendment is to the first clause. It will be to cover the case of companies which are now in process of liquidation.

HON. SIR ALEX. CAMPBELL—I agree to that amendment. I move that the Bill as amended be now read the third time.

The motion was agreed to and the Bill was read the third time and passed.

LAKE ATHABASKA AND HUDSON'S BAY RAILWAY BILL.

SECOND READING.

HON. MR. GIRARD moved the second reading of Bill (62) "An Act to incorporate

the Lake Athabaska and Hudson Bay Railway Company." He said: This Bill is for the incorporation of a company to construct a railway from Lake Athabaska to Churchill in the Hudson Bay, the extreme limit of civilization to the north. It is sufficient to say that this railway will introduce civilization and progress to the most extreme northern limit, to enlist the sympathies of every hon. gentleman in favor of this bill.

The motion was agreed to and the Bill was read the second time.

OCEAN MUTUAL MARINE INSURANCE COMPANY.

SECOND READING.

HON. MR. DICKEY moved the second reading of Bill (90) "An Act to incorporate the Ocean Mutual Marine Insurance Company." He said the object of the Bill was to incorporate nine gentlemen, some of whom he knew to be men of means and standing in Halifax into a Marine Insurance Company, doing business in Canada and elsewhere.

The motion was agreed to and the Bill was read the second time.

EXCHANGE BANK OF YARMOUTH BILL.

SECOND READING.

HON. MR. DICKEY, in the absence of Hon. Mr. Power, moved the second reading of Bill (23) "An Act respecting the Exchange Bank of Yarmouth, Nova Scotia."

The motion was agreed to and the Bill was read the second time.

TECUMSEH INSURANCE COMPANY'S BILL.

SECOND READING.

HON. MR. MCINNES moved the second reading of Bill (41), "An Act to incorporate the Tecumseh Fire and Marine Insurance Company of Canada." He said: This is the ordinary bill of an insurance company. The names embodied in it are those of gentlemen known to myself as men of high character.

The motion was agreed to and the Bill was read the second time.

The Senate adjourned at 6 p.m.

THE SENATE.

Ottawa, Wednesday, April 5th, 1882.

The Speaker took the Chair at three o'clock.

Prayers and routine proceedings.

THIRD READINGS.

The following bills, reported from standing committees of the Senate, were read the third time and passed.

Bill (13), "An Act to authorize and provide for the winding up of the Dominion Fire and Marine Insurance Company."—(Mr. Hope.)

Bill (45), "An Act to reduce the capital stock of the Ontario Bank and to change the nominal value of the shares thereof, and for other purposes."—(Mr. Gibbs.)

BILL INTRODUCED.

Bill (66), "An Act to amend the Act of the late Province of Canada intituled: An Act to incorporate the Board for the management of the Temporalities Fund of the Presbyterian Church of Canada in connection with the Church of Scotland," and the Acts amending the same.

SASKATCHEWAN DIOCESAN
SYNOD BILL.

THIRD READING.

HON. MR. VIDAL moved the third reading of Bill (51), "An Act to incorporate the Synod of the Diocese of Saskatchewan and for other purposes connected therewith."

HON. MR. DICKEY—I wish to call the attention of the House to some extraordinary provisions in this Bill, and, amongst others, to the very extensive powers taken in the fifth clause, which is as follows:—

"The said Synod is hereby authorized and empowered to take and hold lands and hereditaments for the uses and purposes of the said Church of England in the said diocese, and every deed or conveyance of land or any estate or interest therein to the said synod shall be valid and effectual, the Acts of Parliament commonly called the Statutes of

Mortmain or other Acts, laws or usages to the contrary thereof notwithstanding: Provided always, that in order to the validity of such deeds and conveyances the same shall be made and executed six months at least before the death of the person conveying by the same, and shall be registered not later than six months after his decease."

The powers given in this clause are in addition to those in the second clause which is as follows:

"The said synod may meet and frame a constitution and regulations for the general management and good government of the church of England in the said diocese, and from time to time as they shall see fit, alter and amend the same, and in such manner and by such proceedings as they shall adopt, make regulations for enforcing discipline in the church, for the appointment, deposition, deprivation, or removal of any person bearing office therein of whatever order or degree, for the acquiring and disposing of property, and for the convenient and orderly management of the same and the temporalities, affairs, and interests generally of the church in matters relating to and affecting the same, and the officers and members thereof, and not in any manner interfering with the rights, privileges or interests of other religious communities, or of any person or persons not being a member or members of the said church of England."

Now, the following are the words which I propose to strike out: "Make regulations for enforcing discipline in the church, for the appointment, deposition, deprivation, or removal of any person bearing office therein, of whatever order or degree."

In proposing the amendment which I have just read, I wish to say that I object to this legislation on principle, because the church of England in this Dominion stands on the same footing as any other religious body, and I am not aware that the Roman Catholics, or the Presbyterians, or any other body, have asked for legislation such as this, and had such legislation been necessary, they probably would have demanded it. It is, in my opinion, a vicious principle of legislation for this Parliament to delegate such extensive powers to a church court of any denomination of Christians. The practical effect of it will be just this: unfortunately, in the church of England it is perfectly well known, more, I am happy to say, from the experience in England than in this country, that a great many unpleasant questions have arisen, and serious difficulties have been produced by the attempts of persons in that communion to break

the law. And they are dealt with there in a manner different from that which obtains here, because the church there is the church established by law, and is therefore under the law. This Bill proposes to establish these church courts for the trial of ministers, for their deposition and deprivation of office, and will have the practical effect of enabling the synod to get rid of any obnoxious person who may be conscientiously carrying out what he conceives to be the laws of the church of England in that remote district of the Saskatchewan. For instance, a great many of these difficulties have arisen in England over the question of wearing a coat or stole or a surplice, or such questions as the clergyman turning to the east and so on. The House will see that while these burning questions have produced such disastrous results in England, it would be in the power of the synod to enforce regulations on those points or kindred points on any member who may conscientiously believe, and rightly believe, that these regulations that have been adopted by the synod are not in conformity with the laws of the church to which he belongs, and in that way he may lose his living and lose his bread. I object to it, therefore, on the ground that I have stated, and I may say that such a bill as this would not be tolerated for a moment in the Parliament of England, and so far as I know it is not a provision which has ever obtained in this country. It may be said that there are precedents for this legislation, but, hon. gentlemen, is this House a slave to precedent? Have we not had in this very session a great many instances where both Houses of Parliament have departed from important principles which had been incorporated in previous legislation? I need only refer to this great question of amalgamation, the sweeping clauses of amalgamation which have crept into our legislation, and which this House and the other House, in their wisdom, have struck out of such legislation. Only yesterday we had an instance of that kind. We had a cable company bill before us, and it was pressed upon us, that only last year and the year before we had passed cable bills with similar powers of amalgamation, and yet the committee taking a new departure, and the House taking a new departure, on these questions have

thought proper to strike out these sweeping powers. Under these circumstances, I hope my hon. friend who has charge of the Bill will, for the reasons I have given, consent at once to have these words struck out, and not establish a precedent such as this for legislation which may be followed by other denominations. The effect of such courts will be just this: you will leave the parties just where they are; you will leave them subject to the laws and regulations of their own church. In this very Bill you empower the synod to make regulations for the good order and general management of the church, and when a party is dealt with in a summary manner he is within the protection of the law binding him to show that he has not violated any of the rules of the church to which he belongs; whereas if you pass this Bill you put him under the control of a church court established by law, and without any appeal to any other tribunal whatever. If we talk of precedent, I think I pointed out one the other day, on this very bill, where this matter was fully discussed, discussed for a week in the Legislature of which I then happened to have the honor of being a member—the Legislative Council of Nova Scotia—when, after hearing the evidence, the whole House, composed of twenty-one members, with the exception of four, rejected the Bill altogether. The Bishop of Nova Scotia on that occasion was content to take a bill to simply give them corporate powers not nearly so extensive as this Bill gives, but corporate powers for the regulation and holding of property; and I have yet to hear, after the lapse of twenty years since the Bill was passed, of a single difficulty or suggestion in any sense such as this Bill now proposes. I think, under the circumstances, the House will have no difficulty in amending the Bill in the direction I have suggested.

HON. MR. VIDAL—It is very seldom that I venture to differ in opinion from my hon. friend who has just spoken, more especially when that opinion relates to matters of law and matters of history; but I am obliged to say to-day that he has failed to convince me of the propriety of the alteration which he suggests should be made in the Bill now before the House. I must confess that I am not a little surprised when I hear the hon. gentleman say it is

unprecedented legislation; that, in England, such a Bill would not be tolerated, and such a Bill would never be tolerated in this country. What are the facts? That for twenty-five years the Province of Canada has had a law of that kind on the Statute book. That law has been in operation, with the identical words which the hon. gentleman now seems to think are fraught with so much mischief, and no such mischief has ensued. In 1856 an Act was passed to enable the members of the United Church of England and Ireland in Canada to meet in synod, and to give them certain powers and privileges when thus met in synod. Among these I find the identical words which are now complained of:

“The bishop, clergy, and laity may meet and frame a constitution and regulations for the general management and good government of the said Church of England in the said diocese, and make regulations for enforcing discipline in the church, for the appointment, deposition, deprivation, or removal of any person bearing office therein of whatever order or degree.”

Then follow words that are not in the present Bill: “any rights of the Crown notwithstanding.” This was a statute of Canada passed in the year 1856. It was regarded as a measure of very considerable importance, and it is not impossible that the objection which my hon. friend has now raised against the present Bill was raised at that time also, because I find that the measure was not sanctioned by the Governor, at the close of the session, with other Bills, but was reserved for the signification of Her Majesty’s pleasure thereon. The Bill was sent to England, was there brought under the special notice of Her Majesty in Council, and there, in England, “where such laws would not be tolerated,” we find that Her Majesty is advised to grant her sanction to the Bill. The royal sanction was given, the Act was proclaimed in May, 1856, has been the law of Canada from that date to this, and I have yet to hear the first word of complaint of any of those injurious results springing from that legislation. It was again considered in 1862, when the Diocese of Ontario was incorporated, and there the same principle is recognized; the Act which I have read from is quoted, and its provisions are brought into force

in the Diocese of Ontario; and, as a matter of fact, it prevails in every diocese in the country. They have all got this law. Moreover, hon. gentlemen, I think it is absolutely necessary that the Synod should have this power of enforcing discipline, and of deposition. The very instance the hon. gentleman mentions shows not only the propriety, but the necessity of having such a law. If any clergyman connected with the church should venture to follow practices or preach doctrines which are contrary to the rules and teachings of the church, there should be power to depose him. Such a law is absolutely necessary for the well-being of the church. As to any injury resulting from the granting of powers such are set forth by these words, I would respectfully remind the hon. gentleman that they do not supersede the law of the land, to which any person who may consider he has been injuriously dealt with may appeal. There is nothing in this statute which would justify the synod in doing anything illegal or oppressive. I cannot, therefore, consent to the amendment which my hon. friend proposes, believing, as I do, that it is taking out of the Bill a very material clause—a clause which I find has been on the statute book of the country for the last twenty-five years, and has operated satisfactorily. Had I known that the hon. gentleman was going to allude to the 5th section of the Bill, I should have looked up the authorities on it, and, I have no doubt, I should have been prepared to justify what we find embodied in the proposed statute. He did not read, however, the whole of that section; he read as far as “the Acts of Parliament, commonly called the Statutes of Mortmain, or other Acts, laws, or usages to the contrary thereof notwithstanding.” He should have gone on and read:

“Provided always, that in order to the validity of such deeds and conveyances the same shall be made and executed six months at least before the death of the person conveying by the same, and shall be registered not later than six months after his decease.”

A provision adopted to prevent any of the improper practises which we read of in history as having been followed by persons to obtain the property of others in their last moments, when perhaps they are unable to form a correct judgment, or

are too enfeebled to resist the solicitations of those who may be around them. I think, however, that provision secures the public from any injury resulting from such cause. I think I have shown reason enough to convince the House that this alteration is not necessary, and I am not therefore disposed to accept the amendment.

HON. MR. ALLAN—I think the hon. gentleman from Amherst has raised a phantom of his own imagination for the purpose of knocking it down again. The Bill simply gives the Synod of the Diocese of Saskatchewan the right to enact certain laws or regulations under which, if a clergyman is guilty of scandalous conduct he may be suspended for the time being from his office. It does not give the Bishop of the Synod any power to inflict fines or penalties, and if the gentleman who is removed from office thinks himself aggrieved, he has a perfect right to appeal to any of the courts of the country for redress if he has been improperly removed or suspended under the laws or regulations of the Synod. I am quite aware that it is not always safe to follow precedents. It is quite possible that the Legislature may sometimes enact laws that are not good, but if the Parliament of the country, and if those who are specially charged with the duty in Parliament of considering the legal effect of the different measures which come before them have repeatedly passed acts of this kind, I think it is a fair argument to use that there was good ground for passing them, and that they are not open to the very serious objections which have been urged against this Bill by the hon. gentleman from Amherst. In addition to what has fallen from my hon. friend opposite as to the Bill that was passed in the British Parliament being retained for Her Majesty's assent, and the assent having been given, on looking over some of the authorities in the Library the other day I had my attention drawn to a statute of the Imperial Parliament incorporating the Wesleyan Methodist Association or Society, I think they called it, in Ireland, where certainly the Wesleyan Methodist Church is not the established Church of the country. To this act was appended a long schedule, setting forth the rules and regulations which should be enforced upon all the members for this object, and

giving the authority of Parliament to these regulations, and further going on to say that so far as their property is concerned, they could enforce any of their claims in the civil courts. I think, therefore, in all such cases as I have quoted—where a body to whom these privileges were given was not the established Church of the country—that Parliament would not be conferring any very extraordinary powers; and if any of those who may unfortunately be brought under the provisions of that Act have any just grounds for complaint, as to the injustice of any sentence passed upon them, they have the most ample redress open to them in the courts of the country. I think it would be an unusual proceeding, after having passed similar Acts for almost every diocese in the country, to refuse now to pass this.

HON. MR. KAUIBACH—I must say I fully agree with my hon. friend who has just sat down, that this relates purely to regulation of Church matters, and it is in the hands, not of the bishops alone, but of the laity—of the whole synod, in fact, composed of bishops, clergymen and laity. They are only asking for power to regulate their own matters the same as any other corporation in the way of passing by-laws, etc., for the proper management of the affairs of the Church. If this diocese in the far West is not to be allowed to manage its own affairs, but must apply to the Civil Courts in order to enforce its discipline—to remove persons from office, etc.—it seems to me that they will have scarcely any of those privileges which are ordinarily enjoyed by similar bodies. I am strongly of opinion that in a country like that where the laity will have much to do in the management of the affairs of the Church, and where there is no other Court to arrange these matters, these powers should certainly be given to this corporate body.

HON. MR. DICKEY—I think I shall have no difficulty in convincing the House that the answers which I have received have been of a very weak and inconsequential character. (Cries of Hear, hear.) My hon. friends say "hear, hear" but it is a fact that they have based their contentions upon a statute which was passed in the Imperial Parliament to regulate the

affairs of the Wesleyan Methodist Church with regard to their property, and this Act gives the most ample powers to the Diocese of Saskatchewan to regulate its affairs in the same direction. I am not objecting to this but I have to call the attention of the House to the fact that they are not satisfied with these extensive powers; they want still further powers in addition to those which are ordinarily given by these Acts, the power to remove ministers, or say whether or not they should be removed. My hon. friend from Toronto (Mr. Allan) very cautiously and disingeniously speaks of the effect of this Act; he says it is for the purpose of removing ministers, for scandalous conduct, amongst other things. My hon. friend as a member of the Church of England knows better than I—for I am not a member of it—these are not questions which generally come up in matters of this kind; they are not the questions in connection with which, for instance, Mr. Green is now in jail in England.

HON. MR. ALLAN—If my hon. friend will pardon me I would say that in the history of the Church in our own part of the world I am not aware of a single case——

HON. MR. DICKEY—It is hardly necessary for my hon. friend to repeat the words of the hon. gentleman who introduced this Bill. I shall come to that in a moment. My hon. friend tries to keep out of view of this House that it is not intended to provide particularly against scandalous conduct—which is seldom met with—but rather to guard against practices which are proposed to be introduced into the Northwest in order that ministers there may be under the thumb of the bishop of the Diocese, who would have the whole regulation, after all, of these Synods. Now in answering my hon. friend who introduced this Bill, I might remind the House that that hon. gentleman has changed his views most mysteriously within a few days. When I brought this matter before the House on a previous occasion the hon. gentleman said he sympathized with the views I expressed, and that he expected the Bill would come back with an amendment; but the hon. gentleman has been pretty

well coached in this matter, and now tells us he is supported not by any legislation of this Parliament, but by a couple of laws of Old Canada. Now I think that any person who can recall the circumstances connected with the condition of the churches of the old Province, will recollect that matters affecting those churches were dealt with in a very gingerly fashion altogether. In those days the various denominations got pretty much what they asked from Parliament, but we are now for the first time called upon to establish a precedent which will be generally applicable, for I repeat again it has been decided that all denominations of Christians in this land stand upon the same footing. I do not oppose this Bill because it emanates from the Church of England; I do so on principle, and it would be the same from whatever body it might have come. Now, my hon. friend says that this is against appeal to the law of the land, forsooth, and that it only affords facilities for knowing whether they have contravened, not the laws of the Church of England, but those of the Synod of the Diocese of Saskatchewan. That is what they have no power to appeal from, and it is throwing dust in our eyes to say that they may appeal if they have contravened any regulation which that Synod chooses to establish, for it is not the case. And if they were to apply before any court or any tribunal to ask that they should be protected they would be laughed at, because they would have gone into that church with a legislative position, under which they can be deprived and deposed at pleasure. And the question is not whether they have contravened the laws or practices of the church of England, but whether they have contravened the decisions of this church court, which we are now, for the first time, to establish. This is an answer I make to my hon. friend who has just sat down. He says it is a Bill to regulate their own matters. Of course it is: they are given most extensive powers in this Bill to regulate their own affairs, but when they deprive a man of his living and tell him he must do so and so or not remain in the diocese, he is without protection if you pass this Bill in its present shape. All these precedents from old Canada ought to be removed from our consideration. Under these cir-

cumstances, I think my hon. friend should have adhered to his first views, given these facts a favorable consideration, and struck these objectionable features from the Bill. But as he has not done so, I must ask the House to adopt the motion.

HON. MR. WARK—We are now about to establish a precedent which will apply to all denominations if they think proper to come to Parliament for power to appoint and depose ministers, to enforce their discipline and regulate their doctrines. There will be no end to the applications to Parliament for such legislation. I think we ought to treat all religious bodies in this country as voluntary organisations which men enter voluntarily but under the obligation of complying with all the laws which have been enacted for the management of their own affairs, their doctrine and discipline, and the mode of appointing their ministers and what renders them liable to deposition. Therefore, I think the hon. member from Amherst has very properly called the attention of the House to this matter. We must be prepared to either carry his amendment or to receive applications, from other denominations in this country, for similar powers. My hon. friend who has charge of this Bill would hardly care to bring in such a measure from his own church. That church regulates its affairs without legislation at all, and I think every man who belongs to it, be he minister or layman, is bound by the laws which the higher court of that church enacts or take the consequence of disobeying them. Therefore, I am disposed to support the amendment, and I think the House should look carefully before establishing a precedent like this. I do not consider that we are bound by the precedents of old Canada but we are now asked to establish a precedent which may prove troublesome hereafter.

HON. MR. SCOTT—I may be wrong but I do not see the serious objections which have been pointed out by the Hon. Senator from Amherst and the hon. gentlemen who has just sat down to the continuation of these words in the second clause. I look upon it as an incident to every corporation that it should have the power to manage its own affairs. We give that powers to corporations every day and

I ask what use would there be to give corporate power at all if they had not the right to make regulations for the government of their own officers and to appoint or depose them as circumstances warrant. There is no civil penalty, no penalty by which they can invoke the law of the land in the case of any of these parties disobeying the laws of the Church, but I consider it necessary that every corporation, municipal or otherwise shall have the power of cancelling appointments.

HON. SIR ALEX. CAMPBELL—Suppose it is a club.

HON. MR. SCOTT—Many illustrations come ready to hand—in fact it would be perfectly impossible to work a corporation if there was not power to appoint and depose officers. They cannot adopt any regulations which contravenes the law of the land, nor is there any penalty attaching to a violation of these regulations, other than the natural penalty for disobedience. When a man becomes a member of an organization he must obey its rules, otherwise corporations would not exist. As to this being a new feature of our legislation, I do not consider it is; I consider it incidental to the existence of all corporations. The act of Parliament does not make it stronger, only it is better to have it laid down in an act of Parliament what power you give to corporations.

HON. MR. HAYTHORNE—In my humble judgement the hon. Senator from Amherst has not made out his case. He has spoken very warmly—at least for him—respecting a so called church court. That would raise the question that there is some power in this ecclesiastical company which does not appear in the Bill. What the hon. gentleman dignifies by the name of a church court is really a synod brought together by putting in practice the elective principle. I do not see on what other principle you can govern a body of Christians in a diocese of the North West, or any other diocese, for that matter. It seems to me that without the power to depose contumacious clergymen or other officers, if necessary, it would be a body without discipline of any sort. I cannot see that there is any valid objection to the words which it is sought to expunge. If I could see the force of the hon gentle-

man's arguments, I certainly am not willing to establish anything like ecclesiastical tyranny in the North West, or anywhere else. Hon. gentlemen may perhaps recollect, or at all events may have read what occurred in the Church of England some fifty years ago, what were described by one of the satirists of those days, Mr. Sydney Smith, as persecuting bishops. Those bishops were written down by no more formidable weapons than the point of Sidney Smith's pen, and I think the press of the North West would be willing to give its aid against tyranny on the part of any ecclesiastical body whatever. To me it seems that what my hon. friend calls an "ecclesiastical court" is neither more nor less than such a synod as we require to have in every well organized ecclesiastical district. His allusion to the case which occurred in England does not bear strictly on this matter. That gentleman, the Rev. Mr. Green, has no doubt attracted a great deal of sympathy from all ranks and denominations of Christians, and no one with a rightly constituted mind can fail to regret seeing a gentleman of learning and piety immured in a dungeon; but when you come to consider that that gentleman could at any time have unlocked his doors and come forth a free man I think our sympathy will very soon vanish. The instance I think is not at all in point; therefore I find no difficulty in voting against the amendment.

The House divided on the amendment, which was rejected by the following vote :

CONTENTS :
Hon. Messrs.

Archibald,	Leonard,
Boyd,	McClelan,
Dickey,	McKay,
Flint,	McMaster,
Girard,	Macdonald,
Glasier,	Montgomery,
Grant,	Read,
Hamilton (Kingston),	Skead,
Hope,	Wark.—18.

NON-CONTENTS :
Hon. Messrs.

Aikins,	Kaulbach,
Allan,	Lewin,
Almon,	McInnes,
Bellerose,	MacInnes,
Benson,	Macpherson,
Botsford,	Muirhead,
Campbell (Sir Alex.),	Odell,

HON. MR. HAYTHORNE.

Carvell,	Power,
Chaffers,	Scott,
Chapais,	Simpson,
Cormier,	Smith,
Dever,	Sutherland,
Haythorne,	Trudel,
Howlan,	Vidal.—28.

The Bill was then read the third time.

On the passing of the Bill

HON. MR. VIDAL said—Before the passage of the Bill I am in a position to satisfy the scruples of hon. gentlemen who think we are falling back on the legislation of the old Parliament of Canada. In 1871 the Dominion Parliament re-enacted the very objectionable words which this day have been found fault with, in the measure extending to the Province of New Brunswick the Act of the Legislature of the late Province of Canada concerning the Synod of the Church of England in Canada, so that we have Dominion authority as well as precedents prior to confederation.

The Bill then passed.

AMERICAN TELEGRAPH AND
CABLE COMPANY'S BILL.

THIRD READING.

HON. MR. DICKEY moved concurrence in the amendments proposed by the Select Standing Committee on Railways, Telegraphs and Harbors to Bill (17) "An Act to incorporate the American Telegraph and Cable Company" He said:—In doing so I am afraid I shall shock the sensibilities of my hon. friend who has last spoken by demonstrating that the Parliament of Canada sometimes show themselves wiser to-day than they were yesterday, and refuse to be guided by precedents which are objectionable. The first amendment of any consequence, except the verbal amendments, is that in which the power to acquire from and lease and sub-let to any other company, these submarine cables and lines, has been struck out of the Bill. The very important principle of amalgamation was adopted in former legislation so recently as 1880 and 1881; but the Committee agreed, and I hope the House will agree also, to strike out that part of the Bill. A clause is added for

the protection of the public by limiting the rate which can be charged for messages. Another clause of importance is one requiring the Company to deposit with the Secretary of State a copy of its charter before commencing business in Canada. The other amendments are merely verbal.

The motion was agreed to and the Bill was then read the third time and passed.

The Senate adjourned at 4.50 p.m.

THE SENATE.

Ottawa, Wednesday, April 12th, 1882.

The Speaker took the Chair at eight o'clock, p.m.

Prayers and routine proceedings.

THE BLOCK SYSTEM.

INQUIRY.

HON. MR. DICKEY inquired,

Whether it is the intention of the Railway Department to introduce the block system or some modification thereof, with a view of preventing disasters such as have recently happened on the Intercolonial Railway?

He said:—The accidents to which more particular reference is made here, are those two which have occurred within the past few weeks; the first being a collision which took place near Windsor Junction, on the Intercolonial Railway, and the second at Grand Lake, both of which would have been prevented had the block system, or some modification of it, as practised in England, been in force. The last case was that of the telescoping of a train standing at a station, another train coming up without any notice that it was there, and being allowed to pass from one station to another until the collision occurred. If there be any virtue in a system which prevents such accidents as that in the ordinary traffic on a railway, the force of it is intensified when you apply it to special trains. In the latter case both were special trains. Now, there may be some hope of trains not colliding where one or both of them may be regular trains, because they have their

hours and stated times; but in the case of special trains, such as these were, it is hopeless to imagine for a moment that there is no danger of a collision. In the first case the station-master at Windsor Junction was committed for manslaughter, but the result of the inquiry was that the man was discharged; so that the fault seems to have been laid to the system and not so much to the station-master. In the last case there appears to have been no excuse whatever except the want of some system which prevents a train from leaving one station before it is known that the track is clear, and running on recklessly to another. When my hon. friend answers this question he may explain to us why the train was not stopped by the semaphore before it got to the station. It is with a view to the safety of life among passengers and of the property of the Government of the country that I make this inquiry, and, therefore, I need not apologize to the House in any way for putting the question as I have done. On a former occasion, about a year ago, I called attention to this matter and stated that accidents had occurred and doubtless would occur again unless something was done to change the system. I was told that it would be done. I will not anticipate the answer to my inquiry, but I certainly predict that if this system of recklessly running trains between stations be continued, my hon. friend may expect to hear of similar accidents hereafter.

HON. MR. POWER—Before the hon. Minister of Inland Revenue answers the question asked by the hon. gentleman from Amherst, I suppose that it is not out of order to call attention to anything which may be calculated to give clearer ideas as to the causes of the two recent disasters on the Intercolonial Railway, to which that hon. gentleman has referred. I think that the hon. gentleman from Amherst has conferred a great obligation on the House, and the country as well, by having on two occasions called attention to the necessity that exists for some alteration in the manner of running trains on the Intercolonial railway. There may be different opinions as to what the best remedy is, but there can be no doubt as to the wisdom and propriety of calling the attention of the Government and Parlia-

ment to the mishaps that have taken place. I venture to suggest, with reference to the first accident at Windsor Junction, through the collision of two trains running in opposite directions—and by which an old public servant lost his life—that there is another way to prevent accidents of that sort without resorting to the system proposed by the hon. gentleman from Amherst. The evidence in that case showed that these trains were controlled by what are called “detention orders.” There were no orders given to the officers of the trains, but orders were telegraphed to certain stations on the Intercolonial. In this case orders were telegraphed from Truro to Windsor Junction to detain train No. 13 or No. 15, as the case may have been. It was first thought that the officer at Windsor Junction had made a mistake and had detained the wrong train. It happened that one train had been cancelled that day, and it was thought he had detained the wrong train; but subsequently in the course of the investigation, or after it had closed, it appeared that some mistake had been made by the telegraph operator at Truro in sending the message. Now I believe the opinion of railway men is that these “detention orders” are wrong, and that trains managed by this system are greatly exposed to the danger of collision. It is not the first time that collisions have occurred in that way, and practical men consider that the proper way to control running trains, where two trains have to cross one another, is by issuing cross orders to the officers of the trains. The conductor of one train gets an order to cross the other train at a certain station, and a duplicate of the same order is given to the conductor of the other train. It is the duty of the conductor of each train to shew his order to his driver, and if this is done collision is practically impossible, because the officers of the two trains know the exact station at which they are to meet, and there is no chance for a mistake such as that which led to the disaster at Windsor Junction. I would suggest that it would be a very desirable improvement in the manner of running trains on the Intercolonial Railway if these cross orders were universally substituted for detention orders. Detention orders are only used in certain cases, and I think it would be much better if they were done

away with altogether. Then as to the recent accident at Grand Lake, which resulted in the death of an old and valuable officer—one of the best known men and most efficient conductors on the Intercolonial,—the evidence taken at the inquest in that case goes to show that the immediate cause of the accident was neglect on the part of the conductor, as I understand it, himself to comply with the rules of the railway. He neglected to send a man out to the rear of his train, as he should have done, with a signal to prevent the train following him from running into his. But while it is true that that was the immediate cause of the accident, the substantial cause behind all that was the fact that this conductor was overworked. He had already done his regular duty, and was worn out through want of sleep, and at the time he left Truro he declared that he could not keep awake; and the evidence shows that at the time the accident occurred, or immediately before it, this conductor was asleep. In fact, I believe the evidence proves that he was not awake all the way from Truro down to the place where the accident happened, and the persons who are really responsible for the death of this man and for the wrecking of public property are those who sent a worn out and jaded officer to do work that he should not have been asked to perform. I think the deduction to be drawn from that is that the road is under-officered, and that a desire to be economical, or to seem so, has led the authorities who control the road to attempt to carry on the traffic with too small a staff. Such economy as that is very unwise in the long run.

HON. MR. MACFARLANE—My hon. friend who has just addressed the House should bear in mind that, while these two accidents on the Intercolonial Railway have been very unfortunate, probably there is no other road on this continent that during the last fifteen months has been run with more care, or with greater safety to life, and property. With the exception of these two accidents that singularly followed one another within a very brief space of time, I think it may be said that for the last fifteen months probably not a dollar's worth of property has been destroyed on that entire line, and this shows a degree of efficiency and

care in the running of the road which indicates that so far from the road, being as my hon. friend states, under-officered, the work of the railway has been carried on efficiently and well. It is true that in the last sad accident a valuable officer's life was lost. I knew that man very well; I had known him for many years, and he was an extremely careful man—I believe perhaps the last man that would have allowed himself to be overworked. I venture to say that conductor Geldert when he took charge of that train did so of his own free will, and that he would not have taken upon himself a responsibility to which he was unequal. It is certainly unfortunate that his life was lost, but it must be remembered that he was guilty of a great deal of carelessness in allowing his train to be caught as it was, and certainly no charge could be made against the Department in reference to the loss of life that occurred there.

In the other instance, it did appear, at the first blush, that the man, who was a very valuable officer, had been guilty of neglect in giving the wrong number of the train that he was ordered to stop, but it subsequently came out and was shown that it was the fault of the train despatcher in Truro, by some mingling of figures there, and poor Harris was innocently the cause of the loss of life. Certainly if anything can be done to ensure greater safety in the running of trains, I am satisfied that it will be done by those who are managing the road in a satisfactory and economical way, and are doing a larger amount of business with a smaller loss of life and injury to property than any other line on the continent.

HON. MR. AIKINS—I was not familiar with the facts as they have been brought before the House. I communicated with the Minister of Railways in connection with this question and have got his answer. The last accident occurred in consequence of the negligence of the conductor. The train was out of time, the rails were covered with ice and he failed to make as good time as he would have made under other circumstances. He fell asleep, and the accident occurred and was attended with loss of life. It is quite possible that he may have felt overworked and fallen asleep; the train despatcher may have been negligent, and hence the

loss of life occurred. What my hon. friend has said is true; I think the accidents on the Intercolonial Railway during the last year, or eighteen months back, have been fewer than on any other line of equal length in Canada, or, I believe, in the United States. Take the Grand Trunk Railway, which is well managed; no penny-wise and pound foolish system prevails there, and yet we find accidents occur on that line occasionally, as also on the Great Western, one of the best managed roads in the Dominion, and the Canada Southern. Therefore, I think that accidents occurring on the Intercolonial Railway, however much we may regret the loss of life and destruction of property resulting from it, would seem to be almost inevitable. In answer to the question, the Minister of Railways informs me that it is not the intention to introduce the block system. The fact is, the system which prevails in England, does not appear to be well adapted to this country, or, if adapted, has not been practised. In the United States, where railways are managed as economically and efficiently as in any other country, the block system does not prevail. While train despatchers, or conductors, or brakemen, or switchmen are careless, accidents will occur, but I do not think they have occurred as frequently on the Intercolonial as upon other railways of the Dominion. As I have intimated, it is not the intention to change the present system, but the greatest care will be taken to see that human life is not endangered in any way. As far as possible safety will be ensured, by the employment of officers in whom the greatest confidence can be placed.

HON. MR. DICKEY—I would not have found it necessary to say another word, only it has been unnecessarily assumed that I made an attack on the Minister of Railways. He has been most quixotically defended here, while nothing fell from me which could be construed into an attack upon him. I am quite prepared to state that the Intercolonial Railway is as free from accidents as any line that I know of on this continent. I am afraid I cannot say much in favor of the railways in the United States, which my hon. friend proposes as our model, for in that country we find more reckless running of trains than in Canada. I wish

to advert to the excuse made in one instance, that the accident was due to the negligence of the conductor. What I want to impress on the Government and on the House is that it is the fault of the system, and not of the Minister of Railways, who manages the line by the best lights he has, nor of the conductors, who get their orders, and who are but men—it is the fault of the system. If the block system, or some modification of it, had been in force, the effect would have been just this—that the negligence of the conductor, or signal men, or others, could not have produced an accident, because the train could not have left the station until it was ascertained that the road was clear to the next station. Under the present system the safety of life and property depends upon the sending out of a man with a red lantern; and if it is not changed, I am sorry to say I will be prepared to hear of accidents in the future; and it is a merciful Providence that there have been so few in the past.

HON. MR. HAYTHORNE—The Minister of Inland Revenue, who replied to my hon. friend from Amherst, and one or two who preceded him, claimed for the Intercolonial Railway a remarkable freedom from accidents. That is a matter for congratulation, and reflects no little credit on the management of the road; but that is not the question which this inquiry raises: the question is, whether the two accidents which have occurred could have been prevented by some different system. If this debate has not had the effect of bringing that question before the House, it is practically useless to all intents and purposes. I must say, to my judgment the hon. Senator from Amherst made out a case for a change on the Intercolonial Railway, notwithstanding the comparative rarity of accidents on that line; and I hope the Government will see that they are not chargeable with some tremendous accidents which might be prevented by the adoption of the block system in time.

HON. MR. FERRIER—So far as the Grand Trunk Railway is concerned, Mr. Spicer, who has charge of the entire running of trains from one end of the line to the other, visited England last year and gave special attention to the block system

of running trains. I heard him say on his return, in conversation, that he preferred our mode—that he did not see in their system anything that was equal to ours, and he would not alter the present mode of conducting the Grand Trunk Railway, which, I believe, is precisely the same as that of the Intercolonial.

HON. MR. AIKINS—Just the same.

HON. MR. FERRIER—Had I known that this discussion would take place this evening I would have got Mr. Spicer's opinion in writing, because, as I have said, he gave special attention to the subject in England, and his opinion is that our system is better than their's.

HON. MR. McCLELAN—It is of very great importance that some system should be devised by which these serious accidents to life and property can be prevented in some way. I rise more particularly to refer to a remark which fell from the Minister of Inland Revenue regarding the introduction of the block system into America. With all due deference, I beg to say that he must be mistaken in supposing that it has not been adopted in the United States. I am certain that it is in practice on the Pennsylvania Railway, and a few other roads, so far as I am informed, it has worked admirably and resulted in the saving of life and property. I am very glad, indeed, that this subject has been brought so prominently to the attention of the country and the Government, as it has been by this inquiry. My impression is that although we hear of dreadful accidents resulting in loss of property and sometimes loss of life, yet on all lines of railways many accidents are never heard of by the public. From what I have noticed in travelling about the country, in the United States particularly, the policy prevails to conceal the number of accidents, and a great many of them are not made public at all. Therefore I am very glad that the subject has been brought forward, because it is one of momentous importance. If the Minister of Railways will examine the matter, he may discover the merits of the block system and find it desirable.

HON. MR. AIKINS—I may be mis-

taken about the adoption of the block system in the United States, but my impression is it does not prevail there generally.

HON. MR. FERRIER—I have not heard of its introduction at all. How long has it prevailed on the Pennsylvania Central?

HON. MR. McCLELAN—More than two years.

HON. MR. FERRIER—I am surprised to hear it.

BILLS INTRODUCED.

Bill (87), "An Act respecting a certain agreement between the Canadian Securities Company and the liquidators of the Consolidated Bank of Canada."—(Mr. Ryan.)

Bill (81), "An Act relating to the Canada Southern Bridge Company."—(Mr. D. MacInnes.)

Bill (30), "An Act to empower the Ottawa Agricultural Insurance Company to wind up their affairs and to relinquish their charter, and to provide for the dissolution of the said Company."—(Mr. Skead.)

Bill (71), "An Act to amend the Act of the late Province of Canada, intituled: 'An Act to incorporate the managers of the Ministers' Widows and Orphans Fund of the Synod of the Presbyterian Church of Canada, in connection with the Church of Scotland,' and amendments thereto."—(Mr. Wark.)

Bill (64), "An Act respecting Queen's College at Kingston."—(Mr. Dickey.)

Bill (67), "An Act to incorporate the Niagara Peninsula Bridge Company."—(Mr. Macfarlane.)

Bill (86), "An Act to amend the Act incorporating the Pontiac Pacific Junction Railway Company, and to authorize the said Company to erect a bridge across the Ottawa River."—(Mr. Skead.)

Bill (68), "An Act further to amend the Act incorporating the Souris and Rocky Mountain Railway Company."—(Mr. Sutherland.)

Bill (76), "An Act to amend the Act to incorporate the South Saskatchewan

Valley Railway Company."—(Mr. D. MacInnes.)

Bill (R), "An Act to regulate the employment of labor in Workshops, Mills and Factories, and for other purposes."—(Mr. Aikins.)

EDISON ELECTRIC LIGHT CO.'S BILL.

THIRD READING.

HON. MR. BELLEROSE moved concurrence in the amendments made by the Committee on Standing Orders and Private Bills to Bill (46), "An Act to incorporate the Edison Electric Light Company of Canada."

The motion was agreed to, and the Bill was read the third time and passed.

AMERICAN ELECTRIC LIGHT COMPANY'S BILL.

THIRD READING.

HON. MR. BELLEROSE moved concurrence in the amendments made by the Committee on Standing Orders and Private Bills to Bill (79), "An Act to incorporate the American Electric Light Company of Canada."

The motion was agreed to, and the Bill was read the third time and passed.

STADACONA INSURANCE COMPANY'S BILL.

SECOND READING.

HON. MR. PELLETIER moved the second reading of Bill (6), "An Act to amend and extend the Act to empower the Stadacona Fire and Life Insurance Company to relinquish their charter and to provide for the winding up of their affairs." He said: The Stadacona Fire and Life Insurance Company has been in liquidation for over two years. By the Act 43rd Victoria that company was empowered to wind up its affairs and relinquish its charter. By the same Act liquidators were appointed and they are now ready to wind up and to pay dividends, but some claims have not been fyled and are still pending, and this Bill provides that all claims not fyled within a year will be con-

sidered abandoned. The measure was fully discussed in the House of Commons, and was referred to a Special Committee of members of the legal profession, whose report was adopted by the House, and the Bill passed. Therefore, I do not expect that it will be opposed here.

HON. MR. AIKINS—There is one clause in the Bill which seems rather extraordinary—that with reference to the distribution of the property. It provides that any dividend not claimed within a year shall be forfeited. It strikes me as an extraordinary provision, and I call attention to it now so that when it comes before the Committee it can be amended.

HON. MR. PELLETIER—If the claims were allowed to stand, there could be no final closing of the affairs of the Company. I believe this principle has been adopted in the Bill introduced by the hon. the Minister of Justice respecting Insolvent Banks and Insurance Companies. If the hon. the Minister of Inland Revenue will look at the 66th clause of that measure he will see that the principle is the same. In the one case the judges are empowered to fix a day for the presenting of claims, while the period fixed in this Bill is one year.

HON. MR. TRUDEL—I think a Bill was passed in the Province of Quebec providing that those funds coming from the liquidator should be deposited in the hands of the provincial treasurer, and remain there.

HON. MR. AIKINS—I can understand that the question of civil rights comes up.

HON. MR. TRUDEL—I think it is according to the spirit of the law, because, if those dividends are not claimed, they belong to the State—to the Government.

HON. MR. PELLETIER—Not at all; they belong to the Company.

HON. MR. TRUDEL—No, the point is this: that these dividends, being the property of private individuals, if not claimed, fall within the domain of property unclaimed, and belong to the State. When I first read that clause of the Bill it struck me, and I am willing to agree

with my hon. friend in this—that it is perhaps more in the interest of the shareholders; but that does not affect the question as to whether it is sound legislation. It strikes me that this is already provided for by a local Act; and further, that it is not strictly within the spirit of the general legislation of the country. These I think are strong objections to it.

HON. MR. PELLETIER—I do not forget that such legislation has been passed in the Province of Quebec, and in this Bill we provide against that. The second clause is exactly to that effect; it reads:—

“2. Notwithstanding anything contained in section eight of the Act above cited, creditors who are unknown, have disappeared, are unrepresented or are not to be found, and who have not, either personally or by attorney, preferred their claim to the Company, either for dividend or otherwise, within the aforesaid term of one year, shall be held to have abandoned the same, and to have renounced their right to any future dividend, and the final liquidation of the affairs of the Company shall be proceeded with as though such persons or such claims had never existed.”

It is just that we should not be obliged to comply with the provisions of the Act of the Province of Quebec that we come to this Parliament and ask that a final term be fixed within which to fyle these claims. If such claims were allowed to be delayed for an unlimited time, no one could say when they would be made, and the Company would not be able to wind up its affairs. It is just to provide against such a difficulty that we ask for a limit as to time; but I believe this will be fully considered in the committee.

HON. MR. AIKINS—There is no objection to its going to the committee. The first clause makes provision for the preferring of claims within a certain time, and this is not objectionable; but to say that because a dividend has not been asked for within twelve months the stockholders shall be deprived of it, seems to me rather extraordinary. However, it will be referred to the committee, and we can deal with it there.

HON. MR. POWER—Has my hon. friend's attention been called to the question as to whether we have the right to

deal with this matter, or whether it is not a question affecting property and civil rights procedure in several cases, and whether it does not come under the jurisdiction of the Legislature of Quebec? It strikes me very forcibly it does, and I think it might be a

wise course for the hon. mover of this Bill to refer the matter to the Supreme Court, in order to get their opinion on the subject.

HON. MR. BUREAU—I think there is no difficulty about that point: there is concurrent jurisdiction; they have power in Quebec and we have power here to deal with these bills. Different provinces are interested in them, so the matter must come under our authority.

The motion was agreed to and the Bill was read the second time.

The Senate adjourned at 9.05 p.m.

THE SENATE.

Ottawa, Thursday, April 13th, 1882.

The Speaker took the Chair at three o'clock, p.m.

Prayers and routine proceedings.

BILLS INTRODUCED.

Bill (S), "An Act to define the right in certain cases to assault, kill or wound certain prisoners."—(Sir Alex. Campbell.)

Bill (T), "An Act to remove certain doubts as to the effect of the North-West Territories Act of 1880, and to amend the same."—(Sir Alex. Campbell.)

Bill (U), "An Act to amend the Acts respecting the Militia and Defence of the Dominion of Canada."—(Sir Alex. Campbell.)

DECEASED WIFE'S SISTER MARRIAGE BILL.

IN COMMITTEE.

HON. MR. FERRIER moved that the

House go into Committee of the Whole on Bill (9), "An Act concerning marriage with a deceased wife's sister."

HON. MR. BELLEROSE moved in amendment:

"That the said Committee be instructed to amend the said Bill by leaving out the first section thereof, and inserting instead the following: Every marriage contracted in any Province of the Dominion of Canada, according to the laws of such Province shall be deemed good and legal in all the other Provinces of the Dominion of Canada."

He said: This clause which I propose is in accordance with the arrangements made at the time of Confederation between the delegates of the different Provinces then to be united. I should not refer to the declaration, which the hon. the Minister of Justice himself admitted the other day to be one made in the name of the then Government of Canada; neither would it be necessary that I should refer to the language of the declaration itself, or of the gentleman who made that declaration for the Government of the day, when he said that the arrangement was the same as that come to at the Quebec Conference between the delegates of the several Provinces. However, as some hon. gentlemen might prefer to have the words themselves, I shall quote them:

"Hon. Sol. Gen. LANGEVIN—I made, Mr. Speaker, the other day in the name of the Government, the declaration now alluded to by the hon. member for Montmorency relative to the question of marriage. The explanation then given by me exactly accords with that which was affixed to it at the Quebec Conference."

And the declaration is in these words:

"The word marriage has been placed in the draft of the proposed Constitution to invest the Federal Parliament with the right of declaring what marriages shall be held and deemed to be valid throughout the whole extent of the Confederacy without, however, interfering in any particular with the doctrines or rites of the religious creeds to which the contracting parties may belong."

Such is the declaration which was made at the time in the name of the delegates and of the Canadian Government, and it was made because of some objections which had been raised as to the extent of the general powers as to marriage

given to the Federal Government. I shall now read what the objections were. Mr. Dorion asked: "Is the General Government to be at liberty to set aside all that we have been in the habit of doing in Lower Canada in this respect? Will the General Government have the power to determine the degree of relationship and the age beyond which parties may marry, as well as the consent which will be required to make a marriage valid. Will all these questions be left to the General Government? If so, it will have the power to upset one of the most important portions of our civil code, and one affecting more than any other, all classes of society; the adoption, for instance, of the English rule whereby females at the age of twelve and males at the age of fourteen, can contract a valid marriage without the consent of parents, tutors or guardians, would be looked to by the mass of the people of Lower Canada as a most objectionable innovation in our laws, as would also any provision to allow such marriages to take place before any common magistrate without any formality whatsoever. Yet is there no danger that such measures might be carried, when you see the different feelings existing on these questions among the people of the different provinces?"

That was one of the objections, and the other was in these words:

"I would ask the hon. premier, for instance, whether the Federal Government has not the power to enact that marriage is a civil contract?"

That question was asked by the Hon. Mr. Olivier, who was a Senator some eight or nine years ago, of the Premier, who was Sir Etienne Paschal Taché. Sir Hector Langevin answers in the name of the Government in the words I have already quoted and the Premier, the Hon. Mr. Taché, replies:

"The word 'marriage' has been inserted to give the General Legislature the right to decide what form of marriage will be legal in all parts of the Confederation, without in any way interfering with the rules and prescriptions of the church to which the contracting parties belong."

Here we have two ministers, one in each House, stating that they spoke in the name of the Government and in the name

of the delegates of the different Provinces to be united, as to the interpretation of these words. Now I ask whether we should in this Parliament undertake to legislate on a question which according to this declaration it was intended to reserve for the local legislatures. It seems to me that the delegates and the members of the Government who pledged their honor to carry out the interpretation of these words are bound to abide by that interpretation now. There is a difficulty in the construction of the Act as is shown in the judgment of the Lords of the Privy Council in the case of the Citizens' Insurance Company. When they refer to these two sub-sections of the Act they say:—

"Marriage is certainly a general term and the solemnization of marriage comes under that. It could not have been the intention that a conflict should exist. Now, there is a conflict in this way, that solemnization is contained in the other word, and in order to prevent such a result, the language of the two sections must be read together, and that of the one interpreted, and, where necessary, modified by that of the other."

Under the circumstances, as men of honor, on whom the country relies, I expect that those who were members of the Government at that time, and those who were delegates of the Conference, will keep faith with the people of the Province of Quebec, and legislate in accordance with the promises that were then made by them and in their name. I say that no one who will view this question will deny that this Bill is *ultra vires*. By the Confederation Act, the solemnization of marriage is reserved to the local legislatures. What is the solemnization of marriage? Will any one deny that it means all things, directly or indirectly, connected with the celebration of marriage; and will any one deny that an impediment which would be sufficient to annul a marriage contract, is included in that phrase? Will any one say that an impediment is not a part of the celebration? Suppose a man marries his sister-in-law in the Province of Quebec: under the existing law, there is no marriage. The impediment is such that it prevents the civil contract from being a contract, and, consequently, it prevents the celebration of marriage. If it does, then it is part of the celebration of marriage, and falls under the 92nd section of the British

North America Act, which reserves the solemnization of marriage to the local legislatures. No one who looks at the question fairly and seriously can fail to come to that conclusion. If you make a contract, notwithstanding this impediment, the contract is null. I call the impediment a prohibition. Let us take the question of banns, which was alluded to the other day. There are Provinces in this Confederation where the marriage contract is null if there are no banns called at the church the Sunday before the contract is signed. That is a prohibition, and would it not therefore come under the description "solemnization of marriage?" As an hon. gentleman on the other side admitted the other day, it is a prohibition, and must be reserved to the local legislatures. Now, if this prohibition falls under the jurisdiction of the local authorities, why would not the other prohibition, which is similar in character—that of marrying a sister-in-law? There are seven or eight of those impediments under the law of the Province of Quebec—not merely ecclesiastical impediments—I am not speaking of marriage now as a religious rite, but I speak of it as a civil contract. By the code of the Province of Quebec we have seven impediments or prohibitions to marriage, amongst which are the calling of banns, consanguinity and others. Can this Parliament deal with them? Assuredly not; because when a marriage is contrary to these prohibitions, the contract is null and void; therefore it is part of the celebration of marriage, with which the Dominion Parliament has nothing to do. I contend that the argument is unanswerable. There are 78 articles in the Civil Code referring to Marriage, and if you pass this Act you could abrogate them all, because under them the civil contract of marriage is good or bad. If you touch one there is no reason why you should not destroy all the rest; they are all alike, and they either prohibit or permit marriage under certain conditions, and, as I said before, they come under that phrase, "Solemnization of Marriage" and should be reserved to the local legislatures. I hope the House will pardon me if I repeat the argument I used in my last speech on this subject but really on that occasion I felt so sore at heart, when I found that I had been deceived by the men on whom I had

relied for thirty years, that I was unable to do justice to the subject; I felt broken down when I saw the Minister of Justice—who two minutes before had admitted that he was bound by the declaration of his colleague—rise and vote to violate that understanding which had been arrived at prior to Confederation. Under the circumstances it is my duty to ask of the delegates and the members of the Government of that day—those who were then bringing about Confederation, and in whose name Mr. Langevin spoke when he made that declaration—to vote against this measure. Fifteen years have passed since those words were spoken, and the declaration which they conveyed has never till now been questioned. It is too late now to say that it is not binding. Therefore I consider it my duty to ask that when we are legislating we shall do so in accordance with the spirit of the constitution. The hon. gentleman who has charge of this Bill says he knew the case of a man who had been married in Kingston, Ontario, and whose marriage was null and void in the Province of Quebec. I say that is not right; we are one people—one Dominion—and marriages which are legal in one province should be valid in every other portion of the Dominion. It is easy to settle that difficulty, and I ask to amend this Bill, which in its present shape is unconstitutional, in such a way as to carry out the intention of those who framed the British North America Act. If I could believe that Sir John Macdonald and the present Minister of Justice intended to deceive the people of the Province of Quebec at the time of Confederation, I should be obliged to search the English dictionary for a word which would convey my meaning without being unparliamentary, and which I would desire to put on record; but I am quite sure that they meant to stand by their word, and that when they crossed the Atlantic they did their best to faithfully carry out the terms of Union. I ask them now, when there is a doubt as to the jurisdiction of this Parliament in the matter, to do as lawyers invariably do under similar circumstances, when there is a difficulty in construing an Act—try to find out the intention of those who framed it. We have no difficulty in this case in ascertaining what the intention was. The delegates went to England under a solemn

promise that they would see that the word "marriage" would not signify anything more than what was stated by Sir Hector Langevin, to be its meaning. I challenge any hon. gentleman to controvert this statement which I have made, and which I contend is logical and unanswerable.

HON. SIR ALEX. CAMPBELL—No doubt, my hon. friend from DeLanaudière (Mr. Bellerose) is logical within a certain circumference, but I do not think he has considered the whole case which is now submitted to this Parliament, or the position of this House itself. The hon. gentleman is no longer speaking to a body of men representing the former Province of Canada: he is speaking to a body of men representing the whole Dominion, called together by virtue of the Act passed by the Imperial Parliament, which they have as much right to interpret as we who came from the old Province of Canada, or we who were in the Government of that Province at the time when the declaration was made, to which he refers: I conceive that I am here, not as a member of that Government, not as representing a particular constituency in Ontario, but as a member of Parliament charged with duties which devolve on me in common with other members of this body and I have no more right to place an interpretation on the Act of the Imperial Parliament which created Confederation than would any gentleman have coming from one of the other Provinces, and speaking with reference to an understanding arrived at in the legislature of his Province. Sir Hector Langevin, no doubt, made the declaration which has been quoted, and no doubt I was a member of the same Government with him, and, therefore, as a member of that Government I was bound by that declaration, and that undoubtedly was the view which was taken at the time by the then Government of Canada as to the result of the words which were put into the Act of Parliament. But what was the view taken in Nova Scotia and New Brunswick? If the Act of Parliament could be governed by those views we would be obliged to ascertain what in each case was the view of the various Provinces. That is where the hon.

gentleman is mistaken, and where I say he has not sufficiently enlarged the circumference of his view of the Act of Parliament. It is true that in construing a statute you are to be governed by the intention of those who frame the law; but this interpretation is to be drawn, not from what they stated, not from any resolution they may have passed, or any conversation in the House of Assembly of old Canada, but from the language of the Act itself and found within its four corners. That is the interpretation of the law which must be taken, and it is the only safe and true one. We must, therefore, act as members representing the whole Dominion, and we find that this interpretation is not invoked by members from the Province of Ontario, but by members coming from the hon. gentleman's own Province, whilst this matter was left untouched by the hon. gentleman who had charge of this measure in the lower branch of the Legislature, it was left untouched by everybody, and two years passed away without anything having been done. From 1867 up to the time that that hon. gentleman took charge of this measure two years ago, for ten years, nobody had made use of the provision in the Confederation Act for the present purpose or any kindred one, and no proposition had been introduced into the Legislature on the subject. But when a measure is introduced into Parliament, and when it is forced upon our consideration, I am obliged, as a member of Parliament, to come to an opinion and a decision upon it. Am I not then, to the best of my judgment, to decide according to law—no matter what may have been anticipated beforehand, and irrespective of what may have been anticipated by any Government of which I was a member? Though I might be very glad to be absolved from the necessity of voting at all, I am bound to exercise my judgment and discretion, I am bound to interpret the law, and my interpretation of it is, that it gives to the Federal Parliament, and not to the local legislatures, the right to deal with the subject matter of the present Bill. Believing that to be the true interpretation, how can I do anything else than support the right of Parliament to legislate as is proposed in this Bill? No matter what may have been said in 1865, I must vote according to what I believe to be the law

of the land to-day. That is my answer, and I am sorry that I should be placed in the position I now occupy, which however, is shared by my hon. friend who is not now in the House, and who also, was a member of the Government at the time (Mr. Chapais) He and myself are, I think, the only two members left in this House who were members of the Government of which Mr Langevin was also a member, and who on our behalf made that declaration in 1865. If that declaration had been invoked in the former Province of Canada, if it had been invoked at the Quebec Conference, if it had been said before this Act of Parliament was confirmed by Great Britain:—"This language goes further than we anticipated, and it was not intended that the power to indicate whom a man should marry and whom he should not marry should be given to the General Parliament as you are now doing, but it was intended it should be left with the local legislatures;" if that had been invoked then, anterior to the passing of the Act of Confederation, I should have joined heart and hand with the hon. gentleman, and insisted that the proper mode was to give the exact meaning which had been placed upon it in the old Province of Canada. The hon. gentleman has just mentioned, and I hear it for the first time, that Sir Hector Langevin spoke of the matter in the Quebec Conference—did I understand the hon. gentleman aright?

HON. MR. BELLEROSE—I will again read the words of Sir Hector Langevin:—

"Hon. Solicitor-General Langevin. — I made, Mr. Speaker, the other day in the name of the Government, the declaration now alluded to by the honorable member for Montmorency, relative to the question of marriage. The explanation then given by me exactly accords with which that was affixed to it at the Quebec conference."

HON. SIR ALEX. CAMPBELL—There are several gentlemen here who were members of the Quebec conference, and who can speak as authoritatively as I can upon that point. I have no recollection whatever of the matter being discussed before the Quebec conference, and I may also add that I had no recollection of what Sir Hector Langevin said until it was quoted here. But we are all of us placed in the position of being governed by the

Act of the Imperial Parliament which lays down certain provisions which we are obliged to carry out. The hon. gentleman quotes an insurance case, and says there it was intimated by the judges that the solemnization of matrimony touched very closely upon marriage and divorce. I have read that case, and it is idle to argue about it; it does not justify the use which has been made of it by the hon. gentleman, because, so far as it went on that subject, the dictum of the judges was to the effect that if the words "solemnization of matrimony" had not been used, then the words "marriage and divorce" would have carried the whole subject into the hands of the general Parliament, but as the words "solemnization of matrimony" had been used, then a division took place: solemnization went one way, and marriage and divorce the other. I quite admit, and am grateful for the kindness with which the hon. gentleman has alluded to the course, I have felt it necessary to pursue, and I am conscious that he is sincere from his point of view; nevertheless, I am obliged to discharge my duty, and to adopt the view which I think to be the legal one, and in accord with the British North America Act. I believe that it has placed the power to deal with this question in the hands of Parliament, and not in the hands of the local legislatures. When a bill of this kind comes before the House, not introduced by me, not of my seeking in any way, I am obliged to discharge my duty in the premises, and I can not be influenced in my course by what may have passed in 1865, but must follow my sense of what is the legal meaning of the Act.

HON. MR. BOTSFORD—I rise to express my thanks to the hon. Minister of Justice for the lucid and convincing argument which he has just given to the House, in reply to the hon. gentleman who moved this resolution. If the argument of that hon. gentleman,—that we should construe the British North America Act by what was said by a member of the Government of one of the colonies, irrespective of what might have been said by the administrations of the other colonies,—where would be the stability of the Act? I conceive it would be but a rope of sand. I can remember a case that occurred in

New Brunswick (the Penitentiaries' Act) where the Government of that Province thought that the construction of the Act ought to be so and so; and if the doctrine which the hon. gentleman has sought to establish were adopted, it would leave us without a constitution at all. I have risen principally to express my thanks for the very satisfactory statement which has been made by the hon. Minister of Justice, but as there may be some doubt still in the minds of some hon. gentlemen as to his correctness, I will read the opinions of some of the ablest lawyers in the Dominion, whose statements go to confirm the expressions used here to-day by that hon. gentleman. Now, in the first place I will give the opinion of the late Minister of Justice, Mr. Blake, who is considered to be one of the ablest legal men in this country. Respecting the construction to be put upon the British North America Act, he says:

"I maintain that we have the right clearly to determine between what parties it shall be legal to contract marriage and between what parties it shall not be legal, and to determine all that for every Province of this Dominion, but to determine how a marriage between persons who can lawfully contract it under our laws shall be solemnized, it is not within our power to adjudge. That is disposed of by the Local Legislature, and therefore, I think the motion of my hon. friend from Bellechasse (Mr. Amyot), is not only unnecessary, but is a misinterpretation of the true meaning and construction of our Constitution, and I shall certainly vote against it."

HON. MR. BELLEROSE—Will my hon. friend say who is his good authority?

HON. MR. BOTSFORD—Mr. Blake, the late Minister of Justice. I believe also that the present Premier is considered to be one of the best constitutional lawyers in the Dominion; I think the hon. gentleman himself (Mr. Bellerose) will admit that.

HON. MR. BELLEROSE—I will admit this, that lawyers often give an opinion in one court, and gain their case, and in another court the same opinion is not upheld, and they are beaten.

HON. MR. BOTSFORD—I am not a lawyer, but I have no doubt about the construction of this Act; I have read it over carefully; I have my own common sense,

and on thinking it over carefully I can arrive at no other conclusion than that above expressed. I do not make use of any sophistry, and I am not unduly influenced in any way in expressing my opinion, but the terms of the Act seem to be so clear that any man of ordinary understanding and intelligence can construe that portion at all events, of the British North America Act. Hon. Sir John Macdonald expresses his opinion in this way:

"To say what marriage is, who a person may marry, belongs to the Federal Parliament; the mode of making them man and wife belongs to the Local Legislature."

That is clear and distinct, and I think easily understood. Now there was a case in New Brunswick in 1869, when the Government of New Brunswick passed an Act referring to the issuing of licenses and the publishing of banns, and as to who should be authorized to marry. That Act came up to Ottawa in the regular course, and the Minister of Justice of the day thought that the power to issue licenses was with the Dominion Parliament under the British North America Act. He considered that that was part of marriage, and therefore a case was made by the Government and this act of the New Brunswick legislature was submitted to the Officers of the Crown in England. That was referred to by my hon. friend the Minister of Justice and I only refer to it because this discussion arose in my own province, and I would ask what was the answer of the officers of the crown? They decided that the Act claimed by the province of New Brunswick was in accordance with the powers given to the local legislatures: that is that they had the right to legislate respecting the issuing of licenses, who should issue them, and whether the parties should be married by banns, and who should be authorized to celebrate marriage. They go on to confirm the opinions given by Mr. Blake Sir John Macdonald, and, as I will shew further on, the view held by Mr. Langevin. They say:

"Marriage and Divorce which by the 91st section of the same Act are reserved to the Parliament of the Dominion, signify, in their opinion, all matters relating to the status of marriage, between what persons, and under what circumstances it shall be created, and (if at all) destroyed."

HON. MR. BOTSFORD.

Then in 1880 when the other bill was up for discussion in the House of Commons Mr. Langevin expressed himself thus: "The Local Legislature has, by the confederation Act, power to legislate about the solemnization of marriage, and the mode of celebration necessary to render the marriage legal and binding: but nothing to do with regulating as to the parties who shall marry. That, it is admitted, belongs to this Parliament, in the legal sense of the Confederation Act." I need add nothing more to what I have already said and what has been stated by the hon. Minister of Justice.

HON. MR. BELLEROSÉ—I will only read a few words in answer to the hon. Minister of Justice, because I see his opinion does not agree with that held on the other side of the ocean. The lords of the Privy Council say:—"Marriage is certainly a general term, and the solemnization of marriage comes under that. It could not have been the intention that a conflict should exist. Now, there is a conflict in this way, that solemnization is contained in the other words, and in order to prevent such a result the language of the two sections must be read together, and that of the one interpreted, and when necessary, modified, by that of the other."

Is not this is a case in which there should be a modification in accordance with the solemn promise which was made in 1865?

HON. SIR ALEX. CAMPBELL—To understand the passage it is necessary to read more of it than the hon Senator from DeLanaudière has quoted. The learned judge who is giving the judgment is arguing about the case before him and then he draws an analogy from this subject of marriage and divorce, beginning with these words:—

"Take as one instance the subject 'marriage and divorce,' contained in the enumeration of subjects in section 91; it is evident that solemnization of marriage would come within this general description; yet, 'solemnization of marriage in the Province' is enumerated among the classes of subjects in section 92, and no one can doubt, notwithstanding the general language of section 91, that this subject is still within the exclusive authority of the legislatures of the provinces

HON. MR. BELLEROSÉ—Hear, hear.

HON. SIR ALEX. CAMPBELL—That is "solemnization of marriage."

HON. MR. BELLEROSÉ—What is "solemnization?"

HON. SIR ALEX. CAMPBELL—That is not discussed here. The judges say that but for this division of the subjects, "solemnization of marriage," with the other kindred topics, would be under the jurisdiction of the Dominion, but as "solemnization" is given explicitly to the local legislatures, all the rest that is not "solemnization" remains with us. I submit that the decision as to those who should marry does not come under the subject "solemnization of marriage."

HON. MR. BELLEROSÉ—I would ask the Minister of Justice whether an impediment or prohibition, such as the publication of banns, or affinity, does not make the "solemnization of marriage" null, and consequently form a part of the "solemnization of marriage."

HON. SIR ALEX. CAMPBELL—No, I do not think it is a part of the "solemnization of marriage."

HON. MR. TRUDEL—I do not question the motives of the Minister of Justice in interpreting the British North America Act as he has done. I will even admit that he is perfectly right when he says he is satisfied that the interpretation which he gives to the constitution is the one which he conscientiously believes to be its true meaning, and that it is his duty to govern himself accordingly. I believe that a man is never bound, even by a solemn declaration, when years afterwards, or even months or days afterwards, he finds that his interpretation was not a sound one; but the least he can do is to allow us to oppose his former view to his present declaration. The hon. Senator from Sackville (Mr. Botsford) quoted the opinions of a man who I think is admitted by every one to be the highest authority on constitutional questions—Sir John Macdonald—but we will be allowed to oppose that opinion by his former interpretation of the same clause.

I could understand that if the declaration in 1865 had been made in the heat of debate by a member of Government, that it would not be binding upon his colleagues, although at the time they would have to share the responsibility of his utterances; but in this case there was something more. After the questions which have been quoted by the hon. Senator from DeLanau dière had been put by the opposition, five days elapsed before the Government made their declaration through the channel of Sir Hector Langevin. Before giving the words that construction, the matter was considered in Council, and Mr. Langevin was instructed, or undertook to read that before Parliament. Therefore, there cannot be the slightest doubt that this interpretation was fully considered by the members of the Government, and, amongst others, by the present Premier the Minister of Justice. At that time they were not inexperienced politicians; they were acknowledged as leading men; and I respectfully submit to the House that their deliberate opinion then ought to have as much force as their present view.

Now, I understand that the Minister of Justice contends that this was only the opinion of the Government of the day at that time, but there are two points in this matter. There is first the interpretation put upon the clauses by that Government, and there is also the character of the Act of 1867. I think that after due consideration the members of this House will come to the conclusion that the British North America Act ought not to be construed as an ordinary statute, but as a kind of treaty. It is on record that it was solemnly declared in Parliament that the intention of the British Parliament was to go no further than the conference at Quebec, but to give us in every respect the legislation which we sought; therefore what was understood at the conference is the interpretation which the British Parliament intended should be given to the Act, and it was only on that condition that confederation was accepted by the people. The provinces up to that time were in the position of free and independent states treating with each other. Of course, we are not entirely independent, since there was one power which could have controlled us—the British

Parliament—but as between ourselves, the provinces were in the position of separate states, making treaties between themselves, and we have a right to invoke the meaning which was given to that treaty. At that time it was solemnly proclaimed that the British North America Act should be construed and have the same meaning as the resolutions agreed upon at the Quebec Conference. I venture to say that there are not two leading politicians in the Dominion who would contend that it was otherwise.

HON. MR. BOTSFORD—Everyone must be aware that the delegates were in England when this Act was passed, and that they were consulted from day to day as the Bill went through the House of Commons.

HON. MR. TRUDEL—I know that, and it was so well understood that it was the intention of the delegates not to change what had been decided upon at the Quebec Conference, that no such attempt was made; and some of the delegates were ready to leave London and return to this continent and abandon the scheme of Confederation if the slightest alteration was made in the Quebec resolutions. Admitting this to be true, as I believe it is, the rules which ought to guide us in construing that Act are those which govern the interpretation of a treaty. In treaties what is written is after all—I will not say of little importance—but of less importance than the agreement itself. When it is admitted by all parties, that any clause has been omitted, or any portion of a treaty improperly drafted, if it can be shewn what the intention was, the agreement is followed, and not the mere wording of the document itself; because after all, what is the writing, either in a matter of contract or a matter of treaty? It is merely a document which may perish, and is relatively of very little importance. A party sells a property: supposing the deed is burned the day after, will any one pretend to say that the purchaser ceases to be the owner of that property? Certainly not. It is only necessary for him to show that he bought the property, and every legal man will admit that he is the owner; because the writing is only an instrument to prove the contract. In the same way a treaty

exists independently of the document which is the proof of it. I know very well it may be objected that the British North America Act is not merely a writing to prove the existence of a treaty, but is a solemn Act of the British Parliament, and, considered in this light, it has much more authority; but it does not change our position. The moment it is admitted that the British Parliament never intended to give that Act any other meaning beyond that conveyed by the resolutions adopted at the Quebec Conference, the point for which we contend is conceded. I could understand if, since the passage of that Act, a case had been submitted to the Supreme Court and a solemn decision rendered, giving a different interpretation to this clause, that the Minister of Justice should contend that the legal interpretation was the only one which could be accepted; but nothing of that kind has happened. I am not aware that any such interpretation has been given by a judicial tribunal in a sense contrary to that given in 1865, and since, there has been no such construction placed upon the act I respectfully submit that there is no reason why we should take a different view of the subject now. It has been stated by the hon. senator from Sackville (Mr. Botsford) and by the Minister of Justice that the interpretation which we invoke is after all the interpretation of a single government of two provinces. That is true, but I think I showed on a former occasion that the declaration had more authority than if it had merely come from the Government of the day, because it came from the power which created this Parliament. The judgment of the Privy Council in the insurance cases has been alluded to: I do not go so far as to say that that judgment settled the question; but the Minister of Justice will not deny that the tendency of that decision was in favor of our contention.

HON. SIR ALEX. CAMPBELL—The decision in the Citizen's Insurance case?

HON. MR. TRUDEL—Yes.

HON. SIR ALEX. CAMPBELL—No; I think the reverse.

HON. MR. TRUDEL—Well, I think it

was. The declaration of the Government in 1865 was given after five days of mature consideration. Nobody will venture to say that the Government of that day intended to deceive the people of Quebec. I would not even dare to think such a thing; I am satisfied they were acting in good faith, and that that was their interpretation then. It is true that the Minister of Justice interprets it differently now. It is true that a majority even of our people in the Province of Quebec give it a different interpretation.

HON. SIR ALEX. CAMPBELL—Hear, hear!

HON. MR. TRUDEL—Well I would not say that the majority do, because the question was not raised in the other branch of Parliament in the same way that it has been in this House, but I admit that to a certain extent a different interpretation was given to it in the other chamber. If a different interpretation had not been put upon the clause I would say that there was no doubt about it, since the declaration made in 1865 is to my mind sufficiently clear and explicit; but since there are contradictory views on the subject and there is a doubt as to which is correct, we should apply the principle laid down by their lordships of the Privy Council to ascertain the intentions of the framers of the Confederation Act.

HON. MR. KAULBACH—I would not rise to speak on this subject but for the fact that, although I was associated with my hon. friend from DeSalaberry in opposing the Bill before the House, I shall be obliged to vote against him on this amendment.

As a member of a long established and venerable church which opposes such unions I feel that it is my duty to do everything I can to prevent such a measure as this being placed on the Statute Book, and I cannot support an amendment which I believe would have a bad effect. In my opinion there should be but one law on this subject, and that law should be in accordance with the views of the christian churches, which forbid the marriage of a man with his deceased wife's sister; but when my hon. friend desires to have a different law for each province, in regard to the parties who should con-

tract marriage, I really feel that he would be opening the door to greater difficulties then would exist if this measure were to become law. I cannot imagine any thing more dangerous than that marriages solemnized in one province should be considered illegal, with all the consequences attending illegality, in adjoining provinces. I believe that to be contrary to the intentions of those who brought about the Confederation, and it seems to me that it is contrary even to the letter of the law. We cannot go back of that to ask what were the peculiar views of those who were delegates at that time in this matter.

HON. MR. TRUDEL—Will my hon. friend allow me to call his attention to this fact, that it was not merely the opinion of private individuals, but the solemn interpretation made in Parliament, which was not denied or contradicted at the time.

HON. MR. KAULBACH—I cannot go back of the writing itself unless it is ambiguous, and we cannot undertake to say what the intentions of the parties were; the Act says that certain powers shall be given to the Dominion Parliament, and certain other powers to the local legislature; and among those which belong to the Federal Parliament is the power to deal with Marriage and Divorce exclusively; to the local legislatures it gives jurisdiction on the solemnization of Marriage, and if that was not given to the local legislatures it would be an incident to the general power given to the Dominion Parliament.

HON. MR. TRUDEL—If my hon. friend finds it so clear, how can he account for the interpretation given to these words by the Government of that day?

HON. MR. KAULBACH—I cannot account for that, but I know that all the decisions which have been given since then have been in the direction of interpreting this Act as I have stated it. It says that marriage—the parties who can contract marriage—must be the same throughout the whole Dominion. It seems to be not only the law, but common sense, that there should be no difference on this point in the several provinces.

HON. MR. TRUDEL—My hon. friend

HON. MR. KAULBACH.

pretends to say then that after five days deliberation the Government of the day, in 1865, came to a decision contrary to common sense?

HON. MR. KAULBACH—My hon. friend may draw that conclusion if he pleases; it is not for me to construe it in that way; I must give it an interpretation in accordance with common sense. I must take the words as I find them in the written compact entered into between the provinces; I can go no further than that, but it seems to me that there can be no doubt as to the meaning of these clauses, and any other interpretation would be fraught with evil consequences. I should like to support my hon. friend as far as possible in his efforts to defeat the Bill which is contrary to the teachings of the Church to which he belongs, a Church I might say hoary with age, but I cannot sustain him in putting any construction upon the present Act which I do not think it can bear.

HON. MR. POWER—I wish to deal as briefly as possible with the speech made by the hon. Minister of Justice. The hon. Senator from Sackville (Mr. Botsford) said that he rose mainly for the purpose of congratulating the leader of the House upon the lucid and forcible speech which he made on this subject. I do not think that is a matter for remark or congratulation at all; the Minister of Justice always speaks clearly, no matter what subject he deals with, and he generally speaks forcibly. I regret to say that I do not think that in the present instance he has been as logical as he generally is. The hon. gentleman took the position of a judge interpreting a statute, and not that of a legislator who is called upon to pass a new law. I think the positions are altogether different, and I regret that the hon. gentleman did not distinguish between them. It is perfectly true, as I said the other day when this Bill was before the House, if the hon. gentleman were a judge sitting on the bench and construing a contract involving rights which had arisen under this Bill which we are now asked to pass, that he might be compelled to hold that he was bound by the language of the British North America Act, and that he could not look beyond the four corners of it, as he said to-day. But that is

not the position in which the hon. gentleman stands. A proposition is before this chamber to alter a law which has been the law of christendom almost from the beginning of the christian era, and which has been for a great many years the law of this country. This change is not demanded by any large number of people in Nova Scotia, New Brunswick, Prince Edward Island, or British Columbia; and these were the Provinces which were not represented by the Government of which the hon. gentleman was a member in 1865. So that there is really no urgent reason why the hon. gentleman should vote for this measure at all. No rights have accrued under it and he is perfectly free to-day, or was at the second reading of the Bill, and I hold he is still, to vote for or against it as his inclination might urge him. The hon. gentleman stated very distinctly at the second reading of the Bill that he was very little interested in it one way or the other. Under the circumstances it seems an extraordinary statement for the hon. gentleman to make, that those solemn declarations which were made on his behalf, as well as on behalf of the other members of the Government, and made by one of his colleagues at that time, do not in any way bind or affect him to-day. That is a proposition which the hon. gentleman has not proved at all, and which has not been established here to-day; and I don't see how he can get over the pledge. There is another point that I think the hon. gentleman did not make clear enough. If this language which is under discussion—the declaration made by the Solicitor-General in 1865—had been used in the parliamentary discussions before the adoption of the Quebec scheme, I could understand how the hon. gentleman would not feel himself bound by any thing which took place before the adoption of that scheme. It was as a matter of other provinces had not been consulted about, and any thing done in the Province of Canada, could not affect what was done afterwards by the three Provinces. But that is not the position; this declaration was made, after the conference at Quebec, on behalf of the Government who ought to have understood what they were about in framing the Quebec scheme. It was adopted by them and by the representatives of the other provinces. It

is a fact which goes far to show that there is a great deal of force in the position taken by the Senator from De Lanaudiere, that, after the adoption of the Quebec scheme, and probably as a result of the very discussion, during which this declaration was made on behalf of the Government, the wording of the Quebec scheme was altered with reference to this very question of marriage. In the original Quebec scheme there was no mention whatever of Marriage in the 92nd section, which defines the rights of the Local Legislatures, and, as I believe, in consequence of this discussion, that section was altered and the expression "solemnization of marriage" was inserted amongst the powers of the Local Legislatures, just for the purpose of preventing any doubt arising about it. I am not going over the argument again, which has been so ably urged by the senators from De Lanaudiere and De Salaberry, as to the fact that there is a doubt about the interpretation of this Act, and that we can look to what was said in Parliament to enable us to interpret the meaning of the clause. Every gentleman of course is guided in these matters by his own sentiments, but sitting here as legislators and not in a judicial capacity, the hon. Minister of Justice is just as much bound by the declaration made in 1865 as if he had made the same declaration yesterday. I just wish to add a very few words more to what has been said by the hon. gentleman who preceded me, taking the same view of the matter that I do. The hon. gentleman from De Salaberry said that while this late and most important decision of the Privy Council did not distinctly declare that the Local Legislatures had the right to deal with this matter, even under the British North America Act, the tendency of the decision was that way.

I think the hon. gentleman was perfectly correct, and with a view of supporting what he said I shall quote two or three passages from this decision. The Court used the following language :

"The main contention on the part of the respondent was that the Ontario Act in question had relation to matters coming within the class of subjects described in No. 13 of section 92, viz. : 'Property and Civil Rights in the Province.' The Act deals with policies of insurance entered into or in force in the Province of Ontario for insuring property

situate therein against fire, and prescribes certain conditions, which are to form part of such contracts. These contracts, and the rights arising from them, it was argued, came legitimately within the class of subjects, 'Property and Civil Rights.' The appellants, on the other hand, contended that civil rights meant only such rights as flowed from the law, and gave as an instance the *status* of persons."

Hon. gentlemen will notice that in this case the persons who were contending against the Provincial claim held that Civil rights meant rights flowing from the law, and referred to the *status* of persons. Now, it seems to me that everything connected with matrimony—the right to decide who shall marry—those who are in a position to marry, and who are not—is just a question of *status* :

"Their Lordships cannot think that the latter construction is the correct one. They find no sufficient reason in the language itself, nor in the other parts of the Act, for giving so narrow an interpretation to the words 'civil rights.' The words are sufficiently large to embrace in their fair and ordinary meaning, rights arising from contract, and such rights are not included in any of the enumerated classes of subjects in section 91."

The last quotation with which I shall trouble the House—and it is one to which I think the Minister of Justice should pay a good deal of attention—is this:—

'It is to be observed that the same words 'civil rights' are employed in the Act 14 George third, chapter 83, which made provision for the Government of the Province of Quebec. Section eight of that Act enacted that His Majesty's Canadian subjects within the Province of Quebec should enjoy their property, usages and other civil rights as they had before done, and that in all matters of controversy relative to property and civil rights, resort should be had to the laws of Canada and be determined agreeably to the said laws. In this statute the words 'property and civil rights' are plainly used in their largest sense; and there is no reason for holding that in the Statute under discussion they are used in a different and narrower one.'

Now, it is perfectly clear that the right to decide who should not marry was one of the rights that belonged to the Province of Canada, before it became the property of the British Crown, and this is one of the rights which are protected by this Act of George III. There is the authority of the Lords of the Privy Council for saying that everything which by that Act of George III. was left to be governed by the French law, should under the British

North America Act be governed by the law of the Province of Quebec, and that seems to be a fair and reasonable construction of the statute. Not only have we the pledge of the Government, and of the hon. the Minister of Justice as a member of that Government, but the people of the Province have, to a certain extent, the pledge of the British Government, made in the statute of George III., and at a previous time, when the Province of Canada was ceded to Great Britain, that they should have the right to decide these matters by the laws of the Province of Quebec.

HON. MR. ALMON—I hope I shall not be guilty of doing as many who preceded me have done in giving a re-hash of the hot joint which was served up some days before on the last discussion on this Bill—a hash a great deal spoiled in the cooking and the keeping; but I want to make a few remarks on this subject. The hon. gentleman opposite (Mr. Bellerose) has said that the law on the statute book has only the effect of what was meant by those who framed it. I am not a lawyer, but I have unfortunately been in court, and heard long-winded, prosy arguments from lawyers and wished I was somewhere else to get rid of them; but I never heard them tell the judge that a statute did not mean what its words convey, or quoted the speeches of those who framed it to explain what it meant. The judge would say it was not what they meant, but what they said, that must guide him. To say that the solemnization of marriage depended on who is to be married is like saying that the last visit of a doctor and the certificate of the disease he died of were the solemnization of the burial service. There is just as much sense in one as in the other. My senior colleague from Halifax says that because a sympathetic clergyman, beloved by his congregation, has got the names of a few men, and a good many women and children, to petition against this Bill, that therefore public sentiment is opposed to it; but the fourth estate is a much more powerful index of public opinion, and the press is a unit in favor of this measure. It has been discovered in this House that the Bill is unconstitutional. It passed through the lower House, and Mr. Blake, whose legal skill is admired by everybody, though his

statesmanship is not, failed to discover it, and Sir John Macdonald whom I admire both as a lawyer and a statesman, did not find it out either. It remained for my hon. friends from DeLanaudière and DeSalaberry and the senior member for Halifax, very good men indeed, but still minnows among tritons compared with the leaders in the other House, to discover its unconstitutionality; but we who know nothing about law must be excused if we prefer to pin our faith on Mr. Blake, Sir John A. Macdonald and the other eminent lawyers in the other House. I think it will be found out that the hon. gentlemen from DeSalaberry, DeLanaudière and Halifax have discovered a mare's nest.

HON. MR. TRUDEL—We are here to revise the legislation of the other House.

HON. MR. ALMON—If these hon. gentlemen live to be as old as Methusaleh they may rival the leaders to whom I have just referred but they certainly will not within the three score and ten years now allotted to man.

HON. MR. PELLETIER—I should like to know what we are called to vote upon. This amendment, in my opinion, is not in order. The Bill provides that a man shall be permitted to marry the sister of his deceased wife: the amendment proposes that the first clause of the Bill, which contains the whole principle of the measure, shall be struck out and a clause of a different character altogether substituted. If the amendment is adopted the Bill will be something entirely different. I do not believe the amendment is in order.

The House divided on the amendment which was rejected by the following vote.

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Sutherland,—37.

The House then went into committee.

HON. MR. ODELL called attention to the wording of the first and second clauses. When this Bill was before the Lower House a decided opposition had been manifested to the marriage of a widow with her deceased husband's brother. In 1880 a provision to that effect had been defeated by a vote of 130 to 10 and in the present session by a vote of 87 to 49. He believed there was also a very strong opposition to it in this branch of Parliament. This being the case he drew attention to the fact that the wording of the first section would legalize a marriage between a widow and the brother of her deceased husband. For instance two brothers marry two sisters. The wife of one and the husband of the other die, this Bill in its present shape would enable the survivors to marry, since all laws prohibiting marriage between a man and the sister of his deceased wife are repealed by the first clause of this Bill. He thought it his duty to call attention to this matter before the Bill was reported from the Committee. The second section was as follows:—

“ 2. This act shall not affect, in any manner, any case decided by or pending before any court of justice; nor shall it affect any rights actually acquired by the issue of the first marriage previous to the passing of this Act; nor shall this Act affect any such marriage when either of the parties has afterwards, during the life of the other, lawfully inter-married with any other person.”

He considered this language very vague. The words “any such marriage,” in the twelfth line, referred to the previous “first marriage” mentioned in the eleventh line, and not to a marriage with a

deceased wife's sister, as was evidently intended. The marriage in the eleventh line would be a legitimate marriage. A man being lawfully married could not, during the life of his wife, be married to another woman, and it seemed to him (Mr. Odell) that there was a confusion in the wording of this clause which it would be well to remove before reporting the Bill from Committee. He desired to correct an error which appeared in a report of his speech, by which he was made to say that the postal cards which were presented as petitions in the other branch of the legislature, came from a Mr. McBean, instead of Mr. R. D. McGibbon. This Mr. McGibbon had written a letter to the *Montreal Gazette*, which was as follows:—

THE DECEASED WIFE'S SISTER.

To the Editor of the *Gazette*.

SIR—Senator Odell, in the debate on the second reading of the deceased wife's sister bill, made the following remarks:

The petitions referred to by several hon. gentlemen in favor of the bill were not nearly so numerously signed as had been stated. The whole work in support of the measure had been done by a few persons in Montreal, and a large number of the signatures were put on under authority contained in postal cards, the people themselves never having seen the petitions they were supposed to have signed.

You will permit me as one of the "few persons in Montreal" to give the statement a most emphatic contradiction. Postal cards expressing a desire to see the bill pass, were received from something like 1,000 *clergymen*, and these cards were bound and presented to the House of Commons. All the other petitions were signed personally.

Discussion of the question is unnecessary here, but an insinuation that even one of the many petitions presented had been manufactured in Montreal, cannot be allowed to pass unchallenged.

Your obdt. servant,

R. D. MCGIBBON.

Montreal, 6th April, 1882.

Now it was proved by the stress put upon the petitions from Montreal and from Montreal alone, in both branches of Parliament that the greater portion of them came from there and there was no doubt that the whole of those postal cards emanated from that city. The only part of this extract improperly stated is the following:

"And a large number of the signatures were put on under authority contained in postal cards, the people themselves never

having signed the petition they were supposed to have signed."

And Mr. McGibbon goes on to say:

"You will permit me as one of the few persons of Montreal to give the statement a most emphatic contradiction."

He (Mr. Odell) wished to give the statement thus imputed to him a "most emphatic contradiction"; he had never stated such a thing; he had never said that these cards were not signed by the persons from whom they purported to come. What he had said was that while it was stated all of them were signed by clergymen, only a portion of them were signed "Rev. So-and-So," and the others were signed merely by the names of the parties, and it was impossible, therefore, to say how many were signed by clergymen. But he had made no allusion whatever to their being got up in this improper manner. He had no doubt that the signatures were all genuine, and he did not want this assertion to go abroad uncontradicted.

SIR ALEX. CAMPBELL thought that if the hon. gentleman (Mr. Odell) laid stress upon the supposititious case which he had put, he should be prepared to submit an amendment to the clause, but it seemed to him (Sir Alex. Campbell) that the case was not a probable one—that it was so very remote that it was hardly necessary to deal with it. In the meantime he desired to suggest an amendment to this clause as the result of a letter which he had received from a judge of the divorce court of one of the Provinces, who had occasion to pronounce a divorce between a man and his wife on account of this very difficulty—that he had married his deceased wife's sister. Upon that very question the judge had pronounced a divorce, and the man had married somebody else.

HON. MR. POWER—That is provided for by the second section.

HON. SIR ALEX. CAMPBELL thought it would be well to report progress and ask leave to sit again. It was doubtful whether the clause covered such a case, and as it was a very important measure, it would be well to leave no doubt upon the question.

HON. MR. MACFARLANE thought

HON. MR. ODELL.

the object of the hon. Senator from Rookwood (Mr. Odell) was to postpone if possible the passage of the Bill and not to amend or improve it. If there was anything in the hon. gentleman's objection the difficulty was a very remote one. He would hardly find in the whole country a single case to support the position he had taken, and he was merely sticking up a bugaboo to knock it down. He (Mr. Macfarlane) thought the clause covered such a case.

SIR ALEX. CAMPBELL thought that on the whole the language of the Bill covered the case referred to in the letter from the judge of the divorce court, but the hon. Senator who had charge of the Bill would probably allow him to propose an amendment if one should be considered necessary at the third reading.

HON. MR. FERRIER—Certainly.

HON. MR. ODELL said that as he was opposed to the principle of the Bill he did not care to offer any amendment.

HON. MR. GIBBS, from the committee, reported the Bill without amendment.

HON. MR. FERRIER moved that the Bill be read the third time to-morrow.

The motion was agreed to.

The Senate adjourned at 5.50. p.m.

THE SENATE.

Ottawa, Friday, April 14th, 1882.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THIRD READINGS.

The following Bills, reported from the Standing Committee on Railways, Telegraphs and Harbors, were read the third time and passed.

Bill (20) "An Act respecting the Portage, Westbourne and Northwestern Railway Company." (Mr. D. MacInnes.)

Bill (55) "An Act to incorporate the

Canada Mutual Telegraph Company." (Mr. Bureau.)

Bill (62) "An Act to incorporate the Lake Athabaska and Hudson Bay Railway Company." (Mr. Sutherland.)

BILL INTRODUCED.

Bill (V) "An Act respecting bridges over navigable waters constructed under the authority of Provincial Acts." (Sir. Alex. Campbell.)

Bill () "An Act to grant certain powers to the C. W. Williams Manufacturing Company and to change the name thereof to the Williams Manufacturing Company." (Mr. Ferrier.)

DECEASED WIFE'S SISTER MARRIAGE BILL.

THIRD READING.

HON. MR. FERRIER moved the third reading of Bill (9) "An Act concerning marriage with a deceased wife's sister."

SIR ALEX. CAMPBELL—As to the amendment which I thought was possibly necessary when the Bill was last before the House I have satisfied myself that the provision in the Bill as it now stands is sufficient to meet the case to which I drew attention.

HON. MR. ODELL—When I gave notice of adding a clause to the Bill to provide, "That this Act shall not come into operation until Her Majesty's assent shall have been first thereto had and declared," it was with the intention of preventing any complication under it, which it appears to me may take place if the Bill be not reserved as I suggest; because I foresee if the Bill goes into operation, that marriages may take place under it previous to the Royal assent being given. We know that twice over in New Zealand the Royal assent was withheld, and until the Bill had been passed the third time it was not given. To prevent complications, I proposed to add this clause to the Bill. At the same time it appears to me that the feeling in the House is to pass this Bill exactly as it now stands, with all the difficulties which it appears to me will result from

it. In the first place with regard to marriage, as I pointed out the other day, between a widow and the brother of her deceased sister's husband, and also difficulties such as are described in the letter produced here by the honorable the Minister of Justice with reference to creating bigamy in effect, because it is quite clear, I think, in the case referred to (and there may be many more) if this Bill passes, the person to whom allusion has been made will in effect have two wives, because you legalize the first marriage. Under these circumstances it does appear to me to be a very crude measure, and I am sorry to see it pass. However, since there is this feeling in favor of it, notwithstanding the difficulties to which I have referred, I shall ask leave to withdraw the amendment of which I gave notice.

The amendment was withdrawn.

HON. MR. TRUDEL—I beg to move that the Bill be amended as follows :

“ Page 1, line 3—Leave out from “ follows”, to “ 2” in line eight being the whole of the first Section, and insert “ Every marriage between a man and the sister of a deceased wife, which is contracted according to the laws of the church or churches to which the contracting parties belong and with the sanction of the religious authority of such church or churches, is hereby declared valid. All marriages heretofore contracted in conformity with such laws and with such sanction are hereby also declared valid.”

I need not remind the House that I am not favorable to the Bill; but as the majority of the Senate has expressed a desire to pass it I take the liberty to propose an amendment to render it more acceptable to the community as a whole. I know perfectly well that marriage is not considered by all denominations as a religious rite; but I think it will be readily admitted by everybody that marriage should be contracted only according to the rules of the church, or churches, to which the contracting parties belong. I know that some hon. gentlemen see a difficulty in the way of adopting this amendment on the ground that we have no jurisdiction to legislate on matters mentioned in this amendment, and I have been told that even a legal opinion has been given to that effect; but I beg leave to submit to the House that such an opinion is unfounded. I know that in making this

assertion I am open to the objection which is frequently made here, that when such high authorities as leading gentlemen in the other House pronounce an opinion in one direction, it is not proper for us to pronounce one in a different sense. However, I contend that the constitution imposes upon us the duty of considering the measures which come before us on their merits. We not only possess the power, but the obligation is imposed upon us to revise or examine the legislation which comes to us from the other Chamber, and to deal with it wholly irrespective of the views which are entertained by that Body, and when we have a decided opinion upon any particular measure, I respectfully submit that it is our duty to act according to our convictions, without regard to views which may be entertained elsewhere.

HON. SIR ALEX. CAMPBELL—Hear, hear.

HON. MR. TRUDEL—I believe that no member of the legal profession would, after mature deliberation, hazard the opinion that this amendment is beyond our jurisdiction. I think there is some confusion as to what the subject or matter of legislation is, and what is only a condition of the validity of legislation—two very different things. To illustrate this, I may say we have no power to legislate upon those things which are beyond the control of man. This Parliament could not pass an Act to declare that the St. Lawrence should be covered with ice on the first of December, but it does not prevent us from declaring that merchandise carried between Canada and a foreign country over the ice shall be free of duty. I may further illustrate this point by referring to legislation which passed this Parliament in 1879. During that session we enacted that as soon as France and Spain should remove certain duties imposed on Canadian goods it would be competent for our Government to pass an Order-in-Council admitting into Canada free of duty certain merchandise from those countries. What would have been the answer of Parliament if somebody had objected that we had no control over the legislation of foreign countries, and that consequently this Act would not be valid? The rule applies in the same

way to contracts. For instance, a man cannot bind himself, or any other party, on matters out of his control. I cannot contract with a friend that to-morrow the sun will shine; such a contract would be entirely null; but I can make the shining of the sun the validity of the signing of a contract: I can bind myself to pay \$1,000 to-morrow if the sun should shine, and that obligation would be perfectly valid. The opinions of all the authorities are unanimous on this point. Now, I believe the question before the House is governed by the same rules. Supposing we have no right to legislate upon some conditions of marriage, it does not follow that we have no right to declare that such marriages shall be legal provided such conditions be complied with, and that is the object of my amendment. It is true we have no right to interfere with the form, or solemnization of marriage or to intervene between private individuals in the fulfilment of their religious duties; it is none of our business; but it is perfectly competent for us to make those matters conditions of the validity of our legislation. I respectfully submit this proposition to the House, and I am confident that everybody will admit its correctness. If you come to the conclusion that we have power to pass such legislation there will be but one feeling I am sure that we should give validity only to marriages contracted according to the rules of the different churches to which the parties belong. This is not a sectional proposition: it is not made to meet the views of a particular part of the country; it is for the benefit of the whole people of the Dominion, and I do not think there is anybody in Canada who desires to have in this country what they have in France—a civil marriage apart from any religious rite. I see no reason why this amendment should not be accepted.

HON. MR. DICKEY—I sympathise to a certain extent with my hon. friend in the motives which have prompted him to place this amendment before the House; but I regret to say that I cannot support it. The amendment proceeds upon the assumption that the rite of marriage is purely a religious contract. Now I apprehend that on a question of this kind, in Canada or any British possession we are proceeding under an entire mistake

because in the eye of the law marriage has always been regarded as a civil contract. Therefore my hon. friends structure is built upon a false principle and that being the case I think it is hardly worth while to discuss the details of the resolution that has been proposed. At the same time while I am not with him in that, I am at one with him in his objection to this measure, and those objections have been intensified by examining the Bill more closely. There is one principle which lies upon the face of the first clause to which I have an utter abhorrence, and that is the principle of retroactive legislation. That is a most dangerous principle to bring into our statute books, even in a measure of relief, except in the qualified sense in which it was legislated upon in the Imperial Parliament in 1835. On that occasion a bill was passed, and is now I believe the law of the land in England, legalizing all past marriages of this character—with a deceased wife's sister—and prohibiting all such marriages for the future. That was a compromise which was made under the circumstances, and it was made possibly upon a very reasonable assumption—for there was some doubt about the law—that the parties who entered into these contracts did so in ignorance of the law. Therefore it was a very fair compromise; at all events that was the result, and it was upon that principle that I stated the other day, as I state now, that I would rather adopt the English law, and even introduce this principle of retroactive legislation and allow those past marriages to be validated and prohibit them in the future, than I would pass this Bill. When you come to refer to the question of these past marriages what does it amount to after all—as a measure of relief what does the argument amount to? To just this, that parties who have knowingly broken the laws, come here and ask Parliament to relieve them of the consequences of that breach,—that is the whole principle, the whole ground upon which they ask it. I had occasion previously to refer to a statement contained in an authoritative document which was issued for our edification, by a lady, in which the assertion was made, that some ten or twenty thousand wives she knew were in this position,—of having been married to their brothers-in-law and deserted by them because the

law did not make such marriages legal. Now assuming this to be the case, if the parties were so soon dissatisfied with such a relationship, it only shews that such a connection is utterly abhorrent, not only to the laws of nature, but to the laws of God. When you come to examine the second clause I am afraid it is not quite as clear as it seems to have been to some hon. gentlemen, and I will just ask the House to consider it for a moment. It says:

This Act shall not affect in any manner any case decided by or pending before any court of Justice: nor shall it affect any rights actually acquired by the issue of the first marriage previous to the passing of this Act.

What that first marriage means I cannot understand, but I assume that it refers to the marriage of a person illegally with a deceased wife's sister, and subsequently with another; the clause continues as follows: "Nor shall this Act affect any such marriage when either of the parties has afterwards, during the life of the other, lawfully intermarried with any other person." It does not affect in any way the rights of the issue of a first marriage, and does not protect them; that is the clear construction of this clause, and is manifest from the latter part, which goes to shew that it has nothing to do with and takes no cognizance of any such marriage as the first marriage. If this Act passes, it seems to me that the issue of the first marriage will be in this unfortunate position; they will have no rights at all, while the wife who has been married a second time is protected in that Act, and in that way the first marriage is assumed to be wholly illegal, and the issue under that marriage are not entitled to inherit. This Bill is not to affect their rights, but we give to the woman the right to marry afterwards, and take away from the issue the protection of any rights that they acquire. It might have been provided in this Bill that those rights should be protected but it has not been done: on the contrary it is not to touch them in any way, and has no relation to them, just as it has no relation to the position of the wife in the first marriage. It was illegal in the first instance and remains illegal, therefore she is lawfully allowed to marry again with another man. Now, I should like to inquire what position these 20,000 women would be in

who were known to this lady to whom I have referred. I have no reason to doubt her statement that they are living apart from their husbands. But if this Bill passes they will be re-married, for the marriage is declared to be legal and of these 20,000 women some may have been married to another person. That part is protected of course, but the others are in this position that after having been deserted by their husbands and that after having their marriage treated as an illegal one, after separation from bed and board they are married by law again by this Act; and all past as well as all future marriages, under these circumstances, are legalized. What a position we are getting into, what a tangle there is going to be and what trouble with regard to the rights of the issue, it may be of one or 1,000 or 10,000 of these 20,000 women; how their rights are to be mixed up with the issue of another marriage. I confess the whole thing is a perfect maze, when you come to analyze it: it only shows the evil of tampering with sacred laws such as we have now on our statute books and written upon scripture with regard to this great question of marriage. Under these circumstances I confess I did not like the Bill to pass through the House and although I cannot support my hon. friend in his amendment I must call attention to the serious consequences it would entail.

HON. MR. KAULBACH—I regret that my hon. friend opposite me (Mr. Odell) has not moved the amendment of which he gave notice, for I feel that a gross injustice is being done to a large number belonging to the different churches who conscientiously believe that the law is wrong and unscriptural. I would have been very much disposed to have had my name recorded in favor of such an amendment. I sympathize cordially with my hon. friend who has moved this amendment and believe with him that it is hard upon the various churches which are opposed to such legislation. I am with him in believing that it places these churches in a very awkward position; they consider such a law should not exist, and these religious bodies will still no doubt declare this doctrine, and there will be in all probability a conflict between civil rights and religious obligations. I believe it would be very wrong that we should

have different denominations having different views as to civil rights, and therefore although I am with my hon. friend in sympathy yet I cannot feel that I would be doing right in allowing such a conflict to exist in the whole Dominion, as between civil rights and religious rights, interfering as it would with the conscientious obligations and duties of members of the different denominations. I am afraid it will create trouble such as will be serious in its effects as regards the different religious bodies, because in one church the issue of such marriages will be illegal and in others they will not. In voting for this Bill we would be acting contrary to our contention that it is unscriptural and opposed to the teachings of our Church; that is the view of a large majority of Christians throughout this country. I feel that this law as it now exists is coequal with Christianity in England, having sprung up with it and with our Church's history, and laws coequal with Christianity itself prove that we should not make this inroad upon rights which have so long existed. It is contrary to divine law as well as to the moral sense of the community. I cannot support him however in his resolution, and am sorry that I must vote against him. I must again express my regret that my hon. friend opposite (Mr. Odell) did not move his amendment, in order that I might record my vote in every stage of this discussion against the injustice and the wrong which I conceive this Bill will inflict upon the community.

HON. MR. BOTSFORD—I think the statement made by my hon. friends opposite and their objections to this Bill are such as convey a reflection upon members who support the measure. My hon. friend opposite says it is contrary to the law of God. The inference is that the majority of the members of this House in passing the Bill are opposed to the law of God. My hon. friend says also it is contrary to the principles of the Christian religion. Now there is a document in our journals which contradicts that directly: and the statements as made by the hon. gentlemen go to show that the minority here have the right to state that the majority are opposed to the Christian religion and the Divine law.

I do not intend to take up the time of the House, however: this Bill, no doubt will pass as indeed it should, for the law of the land as it at present exists is an attempt by human law to create a crime, which by Divine law is no crime; that is just a simple statement of the case. But since those gentlemen have made this statement, it is necessary to refer to authorities which I think will justify the majority here in putting a different construction upon the Scriptures, which are our guide; I am the more anxious to do this because of the very strong terms in which the hon. gentleman from Amherst denounces the view of the majority.

HON. MR. MILLER—He said there was no religion in it at all.

HON. MR. BOTSFORD—In this Bill?

HON. MR. MILLER—Yes.

HON. MR. BOTSFORD—I will just read to the House a list of learned and and pious divines who are known to every body, but before doing so I must regret that such assertions as those to which I have referred would have been made.

HON. MR. DICKEY—Perhaps my hon. friend would, instead of reading that list, kindly answer the argument which I got from the Scriptures; it has never been answered yet.

HON. MR. BOTSFORD—In the first place here is Archbishop Whateley, then come the bishops of Norwich and Lincoln and the late Bishop of Landaff, Doctor Chalmers, Doctor Adam Clark, Revd. John Wesley, Doctor McCord, Cardinal Wiseman, the Bishops of Musgaw, Lonsdale, Fitzgerald, Beckwith and Buckland, the Reverend Mr. Fulloch, Reverend Principal Caird, Reverend Mr. McMillan, the Venerable Moffatt, Reverend T. Binney, Reverend Doctor Llandels, Reverend Doctor Cumming, Reverend Doctor Eadie, Reverend Doctor Norman McLeod, Rev. Doctor Vaughan, and the late Archbishops of York and Dublin. I may say that I take these names from a statement made in the English House of Commons by a gentleman of undoubted honor and influence in that House, and consequently I

consider I am justified in using them ; I have not read all the works of these gentlemen, but I state my authority, and I think it will be found I am right. Four bishops voted for the Bill in the House of Lords previous to 1875, and the late Archbishop of Canterbury signed a petition in which he said, "Whether the question is considered in a religious, moral or social point of view, such marriages are unobjectionable, while in many instances they contribute to the happiness of parties and the welfare of the children, and among the poor a tendency to prevent immorality." I think that is tolerably good authority.

HON. MR. KAULBACH—Will my hon. friend tell me what is the proportion in number of the other divines who state that it is contrary to religion, morals, and the social well-being of the community ?

HON. MR. BOTSFORD—I would also call attention to Cardinal Wiseman's opinion on the subject. He was asked, "Are you of opinion that marriages of this description are in any way prohibited by, or contrary to Holy Writ ?" He answered, "I should not consider that they are contrary to the new law." He was then asked, "But taking the question as with reference to the Scriptures, is such a marriage held by your Church as prohibited ?" His answer was "Certainly not ; it is considered a matter of ecclesiastical legislation." I think these authorities should be conclusive, and I shall not further trespass upon the time of the House.

HON. MR. TRUDEL—I beg to say a word or two in reply to the objections that have been raised on this occasion. I simply desire to invoke, in favor of my motion, the testimony of my hon. friend opposite (Mr. Botsford), who has just spoken. Since he attaches so much importance—and I must say with great reason—to the opinions of the divines whom he quoted just now, I hope he will see no objection to leaving it to the various churches to permit or prohibit marriage, for as Cardinal Wiseman has properly said, it is a matter of discipline in the church. That dignitary said, "It is regulated by ecclesiastical law." Well, ecclesiastical law provides for it, but with a proviso that under certain cir-

cumstances the church shall have power to grant dispensations, and that is the law to which Cardinal Wiseman referred. Now I think there is some confusion in the minds of hon. gentlemen with regard to these two facts. We Catholics consider marriage to be not only a religious act but a sacrament, and that is the difference between us and the other denominations which do not hold it to be a sacrament ; but I think that almost the whole of Christendom admit marriage to be a religious act, and the proof of that is found in their way of solemnizing it, for I venture to say that 95 out of every 100 marriages are contracted within the church of the parties. If they saw in marriage only a civil contract they could go before a notary and make a deed of marriage, which would be all that was necessary, but we find that is not their practice. So far as I am informed I think it is the general custom in this country, among all denominations, to go to the proper minister of the parties for the validating of the act. Now, my hon. friend from Lunenburg (Mr. Kaulbach), says that this might cause some conflict, but I would ask my hon. friend if there is any human institution which does not open the door to some difficulties, or some objection ? There is nothing perfect in this world ; but I fail to see in this instance where the conflict would be when the law would require that the consent of the church or churches to which the parties belong, should be obtained. This would only ensure that the parties would marry according to the law of their churches, and I cannot see any harm in that. Now my hon. friend from Amherst (Mr. Dickey) said that this was merely a civil matter, and while I do not propose to repeat the arguments which I have already used, and others which I might still advance, I might remind the House that for many days this question has been discussed on testimony drawn from the Scriptures. I would ask how it is that a matter which has nothing religious in it should be discussed from a theological point of view by every gentleman who pretends to make of it merely a civil matter ? Now, this proposition we are not prepared to admit, but I think there is in the very act of this House enough to assure my hon. friend that his own views will be fully met, because in passing this

Bill the House assumes that it is a civil matter, and left to the action of the civil powers. After all if it is true that perhaps only five out of 100 would go, or be inclined to go, before a magistrate to have the marriage ceremony performed, while 95 out of 100 would consider the matter as being within the domain of the churches, I do not see why this fact should not be recognised here. We cannot ignore the fact that we are a Christian community, and I think that the people who pretend that there is nothing religious in this matter are very few, and form only the exceptions to the general rule. I respectfully submit my amendment.

The House divided on the amendment, which was rejected by the following vote :

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HON. MR. POWER—I do not propose to move any amendment to the Bill, or to oppose its passage. I merely rise for the purpose of appealing to the Minister of Justice and the hon. gentleman who has charge of this Bill, to let it lie over for a day or two, until it can be put in proper shape. This measure is going to affect a great many private rights, and I think

this House should be the last place in the world where gentlemen should insist upon legislating upon matters affecting property and private rights, without giving sufficient attention to the legislation which they are enacting. Take the second section of this Bill, which says :—"This Act shall not affect, in any manner, any case decided by or pending before any court of justice; nor shall it affect any rights actually acquired by the issue of the first marriage previous to the passing of this Act." Now, which is the first marriage? The hon. Senator from Amherst (Mr. Dickey) considers that it will be the marriage with the deceased wife's sister.

HON. MR. DICKEY—I said I presumed that would be the construction.

HON. MR. POWER—The hon. gentleman who comes from the same county (Mr. Macfarlane) says, certainly that is the construction. Now, that cannot be so, because the first marriage must be marriage with the woman who died. When two gentlemen, members of the legal profession, like the senators from Cumberland, take that view of the matter, which I think is contrary to the spirit of the Bill, but a construction which may be put upon it, there is reasonable ground to doubt what the meaning of the section is; and I think it is the duty of the Senate, and of the Minister of Justice in particular, to see that the Bill does not pass until every reasonable doubt has been removed. The latter part of the section is as follows:—

"Nor shall this Act affect any such marriage when either of the parties has afterwards, during the life of the other, lawfully intermarried with any other person."

Which is the marriage referred to there? Is it the first marriage or the subsequent marriage? I think it is the duty of the Minister of Justice to see that these defects are remedied. I only wish now to carry out the object of the hon. gentleman who introduced the Bill, and I would suggest that instead of saying in the first clause that "all existing laws shall be repealed" it should be "all portions of existing laws which prohibited marriage with a deceased wife's sister shall be repealed" because a question may be raised as to whether this section includes other portions of the law besides those which affect

marriage with a deceased wife's sister. The object is to repeal only such portions of existing laws as prohibited these marriages. I think the second section instead of being a separate clause should be a proviso to the first.

I appeal to the hon. gentleman who has introduced the Bill, and who I presume wishes to have it passed in perfect form, to let it stand until Monday and amend it so as to make the object of it clear, and remove the doubts to which I have referred.

HON. MR. DICKEY—As I have been referred to in a pointed manner by the hon. Senator from Halifax I wish to ask him on what authority he undertakes to state that I expressed the opinion that the words "first marriage" apply to marriage with a deceased wife's sister, or that I expressed any opinion whatever upon it? What I said was that the language was confusing. I asked if any person could tell what it referred to, and then I said it could be contended that it was the marriage with the first wife; but I did not express any opinion upon it. Yet the hon. gentleman insists on making it appear that I did. I beg to disclaim having expressed any such opinion. I say the language is confusing, and I have not yet been able to find out what that first clause refers to. The hon. gentleman has given an opinion, but I have not. It was thrown across the House yesterday that the first marriage was what was spoken about. I certainly did not give it the endorsement of my own opinion, whatever that may be worth, little or much. Now as regards the suggestion that the Bill may be deferred, my hon. friend could not have been in the House yesterday when the Minister of Justice rose in his place and suggested that time should be given, and yet such was the determination to force this Bill through the House that with all the influence of his high position my hon. friend was not able to obtain a postponement, and thus it is that the Bill is hurried through to-day. We have not had time to find out what this "first marriage" is, or what the rights are of "the issue of the first marriage" and how they are affected, or how a woman is affected who has been divorced from her first husband because she was the sister of his deceased wife. The whole Bill is

fully of complications, and will prove a hot-bed of litigation. I shall be very glad if the appeal of the hon. senator from Halifax is responded to, and I wish the House to remember the position in which the majority have placed themselves. I find no fault with them, but I say they would not allow any time to be given to improve the language of the Bill.

HON. MR. POWER—I regret very much that I should have misunderstood the hon. senator from Amherst. I am the last member of this House to misrepresent anything which an hon. gentleman says. I did not catch distinctly the words which he used when he interrupted me, and I thought that he rather concurred in my interpretation of what he had said.

HON. SIR ALEX. CAMPBELL—I think the appeal of the hon. senator from Halifax is, from his point of view, quite properly made, and it is the bounden duty of the House, no matter what may be the result, to see that the language of the Bill does clearly and properly express the meaning which they desire it to convey. So far as I am concerned, as Minister of Justice I would like to see the language somewhat different from that which I find in the Bill; but, nevertheless, upon looking at the measure, as I have done very carefully this morning, I have come to the conclusion that it does (although not in a way that is satisfactory to my mind), carry out the object which those who are interested and who have voted for the passage of the Bill have in view. I think the meaning of the language, which seems somewhat obscure, in the third line of the second clause, can be explained in such a way as to make it satisfactory almost to any mind, although one cannot cease to wish that it had been otherwise expressed. The language is "Nor shall it affect any rights actually acquired by the issue of the first marriage." The whole Bill is based upon the supposition that there are two marriages, and it is to make legal the second marriage. Therefore, if you keep that in view, there is no difficulty in interpreting the meaning of the words "first marriage." The Bill goes upon the supposition that up to the time it becomes law, marriage with a deceased wife's sister is illegal, and therefore it says that

the Act shall not interfere with any rights acquired by the issue of the first marriage. It presupposes two marriages and therefore when the second marriage was illegal the issue of the first marriage acquired any property which was theirs by virtue of the law as it then stood, and such property could not be divided by the issue of any second marriage under the old law. The Bill provides that the existing state of things shall be preserved, and that the property, which by reason of the law as it stands to-day—as this Bill supposes it stands—shall remain that of the children by the first wife, and shall not be affected by this Bill. Then if you assume, as you must assume, that there has been a second marriage (because the whole tenor and contemplation of the Bill and all its surroundings indicate the existence of a second marriage), and when you find that the Bill provides for the legalizing of a certain class of second marriages, with a clause preserving the rights of the issue of the first marriage, you know what is meant, and you know that the property which by reason of the illegality of the second marriage has actually become the property of the issue of the first marriage shall not be disturbed. I think that it is as clear as possible when you keep in view the object of the Bill. Then it says, “nor shall any such marriage.” The natural interpretation is that this must mean the first marriage, but if you consider that the phrase “first marriage” is only used in the clause for the first time in the whole Bill, and that therefore it points to a distinction between the marriages that the Bill contemplates to be made legal, and some other marriage which is called the first marriage, then you dismiss the first marriage and it is put aside, and the Bill resumes its own thread, and says that a person who may have married again after having been divorced, or under other circumstances, shall not be affected, and it is in that sense that the words “such marriages” are used. The words “such marriages” refer to the marriages which it is the object of this Bill to make legal. When you come to discuss it, it can be made perfectly plain, and I think it could be made perfectly plain in a court of law, but I could have wished that it had been otherwise expressed, and if I could have had my own way I would have liked to have had it worded in this way, “any

such marriages between a man and a sister of his deceased wife,” nevertheless, I consider after reflecting upon it and giving it my best attention that it is not necessary. I would at once, if I believed it was necessary, respond to the appeal made by the hon. Senator from Halifax. If I really conceived it was necessary that the language should be altered for the purpose of expressing legally and completely the object of the Bill, I would at all hazard discharge my duty to the House; but the Bill, though imperfectly expressed, according to my opinion does carry out the object which its promoters have in view.

HON. MR. ODELL—May I ask the Minister of Justice how he provides for the case which he stated here yesterday?

HON. SIR ALEX. CAMPBELL—Very easily I referred yesterday to a case of divorce which had been pronounced by the Divorce Court of one of the Provinces, and the man who had been divorced on the simple ground that he had married his deceased wife's sister, had married again. I think he is protected by these words: “Nor shall this Act affect any such marriage,”—that is, marriage with a deceased wife's sister—“when any of the parties has afterwards, during the life of the other, lawfully intermarried with any other person.” This man was divorced because he had married his deceased wife's sister and he had married again. The Bill says “any such marriage”—that is, marriage with a deceased wife's sister,—shall not interpose in any way. It is provided for, almost as well as I could wish. I would have preferred language to this effect: “Provided always that the provisions of this Act shall not extend to any case where a decree of divorce has been pronounced by a court of competent jurisdiction;” but the language in the Bill has the same effect. It says, “when either of the parties has lawfully intermarried with any other person”—that is, notwithstanding this Act, such marriages shall continue to be illegal. “Nor shall this Act affect any such marriage”—that is, marriage with a deceased wife's sister; therefore that marriage continues to be illegal notwithstanding the Act where any of the parties has “lawfully intermarried with any other person.”

The Bill was then read the third time and passed, on a division.

GREAT WESTERN RAILWAY COMPANY'S BILL.

AMENDMENTS CONCURRED IN.

HON. MR. McMASTER moved concurrence in the amendments made by the House of Commons to Bill (N) "an Act to amend the Acts relating to the Great Western Railway Company." He explained that the principal amendment was as follows:

"The fund or funds aforesaid shall be formed, invested, managed and distributed in accordance with the rules and regulations contained in a scheme or schemes to be prepared by the Company and sealed with their Common Seal until altered from time to time in accordance with the powers which for that purpose may be inserted in and contained in such rules and regulations, and afterwards in accordance with the rules and regulations that shall be for the time being in force under the provisions of the said scheme or schemes."

The Company was disposed to acquiesce in this amendment.

The motion was agreed to.

CANADIAN SECURITIES COMPANY AND CONSOLIDATED BANK AGREEMENT BILL.

SECOND READING.

HON. MR. RYAN moved the second reading of Bill (87) "an Act respecting a certain agreement between the Canadian Securities Company and the liquidators of the Consolidated Bank of Canada." He explained that the Bill arose out of some transactions connected with the liquidation of the Consolidated Bank of Canada. Some objections were likely to be raised to the Bill in the Senate, but these can be fully discussed in Committee.

HON. SIR ALEX. CAMPBELL said there were some objections to the Bill, but there was no object in discussing them on the second reading and they could be fully considered in committee.

The motion was agreed to and the Bill was read the second time.

SECOND READINGS.

The following Bills were read the second time:

Bill (81), "An Act relating to the Canada Southern Bridge Company."—(Mr. MacInnes.)

Bill (30), "An Act to empower the Ottawa Agricultural Insurance Company to wind up their affairs and to relinquish their charter and to provide for a dissolution of said Company."—(Mr. Skead.)

Bill (76), "An Act to amend the Act to incorporate the South Saskatchewan Valley Railway Company."—(Mr. MacInnes.)

Bill (86), "An Act to amend the Act incorporating the Pontiac Pacific Junction Railway Company and to authorize the said Company to erect a bridge over the Ottawa River."—(Mr. Skead.)

Bill (68), "An Act further to amend the Act incorporating the Souris and Rocky Mountain Railway Company."—(Mr. Sutherland.)

HON. SIR ALEX. CAMPBELL—I am glad to see that in the two last Bills there is a provision that the plans of the bridge shall be first submitted to the Governor General in Council, and that the work shall not be gone on with unless the Governor General in Council approves of them.

NIAGARA PENINSULA BRIDGE COMPANY'S BILL.

SECOND READING.

HON. MR. MACFARLANE moved the second reading of Bill (67), "An Act to incorporate the Niagara Peninsula Bridge Company." He said: This Bill is to incorporate a company to construct a bridge across the Niagara river, from a point near Queenstown to Lewiston on the other side. An objection is entertained which will be considered in committee, but it raises a point of considerable importance. Heretofore all those international bridge companies have been required to receive powers in some cases from the Congress and in others from state legislatures of the neighboring Republic. The question appears to be raised here that it is rather a state right

than a right which Congress can exercise. If you compel a company to get authority from Congress to construct a bridge it is almost impossible for them to do anything. The company in this case proposes to build a bridge to connect two railways that are ready to go into operation. I understand that the funds are ready to build the bridge, but if you require the company to go to Congress for their powers you will put a stop to their enterprise. I think we are hampering the people on our side of the line who undertake the construction of these international bridges. I have in my hand a copy of the bill passed in the State of New York for the construction of this very bridge on the other side of the boundary, and there is no limit whatever. It is simply an Act to enable them to cross the Niagara River, without any consent from the Dominion. I find also a case in which an Act was passed by this Parliament in 1874 which contained no such limitation. In this instance the bridge is to be erected in a place where it will not interfere with navigation. It raises a nice question which I shall endeavor to bring before the committee. I merely mention it now for the purpose of showing that we are pressing too heavily upon our own people who engage in such enterprises and are not giving them the same advantages as those who undertake these works are afforded on the other side of the boundary.

HON. SIR ALEX. CAMPBELL—The clause under which the assent of Congress is required for the construction of this bridge is already in the Bill as it comes up by the other House. It was agreed to by the gentleman who had charge of the Bill there and I am surprised now that it should be objected to. It is very true that they may have, in the State of York, incorporated a company without stipulating that there should be any assent given by the Dominion of Canada; but the attention of the Government has been called to the point and I think that the State of New York, or any other state adjoining the Dominion, would hardly be held to be practising that comity which is due to a neighboring nation if they sought to incorporate a company to build a bridge across the St. Lawrence without the consent of the Dominion. We should think that was

an act which we should feel called upon to resent, because the navigation of the river might be impeded by such a bridge, and because the river is ours and we are entitled to the free navigation of it as they are. Even if the state of New York has done in some cases as the hon. gentleman says it has, that ought not to lead us to do likewise.

HON. MR. MACFARLANE—They are doing it in this very case.

HON. SIR ALEX. CAMPBELL—I do not think we should depart from the wholesome rule which may be necessary for maintaining pleasant relations with the United States. This particular bridge may not affect the navigation of the St. Lawrence, because it is so near the falls; but whether it is in that respect different from the ordinary bridges which are affected by this clause or not is of little importance, because the clause should find its way into all bills of this kind. It is framed with the idea that both nations should assent to the bridging of a river so important as the St. Lawrence. That is the rule which, at all events in some States of the Union, they assent to readily, as, for instance, in the case of the first bridge bill introduced here this session, involving the bridging of the St. Mary River at Sault Ste. Marie. In that case the legislature of the State of Michigan had passed a bill for the purpose of legalizing the company on their side, with this very provision in it, that the assent of the Congress of the United States should be procured.

HON. MR. MACFARLANE—That river is navigable.

HON. SIR ALEX. CAMPBELL—It is not navigable where this bridge is to be erected—that is, near the Sault itself. After you overcome the Sault, Lake Superior is navigable, but there is no navigation at that point. This very provision in the Bill before the House was readily assented to by the gentleman in charge of it in the other branch of the Legislature. I hope it will not be eliminated from the measure. It is for the purpose of preserving amicable relations with the United States, and it is very desirable that those relations should be preserved, and we ought not to do anything, even though

we are tempted by the example of some States of the Union, to depart from that which we should certainly be very eager to exact if the case were reversed. Supposing the State of New York passed a Bill to incorporate a company to bridge the St. Lawrence at Ogdensburg, we would consider that a very high handed act, and that it would require the assent, not of Ontario, nor of any particular Province, but of the Dominion, to bridge a river which is common to both countries, and the navigation of which is of such great importance. There is another clause to which I desire to draw the attention of the Railway Committee; it is the power of amalgamation in the very large sense in which the Bill gives it. They may amalgamate with any other company in the United States or elsewhere as will be seen by clause 24, and this provides afterwards that if they do amalgamate all the rights which are given, and all the rights and duties, and everything that they acquire by this Act, shall go to this new company, so that we may incorporate a company with certain duties to discharge to us, and they may amalgamate with a company on the other side, and the head office may go to New York and we would have no power or authority over them. This is the effect of the 28th section. I think it is much safer if they want to amalgamate with some other company, to come to us and let us see the precise nature of the contract they propose to make and if it is all right we will give them power to amalgamate. But to give them such power in advance, to transfer their franchise to any other company is rather hazardous, and I hope the gentlemen on the committee will give the subject careful consideration.

The Bill was read the second time.

The Senate adjourned at 5.25 p. m.

THE SENATE.

Ottawa, Monday, April 17th, 1882.

The SPEAKER took the Chair at Three o'clock.

• Prayers and routine proceedings.

HON. SIR ALEX. CAMPBELL.

OTTAWA, WADDINGTON AND NEW YORK RAILWAY COMPANY'S BILL.

REPORTED FROM COMMITTEE.

HON. MR. DICKEY, from the Standing Committee on Railways, Telegraphs and Harbors, reported with amendments, Bill (60). "An Act to incorporate the Ottawa, Waddington and New York Railway and Bridge Company." He explained that the most important amendment was contained in an addition to the third clause, and related to the bridging of the St. Lawrence. It was to provide that the Company should not commence the actual erection of said bridge until an Act of Congress had been passed assenting to it, but that the Company might in the meantime acquire lands, submit plans to the Government, and do everything but commence the actual construction of the bridge. This was a clause which the Government in the interest of good legislation thought proper to attach to another Bill. When this measure came before the Railway Committee there seemed to be some doubt as to whether an Act of Congress was necessary. It was pointed out that such an Act might have the effect of delaying the commencement of the work for a long time; but it was agreed that this provision, having been embodied in another bill which had received the assent of the lower House, and it having been prepared by the Minister of Justice it was well to add it to the third clause of this Bill and present it to the Senate for their consideration. If they thought it was not necessary to make application to Congress the clause might be modified accordingly. He moved that the amendment be taken into consideration on Wednesday next.

The motion was agreed to.

RAILWAY BRIDGE AT ST. JOHN.

INQUIRY.

HON. MR. DEVER called attention to the correspondence laid on the table of this House, on the 3rd April instant, between the Government of Canada, and certain parties interested, offering to construct a railway bridge across the falls of

the River Saint John, at St. John, N.B., and inquired of the Government whether they propose to construct the said bridge or aid the construction thereof, by a company or otherwise.

He said:—This notice is intended to bring before the House correspondence carried on between certain gentlemen in New Brunswick and the Minister of Railways, Sir Charles Tupper. I shall attempt to give a brief description of the location of the proposed bridge, so that hon. gentlemen who are not familiar with the locality may know precisely what are the intentions of the parties who are advocating this project. This piece of road is a small link between the present terminus of the Intercolonial Railway at St. John, and a road known as the western extension, which comes from the west towards the River St. John. There is a break of about a mile and a half or a mile and three-quarters between these two railways, and the River St. John also intervenes, causing great inconvenience to traffic. The locality where it is proposed to erect the bridge is at a point where the tide meets the river water. Certain gentlemen offered to construct this bridge and the connecting link of road for the sum of about \$800,000. They applied to the Government of Canada for a guarantee of \$20,000 per annum. The interest on \$800,000, the amount which they expect would be necessary to complete this road, at six per cent, would be \$48,000; the sinking fund they compute at one per cent, which would be \$8,000 more, making in all \$56,000. They want a guarantee of \$20,000, which would leave a balance of \$36,000 to be provided for. The earnings of the bridge they estimate at \$24,000; this amount, less \$6,000 for working expenses and maintenance would leave \$18,000 for the net earnings. This sum taken from the \$36,000 would leave a balance of \$18,000 to be made up, and they are under the impression that they can get a sufficient amount from the connecting roads as far south as Boston to cover this balance. According to this statement it would appear that the great bulk of the amount to construct this bridge will virtually come from the Government of Canada, and it is held that under the circumstances it would be better for the Dominion government to build the bridge themselves, and open an

all rail route from Halifax to the United States, and, as the prospectus says, thence to San Francisco. I do not advocate the construction of this work in the interest of the city of St. John; I do not consider it a work that will benefit that city more than any other portion of the Province, or Nova Scotia, or Prince Edward Island. To give the House a clear idea of the views of those who promote the scheme, I may be permitted to read their prospectus, and hon. gentlemen can decide for themselves whether it would be better for the Government of Canada to permit a Company to construct the bridge, or that it should be undertaken by the Government of the Dominion. The Company have a charter from the Legislature of New Brunswick, but inasmuch as the St. John is a navigable stream it is necessary that application should be made to this Parliament to enable them to bridge the river. I have spoken on this question frequently and my opinions upon it are well known; they are favorable to the Government of Canada constructing the bridge, and doing so at as early a date as possible. I shall now read the prospectus to which I have referred. It is as follows:—

OTTAWA, 27th January, 1881.

HON. SIR CHARLES TUPPER,
Minister of Railways,
Ottawa.

Sir,

In accordance with your request we take pleasure in further placing our views before you in regard to a Railway Bridge over the St. John River near the present suspension bridge for the more effective transportation of freight and passengers at that city. We need scarcely say that by reason of the ever increasing business of the maritime provinces more certain, safe, expeditious and economical means of communication at St. John than those, at present available, are become imperative. Believing that the construction of such a bridge is of great public interest and that it would be beneficial to the various railway interests, including the Intercolonial, converging at St. John, believing also that the present time is an advantageous one for raising money for all construction purposes, we would lay the following before you:

From estimates which have been made from time to time we conclude that the amount required for the erection of a bridge and for making rail connections (about one mile and three-quarters) from the eastern side of the river, through Portland down to the passenger depot of the Intercolonial railway and including all land damages would be about eight hundred thousand dollars, say \$800,000.

Accordingly it is now proposed to obtain a charter at the approaching meeting of the New Brunswick Legislature subject to the approval of the Dominion Minister of Justice, the share capital to be two hundred thousand dollars, say \$200,000, ten per cent. of which to be paid up prior to the commencement of the work of construction, power to be given to issue Bonds to the extent of eight hundred thousand dollars, \$800,000, or thereabouts.

From the very expensive and short length of the work it cannot be supposed that a large amount of stock would be taken up, and the only resource therefore would be an issue of Bonds, the annual interest of which would have to be met under some equitable arrangement by the roads, to the extent of beyond the sum derived from the income of the bridge and connections, through Portland which might be necessary for some time.

In brief, to make our ideas as plain as possible, we propose, after the charter is issued and work commenced, to issue say six per cent. coupon Bonds payable within twenty-five years from time to time as may be required, viz:—

\$800,000 @ 6 %.....	\$48,000 00
Reserving sinking fund, 1 %.....	8,000 00
	<hr/>
	\$56,000 00
which annual charge it is proposed to meet in the following way, viz.:	
Estimated gross earnings.....	\$24,000 00
Less maintenance	6,000 00
	<hr/>
	\$18,000 00
Leaving a balance of.....	38,000 00

And to meet this difference we propose to ask the Dominion Government to guarantee, or assure twenty thousand dollars (20,000,00) per annum, the difference to be made up by connecting roads as far as Boston.

For this latter sum, \$18,000.00, we have the fullest assurance from those roads, and we are now in a position to say that on substantially this basis the money for construction is pledged.

In conclusion, we desire to draw your attention to some of the advantages to be derived from the completion of the proposed works: First, This connection when made, perfects the railway system of the entire continent, say, from Halifax to San Francisco. It supplies needed facilities for the Lower Provinces specially, no unimportant part of the Dominion of Canada. Second, It would have the effect of enabling express trains, in the matters of speed and comfort, to be so run as to make Halifax, more and more, a point of arrival and departure for ocean steamers, and of bringing the two provinces on the Atlantic seaboard into the direct line of a traffic, which at present, does not touch us at all. The Intercolonial and other lines would be thus benefited, for there can be no question, it seems to us, that apart from the transportation of mails and freight, large numbers of passengers to and from Europe

would seek to economize time and reduce the length of the ocean voyage from one to two days. Third, the large increase of freight traffic by means of this connection, from the northern part of Prince Edward Island and the proposed Counties of New Brunswick and Nova Scotia, through which the Intercolonial Railway passes, must greatly benefit the Government Road. There is a practical embargo on county produce seeking a market at present, owing to the break at St. John, and the cost of transfer, for in many cases the margin of profit is swept away by haulage, handling, ferriage and loss of time. This is no new matter to the Dominion Government as in 1873, the late William Parks then President of the Western Road, but of Saint John, and T. R. Jones a director were a delegation in furtherance of the same object. These gentlemen's views were most favorably received, and on reference to Sir Leonard Tilley you will gather fully the result of that delegation. Owing to subsequent complications the matter was not proceeded with. Subsequently the Hon. Mr. McKenzie being in Saint John met interested parties there, and a favorable expression was obtained from him in reference to the scheme financially, and otherwise. After that the European and North American Road from Saint John to Bangor failed, and this unfortunate occurrence prevented anything being done.

Now that the lines from Saint John are reorganised, this scheme for the bridge and connections, is revived with more certainty than ever. We believe in the matter being brought to a successful issue if the Dominion Government will grant their influence and practical help. With these secured we have no doubt the construction will be proceeded with and completed within a very early period.

We desire to add that we shall at all times be pleased to furnish the fullest information required by the necessities of this matter and commending it to your favorable and early consideration.

We remain, sir,
Your obedient servants

Signed
THOMAS R. JONES,
JAS. MURRAY KAY,
CHARLES SPEAR.

Hon. gentlemen will see that the prospect of the bridge being constructed through the medium of this company is not a very bright one, and therefore we most respectfully suggest that the Government of Canada should look into the matter and deal with it as favorably as possible. I repeat that I do not advocate this work as a citizen of St. John, and I repudiate the idea that it is essential to that city, or would benefit it any more than any other part of the Maritime Provinces. Some

parties go so far as to say it will prove injurious to St. John, by taking away some of its trade, but I do not believe that it will. I consider it very desirable that we should have through traffic, and this work would increase the business of the Intercolonial Railway, or at least on the 270 miles owned by the Government between St. John and Halifax. A great deal of traffic by the Western Extension, and other roads from the south and west, would pass over the Intercolonial Railway and thus increase its revenue. In conclusion, permit me to represent the opinion expressed by the editor of one of the leading newspapers of St. John on this subject. I read from the *Telegraph* as follows:—

“While a conflict is going on as to the site of the proposed bridge across the mouth of the St. John, there is another question of greater importance which ought to engage attention, and that is as to the party by whom the connection between the Intercolonial Railroad and the railroads west of St. John should be made. The public interest in this case should be the supreme law. Can there be any doubt as to what the general interest is? The owner of the Intercolonial Railroad—that is, the Government of Canada—should unquestionably supply the missing link securing at the same time the fair and equitable use of the bridge by railroads west of the St. John, who would speedily arrange to make their connections with it. The Dominion Government own and control a noble line of road. If any single line of railroad is interested in a connection with other railroads, much more is the Intercolonial. The territory over which the connecting link should extend is clearly defined by great natural boundaries. The Dominion Government alone should control that extension in the interest of the general trade and commerce of the country, and in the particular interest of the commerce of this port. The Government of Canada, and their Railway Committee, must be satisfied as to the location of a great bridge across a great river. They are the general guardians of navigation. They have in their possession all the nautical and engineering information which exists applicable to the case, and, if additional information be wanted, they can send proper engineers to obtain it. It being necessary, ultimately to satisfy them as to the site selected, the character of the structure proposed, the mutual arrangements made as to the proportion in which the different railway interests shall contribute to the work, why not go a step further, and assume its entire control, making a fair arrangement with all other roads? Again, agreeing with those who think a railway bridge desirable in the interests of trade and commerce, while at the same time the navigation of our great water-

way must be protected, we cannot but conclude that, when the work is commenced, it should be put through with as little delay as possible. We have bright hopes for St. John in connection with the extension of the New Brunswick Railway to the St. Lawrence, and also with the completion of the Megantic line. We wish to see as many railways come into our city and Portland as possible, and to afford all reasonable facilities to them for doing so. The Dominion Government could put through the bridge and its eastern connection with the Intercolonial Railway with the greatest promptness, and could make the most equitable arrangements for the taking of land and the consideration of all interests that might be affected by the location and erection of the bridge. A panic, even a stringency in the money market, might embarrass even a company, and either cause delay or induce it altogether to surrender a project on which it had embarked, but it is needless to say that the Dominion Government would not be likely to experience any embarrassment of that kind; the less so, as the work undertaken would be sure to add considerably to the revenues of the Intercolonial Railway. The link in question, in private hands, subject to change in their *personnel*, and even in their nationality, might make heavy demands on all who have occasion to use it, but no fears on that head could reasonably be entertained if that work formed part of the Government railroad, and its befitting completion.”

HON. MR. KAULBACH—When this question came up before I was in favor of the construction of this bridge; but at that time there seemed to be a difference of opinion among the people of St. John as to where the bridge should be located. Some advocated a site below the falls and some above the falls, and there appeared to be a good deal of conflict of opinion on the subject. As far as the Intercolonial Railway is concerned it has no water competition, and, therefore, this bridge is not absolutely necessary in the interest of that line; but it would form a connection with a number of railways from the United States—the St. John and Maine, the European and North American, the Maine Central, and the Eastern, all running as far as Boston. It is a question how far these railways should contribute to the construction of this bridge. My hon. friend says that “we believe the connecting link can be built for \$800,000.” I do not know whether he means by “we” the people of St. John, or the Company; but it is a large amount of money to ask. I understand that Jay Gould, the great projector of railways in the United

States, has an idea of purchasing all the railways leading from Boston to St. John, of building this connecting link or bridge, and then by placing lines of steamers to Europe shorten the time of the passage between New York and Liverpool. I hope that this will be done, and I should be sorry to thwart the enterprise of a man who has been so successful in projecting and carrying on great works in the past. The question is not before us at present in a practical way; but it is one well worthy of consideration when it does come before the Senate in such a manner that it can be considered fully—whether the work should be undertaken by a company, or built by the Government, and how far the railways running to Boston should contribute towards the enterprise.

HON. MR. DEVER—I would just offer a word of explanation. It would appear to be the impression that a difference of opinion exists in Saint John on this subject. It is true that a difference of opinion did exist, but from the prospectus of this Company it will be seen that the charter is had from the Local Government defining the location of the bridge, etc., and therefore there cannot any longer be any difference of opinion, because if the Bridge be built according to this prospectus, it simply goes across the falls on the River Saint John. Then I would point out that this alleged company do not propose to build this Bridge without a guarantee of \$20,000 per annum from the Government of Canada, on the capital of \$800,000. Taking that position, parties in favor of the immediate construction of the Bridge allege that it would be better for the Government of Canada to take the matter into their own hands, rather than give away \$20,000 per annum, and after all to have a company owning a small portion of road between their own road and the great system of railways in the United States.

HON. MR. WARK—The hon. gentleman from Lunenburg (Mr. Kaulbach) has alluded to the important line from Boston to Saint John. It included four lines as he has stated, but there are other lines which will be deeply interested in this measure. There is a new road called the Grand Southern, which comes from

another part of the United States, and connects with the line there. Then there is the New Brunswick road which almost trenches on the boundary of Canada, and which they are making strong efforts to connect with the Intercolonial at River du Loup; then there is the Megantic road which is under construction, and which will be the shortest road of all between Canada and the seaboard at St. John. These roads will be all interested in this undertaking if it is proceeded with, and I think if this Bridge is to be built it would be a very proper thing for the Government to undertake it. I see it is estimated to cost \$800,000, which at six per cent. would represent \$48,000, but I think the Government could borrow that money at four per cent., which would reduce the cost very materially. The Government is deeply interested in this matter, as also is the Intercolonial Railway, for there is a great deal of traffic which has to stop there, and which must be either ferried across the St. John River or shipped by steamer. Now there are some descriptions of goods which cannot bear this, for instance there are large quantities of fish which should go directly on to its destination, and which otherwise is spoiled. Then there is a great deal of produce which comes down, such as potatoes and the coarser grains: these go chiefly to the United States, and if the Bridge were built these articles could cross the river and be forwarded right on. In addition to these articles of freight there is a large trade done in fresh fish packed in ice, in the summer season, and there is the catch of the American fishermen in the Gulf, a great deal of which would be sent over the road if this Bridge became an accomplished fact. I repeat that the Government and the Government road are deeply interested in this scheme and I think it would be the best course for the Government to undertake its construction and to exact from the different roads using it a fair sum for the privilege of running over it. I do not know that much more need be said, but I would like to make one more remark; I would call the attention of the Government to the enormous expenditure which is now going on far away in the North West, and in the Western portion of this great Dominion, and I would say that we are beginning to

think that a little money might now be well expended in the Maritime Provinces.

HON. MR. POWER—I do not think I should have said anything on this subject if my hon. friend from Lunenburg (Mr. Kaulbach) had not spoken in a way which rather tended to leave the impression that the opinion in Nova Scotia was not in favor of the construction of this bridge.

HON. MR. KAULBACH—I never meant to say so.

HON. MR. POWER—At any rate that is the impression that would be conveyed to any one who listened to the speech of the hon. gentleman; and I do not hesitate to say that the people of Nova Scotia are almost unanimously in favor of the building of this bridge. I do not propose to enter into the question at any length, but it is of interest to the Government in order to give additional work to the Intercolonial, and as furnishing increased facilities for carrying freight on that road. I think that every argument that can be used in favor of the construction of the St. Charles branch can be used with much greater force in favor of constructing the bridge over the river St. John. I think there is no better time than the present to urge the matter on the attention of the Government, and I feel that the hon. gentleman from St. John (Mr. Dever) has only done his duty to the city from which he comes, in bringing it up as he has done. At the present time the treasury is overflowing, and an election is impending, and the hon. Minister of Finance who has charge of the treasury is anxious, I presume, to represent once more the city of St. John.

I do not think there is any better way in which he can spend a little of the surplus, and at the same time aid in securing his own re-election, than by building this Bridge.

HON. SIR ALEX. CAMPBELL—I have listened with a great deal of attention to the remarks of the hon. gentleman from St. John (Mr. Dever) who has made this inquiry. I am not able to give him any decisive answer at present, but he has afforded a great deal of information that will be of use to the Government when

considering this subject, and I can assure him that the representations which he has made to the House will receive every attention when the matter is to be determined by the Government. In the meantime I can only inform my hon. friend that the Government is considering whether it is best that the Administration should assume the construction of this Bridge, or whether they shall aid in its construction by a private company.

HON. MR. HAYTHORNE—I intended to offer a few remarks when the hon. Minister of Justice rose. It seems to me that when a gap exists in the line of travel, such as has been referred to in the motion before the House, it is very essential that it should be filled up as soon as possible, and when the ordinary means of doing so do not suffice, and it can only be carried out at greater expense, then it is incumbent upon the Government to take action. It appears very clear from what the hon. gentleman on the other side (Mr. Wark) has just said, that a great number of lines would be benefited by this Bridge, and that intercourse would be greatly facilitated; I might add that so far as the Province from which I come is concerned, the portion of our trade which goes down in that direction is very considerable indeed. That trade consists of potatoes and oats to a great extent, but there is a large exportation of fish and oysters as well. It is, however, for another description of freight that the Bridge in question would perhaps be of the greatest utility, and that is for live animals. Large numbers of them are shipped and sent sometimes to St. John, and at others to the United States; they are more frequently sent through to the neighboring Republic and of course it is a matter of very considerable importance to us to save transshipment and the driving of animals through the city and placing them in the cars again. I think if that could be obviated it would be a very great boon to shippers of live stock in Prince Edward Island. As regards the fish trade I might say that the utility of the New Brunswick railways and this prospective Bridge was foreseen so long ago as before the passing of the first reciprocity treaty. It was observed by the then Lieut.-Governor of Prince Edward Island, Sir Alex. Bannerman, who was a

member of the House of Commons in England during his earlier days and he called the attention of the Imperial Government to the importance of this St. John Railway. I believe that at times the New Brunswick railways are largely used by shippers of oysters and mackerel from Prince Edward Island, and no doubt the quantities would be very largely increased provided facilities were given for crossing the St. John River without the necessity of the transshipment of freight at two stations.

HON. MR. WARK—There is just one remark I wish to make, and it is this: at the time the road was opened between Bangor and St. John a number of public men were present from various sections, and among others the Postmaster General of the United States. He told them then that as soon as they could shew that the road was prepared to perform the service, he would give it the carrying of the United States mails, which would be a very important item.

HON. SIR ALEX. CAMPBELL—To carry where?

HON. MR. WARK—Between the United States and Liverpool.

HON. SIR ALEX. CAMPBELL—To be shipped at Halifax?

HON. MR. WARK—Yes.

HON. SIR ALEX. CAMPBELL—I have no doubt that would be a very important point if the mail from the United States or a considerable portion of it would go over this line in the winter months. I will take care that all the information that has been communicated to the House shall receive the consideration of the Government and they will endeavor to come to a decision as soon as possible.

HON. MR. DEVER—I may mention that two other gentlemen in this House from New Brunswick intended to speak on this question, but one of them was called away suddenly and the other is unwell to-day.

HON. MR. HAYTHORNE.

BILLS INTRODUCED.

The following bills from the House of Commons were introduced and read the first time:

Bill (19), "An Act to incorporate the St. John's Bridge Company." (Mr. Girard.)

Bill (42), "An Act to incorporate the Richelieu Bridge Company." (Mr. Bureau.)

Bill (15), "An Act to incorporate the Winnipeg and Springfield Bridge Company." (Mr. Girard.)

PRESBYTERIAN TEMPORALITIES FUND BILL.

SECOND READING.

HON. MR. DICKEY, in the absence of Hon. Mr. Vidal, moved the second reading of Bill (66),

"An Act to amend the Act of the late Province of Canada, intituled: "An Act to incorporate the Board for the management of the Temporalities Fund of the Presbyterian Church of Canada in connection with the Church of Scotland," and the Acts amending the same."

He said:—Owing to the unavoidable absence of the hon. gentleman who had charge of the Bill I have been asked to-day to move the second reading. I do this with the greatest reluctance because the hon. gentleman from Sarnia (Mr. Vidal) whose absence we all deplore, more especially for the cause which necessitates it, and in which he has all our sympathies—would have been enabled to present the Bill in a much more lucid and satisfactory manner than I can possibly hope to do at such short notice. I must therefore throw myself on the kind indulgence of the House for all short-comings while I explain as briefly as possible the grounds upon which I ask the Senate to pass this measure. The Bill follows between the lines of the legislation of Ontario and that of Quebec, and proposes to validate the acts of the Temporalities Board and all past acts, and to regulate their proceedings in the future, with some modifications to which I shall presently refer. The events of which this measure is the outcome did not all transpire in a day nor in a year; they cover a period of time extending over four or five years. Negotiations for the

union of these different congregations commenced as long ago as 1870 or 1871 and terminated in the year 1875. They went on up to the year 1874, when the Synod of the Presbyterian Church in connection with the Church of Scotland,—acting upon the principle that prevails in that Church that the Church is not composed of the Clergy, but of the whole body of professing Christians—referred this matter according to their usual practice, to the various Presbyteries and Kirk sessions as representing the congregations. The result of that reference was that not more than ten out of one hundred and fifty congregations expressed an opinion adverse to the union. The Church having thus ascertained the mind of the congregations proceeded to ask for legislative powers, with a view to carrying with it the property of all the members of the Church, and they obtained these two acts, from Ontario at the close of the year 1874, and from Quebec in the beginning of 1875. They asked for this legislation as preliminary to taking any other steps, and the acts themselves expressed on their face that they were only to take effect on the consummation of the Union. I may remark in passing that had it not been for the passage of these acts the Church would not have taken any other step, and the matter would have dropped there; but they got this legislation and that has been the subject of very considerable litigation and dispute ever since. Ultimately it has been decided that those Acts were *ultra vires*. That was decided by the highest judicial court in the Empire, but the same tribunal has suggested that although this was a power which the separate provinces should not exercise it might nevertheless be well exercised by the Dominion Parliament; and therefore they suggested that it should be the subject of federal legislation. Parliament is now asked to carry out this suggestion by this Bill which is before the House, with the other bills. Having obtained the legislation before referred to, the matter went on until it was finally referred to the Synod, and the result was that at the meeting which consummated the union there were merely nine of the elders opposed to that union, while the great body of the other ministers, following the lead of the congregations, had agreed to support it. I ought to say before going

further, that while I have stated that only ten out of the one hundred and fifty congregations were opposed to the Union, I ought in fairness to state that ninety-five only expressed consent by an affirmative vote. There were forty five congregations that did not vote—did not think it necessary to vote—but they nevertheless after the Union was agreed to, giving their consent by concurrence, fell in with it and joined the body which afterwards became the “United Presbyterian Church in Canada.” The body of ministers then composed of varying numbers— from seven to ten—I do not know exactly—who were dissentient on that occasion have now, so far as I can gather, been reduced to something like seven active members with the congregations which they lead. I say this with some hesitation because I have not been able to have access to any source of information which would enable me to state the vote more clearly to the House. That being the case, we must look at this legislation to see what was the spirit which actuated it, and we find that so far from a desire to over-ride by a mere majority the interests of their fellow ministers and congregations, those Acts effectually cared for and conserved the rights of those ministers and congregations, and they gave to the dissenting persons who chose to remain out of this union, all the property that belongs to them. I merely mention as an example that the church property in Montreal belonged to persons who did not think proper to come into the Union: this rested with the original owners. They were not interfered with by the majority who preserved to the ministers who stayed out their stipends for all time to come. We shall see how this provision has been carried out up to the present. It was thus as I said before, after the close of this long period of five years that the union of these various Presbyterian bodies was formed, and I may ask before going further why such a union should not have taken place; They all held the same doctrine of faith and substantially they were all guided by the same form of church government; in short they were all Presbyterians and I cannot see why they should not be united. It may be said perhaps—it has been said already—that they had no power to over-ride the interests of those seven or eight gentlemen who chose to

remain out with their congregations, and it occurs to me at this moment to mention a case of which I once heard. In a court of justice an important trial was going on in which the facts were very plain, and it should not have taken the jury very long to arrive at a verdict. The case being finished, the jury went out, and after the lapse of two or three hours, as they did not return, the judge sent for them. I must not forget to say that unanimity among jurymen was necessary in those days. On receiving the judge's message, the jury came into Court, and the judge asked what was the difficulty and why they could not agree upon a verdict. The foreman said, "My lord, I have agreed long ago, but I cannot get those other eleven fellows to agree with me." Now that is exactly the position in which this matter stands, and it seems to me that to deny legislation to this body, composed as I have already stated it is, would be just as monstrous as it would have been to have called upon that judge to record a verdict in favor of the defendant, in accordance with the decision of that recalcitrant jurymen, and against the opinion of his other brethren. But it is important to ask what view did the Mother Church in Scotland take of all these proceedings; were they opposed to them? I find that, so far from being opposed to the movement, they extended their most cordial sympathy to the persons who thus entered into that union. I quote from a deliverance in the General Assembly of the Church a year after this union was consummated, in the month of May, 1876:

"The Assembly have heard with much interest that the union of Presbyterians in the Dominion of Canada has at length taken place. The terms on which this union has been effected having been brought under the consideration of the last General Assembly, and that Assembly having declared that there is nothing in those terms to prevent the Assembly from wishing God speed in their future labours for the Lord to brethren who propose to accept union on that basis, or from co-operating with them in any way that may be found possible in the new state of things, the General Assembly resolved to record, and through the respected deputies from Canada to convey to the brethren in the United Church of the Dominion, an expression of their earnest prayer that God may be pleased to hallow and bless the union, and to make it the means of promoting peace as well

as all the other interests of religion among the people. The Assembly, at the same time regret to learn that the threatened division in the Canadian Synod, of which intimation was given in the Report to the last General Assembly, has to some extent become a reality. As to different views of duty in regard to accepting or rejecting the union, this Assembly, like all former Assemblies, express no opinion; but, being persuaded that those brethren who have declined to enter the United Church, not less than those who have accepted the union, have acted under a strong sense of duty, the Assembly assure them of their continued regard and desire for their prosperity and usefulness. And, while the Assembly will not cease to pray and use such means as may be within their power, and entreat their brethren in Canada to unite in the same prayer and efforts, that all heats may be allayed and any remaining division may be healed, they will cordially continue to co-operate in any possible way with both parties in promoting the religious interests of their colonial brethren.

The General Assembly, having learned from the deputies that an impression exists in Canada that the Church of Scotland regards the action of those connected with her in Canada in forming the union now consummated as an indication of disloyalty to the parent Church, assure the deputies that they entertain no such idea; but, on the contrary, give full credit to the representations which they have received from the brethren on that subject."

Now, that being the case our minds are relieved at once from an impression that might have had some influence upon non-members. But this was not a mere vague expression of sympathy and interest in this movement; it was followed up by acts, for the Church of Scotland have from that day to this given substantial aid to the United Presbyterian Church of Canada, and have also, besides that, given their opinion as to the course which the dissentients adopted, by withdrawing from the latter the aid which for a time they had extended to them. No more emphatic approval of the course which was taken by the majority, and no more emphatic condemnation, so far as it could be expressed without wishing to make any difficulty with their brethren, could have been had than in these facts which I have just mentioned. I should like now to refer to the course which was taken by the dissentients in reference to the question whether those acts did or did not meet with the approval of the mother church. It arose in this way: one of the ministers

who had joined the United Church here, Dr. Snodgrass, was about to respond to a call from a parish in Scotland, when the first intimation he got of any dissatisfaction with his course, was a decree deposing him from the ministry, and a certified copy of that decree was sent across the water to Scotland and met him there when he was about to assume his duties in the parish. That decree, as perhaps the House will be prepared to hear, was entirely disregarded, and Dr. Snodgrass is to this day the minister of that parish. I merely mention this to show the spirit in which this was carried out by the gentlemen who now ask for our sympathies. I should perhaps have explained, in order to meet objections which I heard from a friend or two, that no part of this fund has hitherto been appropriated to the ministers of the Free Church, or the ministers of the Presbyterian Church of the Lower Provinces, and they have only an indirect interest in it arising from the fact, that by one of the clauses of this Bill after all the vested interests have been provided for, (as I shall show presently), the balance shall go to the Home Mission Fund. That is the interest they have, and it is only a remote and indirect interest; but I mention it to show that no step whatever has been taken to appropriate any part of this fund for a purpose for which it was not originally designed. We have the Bill before us. What was the spirit in which that Bill was received? We were told that no such compromise as has been suggested, and as I shall show presently, the Bill provides for, would be entertained for a moment. Why? Because "we, the dissentients, are the only ministers or members of the Church of Scotland left in Canada at this time, and we claim all, or none of this fund." Now, that is a position which these gentlemen have a perfect right to assume, because in this country religious opinion is as free as the air we breathe, and I hope it may be so long as the waters of the Grand River flow through this noble valley of the Ottawa. The House of Commons have endeavored, after a patient investigation of nearly two months, to do what is right between these parties, and let us see how they have acted. Let us turn for a moment to the second clause of this Bill, and see how the rights of the minority are protected. It is as follows:

"Provided, always, that all ministers and probationers interested or possessing rights in or to the said Temporalities Fund at the time when such union was carried into effect, who declined to become parties to such union, or to enter into the said proposed united church, shall be entitled to all the pecuniary rights and claims upon the said fund they would have enjoyed had they entered into such union, that is to say, so long as they shall continue to be Presbyterian ministers in good standing within the Dominion of Canada, whether in active service or retired; and the said Board shall administer the said fund so as to protect their rights until their said rights shall have respectively lapsed and been extinguished."

Turn again to the second sub-section of clause four, and we shall find how careful Parliament has been to insert these provisos to protect the interests of all parties:

"After the first and third classes of payments named in section one shall have been extinguished and provision shall have been made for the annual receipt in perpetuity of the sum provided for in the second class of payments, each congregation which declined to become a party to the union, and which shall not have entered the union before the time of the extinction of such payments shall be entitled to a share of the residue, such share to be in the proportion of one to the whole number of congregations on the Synod Roll on the fourteenth day of June, 1875, the date of the union."

I humbly submit that nothing can be fairer than the proviso of this Bill, and the only objection I anticipate is the strictly technical and legal one that we are legislating away the rights of property in this matter. I have already adverted to the principle which obtained in the Presbyterian body that all the members of that Church had an interest in that property. When the beneficiaries of that fund died, or their interest lapsed, the property would naturally fall to be administered by the whole body of the Church; and there is a large amount of property, churches, for instance, in this very place where we are, which would be an ornament to any city, that would belong to the united body, unless this legislation is refused, and unless under the construction of the Acts of the Ontario and Quebec Legislatures they should be held to belong to the old Church in connection with the Church of Scotland.

To those who entertain doubts on this subject I may say, happily there is a pre-

cedent for this Act, and I quote at present from the decisions of the Court of Queen's Bench for Upper Canada, vol. 6, page 437; it is the case, of the Methodist Episcopal Trustees against a man named Brass, arising from difficulties of a similar character. A union was proposed between the Methodist Episcopal church and the Wesleyan Methodists, and the result was, that the union, after conference and possibly the same amount of grave consideration which has been given in this case, was consummated. The union took place and then the Episcopal Methodists began to make difficulties about this property. They took the position which has been taken by other people to-day in this case, that the property did not pass, that it still remained and belonged to the Methodist Episcopal Church and was no longer the property of the united churches. An action was brought to try that question. Some litigation had preceded it, but finally it came before the full Court of Queen's Bench, and this is the decision of Chief Justice Robinson:—

“Upon the best judgment which we could form upon the very important question which was discussed in this action, we have given our opinion that it was competent to the conference to make that change in the constitution of the society which they did make; that the change was accomplished in a manner sanctioned by their code of discipline; and that by the proceeding the religious body did not lose its identity and has not lost the property which they held before the abolition of Episcopacy.”

And further on he says:—

“We consider that we have done with this question; and that so far as our opinions are concerned, it must be considered at rest. If the judgment which has been given here is to be overruled; it must be by a superior jurisdiction.”

It never was overruled because it was not appealed. In the case before us the authorities of the highest courts in Quebec had given a decision in favor of the united church. That decision has been overruled and we have no right to question it, we must act upon that decision. The parties are now in a position which entitles them to come to Parliament—and ask for this legislation. I do say, with Chief Justice Robinson, that this question ought to be set at rest. There ought to be an end to it and I hope the result of to-day's debate will be to make an ending.

HON. MR. DICKEY.

Unless this House is prepared to unsettle this question and leave it open to any amount of litigation, and discord which must naturally arise, I think we will do well to pass the Bill which has been sent to us by an overwhelming majority of this great body in Canada and has come to us supported by a very large majority in the House of Commons.

HON. MR. BUREAU—As this is a most important matter, I do not wish to vote upon it without having information on one point. My attention has been called to the following question and answer:—

“Q.—What does the Union Church offer the old Church?

“A.—The new Church has *seized* all the funds of the old Church; refuses the old Church name to the minority, though the new Church has abandoned it. It offers to give the seven old Church founders who are living, their annuities for life, and then take all the capital for the new Church. It gives what it cannot refuse, \$450 per annum to the old Kirk founders, but seeks to kill the old Church by seizing the endowments. After the death of these seven commuters, the old Church will be entirely deprived of an endowment secured to it by the faith of the Crown and by the security of a trust confirmed by an Act of Incorporation.

As I understand it, the majority separated from the Church, and the minority are in fact the faithful who adhere to that Church in Canada. Now, the faithful minority, after the death of these seven ministers, will be deprived, if I understand it right, of the capital that ought to remain for the maintenance of their Church. Can we deprive the minority, after the death of the seven ministers, of the capital which they would be as well entitled to have as those who constitute the majority?

HON. MR. DICKEY—My hon. friend has quoted from the “Shorter Catechism,” which I readily admit as an institution of the Presbyterian Church, but at the same time I am prepared to answer his question. The hon. gentleman seems to apprehend that, after the death of those seven ministers, their congregations will be deprived of their share of the residue of this property. I will not say whether it is right that it should be so or not: I can only say that, according to the Act, it is not so. My hon. friend will find that it is provided

for in the fourth section by an amendment which was introduced in the Bill in the House of Commons, and which forms the second sub-section of the fourth clause of the Bill.

HON. MR. KAULBACH—My hon. friend who has taken charge of this Bill has so elucidated the subject that it requires very little comment, yet a matter which affects so many people and has given rise to much controversy is entitled to careful consideration. This measure arises from a decision of the Privy Council in which it was held that the Temporalities Fund Act of the Quebec Legislature, and virtually a similar Act of the Ontario Legislature were *ultra vires*, inasmuch as the original Act was passed by the old Province of Canada and affected two Provinces. The Privy Council in effect held that the action of one Province was not enough, and if the Dominion Parliament did not interfere the consequence would probably be litigation. The present Protection Act is sought by the United Presbyterian body, and opposed by a few congregations who declined entering the union. It provides for the legalizing of what has been done under the disallowed Act by the Temporalities Board, and that the revenues of the fund or Board should be appropriated the same as before the union of the churches, to all the ministers of the Presbyterian Church having claims on the fund, for the payment of their annuities for life. And after that, when the annuities have all lapsed or ceased to exist, the remainder to be applied to establishing a home mission fund to assist such congregations as need aid in the United Church, at the same time saving to those congregations which did not enter the union, in proportion to their numbers, their full share of the residue of the fund when wound up. The Bill gives to the ministers who decline entering the united body now called the Presbyterian Church in Canada, the same annuities as received by the unionists. The minority are treated the same as if they were a part of the United Church. This mode of dealing with the vexed question recommends itself to my mind as a fair and equitable way of disposing of the matter, and should be satisfactory to the minority whose

rights have been fully considered and protected.

HON. MR. ALEXANDER—It is most deeply to be regretted that the two bodies to be affected by this Bill could not settle the matter among themselves without coming to Parliament; but since the question has come up for our consideration, I am sure that both branches of Parliament will endeavor to deal with it on principles of equity and justice—will endeavor to discharge their duties according to the best of their ability. Now, this really and truly is a question of the union of all the members of the Presbyterian Church in Canada, but it is also a question of the disposal of the large amount of money to which the mover of this Bill has referred. It is the question of the disposal of \$500,000 which were claimed for a certain period of time by what has been called the minority in that Church. My hon. friend the mover of the Bill did not go far enough into the history of the subject in order to lay the matter formally before the House. It is well known to members of the Senate that this money came from the old Clergy Reserve Fund: it came from the fund set aside by George the Third to establish a Protestant Church in the Province of Canada, and the \$500,000 were appropriated, to whom? that is the question. They were appropriated to the Church of Scotland in Canada, and I need not weary the House by going into the whole history of why all the various religious bodies constituting the Presbyterian Church in Canada did not accept the \$500,000 at the time. We all know that the amount was accepted by a certain branch who stood in connection with the Old Kirk. But circumstances have entirely changed, and a spirit of union has shown itself in the Church, which we must all rejoice to see. The question has often been asked, what has created a difference of opinion between the Presbyterian Churches in Canada? There has been no real difference in doctrine. We have to look at the question from that standpoint. The \$500,000 were allotted and appropriated from the old Clergy Reserve Fund to the Presbyterian Church in Canada, and now that we see the large majority of the members of the Presbyterian Church meeting and resolving to bring about that union which is so

much desired, and when we see that this Bill really and truly makes equitable provision for those congregations which formerly and legally claimed that amount, it appears to me that if it is left to us, not as a court of law, but as a Parliament, to say what we believe to be in the interest of religion and in the interest of the Presbyterian Church, and what we believe to be the original intention for which that money was given, I cannot as a member of this House come to any other conclusion than to vote for a bill which will seal the union, and which will do no injustice; because it will have the effect of uniting all the Presbyterians in one body. If we reject this Bill it will have the effect of promoting disunion, because, if that section of the Presbyterian Church called the minority receive this fund entirely, they will remain disunited, and we shall then be acting to prevent the great body of the Presbyterians in this country from carrying out the design of union. From that standpoint I cannot see how I can do otherwise than vote for the Bill.

HON. MR. MACFARLANE—This question of the Temporalities Fund has no doubt caused a great deal of agitation and heartburning throughout the Dominion. I am a Presbyterian myself, and my forefathers belonged to the church of Scotland—a church hoary with age, and one which has given to the world men who have been eminent in science and theology. The whole literature of Scotland is beaming with the thoughts of the clergy of the old church of Scotland, and when the disturbance arose in the mother land, which led to a very large body of the church of Scotland leaving it on a question which did not affect this country, they had the sympathies of very many, because they went out on the ground of patronage. In this country, fortunately, we know nothing of the kind, and when the members of the Free Church introduced discord into the church in this country, great damage was done to the Presbyterian body. Those who adhered to the old church in this country enjoyed these temporalities, and the portion of them who went out into the Free Church lost the right to them. It was declared that those who remained true to the standards of the old Church and retained their connection with it were alone

entitled to the fund. The hon. Senator from Amherst has accurately detailed the exertions and the pains that were taken when a number of leading clergymen of the several Presbyterian bodies in Canada, extending over many years, to bring about a union. They had to convince many men who felt attached to the Church of Scotland of the desirability of such a union, and of establishing in the country a Presbyterian government entirely independent of the old Church, but still recognizing it as its head. I respect the scruples of the commuters who refused to go into the union; but, still when a large majority of the Presbyterians of this country, a body numbering some 600,000 people, decided upon uniting I think these six or seven clergymen who still felt attached to the old Church, should, as Christian ministers, have led into the united body their congregations, even though they did entertain a strong affection for the Church of their fathers. They should have assisted in uniting that vast Christian body which possesses such influence throughout the length and breadth of this Dominion. If we were to refuse this legislation what would be the consequence? Undoubtedly the unfortunate litigation and heart burnings to which allusion has been made would be continued. Those who fostered and fomented litigation, and who carried the suit respecting the temporalities fund to the other side of the water would continue the agitation, and already some three or four actions have been brought, and are pending, and are only resting for the moment in consequence of the legislation which is now being asked for in this Parliament to settle the matter.

Let us refuse to pass this Act, and litigation will set in like a flood, and a large amount of this Temporalities Fund which is calculated to do so much good to such a large class of people, will find its way into the pockets of other people who probably are not animated very much by religious sentiments. I do not doubt that I, as one of that class, would have a share of it, but notwithstanding that I believe it is our duty, in the interests of the body applying for this Bill, to terminate these disturbances. The result of this legislation, I am satisfied, will be, that the gentlemen who are now continuing this litigation, finding that they cannot suc-

ceed, will withdraw from the contest. It is a tempting matter to some twenty or thirty congregations to get possession of this \$500,000 Temporalities Fund, and to get possession—because I suppose they would follow it up—of Queen's College and the other universities through these Provinces, from Halifax to Manitoba. But what would they do with them? They would get the money, but they could not get the large Presbyterian body with them, and which would still exist. I say that in the interest of peace it is our duty to pass this Bill. There is not a member of the Senate, I believe, whose desk has not been fairly groaning with documents of every kind, in opposition to this Bill. Some of them, I must say, have not been prepared in a very Christian spirit. This literature which has been so widely circulated is calculated not so much to settle the differences which exist, as to foment discord. This Bill comes to us from the House of Commons, where it engaged a great deal of attention, and was debated with a good deal more warmth than any other subject which has been before that body this session, and it has been said that gentlemen there were largely influenced by the powerful votes of this denomination in the different constituencies. Nothing of that kind can influence us, or ought to influence this body; we should deal with the question in the interest of the great Christian denomination which applies for the measure. Viewing it in that light, I say that it is a measure which commends itself to the good, sound, practical sense of every member who thinks aright, and I am sure it will receive the unanimous assent of the Senate.

HON. MR. AIKINS—I do not rise to take exception to this Bill because I think its principle is correct. The interests and rights of the minority, I believe, are pretty well guarded. However there is one section which does strike rather harshly on my mind. I refer to the eighth clause which is as follows:

The third section of this Act shall continue in force until the number of beneficiaries is reduced below fifteen; and so soon as the number is reduced below fifteen, the said Board shall be continued by the remnant members filling up any vacancy or vacancies

from among the ministers or members of the united church, and the auditors shall, in like manner, be appointed by the said Board.

Now if I understand the matter correctly, at present the minority are represented on this Temporalities Board. But why should this representation cease when the number of beneficiaries is reduced to fifteen. It strikes me as strange and rather out of harmony with the general principle which I think is a correct one.

HON. MR. DICKEY—It is intended to meet the case of the beneficiaries being reduced to the insignificant number of fifteen, but every lawyer knows that you may change the *personnel* of a trust board as much as you like yet as long as they accept the trust under this Act they must carry out that trust.

HON. MR. AIKINS—But why should not the minority have representation as they have now?

HON. MR. DICKEY—They have representation as long as the number of beneficiaries exceeds fifteen. Eventually the whole number of beneficiaries will die and they cannot then be represented on the Board. Of course their interest is provided for by this Act but when they get reduced below fifteen the matter is getting to such a fine point that instead of calling the congregations together over the whole Dominion to nominate persons, it is considered better and more convenient to fill the vacancies by appointment. I do not see how any injustice can be done to any body. After the Board is reduced to fifteen it must be a very short time indeed, in the course of nature, when the beneficiaries will altogether disappear and then their share is handed over to the congregations for their benefit.

The Bill was read the second time.

PRESBYTERIAN MINISTERS' WIDOWS' AND ORPHANS' FUND BILL.

SECOND READING.

HON. MR. WARK moved the second reading of Bill (71), "An Act to amend the Act of the late Province of Canada, intituled: 'An Act to incorporate the Managers of the Ministers' Widows' and Orphans' Fund of the Synod of the Pres-

byterian Church of Canada in connection with the church of Scotland, and amendments thereto."

He said:—I was not in charge of this Bill when it came up from the House of Commons, but in Mr. Vidal's absence I moved the first reading. This is a Bill of the same family as the one which the hon. member from Amherst so clearly explained a short time ago. In the Presbyterian Church there is a fund for aged and infirm ministers, their widows and their orphans. They contribute a certain amount annually and their congregations generally make collections for the same purpose, and by this means a fund is maintained for the support of aged and infirm ministers and their widows and orphans. The rights of the minority are secured in this Bill as completely as in the one which we have been discussing this afternoon.

HON. MR. MACFARLANE—Nothing could commend itself more to the sympathy of a person than the preservation and the proper distribution of this fund for the widows and orphans of clergymen, who as a rule, receive small remuneration for the important work which they perform. The fund has been raised more by the contributions of clergymen themselves and adherents of the church than in any other way, and I believe the Bill meets with the approval of all parties.

The Bill was read the second time.

QUEEN'S COLLEGE BILL.

SECOND READING.

HON. MR. DICKEY moved the second reading of Bill (64) "An Act respecting Queen's College at Kingston." He said:—The necessity for this measure has arisen from the Act of the Legislature of Ontario respecting Queen's College at Kingston having been inferentially declared *ultra vires*, and this Bill proposes to ratify and confirm that Act, and also the doings of the Board of Queen's College, under it, to regulate the mode in which that Board shall be constituted hereafter, and to make their acts as valid as the acts of the trustees under the previous measure. I ought not to pass by this opportunity of stating that with regard to this particular measure it refers

to the distribution of an immense amount of property, no less than \$150,000 of which was contributed by the single exertions of a gentleman of whom I may be pardoned for being proud as a Nova Scotian—I refer to the Principal of that Institution. I can only say that if the House were to hesitate about granting this legislation it would be a monstrous act of injustice to hand over the college to those who have shown a disposition to get possession of it by issuing a writ which has been served on the Principal of the college for the whole property.

The Bill was read the second time,

The Senate adjourned at 5.30 p.m.

THE SENATE.

Ottawa, Tuesday, April 18th, 1882.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THIRD READINGS.

The following Bills, reported from the Standing Committee on Banking and Commerce, were read the third time and passed:

Bill (30), "An Act to empower the Ottawa Agricultural Insurance Company to wind up their affairs and to relinquish their charter, and to provide for the dissolution of said Company."—(Mr. Skead.)

Bill (6), "An Act to amend and extend the Act to empower the Stadacona Fire and Life Insurance Company to relinquish their charter and to provide for the winding up of their affairs."—(Mr. Pelletier.)

Bill (41), "An Act to incorporate the Tecumseh Fire and Marine Insurance Company of Canada."—(Mr. Allan.)

Bill (23), "An Act respecting the Exchange Bank of Yarmouth, Nova Scotia."—(Mr. Macfarlane.)

Bill (90), "An Act to incorporate the Ocean Mutual Marine Insurance Company."—(Mr. Power.)

Bill (53), "An Act to amend the Act incorporating the North American Mutual Life Insurance Company, and to change the name thereof to the Dominion of Canada Life Insurance Company."—(Mr. McMaster.)

QUEBEC TIMBER COMPANY'S BILL.

THIRD READING.

HON. MR. ALLAN, from the Standing Committee on Banking and Commerce reported Bill (32), "An Act to incorporate the Quebec Timber Company Limited" with amendments.

He said—It will be in the recollection of most members of the Senate that this Bill after its second reading was referred in the first place to the Committee on Standing Orders and Private Bills, and by them was referred to the Judges of the Supreme Court to decide a question which was raised—whether some of the enactments of this Bill were not beyond the jurisdiction of this Parliament. It was decided by the Supreme Court that they were not, and the Private Bills Committee reported the Bill to this House with one amendment. The House then referred the Bill to the Banking Committee where it was examined and the amendment made by the Private Bills Committee was confirmed. The Banking Committee made one other amendment, to provide that no promissory note issued by the Company should be for a less amount than \$100.

HON. MR. HOPE—I may remark that the clause which was so objectionable, and which I should like to have seen expunged, remains. The promoter of the Bill in the other House came up to the Committee and assured them that he had no intention of putting that clause into operation except in certain circumstances. The Committee seemed to accept that statement from the hon. gentleman, and passed the Bill with this objectionable section, depending, I suppose, upon that hon. gentleman's assurance that it will not be put into operation except under particular circumstances, necessary for the business of the Timber Company.

HON. MR. ALLAN—I am sorry to

have to contradict my hon. friend as to the reason for leaving in that clause. As far as I know the motives which guided the Committee, they did not consent to pass that section on the assurance from the promoter of the Bill that it was not intended to put it into operation, but because they saw no objection to it, and considered it necessary to enable the Company to carry on their business.

HON. MR. GIBBS moved concurrence in the amendments.

The motion was agreed to, and the Bill was then read the third time and passed.

VICE ADMIRALTY COURTS IN CANADA

RESOLUTIONS.

HON. SIR ALEX. CAMPBELL moved:

That an humble Address be presented to Her Majesty, representing that the Parliament and Government of Canada have all the powers necessary or proper for establishing within Canada a Court with jurisdiction similar to the jurisdiction of the British Vice Admiralty Courts, now existing in Canada, with respect to all matters arising out of or connected with navigation, shipping, trade or commerce.

That by Act of the Parliament of Canada passed in the Fortieth year of Her Majesty's reign, chapter 21, intituled: "An Act to establish a Court of Maritime Jurisdiction in the Province of Ontario," The Maritime Court of Ontario was established, which Court has, as to all matters arising out of or connected with navigation, shipping, trade or commerce on any river, lake, canal or inland water, of which the whole or part is in the Province of Ontario, all such jurisdiction as belongs in similar matters within reach of its process to any existing British Vice Admiralty Court.

That it is expedient to make provision by an Act of the Canadian Parliament for the establishment of one Maritime Court for Canada, to take the place of the Maritime Court of Ontario, and of the British Vice Admiralty Courts now existing in Canada.

And praying that Her Majesty may be graciously pleased to take the Address into consideration, and to signify Her Royal pleasure as to withdrawing from Canada the existing British Vice Admiralty Courts, in case the Parliament of Canada legislate for the establishment of one Maritime Court for Canada.

And also, that Her Majesty may be graciously pleased to invite Her Imperial Parliament to grant to the Parliament of Canada the necessary legislative authority to confer

upon such Court so much of that part of the jurisdiction of the existing British Vice Admiralty Courts over which the Parliament of Canada has not now legislative authority, as Her Majesty may be pleased to think necessary or expedient.

HON. SIR ALEX. CAMPBELL in introducing the resolutions described at length the existing state of the Vice Admiralty Jurisdiction in Canada and explained the origin, history and powers of the Court in England. His remarks are omitted in this report at his request.

HON. MR. ODELL—I would ask the hon. Minister of Justice how these points, which are excepted from the jurisdiction of the Vice Admiralty Courts established by the Dominion, would be treated; would there not still be a necessity for the existence of two courts to treat of these exceptional articles?

HON. SIR ALEX. CAMPBELL—There might be some embarrassment in that respect, but I hope that under the final treatment of the petition those powers which are exercised with any degree of frequency here would be conferred upon the proposed court.

The concluding part of the motion is,

“That Her Majesty may be graciously pleased to invite Her Imperial Parliament to grant to the Parliament of Canada, the necessary legitimate authority to confer upon such Court so much of the jurisdiction of the British Vice Admiralty Courts over which the Parliament of Canada has not now legislative authority, as Her Majesty may be pleased to think necessary or expedient.”

We anticipate there that all the powers which are to be exercised in a colony would be granted to this country.

HON. MR. BELLEROSE—I would like to ask what is the cost to the Dominion under present circumstances for these courts, and what the hon. Minister of Justice expects will be the expense if the Bill is introduced and passed as proposed.

HON. SIR ALEX. CAMPBELL—I cannot say what the expense is now. The Judge of the Vice Admiralty Court in Quebec (Mr. Stuart) is paid £500 sterling a year; the Registrar has a salary,

I do not know the exact amount, but I think about £300; what the other expenses of the Court are I cannot say. I believe the Chief Justice of Nova Scotia, who administers this Court in that Province, receives \$600 a year for the service, and in New Brunswick, the Judge who exercises this jurisdiction, also receives \$600. Generally, the expenses in the Court are very heavy; I was surprised at the expenses in the “Atalaya” case, amounting as they did, to a great deal more than the expenses of any litigation of which I ever knew an instance in this country, and to far more than the litigation of a suit in the Supreme Court. The charges were made upon a scale adopted in England where I apprehend the costs of all legal proceedings are higher than in this country.

HON. MR. BELLEROSE—Well, supposing that to be the case, would it not be as well to ask in this petition that these expenses may be reduced so as to make them agree with the usual expenses in this country? If this Court is established, it will have to sit from one end of the country to the other, there will be resident judges in the different quarters of the Dominion, and the expense of such a court can be compared to nothing except that of maintaining the Supreme Court. For my own part I believe that much of the expenditure for the Supreme Court is lost every year, and that the country would be a great deal better without it; therefore I do not see that I would be justified in supporting a measure which would tend to put us in rather a worse position than that which we now occupy.

HON. SIR ALEX. CAMPBELL—This has nothing to do with the Supreme Court.

HON. MR. BELLEROSE—I am aware of that, but it does concern the treasury, and in a country like ours with only four millions of people, I do not see that we are bound to follow the example of the countries around us and try and keep up those magnificent tribunals which are very expensive and which I may add have been in some cases very ruinous to the people concerned. I compare the expense of the proposed court to the Supreme Court, because we have experience of the costly

nature of that tribunal and we know that the expenses of suits in the Supreme Court have reached \$7,000, \$8,000 and even \$9,000; even such a trifling case as one concerning the by-laws of municipalities has cost as much as the sum I mention. The high tribunal which is now proposed, from what I can understand, will bring expense to the Dominion, and as we have to construct so many important public works, and must necessarily incur a large expenditure for Immigration and for the settlement of our waste lands, I think we should reserve our money for these purposes first; then if there is a surplus we might devote it to lightening the burdens which now rest upon our people, and this particularly applies to such a time as the present when things are so very expensive. I am not here to please any particular person or interest; I have a duty to perform to the whole country, and in pursuing that duty I have always opposed the Supreme Court, because I believe it would be what it has since become, ruinously expensive and opposed to the public good of this country. Viewing things in this light I cannot see that I would be justified in supporting the Government in this new measure; I would therefore suggest that it be postponed and by and by we can see how things are going on. We shall probably have in the future a railway extending from the Atlantic to the Pacific, and we might then establish such a court because it is but reasonable to assume that the population would by that time have doubled or trebled, and it would perhaps be desirable under those circumstances to establish such a court; but under existing conditions I sincerely believe that such an institution would be too expensive. It would no doubt be an advantage for the legal profession, but they are not the majority in this Dominion; the poor people and the people at large constitute that majority and we have now an opportunity of serving them. The people at large have not suffered under the courts as they now exist, and I ask why not continue our present laws. These are my views, and while I would be very happy if I could be converted to a different opinion, I fear I have held them for too many years to make such a change probable. I have seen members in the past support measures and they are now willing to see the institutions destroyed

which were created by those measures. It is a matter of notoriety that one-half of our journals to-day are speaking against the Supreme Court though they were in favor of it in the past. I have always opposed that Court and I do so to-day, and I shall on every occasion give a vote adverse to it and everything connected with it. I would suggest that there might be another way of settling this important question: would it not be possible to unite these Vice Admiralty Courts in some way or other—I cannot just now say in what manner—with our Supreme Court?

HON. SIR ALEX. CAMPBELL—That may be, we do not say anything about that.

HON. MR. BELLEROSE—But that does not satisfy the people or the country, and gentlemen who are responsible to the people and who are looking to the public good ought not to be asked to shut their eyes. I believe that when a man is in a responsible position of that kind, he has a right to see what will be the effect of measures brought before him, in order that he may judge whether it is best to pass them. Therefore I suggest the postponement of this resolution, in order that the Minister of Justice might have a document prepared which would shew full details of the court to be established; then both houses of Parliament would be prepared to judge of the matter as to whether it would be more in the interests of the people of this country to adopt or to refuse the proposition which is now made.

HON. SIR ALEX. CAMPBELL—I do not at all despair of making my hon. friend a convert to this measure. He says he will be very glad to become one if he could understand it in the light in which I desire to place it. Now, in the first place, the whole expenses of the present court are borne by the Dominion, and all that is done there is already a charge upon the public purse. The business of the court could be carried on with the present scale of salaries, I have no doubt, and if the Government of the day—when any bill upon this subject is presented to Parliament—proposed to increase that expenditure in any serious way, or in such a way as to make it seem to my hon. friend to be his duty to oppose the measure, he then would have an oppor-

tunity of doing so. He might then say, "It is true I went for the address, because I thought it was well to bring this jurisdiction under the general scope of Parliamentary authority in this country, but this present plan of creating the proposed form of court, and making judges, etc., is far too expensive and I must oppose it." That would be the time to bring up the contention my hon. friend has dwelt upon. As to the proposed measure being a good thing for the legal profession, it is rather the other way. I never think it is liberal to attack the legal profession, as though no good measure was ever introduced by its members. I have the honor to belong to it, and, with reference to the advantage to the profession, my opinion is that the present constitution of the Court is more in their interest than the proposed change would be. I think the legal profession can truly say that most of the legislation passed within many years, which has had the effect of diminishing costs to suitors, has been the result of the action taken by legal men in one or the other House of Parliament. Now, in this Court of Vice-Admiralty at present the costs to suitors are very heavy, but if this Court is brought under the authority of Parliament these costs will undoubtedly be diminished very seriously. I cannot fancy that any court with which Parliament has a right to interfere would be allowed to levy the costs which I have seen charged in the case of the "Atalaya," and which, I fancy, is a fair sample of what is generally done. The Court need not entail an increased cost to the country, but it would, as I said before, complete the autonomy of the Dominion and give us authority to deal with all the Courts in our country. That fact does not at all hamper anybody as to the course which he may take with reference to any bill which may hereafter be introduced, and on which the question of the number of judges and their salaries, the officers to be appointed, and all the expenses of the Court will have to be discussed. When that time comes, hon. gentlemen can take such a course as in their judgment seems to be necessary with reference to the Court. In the meantime it is premature to discuss these points.

HON. MR. WARK—Is it intended to make any alterations in the laws administered by the Courts which now exist?

HON. SIR ALEX. CAMPBELL—It will be just the same as at present—subject to Act of Parliament.

HON. MR. POWER—If I thought that the measure which is proposed—and which will be carried out if the sanction of the Imperial Government is obtained—would multiply the courts or increase the expense to the country as the hon. gentleman from De Lanaudiere (Mr. Belle-rose) seems to think, I should certainly vote against the address. I think, however, that the hon. gentleman's fears are quite unfounded, and I presume that the principal object of this measure is to place the procedure of the Admiralty courts under the control of the parliament of this country; if I am wrong, the Hon. Minister of Justice can correct me.

HON. SIR ALEX. CAMPBELL—You are quite right.

HON. MR. POWER—There is no doubt that not only are the costs in the Vice-Admiralty Courts excessive, but the procedure is a very cumbrous one, and the forms are exceedingly long. The necessity for some such action as that now proposed, would not be so great if the Imperial authorities had extended to our Vice-Admiralty Courts the reforms which were made in the High Court of Admiralty in the year 1860. From that time until 1875, when the Admiralty Court was merged into the general judicial system in England, under the Judicature Act, the forms were comparatively brief and the mode of proceeding was much simpler than it had been before. But although the judges in this country who acted as judges of the Court of Vice-Admiralty—amongst others the late Chief Justice of Nova Scotia, Sir William Young—made representations to the authorities in England for the purpose of having the forms simplified and shortened, and the costs reduced, they were not able to have it done. I think, therefore, that much the better way is to place the control of the court in the hands of this Parliament; and I am very much pleased, and as a humble member of this House, must express my gratification at seeing the Government of the Dominion take what I look upon as a step in the direction of reform. There may

be some question about the jurisdiction of Parliament, but I hardly expect it. However that is a matter which the Government here, or the Imperial law officers might settle before any final action is taken in the matter. The 14th subsection of section 92 of the British N. A. Act is the one which it seems to me would be most likely to be interfered with. It leaves to the provinces the administration of justice, including the constitution, maintenance and organization of provincial courts, with civil and criminal jurisdiction. I hardly think, however, that this would be considered as being a provincial court.

HON. SIR ALEX. CAMPBELL.—No.

HON. MR. POWER.—Then the 101st section gives the Parliament of Canada power to provide for the constitution, maintenance and organization of a general court of appeal for Canada, and for establishing any additional courts for the better administration of the laws of Canada. I think that probably under that section it would be held that Parliament had the power to deal with this subject. This matter, as the Minister of Justice stated, has been brought to the notice of the Imperial authorities before. It was brought before them in 1876 by Mr. Blake, the then Minister of Justice, who visited England in connection with this and some other matters. In a letter dated the first of July, 1876, to Earl Carnarvon, Mr. Blake referred to this question,—but I should mention that he was more directly dealing with the court for the Inland Waters of Ontario. In this connection he says,—speaking of his interview with Mr. Rothery, the Registrar of the Admiralty Court in England,—

We also touched upon the question of the establishment by local legislation of similar Courts on the Seaboard of Canada, a point not covered by my instructions and not of immediately pressing importance, but to which attention has been occasionally called for some time back, and which will be probably brought under your Lordship's consideration at a future day. Mr. Rothery and I agreed that while such a change would be on many grounds desirable it would on the whole be better to deal separately with the pressing question of the great lakes and inland waters. In this connection I may inform your Lordships that representations have been made to the Canadian Government that the rules of practise and tariff of fees in force in the Vice Admiralty Courts are not calculated to

promote the interests of suitors, and require amendment. I called the attention of Mr. Rothery to this point and learned from him that it is proposed to amend the rules with the object of removing the difficulties referred to."

There is a letter from Mr. Rothery to the Admiralty, dated 27th July 1876, in which he approves generally of Mr. Blake's suggestions and says that he has recommended Mr. Blake to use the rules for the High Court of Admiralty, established by Order in Council of 29th November 1859, as a model for the rules of the Court to be established in Ontario.

There is only one difficulty that occurs to me which may arise in connection with this court, and I think the hon. senator from Rockwood (Mr. Odell) has already called attention to it—that is that in this correspondence the Registrar of the Admiralty objects to placing the jurisdiction in matters of prize in the hands of the Canadian authorities. That is not of very much consequence, perhaps, on the lakes, but in case of war it is one of the most important parts of the jurisdiction of the Vice Admiralty Courts of Halifax and Quebec, and I think a difficulty might arise unless jurisdiction were given in matters of prize to our courts, because the Imperial Authorities would either have to appoint an officer of their own or give power to the provincial authorities to deal with such matters.

HON. MR. MACFARLANE—I have no doubt that a measure of this kind, if carried out in a satisfactory manner, would be very beneficial to the country. It is an attempt, however, to remove one of the ancient landmarks that have come down to us from a very remote period. No doubt the Admiralty Court is one of a singular character—one that is very little understood in this country. It is one that imposes on the judges of the courts occasionally very responsible and onerous duties. I have known cases in which matters of very great importance have been brought before them for decision, in a very summary manner, and their judgments are without appeal except to the Privy Council. Although the amounts are very large, sometimes enormous, yet they are dealt with in this summary way by the court, and suitors are in most cases obliged to submit to what they believe to be a serious imposition and a very great

sacrifice of property, because probably they are not able to incur the great expense of an appeal to the Privy Council in addition to the heavy costs of the Admiralty Court. In nine cases out of ten, therefore, the judgment of the Admiralty Court is an end to the matter. These cases are often very complicated; they arise from collisions of ships, in which the bearings of the wind and many matters requiring experience of nautical affairs as well as of marine law, come in. The Minister of Justice does not intimate how this measure is to be carried into effect. I take it that it would be utterly impossible to centralize jurisdiction because the judges must be empowered to act immediately on the spot. The cases arising in the Admiralty Court differ very materially from ordinary cases, in this respect—you require to arrest the ship. Unless you have an immediate and strong process of arrest through the Admiralty Court, in a few hours, the ship clears and there is no means by which a party can obtain redress; consequently I do not think there is any way in which you can centralize the jurisdiction. If, by any means, an appeal could be had from these judges to some higher court, it would be in the interest of the country, and in that respect the step which the Minister of Justice is taking will commend itself to the good sense of all who are familiar with the position in which those courts stand.

HON. MR. SCOTT—I am sorry that I had not an opportunity to hear the explanations of the Minister of Justice on this subject. It is one that has been taken up certainly not a day too soon. In my opinion, the day arrived long ago, when Canada should at all events have control of her own ports. I have felt that it was an anachronism to let it stand as long as it has stood. As to the details to which the Hon. Senator from Cumberland has referred, no doubt the difficulty will be met. There is no reason why we should not be able to give to the judges of that court just as prompt and rapid powers as the circumstances demand. The gentlemen who exercise jurisdiction now are the judges who have been dealing with these cases within the Dominion of Canada. If my memory is correct the last judge named by the Imperial authorities, in Quebec,

was only named after consultation with the Government of Canada.

HON. SIR ALEX. CAMPBELL—Yes.

HON. MR. SCOTT—The Imperial authorities did not assume to appoint the officer without first consulting the Government of this country. There is no reason why the powers exercised over the great lakes in the interior should not be exercised over all parts of the Dominion. I am very glad indeed that the Government have brought forward these resolutions. I should like to know whether there has been any correspondence that would indicate whether the Imperial authorities are prepared to acquiesce in such an address as we are now asked to adopt?

HON. SIR ALEX. CAMPBELL—There has been no correspondence on the subject that I know of since Mr. Blake went to England.

HON. MR. SCOTT—It is proper that the initiative should be taken, and I have no doubt that the Imperial authorities will recognize the necessity for granting the prayer of this Parliament.

The motion was agreed to.

HON. SIR ALEX. CAMPBELL moved that the said address be engrossed and that His Honor the Speaker do sign the same on behalf of the House.

The motion was agreed to.

THE PRINTING OF PARLIAMENT

FIFTH REPORT OF THE COMMITTEE ADOPTED

HON. MR. SIMPSON moved the adoption of the fifth report of the Joint Committee on the Printing of Parliament. He said in the last two paragraphs of the report we recommend that the salary of an officer of the other House be increased by \$300, a year. For the last two or three years Mr. Hartney, who has been clerk of the Committee for over twenty years, has had new duties imposed upon him to such an extent that he could not give as much of his time to us now as he gave formerly. He has in the department with him a very active and capable official who has been assisting him, and the Committee believe that he is entitled to some con-

sideration. My own impression is that we should have recommended that his salary be increased and let the Government deal with it. However, as the Printing Committee have in the last two years saved \$16,000, I think we cannot be accused of extravagance in recommending an increase of \$300, in this official's salary; I have no hesitation in saying that it meets with my approval.

The motion was agreed to.

RIGHT TO WOUND PRISONERS BILL.

SECOND READING.

HON. SIR ALEX. CAMPBELL moved the second reading of Bill (L). "An Act to define the right in certain cases to assault, kill or wound certain prisoners." He said—This Bill has rather a startling title, since it is to justify the assaulting, wounding or killing of prisoners in certain cases. It is a Bill which I prepared some months ago, intending then to introduce it in the early part of the session, but subsequently I thought it might remain over and form a matter for the consideration of the gentleman who is revising the Criminal Law, Mr. Cockburn, and that it might be introduced as an amendment to the general criminal law next session, but since then circumstances have arisen which render it desirable to introduce the bill now; doubts having arisen on the subject, and some evil results having followed in dealing with certain prisoners attempting to escape. What originally gave rise to the Bill was the fact of the escape of certain prisoners who were being transferred from the Penitentiary at St. Vincent de Paul to Kingston. At the Tanneries, a station near Montreal, these prisoners were supplied with knives, also with a good deal of drink, and some six or seven out of thirty contrived to escape. Afterwards, when I was anxious to ascertain who was to blame for their escape, circumstances led me to the conclusion that if the man in charge of the party had felt more certain that he had the right in a great emergency to fire on the prisoners they would not have got away. I then thought it was desirable to indicate what the law on the subject is. I inquired, in the Department whether the matter had ever before been considered by the Government, and

ascertained that it had during the time that Mr. Blake was Minister of Justice, but he had not thought the circumstances of the moment sufficiently grave to render it necessary that a bill should be introduced to define the circumstances under which a constable or any other official should fire upon a prisoner, but that he considered it would answer all the purposes, for the time at all events and with reference to the circumstances then under his consideration, (the particulars of which I do not know) if a bill in an emergency should be brought in afterwards to justify and defend officers, and to relieve them from the responsibility of having taken an extreme step. But in the case to which I allude, and another case which occurred in the North-west Territories, the prisoners escaped altogether in consequence of the indecision of the officers who had charge of the party. For these reasons it has been desired by my hon. friend who has charge of the Department of the Interior, that we should go on with this Bill instead of leaving it over as I at first intended to do, to form a chapter in the general criminal law of the country. I hope the House will not think that we propose to do anything which is inconsistent with reasonably fair treatment of prisoners. At times it is necessary to resort to strong measures to prevent the escape of prisoners, as, for instance, in case of an *émeute* in the penitentiary, or in such a case as that to which I have referred, where thirty prisoners were confined in the cars at one time, and some of them managed to get out of the windows, and in spite of the exertions made by the officers, not in a satisfactory manner, not as soldiers should do acting in concert from one end of the car to the other, but in spite of the desultory exertions they made, seven got out and escaped.

In the management of penitentiaries men who are considered well-behaved and occasionally others, when it is convenient, are taken outside of the walls and put at farm and other labor, and should these attempt to escape it is necessary that the officer in charge should know what course he is at liberty to take with safety to himself—how far he can go to arrest a prisoner who is attempting to escape. At the same time of course I am quite alive to the propriety of not

dealing intemperately with prisoners, that they should be treated with fair consideration and not with more harshness than is absolutely necessary. I trust the House will not consider that there is anything unnecessarily severe proposed by this Bill. The circumstances under which an officer may fire upon a prisoner, even if it should result fatally, are set forth in the following clauses:—

2. Any officer of the law may, for the purpose of preventing the escape of a prisoner held under process of criminal law, or of effecting his recapture after escape, or of quelling an actual or anticipated mutiny among two or more such prisoners, lawfully assault, wound or kill any such prisoner in any of the following cases:

(a) Where there is imminent hazard that such prisoner will escape or successfully resist or elude recapture unless he be assaulted, wounded or killed;

(b) Where there is imminent hazard that a mutiny as aforesaid will take place unless such prisoner be assaulted wounded or killed:

(c) Where such mutiny is in progress;

(d) Where the officer has been ordered so to do by his superior officer.

Provided always that before firing at the prisoner the officer do order him to be and remain still on pain of being killed, and the order be disobeyed.

3. A superior officer may lawfully order his inferior officer to assault, wound or kill any such prisoner in any of the cases mentioned in the second section of this Act.

If it should be thought—I hope it will not be—that any of these provisions are too severe and press in a manner that is not consistent with reasonable fair play towards a man in custody, they could form the subject of conversation when the bill is before the Committee of the whole House. The object in view is simply to arm an officer who has charge of prisoners with such a degree of power as is necessary to prevent escape or mutiny. I think it is desirable that all officers charged with the custody of prisoners should have this power. The House must bear in mind that no officer is desirous of firing upon a prisoner or of assaulting him unnecessarily; it is only when they are driven to it. I think there is a great safeguard in this. The House must also remember that the prisoners are very numerous as compared with those who have the custody of them, and occasionally they must be employed without the walls of the prison. It is

therefore desirable, I think, that so far as it is consistent with reasonably fair treatment that we should arm the officers with the necessary powers to arrest prisoners who are attempting to escape and to put down disturbances which take place in prisons. I may mention one incident which has caused me a great deal of anxiety and which I think renders the Bill desirable. The prisoners in the Kingston penitentiary number between 700 and 800 and they all dine at the same time. In the act of dining they are all supplied with knives. The guards in charge during the dinner hour may not be more than ten or fifteen: supposing there was an opportunity for any little conspiracy before hand, these guards, unless they were authorized to fire under certain circumstances, would be completely at the mercy of so many men armed with knives. I do not feel at all satisfied with the safety of matters in that respect and at that particular time of day, in those large prisons. The doors are shut and the guards are in boxes raised a little above the convicts, but still with 700 men the danger of an *émeute* is considerable. It is therefore desirable that some such power as this should be vested in those who have charge of the prisoners.

HON. MR. SCOTT—I can quite appreciate the cases, some of which have been detailed by the Minister of Justice, in which legislation of this kind might be desirable, but to my mind the Bill confers extraordinary powers upon police officers. If it were limited to persons who had been convicted, I could quite appreciate the circumstances under which this power might be exercised. In the case which has been brought under the notice of the House, as illustrating the necessity for this measure, it probably would have been quite proper to have this power; but in my opinion that mutiny, if it may be called one, was rather owing to the character of the men who had charge of the prisoners than to any other cause. I happened myself to witness it, and I was disgusted with the weakness and cowardice displayed on that occasion. In the first place there were not enough guards, and in the next place they did not display proper conduct. In a case of that kind I can quite understand how a power of this sort should be possessed. An attempt on the part of a

prisoner undergoing sentence, to escape, should be sufficient justification for an officer in charge to fire upon him if necessary. I think there are instances in which an officer has fired upon a prisoner under such circumstances.

HON. SIR ALEX. CAMPBELL—I think so too.

HON. MR. SCOTT—In all those cases where prisoners are serving a term of imprisonment, or being transferred from one penitentiary to another, the men being comparatively free, and the guards necessarily limited, this power should exist. In the particular case to which reference has been made the guards were a very pusillanimous lot. It seemed extraordinary that men should be allowed to pop out of the windows of a car right and left—men with hand-cuffs on.

HON. SIR ALEX. CAMPBELL—They got rid of the hand-cuffs.

HON. MR. SCOTT—I believe they did.

HON. SIR ALEX. CAMPBELL—The man in charge had a very high character.

HON. MR. SCOTT—In all those cases, I repeat, the powers conferred by this Bill upon the officer in charge are necessary. I would also go further: where a party is charged with murder or manslaughter, or rape, or any serious crime, though he has not been tried, while he is in charge of a constable, if he should attempt to escape, the officer should be warranted in using fire-arms, but I think it should not be the case in crimes of a less serious character. Men are often arrested under a warrant, and it subsequently turns out that they are innocent. In such cases a good deal of indignation is often exhibited by the prisoner, and he might attempt to escape, yet under sub-section two the officer would be warranted in shooting him. I do think it would be extremely unwise to give such discretionary powers to constables. Like other individuals they often exhibit great irritability. Men are often appointed who are unsuited for the position, and if such officials were armed with the powers to be conferred by this Bill, it would be extremely unsafe and unwise. I have known instances in which officers, by their treat-

ment of prisoners being brought up for trial, have really been parties to their escape, and in such cases it would be unwise to confer this discretionary power. If the Minister of Justice will reflect, he will come to the conclusion that the phrase "process of criminal law" is very wide indeed. I suggest that he should give further consideration to the measure, and not extend it beyond the cases to which I have referred.

HON. MR. DICKEY—As I understand the Bill it relates to persons charged and held under the criminal law. I am under the impression that the common law as it now stands goes the full length of enabling an officer, who has a prisoner in charge under such circumstances, to use fire arms in case of imminent hazard and necessity, to prevent his escape or to secure his recapture if he has escaped. But if there be any doubt on that point it is well that it should be settled by legislation. The House has heard with interest the remarks of the hon. gentleman who has just sat down, I confess I can hardly bring my mind to go the length he has gone in his criticism upon this measure, for I can well understand that there are many cases where a person is charged with a serious offence under a warrant regularly obtained, and who is in custody of an officer and will make a desperate effort to escape, with a view of evading the penalty which may be inflicted upon him for his offence. Under such circumstances I think the officer should be vested with the power which this Bill proposes to confer, especially after conviction, because otherwise you would leave a prisoner free to make repeated efforts to escape. My hon friend has spoken of the charge of murder, but he finds, in turning the subject over in his own mind, that it is necessary to extend the range of the list to cases of arson, rape and cognate crimes but there are a good many other offences which are just as heinous and which if a man were arrested for committing would involve such punishment that he would be tempted to make his escape if possible. Such a case we all read of with a thrill of horror to-day—an outrageous and brutal attempt on a child which was partially successful, and it is feared with a result which may prove fatal to the innocent victim. When you come to distinguish and enumerate

the offences for which you would allow a constable to use firearms before conviction you find it no easy matter to make out a list. I do not see that we can err in following the general principle of the common law. The rule is applicable to all cases where a party is held under process of criminal law. It is desirable before passing such a sweeping act as this to consider its provisions well in committee, but my hon. friend will see that it is only intended to give power on occasions where there is imminent hazard that the prisoners will escape and elude recapture. An officer cannot escape the charge of manslaughter at least, unless he can shew that there was imminent hazard, and if there was imminent hazard, the party should be allowed to use firearms to prevent the escape.

HON. MR. KAULBACH—I agree with the leader of the Opposition in this House that subsection A should be more clearly defined, The power conferred by it seems to be too general. Constables going to make arrests too often arm themselves with deadly weapons, and they are frequently the means of causing danger to life by the unnecessary use of those weapons. My impression is, that under our common law where an officer is invested with a warrant to arrest a man on a charge of murder, and it is necessary in order to capture a prisoner to use firearms, they may be used. He has the power to execute the warrant in all cases, and to resist force by force to any extremity, but only to resist it when made against him. In many instances I believe this power which is given in the second paragraph, might be indiscreetly used by constables who are not properly trained; therefore when that section is considered in committee, I hope some means may be devised to restrict its scope more closely.

HON. MR. POWER—I quite agree with my hon. friend who has just sat down. While the principle of the Bill may be good, the details need to be very considerably modified. I think the best way to look at a measure of this kind is to see what may happen under it, because the extreme case often occurs. The first clause says:—

“Officer of the law” includes not only the person having the legal custody of the pri-

soner, but also the persons employed under or assisting him in connection with the place of imprisonment.

It may be that this would be construed to mean that if an officer who had a warrant for a prisoner should find it necessary to call in people to help him, any one of those persons might shoot the prisoner who was trying to escape. It seems to me that would be a very undesirable state of things. The Senator from Amherst (Mr. Dickey) puts the case of a man arrested for a somewhat serious offence, not necessarily murder or manslaughter, but something which might be almost as serious, and thinks that if he escaped the officer should have the right to shoot him. In the first place it is a principle of English law, which is more merciful than the laws of most other countries, that it is better a number of guilty persons should escape than that one innocent person should be slain. It seems to me that to allow the average constable to shoot a man who is merely accused of a crime, and not convicted, because he tries to escape, is going too far altogether, and if this Bill should become law, in a very short time we would probably have some serious outrages arising under it, and very likely next session the Government would be obliged to introduce a measure to repeal or modify this Act if passed in its present shape. However, I do not think it is at all probable that it will, because I gather from the guarded language used by the hon. Minister who introduced it, that he simply wished to establish the principle, and that he was prepared to make any such modifications in the Bill as commended themselves to the good sense of the House. As far as I am aware there is no such legislation as this on the statute book of the mother country, and I do not think there is any such law in the United States. We should be very careful about introducing legislation of so exceptional a character.

The motion was agreed to, and the Bill was read the second time.

NORTH WEST TERRITORIES ACT AMENDMENT BILL

SECOND READING

HON. SIR ALEX. CAMPBELL moved

HON. MR. DICKEY.

the second reading of Bill (T) "An Act to remove certain doubts as to the effect of the North West Territories Act 1880, and to amend the same." He said:—The Act 38 Vic. cap. 49 contained a provision by which the Lieutenant Governor in Council, or the Lieutenant Governor by and with the advice and consent of the Legislative Assembly, as the case may be, should have such power in the North West to make ordinances for the Government of the North West Territories as the Governor in Council may from time to time confer upon him. That was repealed by section 95 of the Act 43 Vic., but although the ordinary saving language was used yet it was not sufficient for the purpose of continuing the powers which the original Act had bestowed, unless they were followed up by a step which was not taken. The original Act only gave such powers as the Governor in Council might bestow, and the same language is used in the present Act. For some time after the passage of the existing law there was no order of the Governor General in Council so that the governor of the North West Territories went on and made ordinances under an Act which was repealed and without the authority of an order in Council under the new Act, and he is therefore left, as regards these ordinances, without authority, the Act which purported to give authority having been repealed, and no order in council having been given under the new Act which repealed the old one. This Bill proposes to legalize what has been done. The first section is as follows :

"The said the North-West Territories Act, 1880, shall not be construed as new law, but as a revision, consolidation and continuation of the said Acts thirty-eighth Victoria, chapter forty-nine and fortieth Victoria, chapter seven, subject to the changes, amendments and new provisions contained therein."

The next section provides that this Act shall take effect from the passing of the Act of 1880. Of course up to that time the steps which were taken under the old Act were good and valid. Sub-section 9 of section 90 refers to the recovery of fines and penalties, but many of the magistrates in Keewatin for instance, have no jurisdiction in the North West Territories, and therefore it becomes impossible to give effect to this Act, so far as regards that portion of the country.

Recently a man was fined for selling

liquors, and the conviction has been declared invalid in consequence of the want of power on the part of the magistrate. I propose to strike out the words, "having jurisdiction in the North West Territories," which will leave the language "before any stipendiary magistrate or justice of the peace." The interpretation Act says it shall be held to mean a stipendiary magistrate or justice of the peace where the offence was committed.

The Bill was read the second time.

MILITIA ACTS AMENDMENT BILL.

SECOND READING.

HON. SIR ALEX. CAMPBELL moved the second reading of Bill (U), "An Act to amend the Acts respecting the militia and defence of the Dominion of Canada. He said,—This is to render it unnecessary to have an enrollment of the militia at fixed periods. The present law requires the enrollment to take place every third year, or something of that kind. It is a very expensive process, costing from \$50,000 to \$60,000, and Acts have been passed from time to time to postpone it. I remember that the last time I introduced a measure for that purpose it was supposed that the census would supply all the information that was necessary, and I believe that has been found to be the case, but as this has not been thoroughly ascertained, we propose in this Bill to say that the militia enrollment, instead of taking place at certain stated periods, shall take place at such times as may be fixed by the Governor-in-Council.

HON. MR. POWER—I think it is to be regretted that a measure which is of a good deal of importance like this should be read the second time so soon after the Bill has been distributed.

HON. SIR ALEX. CAMPBELL—The militia require to be enrolled. The enrollment is simply for the purpose of ascertaining how many men there are capable for militia duty. That can be ascertained very nearly by the census; but the law makes it absolutely incumbent that there should be an enrollment of the militia, which, if carried out would cost

\$50,000 or \$60,000. By this Bill we provide that it can be done whenever it may be considered necessary, instead of at fixed periods.

The Bill was read the second time.

LABOR EMPLOYMENT REGULATION BILL.

SECOND READING.

HON. MR. AIKINS moved the second reading of Bill (R) "An Act to regulate the employment of labor in workshops, mills and factories, and for other purposes." He said: The provisions of this Bill are largely indicated by the title and preamble. It will be in the recollection of hon. members that a bill similar to this in its details was introduced last session in the House of Commons by the hon. gentleman who represents the town of Cornwall, Dr. Bergin. That Bill was not pressed, because of the limited information then in the possession of members of the House, and of the Government itself. It was withdrawn, I believe, on the understanding that during the recess an attempt would be made to obtain the information necessary to enable the House to legislate upon this subject intelligently. A commission was appointed by the Government, consisting of two gentlemen who spent considerable time during the summer in collecting information. They visited 465 factories situated in different portions of the Dominion. The Provinces visited were, Ontario, Quebec, Nova Scotia and New Brunswick. I think the other Provinces were not visited. They found that the number of persons employed in those factories was something like 43,000. The report of the commissioners, which has been laid on the table, will be found to contain in a very concise form information that is very important to enable us to form an intelligent opinion with regard to the labor employed in factories, and the little protection in many cases afforded to those who are therein employed. The first portion of this Bill deals altogether with the hours of labor. It has been found by those gentlemen that the hours of labor in these factories vary a good deal. In forty-eight of them the employees work over ten hours a day. In one hundred and sixty-seven the employees work ten

hours per day, or sixty hours per week. In two hundred and fifty the time was less than ten hours per day, or less than sixty hours per week. This Bill provides that the hours of labor shall not exceed ten hours per day, or sixty hours per week. So far as adult male labor is concerned it is believed that the employees are well able to protect themselves, and if they thought proper to make different arrangements with their employers they could do so. With regard to females, and persons between 14 and 18 years of age, the hours of labor are limited absolutely to ten per day, but the hours might be varied so as not to exceed 60 per week. With regard to children of 10 to 14 the hours of labor are fixed at 30 per week and not more than 8 hours per day. The number of children under 10 years of age employed in factories is only 173 and between 10 and 14 years of age 2,086. The object of this Bill is to give to those who are really unable to protect themselves that kind of protection which they are entitled to. The principal provisions of the Bill, as I have stated, apply to the hours of labor, but there are other provisions which apply to sanitary regulations. Hon. gentlemen who have taken the trouble to read the report of these Commissioners will find that very little attention has been paid to the health of the employees in these factories. Some of the larger factories are everything that could be desired in this respect, but in some of the smaller establishments, for instance tobacco factories and others of that class, the description given of the manner in which employees are treated, is far from creditable to the age in which we live. Provision is also made for the time allowed for taking meals. It is found that in a large number of factories one hour is allowed for dinner, but in a number of others it varies from half an hour to 50 minutes. The Bill fixes the time at one hour for the mid-day meal. Provision is also made that no operative shall be allowed to take meals in a room where any manufacturing process is carried on, and every employer is obliged to provide a suitable room, within the precincts of his factory, in which his employees can take their meals. We all know that the operations carried on in many factories are not conducive to the health of the employees who remain there during the

dinner hour, and it is thought to be in the interest not only of the employed but of the employer also that the operatives should be made as comfortable as possible during the dinner hour, as they can perform more work when they are in good health. The Commissioners state that in very many cases persons who are employed in connection with these factories take work with them to their homes. None of the provisions of this Bill apply to home labor so long as no motive power, such as steam or water, is used in the work. Overtime is a very grave question, no doubt, for manufacturers. Sometimes the machinery may break down, or the supply of water may be short, or there may be other reasons which render overtime necessary, and provision is made in this Bill by which arrangements can be made for such work, but the time is restricted. With regard to the sanitary provisions, it requires that every factory shall be ventilated in such a way as to render harmless the vapors, dust, etc., generated in the manufacturing processes carried on in them. It also makes arrangements for closets. The description given by the Commissioners with regard to these conveniences, certainly shows that some improvement is necessary: even in Toronto, where it might be supposed they would be as thoughtful with regard to what would be required, it is stated in the public papers that the operatives are not treated as they should be. Then with reference to safety, in very many of these factories there are no fire escapes. Some factories are well supplied with them. I believe our cotton factories are all that could be desired in this respect. The Bill provides that fire escapes shall be supplied, and also that belting, shafting, gearing, etc., will be protected in some way so that operatives may not come in contact with them. There is also a provision with regard to hoists and trap-doors, which are often left open unnecessarily, leading to loss of life. A penalty is fixed if parties who have charge of these hoists and trap-doors do not keep them closed or properly furnished with catches. Provision is made that the Governor-General in Council may, from time to time, make ordinances for enforcing the Act, by the appointment of one or more inspectors: and there are the usual penalty clauses. These are the general provisions of this bill. It is one that may be considered

rather as a tentative measure than anything else. It was thought desirable not to make it so strict in its provisions that it would interfere with either class very strongly—either employees or employers of labor—but it was thought necessary that some legislation should be had, inasmuch as the manufacturing industries of our country are now being prosecuted with an energy and vigor heretofore unknown to our Dominion. I have stated the principal provisions of the Bill. They can be discussed much more easily when the House is in Committee, if the general principle is affirmed.

HON. MR. HAYTHORNE—Will the hon. gentleman explain more in detail what the arrangements of the Bill are with regard to inspectors.

HON. MR. AIKINS—Inspectors may be appointed by the Governor-General in Council. Their duties will be pointed out to them, and with regard to what may be necessary, a good deal depends on the information which the Government may be able to obtain with regard to the necessities of the case. As I have stated this measure is largely a tentative one; it is based on the information we have obtained from the commissioners to a considerable extent, but it can be readily understood that when the inspectors are appointed regulations may be necessary from time to time, and restrictions be applied to factories or those engaged in carrying on the various industries of the country.

HON. MR. WARK—Do those provisions vary from the English Act?

HON. MR. AIKINS—The provisions are largely founded on the English act and the Massachusetts act, but I may say that the provisions in the English act are very much more severe than are to be found in this measure.

HON. MR. DICKEY—The first question to be settled before we read this bill the second time is the power of this Parliament to deal with the subject. This measure is one which appeals to the sympathies of all of us, but I hope this will not lead us to assume a power we do not possess, because if it should turn out that this bill is beyond the competency of this

Parliament its whole object would be lost and it would be declared *ultra vires*. I wish to submit to the House in all humility that according to my impression this bill relates to a subject over which this Parliament has no power. It relates to the kind of labor and to contracts made for labor, and comes, if any question does, under the denomination of civil rights. It appears to me that the relations between employer and employed, must be determined as coming under Civil Rights, which pertain entirely to the different provinces. The hon. member who introduced this Bill has been asked whether it follows the lines of the Factory Act in England. I dare say it does, because the Imperial Parliament has supreme power over all those matters; but he has also told us that it follows in some respects the Act of the Massachusetts Legislature—not an Act of Congress, but an Act of a special legislature—and for that reason we may infer that the same view is taken in the United States, and I humbly submit, that this legislation ought to proceed from the Provincial Legislatures, not the Dominion Parliament. If the House will, just for a moment, refer to the object of this Bill, it will be seen that it is to regulate labor in factories. Let me say, at the outset, with regard to this question of labor that the number of employees in any one factory does not affect the principle at all. The principle is whether this Parliament has power to legislate with regard to labor. If they have this power with regard to factories, they have the power with regard to any contract for labor made by any employer with any employed. They may legislate with regard to any contract made by a person with his hired man, whether hired by the month to do certain work, or by the day. This House would have the power to step in and say that a day should consist of ten hours when a man might be willing to work for twelve hours. We cannot escape the consequence of this principle. If we have jurisdiction over this subject, that jurisdiction would extend to arrangements made by any of us who live in the country with our hired men, or servants. Besides stating in this Bill the factories mentioned in the schedule, the Governor-in-Council can declare by proclamation any other establishments to-

which this Act may apply—a most sweeping power: ship-yards for instance. There are establishments in which we often see, not exactly hundreds, but numbers approaching to hundreds, working very long hours sometimes. The Bill does not stop there, because it goes to the most minute interference with the relations between employer and employed. It fixes the places where the employed shall have their meals, and declares whether they shall have certain conveniences or not. All these details are gone into and legislated upon, and the Bill does not stop there, because it goes on to provide for sanitary legislation.

Now, I may be wrong, but I think I am correct in announcing the principle, as it has always been admitted here, that sanitary legislation is entirely within the purview of the local legislature, and that we cannot legislate upon that subject. With regard to the appointment of inspectors, our attention has been directed to the fact that these factories are multiplying enormously. I think we may fairly assume that the number of inspectors will increase in the same ratio, and we are to have an army of inspectors to be paid salaries such as the Governor in Council may fix. It is hard for any one to tell what the practical effect of the Act will be, but we have an illustration of what the result might be in the Weights and Measures Act, a subject over which this Parliament certainly has jurisdiction. I wish to enter, as far as I can, my humble protest against this legislation and to ask the Minister of Justice to give it his attention. I think it would be as well that this debate should be adjourned in order that an opportunity can be afforded to ascertain whether this subject is within the jurisdiction of this Parliament. I have no doubt myself on this point, but I wish to state my view of it with all submission. I think notwithstanding the great evil to which attention has been directed, and on which so much information has been collected, it would have been well had the Provincial Governments been communicated with and their aid sought to bring about this legislation, which it appears to me, under the British North America Act, is entirely subject to their control.

HON. SIR ALEX. CAMPBELL—I think the point is so important that it does deserve that every consideration should be

given to it, and with a view of enabling that to be done I move that the debate be adjourned.

HON. MR. ALMON—There never is a question in which law is concerned before the Senate, but up jumps every lawyer in the House to take part in the discussion. We of the medical profession being a modest body are not so ready to express our opinions, but we should like to have an opportunity of saying some thing on this subject, and the hon. member from Amherst, instead of telling us what the law is on sanitary measures should have the opinions of medical men I do not care whether it belongs to the local or general legislature, but I think it comes within the province of medical men peculiarly.

HON. MR. DICKEY—Instead of belonging to the provinces it belongs to the province of medical men.

The motion was agreed to.

The Senate adjourned at 6 o'clock.

THE SENATE.

Ottawa, Wednesday, April 19th, 1882.

The Speaker took the Chair at three o'clock, p.m.

Prayers and routine proceedings-

THE MONEY ORDER SYSTEM,

INQUIRY.

HON. MR. BOURINOT inquired

Is it the intention of the Government to endeavour to make arrangements with France and Germany for the establishment of the Money Post Office Order System as it now exists with the United States?

He said—I may say that a desire has been expressed that the Money order system should be established between these countries and Canada, especially by the leading French organ, *La Minerve*, of Montreal. An article on that subject contained remarks which attracted attention, and I thought it would be the duty of some one either in the Senate or House of Commons to

bring the matter under the notice of the Government. We know that those who send small orders, for example, publications from France especially feel the want of some means of transmitting small sums of money in this way. We know the advantage it has been to us to be able to transmit money by post office order to England and the United States for publications, and the same benefits should be extended to us in regard to France and Germany. It would also be advantageous from a revenue point of view. That alone would be something to consider, apart from the accommodation which would be afforded to so many in the Dominion. Our commercial relations with France especially and also with Germany, are increasing year by year and that is likewise a strong point in favor of the adoption of this system. There is no port in the Dominion visited so frequently or numerously by French ships both merchantmen and men-of-war, as the one from which I come, Sydney, C. B., While in the harbor the crews make applications from day to day for the purpose of getting post office orders to remit small sums to their families, and of course these applications cannot be complied with for the want of the money order system. It must strike very many how advantageous it would be to the sailor who goes abroad and desires to transmit a portion of his earnings to his wife and family; but this he is debarred from in the ports of this country, because he cannot get this accommodation. I trust the Government can see their way, especially through their High Commissioner in England, to enter into arrangements with this object in view. I trust the answer of the Government to my inquiry will be favorable.

HON. SIR ALEX. CAMPBELL—The point to which my hon. friend has drawn attention is one no doubt of considerable importance, and one which I think deserves every consideration being paid to it. I am glad to be able to inform him that it is under the consideration of the Government, and that, as a preliminary step an officer has been sent down within the last few weeks to New York to ascertain the mode in which the money order system is carried on between France and Germany and the United States. Sometimes tech-

nical difficulties arise as to the offices to draw and to the offices to be drawn upon and, as the United States has had some experience, an official was sent down there to ascertain how they manage that branch of the business. It would be out of the question for us to expect that France and Germany would adopt one system with us and another with the United States, and we felt, therefore, that it was necessary to model any system of ours upon the actual practice in the United States. The officer who was sent to New York has made a report to the Department. I cannot say anything more definite than that the matter is engaging the attention of the Government, and that it is very desirable to bring about such an interchange of money orders as the hon. gentleman's inquiry points to.

NEW BRUNSWICK MARRIAGE LAWS.

MOTION.

HON. MR. BELLEROSE moved,

"That an humble Address be presented to His Excellency the Governor-General, praying that His Excellency will cause to be laid before this House, copies of all Correspondence between the Government of Canada and the Government of New Brunswick, all letters, orders-in-Council, petitions, and generally all documents concerning certain Acts passed by the Legislature of New Brunswick in 1869, concerning the issuing of marriage licenses, the publication of banns of marriage, and the determining the proper persons to legally celebrate marriages; also copies of all documents concerning the reference of these questions to the Imperial authorities, and of the decision or opinion received from the said authorities."

He said:—I move for these papers because of the argument which was based the other day upon the decision of the Imperial authorities in the matter. It was stated on that occasion that the correspondence with the Imperial authorities showed conclusively the power of this Parliament to deal with the Deceased Wife's Sister Marriage Bill. But from what I know of it that decision does not lead to any such conclusion. On the contrary, I believe it points in the reverse direction. If the Imperial authorities had not decided the question of marriage licenses as they did, common sense would lead one to the conclusion that the power

of granting marriage licenses ought to be vested in the local legislatures. Not so with the question of determining the proper persons to legally celebrate marriages, a question, which according to the spirit of our constitution, would seem to be within the province of this Parliament, though it seems to be admitted to be of a local character. Take for instance, the mode of appointing the judiciary: though the local legislatures have power to establish courts, the Dominion Government has the appointment of the judges, and one would think that the same principle would be preserved in dealing with the marriage question as to the appointment of the proper officers. I am not at all astonished that the Minister of Justice, when looking over that New Brunswick legislation, thought it was clashing with the legislation of this Parliament, but he is inconsistent in his views upon these matters. I may cite other instances; the case of the New Brunswick School Act and the Ontario Rivers and Streams Bill. In the former Sir John Macdonald decided that the New Brunswick School Act was within the province of the local legislature and that the Federal Government ought not to and could not meddle with it—that it would be breaking down the constitution, and that the people of New Brunswick would have to look to the local legislature for redress. It was contended that the Act was constitutional, and that there was no public interest at stake. In the case of the Rivers and Streams Act, passed by the Ontario legislature, a directly contrary opinion was held. It was decided that the Bill, though within the jurisdiction of the local legislature, must be disallowed because a great injustice was done to one man, yet in the case of the New Brunswick School Act the Government said they could not meddle with it because they considered that no public interests were at stake. Now, I consider it was a case in which a portion of the people of the Dominion suffered an injustice, and that the veto power should have been exercised. In disallowing the Rivers and Streams Act it was held that it inflicted great injustice, and that the principle of it being bad, it would injure the whole community, because if such legislation were permitted people in foreign countries would not come to the Dominion and invest their money here.

HON. SIR ALEX. CAMPBELL.

That was the view expressed by Sir John Macdonald. Well, I think it was the same in the case of the New Brunswick School Act but to a greater degree. There is no such law as that School Act even in the worst governed countries, and even in New Brunswick before Confederation there was no such legislation on the statute book. The minority enjoyed certain privileges, but after Confederation they were deprived of them. It was admitted to be bad legislation—bad for the community at large and calculated to prevent Roman Catholics in foreign countries from coming to Canada if allowed to remain on the statute book. Then why did not the Government feel that they were in duty bound to disallow it? I am perfectly justified in referring to these cases, to show that we are the sufferers, and to remonstrate against the course which has been pursued towards us. We came into Confederation believing that the promises which were held out to us then would be kept, and since they have not been adhered to it is our duty to show that those who have deceived us do not deserve the confidence of the people. I have cited four cases which have been dealt with on different principles, and it proves that neither the Minister of Justice, nor the Government, nor other leading public men seem to know the limit of the jurisdiction of the several legislatures. That being so, we have a right to demand that, in cases of doubt, those who suffer should receive the benefit of the doubt. That is a principle of law. I say that in such cases it is the duty of the Government to look to the intentions of the framers of the law. That is why I ask for these papers, because I believe they may enlighten us, and enable us to discuss these matters when other measures akin to this come up in the future, and because they may assist us in another step which we may probably take in the case of the Deceased Wife's Sister Marriage Bill. I have no doubt it will be thought that I persist too strongly in pressing my view of this matter; but any gentleman who knows the important principle involved will, I am sure, recognize that I am acting as one who respects his faith and his conscience, and desires to express the views of his constituents. I would be undeserving the position of a representative of the people if I allowed so grave a question to

drop without doing my best to show the injustice to which those for whom I speak, French and Catholics, are treated.

HON. SIR ALEX. CAMPBELL—I am quite sure that my hon. friend is right in supposing that no one in the House will think that he has gone beyond the strict line of his duty in pursuing his investigation into a subject which for him has so great an interest, and which to his countrymen is, I believe, one of very great importance. I am unable to follow my hon. friend into the arguments which he has used in asking for these papers, because I did not suppose he would discuss anything the papers relate to on this motion, and therefore I hope he will not consider it disrespectful to him if I do not endeavor in any way to reply to what he has said. I inquired this morning if the papers existed, and should like to have seen them, but was told in a general way that there is no correspondence. However, if any should be found, I shall take care that it is brought down.

The motion was agreed to.

BILLS INTRODUCED.

Bill (138), "An Act to authorize the Canada Co-operative Supply Association (limited) to issue preferential stock." (Mr. Ryan.)

Bill (105), "An Act to amend the Charter of the Fellows Medical Manufacturing Company." (Mr. Ryan.)

Bill (96), "An Act to consolidate and amend the Acts relating to the Montreal Telegraph Company." (Mr. Ferrier.)

Bill (92), "An Act to incorporate the Sisters of Charity of the Northwest Territories." (Mr. Trudel.)

Bill (75), "An Act to incorporate the International Construction Company." (Mr. Bellrose.)

THIRD READINGS

The following bills were reported from the standing committee on Railways, Telegraphs and Harbors, read the third time and passed.

Bill (81).—"An Act relating to the Canada Southern Bridge Company."

Bill (76) "An Act to amend the act incorporating Souris and Rocky Mountains Railway Company."

PONTIAC AND PACIFIC JUNCTION RAILWAY COMPANY'S BILL.

THIRD READING.

HON. MR. DICKEY from the Standing Committee on Railways, Telegraphs, and Harbors, reported Bill (86), "An Act to amend the Act incorporating the Pontiac and Pacific Junction Railway Company, and to authorize the said Company to erect a bridge over the River Ottawa," with certain amendments. He explained that the bill asked for power to construct a bridge over the Ottawa at any point between Hull and Aylmer. The Company desired to have power to construct the bridge at any point between the eastern boundary of Hull and Aylmer, and the bill was amended accordingly. The amendment to the sixth clause was the only important one. That clause asked for power to sell or lease the bridge to either the Government of Ontario or the Government of Quebec, the Corporation of Hull or the Corporation of Ottawa, or any other company or corporation. The committee concluded to strike out the words, "or with any other corporation or company," confining the right to sell or lease to either of the two Governments or the two corporations named. Under the circumstances he had no hesitation in moving concurrence in the amendments.

The motion was agreed to, and the bill was read the third time and passed.

NIAGARA PENINSULA BRIDGE COMPANY'S BILL.

REPORTED FROM COMMITTEE.

HON. MR. DICKEY—from the Committee on Railways, Telegraphs and Harbors to whom was referred the Bill from the House of Commons entitled "An Act to incorporate the Niagara Peninsula Bridge Company", reported the same with certain amendments.

He said: I do not propose that the House shall consider to-day the amendments which are made to this Bill, because they are of rather an important character.

I would however explain that the first amendment refers to a possible conflict between the powers asked for by this Bill as it originally stood and powers that had already been given by the Province of Ontario. It appeared that a company obtained power to build a road or drive around the base of the Cliff passing this point from Queenston. That legislation is still in existence and if the original unlimited power were given to make piers and erect a bridge over this point, it might possibly interfere with the drive I have mentioned. We therefore recommend this amendment which provides that nothing in the Bill shall affect any rights that parties may have acquired heretofore by legislation of the Province of Ontario. The second amendment is of a more important character because it modifies and changes the clause as it was reported to the House in previous bills, and requires only that the consent of the proper authorities in the United States should be had before building this international bridge. I do not go into this point except to say that it was pointed out in the Committee, by one of the members that this clause satisfied the Minister of Justice and had received his assent, which is important as he is the conservator of public rights. The other amendment has reference to amalgamation. The clause which gave this company unlimited power to sell or lease to any company in or out of Canada, has been amended in such away as to enable them to make any running arrangements whatever with other Companies, railway or bridge, which may be necessary, for the use of this bridge; and we confine it to that. Then part of the 25th clause has been struck out with a view to preventing it from applying to any other lines of railway not connected with this Bridge. These are the amendments, and I move that they be taken into consideration tomorrow.

The motion was agreed to.

LABOR EMPLOYMENT REGULATION BILL.

SECOND READING.

The order of the day having been called for resuming the adjourned De-

bate on the Hon. Mr. Aikin's motion for the second reading of Bill (R) "An Act to regulate the employment of labor in workshops, mills and factories, and for other purposes."

HON. MR. ALMON said: When I suggested yesterday that this question should not be proceeded with until to-day in order that the medical men in this House should give their opinion on this measure—which to my mind, is within their own peculiar province—I did not intend to have taken the duty upon myself. But the senior member from Halifax, (Mr. Power), when I mentioned that, told me that he thought as an old medical man, it was my duty to do so, and as I know he is an industrious man himself, and that no measure comes before this House connected with law or anything relating to our business without receiving the greatest possible attention from him, I felt it my duty to take his advice. I think sometimes my hon. friend does more than we really ought to expect from him, but that is a vice of youth; and when the senior member, (Mr. Power), has attained the age of the junior member from that city—myself—I think he will not be found doing too much, but he will feel as I do, viz: that the least a man can do compatible with his own sense of duty, the better for him. In moving this amendment, to which I shall presently refer, I deeply regret the absence from this House, through death, of a member who took so much interest in medical statistics, and whose speech on the subject on a former occasion in this House showed so much information. I allude to the late Dr. Brouse, and I can only express my regret that some one better able to do so had not made this allusion. He was a man of a most genial temperament, and though his politics differed from my own and from those of the majority in this House, he never said anything without making you feel that he did it from conviction, and it was always done in a quiet, mild and gentlemanly manner; in that respect he was very unlike some people who when speaking always descend to invective and ridicule, not thinking that they might injure the feelings of others. I know that at times I myself, in the heat of discussion, have said unkind things, but I have suffered afterwards

more than the person to whom they were addressed. I feel, hon. gentlemen, that we should remember, with the wise man of Israel, "no man can throw about fire and say it is but in jest." I can only add that if Dr. Brouse is as much regretted by his patients and friends as he is by the Members of this House their loss is a great one indeed.

On reading over this Bill I gave the member who introduced it great credit for his work; and the persons who made the report on which it is passed have evinced an industry for which they deserve much praise. I think there are some things in it however it would have been well to have had enlarged, and among them is the provision with regard to the hours of labor. It provides that young men and women shall not be employed more than ten hours in one day, but I would like to see added to this, that no female within two months of her confinement, or within one month thereafter shall be allowed to do factory work. Further on there is a provision for home work to be performed in their dwellings, and to that I have no objection, but I do think it is wrong that women should work for two months previous to their confinement, for it is well known that about that time miscarriage is apt to take place and over-work is likely to produce it. Then again for a month after confinement no woman ought to be put to hard work. But some members will tell me to look at the peasantry, that they go out three or four days after labor, and do a hard days work; I would reply that you do not know the effects that it produces. Many of these people suffer under very grievous complaints produced by this practice, but they do not feel them so much simply because they do not know what comfort is—as we do,—and fortunately they do not know what discomfort is. Then with regard to meals; it is stated here that they shall have an hour for meals but that they are to be taken in the factory in a room where no work is done. In reference to this I would remark that medical men know that operatives engaged in a manufacture in which lead or any other material of that kind is used, are apt to be poisoned by this lead adhering to their hands which they are in the habit of using at meals in accordance with the old saying that "fingers were made before forks,"

and in conveying their food to their mouths in that way they are slowly poisoned by the lead. This could be got over by having a stringent rule that no artizan or manufacturer who was engaged in the use of any preparation of lead, such as soldering or anything of that kind, should eat without an inspector or other proper person seeing that his hands are well washed with soap and water so as to cleanse them from any impurities from the lead. Then I should like to see it enacted that no hand should be employed in a factory who has not had small-pox, or been vaccinated so that he can shew on his arm or some other part of his body that it took efficiently. In the Sandwich Islands, a savage nation, I have been struck by the fact that any person who cannot read and write, or who has not been vaccinated, is refused the franchise and cannot vote. I think that no person ought to be employed in a factory who is liable to take the small-pox for we all know that if one in a factory did take it, with the propinquity of the workmen to one another, lightly clad and their bodies in a state of perspiration they would all be predisposed to this disease. The only way in which this danger can be avoided is by insisting that all operatives in factories shall either have had the small-pox, or have been vaccinated, which is almost an equal protection. In addition to what I have already suggested I would like some such resolution as the following to be inserted, viz :

“ Any operative or person employed in any capacity in any factory who shall have been ill with diphtheria, typhoid, measles, scarlet fever or any other malignant, contagious or infectious disease, shall not return to said factory, until he has produced a certificate from a medical man that his so doing may not be the means of communicating the disease under which he laboured.”

This, I think, is a very necessary provision, for there is nothing in this Bill to prevent a man suffering from diphtheria, resuming work the moment he is able to go out. My opinion is that it is almost impossible to say how long contagion may exist, and while some medical men may differ with me, I think if we were to pass this rule we would have something to go upon and might perhaps be able to come

to a better decision on that point. I should also like to know whether some clause could not be introduced affecting young children under ten years of age who do not know how to read and write, so that they might be taught during the hours of labor,—say an hour's schooling per day ; I think that would be but right in justice to them, and I do not believe it would be a great tax upon the employer. I would rather that the Bill passed, even if my suggestions are not carried out : still I think they are absolutely necessary and if the hon. gentleman in charge of the Bill will allow me I shall be very much inclined when it comes up in Committee to move the different amendments to which I have referred.

HON. MR. HAYTHORNE—I think it would have been desirable before the debate upon this Bill proceeded that we should have received an authoritative statement from the members of the Government in this House as to whether the objection taken yesterday by my hon. friend from Amherst (Mr. Dickey) was or was not well founded.

HON. SIR ALEX. CAMPBELL—I proposed to make that statement but I did not want to interrupt the hon. gentleman (Mr. Almon) while he was speaking.

HON. MR. HAYTHORNE—For my own part I think it would be a very great misfortune for the Dominion if it should prove on enquiry that the hon. gentleman's objection was valid ; and for this reason : because I think it would be an utter impossibility to attain anything like similar legislation among so many different provinces as form this confederation. It would be almost impossible to carry through the various legislatures acts governing factory labor which would be all of the same character, and the result would be that in some provinces the position of the factory operatives would be very good and their treatment would be highly humane and very desirable from a sanitary point of view, while in others perhaps labor would be exacted from them to the utmost extent ; therefore in my opinion it is of the greatest importance that on this subject we should have the same system prevailing from one end of the Dominion to the other. I think hon. gentlemen that

the period which has been selected for moving in this matter is a very favorable one : the factory system at present in this country is quite young and it is reasonable to suppose that comparatively few abuses have crept into it. That is one great advantage which the Government possess, and it is better certainly to anticipate evils than to have to remove them after they have taken root. Then again the Government of Canada has the advantage of three quarters of a century of British legislation upon this very point. I have, since the commencement of the session, during the Easter recess, and at other times, occupied my leisure somewhat in looking into the history of this question, and I find that British Parliamentary legislation commenced almost with the beginning of this century and in a very small way. It begun by taking up the case of certain apprentices of those days ; the factory system had then scarcely commenced, but as the century grew older factories came to be worked by steam, larger cities grew up with crowded populations, and the evils which follow the factory system began to develop themselves. In the last forty-five years and upwards this question has frequently occupied the attention of the Imperial Parliament, and I think any one who has studied the matter must feel amply rewarded after looking into the different legislative enactments which have taken place in the English Parliament on this subject, and studying the case of the factory operatives of Great Britain with a view to obviating in Canada the difficulties which have been found so extremely difficult to overcome in England. There is no doubt that when the subject first attracted the attention of Parliament in that country there were gross abuses requiring correction ; not only were very long hours sanctioned in these factories, but children of a very tender age, and females in the condition mentioned by the hon. gentleman from Halifax (Mr. Almon), who has just sat down, were employed in a way which was exercising a most deleterious influence upon the physique of the population. The opinion and experience of recruiting parties for the army was to the effect that the physical strength and stature of the population in the manufacturing districts of Great Britain was rapidly deteriorating, and that within a comparatively short period the

number of recruits in those districts had been materially reduced ; this did not arise from the fact that employment was more common, but from the difficulty of obtaining recruits of the size and weight required by the then regulations. On looking into this question we find connected with it many well known philanthropic individuals, Mr. Fielden, Lord Ashley—afterwards Lord Shaftesbury, and Mr. Brotherton among others ; and singular to say it has created a very extraordinary difference of opinion. We find philanthropists and political economists at issue upon this point. The former class from their desire to serve suffering humanity would shorten the hours of labor, but the political economists did not desire to reduce labor, and besides they had some dread that competition would be against them if they permitted the hours of labor to be materially shortened. But the tendency, notwithstanding, has been all through in Great Britain to shorten those hours, until at the present time in the factories where textile fabrics are made the working hours are now, I believe, $56\frac{1}{2}$ per week. On looking into the corresponding clause of this Bill, introduced yesterday by its mover in a long and able address, I am led to conclude that the proposed measure does not go far enough for the protection of the Canadian operatives. As I said just now, it is far better to anticipate evils than to allow them to become once established ; for the great difficulty in England has been to eradicate them. Now, I observe that in this Bill the hon. gentleman allows sixty hours for labor, per week, whereas in Great Britain the maximum in factories for textile fabrics is $56\frac{1}{2}$ hours. The hon. gentleman has made an effort to establish a sort of half-holiday on Saturdays and that is certainly a very desirable object to attain, but it is questionable whether it is not more than compensated for by working extra hours on other days. I also think that those clauses in the hon. gentleman's Bill which refer to "overtime" are against the interests of the operatives generally. The occasions from which the necessity for working overtime are drawn are not in my opinion sufficient to warrant the proposed enactment ; for instance "accidents," well I can understand that, and there is probably an excuse for working overtime when it is occasioned by loss con-

sequent upon some unforeseen accident ; but in the same clause I find the "requirements of custom or the exigencies of trade" and these are cases which are extremely arbitrary in their nature. They may possibly exist, but I fear they would be likely to exist in one place and not in another. If a factory is being run in one place where these exigencies of trade and requirements of custom exist, and in another factory the conditions are not the same, then the operatives in the latter place will have a decided advantage over the others. In my humble opinion these cases should not exist at all, except in cases of accident ; then it is likely to be in the interest of the operatives as well as of the mill owner, that the establishment should be run for some few hours extra, and probably in consequence of the rest which the operatives have received no great injury would result to them from such overtime. I say however, that to allow a mill owner to run his mills overtime upon the plea of emergency or the custom of trade is, to my mind, outside the proper bounds of this law, and should not be permitted. Another view of that case is, that experience has shewn in Great Britain that there is very little advantage in running overtime. They have there the experience of men who have been in these factories for long periods, and who have had ample opportunities to form an opinion on this point, and their opinion is that when running overtime neither adults nor young people are capable of putting out as large an amount of work in proportion to the time they are employed. It is found that ten hours is the maximum time during which an operative of any age can perform labor with his full energy. I think I could send a passage from a recent work on that subject which would perhaps have a tendency to set the matter at rest. It is as follows :

"The reports of the inspectors of factories dated October, 1877, prove that the law restricting the hours of employment of women in factories works well, that it has recommended itself both to employers and employed, and that none of the evils or inconveniences or injustices which were anticipated as its possible results by Mr. Fawcett, and other competent critics have actually arisen. 'I have found,' writes Mr. Redgrave, 'the limitations imposed upon the hours of work by women most cordially approved, and the greatest anxiety and positive alarm entertained at the

prospect of any relaxation which would expose them to the irregular and uncertain hours of work that prevailed prior to the passing of the Factory Act of 1867.' Mr Redgrave quotes many testimonies of working women in support and illustration of this view. 'I decidedly prefer' says one 'to work the hours fixed by the Factory Acts. I never had any illness since the Factory Act came into operation.' 'I certainly do not wish' says another, 'to see the Factory Act repealed, and permission given to women to work later.' 'The Factory Act' says a third, 'is regarded as a great boon by all the women that I know in the trade. I find that I can earn more money under the Factory Act than when we had no regulations.' It is thus that Mr. Redgrave sums up the general moral results of this legislation :—'That the Factory Acts have a direct tendency to encourage morality and steady behaviour, I can establish very clearly.'

I view of this testimony, I think we should not heedlessly involve ourselves, in this Bill which we are about to pass, by establishing over-time regulations for the Dominion. Then here is a passage which states the existing condition of the factory law in England, up to 1881.

"It may perhaps be as well succinctly to summarize the chief heads of the factory legislation now in force. A factory is defined to mean any premises in which mechanical power is used in a manufacturing process, or in which certain trades such as lucifer-match making, percussion caps and cartridge making, bookbindings, letterpress printing, tobacco and cigar manufacturing, are carried on. It follows from the above definition that all corn mills and nearly all breweries and distilleries have now become factories. The number of protected persons employed in such establishments as these—that is to say, of women, children and young persons—is not large, and the chief value of inspection as applied to them will consist in the additional protection which will be thereby given to the people employed from dangerous machinery or from preventible dust and effluvia arising either from the process of manufacture itself or from defective sanitary arrangements. Factories under the Act of 1878 are classified 'textile' and 'non-textile.' There is no change made in the number of hours in which women, young persons, and children may be employed in either case. In textile factories it remains at fifty-six and a half hours a week as fixed by the Factory Act of 1874, while in non-textile factories it will continue sixty hours a week as fixed by the Act of 1867. The provisions of the Act of 1874, which apply to the employment of children and young persons, are now extended to all non-textile factories and workshops. A child cannot legally be employed in future under any circumstances under ten years of age. At thirteen a child may be employed full time, provided that it

can produce a certificate of having passed the fourth standard fixed by the Committee of the Council on Education. In the event of a child not being able to procure such a certificate, it must continue at school half time, till it reaches the age of fourteen."

That I think probably meets the desire of the hon. gentleman from Halifax who has just spoken (Mr. Almon), although the combining of education with factory legislation is not very easy in our country inasmuch as the education of the people belongs to the Local Legislatures and not to the Parliament of the Dominion.

HON. MR. KAULBACH—From what is my hon. friend reading?

HON. MR. HAYTHORNE—From a word published last year called "England: its people, politics, and pursuits," by T. H. Escott. Then the hon. gentleman from Halifax spoke of the utility of introducing vaccination. While some difficulty perhaps occurs in that respect; it may perhaps be in the recollection of some members of this House who have occupied seats here for some time, that I myself once brought that question before this Chamber at some length, with a view to obviating the trouble that had arisen in the older provinces from the introduction of small-pox; but it was stated by several gentlemen in this body, and I think by a Minister of the Crown at the time, that the subject of vaccination did not come within the powers of the Dominion. I believe however that a member of the present Government who is also a member of the medical profession, has expressed a different opinion, and I hope most sincerely that he may be right and that the Dominion Government has power to regulate this matter.

HON. MR. ALMON—I would state that the quarantine officer at the port of Halifax is ordered to vaccinate all persons who are at all likely to be exposed to infection. He goes on board an infected vessel and vaccinates all that have been on board as well as all employed on the Island: and he is an officer of the Dominion Government.

HON. MR. HAYTHORNE—The subject of quarantine properly belongs to the Dominion Government. I think the idea

of the hon. gentleman is an excellent one, and I only hope that it can be carried into effect. It is most desirable that it should be so, and I hope another session will not be allowed to pass before it is established whether or not the Dominion Government have the power to deal with the subject of vaccination. The hon. gentleman from Halifax also spoke of the position of women having young children; now that is a question which has been I think very ably treated in one of the recent magazines. In the "Contemporary Review" for January last there was a most able article entitled "Married Women in Factories." The writer went into the whole subject in a very able and very conclusive manner, and showed the enormous evils and sacrifice of infantile life which have been occasioned by the action of females, in the condition described by the hon. gentleman from Halifax, working in these factories. He showed that as a result there was rising up in our midst a stunted and ill developed race of men and women. If it were not for occupying the time of the House, perhaps unnecessarily and at greater length than they would have patience to bear with me, I would refer them to various extracts which I have at hand here touching upon this very point. I have here a return, which I have taken from one of the books at my disposal, showing the comparative mortality in a number of large English towns, some of them manufacturing towns and others not strictly coming under that head. The town of Portsmouth is taken as a sort of basis, and, omitting decimals, it is found that the mortality among children under five years is fifty-nine per thousand, whereas in Brighton, a watering place, by the seaside, it is 65. In Bristol, not a large manufacturing town the per centage is more, being 66 per thousand; in Wolverhampton, a strictly manufacturing centre, it is 74, and in London it is 78. In Leicester and Nottingham, strictly manufacturing places, it is 82; in Salford it is 93, in Birmingham 95, in Sheffield 95, and in Liverpool the percentage is larger than elsewhere although it is not strictly a manufacturing town, and it can scarcely be said to prove anything. Then we have the subject of infant mortality, which bears more particularly upon the question alluded to by the hon. gentle

man from Halifax. Here is a case which was brought up in the English House of Commons during one of the debates upon the "ten hours" matter, I think upon the occasion when the present Lord Shaftesbury introduced the question there, or Mr. Fielden perhaps it was. It was then shown that in the year 1841 that the population of the extra-metropolitan districts of Surrey, was 187,868, and of the Town of Manchester 163,856. The deaths registered in Surrey, in the seven years from 1838 to 1844, numbered 23,777, while the number in Manchester was shown to be 39,922. That was the general mortality of all ages, but taking the infant mortality—under five years of age—we find that in Surrey the number of children living was 23,523, and in Manchester 21,152; while the deaths were in Surrey 7,364, and in Manchester 10,726; the period covered being the same as for the figures of the general mortality of all ages. That shows a great excess of infant mortality in the manufacturing district over one which is comparatively rural. Now it has been urged by sanitary authorities that the cause of this difference is not to be found solely in the manufacturing system, but that it has arisen from other causes—bad drainage, bad ventilation, and other things—that in fact it is not entirely to be traced to the factory system. But in answer to that it has been shown that in purely agricultural districts, where mothers act on the same principle which unfortunately characterizes women in the factory districts, the very same causes are found to produce the same results. When mothers leave their homes to carry on their work in the fields in the agricultural districts of England in the manner described as prevailing in the factory districts, the very same results are very soon found to ensue. I think we may regard it as an established fact that the working of women in factories, under the circumstances referred to by the hon. gentleman from Halifax, is a thing which by all means ought to be prevented. I am very glad to find, by perusing the report which the hon. mover of the Bill has caused to be laid on our table, and which was collected last summer, that at present the number of married women working in the factories in Canada is very small; and therefore it seems to me the wisest course is, while the evil is still young in

this country, at once to endeavor to arrest it. We may expect as factories increase in number, and competition becomes more and more keen, there will be a greater demand for operatives, and women will be more likely to be induced to leave their homes and families to earn wages in these factories. I say nothing now of the difficulties which have been encountered in England with regard to married women in factories, because it is an unfortunate truth, and I regret as a native of that country to have to admit it, that many of the women employed in these factories are unmarried mothers, and it is difficult to deal with their cases. Happily, from the information contained in the report laid on the table, I believe that a high morality prevails in our factories so far, but the day may soon come when it will be necessary to deal vigorously with this subject, and in my opinion it would be better to deal with it before the difficulty becomes serious. One of the most important features of this Bill, and what is certainly the most important principle that is involved in the English factories' laws, is the inspectorship. I do not see exactly in what manner the duties of inspectors are to be performed. Is there to be an inspector attached to every factory or an inspector connected with every manufacturing town? It may be that there are isolated factories—factories not in considerable numbers in any one place: the difficulty of visiting them may be considerable, but I believe as a whole it is better to have a comparatively limited number of high-toned, experienced men as inspectors than it would be to place an inspector over every individual factory. I think the constant going in and out of the inspector would lead to too much familiarity between him and the operatives, and possibly between him and the manager of the factory; but if an inspector should drop in at a time when perhaps he was expected to be a thousand miles away, his visits would be likely to be more beneficial than if he were always on the spot. These are the observations which occur to me as being of some importance in connection with this Bill. I may say I have derived a great deal of information and not a little satisfaction from the study I have given to it. While I have had no little reason to be ashamed that such a state of things existed for so many years

in one of the most civilized countries of the world, and that my native land, Britain, I am very happy to find that all the great evils of the system have been eliminated, and now, with the exception of this burning question of married women, which Governments have not been able to deal with, the factory system of England stands on a favourable basis. The education of the young people has been ensured and they cannot grow up in a state of semi-barbarism, and in many other ways precautions have been taken which will no doubt produce the very best effects. One further remark I might make—and I observe that the hon. gentleman from Halifax, (Mr. Almon), alluded to the same thing—and that is the necessity of providing against the ill effects of certain manufactures. I do not know whether we have in Canada any white lead factories, but it is not at all improbable that they will soon be established here. No doubt, we have stone-cutting machinery, and the effects of operating that, upon operatives are exceedingly mischievous. It has been found that men with the strongest constitution, coming in from the country, when long exposed to work of that description, break down with marvellous rapidity, and although it may not be desirable to attempt too much on an occasion when we are about to introduce legislation somewhat novel in this Dominion, yet these subsidiary questions, if I may so style them, to this measure, are such as ought to receive the close attention of members of the Government, being also as I believe them to be, gentlemen of culture and of philanthropy.

HON. MR. D. MACINNES—I do not intend at this stage of the bill to take up the time of the House at length with any remarks of mine. I have listened with a great deal of interest to the able speeches which have been delivered by the two hon. gentlemen who have last addressed the House. I have read this bill, and I approve of its principle while a good many of its details in my opinion will require amendment, both in the interest of the employer and in the interest of the employed, for the interests of both are I believe perfectly identical. I think it is a great mistake to suppose that the interest of the employer and the interest of the employed are antagonistic to one another.

The proper time perhaps to deal with the details of the clauses of the Bill will be when the House goes into Committee of the whole. I have myself taken some trouble in distributing the bill pretty generally amongst the employers of labor throughout the country, and I have asked the parties to whom I have sent those copies to reply with as much promptitude as possible and to return the Bill with any amendments which they may see fit or necessary to make in any of its clauses. Therefore I intend to ask the hon. minister of Inland Revenue, who has charge of the Bill, to defer the consideration of it in committee of the whole until next Tuesday or Wednesday. I shall then be prepared more intelligently than I am now to offer suggestions which may be considered necessary improvements of many of its clauses. I conceive that it is a great mistake on the part of any legislature to pass laws which are more likely to be honored in the breach than in the observance. In other words I think it is a mistake to pass laws which in their working may be found to be impracticable. I have no doubt that any reasonable suggestions which may have to be made with reference to the clauses will receive the best consideration of this honorable House.

HON. MR. TRUDEL—I agree with the hon. member from Amherst and the hon. gentleman from Prince Edward Island who said the first thing to be decided was the constitutional question. But I regret to say that I cannot agree with the latter in his opinion that we have jurisdiction over that matter, because in my opinion this measure properly belongs to the local legislature. Apart from the question of jurisdiction, every one who loves his country must be glad to see this important matter brought prominently before the public. I think there will be but one voice from the whole Dominion, congratulating the Minister of Inland Revenue on the step he has taken. If the jurisdiction of this Parliament extended to all matters of supreme importance, and only minor matters were left to the local legislatures, I should have no hesitation in saying that this one properly belongs to this Parliament; but the House will admit that this was not the principle on which the divi-

ion of subjects was made at the union of the provinces. There are many matters within the jurisdiction of the local legislatures which are far more important than any with which this Parliament can deal. This measure touches two of the greatest questions of the age—the relations between capital and labor, and the means of promoting morality in the manufacturing centres. It touches the great sanitary question which certainly is a very important one also. In support of the contention of the hon. Senator from Amherst that this matter is not within our jurisdiction, I will call attention to the fact that in olden times these matters were left to the great corporations which governed industries. There was a period which, perhaps, is not well appreciated in modern times, when all questions affecting labor were left to great corporations which were entirely free to regulate them; and I may mention two facts to show that if the institutions of those days are not favorably regarded now it is not because they do not merit it. Twenty years ago a large manufacturer in France Mr. Leon Hermel tried to introduce into that country the system of those old corporations—that is, uniting the interests of the manufacturer and the working man—and as a matter of fact, he has succeeded to a most extraordinary extent. In his establishment, called I think Le Val-des-bais, there are nearly two thousand workmen employed, and it is the admiration of all Europe. This corporation is formed altogether on the model of those corporations which existed in Europe in olden times. There is another reason why we should not be unfavorable to those institutions. They are to be found at the very basis of our constitution. The principles of liberty and the rights of the people to govern themselves within certain limits are derived from them, and from them also we derive our English institutions. Regarded from that point of view it will readily be seen that all the matters which are dealt with in this Bill properly belong to municipal institutions. There is not a single subject to which it refers that does not properly fall within the exclusive jurisdiction of the Provinces.

HON. MR. ALMON—Hear hear!

HON. MR. TRUDEL—The hon.

gentleman may laugh, but it would be more satisfactory if he would furnish arguments to show that our views on this constitutional question are unfounded. Whatever opinions may be expressed on subjects which come before us, I always listen attentively to argument, and judge it on its merits, but whenever the hon. gentleman speaks he does not appreciate the merits of the question itself, but unfortunately the merits of those who treat the questions. This measure is one which should not be lightly treated. What we call in French *Le droits des gens* has occupied the attention of the greatest men, not only of this century and during the Christian era, but of philosophers at all times since nations have existed, and when such a subject is under consideration here it should be dealt with seriously. It is a matter which does not affect in a special manner the people of the province from which I come. Unfortunately on many occasions we who represent the Province of Quebec have had to raise constitutional questions in defence of the rights of a particular portion of the people, but those questions, if properly understood, should be considered as of general interest, because a question of principle and of justice never is a matter of merely local interest. A question of justice is always of general interest, because if a legislative body should lay down a wrong or an unjust principle, especially in a country like this where precedent possesses so much force, it is a matter to be deplored. Therefore I say that the questions which we have raised, if we have succeeded in showing that they related to matters of justice, are of general interest. But in this instance all the Provinces are on the same footing. The interest of the whole nation is at stake, and no one should feel at liberty to treat it lightly. I repeat that there is much in this Bill which meets with my approval, but on careful consideration the hon. gentleman who has introduced it will be disposed to admit, I am sure, that it deals with questions connected with municipal affairs, and moral and medical regulations, and therefore comes within the jurisdiction of the local legislatures. The hon. member from Prince Edward Island (Mr. Haythorne) has advanced a very strong argument in support of the constitutionality of the Bill—that it is desir-

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able there should be uniform legislation in the whole Dominion concerning manufactures. I see the force of that argument, but it does not settle the question of whether we have the power to pass this Bill or not. There are many other questions which interest alike all parts of the Dominion, as for instance sanitary legislation. Take for instance the lighting of cities by electricity. We might come to the conclusion that it would be proper that all the leading cities of the Dominion should adopt the electric light ; but if we should attempt to impose regulations to that effect there would be but one opinion expressed that it was beyond our jurisdiction. There are many matters on which it is very desirable that legislation should be uniform all over the Dominion, but we have first to consider whether we have power to deal with such matters, and whether it is in the interest of the whole Dominion to destroy by degrees the powers of the local legislatures and the system of government which we possess. I humbly submit to the Government that this Bill does not come under our jurisdiction, and I hope they will withdraw it.

HON. SIR ALEX. CAMPBELL—The point which was raised yesterday by the hon. member from Amherst, as to the constitutional right of Parliament to deal with this subject, is of course an exceedingly important one, and deserves all the consideration we can give it. He is supported in his view by the hon. Senator from De Salaberry, but, nevertheless, I think that, perhaps, upon further consideration, I shall be able to satisfy these hon. gentlemen that the arguments from their point of view are susceptible of being answered. The hon. member from Amherst, if I understand his argument right, thought this was a matter that came wholly under the purview of the Local Legislatures, because it was a question of civil rights—of contracts between master and servant, hours of meals, and that sort of thing—and therefore belonged to the Local Legislatures, and that this Bill did not come within the powers of Parliament to pass it ; but I venture to ask my hon. friend if that is not a very confined view of the Bill? It is true that it does deal with the subject of contracts between master and servant, but is it not much more true, and

true in a larger and better sense, that it relates to the welfare and well-being of the whole community? I listened with great pleasure to the arguments submitted to the House by the hon. Senator from Prince Edward Island as to the effect upon the community of laxity with reference to the rules which this Bill proposes to lay down. That hon. gentleman established, I think, to the satisfaction of the House that the result of the laxity of regulations or want of regulations, in this respect, in England, had a deteriorating effect upon the whole population who lived in the manufacturing districts. If that was the effect in England and if we are to presume that a similar one would follow the want of regulations and laxity of rules in this country, I ask if such an effect produced upon the whole population is not a very strong and even conclusive reason, why this Parliament should deal with a question affecting the welfare and growth of the whole community, and the physical power and strength of those who form the nation? Surely if this subject relates to a question so generally important as that and which affects the whole country, it is a much larger one than if it related merely to contracts between master and servant. It is because this Bill relates to subjects so important as that, subjects which go far beyond contracts between master and servant, which in their indirect effects concern the whole community and on which, to a certain extent, and so far as the population in manufacturing establishments go, the future of the country very much turns—whether we shall have a strong, healthy and moral population, likely to be creditable to the country or whether we shall have a dwarfed and immoral population and so perpetuate in Canada all the evils which this inquiry has brought out in England and which we are trying to legislate for now—I say if these subjects do not affect the peace, order and welfare of a whole community it would be hard to say what does. Therefore, as they have that effect, the House, I hope and believe, will take a much larger view of the matter than has been presented, and which would confine this to a simple matter of interfering between master and servant. It is a much larger question ; it is to provide for the future welfare, morality and good government of the whole

community. In this respect it resembles very much the Temperance Bill which, the House will also remember, interfered with contracts and with matters which at first sight seemed to belong to the Local Legislature, as, for instance it is a question certainly of civil rights whether a man shall sell liquor or not, by the pint or quart, or not at all, or whether he shall sell to children or only to people of full age. These are all matters of contract, and questions which, if you confine your attention simply to that view of the matter, would put it entirely within the power of the Local Legislatures, but it was thought here, and justly and properly, I think, that it affected the welfare of the whole community, not merely as it now exists, but the future welfare of those who are to follow us, and therefore affected the whole Dominion, from east to west, and came properly within the purview of the powers of this Parliament to pass. I will read the remarks that were made by an eminent judge who was called upon in his judicial capacity to pronounce upon the Temperance Act and to say whether it fell properly within the functions of this Parliament or not, and his arguments apply with equal force, I think, to this Bill because in the general aspect in which I have endeavored to submit it to the House, both measures present much that is analogous.

HON. MR. POWER—Who is the judge?

HON. SIR ALEX. CAMPBELL—Justice Gwynne. The quotation will be found at page 571 of the Reports of the Supreme Court, volume three. The passage which I propose to read deals with the particular objection which was taken to the Act and which has been taken to this Bill and I think the grounds are very nearly analogous. The quotation is as follows:—

“Now, that the intemperate use of spirituous liquors is the fruitful cause of the greater part of the crime which is committed throughout the Dominion—that it is an evil of a national, rather than of a local or provincial character, will not, I apprehend, be denied. The adoption of any measures calculated to remove or diminish this evil is, therefore, a subject of national rather than of provincial import, and the devising and enacting such measures into law, as calculated

to promote the peace, order and good government of *Canada*, is a matter in which the Dominion at large and all its inhabitants are concerned. When we find, then, the design of the British North America Act to be to impart to the Dominion Parliament a quasi-national character, and to assign to the legislatures of the Provinces carved out of and subordinated to the Dominion, matters only of a purely provincial importance, if the question whether the power to pass such an Act as the one under consideration, arose upon the construction of the Act, as if it contained the clause that:

It shall be lawful for the Queen, by and with the advice and consent of the Senate and House of Commons, to make laws for the peace, order and good government of *Canada*, in relation to all matters not coming within the class of subjects by this Act assigned exclusively to the legislatures of the Provinces,

followed by the enumeration of the items in the 92nd section assigned to the Local Legislatures, and without any enumeration of the items which for greater certainty have been inserted in section 91, I should have great difficulty in coming to the conclusion that, under the terms of the 13th item of section 92, namely, ‘property and civil rights in the Province,’ any power was given to pass such an Act as The *Canada Temperance Act*, 1878, which undoubtedly professes to deal with a subject of a national, rather than of provincial import, but with the enumeration of the particular items inserted in section 91, and regarding the whole scope, object and frame of the Act, it is clear beyond all question that the Act under consideration is *ultra vires* of the Provincial Legislatures. Turning to the Act, we find it to be entitled, ‘An Act respecting the Traffic in intoxicating Liquors;’ its object, as stated in its preamble, is to promote temperance as a thing most desirable to be promoted in the Dominion; the means adopted in the Act for attaining this end consist in regulating and restraining the exercise of the trade or traffic in intoxicating liquors. Reading, therefore, the object of the Act to be as it was read in the Court below, namely: to endeavor to remove from the Dominion the national curse of intemperance, and observing that the means adopted to attain this end consist in the imposition of restraints upon the mode of carrying on a particular trade, namely: the trade in intoxicating liquors, it cannot admit of a doubt, that power to pass such an Act, or any Act, assuming to impose any restraint upon the traffic in intoxicating liquors, or to impose any rules or regulations not merely for municipal or police purposes, to govern the persons engaged in that trade, and assuming to prohibit the sale of liquors except under and subject to the conditions imposed by the Act, is not only not given *exclusively*, but is not *at all* given to the Provincial Legislatures.”

Then he goes on to quote some authorities. I say that in all those respects, perhaps not to so great a degree, and not affecting

the whole population, but affecting in a great degree a considerable part of the population in all parts of the Dominion, this is analogous to the Temperance Act, that is, that it proposes for general and national purposes, for the present weal of those who are now living and for the weal of those who are to come after us, to deal with this subject, and it could not to my mind have been more clearly established than by the remarks which fell from the hon. member from Prince Edward Island (Mr. Haythorne) showing the result of neglecting these precautions upon the population of England. There is, however, an additional reason which is not presented by the Bill itself and I think the absence of that probably drew the attention of the hon. member from Amherst to the constitutional point. The Bill might have been drawn in a way which I think probably would have commanded the assent of the hon. Senators from Amherst and DeSalaberry. The Bill lays down certain quasi rules: it might very reasonably be provided that if a person does so and so it should be a criminal offence.

HON. MR. TRUDEL—There is nothing criminal in what is prohibited by the Bill. We cannot make a crime of what is not bad in itself.

HON. SIR ALEX. CAMPBELL—There is nothing now. It is made an offence but it is not made a misdemeanor. It is not made a crime, but it might be. There is no reason at all why the Bill should not be changed in that way: on the contrary, I find many reasons in favor of so changing the Bill as to enact that children or young persons shall not work beyond so many hours per day or week, and anyone who requires them to work longer shall be guilty of a criminal offence, and subject to a certain penalty. In that way the Bill might be put in such a shape as would give it the additional advantage of coming under the right of the Dominion Parliament to pass criminal laws. But I think in either way this Bill comes within the right of Parliament to deal with it, and the object of it commands the assent and approbation of the House. Both the hon. member from Amherst and the hon. member from DeSalaberry say that it is a Bill which they desire to see passed into law, if we have power to enact

it. I think and hope that the arguments which I have presented to the House will show that this Bill is not merely for the purpose of interfering with contracts, but has a scope which is national in its character, and which may, and probably will be attended with the most useful results to those who are to come after us. Therefore it does come within the purview of the powers of this Parliament, which it will be remembered has the right to deal with all questions affecting the peace, order and good government of Canada, not specially assigned to the local legislatures. Now, take the first part of that paragraph: I think there are few subjects (there certainly are none which have come up this session affecting only a portion of the population,) which more closely relate to order and good government of the people than this. I think it is not assigned exclusively to the control of the legislatures of the Provinces. If so, by what language? By the language I presume that the hon. Senator from Amherst quoted—"property and civil rights." It is true that in one sense it is an interference with civil rights but it is in a much larger sense, and in a sense much more likely I believe and hope to command the favorable attention of the House, one affecting the national peace, order and good government. If the two conflict, and if it should be that it is both—and I think almost every body in the House will say that it is both, that it is in a very narrow sense a question affecting civil rights and contracts, but that it is also in a much larger sense a national subject affecting the weal and good government of the people—if the two conflict, under the ordinary constitutional practise the lesser must give way, and we must legislate on the subject. To my mind, and to the best of my judgment, the House is quite seized with this measure, and it is within the powers of Parliament to take what steps they deem in the interest of the country upon this question. I take occasion to read a concurrent opinion of a constitutional writer of very high authority in the country. It has been handed to me by my hon. friend near me since I took my seat in the House. In this note the gentleman says:—

"I have examined your factory bill, and am clearly of opinion that it is within the competency of the Dominion Parliament. It

concerns matters affecting the peace, order and good government of Canada, and is therefore within the purview of the 91st section of the British North America Act. It relates to a question of public morality, upon which, according to the precedent established with regard to the Prohibitory Liquor Law, legislation appertains to the Dominion Parliament. It also involves in the carrying out of the proposed factory regulations, the necessity for certain provisions of criminal law, which could only be enacted and enforced by Dominion authority."

Before sitting down I would ask the hon. senators from Amherst and De Salaberry to defer their further opinions upon this point of constitutionality until we have an opportunity of presenting to the Committee the Bill in a shape it is quite susceptible of, and which I think will withdraw from it in its new form most of the objections, and I hope all the objectionable features which have induced my hon. friends to think there is a lack of constitutional power in this House to deal with the measure. Of course, I quite understand that in making this suggestion it should be understood that they will have an opportunity of renewing their objections or expressing their dissatisfaction with the Bill in its new shape; but I quite believe myself that it is within the power of Parliament, and that we can put it in a shape that will place it beyond peradventure.

HON. MR. TRUDEL—Does the hon. gentleman believe this to be of more national importance than education? I do not think it is; and yet education is a local matter.

HON. SIR ALEX. CAMPBELL—That is reserved specially by name in the British North America Act.

HON. MR. TRUDEL—It shows how improperly it is said by the authorities quoted by the hon. gentleman that this Parliament should deal with all important subjects.

HON. MR. KAULBACH—I am very glad we have had the opinion of the leader of the Government on this question. Certainly everyone reading this Bill must have felt that it is of great importance, affecting as it does the health and morals of the community, and being designed to

protect the laboring classes, who form a most important part of the population, from disease and loss of life. It is of such vital importance that, to my mind, if it does not belong to this Parliament, it ought to be within our jurisdiction. That was my view yesterday, yet I must say that the reasons given by the hon. member for Amherst were so strong and cogent that I did not wonder at the leader of the House for the moment acceding to the views of the hon. gentleman and giving time for consideration of the subject. The hon. gentleman showed that it was a question affecting civil rights, and that while the British Parliament legislated upon the subject, it was because they have the power to legislate upon all subjects affecting the community; while in the United States the matter is regarded as coming within the jurisdiction of the State legislatures. I believe with the leader of this House, that we ought to have the power, and should endeavor to keep it in this body, yet in the United States I believe that the legislature of every State regulates this subject.

HON. SIR ALEX. CAMPBELL—They have got the residuum of power in the United States, whereas we have got the residuum of power here.

HON. MR. KAULBACH—That may be a very good reason for it, and, as we have the residuum of power, my impression is that a matter of such importance as this, affecting a large class of labor in this country, should come within our jurisdiction. If we can legislate on temperance, there are greater reasons why we should legislate on this subject. However, the Temperance Act is still an open question, having been appealed to the Privy Council, and we cannot take the decision of the Supreme Court upon it as final. While there are doubts, and very grave doubts, as to our jurisdiction, believing, as I do that we should have the right in a matter of such great importance as this to provide legislation, I am inclined to go with the leader of the Government. I am glad that the junior member for Halifax (Mr. Almon) spoke on the matter, because he made suggestions here which are very important. Seeing that the members of the medical profession are eminently qualified to be inspectors in this case, as regards ven-

tilation and matters affecting the health of operatives, I hope the Government will consider the wisdom of appointing physicians to the position as much as possible. I am very glad that the Government have taken up this question. Although our manufacturing industries are in their infancy they are advancing rapidly. I have read the report of the commissioners with a great deal of interest, and it is clear, from the information which they furnish, that the time has arrived when this legislation is necessary. The Bill has not been introduced a day too soon. Our own happiness depends upon keeping up the physical strength and promoting morality among the laboring classes. The Bill is in the right direction and should become law.

HON. MR. POWER—One could judge from the speech just made by the hon. Minister of Justice that he did not feel quite certain whether this Bill really came within the jurisdiction of this Parliament or not; because in the first place the hon. gentleman exhibited rather more vigor than usual, and as a rule a speaker's vigor of manner is in an inverse ratio to the strength of his case. The hon. gentleman further intimated that this Bill would be brought down in another form. Under these considerations, I presume the hon. Minister of Inland Revenue does not propose to press the second reading of the Bill this evening.

HON. SIR ALEX. CAMPBELL—The Bill can be read the second time, and objections can be made, if necessary, in Committee.

HON. MR. POWER—Then I shall attempt to reply to the arguments of the hon. Minister of Justice. The argument on which he laid the most stress was that this Bill was of a character to benefit the whole community, and that it came under the 91st section of the British North America Act, which authorizes Parliament to make laws for the peace, order and good government of Canada. Now, the hon. gentleman from De Salaberry very properly said: there is education, which is a matter that affects in the most vital degree the welfare of the whole country. That has been left to the Local Legislatures. It is true it has been left by a special section; but it seems to

me you can take up numbers of the subsections of the 92nd section, and apply to them the same argument. Is it not a matter of vital importance that property and civil rights should be protected all over the country? Certainly, if the property and civil rights of the people in the different Provinces are not duly protected, it is the greatest possible misfortune to the whole country; and this law relating to factories is one branch of the law affecting certain rights of property and contracts. Take the next subsection, 14, which relates to the administration of justice in the Provinces; is it not of the utmost importance to the whole country that justice should be administered in every Province? Nothing can be of more vital importance, and nothing more essential to the peace, order and good government of the country than that there should be properly constituted courts to deal with the violation of rights all over the country. I do not think then that this argument, that the Bill deals with a matter which affects the welfare of the whole community in that sense, is a very strong one in favor of its being a Bill that we can properly pass. My impression is that the portion of the 91st section quoted by the hon. minister, bears a somewhat different meaning. I think it refers rather to matters in which the whole country is concerned as a country, matters that relate to our dealings, for instance, with foreign countries, with rebels and pirates, and with things that affect us generally in that way. The hon. minister quoted as an authority that should influence our actions very much, a decision of the Supreme Court on the Canada Temperance Act. It was very properly stated by the hon. gentleman from Lunenburg that that decision hardly forms as yet a very high authority, because it has been appealed to the Privy Council and the case is to be heard in a few days. Further, the minister quoted for us the judgment of Mr. Justice Gwynne in that case. It is hardly proper, I suppose, to criticise in Parliament the decisions given by a member of any court in the country, but any hon. gentlemen who have read the decisions of the Supreme Court of Canada must have observed that in every instance the judge whose opinion has been cited by the Minister of Justice has decided against provincial rights; and further it will

be observed, whatever the decision may be in this case, that in a case recently decided in the Privy Council—Parsons vs. the Citizens Insurance Company—the judge, whose decision on the Dominion Temperance Act has been read, held that the act of the Legislature of the Province of Ontario regulating the granting of licenses to insurance companies was *ultra vires*. That judgment—proceeding on almost the same grounds as the decision in this case—has been overruled by the Privy Council. In this connection I may say that I happened, when this discussion arose, to have the decision of the Privy Council in that case before me. I wish to draw attention to the interpretation which is there put on the regulation of trade and commerce which is as follows:

“Regulations of trade and commerce may have been used in some such sense as the words ‘regulations of trade’ in the Act of Union between England and Scotland (6 Anne, c. 11), and as these words have been used in other Acts of State. Article V. of the Act of Union enacted that all the subjects of the United Kingdom and the Colonies: and Article VI. enacted that all parts of the United Kingdom, from and after the Union, should be under the same ‘prohibitions, restrictions and regulations of trade.’ Parliament has at various times since the Union passed laws affecting and regulating specific trades in one part of the United Kingdom only, without its being supposed that it thereby infringed the Articles of Union. Thus the Acts for regulating the sale of intoxicating liquors notoriously vary in the two kingdoms. So with regard to Acts relating to bankruptcy, and various other matters. Construing, therefore, the words ‘regulation of trade and commerce’ by the various aids to their interpretation above suggested, they would include political arrangements in regard to trade requiring the sanction of Parliament, regulation of trade in matters of inter-provincial concern, and if may be that they would include general regulation of trade affecting the whole Dominion. Their Lordships abstain, on the present occasion, from any attempt to define the limits of the authority of the Dominion Parliament in this direction. It is enough for the decision of the present case to say that, in their view, its authority to legislate for the regulation of trade and commerce does not comprehend the power to regulate “by legislation the contracts of a particular business or trade, such as the business of fire insurance, in a single province, and therefore that its legislative authority does not in the present case conflict or compete with the power over property and civil rights assigned to the Legislature of Ontario by No. 13 of Section 92.”

I think that this applies almost directly to the present case. The general tendency of that decision is, I think, to give the jurisdiction in the matter dealt with in this Bill to the local legislatures. I have very little doubt that now that the attention of the country has been called to this matter, the local legislatures will deal with the subject satisfactorily, if this Parliament does not. I cannot see that the suggestion made by the Hon Minister of Justice; that he would declare all violations of this Act crimes, and so bring the measure within the jurisdiction of this Parliament, is a very advisable mode of procedure. I think we ought to deal only with the crimes that exist now, and not in this indirect way bring this matter within our jurisdiction. If we had power to deal with the subject, as I should be very glad to think we had, I should be very happy indeed to give the Government what feeble support I could in passing the measure and making it perfect. I quite endorse the suggestions made by the gentleman who sits behind me, the junior member for Halifax. I think every suggestion which he made was a wise and necessary one; and the Government, if they proceed with the Bill, should embody in it all the suggestions made by my hon. friend. There is one further suggestion I should make—that if the Bill is gone on with, there should be some provision in it such as is contained in the English Act, I think, and in the Massachusetts Act, as I know, guaranteeing that children should be sent to school for a certain number of hours in the week; but as there must be a good deal of doubt in the matter, I hope the Government will take time to consider the constitutional question and decide to proceed no further.

HON. MR. DICKEY moved the adjournment of the debate.

The motion was agreed to.

The Senate adjourned at 6 o'clock.

THE SENATE.

Ottawa, Thursday, April 20th, 1882.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BRIDGES OVER NAVIGABLE
STREAMS BILL.

SECOND READING.

HON. SIR ALEX. CAMPBELL moved the second reading of Bill (V), "An Act respecting Bridges over Navigable Waters, Constructed under the Authority of Provincial Acts." He said:—This is a Bill with the object of endeavoring to introduce some more satisfactory system regarding legislation in respect to bridges crossing navigable streams—bridges situated altogether in one Province. For the last two or three years we have had bills, and there have been one or two this session, to authorize companies to build bridges across navigable streams. So far as regards the construction of a bridge, and the termini on each side of the stream, approaches, tolls, etc., and in all other respects except the possible interference with navigation, these are matters which come very properly within the jurisdiction of the local legislatures, and I believe, this Session one or two bills of this character have been thrown out, in consequence of objections having been taken to them on that ground. It is proposed by this measure that we should establish a better system; that we should leave to the local legislatures all the steps necessary for the creation of a corporation to construct a bridge, and to regulate everything else except the possible interference with navigation; and in regard to the corporation, that it should come to the Governor-General in Council, that plans should be deposited, and the possibility of interference with navigation considered; also that a bridge shall not be lawful until it has had the approval, so far as regards that point, of the Governor-General in Council, and the Railway Committee of the Privy Council. This system is now in force with reference to railway bridges, and I was surprised to find also with regard to bridges constructed by

some classes of corporations, such as road companies; but it is not in force in respect to companies incorporated merely for the purpose of constructing bridges. I apprehend that the proposed plan is one that the House will receive favorably. I do not know that it will require any correction in committee. I believe the Bill has been very carefully drawn. Some clauses may require more explanation than I have now given them; but when that explanation comes I think hon. gentlemen will find that what seem rather complicated expressions are needful in order to bring out the object the Bill has in view.

HON. MR. DICKEY—I should like to ask the Hon. Minister whether this Bill is intended to have a prospective operation only, or whether it is to be retroactive in its results? If it is prospective I do not see any objection to the Bill, but if it is to be retroactive and to apply to bridges already built, it may be two or three years ago, or forty years, prior to Confederation under authority from the local legislatures which had the power, I think it would be very objectionable, and calculated to do a good deal of mischief. The language of the Bill before us is general: it says "no bridge constructed." That may be no bridge heretofore constructed, or it may apply to bridges to be constructed hereafter. Before Confederation the legislatures of the different Provinces had control of navigation just as much as this Parliament has now. I may mention three or four bridges built under authority of the Local Legislature of Nova Scotia over navigable streams. There is the bridge over the Wallace River in my own county: that bridge is provided at present with a draw. Then there is another over the River Philip, and another notable bridge over the Devon River built at a very great expense. There are two bridges, indeed, one belonging to a company upon which tolls are collected, and another, a railway bridge on the Windsor and Annapolis line. Both of these bridges span the river where it is about a quarter of a mile wide, with very deep water, and might be considered to all intents and purposes navigable, if any stream is; but it is hardly proper that this Parliament should pass an Act declaring those bridges to be nuisances and

requiring them to be taken down. Under one clause of this Bill power is given with regard to any bridge which comes under the operation of this Act to declare it a nuisance, and to require it to be demolished and destroyed, and it reserves the power to other tribunals to take the same course. It may be an indictable offence : therefore great caution is required in dealing with this matter. I have referred to bridges in my own county, but it is possible that in the Province of New Brunswick there are similar structures. I mention these because they belong to my own Province. I do think, under the circumstances, that the hon. Minister will only give the Bill the operation it ought to have—that of a measure in respect to bridges to be constructed in the future.

HON. SIR ALEX. CAMPBELL.—I can assure my hon. friend that it is not intended that the bill should be retroactive, but only prospective in its operations. I think that comes out clearly enough, if the whole measure is considered ; as for instance, in the third clause it says, with reference to a bridge, “The company or person proposing to construct the bridge shall deposit the plans.” And in another clause it says, “the company or person proposing to construct the bridge may apply to the Governor-General in Council for approval of the site.” Evidently the Bill, taken altogether, just as it reads, could not be construed to refer to bridges already in existence, but only to those the plans of which are to be deposited and the rates to be approved of in future. The language “any bridge constructed,” possibly might more safely be altered by inserting the word “hereafter,” so that it would read, “any bridge hereafter constructed”; but I think the meaning of the Act is very plain.

HON. MR. DICKEY—The general terms of the first and second clauses would apply to bridges already constructed.

HON. SIR ALEX. CAMPBELL—The whole Bill was framed with the view that the third and fourth clauses indicated the character of the bridges mentioned in the first and second clauses. The whole Bill refers to bridges to be constructed in future ; but, of course, there is no objec-

tion to bringing that out as clearly as possible.

HON. MR. POWER—Before the Bill is referred to committee, I think it would be advisable to insert a definition of what a navigable stream is. Under the common law it is a stream in which the tide ebbs and flows, and I suppose it is the intention of the Minister to apply it to streams above tide water altogether; and, therefore, it seems to me that there should be some definition of what is meant by navigation. I think it is better not to limit the powers of the local legislatures too much. If it were proposed to deal with interference with navigation by sea-going vessels, the Bill might be a proper one ; but if it is to apply to navigation by small craft, I think it is undesirable to interfere unnecessarily with the rights of the local legislatures. The sixth clause which provides that a bridge may be lawfully removed and destroyed, under authority of an order of the Governor in Council, might be modified so as to say that in case the navigation was seriously injured by the structure, it should be removed ; because any bridge at all which has piers in the water interferes more or less with navigation, and I don't think that fact would be enough to justify the Governor-in-Council to order the destruction of the bridge, unless it rendered navigation almost impossible. I notice that in the United States, where these questions about the relative rights of the State and the Federal powers have been discussed for a great many years, and where there have been many judicial decisions upon them, they have not been at all as rigid in insisting upon the rights of the Federal Government, as the hon. gentlemen who now constitute the Federal Government seem to be. They do not object to States interfering with navigable waters, unless they do so in such a way as to conflict with some previous action of the Federal Government.

HON. SIR ALEX. CAMPBELL—My hon. friend is, I think, unnecessarily critical with reference to the use of the word navigation. “Interfere with navigation” is used in the same sense as we find the same words used in the British North America Act, and evidently a bill drawn in pursuance of that Act, and for the purpose of conferring certain powers upon

the Executive of the country, under the authority of Parliament should follow, as far as possible, the language under which the power is given to us. Therefore, I think the word "navigation" does not require any further definition.

HON. MR. POWER—What is the definition of the word "navigation," in the British North America Act?

HON. SIR ALEX. CAMPBELL—The expression in the Act is "navigation and shipping," therefore we say in this Act "no bridge which may interfere with navigation shall be lawful."

HON. MR. POWER—That does not throw much light on the question.

HON. SIR ALEX. CAMPBELL—It uses precisely the same language that was used before. Then as to the removal of a bridge, it cannot be imagined that the Governor in Council would destroy a bridge which did not interfere with navigation, and it will be observed that power is given to remove only the portion of a bridge which does interfere with navigation. It seems to me that the language is very carefully worded in both respects. We simply say, that any interference with navigation shall bring this Act into play, and then it shall only be to remove that portion of a structure which interferes with navigation.

HON. MR. HAYTHORNE—The explanations which the hon. gentleman has tendered to the House, are not by any means unsatisfactory on the whole. The bill is one which will have very considerable effect on the Province from which I come. Notwithstanding its small area, it would be difficult to find a portion of the Dominion of equal extent in which there are so many large and valuable bridges. Obstructions have occurred where bridges that were supposed to be large enough for all purposes when originally constructed, have been found too small when afterwards vessels of greater beam have been built above them. and of course very considerable inconvenience has been felt. But I must say as regards the principle of the Bill I think it is throwing serious responsibility upon the Government, and one which may involve disagreeable con-

sequences. Suppose it should be felt necessary to refuse permission to build a bridge of a certain character, and a more expensive structure is exacted, it may bring the Governor in Council into unpleasant collision with the local authorities and therefore, I think it would have been better to have avoided the necessity of bringing the plans of these bridges before the Federal Government.

HON. MR. MACFARLANE—In the Maritime Provinces bridges over navigable streams are constructed almost entirely by the local Governments. I think that in every case the funds are supplied by them, and the bridges are erected under the directions of engineers and officers of the local Government; yet, you compel them before they can even move toward the construction of a bridge to get leave from the Federal Government to go on with the work.

HON. SIR ALEX. CAMPBELL—So far as it may interfere with navigation.

HON. MR. MACFARLANE—I think it is entailing a great responsibility on the Governor General in Council, and I think that to require the local Governments to file their plans and profiles here would hamper them in the construction of these works.

HON. SIR ALEX. CAMPBELL—What other safe plan is there? This Government is charged with protecting navigation, and the local legislatures cannot give charters to build bridges where navigation would be affected.

HON. MR. MACFARLANE—But no charter is required by a local Government

HON. SIR ALEX. CAMPBELL—But the local Governments have no right to interfere with navigation any more than a company. Somebody should take the responsibility of deciding whether a bridge interferences or not with navigation. Is it not far better that the Dominion Government should assume this responsibility? I admit it is not a desirable one, but it falls to some Government to do it. Is it not better for this Government to decide what shall or shall not be an interference with navigation? Supposing the Government

of Nova Scotia built a bridge over a navigable stream they would have no right to interfere with navigation. If they did, it would be an unlawful bridge, and the courts of law could stop it so far as it interferes with navigation. Is it not better that the plans should be submitted beforehand to the authority here which has the right to deal with navigation? If they decide that it is not an interference with navigation, permission will be given to go on with the work; if they decide that it is an interference, then the plans must be altered. It is only because of the inconvenience of any other system that the Government have volunteered to take this responsibility. My hon. friend knows that during this session bills have been brought in to incorporate bridge companies, which, I believe, have been thrown out.

HON. MR. DICKEY—They have all been left under the surveillance of the Governor in Council; the plans must be approved of by them.

HON. SIR ALEX. CAMPBELL.—There are three Bills now before the House, in the Orders of the Day of this character. I do not think that this Parliament has a right to deal with a bridge, both ends of which are within one province. We have given acts of incorporation to companies to build such bridges for some time past, but I believe it was not admitted until some time after Confederation. One company of this kind was incorporated, and others followed. If a bridge is to be built within the limits of a province, it is for the local authorities to decide where the landing should be, what tolls should be exacted, and other matters of that kind; but the Executive of this country authorized by Parliament should settle the question of navigation. This places the subject on a business footing, throwing the responsibility on those who are responsible under the constitution for preventing obstructions to navigation. People will know what they are about; they will go to the local legislatures for their charters, as they ought to do if both ends of the bridge are in one province; and, having got their charter, they will submit the plans of their bridge to the Executive Government here, and it will be for the Federal authorities to say whether the structure would or would not be an interference with navigation.

HON. SIR ALEX. CAMPBELL.

HON. MR. KAULBACH—I am glad that this bill has been introduced. A question has arisen in the Province from which I come as to navigable streams. The Local Government says that they have nothing to do with them, and I think it should be settled by the Government here whether a bridge would be an obstruction to navigation or not before it is built. In opening up the great North-West these questions are likely to arise from time to time, and it is not too soon to have the matter settled definitely.

HON. MR. OGILVIE—I am quite surprised to think that so many hon. gentlemen pretend to find fault with this bill at all. I was in the Legislative Assembly of Quebec, and having been a member of the Private Bills Committee there I know that on more than one occasion we have thrown out bills of this character that were submitted to us, because we would not have anything to do with them where they interfered with navigation at all, or interfered with the powers of the Dominion Parliament. We were very particular not to touch them unless they had the assent of the Dominion Government to come to us to get power to build those structures. It is perfectly understood in the Province of Quebec, I know, that the local Legislature has nothing to do with anything that will interfere with navigation.

HON. MR. DEVER—I am very glad to see the Government bringing in a bill like this. It is one under which we will get justice in some of the provinces. I am only sorry that it is not extended further to deal with other nuisances in navigable waters—I allude to the booming of timber, where great liberties are taken with public rights, and injury is done to private property. In consequence of local influence and other causes a strong feeling prevails that justice cannot be had, and thus the navigable waters of the Province are obstructed by these nuisances. If the bill should be extended to the booming of timber I would be better satisfied with it, but as it is, I am willing to give my assent to the measure. I think it is right and proper that the Dominion Government should have full control of navigation in this country.

HON. MR. KAULBACH—The ques-

tion of what a navigable stream is should be better defined in the Bill.

HON. SIR ALEX. CAMPBELL—There is nothing about navigable streams in the Bill.

HON. MR. KALUBACH—Well, navigation. What is navigation?

HON. SIR ALEX. CAMPBELL—getting vessels through.

HON. MR. KAULBACH—Propelled by sails or steam?

HON. SIR ALEX. CAMPBELL—Both.

HON. MR. KAULBACH—Does it include all boats?

HON. SIR ALEX. CAMPBELL—Any boat of magnitude. I do not think there is any difficulty about the meaning of the word "navigation."

The Bill was read the second time.

OTTAWA, WADDINGTON AND NEW YORK RAILWAY AND BRIDGE COMPANY'S BILL.

AMENDMENTS CONCURRED IN.

HON. MR. DICKEY moved concurrence in the amendments made by the Standing Committee on Railways, Telegraphs and Harbors to Bill (60), "An Act to incorporate the Ottawa, Waddington and New York Railway and Bridge Company"

He said—The amendments made to this Bill were considered the other day and were explained. The most important one—the one with reference to which there may be a difficulty in adopting the alteration—requires that the company before building the bridge across the St. Lawrence shall have an act of the Congress of the United States sanctioning its construction. It is obvious that if the Federal Government in the United States were opposed to that bridge it could not possibly be built, and I suppose it is thought necessary as an Act of international comity that we should not assume the power to give the right to build a bridge across a river dividing the two

countries without the assent of Congress is obtained. Although the state has power to erect a bridge, still it requires the ratification of the general Government, or an act of Congress to prevent its interfering in any way with navigation.

HON. SIR ALEX. CAMPBELL—I do not desire to give any explanations, unless my hon. friend from Halifax wishes to have them, with reference to this amendment. He came to me when this Bill was first reported suggesting to me that an Act of Congress might not on all occasions prove to be necessary, and that we might possibly adopt language which might cover the point without actually specifying that there should be an act of Congress, and the language suggested by the hon. gentleman was that the erection of the bridge should be approved of by the authority or authorities in the United States of America having under the constitution of that country jurisdiction over the undertaking to bridge said river. He read it over, and I indicated to the hon. gentlemen that it seemed to me the clause which he suggested might safely be used, but that I would consider it further. On further consideration I did not think that the language he had suggested would be quite satisfactory. It would still leave in doubt what authority or authorities were to be consulted. The object of the amendment, as stated by the hon. senator from Amherst on another occasion, and also by myself, is to prevent any feeling arising between the United States and Canada as to the bridging of this river which they have the right to navigate. Therefore, to say in a general way "the authority or authorities in the United States" would not be satisfactory. If it is, as I suppose, in the mind of the hon. gentleman from Halifax that the Executive might give the necessary assent, we could add these words to the clause, "or until the Executive of the United States has assented to or approved thereof." We want, for national reasons, to take care that no bridge shall cross a river which the United States has a right to navigate without the assent of that country, whether it is expressed by Congress or by the President. I am led to believe that Congress alone can give the necessary assent, and I state it upon the authority of the solicitor for the Sault

Ste. Marie Bridge Company, who had occasion to communicate with professional men in Michigan. He told me that he had been informed by them that in order to construct a bridge over any navigable stream in the United States it was necessary to have the assent of Congress itself—that the Act of the particular state in which it was to be erected must be assented to and adopted by Congress. I understand still further that the gentleman who is interested in this very bill informed the hon. Senator from Amherst that the assent of Congress was necessary; but what I want to guard against is our passing an Act for the bridging of a stream which the United States have the right to navigate, without obtaining from them their approval of the character of the bridge and their assent to the construction of the bridge itself. Therefore I do not think it safe to speak generally as to authorities which may have jurisdiction over this matter; but to specify that the bridge must have the approval either of Congress or of the Executive of the United States. I have taken care to show these words to the hon. Senator from Amherst, and he agrees with me in thinking that they may be introduced with advantage. Therefore if he assents to it, and the hon. member from Halifax desires it, I have no objections as far as the Government are concerned to see the clause amended by the introduction of those words, and then a bridge company in future would require to have an Act of Congress confirming the Act of the State and to authorize the bridge or they would have to obtain the approval of the President of the United States.

In either case the national object which the Government has in view in the matter would be accomplished, and all possible danger of any misunderstanding, however slight, with the United States, would be avoided.

HON. MR. FERRIER—I would ask whether this amendment if it is carried out will be quite in accord with other measures?

HON. SIR ALEX. CAMPBELL—No; the bill to which my hon. friend particularly refers was passed without this clause, but in that case the solicitor of that Company assented to it, and said that the au-

thorities of the State of Michigan had intimated that they would get the assent of Congress.

HON. MR. SKEAD—Will the Hon. Minister of Justice say in what state the bridge at Sault Saint Marie is just now; it is passed, is it not?

HON. SIR ALEX. CAMPBELL—Yes it the Act is passed.

HON. MR. SKEAD—Is it the intention to put different words into this bill?

HON. SIR ALEX. CAMPBELL—I would rather let it remain just as it is, but my hon. friend from Halifax appealed to me to introduce the words; I did not assent to it, but told him I would consider it, and therefore I made these remarks.

HON. MR. SKEAD—In the name of the promoters of this Bill, I claim that they should be put upon the same footing as the bridge company at the Sault Saint Marie; if that is done I have nothing more to say.

HON. SIR ALEX. CAMPBELL—I have no objection to that.

HON. MR. SKEAD—Yesterday a bill passed through Committee for a bridge to be built at Niagara, which had no such clause in it.

HON. SIR ALEX. CAMPBELL—I am quite ready to adopt the report of the Committee. The Bill under discussion now is not the one which was reported yesterday, but one reported two or three days ago. It is a Bill to incorporate "The Ottawa, Waddington and New York Railway and Bridge Company." In that Bill the Committee reported the language just as I read it here. That was the determination of this Committee upon the Bill, but after the conversation of the hon. gentleman from Halifax (Mr. Power) with me, he informed the Committee that I had assented to the other words, and I have no doubt he may be considered to have had reason for doing so, because I told him I would consider it.

HON. MR. SKEAD—We are quite ready to accept your amendment as proposed.

HON. MR. POWER—I think that the hon. gentleman who has just sat down did not fairly apprehend what the Minister of Justice meant. The hon. gentleman who had charge of the Bill did not wish to be tied down to an Act of Congress, if it turned out that an Act of Congress was not necessary; and the amendment suggested by the hon. Minister of Justice will I think satisfactorily meet his case. At the same time I think in justice to myself it is only right to say that I did not understand that the hon. Minister added a qualification to his assent the other day; my recollection of the conversation was that the hon. Minister said he did not see any objection to it; but of course that would, I presume, reserve the right of reconsideration. I wish now to call the attention of the House to one fact connected with this matter: that this Parliament has granted several charters already in which there is no provision of this kind at all. I find a number of them mentioned in a newspaper that has been sent to me; there is the Canada and Detroit River Bridge Company; and the Detroit River Railway Bridge and Tunnel Company, and others. All of these have been incorporated without any provision of this sort; and I wish further to cite one of the latest and best authorities in the United States on this question. I shall read from "Cooley's Constitutional Limitations," a book published in 1878, which appears to leave the question open to a certain extent. On page 737, Article No. 591, I find the following:—

"The general right to control and regulate the public use of navigable waters is unquestionably in the State; but there are certain restrictions upon this right, growing out of the powers of Congress over Commerce. Congress is empowered to regulate Commerce with foreign nations, and among the several States; and wherever a river forms a highway upon which commerce is conducted with foreign nations, or between States, it must fall under the control of Congress, under this power over commerce."

That seems to bear out the view expressed by the hon. Minister of Justice.

"The circumstance, however, that a stream is navigable and capable of being used for foreign or inter-state commerce, does not exclude regulation by the State, if in fact Congress has not exercised its power in regard to

it; or having exercised it, the State law does not come in conflict with the Congressional regulations, or interfere with the rights which are permitted by them."

Then there is a case cited in this same book at which I have not had time to look very closely; it is from Peters's United States Reports;—the case of Wilson vs. the Black-Bird Creek Marsh Co." The note says:—

"In this case it was held that a State law permitting a creek, navigable from the sea, to be dammed so as to exclude vessels altogether, was not opposed to the Constitution of the United States, there being no legislation by Congress with which it would come in conflict."

HON. MR. DICKEY—I would like the House to understand exactly the position of this matter; it is quite true as stated by my hon. friend who has just sat down, that in times past bridge bills have been passed, even over international streams, without a provision of this kind; but certainly if the provision be desirable it by no means follows that, because we passed these bridge bills in times past without it, therefore we should continue to do so for the future. I apprehend that this clause was suggested as a means of preventing any possible difficulty in the future, or any misunderstanding. I would like to mention in connection with this, that there is another bridge bill, the "Niagara Peninsula Bridge Company's Bill," which is to come before us to-day and which my hon. friend succeeded in persuading the committee to alter, providing, as has been read by my hon. friend the Minister of Justice, that the bridge should be approved by the proper authorities in the United States who have control over the matter there. Now it is better that we should understand the question at once and decide it, and thus not have to talk about it on the next bill, because the promoters of this bill say—and very fairly I think—they do not want to be put in any different position from the promoters of the Niagara Peninsula Bridge Company.

HON. MR. MACFARLANE—In the one case you are dealing with a navigable river, the St. Lawrence, but in the other case with a stream that is not navigable, the Niagara.

HON. MR. DICKEY—I beg my hon. friend's pardon, in the Niagara Peninsula

Bridge, we do deal with a navigable stream and the best proof of that is, that there is a provision in the bill making a draw; that would settle that question and it is in vain to say that because vessels do not go far above this point at present, that they therefore will not do so with increased facilities and improvements at the mouth. I believe when these are accomplished, that the stream will be navigable for a long distance. In this instance we have exactly the same reason for taking a new departure as we had regarding the great question of amalgamation of new companies, and if I recollect aright, this amendment is in the Sault Ste. Marie Bridge Bill, and we followed it in bridge bills which provided for the crossing of international streams since then. Now, to make my point clear, for it is hardly worth while to have a second discussion upon this, and it is well we should know whether it is proper to introduce the words which the hon. member from Halifax has proposed,—because, if we do so we shall be placing this Company on a very exceptional footing—we had better understand what we are going to do now; so that we may seriously decide either to alter this clause or leave the matter untouched. Let us at any rate endeavor to make our legislation consistent. So far as I am concerned I am perfectly satisfied with the suggestion made by the Hon. Minister of Justice that these words should be put in, and that the bridge should be approved of by an Act of Congress of the United States or by the Federal Executive of that country. I am perfectly willing that that should be done, but I think if we apply that provision to this Bill we need not discuss the question when it comes up with the next Bill, which will be before us, I hope, this afternoon. We had better come to some conclusion now, and I think my hon. friend ought to be satisfied with the modification that has been suggested, to allow this clause to be amended as we have power to do now in the sense that has been mentioned; that is that it should be sanctioned by an Act of Congress or by the Federal Executive of the United States.

HON. MR. POWER—I have no objection to that.

HON. MR. SKEAD—There is one thing to be considered, that we have really no bridge over the St. Lawrence connect-

ing us with the American shore except at Niagara. It is true that river is navigable to a certain extent, and I think it is only fair and right that our country should be protected in every way. All that I ask for the promoters of this Bill is that they should be put on the same footing and in the same category, as regards the bridging clause, as the bridge company at Sault Ste. Marie.

HON. MR. ALMON—I fail to see the analogy which the hon. gentleman from Halifax has attempted to draw between the rights of the different States of the American Union and the Provinces.

HON. MR. POWER—I drew no analogy at all, I merely talked about the question whether this thing came under the jurisdiction of the State legislatures of the United States. That has nothing at all to do with the Provinces.

HON. SIR ALEX. CAMPBELL—It is then understood that this clause will be amended by adding the words, “or the Executive of the United States has consented to and approved thereof” and that the same course shall be taken with the other Bill.

HON. MR. POWER—If the Minister will allow me, I will suggest that the time for the completion of the work should date from the passing of the Act of Congress or the consent of the Executive.

HON. MR. RYAN—This will leave the bridge at Sault Ste. Marie in the position which the hon. gentleman has just designated—in a different position from subsequent Bills.

HON. SIR ALEX. CAMPBELL—Yes, but no harm will be done, because the solicitor of the company said that their representatives in the State of Michigan had arranged to obtain the consent of Congress.

HON. MR. DICKEY—It is but fair to state to the House that there is no provision in regard to such power applying to the State of Michigan. These powers vary very much in different States.

HON. SIR ALEX. CAMPBELL—The

change can be introduced in the printed report and then the report may be amended at the table.

The amendments were concurred in and the Bill was read the third time and passed.

NORTHWEST TERRITORIES ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into Committee of the Whole on Bill (T) "An Act to remove certain doubts as to the effect of the North-West Territories Act, 1880, and to amend the same."

In the Committee,

HON. SIR ALEX. CAMPBELL said that the details of this Bill had been fully explained at the second reading. It was for the purpose of removing certain doubts which had arisen in the matter of jurisdiction.

HON. MR. HAYTHORNE, from the Committee, reported the Bill without amendment.

The Bill was then read the third time and passed.

MILITIA ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into Committee of the Whole for the consideration of Bill (U) "An Act to amend the Act respecting the Militia and Defence of the Dominion of Canada.

In the Committee,

HON. SIR ALEX. CAMPBELL said that he had explained the bill at the second reading. It was simply to do away with the necessity that existed at present for enrolling the militia every three years. This enrollment was very expensive, costing from \$50,000 to \$60,000 and the bill proposed to enact that it should not take place every three years but from time to time as the Governor-General in-Council might order. One of the purposes for which enrollment was valuable was almost entirely accomplished by the census and enrollment at such short intervals was not considered necessary.

HON. MR. ARCHIBALD from the committee reported the Bill without amendment.

HON. SIR ALEX. CAMPBELL then moved the third reading of the Bill.

HON. MR. ALEXANDER—I do not rise to offer any comment upon the Bill which is now to be read the third time, but I desire to take this opportunity of referring to some dissatisfaction or discontent which exists at the manner in which the militia law has been administered in the past, in one or two particulars—not generally, but in one or two particulars. Now I do not mean in any way to reflect upon the present Minister of Militia who, since he has been appointed to his present position, has labored with great assiduity to make himself master of all the circumstances of the country, and who has become most popular with the whole militia force of the Dominion; but I desire to refer to acts of the past. It must be admitted that with the very small amount of money that has been voted by Parliament for the defence of the country our militia as a body have accomplished good work; and it is gratifying to the people of this country to see that with so little reward offered to the officers and men of the force the patriotic feeling of our citizen soldiery is such that our militia always present a most creditable appearance. Whether we look at Toronto, Montreal, Hamilton, Quebec, Halifax, or Saint John, it is most gratifying to think that our militia force has been complimented by British officers for its efficiency and thoroughly soldier-like appearance. I am sure it is the desire of the Government to encourage this patriotic spirit, and I will therefore refer to one or two grave mistakes made by a former Minister of Militia. I have reference to an order which was issued some time back in regard to removing the Deputy Adjutant Generals and Brigade Majors from one part of the Dominion to another. Now we know that the great success of our militia is to be attributed to the fact that our Deputy Adjutant Generals and Brigade Majors have been British Officers; but it must be remembered that many of them have come to this country with very insufficient means, and I have known such cases in Western Ontario. They were men who took a deep interest in the suc-

cess of the force in Canada, who were resident here, with permanent homes; but all at once we find an order issuing from the Militia Department that those officers shall be removed from where they long resided to another and perhaps distant part of the Dominion. I am free to admit that if it can be shewn that this experiment, tried by a former Minister of Militia, has accomplished any good, there could be no complaint; but I ask has any good been accomplished? In my humble opinion such is not the case; it was a most ill-judged experiment, producing no benefits, but leading to the pecuniary embarrassment and ruin of those poor officers. I know of one instance where, so inconsiderate was the Minister that, after a certain officer had been ordered from one place to another, and had again made arrangements as to his house and furniture, that he was threatened, at short notice, to be sent again to a distant part of the Dominion. What a pity it is that British officers holding those responsible positions in the Militia service should thus be so discouraged and disgusted that they are almost thinking of leaving the service altogether; and should this happen the force will then be left without any men of such military experience. I do not know whether those experiments were suggested by the general officers who have been brought from England and placed chief in command here; we are quite aware of the high military position of those officers in the British Army, but it is essential that such men should study the circumstances of the country, and with wisdom foster and encourage that loyal and patriotic spirit which has hitherto existed. Whether they are appointed by the Imperial or Dominion authorities it is all important that they should be thoroughly acquainted with the conditions which obtain on this side of the Atlantic. I repeat that nothing but pecuniary embarrassment in the case of the officers concerned has resulted from this experiment of moving the Brigade Majors and Deputy Adjutant Generals, and I make these remarks hoping that they will reach the ear of the present Minister of Militia, so that the Government may avoid such serious mistakes in the future.

HON. MR. KAULBACH—I had not intended to say anything on this occasion

HON. MR. ALEXANDER.

but this matter which has come up so unexpectedly is one which calls for some remarks from me. I am quite in accord with my hon. friend as to the bad effects of removing the Deputy Adjutant-Generals, and I can say that in Nova Scotia it has not improved the service, and I am sure the result of the removal of that officer from Nova Scotia,—taking as he did a deep interest in all matters affecting our militia—has been rather the reverse of what was anticipated by the Minister. I consider that in more ways than one it has been injurious to the interests of the Province from which I come, and I wish the Government to understand that the change has not tended to the efficiency of the force in Nova Scotia.

The motion was agreed to and the Bill was read the third time.

ST. JOHN'S BRIDGE COMPANY'S BILL.

SECOND READING.

HON. MR. GIBBS moved the second reading of Bill (19), "An Act to incorporate the St. John's Bridge Company." He said:—In the absence of the hon. gentleman who so worthily represents the district of Manitoba (Mr. Girard) and who has charge of this Bill, I beg to move that it be now read the second time.

HON. MR. MACFARLANE—Will the hon. gentleman explain the Bill a little.

HON. MR. GIBBS—It is a Bill to construct a bridge over the Red River at some point in the Parishes of Kildonan and St. Johns, in the County of Selkirk, Province of Manitoba. It is to be a toll bridge and the rates of toll are fixed in the Bill. No doubt all the details will be carefully looked into before the proper committee.

HON. MR. POWER—In accordance with the law laid down in the early part of this sitting by the hon. Minister of Justice, this Bill should be sought for from the Local Legislature.

HON. SIR ALEX. CAMPBELL—Yes, but we have granted so many Bills of this kind that I do not think it would be fair

to those interested in this measure to interfere so as to prevent such a Bill as this passing this session. I propose therefore so to alter the general bill as to except this from its operation. We have been passing these bills for a few years—whether rightly or wrongly; to my judgment they are wrong, but we have been in the habit of doing it, and I do not think we should interfere with the success of this bill of which notice has been given and all the ordinary expenses incurred. It does not seem to be quite fair that we should refuse this bill, and it will not be placed under the operation of the general bill.

HON. MR. BELLEROSE—I believe this is not right, I think we ought to leave to the provinces those questions that are within their jurisdiction. Suppose there is difficulty in a province about obtaining the passage of a bill, and the persons applying for that private bill come to this Parliament, which is very often done, and the bill is granted to them here without proper notice—and it may be without knowledge of the province—I do not think that would be right. To my mind the argument of the Minister of Justice is the very worst which could be urged, viz: that it has been done in the past; because if we were wrong then we should at any rate pursue the right course to-day rather than to-morrow, for who can say what may happen to-morrow. Therefore I think we ought at once to refuse these bills, for if we allow this bill to be read the second time we virtually accept it, and if it is not within the province of this Parliament it should not be allowed to pass its second reading. As to the exception we have heard taken—that these waters are navigable waters—it is of course a serious one, but in this case it is well known that the bridge is nothing more than a passage way from one side of the river to the other, or from one municipality to the other; and the only authority or power which the Federal Government has in such cases is to regulate the span of the arch which crosses the channel, and so far as this is concerned I have no doubt that the Committee to whom the Bill would be referred in the Province of Quebec would leave to the Federal Parliament the exercise of their right.

HON. MR. AIKINS—I think it would

be a most unfortunate thing if any difficulty should be thrown in the way of the passage of this bill, and another bill that is on the notice paper. I am surprised that my hon friend should take the ground that proper notice had not been given in this case.

HON. MR. BELLEROSE—I did not say that; I said there might have been a case where parties, who felt that they might have difficulty in gaining their point in the provincial legislature, might come to this Parliament without having given proper notice, and that such omissions might be ignored.

HON. MR. AIKINS—I did not understand the hon. gentleman, but I can assure him, and I think he knows it himself as Chairman of the Private Bills' Committee that this was brought before them and notice given. This Bill has for its object the bridging of the Red River. At present there is only one bridge across that river and that is a railway as well as a traffic bridge; but in consequence of the traffic being so great by the railway now it is quite impossible to get across the river, and people are obliged to make the passage in scows. This bridge is intended to span the river at Kildonan in the neighborhood from which my hon. friend comes. They have to cross the river in scows now; so, if this measure is to be stopped it will cause great inconvenience to the inhabitants of the Province of Manitoba, and it will leave them in the position they occupied years ago, when scows were the only means of crossing the river; but at this time of day, particularly in a province which is making such tremendous strides as is the case with Manitoba, I think it would not be desirable to throw any difficulty in the way of the passage of this Bill, and another measure which contemplates crossing the river in the neighborhood of Point Douglas.

HON. MR. BELLEROSE—If the House will pardon me I will add that there is another reason why we ought to refuse what is now asked, and why we should vote this Bill down. It is that the Legislature of Manitoba will meet, I believe, on the 27th instant, so that the parties have time to apply to that Legislature.

HON. MR. AIKINS—The parties there have not given notice.

HON. MR. BELLEROSE—It is well known there that the parties have come to this House, and that would perhaps be accepted as sufficient. In three weeks this Bill might pass in Manitoba, and I consider that a great argument in favor of sending it to the Legislature which properly should deal with it.

HON. MR. SUTHERLAND.—I am very much surprised at the hon. gentleman taking the ground that he has on this occasion, especially in view of the Bill which was before this House a few minutes ago, and which provides for those cases. I think it would be exceedingly unfair that these Bills should now be interfered with, particularly as similar measures have already been passed by this Parliament. I may say that it is just as the hon. Minister of Inland Revenue has stated: this bridge is intended to be built to do away with the inconvenience of crossing the river in scows, which has been the only means of crossing for years, and is a source of inconvenience to the inhabitants there. I may state also that it is expected the traffic in that locality in future will be very large, possibly it will be doubled, because the intention just now is that the City of Winnipeg shall be extended down even beyond the point where this bridge in contemplated to be built, and it is but fair to assume there will be a much larger amount of traffic than exists at present. Therefore, I consider it would be very unfair to-day if those bills should be refused by this House, more particularly as they have been allowed to reach their present stage and such action was not expected.

HON. MR. BELLEROSE—my contention is that the bills in question should be refused, because their passage would be unconstitutional. If I can be proved to be wrong I will admit it.

HON. MR. DICKEY—So far from desiring to oppose this Bill I consider that, with the other bills before us, we should allow the second reading of it. This is only another proof of the rapid strides that have been made in that great country, and I have no doubt of the necessity for

the bridge. I should not have arisen except for the purpose of endeavoring to make this matter more plain. It has been suggested to us that there is a doubt about our jurisdiction in the passage of the Bill for the building of this bridge. I confess I do not share that doubt; but it is hardly necessary to go into that question for the reason I will point out. This Bill has been commenced, the fees have been paid by the promoters, and it is now before us. I think, therefore, it would be in the last degree unfair that we should make a question of this particular bridge in the legislation of this House. There is another reason why we should pass this bill, and it is that we have had to-day an Act before us which provides for these very cases in the future. If that Bill which we read the second time to-day, should become law, in the future there will be no necessity for coming to this House for any such legislation, because then bridges can be built under the authority of the local legislatures, as my hon. friend contends; but the plans of them must be submitted to the Governor-General for approval. That will answer both purposes, and in that point of view, therefore, there will be no necessity for our action; because, once the Bill to which I have referred becomes law, the Governor-General in Council will have the power to see that any proposed bridges will not interfere with navigation. That being the case we ought to pass this Bill, and in any future sessions we will not be troubled with any similar cases, except, indeed, where the proposed bridge may be a railway bridge.

HON. MR. POWER—I do not rise to oppose the Bill, but I must express my admiration at the flexibility of the views of certain hon. gentlemen in this House. A few minutes ago—I know it is out of order to refer to a previous debate, but I hope the House will pardon me—a few minutes ago the hon. gentleman who has just sat down (Mr. Dickey) told us that we had entered upon a new way of doing things, that we were inserting in a Bill provisions contrary to our usual habit, but the hon. the Minister of Justice sustained that view, and insisted that we should put into the Bills in question a very important provision which had never appeared in Bills passed before. And now when

attention is called to the fact that this Bill is *ultra vires* of this legislature, the hon. gentlemen, who were such sticklers before for what was exactly the right and legal practice, are willing to violate what is admitted to be the constitutional rule. I think that is something which would naturally excite the admiration and somewhat the surprise of such an innocent and unsophisticated person as the Senior member for Halifax. As I said before, I do not intend to oppose this Bill, but according to the opinion of the hon. Minister of Justice, it is merely waste paper—it is *ultra vires*.

HON. SIR ALEX. CAMPBELL—I say there is great doubt about it.

HON. MR. POWER—The hon. Minister certainly did say that when discussing the Government Bill. I was only going to make this suggestion, that when the Bill goes to the Committee, it might be well to add some provision to it to avoid any conflict with the Local Legislature.

The motion was agreed to and the Bill was read the second time.

RICHELIEU BRIDGE COMPANY'S BILL.

SECOND READING.

HON. MR. HAYTHORNE moved the second reading of Bill (42) "An Act to incorporate the Richelieu Bridge Company." He said:—This is a bill to incorporate a company to build a bridge over a navigable river. It contains the usual provisions embodied in bills of this sort.

HON. MR. DICKEY—Is it *ultra vires*!

HON. MR. HAYTHORNE—At present there seems to be no power outside of this Bill capable of granting such a charter as is asked by this Company.

HON. MR. BELLEROSE—I have to take exception to this Bill, as I did to the other one, because I believe it is not within the jurisdiction of this Parliament. In answer to what has fallen from the hon. gentleman who moved the second reading, I would call his attention to the fact that under the British North America Act, measures affecting works of this kind

which are within the limits of any one Province come under the exclusive jurisdiction of the legislature of that Province. The River Richelieu is wholly within the Province of Quebec, and therefore this company should obtain its charter from the Quebec Legislature. True, it is a navigable stream, but that merely gives the Federal Government a right to insist that proper means shall be provided to permit the passage of vessels up and down the river. If the legislature of the Province were not in session I could understand why this legislation is sought here; the parties might feel that their interests would be prejudiced by a delay of eight or nine months, but the Quebec Legislature is now sitting and there is no reason why they should not seek their charter from the authority which has the constitutional right to grant it. We are not doing justice to those parties in entertaining their application. We should not put them to the expense of coming here to obtain an Act which we have no right to give them, and I would therefore ask that the Bill be withdrawn.

HON. MR. KAULBACH—I think it would be very unjust to refuse to pass this Bill, for the reason already given, that it may be too late to obtain the charter from the Quebec Legislature this year. If we are to make a new departure it should not be now in the middle of the session after we have passed other bills of a similar character.

The Bill was read the second time.

WINNIPEG AND SPRINGFIELD BRIDGE CO.'S BILL.

SECOND READING.

HON. MR. GIBBS moved the second reading of Bill (15), "An Act to incorporate the Winnipeg and Springfield Bridge Co."

He said: This Bill is one of a precisely similar character to the measure which was read the second time a moment ago. Its object is to bridge the Red River.

The motion was agreed to.

WILLIAMS MANUFACTURING
CO'S. BILL.

SECOND READING.

HON. MR. FERRIER moved the second reading of Bill (69) "An Act to grant certain powers to the C. W. Williams Manufacturing Company, and to change the name thereof to the Williams Manufacturing Co." He said: This Company have been acting under letters patent in the Province of Quebec, and they simply ask for a charter to change their name and to give them some additional powers.

HON. SIR ALEX. CAMPBELL—This Bill is drawn in a way best suited to accomplish the object which companies, coming under such circumstances, desire to attain. Hon. gentlemen who take an interest in the point will see that by the second clause the members of the Company are incorporated. The Company already has an existence under letters patent, but the Bill does not propose to give them an existence partly under the Letters Patent Act and partly under a charter obtained here. It proposes to incorporate the members of the Company named in the Bill. It seems a very satisfactory way of avoiding, at least, some of the difficulties which we have had with reference to bills of a somewhat similar character during the session.

HON. MR. TRUDEL—Does not the hon. gentleman consider this a local matter?

HON. SIR ALEX. CAMPBELL—It does not seem to be, because it gives the Company power to do business in more than one Province.

The motion was agreed to.

RIGHT TO WOUND PRISONER'S
BILL.

IN COMMITTEE.

The House went into Committee of the Whole on Bill (S) "An Act to define the right in certain cases to assault, wound or kill certain prisoners."

In the Committee,

HON. SIR ALEX. CAMPBELL said that the hon. member for Ottawa, (Mr. Scott) had referred to the possible abuse of the provisions of this Bill by constables taking prisoners into custody and carrying them to prison, and suggested that it was hardly merciful to entrust such powers to men such as are often employed as constables, and that it would be better to give a certain class of powers to jailors and others having custody of prisoners after conviction, and another class of powers to constables who are merely taking a person accused of crime to prison, and that the right to wound or kill prisoners of the latter class should be confined to those accused of the more serious offences. The matter struck him (Sir Alex. Campbell) as one which deserved considerable attention, and he had decided to introduce amendments in the direction suggested. The first clause he would alter so as to apply it to all classes of persons imprisoned, and to provide that where a person escapes from a place of imprisonment, whether he is in custody as a convicted felon or in custody for trial, the constable should be allowed to fire on him. It would be readily seen how difficult it would be to draw a distinction between prisoners undergoing sentence and prisoners held for trial. Take, for instance, a large jail in a city; in case of an *emeute* among the prisoners it would be impossible for the men in charge to say to which class the escaping prisoners belonged. With reference to cases where a constable is taking a man to a place of imprisonment he thought the operation of the Bill should be limited to the offences mentioned in the Bill, and which he had taken from the Extradition of Criminals Act. He had not interfered in any way with the operation of the common law which, as had been stated the other day, gave very many of the powers enumerated in this Bill. He would not be at all sure that it did not give all of them, because he found that where an officer of the law is about to arrest a prisoner for any offence, and the latter tries by violence to escape, and much more so if he assaults the constable, the officer is allowed to use force. He may use any powers necessary to overcome the resistance, even though it should result fatally. He (Sir Alex. Campbell) did not propose to interfere with the powers which the common law gives. The object of the Bill,

which was not given in the common law, was in case of an *emeute*, or a disturbance tending to mutiny in a place of imprisonment, the officer should have a right to act under the Bill. Perhaps it would be more convenient to have the Bill re-printed with the proposed amendments, and they could be considered on a future occasion.

HON. MR. POWER wished to know if it was intended in any way to alter the definition of the phrase, "officer of the law."

HON. SIR ALEX. CAMPBELL—No.

HON. MR. POWER thought it would be unsafe to give to the persons employed in assisting a constable the power to wound or kill prisoners. It would be better to limit the right to the warden or his deputy, or the keeper in charge. He (Mr. Power) had prepared an amendment with that object in view.

HON. SIR ALEX. CAMPBELL thought that the amendment suggested would leave the clause more vague than it was as it stood. He moved the adoption of the amendments which he had read.

The motion was agreed to.

HON. MR. MONTGOMERY, from the Committee, reported that they had made some progress with the Bill, and asked leave to sit again.

CANADA CO-OPERATIVE SUPPLY ASSOCIATION BILL.

SECOND READING.

HON. MR. RYAN moved the second reading of Bill (138), "An Act to authorize the Canada Co-operative Supply Association, Limited, to issue preferential shares." He said: This Bill is to give the Association permission to issue preference stock in order to supply a want of capital.

HON. MR. DICKEY—The House will see that this Bill is to create preference stock, and in that way over-ride the interests of shareholders. It is quite true that there is a provision in the Bill that two-thirds of the shareholders should assent, but nevertheless it will affect the interests of the one-third who may not assent, and

it should be carefully looked into. I have called attention to it from the fact that there is an objection to the Bill from a great many shareholders, but no doubt they will have a hearing from the Committee to which the Bill is to be referred.

HON. MR. RYAN—I may mention that there were several meetings of the shareholders, and after long deliberation this course was unanimously decided upon. There has not been a single objection, that I know of, against the Bill, and all I can say is, there will be every opportunity for the shareholders to appear before the Committee.

The Bill was read the second time.

MONTREAL TELEGRAPH COMPANY'S CONSOLIDATION BILL.

SECOND READING.

HON. MR. FERRIER moved the second reading of Bill (96) "An Act to consolidate and amend the acts relating to the Montreal Telegraph Company." He said: this Bill having passed the House of Commons, I will not attempt to go into details, but will simply say that I shall refer it to the committee which will meet sometime about the middle of the next week, so that there will be plenty of time to consider it carefully.

HON. MR. SCOTT—I may not have an opportunity of being present at the committee which will consider this Bill, and therefore I take occasion to say that there are certain clauses in it to which I feel bound to take a very strong exception. It proposes to consolidate the acts relating to the Montreal Telegraph Company and to that extent it is a harmless measure. But there are extraordinary powers in the thirteenth clause, which provides:

The Company shall have power and authority to purchase or lease for any term of years any telegraphic line established or to be established, either in Canada or in any other British possession, or in the territory or territories of any foreign power or State, connecting, or hereafter to be connected with any line which the Company has constructed or is authorized to construct, or to purchase or lease for any term of years, the right of any Company to construct any such telegraph line, and shall also have power to amalgamate with, or to lease its line or lines or any portion thereof from time to time to any Com-

pany, Board, or persons possessing as proprietors any line of telegraph either in Canada, or in any other British possession, or in the territory of any foreign state or power, whether on the continent of America or in any other part of the world, and also to enter into any arrangements with any person, Board or Company possessing as proprietors any line of telephonic communication or any power or right to use communication by means of the telephone or other similar apparatus, upon such terms and in such manner as the Board of Directors may from time to time deem expedient or advisable.

We might just as well have said that we give this Company power to amalgamate with any company on the face of the earth: that is practically what it means. The object, I suppose, of that is to legalize the consolidation and amalgamation which has been recently made with the Western Union Telegraph Company—nominally with the Great North-Western Telegraph Company, but as that corporation was a very insignificant one, financially, compared with the Montreal Company, it was simply to legalize this amalgamation with the Western Union. I think, as a matter of public policy, it is exceedingly to be regretted that any such important channel of communication should be handed over to a foreign power. We might, with equal propriety, hand over the postal arrangements of this country. They both deal with precisely similar classes of subjects—that is, the communication of messages, whether sent in writing or sent by wire. The telegraph is superceding, to a large extent, the post office—not that the business of the post office is decreasing, on the contrary, it is increasing with the commercial activity of the age. What would be the feeling of hon. gentlemen if we proposed to hand over the Post Office Department to a foreign power—to an individual outside of Canada? The feeling would be one that would shock us at the moment. This subject has attracted the attention of other countries than Canada, and it must be observed that the tendency of opinion in Europe is strongly in favor of the Government absorbing the telegraph system as it controls the postal system, and to unite the two. That has been a rapidly developing tendency in the last twenty-five years, and it has been attended in nearly all countries where such a policy has been adopted, with marked success. I have taken a note of the rates charged

in countries which were the first to adopt the system of managing the telegraph lines by the Government. Belgium was one of the first. At the time the telegraph system was taken over in that country the charge for twenty words was two and a half francs: in 1878 it was reduced to eight cents for the same number of words. In Switzerland in 1852 it was one franc for twenty words: in 1878 it was half a franc for twenty words. In France it has been reduced in similar proportions: in 1877 it was sixteen cents for twenty words. Now I think the commercial activity of the people of Canada is quite equal to, if not greater than that of the countries which I have just named, and it may be fairly anticipated that the use of the telegraph lines in this country will year by year rapidly increase. In fact if we look at the history of the two telegraph companies in this country we will be surprised at the rapid growth that they have made. At this time it would have been an opportune moment for the Government to have stepped in and absorbed the telegraph system. I think the increased powers and privileges that we give to the Company by this present Bill will add to the embarrassment of any future administration in dealing with this subject, and therefore I think it is very much to be regretted that the control of the Montreal Telegraph Company passes into the hands of a foreign power. We know the motive which prompts this is a mercenary one. This movement did not emanate from the Montreal Telegraph Company, but, as I understand it, elsewhere. I know that the active agent in it is Mr. Wyman, formerly of Toronto, at present of New York. I know how public opinion has been developed and apparently the public mind seized, and the Montreal stockholders led to believe that it was the best thing for them. I do not think that they gain anything practically by it. They are, however, secured in an eight per cent. dividend, a handsome profit, and I think it must be apparent to everybody that the parties who propose to bring about this arrangement and absorb the Montreal Company—because that is practically what it means—are making a very considerable sum of money out of it. Their motive was just the same as that which prompts the formation of rings and corporations to absorb smaller companies

with a view to floating stock and turning over money. If we look at the history of telegraph companies in the United States we find that that has been the result. A few years ago there were the Atlantic, the Western Union, and the American Union, and there were several smaller telegraph companies. The Western Union being controlled apparently by more powerful minds has gone on gradually on the principle of absorption, taking in all the smaller lines, until now practically they control the whole telegraph system of the United States with the exception of some smaller companies that have recently gone into operation and extend over very narrow areas. It was stated by a writer in one of the leading United States reviews, and not denied at the time that the facts and figures were given, that the amount of capital eight months ago in telegraph companies which have been absorbed by the Western Union, and prior to the absorption of the Montreal Company, was eighty millions of dollars, and that the actual cost for which the telegraph system of the United States could be constructed represents twenty-five millions of dollars. The difference between twenty-five millions and eighty millions of dollars was the amount which may be called "watered stock." The writer gave the amounts of stock allotted to the Western Union at the various times when this absorption with the other Companies took place. On one occasion I think, the stockholders of the Western Union were allotted no less than fifteen millions of dollars. I am not certain of the figures, and therefore I speak subject to correction. It was levelling up on the assumption that the Western Union was a more successful Company and was taking in what were represented as weaker corporations, and the stockholders of the Western Union were allotted so much more stock in order to equalize things, and therefore the people in that country are taxed on that very considerable amount in excess of the actual money that has been fairly and honestly invested. That is but the beginning of what is likely to be accomplished in Canada. The powers of companies of that kind, once they are created, seem to be invincible: the press and the people say Parliament is not prepared to go as far as that, but we find that a considerable portion of the

press is open to their influence. Stock is held by people who are interested in having the best pecuniary arrangements made for their friends, and the aid of the press is invoked, and Parliament itself passes objectionable bills which become crystalized on our statute books. I do feel that it is a matter which ought to bring a blush to the cheek of every Canadian, that we now propose to hand over our telegraph system to any foreign power that the Montreal Telegraph company may choose. We know who the controlling spirit in the "telegraph deal" as it is called, is; we know that it is Mr. Gould. We passed a bill the other day giving Mr. Gould, without mentioning his name, very singular powers. We know as a matter of fact that the cables recently laid belong to him. We know that he is the power and spirit of the Western Union Company. It is a matter of sufficient notoriety for me to state it here. He is the largest stockholder at all events, and he is reputed to control, if he pleases, the Western Union Telegraph Company. Whether it is so or not does not affect the position I take, that so important a matter as the telegraph system of this country, a matter that is so nearly allied to postal intercommunication should not be deliberately handed over to the control of a foreign power. I certainly am one of those who believe that a hostile opinion must arise when the people find they are ground down and taxed unduly; their spirit prompts them to rebel, and then a movement will take place to have the Government purchase these lines. What will be the effect then? Do you mean to tell me that we can purchase them five or ten years hence as cheaply as we can to-day? Certainly not. Any body who looks at the history of enterprises in this country will find that the stock swells up, and the public take no note of it until you discover that you are dealing with what will be called "innocent holders." The people who five or ten years hence, will be called upon to surrender their stock, will not be the same as those who hold it to-day. It will be alleged that they paid more for it than it cost those who hold it to-day. We know it was the case in England where a larger sum than the value of the property had to be paid by the Government before they could take over the telegraph lines. A few days ago before a committee of this House

there were some very interesting figures given, respecting that company by Mr. Gisborne who quoted from the official returns of the company. It would appear from the figures which he furnished, that the receipts of the Montreal Company and the Dominion Company in Canada—excluding New Brunswick and Nova Scotia, which were absolutely controlled by the Western Union—amounted to upwards of \$1,000,000—sufficient to pay the Dominion Company 6 per cent., and the Montreal Company 8 per cent., besides, of course, renewals, and to pay a sum of \$250,000 to somebody else. That somebody else would nominally be the Great Northwestern Company, but it would actually be the Western Union Company, because I consider it is the Western Union with which this amalgamation is made practically, although nominally the Great Northwestern Company comes to the front and is the party with which the arrangement is made. I might not be present at the Committee, but I should feel it my duty to move to strike out that clause if I were present. As I may not be present, I cannot let this occasion pass without expressing my views, and my regret that the Government have not seen their way to stop further legislation with regard to telegraphy, until they have considered whether it would not be wise in the interest of the people to follow the example of older countries in Europe, and to unite it with the postal system of the Dominion.

HON. MR. KAULBACH—What my hon. friend has said is worthy of a great deal of consideration; and, as it is now near six o'clock, I move the adjournment of the debate.

The motion was agreed to.

BILLS INTRODUCED.

The following Bills from the House of Commons were introduced and read the first time:—

Bill (130), "An Act to make further provision for the improvement of the River St. Lawrence between Montreal and Quebec." (Mr. Aikins).

Bill (140), "An Act to amend the Act 35 Vic., cap. 32, respecting the appointment of a harbor master for the port of Halifax." (Mr. Aikins).

HON. MR. SCOTT.

Bill (129), "An Act further to amend the Acts to provide for the improvement and management of the harbor of Quebec." (Sir Alex. Campbell).

Bill (128), "An Act to provide for the improvement and management of the harbor of Three Rivers." (Sir Alex. Campbell).

IRREGULARITY OF MAILS.

HON. MR. DICKEY—Before the House rises, I wish to call attention for a moment to a matter which concerns a good many gentlemen from the Lower Provinces. I allude to the arrival of the mails from the east, below Quebec. For some period in the early part of the session, those mails arrived here in the ordinary course, as they occasionally do now, by the Occidental Railway, at the usual hour of 1.30 p.m. They now generally arrive only in the evening at seven o'clock by the Grand Trunk Railway, and yesterday, as I understand, papers that arrived from the Lower Provinces were delivered in the evening, and the letters not until the following morning.

HON. MR. ALMON—I certainly can endorse what the hon. Senator from Amherst has said. Latterly the mails have been very irregular indeed. There are two mails—one at 1.30 p.m. that sometimes brings the newspapers; then a second mail comes, carrying the letters.

HON. SIR ALEX. CAMPBELL—I will draw the attention of the Post Office authorities to the difficulties which have arisen, and will endeavor to have them remedied, and I shall take occasion to mention the result to the House.

The Senate adjourned at 6 o'clock.

THE SENATE.

Ottawa, Friday, April 21st, 1882.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

COMMERCIAL TRAVELLERS' ASSOCIATION BILL.

THIRD READING.

HON. MR. ALLAN, from the Standing

Committee on Banking and Commerce, reported with amendments Bill (8), "An Act respecting the Commercial Travellers' Association of Canada." He said: When this Bill came before the Committee on Banking and Commerce, objection was taken to the last clause of the Bill which provided that the by-laws set forth in the schedule should form part of the Act, and provided also that these by-laws might be amended afterwards, and, if approved of by the Minister of Finance, should have the same force and effect as if included in the schedule which now forms part of the Act, but no provision was made for giving public notice of them. At the suggestion of the Minister of Justice the clause was amended to read as follows:

"The by-laws set forth in the schedule to this Act may be amended by the said Association as provided by its Act of incorporation and by-laws: Provided, that the said by-laws so amended are approved by the Minister of Finance, and when so approved shall have the same force and effect as if included in the said schedule; and any amendments made to the said by-laws shall be forthwith published in the *Canada Gazette*."

There is also another amendment to the sixth clause which provides that the association shall deposit a certain amount with the Receiver-General as security for the fulfilment of the purposes and objects provided by the by-laws: to that is added a provision for the security of members and beneficiaries. The other alterations are merely verbal. In the absence of the hon. gentleman who has charge of the Bill I move concurrence in the amendments.

The motion was agreed to, and the Bill was read the third time and passed.

BILLS INTRODUCED.

The following Bills from the House of Commons were introduced and read the first time:—

Bill (61), "An Act to incorporate the Ontario Pacific Railway Company." (Mr. Allan.)

Bill (89), "An Act to incorporate the Great Eastern Railway Company." Mr. Bellerose.)

Bill (16), "An Act to authorize the construction on certain conditions of the Canadian Pacific Railway through some pass other than the Yellow Head Pass." (Sir Alex. Campbell.)

SECOND READINGS.

The following bills were read the second time:—

Bill (92), "An Act to incorporate the Sisters of Charity of the North-West Territories." (Mr. Trudel.)

Bill (75) "An Act to incorporate the International Construction Company." (Mr. Bellerose.)

LABOR EMPLOYMENT REGULATION BILL.

SECOND READING.

The order of the day having been called for resuming the adjourned debate on the Hon. Mr. Aikin's motion for the second reading of Bill (R), "An Act to regulate the employment of labour in workshops, mills and factories, and for other purposes."

HON. MR. DICKEY said,—On a former occasion I took the constitutional objection to this Bill, and I must thank the hon. the Minister of Justice for his courtesy in acknowledging the force of that objection by moving the adjournment of the debate, and I must thank him still more for yielding to the force of the objection by the announcement subsequently made that the Bill would be re-cast and presented in a form applicable to a subject which is undoubtedly within the competency of Parliament. I cannot make the same acknowledgement to my hon. friend the junior member for Halifax (Mr. Almon) for the manner in which he met the objection; because he said it was very inconvenient that on all these questions lawyers insisted upon giving an opinion, and that it was a subject which more properly came within the province of medical men. I can only remind my hon. friend that it is only as a matter of necessity that lawyers do give opinions on such questions as this. They cannot be accused of giving such opinions for the sake of a fee certainly, but they do so because they suppose they are quite as competent to express an opinion upon the constitutionality of an act as any medical man in this House. My hon. friend should also recollect that after all the question of the constitutionality of this

Bill is to be decided by lawyers, and by lawyers alone, not by doctors. My hon. friend taking charge of the Bill as he did, undertook to state in what respect it was defective and he suggested that when we come to consider what should be done with these workshops we should insert the provisions, which I think he read, that no person should be employed in a workshop unless he had had the small-pox or had been vaccinated. I do not wish to accuse my hon. friend of trying to make business for his profession at all; but really it brings us to an absurd point, and it shows the necessity of having sometimes lawyers to assist in the preparation of the clauses of bills. My hon. friend says the operatives should be examined, and they should not be admitted into these factories before being vaccinated. Any gentleman can fancy the spectacle of my hon. friend, who, it has been suggested, would be a very proper inspector in these cases, going round to the different workshops, especially where female operatives are employed, and asking them to bare their arms to see whether they have been vaccinated. The hon. gentleman goes further and says that no person who has had scarlet fever, diphtheria, or other diseases of that character, should be employed in a factory until after a certain time and he had been isolated and fumigated. I would ask the hon. gentleman whether the whole of these amendments do not refer to another subject altogether, that is, the question of health, and whether he is not aware that that is purely a local question? All the instances which he gave of compulsory vaccination are under the law of the Province of Nova Scotia at this moment. My hon. friend from Prince Edward Island did not take exactly the same line. He gave no opinion upon the constitutionality of the question, though I hope he will be able to do so before this matter reaches a further stage; but he said, "I am not prepared to say that it is within the power of this Parliament, but if it is not it ought to be." Well, it might have occurred to my hon. friend that that is not exactly the way to treat a question of that kind. The question is not whether it ought to be, but whether it is; and when I heard my hon. friend make that remark it reminded me of an inquiry which was made on a certain occasion as to a young woman—whether she was

married; the answer was that she was not a married woman, but she ought to be. The remark of my hon. friend is very much in the same direction. Although I state that the leading object of the Bill, to remedy the condition of operatives, has my sympathy, still I do not wish to pose here as a philanthropist, and I shall not follow my hon. friend in his argument as to the necessity of this measure. I merely remind him again that is a subject which belongs to a country in a very advanced stage of civilization—to an old country, to a country where the condition of things as regards labor had been brought to a point which they certainly have not arrived at yet in this country, and at which I hope they will never arrive—a condition too horrible to be described; and a necessity for that legislation no doubt induced the Parliament which had power over the subject to deal with it. But we have not arrived at that, and we find in the neighboring country these subjects are left to the States, as, I apprehend, they are under the British North America Act in this country left to the Provinces. Before I pass from that subject, and, notwithstanding the opinion of the hon. member from Halifax, it is a matter of some congratulation to myself personally, in addition to what has fallen from the hon. the Minister of Justice, that the only three lawyers who gave an opinion upon this subject agree with the position which I took as to the constitutionality of this legislation. I was sorry to find that there should be any doubt on that point, because I think a reference to the British North America Act will show that it is a subject which comes entirely within the province of the local legislatures. I will just take an instance: it is proposed to legislate with regard to the hours of labor, etc. I have taken the objection that that belongs to Civil Rights. The Minister of Justice says "In a narrow sense I admit it does belong to Civil Rights," and then he proposes to legislate upon it in this Parliament. I call his attention to one or two subjects (and there are a great many to which the same remark would apply) in the British North America Act that are assigned to the Local Legislatures, such, for example, as are to be found in the sixth and seventh sub-sections of the 92nd section. The latter provides "for the establishment, maintenance and

management of the hospitals, asylums, charities and eleemosynary institutions in and for the Province, other than marine hospitals." The sixth sub-section provides for "the establishment, maintenance and management of public and reformatory prisons in and for the Province." Now, can it be contended, while those subjects are assigned specially to the Local Legislatures just as civil rights are, that with regard to them this Parliament can legislate and make provisions and impose fines for the breaches of them? I apprehend that the mere statement of the argument is a sufficient answer to it. My hon. friend the Minister of Justice has cited the case specially of the Temperance Act of 1878, and has contended that it justly and properly belongs to the functions of this Parliament. I may remind my hon. friend, in the first instance, that it is rather premature to come to that conclusion at present, because the question is *sub judice* at this moment and is before the highest court of the Empire for adjudication. With regard to myself personally and the objections which I took to that Act, I derive some little comfort at all events from the reflection that not only was my opinion concurred in by other lawyers at the time in this House, but that I was supported by the decision of the judges of New Brunswick on that question. It is quite true that that judgment was reversed here, but the ultimate fate of that measure is yet in the balance. My hon. friend gave a very strong opinion as to the power and right of Parliament to deal with that question, and I am afraid that he has slightly changed his opinion since the passage of the Temperance Act in 1878, because he held then, as I hold now, that there are such grave doubts as to the constitutionality of this legislation, that the question ought to be settled by the mode which we have in our control—at all events which my hon. friend has under his control—by a reference of the question to the judges of the Supreme Court. That was the suggestion we made—I say we, myself and other lawyers—during the discussion on the Temperance Act of 1878; my hon. friend was one of the strongest to support us in that contention, and I think on that occasion kindly alluded to the position we took in these words:

"I think the Hon. Secretary of State should

listen with very considerable attention to the opinions expressed by the hon. gentleman from Arichat, and the hon. gentleman from Amherst, as to the powers of Parliament under the British North America Act. I think the opinions they have given on this question are the highest opinions that could be found in this House on the legislation which it is in our power to enact."

If I could read the passage without quoting those words I should be very glad, as I do not wish to claim any credit for myself, though I am very much obliged to the hon. gentleman for his kind opinion. It continues thus:

"The gentlemen who are advocating the temperance cause in this House tell us that, if it should result in the legislation of this Session being found afterwards to be beyond the power of this Legislature, it will be an injury to the cause of temperance, instead of being advantageous to it. That is not the position in which we should be left by the Government, and if there are any means of settling the point satisfactorily, these means should be resorted to at once. I believe the Government have the power to submit this Bill to the Supreme Court, and to have the opinion of the members of that Court upon the right which we have to enact this law."

My hon. friend also further said:

"I am of opinion, in view of the previous opinion of the Government, and of the doubts in the minds of professional men in the Dominion—doubts that have been expressed in the Legislatures of the Provinces, and in this House, by eminent men in the profession—that the Government would do well to consider the expediency of acting on the suggestion of the hon. gentleman from Amherst, in securing the opinion of the Supreme Court on a measure which may, after all, turn out to be beyond our powers, and which, if enacted, might initiate a series of law-suits that would be against the interests of the temperance cause."

Now, these were the arguments I ventured to adduce, without recollecting the language that my hon. friend used on a former occasion when this Bill was moved for a second reading, and I am very glad to find that the position I then took is sustained by the view of my hon. friend. I do not think that that view, which was then expressed in such a clear and forcible manner only four years ago, should be at all modified by the passage of the Temperance Act when we recollect that it is not finally decided whether that Act comes within the purview of this Parliament or not. I can only say with regard to the course the Government have taken that their action in this matter in recommend-

ing that the Bill should be re-cast and reprinted before being submitted to the committee, and that it should be made to have an aspect which will give this Parliament jurisdiction, is the best possible justification for the course I ventured to pursue on a former day. Now, we come to the suggestion that has been made that this Bill should be brought within the functions of this Parliament by introducing a criminal clause. Well, I must say that I am curious to know in what manner my hon. friend can add a clause which will make a breach of the regulations for hours of work, or for putting a public clock on the outside of every factory in this country, or for providing a place for its occupants to take their meals in, etc.—I repeat I am curious to know how he can expect to make a breach of these regulations a criminal offence. But while I have this curiosity I do not intend to ask a question until the matter is submitted to us. There is one point, however, that strangely enough has been ignored by my hon. friend, the Minister of Justice. I took the objection that all these sanitary regulations were subjects for the local legislatures and not for the Parliament of the Dominion, but my hon. friend does not notice the position and I am not at all surprised; because the questions as to the place where these operatives shall take their meals and as to these double conveniences, etc.—all these appertain to sanitary regulations and I stated then what has not been contradicted yet—and I shall wait for contradiction,—that these are matters that belong entirely to the legislation of the different provinces. Now I have some proof of that under my hand. On referring to my own province, I find that an Act, chap. 29 of the Revised Statutes of Nova Scotia,—the last edition—was passed in that Province on the subject of Boards of Health and Infectious Diseases which is of a very extensive character. It provides that the Lieutenant-Governor in Council may make sanitary orders for the prevention of infectious or contagious diseases and may fix penalties. That he may appoint Boards of Health for carrying out such sanitary orders in all the different counties and townships of the Province. Then it goes on to empower the Court of Sessions to appoint Health Wardens to see that these regulations are

carried out; and the House will notice as I go along that these wardens are to have exactly the same powers as it is proposed to give to the inspectors named in the present Bill. In the day time they may enter and examine all houses, buildings or other places, and they are to carry out the orders of the Board of Health for cleansing any house, etc, and for the general preservation of the public health and prevention of contagion or infection. Then it goes on to say that the Board of Health may order houses, buildings, etc, to be fumigated or otherwise purified, or may cause anything dangerous to the public health to be removed or destroyed, also that they may impose fines upon these health wardens for the breach of these orders. They may make sanitary orders for the removal of persons infected—as my hon. friend from Halifax thinks is necessary—and for having them isolated. They are also empowered to make orders for the general vaccination (at the county expense) of the people in workshops, and in fact everywhere else. My hon. friend stated truly that that power had been exercised in the hospitals; no doubt it has been under the powers given by this Act in his own Province—of which my hon. friend strangely enough seems to have been ignorant at the moment. Then a penalty is prescribed for the violation of any of these provisions. I have also taken the trouble to look at the acts of the Province of New Brunswick and I find similar legislation there, and for aught I know it exists in all the other provinces. For this reason I am not at all surprised that my hon. friend the Minister of Justice did not seek to defend these clauses which apply to sanitary regulations, because in the British North America Act those subjects belong to the local governments; and I have shown that in point of fact they have been legislated upon, without any objection;—that these laws have been acted upon in various counties of my own province. That is the position of the matter at present. The Minister of Justice says that he is prepared to submit a clause bringing breaches of these regulations within the category of criminal law. I, of course, quite admit at once, as a lawyer, that if my hon. friend can bring any thing within the range of criminal law my constitutional objection would be removed, and as the hon. gentleman has

been kind enough to say that he asks this Bill to be read a second time on the understanding that all objections to it shall be reserved for a future stage, and that the Bill should not be pronounced upon until after it has been reprinted, I shall at the present moment offer no further opposition to the second reading.

HON. MR. ALMON—I fully feel the force of the arguments with the hon. gentleman from Cumberland uses when he says that medical men should have nothing to do with the measure now before the House; because a lawyer has a great advantage over a medical man. The latter would not pervert the words of one who was opposed to him; nor would he attribute to him views for which he should not be held responsible. I do not remember, and I think no man in this House can say, that I made any reference to fumigation. On that subject I hold a different opinion from many of my professional brethren, because I think fumigation has little or nothing to do with the removal of infection. The great use of this practice is the powerful stench it makes which induces people to open their windows and let in fresh air: of course I quite admit that in this I differ widely from many in my profession. Again my hon. friend stated that I ordered vaccination, which belonged to the local legislatures who alone could order or recommend it. I did nothing of the kind. I stated that parties should not be admitted to these factories unless they had been vaccinated or had had small pox. I would ask my hon. friend, who as a lawyer is so fond of taking other persons up, whether education is not a matter within the power of the local legislatures. Yet, we shall have here a Civil Service Bill, and I suppose, no person is to be admitted as a Civil servant unless he is able to read and write. Now reading and writing would come under local legislation and the hon. gentleman will tell us “you cannot deal with this because reading and writing is education;—education is under local legislation, and therefore this Bill is not within the Province of the Dominion Parliament.” Now this is the law I would expect from a lawyer but I ask is it common sense? I know that common sense and law are not the same thing, but when we have to choose between law and common sense

which should be taken? I hold up both my hands for common sense. My hon. friend quotes from his law-books and he is quite right in doing so, but as I am not a lawyer I will utilize *Don Quixote*. *Sancho Panza* was appointed governor of the Island of *Barataria* and the name of his medical man was *Pedro Regio de Aguero*—and it seems to me that *Sancho Panza* must have had the same dislike to his medical man that my hon. friend from Cumberland has to such Bills as we are now discussing—for when the feast was prepared and when *Sancho Panza* wished to partake of a particular dish our friend *Pedro Regio de Aguero* puts out his hand and says “You are not allowed to eat of this dish.” Poor *Sancho* wishes to taste another dish but he is met with the same objections, and this seems to me to be very much the case with us. We passed the other day a Bill which decided whether marriage of a certain kind was legal or incestuous and my hon. friend here objected because to his mind it was not within the purview of this House: I believe purview is a legal term and indeed I shall become quite learned in the law if I sit much longer in the neighborhood of my hon. friend from Cumberland. He objected to the marriage Bill because he said the celebration of marriage—the ceremony of making them man and wife—was not within our jurisdiction and belonged to the local legislatures. Then again the question of drunkenness came before us and he stated that it was not within the jurisdiction of this Parliament at all, because the license law was not. Now I would suggest that we should not quibble about these matters. I wonder what *Sancho Panza*, to whom I have referred, would have thought if after having been deprived of these dishes he subsequently found *Pedro Regio de Aguero* behind the door tasting of the same dishes which he said were so injurious. He would no doubt have thought him very inconsistent and I fear my hon. friend from Cumberland is open to the same charge, for he says these measures are wrong and yet we find him moving amendments to them which, if they were carried would be illegal and unconstitutional. I am perhaps a little warm on this subject because if this Bill is thrown out through legal technicalities great injury will be done to the health of a large

and growing portion of this country, and I think it would be too bad that these people should be deprived of the benefits of this Bill because, forsooth, it is not within the purview of this House. We have recently heard of a bridge at Emerson, in Manitoba being swept away by the floods; the construction of that bridge was a matter beyond the control of this Parliament, yet I think my hon. friend voted in favor of it, though I am not sure. And I would ask with reference to the Bill which is now before us, and which is of much greater importance, are we to allow, the health of the whole community to suffer because, in the opinion of my hon. friend, the measure is not within the purview of this house? If it is beyond the purview of this House let us bring it within its purview, and I venture to say if we do this no Conservative or Liberal will object to our action. Let us put law aside in this instance and only look at justice and common humanity and let us pass this Bill, allowing those who oppose it to appeal to the Privy Council, if they choose, for its disallowance.

HON. MR. BAILLARGEON—I consider this Bill a very important measure, and I am glad to see that, some means are to be taken to improve the condition and comfort of the people working in our main factories, by the appointment of good inspectors, and at the same time by regulating, as much as possible, the time of labor. This latter point seems to me of the greatest importance for young people, both boys and girls, for these young people cannot work, in confinement, as long as grown persons. We have already in our country a great many manufactories, and a large portion of our population is engaged in these establishments. Many of these people work at times, indeed I may say often, in ill-ventilated rooms, filled with dust vapors and gases which must prove injurious to their health and constitutions, causing them to contract serious diseases, dyspepsia, debility, poverty of blood, and even consumption. If by legislation of some kind we can prevent, or remedy these evils, I consider it will be a great blessing, and it will give much satisfaction, and will, by removing the causes of the diseases, prevent many premature deaths.

HON. MR. DICKEY—Perhaps the

HON. MR. ALMON,

House will allow me to notice the remarks of the junior member from Halifax (Mr. Almon). The application of what I am about to relate, will at once be apparent to hon. gentlemen, if indeed many of them have not already heard the story. It is told that a medical man was called in to attend a sick child, and he gave it some medicine which a person standing by thought was not exactly suited to the case. He asked the doctor what his object was in giving that particular medicine, and the reply was "I want to put her into fits, and when I get her there I will cure her, for I am great on fits."

HON. MR. MACDONALD—That cap does not *fit*.

HON. MR. POWER—I have already spoken on this question, but I propose to offer an amendment, and I think the matter is so important that I trust the House will pardon me for addressing them a second time. Notwithstanding what has been said by my hon. colleague (Mr. Almon) there is no doubt that the principal question, or at least the question that we are now discussing, is not the merits of the Bill, but the question of the power of this Parliament to pass it; and no matter how beneficial a measure may be, if we have not the right to pass it, our act would only be in fact so much waste paper; and all the labor of my hon. colleague would have been thrown away. And the probability is that not only would such legislation be proved valueless, but large sums of money would be expended in litigation over the measure, before the decision of the Privy Council in England was given, declaring that this Parliament had no power to pass such a bill. To get at a proper understanding of this question it is necessary to consider the character of the Union of the various provinces under the British North America Act. The first preamble of that Act says:

"Whereas, the provinces of Canada, Nova Scotia, and New Brunswick, have expressed their desire to be federally united into one Dominion, under the Crown of the United Kingdom of Great Britain and Ireland, with a Constitution similar in Principle to that of the United Kingdom."

Hon. gentlemen will observe that the provinces had expressed their desire, according to this Act, to be federally

united ; but it is known that under a federal system the legislatures of the provinces or states of the country so united are to be independent within their own limits, and that they shall be supreme as to all matters which come within their jurisdiction—

HON. SIR ALEX CAMPBELL—I am sorry to interrupt my hon. friend, but as he says he has spoken before on this subject, perhaps I may be allowed to suggest that it would be far better to delay any further remarks which he may have to offer upon the constitutionality of the Bill until he sees the measure in its new shape. When it is brought down my hon. friend can take such a course with reference to it as he thinks fit, but in the meantime it would facilitate the business of the House if my hon. friend will allow us to get the measure into the shape which we desire.

HON. MR. POWER—I am always, I think, as willing as any other member of this House to facilitate the progress of public business but the hon. Minister of Justice knows, of course, that when a bill is read the second time the principle of that bill is supposed to have been approved of.

HON. SIR ALEX. CAMPBELL—I mentioned particularly that after the Bill was put into shape all objections would be considered to have been reserved.

HON. MR. POWER—I would then suggest that the better way would be to postpone the second reading of the Bill until we have it in the form in which it is intended to be passed.

HON. SIR ALEX. CAMPBELL—The same objection which would hold good now can be taken then.

HON. MR. AIKINS—If the Bill be not read the second time now the difficulty would be that we should have no way of substituting another bill in Committee, which we now could do.

HON. MR. POWER—Then on the understanding that the whole question can be discussed in Committee I shall not press the motion I intended making.

The Bill was read the second time.

BRIDGES OVER NAVIGABLE STREAMS BILL.

IN COMMITTEE.

The House went into Committee of the whole on Bill (V) "An Act respecting Bridges over Navigable Waters, Constructed under the Authority of Provincial Acts."

In the Committee,

HON. SIR ALEX. CAMPBELL said that in order to make it more clear that the Bill was only to refer to bridges which might be constructed after the passage of it, he proposed that the committee should insert the word "hereafter" after the word "Bridges," in the first clause ; such a change he considered would make it perfectly plain.

HON. MR. POWER asked if the Minister of Justice would kindly explain, while the Bill was in Committee, what was meant by the word "navigation;" whether it might mean navigation by a canoe. In that event he considered it would be objectionable, and thought it was the duty of the Government to make the law clear, so that ordinary men not gifted with the knowledge of judges of the Supreme Court, would be able to understand it. For his own part he did not lay claim to an unusual amount of common sense or knowledge of law, and he could not tell from reading the Bill to what waters it was intended to apply.

HON. SIR ALEX. CAMPBELL did not think there was any force in the objection taken by the hon. member from Halifax, and said it was for the law to interpret the meaning of the word "navigation." The hon. gentleman, if he had been in the House of Commons when the British North America Act was passed might just as well have taken exception there to the language of the 91st clause, which was precisely the same, and which uses the word "navigation." He thought few people would contend that the word navigation would mean by canoe, or that it would refer to a stream a few inches deep,

which could only be navigated by such frail craft. He (Sir Alex.) would interpret the word in connection with commerce, and it was in that sense that courts of law had interpreted it. He asked the hon. gentleman from Halifax (Mr. Power) what construction he would put upon the word, whether he would say that it should only apply to vessels of five, ten or twenty tons. He would like to know on what authority or sound reasoning his hon. friend could base such a limit.

HON. MR. POWER said it was not his duty to fix any limit, though he could readily make a suggestion; he would say, for instance, that no stream should be considered navigable through which a vessel drawing so many feet of water—say six feet—could not pass.

HON. SIR ALEX. CAMPBELL pointed out there was a difficulty in that at once. Vessels going down the Red River, for instance, only drew two or three feet of water. Then on the Mississippi River, which at some periods of the year is an enormous sheet of water, vessels sometimes find only a depth of six inches. He himself had passed down the Mississippi River when the vessel in which he was, drew only two feet of water, yet that was a navigable stream. The moment one attempted to define the word navigation, he would immediately get into some difficulty from which he would find it hard to extricate himself. No doubt the word was intended as applied to the commerce of the country, and as the House was acting under an Imperial statute in which the very same expression was used, he did not see any grounds for the hon. gentleman's objection.

HON. MR. POWER thought that the Bill was framed to meet the circumstances of Manitoba and the North-West more particularly. Nova Scotia was intersected in a greater degree than any other Province of the Dominion, by streams which were not large, but which were still navigable for small craft, and the local government were in the habit of constructing bridges over them. If such bridges should be broken by a storm, or allowed to fall into decay so as to become impassable, it would destroy communication between different parts of the country. Under this Bill the

local authorities, before they could reconstruct a bridge of that sort, would have to come to Ottawa and submit plans of the bridge to be substituted for the one destroyed. Then the probabilities were that the engineer of the Department would be employed somewhere else and would not be available. In all probability the Minister would be in England, or out in British Columbia, or somewhere else. But, supposing the Minister to be in his office, and having time to attend to the matter, the engineer of the Department would in all probability have to send an officer down to see whether it would interfere with navigation or not, and in that way time would be lost and a great deal of inconvenience would be experienced. It was causing the local authorities unnecessary inconvenience and expense. It seemed to him that the Government should enact the substance of the sixth section, and merely say that any bridge erected under a local authority which is found to interfere injuriously with navigation may be removed or altered by authority of the Governor in Council, or of the Railway Committee of the Privy Council. Otherwise there would be an unnecessary interference with the local authorities, which would be objectionable legislation. The measure should be to provide that when navigation is interfered with the obstruction may be removed; that was all that was necessary.

HON. SIR ALEX. CAMPBELL hoped that before his hon. friend (Mr. Power) had occasion to draw bills of this kind some years of experience would have passed over his head, because he could not but think that the measure proposed by the hon. gentleman would be rash and would never be adopted by Parliament. The suggestion was that instead of examining the plans of a bridge beforehand and preventing unnecessary expenditure, the authorities here should remain passive and allow the bridge to be built, and after the money had been expended, if it was found to interfere with navigation they should proceed to pull it down. It would be rash and tyrannical legislation, and it would be thought so by the hon. gentleman himself if proposed by the Government. If the Engineer of the Department should be at liberty to go and inspect all the bridges in

a province and pull down those which interfered with navigation, there would be an outcry at once.

HON. MR. POWER—That would be giving the Bill a retrospective effect.

HON. SIR ALEX. CAMPBELL—Said it would be equally tyrannical if it were merely prospective. It would be permitting people to invest large sums of money in those structures when they might be compelled to pull them down afterwards. The Bill before the House threw the responsibility on the Executive of the country, who were answerable to Parliament for the exercise of their power. It required them to see before hand, that no obstruction to navigation was caused by these structures.

HON. MR. POWER said the operation of such a measure as he had suggested would be something like this: the bridge would be constructed under the direction of a provincial engineer who would see that it did not interfere with navigation. It would obviate the necessity of submitting the plans to the Department here; and when it was understood that if the work was found an obstruction to navigation, it would have to be removed, the engineer on the spot would take care to see that it was properly constructed. When it appeared from actual experience that a bridge interfered with navigation, then it would be time enough for the Federal Government to order that it should be changed.

HON. MR. MACDONALD—It would be too late then: the money would have been expended.

The second clause, as amended, was adopted.

On the third clause,

HON. MR. DICKEY inquired whether the Minister of Justice really considered this clause necessary. It applied to bridges built under the authority of a provincial act, yet it proposed that the plan should be deposited with the Secretary of the Railway Committee of the Privy Council, and that six weeks notice should be given in two newspapers, and in the *Canada Gazette* and also in the *Provincial Gazette*. Now he thought there was no

necessity for publishing the notice in the *Canada Gazette*. Where a bridge is to be built by a province it must be assumed that the power to construct it would not be given if it interfered with local rights. The six weeks notice involved not only delay but serious expense, and there seemed to be no necessity for all these formalities, since the Bill required that the plans of the structure should have the approval of the Governor-in-Council. People in the vicinity of the bridge could not be taken by surprise because its construction would be under an Act of the local legislature. In the lower Provinces the season for building bridges was short and these formalities would involve the loss of two months time at least, and postpone the completion of the work for a whole year. There was sufficient protection to the people of the locality afforded by the Act of the Legislature of the Province, and the navigation of the stream was protected by the plans deposited in the Department at Ottawa.

HON. SIR ALEX. CAMPBELL did not know what the precise object was in inserting that provision in the Bill, but he presumed it must have been with a view to giving those interested in navigation an opportunity of looking at the plans and contesting, if they desired, the point whether it did or did not interfere with navigation. The plans would be of great interest to those navigating the stream to be bridged, and they would naturally desire to see them, and if necessary to remonstrate against the building of a bridge which would be an obstruction. Without notice in the papers how were they to know when the plans would be seen. He did not see any occasion for putting the notice in the *Canada Gazette*, but it might be desirable to publish it in the local papers, so that those interested in the navigation of the stream, could see them.

HON. MR. POWER concurred in the opinions of the hon. Senator from Amherst.

HON. SIR ALEX. CAMPBELL moved that the words, "and in the *Canada Gazette*," be struck from the clause.

The motion was agreed to, and the clause as amended was adopted

HON. MR. WARK from the committee

reported the bill with amendments, which were concurred in.

RIGHT TO WOUND PRISONERS
BILL.

IN COMMITTEE.

The House resumed in Committee of the Whole, consideration of Bill (S) "An Act to define the right in certain cases to assault, wound or kill certain prisoners."

HON. SIR ALEX. CAMPBELL said that after considering the definition of the term "officer of the law" suggested by the hon. Senator from Halifax (Mr. Power) he had come to the conclusion that it would be better to adhere to the interpretation in the Bill which was as follows :

"Officer of the law includes not only the person having the legal custody of the prisoner, but also the persons employed under or assisting him in connection with the place of imprisonment."

If an attempt were made to go into details some officer might be omitted, and instead of making the clause more thorough it would be made less satisfactory.

HON. MR. POWER said his object was to meet the cases where persons were called in to assist the officers of the law. It would hardly be wise to give such persons the power conferred by this Bill upon constables and other officials.

On the second clause,

HON. MR. HOPE objected to the following proviso at the end of the second clause :

"Provided always that before firing at the prisoner the officer do order him to be and remain still on pain of being killed, and the order be disobeyed."

He thought the guards should be required to call loud enough for the prisoner to hear them. These escapes from constables were generally through the carelessness of the officials themselves, and to give them this power to kill escaping prisoners was a cruel and bloody system of legislation, and would render the officers more careless than ever, because they would say, "we are authorized to shoot them if they attempt to escape."

HON. MR. WARR.

HON. SIR ALEX. CAMPBELL said the Bill was really not intended to permit cruelty to prisoners, nor could it be used in such a way as the hon. gentleman suggested. How could it be known whether a convict heard the warning of the guard or not? The prisoner could not be compelled to reply. The Bill was designed to prevent the escape of convicts, who were themselves given to violence and were very often unruly and truculent fellows—the worst class of people we have—and it was necessary to give the guards this power to prevent escapes.

HON. MR. HAYTHORNE considered that so far from this being an inhuman regulation it, was just the contrary, because if those convicts thoroughly understood that they could not attempt to mutiny without endangering their lives they would be less likely to create a disturbance. It was quite right and proper that the guards in penitentiaries should have this protection. If he (Mr. Haythorne) were responsible for such a measure as this he would be inclined to drop the proviso from the Bill altogether on the ground that it would render it less probable that the convicts would attempt to mutiny.

The clause was adopted.

On the third clause.

HON. MR. KAULBACH said the language of sub-section *a*, of the second clause, would authorize the shooting of a prisoner in case of an attempt on the part of others to rescue him from the officers. The man might be perfectly innocent, and yet his life might be taken because of the attempt to rescue him.

HON. SIR ALEX. CAMPBELL said that sub-section *a* referred to the action of the prisoner.

The clause was adopted.

On the fourth clause.

HON. MR. DICKEY wished to know why larceny was omitted from the list of crimes.

HON. SIR ALEX. CAMPBELL—Because larceny is sometimes a very small affair.

HON. MR. ALMON suggested that for the same reason shop-breaking should be left out.

The suggestion was adopted and the clause was amended by striking out the words "shop-breaking,"

HON. MR. POWER thought that the proviso requiring an officer to call to an escaping prisoner to remain still on pain of death before firing should be added to this clause.

HON. SIR ALEX. CAMPBELL said he would add it to the three clauses.

The amendment was made accordingly and the clause as amended was adopted.

HON. MR. BOYD from the Committee reported the Bill with amendments, which were concurred in.

FELLOWES MEDICAL MANUFACTURING COMPANY'S BILL.

SECOND READING.

HON. MR. ALLAN, in the absence of Hon. Mr Ryan, moved the second reading of Bill (105), "An Act to amend the charter of the Fellowes Medical Manufacturing Company." He said the object of the Bill was simply to provide that a majority of the Directors need not be British subjects.

The Bill was read the second time.

ST. LAWRENCE RIVER IMPROVEMENT BILL.

SECOND READING.

HON. MR. AIKINS moved the second reading of Bill (130), "An Act to make further provision for the improvement of the River St. Lawrence between Montreal and Quebec." He said: This is a Bill to authorize the Government to issue debentures in the manner prescribed by the Act 36 Vic. cap. 60, to an amount not exceeding \$280,000 for the improvement of the St. Lawrence River below Montreal. By that Act provision was made for issuing debentures to the extent of \$1,500,000, and the ship channel below Montreal is now 25 feet in depth. The whole of this

amount has been expended, and some five or six hundred thousand dollars of it went to purchase plant. It is believed that over \$200,000 will be recouped to the Government by the sale of this plant.

The Bill was read the second time.

HALIFAX HARBOR MASTER BILL.

SECOND READING.

HON. MR. AIKINS moved the second reading of Bill (140), "An Act to amend the Act 35 Victoria, Chapter 42, respecting the appointment of a Harbor Master for the Port of Halifax." He said: This Bill amends the Act in two particulars. One is a different classification of the schedule of fees to be charged on vessels.

HON. MR. POWER—Does this Bill propose to reduce or increase the fees?

HON. MR. AIKINS—It does both. Under the provisions of the old Act, every ship of 200 tons register or under was charged \$1; from 200 to 300 tons, \$2; from 300 to 400 tons, \$3; over 400 tons, \$4. Ships engaged in trading between ports of the Dominion or in the fishing trade were exempt from fees. Under the provisions of this Bill, all vessels under twenty tons register are exempt, and it is supposed this is about the tonnage of the craft engaged in the fishing trade. I am told that, so far as the summing up of the whole is concerned, there will be very little difference in the fees. The other provision is with regard to the entry. Under the present Act, a ship can make the second entry one year from the date of the first. Under the provisions of this Bill it must be within the then calendar year. If the vessel comes into the port a second time during the calendar year, the fees must be paid the second time.

The Bill was read the second time.

QUEBEC HARBOR BILL.

SECOND READING.

HON. SIR ALEX. CAMPBELL moved the second reading of Bill (129), "An Act further to amend the Acts to provide for the improvement and management of the harbor of Quebec." He said:—This Bill

proposes to enable the Government to raise an additional sum of money not exceeding \$375,000, to be advanced from time to time to the Quebec harbor commissioners to complete certain works.

The Bill was read the second time.

THREE RIVERS HARBOR BILL.

SECOND READING.

HON. SIR ALEX CAMPBELL moved the second reading of Bill (128), "An Act to provide for the improvement and management of the Harbor of Three Rivers." He said:—This Bill proposes to establish at the Harbor of Three Rivers, in a modified way, a commission similar to those at Montreal and Quebec. These commissioners are to have a secretary-treasurer, who may be paid a salary, and whose compensation is to be fixed by them, subject to the approval of the Minister of Public Works, but he is the only officer in the Corporation who is to receive a salary. The chairman and members of the commission are to serve gratuitously. Their powers are similar to those of the commissioners at Montreal and Quebec.

The Bill was read the second time.

The Senate adjourned at 5.50 p.m.

THE SENATE.

Ottawa, Monday, April 24th, 1882.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

EXTRADITION ACT AMENDMENT BILL.

FIRST READING.

HON. SIR ALEX. CAMPBELL—I beg to lay on the table of the House a despatch from the Colonial Office on the subject of the Extradition Act passed in this Parliament in the year 1877. I do so preparatory to the introduction of a Bill, in order that the House may understand the nature of it, and with the permission of the House I will add to the despatch

on the table some other papers which I am expecting every moment. I beg to introduce Bill (W), "An Act to Amend the Extradition Act of 1877."

The Bill was read the first time.

MONTREAL TELEGRAPH COMPANY'S BILL.

SECOND READING.

The order of the day having been called for resuming the adjourned debate on the Hon. Mr. Ferrier's motion for the second reading of Bill (96), An Act to consolidate and amend the Acts relating to the Montreal Telegraph Company."

HON. MR. KAULBACH said—While this measure was under discussion on the second reading on Friday, my hon. friend the leader of the Opposition gave us very conclusive reasons why this House should pause and consider what policy should be adopted with regard to the telegraph system of the Dominion—whether we should go on multiplying companies, giving them new powers and thereby diminishing the control which we should in future have over those companies, or whether the Government should step in now and take the control of the telegraph lines into their own hands. It is quite evident from what my hon. friend then showed us that legislation such as this Bill now before us, must embarrass us very greatly in the future if it should be found necessary for the Government to take possession of the telegraph system. My hon. friend referred to the experience of England, and showed us that every change made towards the consolidation and amalgamation of telegraph companies in that country tended to increase the nominal value of the stock, and that when the Government stepped in to take over the system it was found necessary to pay a larger amount for it than the actual value of the property, owing to the fact that the stock had been largely watered. We should consider well, before passing this Bill, whether we should not follow the example of the mother country and assimilate the telegraph to the postal service. This course has been adopted not only in England but all over Europe, with great advantage to the public, by reducing

the cost of telegraphy, and by giving a large revenue to the country. This Bill now under discussion appears on the face of it to be a harmless measure, and one of comparatively small importance, but it confers some extraordinary powers—powers which have not been given by this Parliament to any company heretofore, and which may prove injurious to the Dominion in the future. The policy of the Committee on Railways, Telegraphs and Harbors during the present session has been to discountenance the amalgamation of companies, and this Bill seems to be in direct violation of that policy. It would be well for the Government to consider whether they should take a new departure, and I think no better time than the present could be found for doing so, because the value of the stock of these companies is daily increasing, and the business of the telegraph lines is growing in a ratio far in advance of our postal system. The question is whether we cannot buy up those lines, and assume the control of the telegraph system of the country much better now than at any future time. Probably they could be secured now for a sum not exceeding two or three millions of dollars, but if we allow these companies to go on watering their stock and placing fictitious values upon it, we will find every year greater difficulty in pursuing such a policy. It is a question whether the Government should pursue that course, or undertake to construct a line of their own, which probably could be done much cheaper than purchasing existing lines. It seems to me, however, that they could hardly construct a rival line without compensating existing companies whose business would be affected by it. Parliament having given them a legal *status*, they would contend that their rights should not be interfered with. My impression, from all the information I can get, is that if the telegraph lines were controlled by the Government, a tariff of 12½ cents for ten words would not only cover all expenses, but yield a good revenue to the country. If we pass this Bill we are, in effect, handing over the telegraph system of this country to the Western Union, which virtually controls nearly the entire telegraph system of the United States, and is absorbing all other companies in this country. The Great North-Western Telegraph

Company is in itself, financially, a very small organization compared with the Montreal Telegraph Company, and instead of absorbing the latter, is merely placing it in the hands of the Western Union Company. If the Government cannot see their way to assuming the control of the telegraph system and incorporating it with the postal system, then I am not prepared to vote against this Bill because it defines to a large extent and limits the tariff, and it would not be fair to refuse this legislation since we have already given similar power to the Dominion Telegraph Company. I would ask hon. gentlemen from various parts of New Brunswick and Nova Scotia to consider whether under this Bill there would really be a uniform tariff. In Nova Scotia we have the Western Union Company whose lines extend as far as Halifax and Sydney, Cape Breton. There is no doubt the Dominion Telegraph Company having amalgamated with the Western Union there may be an uniform system wherever their lines extend, but I do not know whether under this Bill there is any guarantee that uniform rates will prevail throughout the Eastern provinces, and it will be the duty of the Railways and Telegraphs Committee to see that so far as Ontario, Quebec and the Lower Provinces are concerned no portion of the country shall be placed at a disadvantage. I would much prefer to have the telegraph system controlled by the Government and assimilated to the postal system, and I do not see any difference between them. In either case it is transmitting messages: in the one by letter, in the other by wire, and I do not think it would be wise to have all our telegraphic correspondence open to the inspection of foreigners. One reason which is urged in support of this Bill is, that if we refuse this legislation it may prove injurious to the holders of the Montreal telegraph stock, because this Parliament having sanctioned the amalgamation of the Dominion Company with the Western Union it would virtually place the Montreal Telegraph Company at the mercy of their rivals. The Western Union having control of the United States' telegraph system and of the Dominion line, could say, "We will give sole connection to the opponents of the Montreal line, as well as connection with the cable system," and without American and cable connections the Mon-

treil Company could hardly exist. I do not think it would be fair for us to pursue a course which would have that result. Of the business done over the telegraph lines in the Dominion, 72 per cent is from point to point within the Dominion, and there is only about 20 per cent. in connection with points in the United States; the balance, 8 per cent., is over lines in connection with the cables. Mr. Gisborne, Superintendent of the Government Telegraph and Signal Services, was invited to attend the meeting of the Standing Committee on Railways, Telegraphs and Harbors, when the American Telegraph and Cable Company Bill was before it, and he then made a statement of the receipts and expenditures relating to the Montreal and Dominion Telegraph Companies, and the general effects of amalgamation, and pooling arrangements in relation to cable as well as other messages. The following was Mr. Gisborne's statement, made in my hearing as a member of the committee:—

“The gross revenue of the Montreal Telegraph Company during 1880 under a 20 cent tariff for a ten word message was \$550,840 versus an expenditure of \$358,676, which left a profit of \$192,163. That the company paid a dividend of 7 per cent to shareholders and carried an unexpended balance of \$21,541 to their reserve account, which then amounted to \$166,010. The gross revenue of the Dominion Telegraph Company for the same year was \$229,994, and that for the last half year prior to absorption by the American Union Company it had paid 2½ per cent. dividend to shareholders, 6 per cent. per annum upon its bonds, and carried \$1,954 unexpended balance to the revenue fund. That the combined business of the two companies under a 20 cent tariff amounted to \$780,834, versus an expenditure of about \$508,000, and this irrespective of the Nova Scotia and Through New Brunswick business, which belonged to the Western Company. That by increasing the tariff rate from 20 cents to 25 cents for ten words plus increased night message rates, the revenue from Canadian business would exceed \$1,000,000 for the year 1881-82, while the expenditure would be decreased at least, \$50,000 from closing duplicate offices and abolishing dual management, that the general result would leave a profit of \$550,000 at the disposal of the Great North Western pocket corporation, and would be thus disposed of: 8 per cent to the Montreal Telegraph Company upon \$2,000,000, \$160,000; 6 per cent to the Dominion Telegraph Company upon \$1,000,000, \$60,000; 6 per cent to the Dominion Telegraph Company upon bonds or \$292,000, \$17,520;

to which add \$100,500 as a three per cent renewal fund for the reconstruction of land lines upon a total cost estimate of about \$3,350,000, or in all an outlay of \$338,000 per annum, thus leaving from \$200,000 to \$250,000 net profit per annum for distribution among the holders of the nominal half million dollar capital held by the Great North Western Telegraph Company.”

Now these are very important figures, and are not only contained in the reports of these companies, but are certified to by their secretaries and are therefore indisputable, showing to a large extent what the actual revenue of the telegraph companies was even at the rate of twenty cents for ten words, and with duplicate offices established in so many places. All this goes to show the necessity for the Government and the Parliament of the Dominion considering whether we should allow these companies to go on increasing their stock from year to year and rendering it more difficult for the Government to assume control of the telegraph system. I agree with the leader of the opposition in thinking that the 13th clause of this Bill gives very large powers to the company. It is as follows:—

“The Company shall have power and authority to purchase or lease for any term of years any telegraphic line established at the time of the passing of this Act, either in Canada or in any other British possession, or in the territory or territories of any foreign power or State, connecting, or hereafter to be connected with any line which the Company has constructed or is authorized to construct, or to purchase or lease for any term of years, the right of any Company to construct any such telegraph line, and shall also have power to amalgamate with, or to lease its line or lines or any portion thereof from time to time to any Company, Board, or persons at the time of the passing of this Act possessing as proprietors any line of telegraph either Canada, or in any other British possession, or in the territory of any foreign state or power, whether on the continent of America or in any other part of the world, and also to enter into any arrangements with any person, Board or Company possessing as proprietors any line of telephonic communication or any power or right to use communication by means of the telephone or other similar apparatus, upon such terms and in such manner as the Board of Directors may from time to time deem expedient or advisable.

These are extraordinary powers, such as I have never before seen in any Act of incorporation presented to this Parliament. Notwithstanding the character of this

Bill, I am not disposed to offer any opposition, when I consider the fact that the tariff cannot exceed 25 cents for ten words, and that we have already given similar powers to the Dominion Telegraph Company. The leader of the Opposition showed us plainly, last Friday, the advantages of the Government controlling the telegraph system by the results which had followed such a course in European countries. He showed us that in Belgium, before the Government took possession of the lines, the charge was two and a-half francs for twenty words, while now, some twenty years later, it is but eight cents for twenty words. In Switzerland it has been reduced from one franc to half a franc, and in France to sixteen cents for twenty words. A private company investing capital in the construction of telegraph lines will maintain as high a rate as possible in order to get the largest return from the investment; and it is therefore but natural that, if the Government controlled the entire system, the rates would be lower; instead of having duplicate offices in various parts of the Dominion, the Government would have but one in each place, and the work could be done more economically and efficiently than by any private company. While I should prefer to have the telegraph lines controlled by the Government, I am not blind to the fact that the consolidation of telegraph companies tends to speed, accuracy and efficiency. The present telegraph system is recognized by business men as more efficient than any that preceded it, and if the amalgamated companies attempt any unfair discrimination against any portion of the country the Government can step in and assume control. I am not inviting hostility to this measure, because with my present views I shall support it; but I am convinced of the desirability of the Government assimilating the telegraph with the postal system. These corporations exercise great influence over the press of the country, and over Parliament itself. They influence the public mind and through it the legislation of Parliament, and that is another and strong reason why the Government should take action in the direction which I have indicated without delay. However I shall vote for the measure since it would be unjust to the Montreal Company to refuse it powers which we have granted to a rival organization.

The Bill was read the second time.

HON. MR. CARVELL rose to move that the Bill be not now read the second time but that it be read the second time this day three months.

THE SPEAKER announced that he had declared the motion for the second reading carried.

HON. MR. BOYD moved that the Bill be referred to the Standing Committee on Railways, Telegraphs and Harbors.

HON. SIR ALEX. CAMPBELL said the motion for the second reading had certainly been declared carried; but if the hon. Senator from Prince Edward Island wished to oppose the Bill he could move in amendment to the motion now before the House that the Bill be not referred to the Committee on Railways, Telegraphs and Harbors.

HON. MR. CARVELL asked if, in assenting to the reference of the Bill to the Committee on Railways, Telegraphs and Harbors, any member of the Senate would be debarred from discussing the merits of the Bill when it was reported from Committee.

HON. SIR ALEX. CAMPBELL said it would be open for any one to oppose the Bill at a future stage.

The motion was agreed to.

RIGHT TO WOUND PRISONERS' BILL.

THIRD READING.

HON. SIR ALEX. CAMPBELL—I understood that when this Bill was before the Committee of the whole House, that an amendment should be prepared to apply the proviso, which appears in the printed copy at the end of the second clause, to the whole Bill. I have had such an amendment made. The proviso at the end of the second clause is stricken out altogether, and instead of that I have introduced clause A to come in between clauses 5 and 6. Clause A. reads as follows—

“In any of the cases mentioned in the

2nd, 3rd and 4th sections of this Act the officer shall not fire at, wound, or kill the prisoner, unless he order the prisoner to be and remain still upon pain of being fired at, and such order be disobeyed."

That I believe will have the effect of meeting the views of the hon Senator from Halifax, who, I think, proposed to add it to the third clause, and will afford a safeguard as to the powers given in any of the cases mentioned in the Bill. I move that the Bill be not now read the third time, but that clause A be added to it.

HON. MR. READ—I should like to ask what is the meaning of the words "superior officer" in the 5th clause, because he appears to have to give the order to fire.

HON. SIR ALEX. CAMPBELL.—The Bill speaks of a constable, jailer or guard employed in the custody of a prisoner, and the superior officer would be the warden or deputy warden, or any officer above the man, who would be present. It might happen in a penitentiary, for instance, that the person who was about to fire would not be the one to exercise the discretion, but if there was a superior officer present—the warden or deputy warden—he should have the discretion to say "fire," the same as the officer of a company of soldiers should exercise such discretion.

HON. MR. READ—If there was no superior officer present, would the man himself have the right to fire?

HON. SIR ALEX. CAMPBELL.—Yes.

HON. MR. READ—I most decidedly object to the clause. Under it an officer of the law having the custody of any one charged with a serious offence would have the right, in case the prisoner tried to escape, to shoot him. I think that is making too free use of fire-arms, before a conviction at all events. I consider life is too sacred a thing to be lightly put in danger, yet here, before conviction, an officer taking a man to gaol—who has not been convicted or tried, but is simply charged with one of these offences—if that man so charged attempts to escape, the constable may kill him.

HON. SIR ALEX. CAMPBELL,

Now, it seems to me that this is legislation of a character which will not commend itself to most thinking men: I maintain that no man should be allowed or should have the right to take the life of another without great provocation. I am not averse to the criminal law, but I look upon this matter from the point of view of simple humanity, and I think the use of fire arms should be discountenanced rather than encouraged. I had the honor to introduce a Bill a few years ago, discouraging the use of fire arms, and I was very proud to find that the Government of the day took the matter up and made it law. It is a very dangerous thing to allow the indiscriminate use of fire arms, and I will give a case in point. A constable has perhaps arrested a man charged with one of these crimes, and this same man was under arrest previously and had escaped this constable. The constable, remembering his previous escape, and being armed with the power which this Bill gives, may be a little careless in guarding the prisoner, and says to himself "Now I have got power under the law you will not get away." The prisoner on his way to gaol thinks to himself, "I escaped once and will try it again;" and when he attempts to do so the constable gives him a little lee-way, knowing that he can shoot him, and that the law will be on his side. Now, we are placing this power in the hands of these men, and constables are not the most scrupulous class; besides they are sometimes cowards. It may even happen that a prisoner will be allowed a little latitude, and if he should take advantage of it, will be shot down. Then I must say that some of these crimes are hardly sufficiently serious. We will take shop-breaking or house-breaking.

HON. SIR ALEX. CAMPBELL.—Shop-breaking is struck out.

HON. MR. READ—No, I think not,—this is the amended report of the Committee of the Whole.

HON. SIR ALEX. CAMPBELL.—When it came to be considered, the words "shop breaking" were stricken out.

HON. MR. READ—Then here is the crime of abortion or attempt to procure

abortion: a man may be charged with this crime who knows he is innocent; he would like to get away, and the constable who has him in charge may be young and inexperienced, or perhaps he is very careless, and knowing that he has the means of stopping the prisoner may allow him to have a certain start. I think it is a most unwise thing to allow such men to carry in their hands an Act of Parliament which will justify them in killing a prisoner without sufficient cause. Perhaps, at the time, they may shoot, not wishing to kill the man, but the wounds will have that result. The crime of robbery is also mentioned. Now, a man may take another man's watch or his handkerchief, which latter would come under the head of robbery from the person; he would be arrested, and on attempting to run away the constable would be allowed to kill him. I hope the Minister of Justice will take this into consideration, as I think this law, if passed, would give very great encouragement to that class of men to use fire-arms indiscriminately. Of course, it is but right that constables should be armed, but the use of these arms is another thing, and should be surrounded by every precaution. Since the American war this vicious system of carrying pistols has become very common, even boys are in the habit of carrying them, and though the law now prohibits that practice it should go much further. I trust the Minister of Justice will eliminate that portion of the law which allows a constable to kill a man where perhaps such a serious course need not be taken.

HON. MR. KAULBACH—The greater portion of this power is, by law, already granted to public officers. An officer in charge of a prisoner has a right to use force and to go to extremes if necessary to carry out his warrant or to hold the prisoner. It seems to me this Bill does not give so much power as otherwise would be the case. Even a man acting under a civil process has a right to execute it, but this is more particularly the case in the criminal process: and if an officer of the law arrests a man he has the right to go to extremes,—particularly if force is brought against him. I think this law in the first instance was intended to apply to persons in public institutions, such as penitentiaries, where I have heard it said

the prisoners are allowed to use knives and other such utensils, and where they might, by a sudden rising, make their escape. The officers having authority to use their firearms might instantly quell any such attempt; but perhaps it would have been better to have confined it more closely to such cases. However my hon. friend will see that after all there is not so much greater power given to the constables than is already possessed by officers charged with executing either a civil or a criminal process.

HON. MR. DICKEY—My hon. friend who has just sat down has used an argument which I feel will not commend this Bill to the House. He says that there is power already given by the common law. He is quite correct and I called the attention of the House to that on a former occasion. My hon. friend therefore is in this dilemma; if he supports this Bill he will support it without any necessity, because if the power exists already by the common law where is the necessity for this Bill? My hon. friend must recollect that although, as he says, it provides for special cases it is not confined to these cases. If he looks at the last clause he will find that it is a cumulative Bill and that it leaves in force all the provisions of the common law. The hon. gentleman from Belleville (Mr. Read) seems to be in the same difficulty as to these firearms, and he referred to the action he took on a former occasion in reference to the carrying of firearms. We passed that Bill to give power to the constables to take these firearms, and I suppose this Bill is passed with a view of giving them power to use them. Under the provisions of the former law these firearms were confiscated and now we have a Bill to enable the constables to use them; having passed a law already that the firearms instead of being confiscated should be handed over to the constables. There is another point to which I wish to call the attention of the House; my hon. friend has asked a question as to who is a superior officer and what his functions are? If he looks at the Bill he will find that by the first clause and afterwards in the second section it is not necessary at all to have an order from a superior officer, because it provides that a person may lawfully shoot in any of the following cases.

(a) Where there is imminent hazard that such prisoner will escape or successfully resist or elude recapture unless he be assaulted, wounded or killed;

(b) Where there is imminent hazard that a mutiny as aforeside will take place unless such prisoner be assaulted wounded or killed;

(c) Where such mutiny is in progress;

(d) Where the officer has been ordered so to do by his superior officer.

Now it is quite clear that in this Bill, in any of these cases, a constable may shoot where he is ordered to do so by a superior officer, although there is no imminent hazard or any danger of mutiny. That same provision runs through the other sections, and my hon. friend will not, I hope, be put off by the explanation that a superior officer means a person higher than the man who shoots; because he ought to understand that under this Bill a superior officer may order these firearms to be used where there is no danger at all. This is an additional reason why we ought to resist giving those exceptional powers. I merely call the attention of the House to it because I think it is right to do so, although I shall not oppose the third reading of the Bill.

HON. SIR ALEX. CAMPBELL—The hon. gentleman from Amherst is mistaken in supposing that a superior officer may order an inferior to fire without the same protection which would guide the man himself. If he will read the fifth clause he will find that

“A superior officer may lawfully order his inferior officer to assault, wound or kill a prisoner in any of the cases mentioned in the second, third and fourth sections of this Act.”

So that an officer can only give an order to shoot when he sees that something is happening which is described in sections three and four, which provide for such action. We will suppose that there are two, three or twenty men in charge of convicts and the officer in charge of them must judge whether circumstances have arisen which would warrant the using of these weapons. It would not be competent for the privates—I use the term for the purpose of distinction—to determine amongst themselves whether the moment had arrived when it became necessary to fire. It would be natural and proper for the officer in charge to do so, and he would be better able to judge whether the circumstances warranted this

extreme measure. Section four clearly prescribes the action to be taken by such officer, and is as follows:

“Any officer of the law may, for the purpose of preventing the escape, while being lawfully taken to or from a place of imprisonment, of a prisoner held under process of criminal law, before the conviction of such prisoner, or of effecting his recapture after such escape, lawfully assault, wound or kill any such prisoner in any of the following cases:

“(a.) Where such prisoner is charged with any of the following crimes, viz.:—Treason, murder, attempt to murder, conspiracy to murder, manslaughter, rape, abortion or attempt to procure abortion, burglary, house-breaking, shop breaking, arson, robbery, piracy, criminal scuttling or destroying a vessel at sea or on the great lakes of North America, or attempting or conspiring to do so; and where there is imminent hazard that such prisoner will escape or successfully resist or elude recapture unless he be assaulted, wounded or killed.”

He would have to assume the responsibility and would say: “Here is a mutiny and my judgment is that unless I take immediate steps this mutiny will be successful.” He would then give the order to fire and would be justified in doing so; but the privates would not be called upon, nor would they have the right, to exercise their own discretion at all. Therefore I think that portion of the Bill is not open to unfavorable criticism, because it seems to me that it leaves the responsibility on the officer in charge which, in my opinion, is an advantage and a safeguard. I think my hon. friend from Belleville (Mr. Read) cannot have been present when the Bill was discussed before the Committee because we went over this very point.

HON. MR. READ—I was not.

HON. SIR ALEX. CAMPBELL—We went over this question thoroughly, and the Bill was amended in order to meet the exception that was taken to it, in that respect, by the leader of the Opposition,—that whatever might be proper with reference to persons absolutely convicted or imprisoned, some additional safeguards should be placed around those who are not convicted, but are merely on their way to prison; and that there should not be liberty given to any one to fire at such unconvicted person, unless he were accused of some very serious crime. The hon. gentleman then suggested that this class

of crimes should be defined, and therefore I particularly mentioned in this Bill the various crimes by name. My hon. friend said that one of those crimes might not be a very serious offence: while it might happen that it might not be, and a man might be accused unjustly, on the other hand it is very necessary that every pains should be taken to prevent such a prisoner from escaping. I think the natural tendency of human nature is not to try and escape when conscious of innocence; it is rather the case that the guilty man is the one who is eager to evade the consequences of his crime; and rather than let such a man escape it is desirable that a constable, or officer in charge of a party, should have the right to use his fire-arms. That is particularly the case in some parts of the country; I may mention the North-West, where at present they have to take prisoners 600, and sometimes as much as 1,000 miles from where the crime is committed, before they reach the place of imprisonment. They have to cross a large extent of country, the guard being often alone in charge of a prisoner; and unless we have some such power of stopping an escaping prisoner as is provided by this bill, it will be very difficult to carry on the ordinary administration of justice. As I mentioned, when the Bill was before the House for its second reading, it was on account of difficulties occurring in the North West that I introduced the Bill this session, instead of leaving it, as I first intended, to be incorporated in the general Criminal Law, which is now in progress of being consolidated by Mr. Cockburn, the Commissioner. It might have embraced such cases as the present, among others; but in consequence of difficulties arising in the ordinary administration of justice in the far West, I was asked by the Hon. Minister of Interior to go on with the Bill, as it was necessary to meet the difficulties by some such provision. Then as to the use of the Bill; I do not know of any reason for apprehending that constables or others would be over eager to use the provisions of the Bill; on the contrary I think our experience is rather the other way. I believe that persons are not fired at unnecessarily, but that the man who has them in charge is always conscious of the responsibility involved, knowing that he will have to answer to

the law or his superior officers if he goes beyond his duty. I think, therefore it is desirable that we should have some such provision as the one now proposed. Of course the use of firearms under the circumstances is not open to the objection that the hon. gentleman (Mr. Read) speaks of; it is not putting arms, as he says, indiscriminately into the hands of persons, but on the contrary we discriminate very closely. The person is designated by the expression "constable" or "person in charge of prisoner," and the occasions upon which he may use fire-arms are as closely discriminated as they could possibly be. I therefore think it is safer to allow the Bill to go as it is. I have no objection to striking out the particular crime to which my hon. friend (Mr. Read) alluded, but my own judgment would be to leave the crimes as they are and to be content, as I think we safely may, that the provisions in the Bill would not be exercised wantonly but only where it became absolutely necessary to use them for the enforcement of the law, or for carrying a prisoner to the place where he is to be committed and to stand his trial.

HON. MR. DEVER—I do not wish to oppose the Bill because I think I can submit to what may be objectionable in it but in confirmation of the views taken by my hon friend from Belleville, I might say that a sad case occurred in my own province where it was alleged that an unfortunate young man had stolen a watch. A constable was sent, without a warrant, to hunt him up, and he arrested the supposed party. He had conveyed the prisoner a certain distance towards the station-house, when it would appear that the young man took it into his head that he would escape, and he made an attempt to do so. The constable in this case it must be remembered had no warrant for making the arrest, yet he turned round and shot the escaping man, killing him. He stood his trial for it in my province, and was acquitted, which shows clearly that there must be some law in force now giving authority to these constables to use fire-arms, even in cases of this description, before a warrant is granted or a trial is had. I often thought, in common with many others, that the law should not have given the constable

protection in such a case, but I do not see that this Bill touches the matter at all, as that law must have been in force before.

HON. MR. DICKEY—I think my point has not been very clearly understood. It was that without reference at all to “imminent hazard” under the provisions of this Bill a superior officer could order a constable to fire.

HON. SIR ALEX. CAMPBELL—No.

HON. MR. DICKEY—I think my hon. friend, if he will kindly look at the Bill, will find in the second clause :

“2. Any officer of the law may, for the purpose of preventing the escape from the place of imprisonment of a prisoner held under process of criminal law, or of quelling an actual or anticipated mutiny among two or more such prisoners held under process of criminal law, lawfully assault, wound or kill any such prisoner in any of the following cases :

(a) Where there is imminent hazard that such prisoner will escape or successfully resist or evade recapture unless he be assaulted, wounded or killed ;

(b) Where there is imminent hazard that a mutiny as aforesaid will take place unless such prisoner be assaulted, wounded or killed :

(c) Where such mutiny is in progress ;

(d) Where the officer has been ordered so to do by his superior officer.”

In all of those cases he can shoot, and that is the position I took. If there is any doubt about my view it is confirmed by the fifth clause which says that :

“5. A superior officer may lawfully order his inferior officer to assault, wound or kill a prisoner in any of the cases mentioned in the second, third and fourth sections of this Act.”

Therefore it comes exactly to the position that I took, viz. : that in any case,—without any hazard at all—a superior officer may order his inferior officer to shoot, and that protects the inferior officer ; that is the point I took.

HON. SIR ALEX. CAMPBELL—That throws the responsibility upon the superior officer.

HON. MR. DICKEY—Certainly, but as I explained before, it gives the superior officer, who is only an officer of the law,

the power to say whether the circumstances justify it.

HON. SIR ALEX. CAMPBELL—He exercises his discretion.

HON. MR. DICKEY—He can do it—that is the point I made, that he has power ; under this Bill he can order a person to shoot, although there is no imminent hazard of mutiny and no mutiny in progress. I do not know whether it ought to be so, but that is the provision in this Bill.

HON. MR. READ—I have heard nothing to convince me that an officer should have this power, or that it is right, proper or humane to shoot and kill an escaping man before he is tried and convicted—merely because he is charged with a crime.

HON. MR. DEVER—That is the law as in force now.

HON. MR. READ—I think you have quoted a case to show that it should be repealed, for life is too sacred a thing, as I said before, to be wantonly destroyed. The taking of life should result in severe penalties, and such power should not be put in the hands of any bad tempered constable, who, perhaps, will take little or no pains to hold his hand if his prisoner attempts to escape,—and the law would acquit him. I do think it is trifling with the life of the subject in a way that should not be allowed. For instance, a young man is charged with attempting to procure an abortion, or he goes into a house and steals a watch or a loaf of bread ; he may not have done it, but is charged with the offence and is arrested. He tries to escape, and the officer does not hesitate to shoot him down. These constables are of the lowest class, many of them are cowardly ruffians ; and such men knowing that they have this Bill to protect them care little whether they hold the prisoner or not, because they feel that his life is at their mercy. I do hope that the Minister of Justice will, in his wisdom, see that it is right to amend the Bill.

HON. MR. ALLAN—I think the hon. gentleman who spoke last has overlooked one consideration. He said a great deal

HON. MR. DEVER.

about the sacredness of life, and in all that I most cordially agree with him, but it seems to me that in his eagerness to protect life he fails to see that such is the very object of this Bill. It may be that if the man who has been taken into custody for some one of these crimes should escape, that perhaps the life of other persons would suffer at his hands. Suppose, for instance, a constable arrests a man who has been charged with several of these offences enumerated in the fourth clause; for aught we know the man may be very innocent, and though conscious of his innocence, may try to run away; but I think the probability is that an innocent man will be quite content to take his trial. On the otherhand there may be a hardened criminal who has made his escape many times before, and rather than allow such a man to get free I think the power given by this Bill should be used. Again, I do not think my hon. friend's description of the police force—the constables of the country—is at all a correct one, I do not believe they ought to be described—I speak under correction—but if I did not misunderstand the hon. gentleman, I think he applied the term ruffians to them. I do not think that, as a general rule, is a correct description of the police force of the Dominion. On the contrary, the force, and these constables who act as such throughout the country, do not merit any such term. It seems to me that my hon. friend—in his anxiety to prevent the possibility of a man being killed, who may turn out afterwards, on his trial, to be innocent of the offence—runs the risk of other very hardened criminals making their escape, and inflicting serious injury both upon the persons and property of innocent people. I think, however, that such men would be deterred from attempting to escape if they knew that constables possessed the power which it is proposed to give them by this Bill.

HON. MR. McCLELAN—I quite agree with very much that my hon. friend has said as to the danger of giving constables, who may not be well fitted to judge, the power to use fire arms; because it is placing them virtually in a judicial position, and I would have been better pleased if the Government could find it right to make these provisions apply only to convicted

persons. At the same time the Bill has been very much modified, and I am free to confess that the question which the Government have had to consider in passing this law is one of the most difficult character. It is a question in which the line must be drawn some where, and as the hon. gentleman who just sat down (Mr. Allan) has truly said, while life is a very sacred thing, it must not be forgotten that one of the objects of this Bill is the protection of life. I remember the case alluded to very properly, by my hon. friend from St. John—that lamentable case in which public feeling was shocked that the officer should be allowed to escape. He was tried and acquitted under the common law, but if this Bill had been on the statute book—this written law—it strikes me forcibly that the result would have been very different.

HON. MR. DICKEY—No, this is a cumulative law.

HON. MR. McCLELAN—Yes, but would it not be a guide for the courts? It strikes me it would, and if such is the fact, it would remove injustice and an unfortunate state of affairs which exists now, and which had such sad results in the very case to which my hon. friend alluded. Therefore it would be an improvement in the direction advocated by my hon. friend from Belleville (Mr. Read), who has spoken so forcibly this afternoon, as it would place the condition of laws of this character in a better position than they occupy at present. I confess it seems to me a very dangerous power to place in the hands of officials, many of whom are perhaps not very high-minded nor very reliable men, and it would often happen that, in placing them in what is almost a judicial position—allowing them to decide whether they should use violence or not, that the power would be abused.

The hon. Minister of Justice has spoken of a man not trying to make his escape if he is innocent, but we know very well that there are some very respectable men who, if they are arrested by a constable very much beneath them socially, would very naturally offer resistance, and perhaps attempt to escape. Now we can all fancy what a serious thing it would be if a constable, misguided by the feeling that he has so much power, should shoot such a

prisoner ; it would certainly be a very sad result. That is one of these cases in which, as I said before, it is hard to know how to act. Looking at the matter in the light of such cases as that mentioned by the hon. gentleman from St. John (Mr. Dever), and another case, which also happened in New Brunswick, the proposed measure appears to me to be an improvement upon the present operation of the law in such instances.

The motion was agreed to, and the Bill, as amended, was read the third time and passed.

ONTARIO PACIFIC RAILWAY COMPANY'S BILL.

SECOND READING.

HON. MR. ALLAN moved the second reading of Bill (61), "An Act to Incorporate the Ontario Pacific Railway Company." He said: I really do not know anything about this Bill. I took charge of it as a mere matter of form, but I think there are some gentlemen from Montreal present, and as I see there are Montreal names on the Bill, perhaps my hon. friend Mr. Ogilvie will explain it.

HON. MR. OGILVIE—I shall be very glad to move the second reading of this Bill though I was not asked to do so ; and if necessary I will explain its provisions.

The motion was agreed to, and the Bill was read the second time.

GREAT EASTERN RAILWAY COMPANY'S BILL.

SECOND READING.

HON. MR. BELLEROSE moved the second reading of Bill (89), "An Act to Incorporate "The Great Eastern Railway Company." He said: There is, I suppose, no necessity to explain this Bill at any length. It is an ordinary act of incorporation for a company to build a railway from Point Levis, opposite Quebec, to Dundee, in the County of Huntington. It will unite the railways south and west of Lake Ontario, and by this the House will see the importance of the Bill. It will be discussed before the Committee on Railways, and therefore it is only necessary that I should move the second reading.

The motion was agreed to, and the Bill was read the second time.

HON. MR. McCLELAN.

PACIFIC RAILWAY CHANGE OF ROUTE BILL.

SECOND READING.

HON. SIR ALEX. CAMPBELL moved the second reading of Bill (144), "An Act to authorize the construction on certain conditions, of the Canadian Pacific Railway through some Pass other than the Yellow Head Pass." He said: The House will no doubt remember in the Canadian Pacific Railway Co.'s Bill certain points are mentioned which are fixed in that Bill and which it is out of the power of the Company to change in any way. One of these is the Yellow Head Pass—that the road is to run from Red River through the Yellow Head Pass. Since the road has been placed in the hands of the Canadian Pacific Company they have been led to believe that there was a possibility of discovering a pass south of that. If it turns out to be a feasible pass for the purpose of the railway, it would shorten the line very much—some 70 or 80 miles. It is not yet clear whether that pass is a practicable one or not ; if it should prove to be so it will, I understand, be a more expensive one for the Company than by the Yellow Head Pass, but its effect in shortening the line would be very great and would justify the expense which will be necessary, both as regards the affairs of the Company and the interests of the public in the road. This Bill is to enable the Company, with the consent of the Governor-General in Council, to change the pass and to get over the Rocky Mountains by some way south of the Yellow Head Pass, if they can do so, and if that new pass shall meet with the approbation of the Governor-General in Council, I move that the Bill be read the second time.

HON. MR. SUTHERLAND—I would beg to ask the Hon. Minister of Justice if some amendment is not necessary after the word Selkirk.

HON. SIR ALEX. CAMPBELL—My hon friend mentioned that to me. That can be considered in the Committee. I am not yet satisfied that the amendment is necessary, but if it is I shall be very willing to assent to it.

HON. MR. POWER—I think the explanations made by the Hon. Minister of Justice are rather brief. This change is a very important one, and it seems to me that the explanations should be somewhat more elaborate. In the first place, while it is perfectly true that the proposed route by the Kicking Horse Pass is some 79 miles shorter than the line through Yellow Head Pass, the gradients are very much more severe, and that will be an injury to the road. But on this point the Minister has not touched. I think that is one of the most serious objections to the passage of the Bill. It seems to me, though I have not examined the Bill very closely, that the matter is left to a certain extent—one cannot tell to what extent—within the discretion of the Governor General in Council. The Bill says “the Company may, subject to the approval of the Governor General in Council;” now I am afraid that the Governor General in Council is too apt to approve, without careful investigation, what is proposed by the Company. For instance, the Government took a leap in the dark some weeks ago, by approving of the location of the Canadian Pacific Railway route north of Lake Nipissing, and North of Lake Huron; which is a complete departure from the route which had been contemplated when the Pacific Railway Act was passed. The Government approved of this change of location without its having been made clear to them that the Company would be able to find a satisfactory route north of Lake Superior from the Sault Ste. Marie line. Now I think that with such an experience before the House we should require that in this Bill there should be some provision that before the consent of the Governor General in Council is given to the change which is contemplated in the measure, it should be made very clear that the gradients in connection with this new pass are not of such a character as to interfere seriously with the traffic. There is another thing that suggests itself naturally to any one who reads the Bill. The Canadian Pacific Railway Company have been voted by Parliament large sums of money and large quantities of very valuable land; since this was done, something more than a year ago, the value of these lands has been considerably increased. Although it was said 12 or 15

months ago, that it was doubtful whether the Company had made a good bargain, at present no one pretends that the Company have not made a most excellent one; every one now admits that the Canadian Pacific Railway Company stand to make a very large sum of money out of their contract.

HON. MR. CHAPAIS—So they should.

HON. MR. POWER—I have no objection to that; but I think, when a company come to Parliament with a proposition to shorten their line 79 miles, and so diminish in a very considerable degree the cost of constructing the road, that the country should reap, to a certain extent, the benefit of this diminution. It seems to me that the Bill should contain some provision for the reduction of the amount to be paid, either in land or money, to the company in consideration of the very considerable reduction in the length of the road.

HON. MR. MACDONALD—I think the company in charge of this road can be very safely left to fix their own gradients. They would not take a line with very considerable gradients and leave an easy line untouched. I am assured by an engineer of good standing that the gain to the company by shortening the line 79 miles will far more than compensate for any difficulty in the gradients and that it is more advantageous to have a short road than to have gradients a few feet higher or more difficult. I think this Bill is surrounded by very great precautions to prevent the company going within 100 miles of the boundary and so to prevent any tapping of our trade. As I said before, I think the company can be safely trusted to select the gradients.

HON. MR. KAULBACH—I think it is guarded well by being subject to the Governor-General-in-Council, whose approval must be given to the whole matter.

HON. MR. OGILVIE—I think there is very little difference indeed in the gradients. I have had a good deal to do with engineers,—talking with them upon this very subject—and my information is that the difference in the grades will be slight. Then so far as the reduction of

the expense to the Company, in consequence of lessening the distance, is concerned, I believe the cost of the work will be much greater than if the original plan were carried out. They consider however that it will be worth a great deal more to them to have a shorter road, and that the saving in the future will more than repay the additional outlay; consequently they are willing to spend more money on it at present. I think the House may rest perfectly assured from the way the Company has taken hold of the work, and are now pushing it forward, that they are not building the road as if they were going to hand it over to another corporation. They have good hopes—in which I trust they will not be disappointed—that the road will pay, and they are making a very much better road—so the engineers tell me who have been over it as far as it is completed—than they had agreed to make under their contract. So we should feel perfectly safe in leaving this matter in the hands of the Company. I am satisfied any change that is made in this way will be for the benefit of the whole country as well as for the Company itself.

HON. SIR ALEX. CAMPBELL—The hon. gentleman from Halifax (Mr. Power) complains rather of my not having gone more into the details of this Bill. If I had thought that the House desired it I would have been ready to do so, but everyone who hears me has probably read the details of the Bill, or heard them spoken of, with great care, in another place, and it seems to me that it would be rather tedious to go over the same ground, or part of it in this House upon the present occasion. The objections taken by my hon. friend do not seem to me to be of very much moment or strength. As regards gradients there is no proposition in the Bill to alter the grades in any way. Therefore the original provisions which governed that question will be the same whether the road is built by the Yellow Head Pass or by the one which is mentioned as a substitute for it. The rule adopted in the original Bill with reference to gradients was, that the road should be the same in that respect as the Union Pacific Railway, which road at the time was spoken of as doing a very large business, and quite capable of

having heavy freight trains—doing in fact all the business that the road we are now discussing will be required to do. That was the pattern which we were to follow and upon which the Canadian Pacific Railway was to be modeled and no change has been made in that respect. As regards taking away from the company some portion of their land or of their subsidy in money because of the shortening of the road, I understand, and the hon. gentlemen who have just spoken repeated it, that so far as opinion can now be formed, the road by the new route, if it is adopted, will cost them more than they would expend if the original plan by the Yellow Head Pass was followed. I think there is no reason why there should be any interference in that respect, as the country will have a short route which will be of great advantage in the future. I hope the hon. gentleman will not mind my saying so, but I do not think there is much in the objection he has taken.

The motion was agreed to, and the Bill was read the second time.

NIAGARA PENINSULA BRIDGE COMPANY'S BILL.

THIRD READING.

HON. MR. DICKEY moved concurrence in the amendments made by the Committee on Railways, Telegraphs and Harbors to Bill (67), "An Act to incorporate the Niagara Peninsula Bridge Company." He said: The first amendment to this Bill is to the third clause and is a proviso "That nothing herein contained shall be construed to affect any rights heretofore acquired under any Act of the Legislature of the Province of Ontario respecting any Road or Carriage Way along the Banks of the Niagara River." That was rendered necessary by information given to the Committee that the legislature of the Province of Ontario had authorised the making of this carriage way. And as we did not wish in any way to interfere with powers already granted, and as there was room for both a bridge and railway, we modified it in that way. Another amendment was that to the 20th section, the section which authorized the company to lease their property to any Railway Company, or to amalgamate

with them in or out of the Province ; this is a power which we have studiously refused to grant to these bridge companies, and for that substituted an amendment, which we printed in the minutes, giving them power:—

“to enter into any agreement with any other Company for the use or partial use of or for the leasing or hiring of any rolling stock, locomotives, cars or moveable property, and generally to make any agreement with any other Company touching, running powers over the railway or bridge hereby authorized to be built, or over the railway or bridge of the other Company, or touching the use of the rolling stock or moveable property of the other Company, or touching any service to be rendered by one Company to the other and the compensation therefor. Provided that any such agreement shall be first approved of and authorized by the shareholders of the Company hereby incorporated at an annual, general or special meeting of the same called for that purpose.”

To these amendments I apprehend there will be no objection. The other amendment by itself would have been of some importance, but after the discussion the other day it will not be necessary for me to enlarge upon it. It is an amendment to the sixth section of the Bill, the section which requires an act of the Congress of the United States to be passed consenting to the bridging of the St. Lawrence or the Niagara River. An amendment was passed by the Committee, after a discussion in this House to a similar bill—the Ottawa, Waddington and New York Railway and Bridge Companies Bill—and that amendment was substituted for the section. In this Bill provision is made that it shall not go into operation until the consent of the proper authorities in the United States has been given. With regard to that I propose to move the substitution of the clause in the Bill with an amendment such as was made the other day to the Ottawa, Waddington and New York Railway and Bridge Companies Bill requiring the consent of the Congress or of the Executive of the United States. For the present I move that the amendments made in this Bill to the third and twentieth sections be concurred in.

The motion was agreed to.

HON. MR. DICKEY—I now move the substitution of the sixth clause as it originally stood :

“The Company shall not commence the actual erection of the said bridge until an Act of the Congress of the United States of America has been passed consenting to or approving the bridging of the said river or until the Executive of the United States has consented to and approved thereof ; but the Company shall have the power in the meantime to acquire the lands, submit their plans to the Governor in Council, and do all other the matters and things authorized by this Act, except the commencement of the actual construction or erection of the bridge, and the time for the completion of the work as fixed by this Act shall run from the date of the passing of the said Act of the said Congress, or the date of the signification of the assent or approval of the Executive of the United States of America.”

HON. MR. MACFARLANE—I believe that this would still unnecessarily hamper the Company. The amendment introduced in the Committee was as follows :—

“The consent or approval of the authority or authorities in the United States of America, having under the constitution of that country, jurisdiction over the undertaking to bridge the said river, shall have been obtained for the purpose of so bridging the same: Provided, however, that the Company shall have the power in the meantime to acquire the lands, submit their plans to the Governor in Council, and do all other the matters and things authorized by the Act, except the commencement of the actual construction or erection of the bridge; and the time for the completion of the work as fixed by this Act shall run from the date of such consent or approval of the proper constitutional authority or authorities in the United States of America.”

That would give the parties quite as much trouble as they ought to have ; still, from the information they gathered and from the information since conveyed to me, they were quite able to get the necessary authority from the State of New York, which has complete control of the matter. The proposed amendment is very different from that which was adopted in the Railway Committee. It was added, I know, to the Ottawa, Waddington and New York Railway and Bridge Company's Bill, but in that case the bridge is to be erected over the St. Lawrence, where vessels are passing up and down continually during the season of navigation. Although the word “draw” was unnecessarily inserted in this Bill, they are constructing this bridge at a place where there is no navigation.

HON. MR. AIKINS—There is nothing to prevent vessels passing there.

HON. MR. MACFARLANE—My impression is that the amendment made in the Committee, which I have read, is ample and ought to be satisfactory to the House. It contains nothing inconsistent with the courtesy which is due to the people of the United States, and it would give our people the facilities which they require to enable them to complete the bridge. They could go on, it is true, under the proposed clause, but it would cause them a great deal of trouble and expense and protract the work unnecessarily.

HON. MR. KAULBACH—I am very desirous that we should have uniformity of legislation on these matters. In the Committee this matter was thoroughly discussed, and I consider there is no difference between this Bill and the Ottawa, Waddington & New York Railway and Bridge Company's Bill. In each case the bridge crosses navigable water. This company contemplated that there might be navigation, because they made provision for a draw. I hope we will come to some determination on this subject, and have uniform legislation on this important matter, which affects international rights, and the navigation of a river which is used in common by both countries.

HON. MR. POWER—The desire for uniformity is very commendable, but still there are other things more desirable than uniformity. Justice or fair play is more important, and when we look at the exact position of things in this case there may appear some reason for not accepting the amendment which has been moved by the hon. gentleman from Amherst. I may remark, although I do not wish to be understood as speaking with any feeling about the matter, that it is a somewhat unusual spectacle to find the chairman of a committee moving to amend an alteration which has been made in the Bill by a three-fourths majority of the committee. It seems to me that an amendment of that sort ought to be left to some other member of the Senate.

HON. MR. KAULBACH—Does the hon. gentleman say that the chairman

of a committee is deprived of his rights as a member of this House?

HON. MR. POWER—I do not say so: I say it is an unusual spectacle. This case, as the hon. gentleman from Wallace has pointed out, is somewhat different from the one that was before the House recently. In the latter case the proposition was to build a bridge across a river which is a great highway for commerce: in this case it is to bridge a river where there is really no commerce. The United States authorities, as far as any one can gather, hold, that if a river is not one over which commerce passes, the Federal power has no necessary connection with it, and the authority of the State is quite sufficient. The position of affairs in this instance, as I understand it, is this: there are already, I think, two bridges spanning the Niagara River. It is desirable, in the interest of commerce between the two countries, that as many bridges as can conveniently be constructed should be built there. The more bridges there are, the less, I presume, will be the cost of carrying trade across the river. The bridges which are there now were constructed by companies whose charters contained no such provision as the chairman of the committee proposes to insert in this Bill. If it was not inserted in their charters it is not necessary that this Bill should contain it. It is throwing an obstacle in the way of the company unnecessarily. I should not have said anything about this only that the amendment made by the Committee completely covers the ground taken both by the hon. gentleman who is Chairman of the Committee and by the Minister of Justice. What is the provision? It is that the consent or approval of the authority or authorities in the United States having under the constitution of that country jurisdiction over the undertaking to bridge the said river, shall be obtained for the purpose of so bridging the same. Now, if an Act of Congress be necessary this clause requires that that Act shall be obtained; if the consent of the Executive of the United States be necessary, under this amendment made by the Committee that consent must be obtained: and if, as a great many men in the State of New York, who ought to understand their own business fairly well, think it is necessary only to obtain the con-

sent of the State of New York, that also is covered by this provision. The clause proposed by my hon. friend from Amherst does not cover the case where the consent of the State of New York is required. Why should we impose upon this Company the obligation to get something which may be unnecessary?

HON. MR. AIKINS—Uniformity may not be always advisable, but I think in this case the House should be consistent with itself, following the decision a few days ago, that this proposed clause should be inserted in the Bill to incorporate the Ottawa, Waddington and New York Railway and Bridge Company. The St. Lawrence is a navigable river, and by treaty the United States have a perfect right to navigate it. The Niagara River is also navigable, and I cannot see the difference between the two. Those who are conversant with that section of the country, know that probably as many vessels are not likely to pass up and down the Niagara as navigate the St. Lawrence, but the principle is the same in both cases. The House having introduced that provision in the one bill, should also include it in the other.

HON. MR. DICKEY—The hon. senator from Halifax expresses surprise that I should make this motion to amend a clause inserted in the Bill by the Committee. I was not exactly prepared for that announcement, because I was under the impression that my hon. friend was in the House the other day when this whole matter was discussed, and that, in fact, he had addressed the House himself. On that occasion I stated that there was a provision in this Bill, the effect of which I explained, and I left it to the House to decide whether that amendment should be taken from the Ottawa, Waddington & New York Company's Bill, and said that if the House concluded to make the amendment suggested by the Minister of Justice, it would be absolutely necessary to amend this Bill in the same direction. I stated that distinctly, and I certainly was not prepared for any discussion of the kind to-day. My hon. friend from Wallace (Mr. Macfarlane), I take it for granted, could not have been in the House at the time, or he would not have raised this contention. I

thought the matter was made plain the other day when both hon. gentlemen expressed surprise that there should be any necessity for this legislation. In the first place, with regard to this river, it is part of the great artery, the St. Lawrence. We inserted a similar provision to this in the Act which was passed for bridging that stream seven or eight hundred miles above that point—the Sault Ste. Marie Bridge Bill. We are told now that there were two bridges built across the Niagara River and that this provision was not thought necessary in either case; but this question was never raised until this session, when the Minister of Justice, in the discharge of his duty, called the attention of the House to it, and gave very good reasons, I thought, for requiring such a provision. He said that this being an international boundary we did not want to have any complication or any ill feeling with the United States. It is all very well to talk about the State authorities, but in a matter of this kind it is one of international comity and good feeling, and we simply ask, before we assume to give authority to build those bridges, even over the half of the river within our jurisdiction, that the Federal Government, or the Congress of the United States, should give their sanction to it. The necessity for that arose in this way: I believe it has been ascertained beyond all question that a state has power to build a bridge, but as regards the question of navigation it is absolutely indispensable that the work should have the approval of the Federal authorities. As this Bill originally stood it required that the consent of the United States Congress should be obtained, and from the best information we could get that is necessary; but my hon. friend the Minister of Justice, when it was pressed upon him, thought that the Federal Executive could give the same authority, and it was hardly necessary to tie up the parties in this way and be consented to add the words "by the consent or approval of the executive government." The clause was amended in that way, and that made the matter perfectly clear. My hon. friend says now, that his amendment which was adopted in committee meets the case, but it does not: it leaves a loop-hole for a difficulty.

HON. MR. POWER—How?

HON. MR. DICKEY—Because it says “the consent or approval of the authority or authorities of the United States of America, having under the constitution of that country the jurisdiction to bridge the said river,” but there is a question of navigation behind it, and a question of treaties, and the Government here might be placed in a very unfortunate position if they did not get the consent of the authorities having control over navigation. The Minister of Justice said he thought the furthest we could go was to give the power to bridge, subject to the consent and approval of the Federal authorities of the United States. I trust that the House will have no difficulty in accepting the amendment. I regret that I should be placed in the position to ask the House for the sake of uniformity, to accept a different amendment from the one adopted in committee, but I thought it was understood that all bills in future should contain this provision.

HON. SIR ALEX. CAMPBELL—It was agreed to.

HON. MR. DICKEY—Yes, it was agreed to the other day in the House, and therefore, I do not think that we should be detained any longer with explanations on the subject.

HON. SIR ALEX. CAMPBELL—I thought it was clearly understood the other day. The Bill as it stood had a clause in it providing that an Act of Congress should be obtained. The hon. gentleman carried an amendment in the committee, that the consent of the proper authorities in the United States should be obtained. When the question was raised upon the Ottawa, Waddington, and New York Company's Bill the Chairman of the committee said “It is just as well to discuss this question now, and then we shall have no further discussion on the next bill.” The hon. gentleman from Halifax (Mr. Power) was silent, and, therefore, I thought it was understood the rule should be that the language which I adopted at his suggestion (it was not the whole of his suggestion, but it was going a certain distance in the direction he desired) should govern all these bills. Certainly the language repeated by the Chairman of the Committee was used and the

hon. member from Halifax (Mr. Power) did not dissent, so I thought it was understood all round that the clause having once been framed should be inserted in all these bills, for the purpose of avoiding any uncomfortable correspondence with the United States.

HON. MR. POWER—There was no agreement, as far as I was concerned. With reference to the Ottawa, Waddington & New York Company's Bill, the amendment was made in the House. The Bill had been reported from the committee, with a provision requiring that an Act of Congress should be passed before the construction of the bridge should be commenced, and an amendment was made giving greater liberty to the promoters of the Bill.

HON. SIR ALEX. CAMPBELL—It was certainly understood that that amendment should govern this Bill too.

HON. MR. POWER—I was in my place, as usual, and I remember that in the course of the speech made by the hon. member from Amherst, in connection with the Ottawa, Waddington & New York Company's Bill, he stated, incidentally, that he presumed it was better to discuss the whole question at once. Perhaps I ought to have got up and said, “No it is not,” but I do not feel that I was bound by a casual remark made by the hon. gentleman in the course of his speech: I think that is carrying the doctrine of silence giving consent too far. I do not propose now to divide the House on this question; I am merely expressing my opinions, as I think I am free to do.

The motion was agreed to, and the Bill was read the third time and passed.

ST. LAWRENCE RIVER IMPROVEMENT BILL.

THIRD READING.

The House went into Committee of the Whole on Bill (130), “An Act to make further provision for the improvement of the River St. Lawrence between Montreal and Quebec.”

HON. MR. AIKINS said the object of the Bill, as he had explained, was to raise

money by the issue of debentures, for the purpose of improving the navigation of the St. Lawrence between Montreal and high tide water.

HON. MR. POWER said he understood the hon. gentleman to say that the sum to be raised under this Bill would be recouped in a great measure from some other source: nothing of the kind appeared in the Bill.

HON. MR. AIKINS said his explanation was that plant was held valued at \$600,000 and although the amount stated in this Bill exceeded what was authorized by the Act 36 Vic., it would be recouped by this plant held by the Harbor Trust. The expenditure on the improvement of navigation was a tax upon the shipping in the port of Montreal, and so far as the Government were concerned, they were only guaranteeing money which was to be refunded by the Harbor Trust.

HON. MR. McMASTER from the Committee reported the Bill without amendment.

The Bill was then read the third time and passed.

HALIFAX HARBOR MASTER BILL.

IN COMMITTEE.

The House went into Committee of the Whole on Bill (140), "An Act to amend the Act 35 Vic., Cap. 42, respecting the appointment of a Harbor Master for the Port of Halifax.

HON. MR. AIKINS said the tariff of fees was made, by this Bill, the same as in the general Act. So far as the tax upon shipping was concerned, there would be very little difference, but the scale was closer and, it was believed, would be much more satisfactory to the trade.

HON. MR. POWER called attention to a very important fact which, he thought had escaped the attention of the hon. gentleman who introduced the Bill. The Act of 1872, which provided a different tariff from that contained in the general Act, exempted vessels engaged in the

coasting trade and the fishing trade from the payment of any fee. That exemption was not contained in this Bill. No vessel of over twenty tons register was exempt, and consequently only yachts and small fishing smacks would escape this tax. The duty of Parliament was to legislate in the interest of the country, and not in the interest of the Harbor Master at Halifax an officer who was as unnecessary as a fifth wheel to a coach. The only effect this Bill would have would be to increase his salary. He was allowed fees not exceeding in the aggregate \$1,600 a year, but probably as they had not reached that amount, the object of this Bill was to increase his salary. He (Mr. Power) did not suppose that the Government, on the eve of an election, wished to impose a tax upon the coasting and fishing vessels of the country calling at Halifax harbour.

HON. MR. ALMON agreed with a great deal that had fallen from the senior member from Halifax. He was averse to anything being added to the expense of vessels entering the port of Halifax. Fishing vessels from Lunenburg brought cargoes of wood to Halifax, sold it there and with the proceeds purchased an outfit for a trip to the Banks or Labrador or elsewhere. To these people a small sum was a good deal, and if this fee were imposed they would think twice before going to Halifax; they would purchase their outfits at Lunenburg instead. One of the reasons assigned by Sir Hugh Allan for preferring Portland to Halifax was that the fees were higher at the latter port. If the fees were increased it would prevent many vessels from calling there, and the Intercolonial Railway would lose a large amount of freight in that way. He agreed with his colleague that a harbour-master was not wanted in a port like that of Halifax where there was plenty of room and no danger of collision. The official who held the position before the present harbour-master was appointed was bedridden for twelve months before his death, yet the harbour went on just as well without him. He (Mr. Almon) congratulated his colleague on having found out the amount of Mr. O'Brien's salary. When the hon. gentleman complained that his co-religionists had not received a fair share of patronage, Mr. O'Brien's position was referred to—

HON. MR. POWER—This does not fix a salary of \$1,600 : it says that his salary shall not exceed that.

HON. MR. ALMON thought the hon. gentleman (Mr. Power) must be at the bottom of this Bill. He had complained that the harbor master's salary was too small, and now the Government were bringing in a Bill to increase it. He (Mr. Almon) concurred, however, in the opinion that the fees at the port of Halifax should not be increased.

HON. MR. KAULBACH thought that an efficient harbor master was necessary at Halifax, and he believed they had a capable man in the position. It was ten years since the appointment was made, but it was thought at that time that the tariff was sufficiently high to cover his salary. He (Mr. Kaulbach) did not know whether it had fallen below the \$1,600 or not, but he presumed it had, and it was intended in this way to increase the amount.

HON. MR. AIKINS—Nothing of the kind.

HON. MR. KAULBACH thought that \$1,600 was not too large a salary for an efficient officer at the port of Halifax. He wished to correct an error into which the Minister of Inland Revenue had fallen as to the tonnage of vessels engaged in the fishing trade. Instead of being under 20 tons, they ran from 80 to 120, or 130 tons. Such vessels under this Bill would be obliged to pay this fee. However, it was a small amount, and was payable only once a year. He did not believe it would be considered a burdensome tax. If the tariff under the existing Act was not sufficient to pay the harbor master \$1,600, the amount ought to be raised in some other way.

HON. MR. AIKINS said the assumption of the hon. Senator from Halifax as to the object of the Bill was incorrect. It was not to increase the harbor master's salary, and that gentleman's remuneration had not fallen below the amount fixed by law. Last year the fees collected amounted to \$1,800. Taking the tonnage of fishing vessels to be as the hon. Senator from

Lunenburg (Mr. Kaulbach) had stated, the fee would be only one dollar.

HON. MR. POWER said, under the existing law, ships trading between ports in the Dominion, and those engaged in the fishing trade, were exempt.

HON. MR. AIKINS said that, under the new law, they would pay only one dollar. The Bill was introduced to make the tariff of fees uniform with that in force in all other ports of the Dominion.

HON. MR. POWER wished to know whether this Bill had been recommended by the Chamber of Commerce of Halifax, or not?

HON. MR. AIKINS could not answer the question affirmatively because he did not know ; but if it had not been, he did not see why the Port of Halifax should be made an exception to the rule which applied to every other port in the Maritime Provinces.

HON. MR. POWER repeated that a harbor master was wholly unnecessary at Halifax, and he objected to the fees collected for the support of such an unnecessary official being made any heavier. He therefore moved that the 33rd and 34th lines in the first clause be omitted and the following substituted therefor : "Ships engaged in trading between ports and places in the Dominion or in the fishing trade shall be exempt from the payment of any fee." This would leave the fees to be paid altogether by sea-going vessels.

HON. MR. KAULBACH said the appointment had been made in 1872 or 1873, before the Mackenzie Government came into power, and the hon. gentleman during the five years that his friends were in office had never raised an objection to the office being continued.

HON. MR. CARVELL said that if it were possible to allow vessels under fifty tons to be exempt it would be better. He did not agree with the Senators from Halifax that a harbor master was unnecessary at such a magnificent port.

HON. MR. MCCLELAN, from the

Committee, reported that they had made some progress with the Bill and asked leave to sit again.

WINNIPEG AND SPRINGFIELD BRIDGE COMPANY'S BILL.

THIRD READING.

BILLS INTRODUCED.

Bill (35), "An Act for amending the Acts relating to The Trust and Loan Company of Canada, and for enlarging the powers of the said Company."—(Mr. Gibbs.)

Bill (95), "An Act to amend the Act incorporating the Bell Telephone Company of Canada."—(Mr. Allan.)

Bill (114), "An Act respecting the Quebec, Montreal, Ottawa & Occidental Railway."

Bill (80), "An Act respecting the River St. Clair Railway Bridge and Tunnel Company."—(Mr. Dickey.)

Bill (97), "An Act to incorporate the Calais and St. Stephen's Railway Bridge Company."—(Mr. Botsford.)

The Senate adjourned at 6.05 p.m.

THE SENATE.

Ottawa, Tuesday, April 25th, 1882.

The Speaker took the Chair at three o'clock, p.m.

Prayers and routine proceedings.

THIRD READINGS.

The following bills, reported without amendment, from Standing Committees, were read the third time and passed :

Bill (138) "An Act to authorize the Canada Co-operative Supply Association (limited) to issue preference stock." (Mr. Ryan.)

Bill (69) "An Act to grant certain powers to the C. W. Williams manufacturing Company and to change the name thereof to the Williams Manufacturing Company." (Mr. Ferrier.)

Bill (92) "An Act to incorporate the Sisters of Charity of the North West Territories." (Mr. Trudel.)

Bill (105) "An Act to amend the charter of the Fellowes Medical Manufacturing Company." (Mr. Ryan.)

HON. MR. BELLEROSE, from the Committee on Standing Orders and Private Bills, reported Bill (15) "An Act to incorporate the Winnipeg and Springfield Bridge Company" with an amendment. He said: As there is only one amendment, I move that it be concurred in. The amendment is a clause added to the end of the Bill in these words:—

"Nothing herein contained shall be construed to contravene or conflict with any legislation ultra vires of the Legislature of the Province of Manitoba."

This Bill being one that might conflict with the legislation of the Legislature of Manitoba, it was thought advisable to add this amendment.

HON. MR. DICKEY—This amendment is either unnecessary or improper. If this Parliament has power to pass a bill for the construction of a bridge over a navigable stream the amendment is unnecessary, but if we have not the power to enact such legislation the Bill should not be here at all. If we have the power to pass it why should we invite a conflict with the legislation of Manitoba? If this amendment is prospective and the bill passed by this Parliament may be overridden by the legislature of Manitoba it should receive the attention of the Minister of Justice.

HON. SIR ALEX. CAMPBELL—The amendment seemed to me to be one that accomplishes nothing, and therefore, so far as I was concerned, I saw no objection to it. If it is a matter that is in the power of the legislature of Manitoba, it is there and we cannot interfere with it; and if it is a matter that is within our jurisdiction, the local legislature cannot interfere with it.

HON. MR. GIBBS—I was going to take exception to the amendment, but my remarks have been anticipated by the hon. member from Amherst. It struck me just as it did him, that the amendment while harmless either way did invite criticism, and the bill itself may be, perhaps, open to the objection that it contravenes

some statute already passed or to be passed by the Legislature of Manitoba, and I do not think it is advisable to insert a clause of that kind, because, in the future it may render it necessary to insert similar clauses in other bills whenever the question arises as to the jurisdiction of this Parliament.

HON. MR. BELLEROSE—The clause does not affect the constitutionality of the bill, but there is an objection, and it is this: While we are legislating here on this matter, they may be legislating on the same subject in Manitoba, and the power may be granted there to build the bridge just within the power given here, and then the question of constitutionality will arise. It is just the reason why I rose in my place the other day and objected to this bill, because, as a matter of justice, Parliament ought not to pass a bill without having its constitutionality decided. Suppose we incorporate a Company here, and have not the power to do so, it leaves the Company open to an action before the courts. That is why I say it should be decided here by men learned in the law, whether such a bill as this comes within the jurisdiction of this Parliament or whether it belongs solely to the local legislature. It may be all very well to make cases for the courts, but we are not legislating for the courts, but for the public at large. The amendment was inserted in the Bill not because it was considered it would make it constitutional, but simply to show that even in this Parliament there were objections to the Bill, and that there were parties who thought Parliament had no power to pass a measure of this kind. The hon. member from Amherst ought to remember that he took a stand in this House the other day on a bill of this kind, and said that while he could not say whether the objection to it was right or wrong, it had been the custom in the past to accept these bills, and it would be too bad now to reject this one. Is this a reason for this House to pass a bill? I say no. I contend that the only valid argument is we legislate for the public at large and one legislation should be such that no constitutional difficulties should arise out of it. As it is admitted on both sides that this amendment has no great importance on one side

or the other, I hope hon gentlemen will let it stand and pass the bill as amended.

HON. MR. POWER—It will be remembered that when this Bill, or a similar one, was before the Senate not long ago, the Hon. the Minister of Justice intimated his impression that the Bill was one which really ought to have been passed by the Legislature of Manitoba, and with that view, as stated by the Chairman of the Committee, this section was added to the measure in order to show that this Parliament did not claim in a very positive way the right to legislate in that direction, and to prevent any conflict arising between our legislation and that of the Province, and I am a little surprised that the hon. member from Amherst should have objected to this provision, because, substantially, it is merely an expression of courtesy towards the Provincial Legislature. The hon. gentleman was very resolute a few days ago in insisting that we should be particularly courteous towards the Government of the United States, and I do not see why he should be disposed to refuse similar courtesy towards the Legislature of one of our own Provinces. The substantial effect of this section is to recognize the right of the Province of Manitoba to legislate in the premises and to admit the fact that we do not claim any unquestioned right to legislate. Its effect may be in the future to prevent misapprehensions, and it can do no harm, therefore I can see no reason why the House should not adopt it.

HON. MR. DICKEY—I am very glad to find that if I do not succeed in impressing my views on the hon. senator from Halifax (Mr. Power), I certainly do succeed in surprising him occasionally. The Chairman of the Committee says that this clause was added to stop litigation—

HON. MR. BELLEROSE—No, I never said such a thing. That would be absurd.

HON. MR. DICKEY—I understood the hon. gentleman to say so. I think he will find by looking at the Bill that it invites litigation, and if my hon. friend is logically correct, the Bill introduced by the Government, the other day, for the control of bridges over navigable waters, ought to be opposed and thrown out

of the House ; for that Bill attempts to deal not only with the Red River, which is undoubtedly a navigable stream, but with all rivers. I do think that this will be a measure which can only have the effect of unsettling the minds of the people who are interested in this bridge, and inviting conflict with the authorities in Manitoba. I do not think that that is desirable ; and I say again that, if my hon. friend is consistent, he will certainly oppose the Bill, which is to come up before us very shortly, by which the Government propose to take the control of these rivers in their own hands. If we have no right to pass a bill to incorporate a company to bridge the Red River, we have no right to pass a bill which not only gives us control of all rivers, but forbids the erection of bridges over them unless sanctioned by the Governor-General in Council.

HON. MR. BELLEROSE—I see a difference between this Bill and the one to which the hon. gentleman has referred. The latter is one with reference to bridges to be constructed over navigable waters under the authority of provincial legislation. When they are navigable streams I believe the Dominion authorities have that power, because they must see that the passage for boats is not interfered with, but as to the construction itself of bridges, for my own part I believe we have no such authority, because a bridge is a structure which leads from one shore to another, and not only the provincial but the municipal authorities have to be consulted about its construction. Therefore such legislation ought to fall under the jurisdiction of the local legislatures. I have no doubt about that ; still I would not say that my opinion is correct, because I am not a lawyer. My opinion is founded upon common sense, which sometimes is not consistent with law, I regret to say. I believe the leader of this House ought to take a stand upon this subject and decide whether this Bill is *ultra vires* or *intra vires* of this Parliament. I do not feel quite disposed however, to press the hon. gentleman to give his decision upon this point, because he seems to be so strongly in favor of a legislative union that I distrust his judgment. I would rather rely upon the judgment of the House, because many members here representing

the smaller provinces must be opposed to a legislative union.

HON. MR. BOTSFORD—On a further consideration of this amendment, I think it is unnecessary and should not be included in the Bill. I was on the Committee when it was suggested that the amendment should be made, and I confess I did not give it that consideration which its importance demands ; but when the objection is made by the hon. member from Amherst (Mr. Dickey), and concurred in by the Minister of Justice, I see clearly that it tends to cause litigation rather than prevent it. I am strongly of the opinion myself that the Dominion Parliament has a right to pass acts of incorporation for the construction of bridges over navigable streams, and this carries with it all the rights necessary for the construction of those bridges, just in the same way as an act for the construction of a railway carries such rights. The Dominion Parliament deals with private rights so far as is necessary for the construction of a work which the British North America Act gives the Dominion Parliament power to build. Being of the opinion that it is perfectly within the power of this Parliament to deal with and create corporations for bridging navigable streams, I think we have, consequently, as an incident to that, power to deal with property, and this amendment throws doubt where there is no doubt.

HON. MR. DICKEY moved that the amendment made by the Committee be struck out.

HON. MR. POWER—There seems to be a good deal of difference of opinion about this amendment, and, as it has not been printed, I would respectfully suggest that the consideration of it be postponed until to-morrow.

HON. MR. BELLEROSE—The Government measure shows that this Parliament, if it has any jurisdiction in the matter, has only concurrent jurisdiction with the provincial legislature, because the first section of the Bill says : “no bridge constructed under the authority of an Act of a Legislature of a Province of Canada.” That shows that the power to grant such charters does not rest with us,

but with the Provinces: so that it is an argument against the hon. gentlemen from Westmoreland and the hon. Senator from Amherst. It shows that in the opinion of the Government it rests with the provincial authorities to give the right to build these bridges. The clause continues, "or under the authority of the North-West Territories or of the District of Keewatin, shall, so far as the same may interfere with navigation, etc."; so it is decidedly the opinion of the Government that the power of this Parliament is confined to seeing that the channel is not obstructed by the bridge. The Act itself shows that I was right, and that the argument of the hon. gentleman was not a sound one.

HON. MR. HAYTHORNE—I was a member of the Committee to which this Bill was referred. I did not object to the clause when it was up, because I considered it of a harmless and consolatory nature in a double sense—partly because it recognized the claim of the provinces to legislate upon such subjects as this, and also because it was consolatory towards what I may call the opinions, not to say prejudices, of hon. gentlemen here who have rather a high idea of provincial powers on this question. For these reasons, and also because I was aware of the fact that the attention of this House would shortly be called to another Bill, which is now in preparation, and would obviate the necessity of coming to Parliament in future for such measures as this, I thought the clause was not of sufficient importance to offer objections in the Committee; but I am not at all wedded to it, and I shall feel myself at liberty to oppose the amendment.

HON. SIR ALEX. CAMPBELL—I do not think there is any occasion for the amendment of the hon. member from Amherst. There is but one amendment recommended by the report of the Committee, and therefore a vote can be taken upon the report itself.

HON. MR. DICKEY—I intend to move that it be referred back to Committee to strike out this amendment.

HON. SIR ALEX. CAMPBELL—There is nothing else in the report, and we can just negative it.

HON. MR. BELLEROSE.

HON. MR. POWER—If the report of the committee is not agreed to then the Bill is lost, as I understand it.

HON. SIR ALEX CAMPBELL—Then it had better be referred back to the committee.

HON. MR. DICKEY moved that the report be referred back to the committee with instructions to strike out the amendment.

The Senate divided on the amendment which was carried by the following vote:—

CONTENTS:

Hon. Messrs.

Aikine,	Howlan,
Allan,	Kaulbach,
Archibald,	Leonard,
Baillargeon,	McClelan,
Benson,	McKay,
Botsford,	McMaster,
Bourinot,	Macdonald,
Boyd,	MacInnes,
Campbell (Sir Alex.),	Macpherson,
Carvell,	Miller,
Dickey,	Northwood,
Fabre,	Odell,
Ferrier,	Pelletier,
Flint,	Read,
Gibbs,	Ryan,
Glasier,	Smith,
Haythorne,	Wark.—34.

NON-CONTENTS.

Hon. Messrs.

Alexander,	Mactarlane,
Armand,	Montgomery,
Bellerose,	Power,
Chaffers,	Pozzer,
Chapais,	Simpson,
Cormier,	Stevens,
Dever,	Sutherland,
Grant,	Trudel.—16.

ST. JOHN'S BRIDGE COMPANY'S BILL.

HON. MR. BELLEROSE—From the committee on Standing Orders and Private Bills moved concurrence in the amendment made to Bill (19), "An Act to incorporate the St. John's Bridge Company." He said: I move that the House do concur in this amendment which is the same as in the Bill which has just been passed. I may say that I congratulate the House on the stand taken on the report of the Committee on the previous

Bill. I remarked that on a former occasion a report came from a committee of this House and it was opposed on the ground that it was not in accordance with the facts; but that objection was met by the statement that the House should hesitate before it refused to accept a report of one of its committees in which it had confidence. But I see that the hon. gentleman who used that argument then has since changed his mind, and that the principle which was accepted as right then is not proper on this occasion. To-day the principle seems to be that although the committee had reported unanimously in favor of the amendment, certain members of that Committee who seemed quite satisfied with the amendment in Committee are going to vote in this House against their own report. One hon. gentleman at all events acknowledged that he would take such a course, and I must say it shews a peculiar courage on the part of such hon. gentleman, that they are ready to undo their own work before it is quite finished. For my own part I accepted this amendment to a former Bill for I thought it was a good one. It was when the hon. Minister of Justice introduced the Bill which I hold in my hand (Bill D) and here it is admitted that the provincial legislatures have the right to incorporate men to build bridges over navigable waters. Now this being admitted, what is the difficulty about allowing the amendment to stand which is made to this Bill? I see none, though I admit others may see what I fail to discover. I confess that the amendment may not be very important, but for that very reason it seems strange that so much stress should be laid upon taking it out; and therefore I say I congratulate the House, because it seems we are to be guided by a different principle to suit different occasions. I thought I might take the same stand now as I did on the previous Bill and I will move that the report be accepted as it is laid before the House: being a report of a committee of this House.

HON. MR. BOTSFORD—I do not think the remarks of the hon. gentleman who has just sat down should pass unnoticed. He says that members of the Committee after discussing and approving of this amendment in committee are now

falling back from their opinion and are willing to vote in a contrary sense. I was not present in the Committee when this amendment was discussed, but when I came in I was informed that it had been decided to include the amendment in the other bill and it was thought we ought to do the same in this Bill. I certainly did not object then, but when I come to look into it I think it is a most mischievous amendment and in my judgement it should not be adopted.

HON. MR. HAYTHORNE—I rise to account for the vote I shall give on this amendment, which is similar to one moved on a previous occasion. I see that the vote which I gave on the committee was a wrong one, and I think, therefore, I am perfectly justified in altering my opinion here, which I do without any hesitation.

HON. MR. MACFARLANE—Hitherto the practice has been that the reports of committees, to whom matters have been referred, have been accepted by the House. It does seem now, however, that from the stand taken by committees in reference to matters coming before them, that very little attention is paid to the House. In reporting a bill that had been referred to a committee, of which the hon. gentleman from Amherst was chairman, that hon. gentleman actually moved an amendment to the report of his own committee, which report had been assented to by a large majority of that committee. With reference to the position just taken by the hon. gentleman from DeLanau dière (Mr. Bellerose) I may say that the matter was very extensively discussed in the committee; and while we all felt that the right to construct such bridges was clearly, wholly and solely with the provincial legislatures, yet some anxiety was expressed by several members of the committee that if Parliament here refused the bill, they would not have time to obtain the sanction of the Manitoba Parliament, which is soon to meet, for the reason that notice had not been given; and the consequence would be that this valuable bridge would not be built. For this reason we consented to pass this Bill but otherwise we would have refused it altogether. While we were passing the Bill we thought it right, as the amendment certainly was not one of much consequence—being somewhat like chips

in porridge, not doing either much good or injury—we thought we might as well give them power to regulate the bridge as it would, at any rate, show that we were not anxious to restrict their powers. We added this amendment in connection with the Bill introduced by the hon. Minister of Justice as has been stated by the Chairman of the Private Bills Committee. As a member of the committee I agreed to its insertion in this Bill, believing as I do, that it will do no injury and I think unless there are grave reasons for such a course we should not refuse to adopt the report of a Committee of this House.

HON. MR. BOTSFORD—I move that this report be not now adopted but that it be referred back to the committee to strike out the amendment.

HON. MR. BELLEROSE—I rise to a question of order. The hon. gentleman has no right to move that amendment. The hon. gentleman cannot make a second speech; he has already spoken upon this motion.

HON. MR. BOTSFORD—I claim the right to make the motion, I did not intend to make a speech.

HON. MR. BELLEROSE—I rise to a question of order: I say that any gentleman who has spoken and has then taken his seat, and been succeeded by another gentleman who has also made a speech, has no right to rise up a second time and move one way or another. I raise the question seriously, and if the hon. gentleman will consult May or any other authorities, he will see he has no right to do so. I ask for Mr. Speaker's ruling.

THE SPEAKER—Strictly speaking, I think the hon. gentleman from New Brunswick has not now the right to make a motion.

HON. MR. DICKEY—I beg to make the same motion; that the report be not now adopted, but that it be referred back to the Committee with instructions to strike out the clause containing the proposed amendment.

HON. MR. POWER—I rise to a ques-

HON. MR. MACFARLANE.

tion of order: The hon. member from Amherst should put his motion in writing.

HON. MR. BELLEROSE—I ask what will be the end of this? Is it right to refer this Bill back to the Committee for no reason at all?—because, if we look into the arguments given by the gentlemen who have spoken in favor of this motion and against the reception of the report, there is really nothing in them. The amendment cannot have an evil effect one way or another, I think it would be very undesirable that committees should devote their time to the consideration of measures and afterwards be met by such objections as have been made to-day. The result would be that they will come to the conclusion that it is not worth while to devote much attention to bills referred to them, since the House is overlooking their action, and for very trivial reasons—such as have been given to-day—may oppose their report. I say that not only have no reasons been given why this report should not be received, but, on the contrary, the best arguments have been advanced on the other side, and I feel it is discourteous for the House to so deal with a report of its Committee. Besides, as I said before, in another instance some of the gentlemen who are opposing the amendment to-day took a different view. I remember when I opposed the report of a Committee on a former occasion, and said from my place in the House,—knowing the responsibility I was taking—that the report was not according to the facts, the hon. Minister of Justice rose and said that the House must rely on the Committee, and that they should adopt its report. I did not object as it seemed to me a right principle, but it is now proposed to send back the report of this Committee, and I must say that it is not consistent with the course that was previously taken by the Hon. Minister of Justice.

HON. SIR ALEX. CAMPBELL.—I am sure that nothing discourteous to the Committee is intended, and I am satisfied the House would be very reluctant to reflect upon the action of any of its committees. I think the general rule is to support a committee in any action it may take. I quite remember what I stated on the occasion to which my hon. friend (Mr. Bellerose) refers, and I think the

amendment in this case is perfectly innocuous and might without injury be left in the Bill. For myself I should have had no hesitation in the matter, but the question absolutely before the House is whether the Committee was right or wrong in adding the amendment to this Bill, and upon this question hon. gentlemen are obliged to exercise their judgment and to vote. In doing so I do not think it is the desire to reflect either upon my hon. friend the Chairman of the Committee (Mr. Bellerose) or the action of that Committee.

The motion was agreed to on a division.

THE ATTEMPT ON HER MAJESTY'S LIFE.

MESSAGE.

HON. SIR ALEX. CAMPBELL presented a message from His Excellency transmitting a dispatch from Her Majesty's Colonial Secretary acknowledging the joint Address of congratulation passed by the Senate and House of Commons of Canada on the occasion of Her Majesty's happy escape from the attempt recently made upon Her life.

BILL INTRODUCED.

HON. MR. CARVELL introduced Bill (X), "An Act relating to Bills of Exchange and Promissory Notes in Prince Edward Island." He said: This Bill relates to the protesting of notes and bills on certain days. In the Province of Prince Edward Island notes falling due upon holidays are protested the day before, and much inconvenience has been experienced by the merchants of Montreal, Toronto and other places in the Dominion; they would perhaps give instructions on a Monday that a certain Bill falling due on the day before (Sunday) should not be protested, and they would receive a reply that the bill in question had already been protested on the preceding Saturday. This Bill is intended to make the practice uniform throughout the Dominion.

The Bill was read the first time.

BRIDGES OVER NAVIGABLE STREAMS BILL.

THIRD READING.

The Order of the Day having been

called for the third reading of Bill (V), "An Act respecting Bridges over Navigable Waters, constructed under the authority of Provincial Acts."

HON. SIR ALEX. CAMPBELL said: An amendment has been suggested to this Bill so as to prevent its interfering with any bridges constructed under the authority of any Act of Parliament passed during the present Session; and to it the House has agreed in Committee. It has, however, been suggested that we should go a little further, and say it shall not interfere with any bridge heretofore constructed which may require to be re-built or repaired. I do not see why such a provision should not be inserted, provided such bridge, when so repaired or re-built, shall not interfere with navigation any more than it did before such repairs were made. At the same time I have a little distrust about it, and must reserve to the hon. gentlemen at the head of the Department the right to criticize the amendment, should it be adopted, when the Bill goes before the other branch of the Legislature. I therefore move that the Bill be not now read the third time, but that the following be added to Clause A: "Nor shall it affect any bridge heretofore constructed which may hereafter require to be rebuilt or repaired; provided such bridge, when so rebuilt or repaired, shall not interfere more injuriously with navigation."

HON. MR. HAYTHORNE—I think on enquiry it will be found necessary to re-cast that clause, for the reasons I stated before. It is quite possible that a bridge which was constructed long ago might be altogether inadequate for present wants, and that the opportunity of rebuilding or extensively repairing it might be taken advantage of for the purpose of overcoming difficulties and objections which had long been felt, and which had been submitted to, simply because it was hoped that sometime or other an end would come to it. I think probably the leader of the Government will see it in this light himself.

HON. SIR ALEX. CAMPBELL—I do not think it is improbable and I will take care that that view is considered. I am obliged to reserve the right to the hon. gentleman at the head of the Department

to criticise it, because he is more familiar with the matter than myself, and will be likely to take a more comprehensive view of it than I can.

HON. MR. DICKEY—On a former occasion I took the liberty of referring the Minister of Justice to the clause that required six weeks notice. I think notice in the *Canada Gazette* was struck out, but the other provisions remain, and it appeared to me that these provisions are most onerous and would be very inconvenient; for really if the bridge were suddenly carried away before it could be rebuilt, or before anything could be done, these notices would be required to be given. It is true, to a certain extent the amendment is a good one and will obviate that objection to some degree, but still with regard to any new bridges these notices will have to be put in force in a period that cannot certainly be short of four months, counting the time of sending up here and getting proof, and having the notices inserted in the local papers, and it will very seriously interfere with the building of bridges in the short season—especially in the Lower Provinces where we have heavier snow falls and shorter seasons than in the upper provinces. I think that the effect of these restrictions will be to make the Act a very unpopular one in the Lower Provinces.

HON. SIR ALEX CAMPBELL—I think that the objection which the hon. gentlemen from Amherst raises does not exist in the Bill as it now stands. All that part of the clause relating to the giving of public notice is struck out.

HON. MR. BELLEROSE—How will the public know that such an application has been made to the Privy Council?

HON. SIR ALEX. CAMPBELL—They will know in this way: this is to deal with bridges incorporated by acts of the local legislatures, and to deal with such a matter all the notices and forms relative to the passing of private bills have to be given, and then the parties interested in the bridge would know that it was coming before the local legislature, and that if it were passed there, and the bridge would interfere with navigation, it would have to be referred to the Executive here.

HON. SIR ALEX. CAMPBELL.

HON. MR. MACFARLANE—In this Bill the fact appears to have been overlooked that in the Maritime Provinces for one bridge that is built by a company, fifty are constructed by the Local Government. The Government supply the funds, commissioners are appointed in the different localities where the bridges are being built, and under these commissioners the bridges are constructed. The larger number of bridges that are erected in that way are built over what may be deemed navigable waters—that is, navigable for small vessels.

HON. MR. GLAZIER—They are all put up and sold at public auction.

HON. MR. MACFARLANE—In nine cases out of ten, they are built by commissioners, on plans furnished by them.

HON. MR. DICKEY—But these cases are not touched by this Act. It applies to bridges built under acts of the local legislatures.

HON. MR. KAULBACH—Do I understand the Minister of Justice to say that in rebuilding a bridge, whether belonging to a company or to the Government, there is no occasion to give notice, or to apply to this Government for approval for the reconstruction?

HON. SIR ALEX. CAMPBELL—No, rebuilding is protected unless it interferes more injuriously with the navigation than the old bridge. I move that the Bill be now read the third time as amended.

The motion was agreed to, and the Bill was read the third time and passed.

QUEBEC HARBOR IMPROVEMENT BILL.

THIRD READING.

The House went into Committee of the whole on Bill (129) "An Act further to amend the Acts to provide for the improvement and management of the Harbor of Quebec" (Sir Alex. Campbell)

HON. MR. MONTGOMERY from the

Committee reported the Bill without any amendment.

The Bill was read the third time and passed.

THREE RIVERS HARBOR IMPROVEMENT BILL.

THIRD READING.

The House went into Committee of the Whole on Bill (128), "An Act to provide for the improvement and management of the Harbor of Three Rivers."—(Sir Alex. Campbell.)

HON. MR. LEONARD from the Committee reported the Bill without any amendment.

The Bill was read the third time and passed.

CANADIAN SECURITIES AND CONSOLIDATED BANK COMPANIES' AGREEMENT BILL.

THIRD READING.

HON. MR. RYAN moved concurrence in the amendments made by the Committee on Banking and Commerce to Bill (87), "An Act respecting a certain agreement between the Canadian Securities Company and the liquidators of the Consolidated Bank of Canada." He said: These amendments were considered very carefully and discussed very fully in the Committee on Banking and Commerce, and I may say that it is by the agreement of all the parties connected with this Bill that they have been adopted.

The motion was agreed to.

HON. MR. RYAN moved the third reading of the Bill.

HON. MR. ALEXANDER—I trust that the House will permit me to refer to a communication which I have just received from a body of the shareholders of this bank desiring me to call the attention of Parliament to the shameful manner in which their capital was thrown away. It is well known that almost four-fifths of their capital was lost, and they urge that some additional legislation is required to

prevent the recurrence of such mal-administration of our banks.

HON. MR. RYAN—This has really nothing whatever to do with the administration of the affairs of this bank in the future. This is an agreement made by a large majority of the shareholders of the bank with other parties who have relieved them from certain liabilities. It does not interfere in the slightest degree with any steps which the shareholders may desire to take against parties who are liable to them. If the hon. gentleman would allow this Bill to pass and take another mode of bringing the subject of the administration of bank affairs before the House, it would be very gratifying to me and others interested in the matter, and would not interfere in the slightest degree with the rights or privileges of the shareholders of the Consolidated Bank. This transaction is to relieve and to secure them against certain liabilities and danger.

HON. MR. ALEXANDER—I do not intend to oppose the third reading of the Bill, but I rise in the discharge of my duty as a member of Parliament when a body of shareholders of the bank desire me to bring before this House the question of how their capital has been thrown away, and I think it would be most singular if they should not be heard, and Parliament should refuse to accept their suggestions as to how to prevent the recurrence of such an evil.

HON. MR. RYAN—The shareholders have a regular way of coming before the House, by petition. This Bill relates to an agreement which was made with the consent of a large body of the shareholder, and it is only because the hon. gentleman interrupts the passage of the Bill that I request him to take some other opportunity of discussing this question of bank management. I shall be happy to support him if he brings in a petition, and asks for other legislation in favor of the shareholders. The step which he now takes will simply have the effect of delaying a bill which I have had some trouble about already, and which has been entirely concurred in by all parties.

HON. MR. KAULBACH—I rise to inquire what is before the House—

HON. MR. ALEXANDER—I hope the hon. gentleman will not interrupt me. The remarks which I propose to make will not in any way prevent the passage of the Bill. I will merely occupy a few minutes in order to express the views of a large body of the shareholders. With regard to this bank we all remember how the Royal Canadian Bank was established. Certain parties went through Western Ontario into the different small towns, and requested the ordinary citizens of the country—not wealthy men, but small merchants and professional men, and others of limited means—to contribute of their capital to establish what was said to be the people's bank, and they feel it more deeply that, after such a very short period of time, four-fifths of their capital was lost, because the shareholders have received only about 25 per cent. of their capital. There is the more necessity of dealing with this subject because the insolvency of banks has become very common. We remember, only recently, the shameful insolvency of the Bank of Prince Edward Island, by which many families were totally ruined, and a large number of those who have addressed this letter to me are also heavy losers. It is extraordinary that while Parliament is so careful about our criminal law, to place in the jails and penitentiaries men guilty of house-breaking and other felonies by which comparatively small amounts have been stolen, we calmly sit down and see families ruined by the conduct of bank managers who can in no way be brought to justice, and who continue to command almost as much respect afterwards as the most honorable and high minded men of the country. Parliament appears to care little about the stopping of this phase of crime. With regard to the Consolidated Bank some of its directors are perfectly innocent of the loss of its capital, and I believe especially the president, and it is the more necessary that the Government and Parliament should, in such cases as these, have some public investigation in order that the guilt may be brought home to the culpable parties. I find in despatches from Europe, published in the newspapers recently, a paragraph from St. Petersburg in which the statement is made, that the nine directors of the Servian Bank, who were recently connected with the failure of that Bank in 1874, have been released on bail in sums equal

in all cases to the whole of their private fortunes. It shows that in Russia, bank directors guilty of such conduct, are held responsible for it; but here we see families impoverished, and yet the Government takes no action to punish those who have brought about their ruin. When a bank fails, the shareholders are not permitted to examine the books, and as the Government has brought in legislation hastening the liquidation of such insolvent institutions, there is no hope of the shareholders bringing the criminal parties to justice, and thus the evil or crime is fostered and encouraged by the action of the Government. Can there be any hope of improvement in bank management, if we fail to deal with such serious offences? It is not vengeance upon the guilty parties which is desired, but legislation which will prevent the recurrence of the evil. I make these remarks because I believe it is the duty of every member of Parliament to urge the Government to take action and see that these evils are remedied.

HON. MR. KAULBACH—When I rose to speak, I merely wished to know how far the hon. gentleman's remarks had reference to the amendments to this Bill. He has made very vague insinuations, but he has not suggested, in any way, a remedy by legislation or otherwise. I do not like these insinuations made against gentlemen either in Parliament or out of it, and I only rose to know what application the hon. gentleman's remarks had to the question before the Senate.

HON. MR. ALEXANDER—The late Mr. Sandfield Macdonald, one of the most practical and upright statesmen that we ever had in this country, brought in a most useful measure declaring it to be a crime for agents and attorneys to misuse moneys placed in their hands in trust. Why could not the Government bring in a bill declaring that where a bank manager or any director throws away the capital of the bank without the knowledge of other directors, he is guilty of a crime?

HON. MR. KAULBACH—I think it is not in the interest of this House that the hon. gentleman should deal in this way with the subject. He should confine

himself to the amendments, and not bring up other matters which are in no way relevant to the question.

The motion was agreed to and the Bill was read the third time and passed.

PACIFIC RAILWAY CHANGE OF ROUTE BILL.

THIRD READING

The House went into Committee of the whole on Bill 144 "An Act to authorise the construction, on certain conditions, of the Canadian Pacific Railway through some Pass other than the Yellow Head Pass."

HON. MR. MCINNES (B.C.) asked why the Canadian Pacific Railway Company were required to construct their road at least 100 miles north of the international boundary line? why were they not allowed to adopt some pass within 30 or 40 miles of the line.

HON. SIR ALEX. CAMPBELL said the reason was that the Government apprehended that if the Company were allowed to go any closer to the boundary line, the business of the road might possibly be tapped by some branch from the Northern Pacific Railway. The only suggestion as to the possibility of finding a suitable pass, was with reference to one, more than 100 miles away from the boundary. Therefore as that was the only suggestion, and in view of the possibility of some difficulty arising from the circumstances he had mentioned, it was thought better not to go beyond the request which was made and to restrict them to a route at least 100 miles north of the country.

HON. MR. MCINNES (B. C.) said he was a strong supporter of the Bill and was happy that the exploratory surveys made last year by the Pacific Railway Company had been such as to warrant them in asking for this legislation. It would shorten the main line some 80 miles and also open up a section of country in British Columbia vastly superior to that through which the line would run by the Yellow Head Pass. It would open up some of the finest wheat lands in the Dominion, a large tract of grazing country and a large section where

gold mining has been profitably carried on. The latter industry would be very much extended were it not for the fact that it was almost impossible to get machinery in there, to operate the gold and silver quartz found in that section of the Province. That was one reason why he was very much in favor of this Bill, but he was of the opinion that the only two practicable passes through the Rocky Mountains were the Kicking Horse Pass and the Howse Pass. He believed that if either of these were adopted the line would run closer to the boundary line than 100 miles. With reference to the reason assigned by the leader of the House, that the Canadian Pacific Railway might probably be tapped by our neighbors to the south of us, it was well known that the transcontinental road from a point about 100 miles east of Winnipeg to nearly the South Saskatchewan, a distance of 500 or 600 miles, runs on an average not more than 50 or 60 miles north of the boundary line. From what he could learn the road would keep within 100 miles of the boundary all the way from the crossing of the Saskatchewan, until it enters the Rocky Mountains either by the Kicking Horse Pass or the Howse Pass. On the British Columbia side, for about 150 miles, the road runs parallel with the United States boundary line, about 15 or 16 miles north of it. He would just draw the Minister's attention to the fact that it was only the Pass that was mentioned in the Bill—"that the Pass shall not be" nearer the boundary line than 100 miles. Now, he had great doubts as to whether a practicable pass through the Rocky Mountains can be got north of the 100 miles, and he would be very much in favor of changing this clause by inserting "50 miles" instead of "100 miles." He threw this out as a suggestion to the leader of the House.

HON. SIR ALEX. CAMPBELL said he would submit the suggestion to the Minister of Railways. As he had explained, this Bill was introduced in accordance with the request of the Company, who did not expect to find any pass closer to the boundary line than 100 miles. Nevertheless, it might be open to the doubt which the hon. gentleman had expressed, and he would take care to bring the matter under the consideration of the

Minister of Railways and refer to it again before the third reading of the Bill.

HON. MR. POWER rose for the purpose of expressing a mild sense of surprise at the course which had been adopted by the Government with reference to this particular question—that is, the proximity of the road to the boundary. The House would remember that a year ago, when it was proposed that we should, for some time at any rate, make use of a road running for a portion of its course through the territory of our neighbors, hon. gentlemen opposite were very much shocked at such a want of patriotism and loyalty, and the strongest reasons for building the road north of Lake Superior and for building the road through British Columbia at all, were, in the first place, that we wished to have a road on Canadian territory throughout, and in the second place (and this was probably the strongest argument used in favor of the route north of Lake Superior), that we should have a road which could be used as a military line in case of war. Now, the line originally located by the late Government, under the supervision of Mr. Sandford Fleming, was one which might be used in time of war as a military line, as it kept a considerable distance from the border throughout its entire length. From Selkirk, west, it was a long distance from the international boundary line. Now, the Company to which hon. gentlemen opposite had given the contract, had diverted the road so that it ran, almost its entire length, from the neighborhood of the Red River to the Rocky Mountains, at a distance of not more than 40 or 50 miles from the boundary, and the House would see that this fact deprived the road almost altogether of its value as a military line. It might be cut at half a dozen different places by small squads of cavalry, who could cross the border at any time after dark and get back before sunrise. He thought there was a great deal of force in what the hon. gentleman from British Columbia had said: if the road runs within 40 or 50 miles of the border for the greater part of its length, there is no object in requiring the Company to adopt a pass 100 miles north of the line.

HON. MR. MCINNES (B.C.) said if any Government could be charged with

having lost sight of the military character of the Pacific Railway, it was the late Administration. He did not by any means make a charge against them, but it was that Government which adopted the Fraser River route which is on an average only twelve or fifteen miles from the boundary for 150 miles of its length. He had no objection to it at all, and his private opinion was that it ought to go even nearer than that. There was no reason to fear hostile action on the part of our neighbors. The only war we are likely to have for many generations to come is a war in the useful arts, sciences and industries of the two great nations, and he thought the closer the road was built to the International line, it being so much shorter than any of the three Pacific railways in the United States, the better for us. It would carry a large amount of the produce of the states and territories adjoining Canada, and instead of being a detriment, or anything to be objected to, it would be an assistance to the country.

HON. MR. ARCHIBALD, from the Committee reported the Bill without amendment.

HON. SIR ALEX. CAMPBELL—In order to give time for the inquiry which I am about to make in consequence of what has fallen from the hon. member from British Columbia, I move that the Bill be read the third time on Friday next.

The motion was agreed to.

HALIFAX HARBOR MASTER'S BILL.

THIRD READING.

The House resumed in Committee of the Whole, consideration of Bill (140) "An Act to amend the Act 35 Vict., Chap. 42, respecting the appointment of a harbor master for the port of Halifax."

In the Committee,

HON. MR. AIKINS said that an amendment to the first clause had been placed in the hands of the Chairman of the Committee, the object of which was to exempt from the operation of this Act vessels trading between ports in

the Dominion and vessels engaged in the fishing trade. Since the subject was before the Committee yesterday he learned from members from the Maritime Provinces in this House, as well as from the Department of Marine and Fisheries, that the first portion of the amendment could be adopted without very much injury, and he was therefore willing to accept it, as it was not the desire of the Government to derive a revenue from the port.

HON. MR. POWER was very glad that the Government had concurred to a certain extent in the views expressed by his hon. colleague and himself, but he regretted that they did not see their way to exempt fishing vessels also. He presumed that one of the objections to doing so was that a great many American vessels called at the port of Halifax.

HON. MR. AIKINS—That is one of the difficulties.

HON. MR. POWER said that it could be met by inserting after the word "trading," "or plying," because as a rule our fishermen go from the port of Halifax to other ports in the Dominion.

HON. MR. AIKINS—I have no objection to that.

The amendment was adopted.

On the second clause.

HON. MR. POWER suggested that the latter part of the clause should be amended. As it stood it was as follows:—

"And the Collector or principal officer of Customs thereat shall not permit any ship on which fees are payable as aforesaid to enter or report inwards at the Custom House until the master thereof produces to him a certificate of the payment of fees under this Act."

This would cause a good deal of inconvenience, in the first place to the master of the vessel, and in the next place to the consignees. The object he presumed was to secure the payment of the harbor master's fees. He would suggest that this object could be secured equally well, and without inconvenience to any body, by providing that a ship shall not be allowed to clear outward until the master produces

a certificate of the payment of the fees under this Act.

HON. MR. KAULBACH hoped that the suggested amendment would be concurred in.

HON. MR. AIKINS said the object was, as stated by the hon. Senator from Halifax, to secure the payment of the fees to the harbor master, and he had no objection to the change.

HON. MR. ARCHIBALD also concurred in the suggestion.

HON. MR. POWER moved to insert the word "clear" instead of "entered," and "outwards" instead of "inwards."

The motion was agreed to.

HON. MR. McCLELAN, from the Committee, reported the Bill with amendments which were concurred in.

The Bill was read the third time and passed.

The Senate adjourned at 5.50 p.m.

THE SENATE.

Ottawa, Wednesday, April 26th, 1882.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

CANADA AND ASIA SUB-MARINE TELEGRAPH.

MOTION.

HON. MR. RYAN moved:

That an humble address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before this House, copies of all correspondence which has taken place since the 19th March, 1881, between the Government of Canada and Mr. Sanford Fleming, and others, respecting the establishment of a sub-marine telegraph between the western coast of Canada and the continent of Asia.

He said: Certain papers were prepared up to the date mentioned in my notice of

motion, and for the completion of the information conveyed by them, it is desirable that the remaining papers should be published. I presume there will be no objection to the Address.

HON. SIR ALEX. CAMPBELL—
There is no objection.

The motion was agreed to.

IRREGULARITY OF MAILS.

INQUIRY.

HON. MR. DICKEY—Before the orders of the day are called, I should like to direct the attention of the Minister of Justice to the question which I put on a former occasion with regard to the detention of letters from the Maritime Provinces. The interest that is undoubtedly taken by the members from the Maritime Provinces without exception on this subject, is intensified by the fact that this very day the mails have come in as usual, but without any letters from the lower Provinces. This anomaly is aggravated by the fact that a gentleman left St. John the night before last and arrived to-day in the city. I think some explanation is due to the House, and to the members whose comfort and convenience are so deeply affected.

HON. SIR ALEX. CAMPBELL—I regret to say that I have not yet got the information which the hon. gentleman asked for a day or two ago. On the evening that the inquiry was made I wrote a note to the Postmaster General's office, inquiring what the cause of the detention was, and afterwards, when attention was again called to the matter, I wrote a second time, without receiving an answer. I have sent a message to the Postmaster General's office, requesting the secretary to come over, so that I may have an explanation from him before the House adjourns.

After some further conversation the subject was dropped.

EXTRADITION ACT, 1877, AMENDMENT BILL.

SECOND READING

HON. SIR ALEX. CAMPBELL moved the second reading of Bill (W), "An Act to amend the extradition Act, 1877." He

said:—So long ago as 1877, under the auspices of the gentleman who then filled the office of Minister of Justice, Mr. Blake, a bill passed both Houses of Parliament of this country to make provision for the extradition of fugitive criminals. The bill was to go into effect as soon as Her Majesty should be pleased by proclamation to declare that the Imperial Extradition Act should no longer be in force in the Dominion, and a correspondence ensued between the two Governments, with the view of inducing Her Majesty's Government to issue such a proclamation. Some difficulties were mentioned on behalf of the Imperial Government, and these difficulties were met by the then Minister of Justice in various reports to the Privy Council, which reports and also orders of the Privy Council on them, as well as various despatches exchanged between the two governments have been laid upon the table of the House. The difficulties raised by the Imperial Government were met by Mr. Blake by the information that the draft of the Bill as it passed through the House had been submitted to the Colonial Secretary and no objection taken to it; and the objections ultimately of the Colonial office diminished to the one which it is proposed by this Bill to remove. The whole of the correspondence is described in as short a manner as I can state it, in the last despatch which is the result of an effort made by myself to bring the matter to a conclusion. Finding the correspondence incomplete and that the additional consideration which the Imperial Government desired to bestow on the subject had not been given, I requested that a telegram might be sent to ask for further consideration. That telegram was sent and brought a despatch which I will now read to the House. It is as follows:—

2nd February, 1882.

MY LORD,—In his despatch No. 4, of the 5th of February, 1878, my predecessor informed the Governor General of Canada, that the subject of the extradition relations of this country with foreign powers being at that time under the consideration of a Royal Commission, Her Majesty's Government had not thought it advisable to take any steps for suspending in Canada the operation of the Imperial Extradition Act of 1870, as desired by the joint address to the Queen from the Senate and House of Commons of the Dominion, transmitted to the Secretary of State

HON. MR. RYAN.

in the Governor General's Despatch No. 112, of the 18th of April, 1877.

2. In a telegram addressed to the Secretary of State, in March, 1880, you recalled attention to this subject, and enquired the intentions of Her Majesty's Government in regard to it. Your Lordship was informed in reply, by a telegram from my predecessor, to the effect that Her Majesty's Government wished to reconsider with the Dominion Government sub-section 3, Section 16 and Section 2, clause 18 of the Act passed by the Legislature of Canada, in April, 1877, before recommending to Her Majesty, the issue of an Order-in-Council, as desired by the address of the Canadian Parliament above referred to, and that they had been advised in 1877, that the power conferred by the first of these clauses on the Minister of Justice, was very extensive, and that in most cases the exercise would constitute a breach of treaty obligations.

3. I have now received your telegram of the 24th of January, intimating that your ministers are anxious for details of the objections of Her Majesty's Government, as the matter will probably be discussed in Canada during the session of the Dominion Parliament.

4. As regards the objection to the second section of clause 18, I need only refer you to the despatch addressed to the Earl of Dufferin by the Earl of Carnarvon, on the 5th of April 1877, and to His Lordship's confidential despatch of the 1st of June, 1877.

The despatch therein referred to from the Earl of Carnarvon, of the 5th of April, 1877, after some introductory language, says:—

"The Bill appears to me to be in all essential points correct, but upon one minor point a doubt has accrued to me, namely, whether section 2 of clause 18 is altogether within the powers of the Canada Parliament; the authority given by this section for the conveyance of a prisoner within the jurisdiction of a foreign state might, as it appears to me, be held to be *ultra vires*, as the Canadian Legislature cannot grant any powers outside the limits of the Dominion and would not therefore be able to legalize the custody of a prisoner upon the high seas."

That point was afterwards further discussed by Mr. Blake, and the House will see in a moment by the continuation of the despatch that it was abandoned, and therefore I need not dwell upon it. The despatch continues:—

5. Her Majesty's Government attach more importance to the objection to subsection 3 of Section 16, which gives to the Minister of Justice, power to refuse to make an order for the surrender of a fugitive from Justice, "for any other reason," than those set forth in the section. They agree in the opinion given by

the late law officers of the Crown, referred to in the telegraphic communication to which I have adverted above, as to the effect of the power conferred on the Minister of Justice by this sub-section 3 of Section 16, and they would wish the Government of the Dominion to consider this point further.

6. An abrogation of the very extensive power in question would, as I am advised, remove the difficulty which at present hinders the issue of the Order-in-Council for suspending in *Canada*, the operations of the Imperial Extradition Act of 1870.

The Bill now upon the table of the House is for the purpose of repealing that sub-section of that clause. The clause, after enumerating the circumstances under which a prisoner could be extradited, gives the right to the Minister of Justice to interpose for any reason other than those mentioned in the Bill, which, of course, is open to the objection that it is vague and the Minister of Justice might not use a sound discretion and might exercise a discretion in antagonism to treaties which might exist between Her Majesty and foreign countries. Clause 16 reads as follows:—

"In case the Minister of Justice at any time determines—(1) that the offence in respect of which proceedings are being taken under this Act is one of a political character; or (2) that the proceedings are in fact being taken with a view to try or punish the fugitive for an offence of a political character; or (3) that for any other reason he ought not to be surrendered; or (4) that the foreign state does not intend to make a requisitory for surrender; the Minister of Justice may refuse to make an order for surrender and may by order under his hand and seal cancel any order made by him, or any warrant issued by a judge under this Act &c."

The language which was taken objection to in England is that giving discretion, for reasons not mentioned, to the Minister of Justice, and the apprehension is that that might possibly be exercised in some way to interfere with a treaty to which Her Majesty is a party. The Bill now before the House proposes to strike out those words from the Act of 1877, and upon that being done, and communication being had with the Colonial office, the proclamation preventing the Imperial Act from coming in force in Canada will be issued and our Act of 1877 will come into operation. The advantage of that would be that the various operations necessary for the surrendering of fugitives may be taken much more easily and more in

consonance with the system under which the country is arranged judicially and functions of that class are carried on. The provisions of the Act now under consideration are contained in one section which reads thus :—

1. Section sixteen of the Act passed in the fortieth year of Her Majesty's reign, chaptered twenty-five, and intituled: "An Act to make provision for the Extradition of Fugitive Criminals," is hereby amended by striking out of the sixth and seventh lines thereof the following: "that for any other reason he ought not to be surrendered, or (4)."

The House will see that with these words stricken out, the clause will give full power to deal with all the circumstances mentioned specifically in it, but there will be no general power left with the Minister of Justice to deal with a person for any reasons other than those mentioned in the body of the clause.

HON. MR. ALEXANDER—I desire to take this opportunity to repeat an observation which I ventured to make to this House on a former occasion with regard to the extradition treaty: that it embraces only certain crimes which are named in the treaty, whereas there are many commercial men in this country who are of the opinion that the treaty ought to be extended so as to embrace cases of breach of trust. We find, from time to time, cashiers of banks and commercial men who have been guilty of breach of trust, clearing out with large sums of money and taking refuge in the United States, where they know that they are perfectly secure. They go to Buffalo, Detroit, or Chicago, and remain there free from the power of the law. I know that this amendment would have to be made through the Imperial Government, but I take this opportunity of again calling the attention of the House to the subject.

HON. MR. DICKEY—I would like to ask the Minister of Justice to what clause in the Act of 1877 this refers?

HON. SIR ALEX. CAMPBELL—Section sixteen of that Act.

HON. MR. DICKEY—I understood it to be sub-section two of clause eighteen.

HON. SIR ALEX. CAMPBELL—No; that was the first objection, which was

afterwards waived; and in the official despatch which I read they said the principal objection is to sub-section three of section sixteen.

HON. MR. DICKEY—Then that was abandoned?

HON. SIR ALEX. CAMPBELL—Yes.

The motion was agreed to, and the Bill was read the second time.

CALAIS AND ST. STEPHEN'S RAILWAY BRIDGE CO.'S BILL.

SECOND READING.

HON. MR. BOTSFORD moved the second reading of Bill (97), "An Act to incorporate the Calais and St. Stephen's Railway Bridge Company." He said: This is an Act incorporating certain parties for the purpose of erecting a railway bridge across the St. Croix River in connection with four important railways which have been constructed or are in course of construction. It has to be built alongside of the St. Croix Ferry Point bridge and consequently will not interfere in any way with the navigation of the St. Croix River. The Grand Southern Railway which has been constructed from St. John to St. Stephen's requires this bridge to connect it with the American railway system. There is a railway from St. Stephen up the valley of the St. John under construction which will also make use of the bridge when built, which is specified in the Bill.

HON. MR. McCLELAN—Has this Bill been printed?

HON. MR. BOTSFORD—I understand it has. A few amendments have been made to the printed bill at the suggestion of the Minister of Railways: these have not been printed. I will mention the principal amendments that have been made, and I trust the Senate will not require the bill, as amended by the Commons, to be printed before the second reading. I desire to move the second reading now, in order that the bill may at once be sent to the Railway Committee. The amendment made at the suggestion of the Minister of Railways was principally with respect to the locality of the

bridge, which is now confined as near as possible to Ferry Point, where a bridge already exists for the purposes of communication between St. Stephen and Calais. There are two railways in the State of Maine which will require the use of this bridge, and powers have been granted to a Company that is already formed in the State of Maine, for the construction of a road between Calais and Penobscot, which will eventually extend to the Megantic road. There is a bill before Congress for the purpose of incorporating a Company to construct a bridge over this navigable river for what is called the Shore line to Bangor, so that there will be four important railways converging at this bridge. I will refer to the third section of the bill, which shows how well any obstruction to navigation is guarded against, and I may also mention that this bill is subject to the Consolidated Railway Act. The third section reads as follows:

“The Company shall not commence the said bridge, or any work thereunto appertaining, until the plans of the said bridge, and the works intended and connected therewith, shall have been submitted to and approved by the Governor in Council, and such conditions as he shall have thought fit for the public good to impose touching the said bridge and work shall have been complied with; nor shall any such plans be altered, nor any deviation therefrom allowed, except upon the permission of the Governor in Council, and upon such conditions as he shall impose.

The clause inserted in other Bills in relation to bridges over rivers that are international boundaries has not been inserted in this, and perhaps it will be a question for the consideration of the Railway Committee.

HON. MR. WARK—I would like to ascertain from the hon. gentleman who has this Bill in charge if the St. Stephen people are willing that this bridge should be constructed? I know there was a very material difference of opinion between the St. Stephen people and those who were trying to promote this bridge. They alleged that they had gone to great expense to build a branch in order to have the terminus in the town of St. Stephen, but the object of the Bill was to run the trade past them to the United States. Perhaps the hon. gentleman can tell us if the St. Stephen people have waived that difficulty and now give their consent to the scheme?

HON. MR. BOTSFORD—I can inform the hon. gentleman that it has been unanimously approved of by the St. Stephen people. The importance of the work may be understood from the fact that there are four important railways culminating at that point that will require to use it.

ST. CLAIR RIVER RAILWAY
BRIDGE & TUNNEL COMPAN'YS
BILL.

SECOND READING.

HON. MR. MACINNES moved the second reading of Bill (80), “An Act respecting the River St. Clair Railway Bridge and Tunnel Company.” He said: This is, properly speaking, a tunnel company, though it is called a bridge company, as under it they simply have power to tunnel under the river. I believe there is nothing else in the Bill that can be objected to, and I therefore beg to move that it be now read the second time.

HON. MR. DICKEY—By the original Act, to which this is substantially an amendment, power was given to construct a railway bridge over this river dividing Canada from the State of Michigan; and power was also given them to tunnel. By the provisions of the present Bill the power to build a railway bridge is taken away or repealed, and therefore the Act brings the matter within a very much shorter limit. The only point to which I shall address myself at the present moment is this right to tunnel under the waters of the St. Clair River, and I would ask the Government whether their attention has been given to this subject; whether they are satisfied that this tunnel should be passed under that river without any provision such as has been suggested with regard to the building of railway bridges which connect the two countries—in other words, without any consent having been obtaining from the State of Michigan. I pass no opinion, but I think it is right on the occasion of the second reading to call attention to the matter, and I would like to know whether it is deemed necessary, in the interests of the public, that any provision of that kind should be inserted in this Bill? It does not appear to me at the moment that it is,

but still I think it proper to mention the circumstance.

HON. SIR ALEX. CAMPBELL—It has not formed the subject of discussion by the members of the Government, but I think the provision is not necessary inasmuch as there can be no interference with navigation. However, I will confer with my colleagues on the subject, and if I see any occasion for any further comment upon the matter I will tell my hon. friend privately, if he will allow me, before the Bill goes to the Committee. There is another point—a technical point—to which I would call his attention. It is that this Bill in the first clause proposes to enact that certain chapters of an Act passed in such a year of Her Majesty's reign are hereby declared to be in force. Now, I do not think that is a proper way to legislate upon the subject. These Acts have lapsed altogether, I believe, and therefore instead of declaring that they will remain in force, they should be revived and declared to be in force. It is a very novel proceeding to say that an Act of Parliament that has lapsed a year or so is still in force; it would be better to say we will revive it and put it in force.

The motion was agreed to and the Bill was read the second time.

BELL TELEPHONE COMPANY'S AMENDMENT BILL.

SECOND READING.

HON. MR. D. MACINNES moved the second reading of Bill (95), "An Act to amend the Act incorporating the Bell Telephone Company of Canada."

He said: this Bill was placed in my charge by the proprietors, and there is nothing in it, that I am aware of, to which any objection can be made. However if there be any urged it can be discussed in committee.

HON. SIR ALEX. CAMPBELL—I think there is a novelty in the Bill. It is proposed to allow this Company to issue bonds in sums of not less than \$25 each. I think hitherto, though I am not sure, that the sum has been larger than \$25, and that sum might be meant to enable them to issue bonds in the shape of bank notes,

or something like that passing from hand to hand. I believe \$100 has been the amount named in the past, and I think it is objectionable to allow this or any other company to issue bonds for so small an amount, the object being, I apprehend, that they should pass from hand to hand, which is contrary to the policy of the country.

HON. MR. POWER—There is another point in the Bill, which I think is objectionable. The first section is objectionable, as stated by the hon. the Minister of Justice, but the last section I think is still more so. It says:—

"The said Act of incorporation as hereby amended, and the works thereunder authorized, are hereby declared to be for the general advantage of Canada."

Now, these telephone companies are purely local undertakings, as a rule, and intended for carrying on local business. In the course of their operations they have broken up streets in the different cities of Canada, and have interfered with the rights of the citizens at large and with private property also. In consequence of those interferences the company has got into difficulties; and in one somewhat well-known suit in Montreal it was held that the company had no right, under their Dominion charter, to interfere with the streets in cities or municipalities, or to interfere with private property, without the consent of the municipalities, or without making arrangements with private individuals. Substantially the object of this Bill is to allow this Company to do these things without the leave of municipalities and without making agreements with private individuals. This is done by saying that it is a work for the general benefit of Canada. It seems to me that it is a very objectionable measure, and one that should not receive the assent of this House.

HON. MR. MACINNES—These telephones are now very nearly as common as telegraph lines; they are in general use and are found to be very convenient for the business of the community. I do not myself see why bills of this kind should be thrown out on the ground that streets are to be disturbed by putting down poles, or anything of that sort. However, if there is anything very objec-

tionable in the Bill it can be discussed in committee, when we come to it.

HON. MR. KAULBACH—I think it has lately been decided in England that telephone and telegraph companies are identical,—that telegraph companies have power to use telephones over their lines.

The motion was agreed to and the Bill was read the second time.

BILLS INTRODUCED.

The following Bills were received from the House of Commons and read the first time:—

Bill (121), "An Act to Exempt Vessels employed in Fishing from the payment of Dues for the relief of Sick and Distressed Mariners." (Hon. Mr. Aikins.)

Bill (47), "An Act to extend and amend the Acts relating to the Canada Landed Credit Company." (Hon. Mr. Gibbs.)

Bill (94), "An Act to incorporate the Great American and European Short Line Railway Company." (Hon. Mr. Bourinot.)

Bill (57), "An Act to incorporate the Chignecto Marine Transport Railway Company, limited." (Hon. Mr. Botsford.)

IRREGULARITY OF MAILS.

HON. SIR ALEX. CAMPBELL—Since my attention was drawn to the Post Office question by my hon. friend from Amherst (Mr. Dickey) I have had an interview with the Secretary of the Post Office Department, and find that no answer has been sent to me because they have not been able to get any reply to their telegrams sent to the local inspector, in which they request him to ascertain the cause of the delay and have it removed. They are again telegraphing, and hope by to-morrow to ascertain the nature of the difficulty and to have it remedied.

The Senate adjourned at 4.30 p.m.

THE SENATE.

Ottawa, Thursday, April 27th, 1882.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

PRESBYTERIAN TEMPORALITIES FUND BILL.

REPORTED FROM COMMITTEE.

HON. MR. BELLEROSE, from the Select Committee on Standing Orders & Private Bills, reported without amendments Bill (66), "An Act to amend the Act of the late Province of Canada, intituled: 'An Act to incorporate the board for the management of the Temporalities Fund of the Presbyterian Church of Canada, in connection with the Church of Scotland,' and the Acts amending the same."

HON. MR. VIDAL—As there has been no amendment made in committee with respect to this bill, I beg to move that it be read the third time presently.

HON. MR. FERRIER—Although it is the usual practice, when a bill is reported from committee without amendment, to move that it be read the third time presently, I am aware that amendments will be proposed to this bill, and, as the gentleman who desires to offer them is not in his place, I think it would be but just to postpone the third reading of the bill until Monday next.

HON. MR. ALMON—I hope that this bill will be severely scrutinized by the House. I do not think it passed the committee fairly. It had been discussed for four days, and we generally adjourned at one o'clock; but about a quarter past one to-day the first clause of this bill was discussed and voted on, and we wished to have a discussion on the other clause, but none was allowed, and the proposition was voted down. The minority left the room in a body, and I suppose the majority passed the three bills in the course of about ten minutes without investigating each clause as is usual, and merely by the force of a majority overpowering a minority. I hope this report will not be taken as the expression of the committee. If the minority are correct in their opinion it is a piece of tyranny towards those connected with the Church of Scotland who have come to ask for protection, and I trust that the House will not re-enact the tyranny which took place in the Presbyterian Synod, but

that the minority will have fair play, and their rights discussed and decided on their merits.

HON. MR. DICKEY—If the hon. gentleman from Halifax had allowed the seconder of the motion to state his views, perhaps it would have been unnecessary for him to make the speech which he has just now delivered. This is an important measure and an amendment to it was suggested in committee to-day. I then stated, as I now state, that personally I was most anxious that the hon. gentleman who suggested that amendment should have an opportunity of moving it, and although in the ordinary course this motion for the third reading would pass, yet under the circumstances I am perfectly willing that that gentleman, or any other hon. member who desires to move amendments on the third reading, should have an opportunity of doing so. I was under the impression that at this period of the session, if the matter were allowed to stand over until to-morrow, any hon. member would have time enough to write out an amendment; therefore I am willing to second the motion of my hon. friend, if he will adopt my suggestion, that the Bill be read the third time to-morrow, so that there may be no unnecessary delay at this period of the session.

HON. MR. VIDAL—I have no desire at all to prevent any discussion which may be desired on this Bill. I was not aware that any amendment was likely to be proposed to it; had I supposed so, I would not have pressed the third reading immediately, but I certainly think with my hon. friend from Amherst (Mr. Dickey) that from now until to-morrow will give ample time for the preparing of any amendments which may be offered to the Bill. Therefore, at the suggestion of the hon. gentleman to whom I referred, I move that the Bill be read the third time to-morrow.

HON. MR. OGILVIE—If there is no objection to it I would suggest that the Bill be not read the third time until Monday next. A great many people have to leave to-morrow afternoon before the discussion takes place on this Bill; in any event it is a very serious matter, and it

will take some time to look into it. The hon. gentleman from Halifax has spoken of the tyranny of this Bill: I would not like to use such strong language about it, but I certainly think it is a Bill—if ever there was one before any House of Parliament—that requires to be closely looked into; and I think the propositions that were made were certainly as reasonable as could be expected. If the hon. gentlemen present would kindly fix Monday afternoon for the third reading it would give those of us who differ in opinion from the majority of the committee, time to bring forward amendments that we think are very necessary.

HON. MR. DICKEY—Personally, I have not the slightest objection to that course; I do not wish to hurry the matter.

HON. MR. VIDAL—I move that the Bill be read the third time on Monday next.

The motion was agreed to.

MAIL CONTRACTS IN PRINCE EDWARD ISLAND.

INQUIRY.

HON. MR. HAYTHORNE inquired:

1st. Whether any contract or contracts for the conveyance of mails between the Province of Prince Edward Island and ports of the main land have recently been entered into by the Government; and if so:—

2nd. Whether copies of the same are to be laid on the table of this House?

HON. SIR ALEX. CAMPBELL—There is only one contract to which the question can apply, and that is the one recently given to Mr. John Halliday of Quebec. It is for the conveyance of mails between Pictou, N.S., and the Magdalen Islands, calling *en route* at Georgetown and Souris in Prince Edward Island. Advertisements were issued inviting tenders for this service, but there is no law requiring that these contracts should be laid on the table of the House; however, if my hon. friend would like to examine the contract, of course he can see it.

EXTRADITION ACT, 1877, AMENDMENT BILL.

THIRD READING.

HON. SIR ALEX. CAMPBELL moved the third reading of Bill (W), "An Act to amend the Extradition Act of 1877.

The motion was agreed to, and the Bill was read the third time and passed.

SICK AND DISTRESSED MARINERS FUND BILL.

SECOND READING.

HON. MR. AIKINS moved the second reading of Bill (121), "An Act to exempt vessels employed in fishing from the payment of duties for the Relief of Sick and Distressed Mariners." He said: This is a short Bill, consisting of but one clause which reads as follows:—

"No vessel, whether British or foreign, employed exclusively in fishing, or on a fishing voyage, arriving in any port in Canada after the coming into force of this Act, shall be subject to the payment of or shall pay any rate or duty imposed by the Act cited in the preamble to this Act, and its amendments"

By the Act 31st Vic., cap. 64, provision is made that any vessel of one hundred tons burthen, or less, shall not be subject to the payment of two cents per ton, more than once in a year. I may state that the object of this Bill is to meet a grievance which exists to a very considerable extent. It is that foreign vessels, particularly American, come into a port and if they have a sick seaman on board they pay the tonnage dues and then they may send the sick man to the hospital where the expenses attending his illness may amount to \$200 or \$300. This Bill is to meet cases of that kind.

HON. MR. KAULBACH—It is evident that the fishermen pay a large portion of these fees. Is this Bill to exclude them from the privileges of the Marine Hospital? Have they the same privilege to be taken to that hospital and treated by the health officer connected with that institution, or will they be excluded from it by the provisions of this measure?

HON. MR. AIKINS—I understand, so far as the provincial fishermen are con-

cerned, that they do not pay at present, and if they do not, they have not the privileges of the hospital; but they are not far from their own homes and if they are sick they return to them. This Bill is intended to meet the class of cases to which I refer.

The motion was agreed to and the Bill was read the second time.

MONTREAL AND CENTRAL CANADA RAILWAY BILL.

AMENDMENTS CONCURRED IN.

HON. MR. SCOTT, in the absence of Hon. Mr. Pelletier, moved concurrence in the amendments made by the House of Commons to Bill (K), "An Act to incorporate the Montreal and Central Canada Railway Company." He explained that most of the amendments were of an unimportant character. One of the principal changes was in the twentieth clause. As it originally stood it empowered the Company to amalgamate or make running arrangements "with the Ontario and Quebec Railway Company, with the Atlantic and the North-West Railway Company, with the Canadian Pacific Railway Company, and with any other railway company whose road touches or approaches its line, or any of them."

By the amendment they were restricted to making running arrangements with the Midland, the Ontario and Quebec, the Atlantic and North-West and the Canadian Pacific Railway Companies. All the amalgamation clauses were struck out.

HON. MR. DICKEY believed that this was the first railway Bill introduced in the Senate this session. On that occasion the Law Clerk carefully went over it and suggested many verbal amendments, most of which were subsequently made in the House of Commons. Various other amendments were proposed such as those which had been alluded to, bringing the Bill more strictly under the provisions of the Consolidated Railway Act. These were rather strongly objected to, and the consequence was that the Bill was sent to the House of Commons in its then condition. The general tendency of these amendments made in the Lower House was to make the Bill conformable to the

shape suggested to the Committee by the Law Clerk, and the hon. member from Halifax who took an interest in the matter. The amendments were all in the right direction and should be assented to, and were substantially the same as were suggested in the Railway Committee of the Senate. They would have been adopted at that time, but for the objections taken by the promoter of the bill, who said they would have the effect of destroying the measure.

The motion was agreed to.

AFFAIRS IN IRELAND.

MESSAGE.

The SPEAKER announced that a message had been received from the House of Commons transmitting an Address adopted in that Chamber in relation to affairs in Ireland, to which they asked the concurrence of the Senate.

HON. MR. HOWLAN moved that the Address be made the order of the day for Monday next.

The motion was agreed to.

BILLS INTRODUCED.

The following bills from the House of Commons were introduced and read the first time:

Bill (102), "An Act to amend 'An Act to amend and consolidate as amended, the several enactments respecting the North-West Mounted Police Force.'" (Sir Alex. Campbell).

Bill (126), "An Act further to amend the Act respecting the Trinity House and Harbor Commissioners of Montreal." (Mr. Aikins).

Bill (100), "An Act to incorporate the McClary Manufacturing Company." (Mr. D. MacInnes.)

Bill (98), "An Act to incorporate the Canada Provident Association. (Mr. Skead.)

Bill (139), "An Act to incorporate the Rapid City Central Railway Company." (Mr. Sutherland.)

Bill (103), "An Act to incorporate the Qu'Appelle Land Company." (Mr. D. MacInnes.)

The Senate adjourned at 4.15 p.m.

HON. MR. DICKEY.

THE SENATE.

Ottawa, Friday, April 28th, 1882.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

IRREGULARITIES OF MAILS.

EXPLANATION.

HON. SIR ALEX. CAMPBELL—Before the Orders of the Day are called, I desire to make an explanation which my hon. friend from Amherst (Mr. Dickey) asked for the other day with reference to the detention of mails from the east. I was in hopes to have done so yesterday, or the day before, but the information had not reached me. I have since received a report from the Inspector, which I will read to the House, being the shortest way of explaining what has occurred. It is accompanied by a telegram which is as follows:

"Delays explained in my report nine, three, five of twenty-fourth. Failure again yesterday, Maritime mails reached Montreal too late for connection with Occidental or Grand Trunk."

The report of the Inspector is as follows:—

"POST OFFICE INSPECTOR'S OFFICE,
MONTREAL, 24th April, 1882.

"SIR,—I beg to acknowledge telegram of 22nd, Lower Province members complain that Eastern mails are not coming up by 'Occidental Railway,' I cannot but think that there is some misunderstanding in this. The records in Montreal Post Office shew that all the bags received from the Maritime Provinces are regularly re-forwarded the same morning from Montreal to the Occidental Railway, whenever they reach Montreal in time to admit of this being done—which as a rule is the case. But failures of connexion do occur, consequent on the Grand Trunk Railway. Thus, during the last fortnight failures from this cause have occurred as follows:

"On the morning of Tuesday, 4th April.

Wednesday, 5th "

Wednesday, 12th "

Tuesday, 18th "

Wednesday, 19th "

"On these dates, the mails have had instead to be forwarded from Montreal by the Grand Trunk Railway via Prescott. May it not be that it is these occasional failures which—through their cause not being under-

stood, have given rise to the impression that there was some general defect in the system of transmission? I should be inclined, for instance, to think it probable that the particular complaint which may have led to your telegram was founded on the non-receipt on Wednesday afternoon last, of letters *due* by the Occidental Railway; but which did not reach Ottawa until late that evening by the Grand Trunk Railway *via* Prescott. If any individual case of delay could be stated, I could the better be able to give the explanation required.

"I am, sir, very respectfully,
"Your obedient servant,

(Signed) "E. F. KING,
"P.O. Inspector.

"The Honorable
"Postmaster-General,
"Ottawa."

HON. MR. DICKEY—I am afraid it is not a complete explanation, because it still does not account for the fact that newspapers sometimes come two or three hours before letters.

HON. SIR ALEX. CAMPBELL—I will inquire into that.

HON. MR. DICKEY—It does not account for the fact that passengers can arrive here in the capital more than twelve hours before the letters.

HON. SIR ALEX. CAMPBELL—It is just possible for a passenger to get a cab in Montreal and cross from one station to the other when it would be impossible to send the mail bags across.

PACIFIC RAILWAY CHANGE OF ROUTE BILL.

THIRD READING.

HON. SIR ALEX. CAMPBELL moved the third reading of Bill (144), "An Act to authorize the construction, on certain conditions, of the Canadian Pacific Railway through some pass other than the Yellow Head Pass." He said: I promised my hon. friend from New Westminster (Mr. MacInnes) to make some explanation of the reasons why the company are limited to a pass at least one hundred miles north of the boundary line. I find that it is the suggestion of the Canadian Pacific Railway—that they believe they can find a pass more than that distance from the frontier, and therefore there is no desire and the Gov-

ernment is not anxious that they should go closer to the boundary.

HON. MR. MACINNES (B. C.)—I am perfectly satisfied with the explanation which the hon. Minister of Justice has given. My reason for calling the attention of the House to it the other day was simply that I was led to believe it was very doubtful whether the company could get through the Rocky Mountains without going nearer than one hundred miles to the boundary line, and I made the suggestion in order to obviate the necessity of the company applying to Parliament again for an amendment to their charter. If it suits the company, I am perfectly satisfied.

The motion was agreed to, and the Bill was read the third time and passed.

GREAT AMERICAN AND EUROPEAN SHORT LINE RAILWAY BILL.

SECOND READING.

HON. MR. BOURINOT moved the second reading of Bill 94 "An Act to incorporate the Great American and European Short Line Railway Company." He said: I wish to observe that probably most of the hon. members are aware that an American company has been formed for the purpose of building this railway which is entitled the Great American and European Short Line Railway. Their object is to build a road from St. John's, Newfoundland, to a point at or near Cape Ray and from Cape North, in the Island of Cape Breton, to the Strait of Canso, thence along the north shore of the Province of Nova Scotia, to a point at or near Oxford, Amherst, or some other suitable point of intersection with the Intercolonial Railway of Canada. The intention is to get first-class boats from England, and if they do as proposed, it will shorten the voyage to New York by three or four days at least. At one time it was supposed that difficulty would be found in obtaining an available harbor but it has been found that such a harbor will be available at less expense than at first thought. The route from Europe will be shortened 1000 miles and the result will be naturally to encourage travellers—people who are not disposed to stand sea sickness, to prefer passing by

this road, and I hope the Company will succeed in the attainment of their object which is of the greatest importance not only to the States or to Canada at large, but to Cape Breton in particular. It must be remembered that the Nova Scotia syndicate Bill does not provide for the building of a railway in that section of Cape Breton.

The Bill was read the second time.

BILLS OF EXCHANGE IN PRINCE EDWARD ISLAND BILL.

BILL WITHDRAWN.

HON. MR. CARVELL moved the second reading of Bill (X) "An Act relating to Bills of Exchange and Promissory Notes in the Province of Prince Edward Island." He said: It is scarcely necessary for me in moving the second reading of this Bill, to explain its nature, further than to say that the object of it is to make the usage in Prince Edward Island, with regard to bills of exchange and promissory notes, conform to that which prevails in other Provinces of Canada.

HON. MR. HOWLAN—I do not rise to oppose the Bill, but merely to ask the Minister of Justice whether it does not conflict with the local acts of Prince Edward Island. The first and second clauses of the Bill are, to my mind, unobjectionable, but the third appears to me to conflict with the local statutes. I should like to know from the Minister of Justice whether it does so or not. If it does not I have no objection to the measure.

HON. SIR ALEX. CAMPBELL—I should prefer that my hon. friend who has charge of the Bill would allow it to remain over. I see some difficulties with reference to the last clause, and it is a matter which requires to be approached carefully. One does not know how far the laws of the Province, intended to be affected by this Bill, might safely be made to assimilate with the laws of other provinces, and I think a general measure would be more satisfactory. I should prefer, if my hon. friend would consent to it, that the Bill should lie over altogether, but if not, I should suggest that the third clause be allowed to remain over for a

subsequent session. The whole matter cannot be very pressing, and if it be allowed to stand for a year, I will undertake to present to the House some bill on the subject at the next session of Parliament, and endeavor to deal with the matter. There is no reason why the laws in all the Maritime Provinces and Ontario should not be alike on this subject. It is hardly possible to assimilate the laws of the whole Dominion, because they have different proceedings in the Province of Quebec, but in the English-speaking provinces the laws will be the same on this subject throughout. I understand now that in Nova Scotia and New Brunswick a protest is not evidence, as it is in Ontario, that a bill has been presented for payment, that it has been paid, and that notice has been sent to the endorsers. We find that convenient in Ontario, and not attended with any hardship or injustice to anybody. I think it is a pity to seek to legislate for one particular Province amongst those which have dissimilar laws on the subject, and that the wiser way would be to let the Bill stand, upon the undertaking made by the Government, which, I am very happy to announce, that they will introduce a Bill to deal with this matter next session.

HON. MR. CARVELL—Before bringing the Bill here, I had a conversation with the Law Clerk on the subject, who told me that this is an exact copy of the law as it stands in Nova Scotia.

HON. MR. HOWLAN—The last clause is in the Nova Scotia Act, but the other clauses are the same as in the Dominion Act.

HON. MR. CARVELL—I would suggest to let the Bill stand until Tuesday next.

HON. SIR ALEX. CAMPBELL—Does not my hon. friend think that it would be safer on the whole to allow it remain over altogether and let the Government introduce a bill upon the subject next session. It is an important matter, one affecting commerce in all directions, and it seems to me that it would be safer in the long run for all concerned to let the Government introduce a measure upon their responsibility.

HON. MR. BOURINOT.

HON. MR. CARVELL—I am quite willing to accept the suggestion, and I therefore move that the order be discharged.

The motion was agreed to.

TRUST AND LOAN COMPANY'S BILL.

SECOND READING.

HON. MR. GIBBS moved the second reading of Bill (35) "An Act for amending the Acts relating to the Trust and Loan Company of Canada; and for enlarging the powers of the said Company."

He said: I believe the Trust and Loan Company first obtained its charter about the year 1844, and it has had its Act amended from time to time, probably a dozen times, and this is a Bill to further extend its powers. The object is to give the Company power to do business in all the provinces of the Dominion, on the same terms as it has hitherto been doing business in the old provinces of Canada. The Company sought to obtain powers according to the provisions of the general Act to allow them to loan money on the same terms as private individuals without limitation of the rate of interest, but I notice that an amendment has been made to it, limiting the rate of interest to eight per cent.

HON. MR. DICKEY—What clause is that?

HON. MR. GIBBS—It is to be found in the third clause. The company proposes to do business in the North-West. I am not yet instructed whether the company desires to have that clause changed in any way, but if so it can be dealt with when it goes to committee.

The motion was agreed to and the Bill was read the second time.

FISHING VESSELS AND DISTRESSED MARINERS' FUND BILL.

THIRD READING.

The House went into Committee of the

Whole on Bill (121), "An Act to exempt vessels employed in fishing from the payment of duties for the relief of sick and distressed mariners."—(Mr. Aikins.)

HON. MR. ALLAN from the Committee, reported the Bill without amendment.

The Bill was then read the third time and passed.

CANADA LANDED CREDIT COMPANY'S BILL.

SECOND READING.

HON. MR. GIBBS moved the second reading of Bill (47), "An Act to extend and amend the Acts relating to the Canada Landed Credit Company." He said: This is a Bill the provisions of which are of the same character as the Bill, the second reading of which I moved a few minutes ago relative to the Trust and Loan Company. It does not ask to do business all over Canada, but it desires to extend its operations to Manitoba and the North-West, and, like the other company, the rate of interest it is allowed to take is restricted to eight per cent. In this connection I do not think it is treating these companies fairly, because they are placed at a disadvantage in going up there to do business against other companies that have been incorporated in Great Britain and other parts of the world, with powers to loan money upon such terms as they may agree upon. It appears to me to be an injustice to Canadian companies to place them in a worse position than foreign companies they may have to compete with, and however desirable it may be to have cheap money, I do not think the best way to obtain it is to restrict these loan companies to eight per cent. interest.

HON. MR. READ—If we have been doing wrong hitherto in allowing bills of this kind to pass without limiting the rate of interest, it is time the evil should be remedied. If we look at the return that has recently been presented to Parliament and observe the effects of such a policy in Ontario, we will see the necessity of guarding, if we can, the provinces in the North-West that are now coming into the Union

from the same evil. I see in this return, that loan companies in Ontario are getting from eight to fifteen per cent., and in addition to that I find that \$600,000 is paid annually for management and other little items. From this same return I find that the amount invested in Ontario on the 1st of January, 1880, by those loan companies was \$45,910,756. Quebec, I am happy to see, has been more discreet, or less extravagant, and her indebtedness to the same loan societies is only \$2,389,929. In my opinion people are not guided by their better judgment when they are borrowing money. Money is not like anything else; it gives momentary satisfaction and relief to the borrower when nothing else will do it: hence, when he is borrowing, his better judgment does not guide him as it does in other business transactions, and he is prepared to pay more than it is worth. Talk about landlordism and tenants in Ireland; I think the farmers in Ontario are in a worse position under the loan societies than the tenants in Ireland are under their landlords, and it is no wonder that they are going off to the North-West, and leaving the companies to farm themselves and get their eight, ten and twelve per cent. out of it. When a farmer gets into debt his farm has to pay for it, and when his crop fails him he finds himself unable to get out of his difficulties; and it is no wonder he leaves the Province and goes to where there is a homestead law, and where he can, no doubt, gather a little property around him.

HON. MR. POWER—I think the hon. gentleman said that the amount invested in Ontario by loan societies was \$45,000,000.

HON. MR. READ—Yes, \$45,910,756, up to the 1st of January, 1880.

HON. MR. POWER—I think the hon. gentleman stated what the annual income derived from that investment was.

HON. MR. READ—The dividends paid were from six to twelve per cent.

HON. MR. SMITH—How much at twelve per cent., and how much at six?

HON. MR. READ—I cannot make up

HON. MR. READ.

the amount at a minute's notice—it is a long statement.

HON. MR. SMITH—Your figures cannot be reliable unless you give the full statement.

HON. MR. READ—The return is a yard long, and it would take some time to read it.

HON. MR. ALMON—Dispense!

HON. MR. READ—There is only one pleasing feature in it; I notice that Ontario last year paid in thirteen millions of dollars, and borrowed about twelve millions; which shows that they are, at all events, trying to get rid of their indebtedness. No farmer can pay such interest, and if we allow these loan societies to go into Manitoba and lend even at eight per cent. they will crush out the energies of the people and absorb the industry of the country.

HON. MR. SMITH—If the hon. gentleman from Quinté had shown us that the rate of interest was very much greater than the country could afford to pay, it would have been some information to this honorable House, but he has been down on these loan companies for a very long time, on the broad principle that they are an injury to the country.

HON. MR. READ—Hear, hear.

HON. MR. SMITH—If we take the hon. gentleman's view of the question, no man should build a barn, or a house, or improve his property, unless he has the money in hand first wherewith to do it. If that policy had been pursued by the people of Canada, our country would not have prospered as it has done. I say that the more money we can borrow in a foreign country at a reasonable rate and bring into this Dominion, the greater will be our prosperity and the greater will be our progress. Money is loaned now on a different system from what it was some years ago when interest was added to principal. At present a man can borrow money for a number of years on the straight loan system at six or seven per cent., and can afford to improve his pro-

perty and keep pace with the progress of the age. If such were not the case there would be stagnation in the country; the farmers could make no progress and there would be no prosperity. People who go into the North-West, where profits are greater and returns quicker, can afford to pay a larger rate of interest on money than the farmers in the older provinces. This gentleman has a hobby in this direction, and has raised a cry about loan companies ruining this country by charging enormous rates of interest. Why, hon. gentlemen, there have been millions of dollars put into this country during the past year at not more than $6\frac{1}{2}$ per cent., and on the straight loan plan, too. I ask will that ruin any man who borrows money, or any country? Does the hon. gentleman want men to borrow money and then repudiate the interest altogether; is none of this interest to go home to the older country from which the money was borrowed? It would be outrageous to think so, and men are in honour bound to pay every dollar which is payable under the agreements they may make. I would say to every farmer in the country, where he can see his way clear before him, to borrow £100 for five years at $6\frac{1}{2}$ per cent., and improve his property; by such a course he is doing good to his family, to the country, and to those who will come after him.

HON. MR. SKEAD—And draining his land.

HON. MR. SMITH—Yes draining his land and so on. The country will progress in this way, but if the motion of the hon. gentleman from Belleville (Mr. Read) is adopted farmers must not do a single act on their farms until they have the money out of the land. I do think that the sooner my hon. friend drops these notions the better, and the sooner the farmers of the Dominion are taught that it is not a hardship to borrow from these companies the better it will be for this country. I say these institutions are doing good service and are getting very large amounts of money out from England at 4, $4\frac{1}{2}$ and 5 per cent., which moneys they are lending at a small advance on these rates, and so are greatly benefitting the Dominion.

HON. MR. READ—The hon. gentle-

men asked me a question just now which I did not answer at the time, but I now wish to say that the dividends paid last year in Ontario amounted to \$1,786,425.20.

HON. MR. SMITH—On how much Capital?

HON. MR. READ—A capital of \$19,000,000 subscribed and paid up, and \$30,944,014.33 borrowed.

HON. MR. SMITH—That is not an answer to the question. I would state as a matter of fact that the institutions of this country did not send out as much money, for interest, as they got in. I say that the country is making a profit on the money borrowed from the old country, and different other quarters of the world; and that profit goes into the hands of our Canadian people, our farmers being benefited by that money. I maintain that if money did not come into this country by means of these institutions our progress would be materially affected and delayed. All the profits arising from the small rate of interest paid on moneys coming from the old country, belong to Canada, and are spread amongst our own people, forwarding their interests and building up this Dominion.

HON. MR. ALEXANDER—As a shareholder of many of the loan societies of the Province of Ontario, I am bound to say that grounds have existed which justify my hon. friend from Belleville in the remarks which he has made. It is all very well for my hon. friend on my left (Mr. Smith) to charge the hon. gentleman from Belleville (Mr. Read) with having made remarks which are not justified, but I ask this House simply to consider that the House of Commons—with regard to the Bill now presented by my hon. friend behind me (Mr. Gibbs)—has thought it necessary to limit the rate of interest to 8 per cent. I ask is that not evidence, which we cannot ignore, that loan societies have been charging more than that reasonable rate? Where could there be evidence more striking with regard to the truth of the position taken by my hon. friend from Belleville (Mr. Read)? Why the very fact that the other Chamber felt it to be their duty to enact this provision is conclusive evidence upon the subject; and no member of this

House, I am sure, will say that any loan company should demand from the industrious people of this country more than eight per cent. for money loaned. I quite agree with the views of my hon. friend from Toronto (Mr. Smith), that the loan societies have rendered great service to the country; I believe that the Trust and Loan Company, the Canada Landed Credit Company, and many other Companies, have aided this country greatly and have acted very fairly by the farmers, and borrowers generally, throughout the Dominion. On the other hand, however, I believe that other companies have exceeded reasonable rates. I think my hon. friend from Belleville (Mr. Read) is justified in what he has said, and I feel that the people of this country owe him thanks for his action on the present occasion.

HON. MR. GIBBS—I simply rise to say that, as the hon. gentleman from Belleville (Mr. Read) has mentioned no names in speaking of the hardships which certain companies impose on business, it might be inferred that the two companies whose Bills are before us to-day are amenable to the charge which he has so generally made. Now I maintain that if there are any companies in this country which are not open to any such charges they are the two companies which are asking for amendments to their charters for which I ask the second reading. My hon. friend from Woodstock has anticipated me in what I was going to say upon that point and I need not repeat it; I feel bound however to rise in defence of these two companies, lest it might be inferred that they are properly open to the charge made indiscriminately against loan companies, by my hon. friend from Belleville (Mr. Read). I quite agree and concur in all that has been said by the hon. gentleman from Woodstock (Mr. Alexander) with reference to the Trust and Loan Company, especially, of whose operations I know more than of the others. It may be said of this and kindred societies that they have never made any but what are called straight loans, and therefore the charge which has been brought against some companies—the truth of which I quite acknowledge as applied to them—cannot be applied in these particular instances. I am free to confess that the powers of some loan

societies should be restricted, but here is a company with a very large amount of money at its disposal, which desires to go to the North-West and carry on its operations there upon exactly the same basis as that upon which other companies stand—which is surely a very proper claim. It (the Trust and Loan Company) was the first company in Canada which obtained the right to loan money at eight per cent., upon real estate; and if I am not mistaken the Premier of the Dominion has been solicitor for it since it was established. It was he who got the first bill, affecting this Company, through the old Parliament of Canada, and obtained for it the privilege of loaning money at eight per cent.; and I say if any company has ever used its powers well and treated its customers leniently I believe it is the Trust and Loan Company—and I believe the same applies with respect to the Landed Credit Company. I felt I was in duty bound to defend these two Companies for whom I have asked the second reading of the Bills to which allusion has been made by my hon. friend so indiscriminately. He has not answered a very important question put to him to-day, when he says that the Companies have been paying from six to twelve per cent. If I understand him correctly he said it was \$1,400,000, which is only an average of about seven per cent., and in fact the whole of his arguments can be disposed of from his own statements.

HON. MR. READ—I think it is only right to make an explanation. I quite agree with the hon. gentleman from Oshawa (Mr. Gibbs), who speaks in the highest terms of the Trust and Loan Company I have reason to know—having been intimately acquainted with this company for about thirty years—that its transactions have always been fair and honorable, and in every way what could be desired. They have not been exacting; of course they always have obtained eight per cent., and have paid more than eight per cent. for the last thirty years to their stockholders. That can easily be seen, and a very excellent investment it has been for those men who first embarked in it. As for the other company, I know nothing of it. With regard to the Trust and Loan Company, however the experience of thirty years

has proved that it has paid to its stockholders eight per cent. steadily, and often a bonus of two per cent. in addition; a very nice thing for them, with nothing to pay. I do not think however, that a broad acre of this country, which is equal to any land in the world, should be subject to pay eight per cent. for money loaned upon it. No farmer in the land can afford to pay such a rate, and why the company should ask more I cannot understand.

HON. MR. SMITH—The hon. gentleman is out of order in making another speech.

HON. MR. READ—I think the hon. gentleman himself has been up twice, if I mistake not; we are often out of order.

HON. MR. FLINT—I am well acquainted with the Trust and Loan Company and must say that a more honorable corporation could not be found anywhere and I speak this to their praise. It certainly has astonished me that they should ask extra power, to charge interest over eight per cent. and I cannot understand it. They have been doing business for many years and have kept straight to the mark; and, further, in connection with their loans they have never, so far as my knowledge extends, pressed anyone who made any attempt or tried to pay them. I know more than all that, that within the last year, or a little more than a year, where a person paid his interest punctually to the day, they have been taking off one per cent., thus making the interest virtually seven per cent. Therefore I was astonished that they should ask for greater powers, enabling them to increase the rate of interest. Now, with regard to my hon. friend from Toronto; he says that six and a half to seven per cent. interest on the straight loan plan is all they are getting; but we know, and it cannot be denied, that heretofore certain companies got certain powers that they might take any amount of interest they chose. The consequence was that they have locked up a great many farms, which they have at their disposal now, and they will never see the money they have advanced on them. The very fact that this is so proves how impossible it was for any man who got into debt on his farm, paying so high a rate, ever to discharge it.

These are facts within my own knowledge, for I happen to know parties who paid as high as twenty-one and a half per cent. This was done by interest at eight per cent. with fees, fines, etc., and when I pointed it out to the man and advised him to get out of it as quickly as possible, he managed to sell as much land as would discharge his debt; otherwise he would have lost the whole. Now I certainly do not object to Canadian companies, and those other companies having eight per cent, but I think it is as high a rate as this country can afford to pay for money. I know that any man in business, who pays more than eight per cent. will find that his bills will never be paid.

HON. MR. SMITH—That depends on the man.

HON. MR. FLINT—It does not altogether depend on the man.

HON. MR. SMITH—I know some men who pay a great deal more than that.

HON. MR. FLINT—I do not know how they can do it; they could not do so on a farm, nor in many other kinds of business. I have had a great deal of trouble and I have had to pay more than eight per cent., but I know it dragged me down. I understand all about the matter, and it has done me a vast amount of injury. I do not complain of my own losses; I could not help myself, and borrowed money at that rate to see if better times would not come. I think, however, my hon. friend the mover of these Bills should be quite satisfied to take the Bills as they are, and should not undertake to get more than eight per cent. for either of these companies.

HON. SIR ALEX. CAMPBELL.—He does not want more.

HON. MR. FLINT—He speaks as if this Bill should be placed upon the same footing as the others; but I think if we have gone in the wrong direction, we should now set ourselves right, and I trust that no Bill will ever pass which allows a rate higher than eight per cent.

HON. MR. READ—I will now give the hon. gentleman from Toronto (Mr. Smith)

an answer to his question. I have made it up and find that the companies pay an average of nine per cent., lacking a fraction or two. The amount of capital is \$19,861,722, and they have paid \$1,736,425, for the year ending 1st January, 1880, being about nine per cent. Then there must be added to this the expenses of management, \$523,640, being about two and three-quarters per cent. on the paid-up capital, besides charges paid by the borrowers.

The motion was agreed to and the Bill was read the second time.

CHIGNECTO MARINE RAILWAY BILL.

SECOND READING.

HON. MR. BOTSFORD moved the second reading of Bill (57) "An Act to incorporate the Chignecto Marine Transport Railway Company Limited."

He said—This Bill deals with a subject which has been of very great interest for the last three-quarters of a century. I can still recollect when some prominent merchants in Boston and Salem took a great interest in having ship navigation across this Isthmus in order to carry on trade, I presume, principal with the fisheries in the Gulf of St. Lawrence. The Legislature of New Brunswick took a deep interest in this question. It had made several separate surveys. I think one of these surveys was in connection with the Province of Nova Scotia and the Province of Prince Edward Island; but notwithstanding a mass of favorable reports from the engineers who made these surveys, still there were difficulties in the way and the object was not accomplished. The Dominion Government also made a most expensive and exhaustive survey of this route with the object, I sincerely believe, of having a navigable channel cut through this Isthmus in order to facilitate trade between the Gulf and River St. Lawrence and the American sea-board; but from unavoidable circumstances, which perhaps it is unnecessary to explain, that also failed, and it has now come to be considered that a marine railway should be constructed there which would secure all the advantages contemplated by the construction of a canal. I have no doubt that a good many persons—perhaps some hon. members of the Senate—think

that this is quixotic or visionary, but I confess when I look back for the last sixty years and see the gigantic strides which science has made in works of this kind I do not venture to limit what the intellect of man will accomplish. I can recollect when the mail was conveyed on horseback in saddlebags from my home to the cities of St. John and Fredericton once a month, and I have a vivid recollection of the mail carrier riding into the village and bringing information which was a month old. The hon. member from Amherst (Mr. Dickey) has made the complaint—I think justly—that he does not receive his English letters until six hours later than they should be here. In the days to which I have referred it would take nearly a week to get from the eastern part of New Brunswick to St. John. I am old enough to recollect that we, in our legislative capacities in Fredericton, did not receive English news in the winter season, sometimes, for three months. I recollect several instances when we were actually without information from England, or the mails did not arrive, for three months at a time. When we compare that with steamers crossing the Atlantic as they do now in one week, hon. gentlemen will see what wonderful improvement has been made in this respect. When I was a younger man it used to take me sometimes a week to reach Fredericton; it is now accomplished in five or six hours. What would have been considered if it had been predicted at the period to which I refer, that a man would be borne over the surface of the earth at the rate of fifty miles an hour; that he would drive through mountains by means of tunnels; that almost in a second of time he would get a communication from Europe to America; and that he could converse with a friend a hundred miles away, through the aid of the telephone? When hon. members bear these facts in mind they will hesitate before they pronounce a scheme, such as this Bill contemplates, as visionary. For my part, although I must confess that it is somewhat of an experiment, when I see the great progress which has been made in science and art, I do not myself doubt that this experiment will be a success. I think the promoters of this Bill will not be treated with ridicule as attempting to foist upon the Dominion a

scheme which in the opinion of some, perhaps, may be visionary. Hon. gentlemen will observe that this experiment, if it be attempted, will be made at the risk of private individuals. The Dominion Government do not take upon themselves the responsibility of its success. If the work be completed, it will be at the risk and expense of the gentlemen who voluntarily advance their money for its construction; but it will be generally admitted, that if the scheme should prove successful, it will be a great credit to the Dominion as establishing for the first time the usefulness of a work of this kind. Therefore, I trust, that there will not be any opposition to this scheme, although it may, in the ideas of some persons who have not given it serious consideration, be regarded as one of a visionary character.

This Bill is to incorporate some private individuals, and to give them the usual corporate powers for the construction of a marine railway from the Bay of Fundy to the waters of Baie Verte. Power is taken, of course, to expropriate land necessary for carrying on the work, but the provisions of the Consolidated Railway Act of 1879 protect those who own this private property. The Bill also gives power, which is absolutely necessary for the accomplishment of this work, to take possession of such necessary parts of the beach, or lands covered with water, of the Chignecto Basin, and also of Baie Verte, as may be required for the construction of the work, and for prosecuting the undertaking. The eighth clause provides that the capital shall consist of \$1,000,000, with power to increase the same when necessary, and by the ninth section the Company are empowered to issue preference stock to the extent of a million and a half dollars. Section thirteen authorizes the Company to issue promissory notes and bills of exchange, but with the usual proviso with respect to their not becoming negotiable: they cannot be made payable to bearer, nor can they be circulated as money, or bank-notes. Section fifteen gives authority to the Dominion Government to assume possession of the property on certain conditions—if after this work is completed and in successful operation it be found desirable by the Government to make it a public work, as it is one of great public interest, they may assume control over it upon complying

with certain terms, and if the Government and the Company cannot agree a board of arbitration shall be appointed. Clause seventeen provides that the tolls shall be fixed, in the first instance by the Company, but subject to approval by the Government. These are the principal features of the Bill of which I now move the second reading.

HON. MR. ALMON—Who pays for the land that is taken for the railway?

HON. MR. BOTSFORD—The Company as a matter of course: that is provided for in the Consolidated Railway Act.

HON. MR. POWER—I don't propose to offer any opposition to the second reading, because it purports to be a private bill. At the same time I do not think it is a measure which should be allowed to pass without some remark, because we have to become cognisant of what has been done at the other end of the building. It would appear that the Government propose to give a subsidy of \$150,000 a year to this Company, and further to give a sum of \$350,000 to aid in the construction of an ordinary railroad alongside this track—a road to Cape Tormentine: so it will be seen that this innocent looking bill which has just been described by my hon. friend may be something much more serious and mischievous than we take it to be. The grant is subject to the condition that the road is first to be built by the Company, but there is another provision that the Government may take over the work from this Company, and I only trust that the country shall not be called upon to assume this work within the next year or two in an unfinished condition and requiring the expenditure of a large sum to complete it.

HON. MR. BOTSFORD—It is not to be taken over until actually finished and in good working order.

HON. MR. POWER—There is nothing to prevent the Government taking it over before it is finished.

HON. MR. HAYTHORNE—It must be done by authority of Parliament.

HON. MR. POWER—There is just one

other question which has suggested itself to me. This railroad is intended to take the place of the Baie Verte canal, a project which was spoken of for a great number of years, and which, as the hon. gentleman who has moved the second reading of the Bill has stated, was inquired into and investigated by government engineers several years ago, and to which the report of the commissioners was unfavorable. Now, without saying anything at all of the difficulty of the work proposed to be undertaken, I very greatly doubt the utility of it: The question ought to present itself to every member of Parliament—supposing this ship railway to be completed, are the benefits that will arise from it equivalent to the \$150,000 a year which is to be asked from Parliament? Not having investigated the subject recently I am not in a position to give the House figures on that subject, but I think the opinion of most business men is that the benefit to be derived from the construction of this road will not be commensurate with the subsidy. The navigation of the upper part of the Bay of Fundy, as every gentleman who knows anything about the subject is aware, is of the worst possible character. (Cries of no, no.)

HON. MR. BOTSFORD—The hon. gentleman is entirely mistaken.

HON. MR. POWER—Hon. gentlemen know how difficult it is to get even to St. John, and the navigation at the upper end is no better. I merely wish to call attention to these objections, and when in committee we can discuss them more fully.

HON. MR. ALEXANDER—If it were not for the observations which have fallen from the hon. member from Halifax, (Mr. Power), I would not have ventured to make any remarks on this Bill, but I regard this enterprise as a most important one for the Dominion of Canada. Independent of commercial considerations it is all important that we should give encouragement to this project. I will not, upon this occasion, enter into a consideration of the amount of traffic that would pass by this route, but Parliament is aware that there are in different parts of the Dominion and on this continent,

positions where engineering difficulties have rendered the construction of canals impossible, and it will be observed that up to the present time no ship railway has been brought to successful completion. The construction of canals in positions such as the Isthmus of Panama, and between Lakes Huron and Ontario, could not be successfully carried out from the height of land to be traversed, and the heavy engineering difficulties to be surmounted; and if the projectors of this railway can carry the same to a successful completion, they would accomplish a great public object for the country, and such a railway would be a great advertisement of the progress of this young country. I have not the slightest doubt, from my knowledge and study of the Ontario and Huron Canal, that we shall before many years see a ship railway built from Toronto, or its vicinity, to some point on the Georgian Bay. Irrespective entirely of the commercial considerations for constructing this canal, it would be money well spent from this stand point. It would be a proud position for us to occupy, that the Dominion of Canada was the first to carry to successful completion an enterprise of such magnitude.

HON. MR. MACFARLANE—I am quite satisfied that the hon. member from Halifax (Mr. Power) in the first place knows very little either of the waters of the Bay of Fundy or the waters of the St. Lawrence at the proposed termini of this canal. His acquaintance with either point is of a limited character, or he would not have given expression to the statement which he made here to-day. Every one who knows anything about the matter is aware that if there is a place on the earth that is adapted for the construction of a ship canal it is in the locality referred to in this Bill. The isthmus is narrow—

HON. MR. POWER—Eighteen miles.

HON. MR. MACFARLANE—Suppose it is eighteen miles, it is almost as level as this floor. Nature seems to have adapted it for the purpose. It does not present the difficulties which occur in other places, and which have been described by my hon. friend from Woodstock (Mr. Alexander); there are no great heights of land to

be surmounted. All you have to do is to lift the ship out of the water, and then you have a level road to tide-water again. The difficulty experienced in cases of this kind is the means to lift a heavy vessel out of water and put it on the track; but by means of the hydraulic lift, which is already performing such wonders in many parts of the world, there appears to be no limit to the power which you can call into operation for the purpose, and thus the only difficulty which presents itself in this case can be overcome. It is a matter for engineers to say whether a vessel is safe or not when placed on rails. It is true that we have never yet had a marine railway, but we witness constantly the operation of drawing a ship out of water and putting it on rails for the purpose of making repairs, and that is accomplished not by hydraulic power, but by simple engine power. It is true this project is a novelty but it does not at all follow that it is an impossibility. I know that in reference to this project Captain Eads and several of the best engineers on this continent and also I believe of the old world, who have communicated with Mr. Ketchum, have expressed the opinion that this experiment can be tried at a comparatively small expense; and they believe that there is a possibility, amounting almost to a certainty, that vessels can be transported in safety for moderate distances over land. There is no doubt we are living, as my hon. friend from Westmoreland has stated, in a very fast age. Only to-day my hon. friend from Cape Breton (Mr. Bourinot) introduced a Bill here for the construction of a railway which will be a link in a shorter route to Europe. The capitalists who are interested in that project are prepared to demonstrate beyond a doubt that a passenger can start from New York and in five days he landed on the other side of the Atlantic, spending only three days of that time on the ocean voyage. Persons who would talk of that a few years ago would have been regarded as madmen, and yet very little doubt is entertained now that it will be accomplished. If the gentlemen who ask for this charter undertake the construction of this marine railway they must raise at the lowest estimate some five or six millions of dollars and expend it before they can call upon this country for a single dollar. Not only

that, but after having expended this amount they will be obliged to satisfy the Government that the railway is able to do the work which they have undertaken to perform. If they should be successful, by the time that the twenty-five years over which this guarantee is to extend will have expired, trade by this route will have been developed to such an extent that the railway will find abundant employment. It is a work which, though novel in its nature, will involve this country in very little expense, and I am quite sure that the very best results will flow from its construction.

HON. MR. ALMON—I am not going to oppose this Bill, because the custodians of the public purse have granted \$150,000 towards it.

HON. SIR ALEX. CAMPBELL—No they have not voted anything in aid of it.

HON. MR. ALMON—Then I shall oppose the Bill. I look upon the project as a chimera: it puts me in mind of the arguments which were used in support of the Shubenacadie Canal, in which not only money of this country, but English capital, was sunk, and resulted in creating a feeling of distrust towards Nova Scotia in the minds of English capitalists. If this marine railway should be successful, what would come out of it? The trade of the city of St. John would continue to go down the Bay of Fundy and get to Europe. I do not suppose there is much to do between St. John and the St. Lawrence. A few small vessels from Prince Edward Island would go over it, but I do not know of any vessels that would go north that way. Everybody knows that ships do not pay now unless sailed at the cheapest possible rate, and if they had to pay tolls and be subject to detention through the railway being blocked up at times, I do not think they could afford to take that route. I do not believe that the enterprise will succeed, and we should all earnestly pray that it will not, because then the loss will fall upon private speculators and not upon the people of Canada. I take this cheap way of establishing a reputation as a prophet, and I predict first, that the railway will never be built, and second, that, if it should be built, it will be a sad day for

the people of Canada when it is completed and in running order.

HON. MR. DICKEY—I do not wish to say anything about the details of the Bill, because it would be unbecoming for me, as Chairman of the Committee, to do so. I can only say that they will be carefully scanned. I would not rise but for the reference which has been made by the hon. member from Halifax to the navigation of the Bay of Fundy. He has spoken of it as most difficult and dangerous. I undertake, on the contrary, to say to him that having lived at the head of that Bay within almost the sound of the rush of its waters and having known it from my childhood, I am aware that the navigation is of the very safest character. I say that advisedly, and that the very bug-bear, the tide, which is often spoken of is one of the greatest aids to navigation. I am sorry that the two hon. members from Halifax, senior and junior, have expressed doubts of the practicability of this project. I hope that those doubts have not arisen from any desire to obstruct this Bill, or to influence the capitalists who may be called upon to invest money in this enterprise. If that is their object it will be met by the want of knowledge displayed by the hon. gentlemen, in talking about it. The senior member from Halifax expressed incredulity as to the practicability of the scheme, and the junior member from Halifax followed in the same line. Five years ago had anyone told me that across that isthmus, which Nature seems to have left for that purpose, such a railway could be constructed, I would have smiled with equal incredulity. Many hon. gentlemen will recollect that some two years ago, having studied up the subject of this Huron and Ontario ship canal a little, when I said in this House that it was possible to construct that canal by adopting a system of lift locks, worked by hydraulic power, and that by this process a vessel could be lifted or lowered fifty feet in eight minutes, I was almost laughed at. I stated it because I knew the fact—I had the best proof of it—and the very statement of that incident shows how undesirable it is that we should throw doubts upon anything that science can accomplish in these days. Take this very question: what is going on at this very moment?

This celebrated Captain Eads, one of the foremost engineers of the United States, and perhaps of this continent—

HON. MR. POWER—Oh, no.

HON. MR. DICKEY—My hon. friend may not be aware, perhaps, of the fact that after half a century of attempts to improve the navigation of the mouth of the Mississippi, Captain Eads was the man they had at last to apply to, and the only man who succeeded in solving the problem. What is he doing now? He is undertaking the project of carrying a ship railway across the isthmus between the waters of the Pacific and the Gulf of Mexico, at almost the southern end of the continent of North America, a line 165 miles long, to carry vessels just ten times the distance proposed in this case, and to convey them by a marine railway, with grades of thirty-five feet to the mile. It is proposed to carry not ships of the maximum weight of 1000 tons, as is proposed here, but vessels of 5000 tons weight, and that project is actually now going on. Therefore, I say, had this been presented five years ago I would have laughed at it, and therefore I do not wish to say anything very harsh against my hon. friends, because one requires to look into these subjects before his doubts can be removed. Had any one said here a year ago that the interior of the Island of Newfoundland would have been penetrated by a railway, and that the work would be constructed for a comparatively small subsidy on the part of that Province, he would have been laughed at.

HON. MR. POWER—Not at all.

HON. MR. DICKEY—I say it advisedly. I think one would be justified in laughing at such a proposition, because the interior of the Island is an inhospitable waste. I believe that only one or two living white men had passed over that country until within the last three years, and nothing was known about it. The project set forth in the Bill introduced so well to day by the hon. member from Sydney (Mr. Bourinot) is one which would hardly have been regarded as practicable a few years ago, and it can only be carried out by a second line across the Island of

Newfoundland to connect with Cape Ray instead of the terminus of this line under construction at the present moment in that island.

Now with regard to this particular scheme all I can say is this: if there ever was a point in the world where this experiment could be made under most favorable conditions it is at the point mentioned in this Bill, because I believe the highest elevation that will have to be overcome is something like twelve or fifteen feet, and the highest grade that need be on this railway will be seven feet to the mile, only about one third, of what in engineering is called the angle of repose, and the curves in all would be very slight. In the line projected by Capt. Eads, there are a great many curves, many of them so short that persons unacquainted with the project would consider them inadmissible in a railway of this kind where vessels of considerable length would have to be carried. But how is it done? It is done by having a section of the railway built on the principle of a turn table, so that when the vessel comes on it she is shunted over until she gets the line of the railway, and then goes on. There is no necessity for such a contrivance here. There is an hydraulic lift which has been in successful operation on the Weaverton Canal, Cheshire, for many years, and it is the same kind of hydraulic lift that Mr. Ketchum proposes to use here—the invention of one of the men whose name stands on the front of this Bill, Mr. Edwin Clark, who applied it first on that river in Cheshire. So that the whole thing comes within the line of possibility, and, I believe, of perfect practicability. The junior member for Halifax asks what is the good of it when it is done? and says, "It may do a little good to St. John," and so on. I hope my hon. friend is not instigated in his opposition to this Bill with the idea that it will interfere with the business of Halifax. But there is more than St. John interested in it, there is the whole western coast of Nova Scotia interested in it; there is the coal trade and the stone trade, and then there is the whole American fishing fleet whose headquarters is at Gloucester, Massachusetts, interested in it, as it will enable them to make three voyages instead of only two during the fishing season.

HON. MR. POWER—And cut out our own fishermen.

HON. MR. DICKEY—Our fishermen have the same right to go there and fish, and they can go if they like. Then there is the whole West Indies trade to the St. Lawrence interested in it, because all that they have to do is to take the safest navigation in the world by the well lighted United States coast, pass up to the Bay of Fundy without breaking bulk, and proceed with their cargoes by the St. Lawrence to Montréal. Then there is the benefit it would be to Prince Edward Island—a benefit incalculable. We are doing more than carrying out the engagement entered into at the time of the union because we are giving to Prince Edward Island vessels an opportunity to load their cargoes at their doors, and to transmit vessels and cargoes by this line and drop them in the water of the Bay of Fundy, whence they can proceed to St. John or to United States ports as they choose. Something has been said about the expense of this project. The lowest estimate that was given as the cost of the Baie Verte Canal was five millions of dollars, and the highest estimate by the Commission appointed to enquire into the matter—which I may infer was the cause of the abandonment of the project—the revised estimate—something like ten millions of dollars. This undertaking was abandoned by the Government. Now, here a comparatively young man, but one of the ablest engineers in New Brunswick (and I am happy to say he is a native of New Brunswick), Mr. Ketchum, comes forward backed by the best engineering talent in England and the United States and says he has a project which he is sure he can raise the necessary capital in England to carry out if the Government only grants a small subsidy. If his scheme is a success, which I believe it will be, it will place him in the proudest position of any engineer on this continent, because it will be the first successful attempt to inaugurate a marine railway in any portion of the world. The experiment has been proved to be a very practical one; marine ships have been constructed on the same coast where vessels are taken up out of the water for repairs, and it has been shown to be practicable in the United States in times past, where they had to overcome the difficulty of the Alleghany Mountains, and draw up loaded barges of several thousand tons weight, twenty or

thirty years ago, and place them in the water on the other side. It is quite true that vessels of greater capacity will require to pass over this road, but I believe it is perfectly practicable. Fortunately it can be accomplished without any great cost to us, because this proposed subsidy is only for a limited number of years. The aid asked from the Government would only be one and a half per cent. on the proposed cost of the line, the whole thing to be done at the risk and expense of the projectors. I think, therefore, it is a project upon which we may well congratulate ourselves, and the half hour that has been devoted to discussing the subject has not been misspent. My hon. friend has spoken of \$300,000 for the Cape Tormentine railway. A word of explanation is necessary on that subject. The Legislature has been so anxious to get this project carried out that they have offered a bonus for every mile of that railway that is built, but the Dominion Government did not feel justified in undertaking the cost of that work until they felt satisfied that the New Brunswick Company could not carry it out. I hear that it is the intention of the Government to place an item in the estimates to carry out that project, but the money is to be first expended on the Island side so as to make connection between the Island railway and the proposed terminus. At the same time I believe that it is the policy of the Government in case the New Brunswick Company fail to make the connection on this side, to secure it to the people of Prince Edward Island. Therefore, both projects commend themselves to the support and sympathy of the members from Prince Edward Island. I think I am safe in assuming that, and that this Bill ought to commend itself to the good sense and good feeling of this House.

HON. MR. KAULBACH—I do not wonder that my hon. friend who resides so near where this railway is to be located has spoken so warmly and so earnestly in its favor, but although I have no doubt as to the feasibility of the project, as far as the profits are concerned I am not so sanguine as the hon. gentleman from Amherst. I should be sorry to say anything that would discourage this Company from going on with their undertaking, and for this reason: while I was a member of the Nova Scotia Legislature years

ago, I supported a scheme for a proposed canal across the isthmus. Our Government was prepared at that time to spend a large amount of money on the project as it was considered feasible. But what this Company asks for is of a different character, and the proposed cost is only half the estimated cost of the canal with locks and one-fourth the cost the canal without locks. I do not believe with my hon. friend from Halifax that this project is not worth consideration. Nova Scotia considered the canal worthy of consideration, and with cooperation was ready to aid it at great cost.

HON. MR. POWER—Not at all.

HON. MR. KAULBACH—I believe if we had never entered confederation, it would have been done.

HON. MR. POWER—Not at all.

HON. MR. KAULBACH—It was strongly supported by the hon. member from Cumberland and by the Premier of Nova Scotia, and I believe it would have been accomplished but for Confederation. When we see the gigantic strides that science is taking year by year, we cannot limit our power of accomplishing any public work by our present ideas of what is practicable. The experience of the past has told us that we can scarcely predict what can or cannot be done in the future. I believe if there is any place on earth where a ship railway can be successfully built, it is the point mentioned in this Bill; it is a level, solid roadway; there are no rivers to cross, and the grades are favorable. Marine slips are on a small scale, what a ship railway will be; if we can raise a vessel up some two hundred or three hundred feet there is no reason why we cannot carry the vessel, on the same principle, eight or ten miles over rails. I am not so sanguine about the profits of working such a railway, and I am not so certain as my hon. friend is that the trade of the West Indies would go in that direction; I believe, however, it would increase the trade of the Bay of Fundy with the Northumberland Straits, and the St. Lawrence, and it would be a very great advantage, no doubt, to Prince Edward Island, but that it would divert trade from Halifax and that Lunenburg

would become a little fishing port in consequence I do not believe. If the engineers undertake this work and make it a success I have no doubt that the Government will maintain it. I do not know what the capacity of the proposed railway is to be, but if it is to secure the trade of the West Indies and South America it will have to be of sufficient capacity to carry vessels of thousands of tons. As I have always been in favor of extending our facilities for trade and commerce, I shall be the last to oppose this Bill, but I do not think the project is of great importance to Nova Scotia, as few of our vessels are likely to go by that route, and it is not reasonable to suppose that many vessels east of Cape Sable would use that railway. I presume that the parties who have undertaken the project have estimated the cost, and I hope that all the anticipations of my hon. friend from Amherst and of the member from that county, as to the success of the scheme, may be realized.

HON. MR. HAYTHORNE—This is certainly a kind of scheme which presents great attractions to our imagination at the present time, but it seems to me to be very much mixed up. There are several points which I think yet require explanation. We have had mentioned the proposed ship railway, we have had mentioned the company it is proposed to incorporate, the Government of Canada, the Legislature of New Brunswick, and besides that we have had another scheme mixed up with it, the scheme for carrying out the compact of Confederation between Prince Edward Island and the Dominion of Canada. Now, all these things have been mixed up together in a most confused way in this debate. Another thing that strikes me is, that notwithstanding it involves the proposition of a payment of \$150,000 annually by the Government, no member of the Government has stood up to explain any portion of the programme. I must say that the case for the ship railway has not been very clearly made out. It appears that at each entrance the same means and appliances will be required for the ship railway that would be required for a canal. The ship must be taken into a tranquil harbour with a sufficient depth of water to enable her to be so manipulated as to get her on this road. The same facilities are necessary as would be required

for taking her into canal. In my judgment, contrasting the canal with the ship railway, it seems to me the canal has rather the advantage so far as the benefit to the country is concerned. The railway would not improve the drainage of the country, but the canal would be a very material benefit in that way, because it would have a tendency to carry off some of the superfluous water. I think, therefore, that those gentlemen who have undertaken to advocate this principle should have turned their attention to the two points to which I have alluded. They should have demonstrated in what manner these artificial harbors—if natural harbors do not exist—are to be formed, and how they are to be kept in proper order. The experience of the Old World in the matter of canals is to the effect that the great difficulty, where they enter or emerge from the sea, is to keep them free from sand banks. It is a well known fact that the greatest difficulty in maintaining the Suez Canal is in keeping the Mediterranean mouth free from filling up with sand, and it is a well authenticated fact that the canal that existed there 2,000 years ago had been abandoned because the engineers of the time—great as they were in removing immense masses of stone that would puzzle the engineers of to-day—did not possess sufficient skill to dredge out the sand.

HON. MR. DICKEY—The Suez Canal goes through a desert of sand from end to end, and that is the reason it fills up.

HON. MR. HAYTHORNE—I think the hon. gentleman is in error there: the desert of sand through which the Canal runs is not the sand which embarrasses the entrance. The sand which embarrasses the entrance of the Suez Canal is borne down by the waters of the River Nile, and is carried out miles and miles to sea. Difficulties of the same kind are to be anticipated wherever a canal or harbor of that kind is formed artificially, and I think that the undertakers of this marine railway ought to have shown how they propose to construct these artificial harbors, into which vessels are to be let before they are landed on to the railway. For my part I do not at all contest the point that the lifting of a vessel is by no means the most difficult task; that is a matter which I believe is pretty commonly done now, and I do not

anticipate any great difficulty about it. But the other difficulty is one to which neither of the hon. gentlemen seems to have turned his attention, and I think it is one which ought to be shewn before this Parliament sanctions the outlay of such a very large amount of money. This is particularly necessary when we know there is a contingency in it, that the capital is not to be private capital, but that the Government is to have a sort of incidental interest in it. For my part, I should be exceedingly glad to see one or other of these undertakings in progress, because I believe it would be for the benefit of the province from which I come. It may be said that at present there is not sufficient traffic to demonstrate that \$150,000 worth of freight at least can be carried each year on that canal. I think, however, we have a right to anticipate that there will be a great growth of population all along the shores of the Gulf of St. Lawrence, and in the Province of Prince Edward Island, where it is known that the population is increasing at a very rapid rate; and from the cultivation of their fishing enterprises, and many other sources that perhaps are not at this present time anticipated, a vast amount of traffic will in future be provided for that railroad or canal, as the case may be. There is this to be said, that in contrasting the cost of the projected ship canal with the estimates which were before the Legislature some years ago with reference to a canal across pretty nearly the same line, it must be remembered that those estimates were based upon the experience we had in those times of excavating canals. I believe at that time we had not got any further than the pick and shovel, wheelbarrow and cart; but hon. gentlemen know very well that those tools are now pretty nearly abandoned, and that others, far more efficient, speedy and economical, are now in use. Therefore, it is hardly fair to take the old estimates for the Baie Verte Canal and contrast them with those for the projected ship canal. If this should be the means of forwarding the construction of railway communication, of which the Province of Prince Edward Island stands so much in need, I should certainly think it a great boon; and in anything I have said I did not mean to be understood at all as an enemy to this project. My

remarks have been intended to draw out further explanation from the gentlemen who, in my judgment, have left the matter somewhat obscure; and also to elicit from the members of the Government in this House some statement in regard to the interest which the Government is about to take in this undertaking.

HON. MR. CARVELL—I am very glad that my hon. friend who has just taken his seat has at last discovered that there are other means of excavating besides the pick and shovel. I think, when I was a boy I saw a machine worked by steam.

HON. MR. HAYTHORNE—I did not say that.

HON. MR. CARVELL—The hon. gentleman said that by any remarks he had made he did not wish to be understood—and then there followed something which I found it hard to understand. He commenced by saying that hon. gentlemen who had preceded him had mixed things up very much, that they got the Island Railway, the Government grant, and the ship railway all mixed up; that however was not sufficient, and he thought he would mix it a little more, and be put in the Suez Canal, of which he spoke for some time. Now I cannot understand how any hon. gentleman from the Maritime Provinces could see anything but benefit, both national and provincial, arising from the construction of this canal. I think some one said that, but a few little cargoes were to go from Prince Edward Island; but it would be well if gentlemen would inform themselves on this subject when they intend to express their views before this House; I feel, however, that the objections which have been made to this Bill have come from quarters which necessarily have but little weight. This is not merely a local matter; it is a great commercial question. The two gentlemen from the City of Halifax, like the hon. gentleman who has just taken his seat, have never been so situated that they had anything to do with the commerce of the world; and it is perhaps no wonder that they cannot see the benefits of this Bill. As to the Baie Verte Canal, I will not attempt to occupy the time of the

House just now, but the ship canal crosses an isthmus of 16½ miles and makes almost the difference of the entire coast line of Nova Scotia in going from some parts of the Province to the United States and Quebec. Some years ago the late Government sent a commission down to the Maritime Provinces to take evidence as to the benefits likely to accrue to the country from the construction of the Baie Verte Canal—

HON. MR. POWER—If the hon. gentleman will excuse me, it was the present Government in their former administration.

HON. MR. CARVELL—Then, that I may be understood, I will say the Mackenzie Government.

HON. MR. POWER—It was not.

HON. MR. CARVELL—I beg the hon. gentleman's pardon; during the reign of the Mackenzie Government there was a commission sent to the Maritime Provinces, and these Commissioners were Mr. Braun, the present Secretary of the Department of Railways, Mr. Jos. Lawrence of St. John, N.B., and the late Hon. John Young. They went down to make an inquiry in the Maritime Provinces and to establish what would be the benefits or otherwise of the Baie Verte Canal. Perhaps it might not be quite parliamentary to say what I think of the way that evidence was taken, but the report was unfavorable. I could mention the name of one gentleman in the City of Halifax, who was known as a merchant occupying a high position. He was asked, what would be the effect of that canal? and he replied: "I do not want it built, because it would take all the trade of New Brunswick up to Gaspé from me; it would turn it into an entirely different direction." I am not going to occupy the time of the House any longer now, as the hour for adjournment is so near, and if I have any further remarks to offer, I shall do so at another time and in a more connected way.

HON. SIR ALEX. CAMPBELL—In answer to the question of the hon. gentleman from Prince Edward Island, (Mr. Haythorne), as to the part the Government

will take in this matter I may state that the Government have nothing whatever to say to the Bill now before the House. It is a Bill to incorporate a private company, and there is nothing in it which can be construed as a promise by the Government in any way to this company. It is possible that assistance may be given by the Government, if the company should be formed and should be successful in accomplishing the object which it has in view. I am not quite sure but I think such assistance was spoken of in the other branch of the Legislature, so I cannot speak positively about it. At all events, as far as this Bill is concerned, it does not affect the Government in any way, nor is there any pledge in it on the part of the Government to do anything.

HON. MR. BOTSFORD—I think the hon. gentleman opposite who opposes this Bill has asked the gentlemen who advocate it to undertake a task which they are not called upon to do. In introducing this Bill I do not think I am mixing it up and muddling it with other questions. The Bill speaks for itself and is simply to authorize the incorporation of certain parties to construct a marine transport railway from a certain point on the Bay of Fundy to another point at Baie Verte. I do not say anything at all about any other railway or mix it up with any other undertaking with which the New Brunswick Government had to do. This Bill gives power to the incorporators to do anything that may be necessary for the carrying out and operating of the work. It also authorizes them to make docks and to take possession of the shore to a certain extent, if it may be necessary. It is not for me to say how, and I do not think it is usual on these occasions to explain how a company intends to perform its work. I think it is sufficient to say that they ask for powers to do it. They are responsible for it, and what is also of importance, I will state that they will receive no compensation, as I understand, from the Government until the work has been in successful operation. Therefore I must say that I consider I am not open to the charge which the hon. gentleman made.—that I mixed up and muddled the question. If the powers given to this company are not restricted, so much the better for them, but I consider the hon. gentleman, if he will read the Bill, will find that its provisions are ample for

the objects which this company has in view.

HON. MR. POWER—Will the hon. gentleman turn his attention to sections 14 and 15 of the Bill; these are the clauses that my hon. friend referred to.

The motion was agreed to and the Bill was read a second time

HON. MR. BOTSFORD moved that the Bill be referred to the Standing Committee on Railways, Telegraphs and Harbors.

HON. MR. POWER—I rise for the purpose of giving information in advance to the hon. gentleman who promotes this Bill, that as one member of that Committee, I shall feel it is the duty of that hon. gentleman who asks us to recommend the Bill, to shew,—what has not been shewn at all to-day,—from statistics, what trade is likely to pass over this railroad, and what revenue will be derived from it, if it is constructed and operated successfully. I think that is not an unreasonable request under the circumstances. The hon. gentleman asserts, and the hon. Minister of Justice repeats, that there is nothing in this Bill saying that the Government is going to give it a subsidy; but if the hon. gentlemen will look at sections 14 and 15, in connection with statements that have been made in the other branch of Parliament by gentlemen responsible for what they say, it will be found that it is proposed to make an annual grant of \$150,000—which is equivalent to a grant of \$3,000,000—to aid this enterprise.

HON. SIR ALEX. CAMPBELL—Was that stated in the other House?

HON. MR. POWER—So I understand.

HON. SIR ALEX. CAMPBELL—I said I did not know whether it had been stated there or not.

HON. MR. POWER—I think when this Bill comes before the Committee we ought to be shown that there is some justification for the expenditure of so large a sum of public money on a work of this kind. I am a little surprised at my hon. friend from Lunenburg taking the line he has, because the Government, though express-

ing their willingness to assist this work—which may be of very little service—profess not to have money enough to aid another enterprise about the value of which there is no doubt.

HON. SIR ALEX. CAMPBELL—I beg the hon. gentleman's pardon, that is not in this Bill at all. The question of whether or not that would be a proper expenditure would naturally be discussed when the appropriation comes up before the House.

HON. MR. POWER—We shall not have time to discuss anything when the Supply Bill comes up; I wish to say I do not want to be understood as having opposed the granting of a government subsidy for the construction of a railway to Cape Tormentine—that I consider a reasonable and practicable sort of thing.

HON. MR. BOTSFORD—I do not consider it my duty to point out what commerce will pass over this railway. It is his duty to know what is contained in the public reports which are now in the archives of the Dominion with respect to this project. The boards of trade throughout the whole Dominion have made estimates as to the extent of the traffic that would pass that way and the great advantage it would be to commerce. I refer the hon. gentleman to the public documents which are on file for the information which he desires.

The Bill was read the second time.

CANADA PROVIDENT ASSOCIATION BILL.

SECOND READING.

HON. MR. SKEAD moved the second reading of Bill (98), "An Act to incorporate the Canada Provident Association." He said: This is a scheme to provide mutual assistance for the families of mechanics, artisans and others employed in the mills and factories at this place. The preamble sets forth that William G. Perley, James McLaren, E. B. Eddy, John R. Booth, Joseph M. Currier, M.P., Edward McGillivray, Daniel O'Connor, A. Frankfort Rogers and other persons have associated themselves together for the purpose of forming a society for the mu-

HON. MR. BOTSFORD,

tual benefit of themselves and all such persons as may become members of the Association, by making provision against sickness, unavoidable misfortune and death, and for substantially assisting the widows and orphans of deceased members, and have prayed to be incorporated for that purpose. The Bill will be carefully considered in Committee.

Hon. SIR ALEX. CAMPBELL—I am, sorry that I am under the necessity of drawing attention to this Bill, particularly as it has been moved by my hon. friend opposite who had charge of another bill this session, to which I felt it my duty to object. I assure him that I do not call attention to this measure because it is his; on the contrary, if it were possible on that ground to say nothing about it, that would be my inclination. I do not think there is anything in this Bill which shows that it should be introduced in this Parliament. The gentlemen who apply for this charter seem to desire to form a sort of mutual charitable association, almost in the nature, apparently, of a life insurance company; and yet it does not state so distinctly. The petitioners say:—

“The Association shall have power to form a fund, by subscription, for the purpose of making any deposit with the Receiver-General required by Act of the Parliament of Canada.”

That would indicate that they are an insurance company, and yet they do not take power to issue policies upon the lives of members of the Association. The object of the Bill is very vaguely stated:

“The object and plan of the Association shall be for the mutual benefit of the members thereof, and to make provision by means of assessments, dues, donations or other payments of members in cases of sickness, unavoidable misfortune and death, and for substantially assisting the widows and orphans of deceased members.”

All these are very desirable objects, but how they are to be attained does not appear in this bill. It seems to me the object ought to be stated more distinctly than it is. There was formerly, in the old Province of Canada, a general act by which these associations could be formed, but there the object is more clearly defined than it is here. These applicants should show why they come here to be

incorporated rather than go to the Ontario Legislature; and they should point out distinctly whether they want to issue life policies or not. If they do, they should come under the general assurance laws and furnish the safety which those laws give. There is another provision to which I object: it is as follows:—

“Such fund or funds shall be exempt from execution for the debt of any member of the Association, and shall not be liable to be seized, taken, or appropriated by any legal or equitable process to pay any debt or liability of any member of the Association.”

Why should this be different from other property? Then, again, if the legislation is to be obtained here, we cannot say that: it is a matter which rests with the local legislature. It seems to me that all these points must be looked at, and the Bill to some considerable extent re-considered and re-cast before it can be adopted by the House. The preamble is so curiously worded that they could not give assistance in a case of misfortune; it must be a case “of misfortune and death”; and it would also prevent the giving of aid to the widows of deceased members; it must be “widows and orphans.” In the first place it should be ascertained whether this Bill is within the jurisdiction of Parliament; and if it is, then care should be taken to define more accurately the mode in which this fund is to be applied and to state distinctly whether the association is to be in the nature of a life assurance company. If it is, then it should be brought under the ordinary rules affecting such organizations, and it should state why the funds are to be exempt from seizure for debt.

HON. MR. SKEAD—I am thankful to the Minister of Justice for his kindly remarks with reference to myself; He must know that I did not introduce the Bill in the first place—that it came to me accidentally. The charter is applied for here because the operations of the Association will not be confined to Ontario; some of the promoters live in the Province of Quebec.

HON. SIR ALEX. CAMPBELL—It does not say so.

HON. MR. SKEAD—The Bill passed through the other House and was

thoroughly discussed there. It might be allowed to pass the second reading and referred to a committee where the solicitor and the promoters of the Bill can appear and give any explanations which may be considered necessary.

HON. MR. ALEXANDER—I am surprised at the exceptions taken to a bill of this character. It was not introduced by my hon. friend opposite, (Mr. Skead), but came from the House of Commons. If it is open to the objections taken by the leader of this House, I want to know how such a bill could have passed through the other Chamber. If the objections are so manifest, as the leader of the Senate says they are, it is strange that they were not raised in the lower House. I am sure that none could be urged to this Bill which is one of a most benevolent and proper character.

HON. MR. SKEAD—The hon. gentleman will observe that there is no Minister of Justice in the other House.

HON. MR. POWER—The leader of the Government and the leader of the Opposition in the other House have too many other matters to engage their attention to scrutinize very carefully every private bill which comes before that House, and a great many measures get through that way which should not be allowed to pass.

The Bill was read the second time.

RAPID CITY CENTRAL RAILWAY BILL.

SECOND READING.

HON. MR. SUTHERLAND moved the second reading of Bill (139), "An Act to incorporate the Rapid City Central Railway Company."

The motion was agreed to, and the Bill was read the second time.

THIRD READINGS.

The following Bills, reported from the Select Committee on Standing Orders and Private Bills, were read the third time and passed :

Bill (19) "An Act to incorporate the

HON. MR. SKEAD,

St. John's Bridge Company." (Mr. Belle-rose.)

Bill (15) "An Act to incorporate the Winnipeg and Springfield Bridge Company."—(Mr. Gibbs.)

Bill (42) "An Act to incorporate the Richelieu Bridge Company."—(Mr. Belle-rose.)

BILLS INTRODUCED.

The following Bills from the House of Commons were introduced and read the first time :

Bill (120) "An Act to amend 'The General Port Warden's Act, 1874' (Sir Alex. Campbell.)

Bill (124) "An Act to make further provision respecting the incorporation of a company to establish a Marine Telegraph between the Pacific coast of Canada and Asia, and for repealing the provisions of any Act inconsistent therewith."—(Sir Alex. Campbell.)

The Senate adjourned at six o'clock.

THE SENATE.

Ottawa, Monday, May 1st, 1882.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THIRD READING.

The following Bills, reported without amendment, from the Select Standing Committee on Banking and Commerce, were read the third time and passed :

Bill (47), "An Act to extend and amend the Acts relating to the Canada Landed Credit Company."

Bill (35), "An Act for amending the Acts relating to the Trust and Loan Company of Canada, and for enlarging the powers of the said company."

INTERNATIONAL CONSTRUCTION CO'S. BILL.

REPORTED FROM COMMITTEE.

HON. MR. DICKEY, from the Select

Standing Committee on Railways, Telegraphs and Harbours, reported Bill (75), "An Act to incorporate the International Construction Company," with certain amendments.

He said: The first amendment is to the second clause—to strike out the power of leasing. The second amendment is to the eighth clause, in which the amount to be subscribed was placed at five per cent. The capital stock of the company is \$1,000,000, and it only requires \$100,000 to be subscribed and five per cent. to be paid up for the company to go into operation. The Committee has thought fit to require the subscribed capital to be \$200,000, and ten per cent. to be paid up. Notice must also be published for two weeks, in a daily paper published in the City of Winnipeg, as well as in the Canada Gazette. The third amendment is in relation to the issue of bonds. The bill as it stood required that the whole amount of the bonds issued should not exceed the capital stock of the company. This clause has been amended so as to require that the amount of the bonds issued shall not exceed in all the amount of the paid up capital of the company. The next amendment is to the last two sections which proposed to repeal the eighteenth and nineteenth sections of the Joint Stock Company's Act, and one of these relates to the percentage to be called up by calls. As that clause was repealed and there was no provision in this Bill enabling the company to make calls, it was necessary to strike out the repeal of these sections, and leave the Bill under the operation of the Joint Stock Company's clauses. The thirty-ninth section of the Act requires that in any engagements entered into the word "limited" shall appear on the face of the agreement or contract, so that the public shall have notice that they are dealing with a limited liability company.

The amendment was concurred in.

GREAT EASTERN RAILWAY COMPANY'S BILL.

REPORTED FROM COMMITTEE.

HON. MR. DICKEY, from the Committee on Railways, Telegraphs and Harbors, reported Bill (89), "An Act to

incorporate the Great Eastern Railway Company," with certain amendments.

HON. MR. BELLEROSE moved that the amendments be concurred in.

HON. SIR ALEX CAMPBELL said he should like to see the amendments first.

HON. MR. DICKEY—The first amendment relates to the amount of the capital stock of the Company. By the fifth section the capital stock of the Company shall not exceed, on the whole, the sum of \$6,000,000, but there is nothing to prevent them forming a company with a capital of \$600 or \$60, and the committee therefore, at the suggestion of the promoters, fixed the capital at \$1,000,000. The second amendment is merely a verbal one. It strikes out two or three lines, and inserts words which accomplish the same purpose, without changing the sense of the clause. Then in the seventh clause, relating to subscription of stock, the committee thought it better that a fixed sum should be mentioned, and it is fixed at \$600,000, with the consent of the promoters of the Bill. The next amendment is with regard to the issue of bonds, and provides that the previous sanction of the shareholders shall be obtained. In the same sense the amendment to the thirteenth section requires the consent of the shareholders before mortgage bonds shall be issued. The concluding part of the clause refers to the Consolidated Act of 1879: we have added "and any acts amending the same." The mortgage clause has been amended to provide that the mortgage shall be filed with the Secretary of State, or his deputy. The promissory note clause has been amended in the same sense as the other bills. In the nineteenth clause the effect of the amendment is to confine any arrangements that are to be made, respecting this company, to the Montreal and Sorel Railway Company, or any line owned by the Province of Quebec or the Government of Canada. I would suggest that the amendments be taken into consideration to-morrow.

HON. MR. BELLEROSE—If the House prefers it I have no objection. I

move that the amendments be taken into consideration to-morrow.

The motion was agreed to.

MONTREAL TELEGRAPH COMPANY'S BILL.

REPORTED FROM COMMITTEE.

HON. MR. DICKEY, from the Standing Committee on Railways, Telegraphs and Harbors, reported Bill (96), "An Act to consolidate and amend the Acts relating to the Montreal Telegraph Company," with amendments.

He said:—The first amendment is a provision to protect the public under the operations of this Company, from having their shade, ornamental or fruit trees cut down or mutilated. The second amendment qualifies the power that is asked for the punishment of persons for willfully or maliciously breaking down any wire or post, by inserting the word "lawful," and it now reads, "lawfully erected." A further amendment with regard to increase of rate in Nova Scotia and New Brunswick is also in the Bill—that there shall be no increase of the rates beyond those existing. In the tenth clause the power that was given to fix charges is qualified by inserting the words "subject to the provisions of the Act," and there are some verbal amendments which do not affect the sense in any way. In the fifth clause a similar provision is inserted to protect the public in places out of incorporated towns and villages—the company shall not be empowered to cut or mutilate ornamental, shade or fruit trees. An amendment is made providing for penalties against the company for anything they may do contrary to the provisions of this Act, and those penalties by clause "A" are cumulative. They are in addition to any remedy which parties may have at common law.

HON. MR. FERRIER moved that the amendments be taken into consideration to-morrow.

The motion was agreed to.

THE GEOLOGICAL SURVEY.

INQUIRY.

HON. MR. BOURINOT inquired :
Is it the intention of the Government to

HON. MR. BELLEROSE.

publish all the maps which should accompany the annual reports of the Geological Survey of the Dominion, the want of which is much felt and desired? He said:—I wish to say a few words with regard to the Geological Survey. I desire to say, at the outset, that I have no wish to reflect upon Dr. Selwyn, the Director of the Geological Survey. We all know how admirably he has arranged the geological museum, over which he also presides, and that he has made it an attraction not only to the people of the Dominion but also to strangers who visit us. It certainly shows the great resources of our Dominion, and for that and many other reasons he deserves to be commended. Although I shall in some respects criticise the surveys, my object in doing so is not at all in a spirit of fault-finding but to endeavor to have the surveys if practicable improved. I may say that I have always taken a deep interest in this question from year to year. It must be remembered notwithstanding the great value of the Geological Museum, it is, after all, of secondary importance compared with the Survey. The Survey has been the means, as far as the partial reports published go, of developing our great resources, by having those records to appear annually, accompanied by maps, by which we would get information of the country at large—as a guide to those who peruse the annual volumes of such very great value to the Dominion. What I complain of is that the publication of these reports is delayed too long. For example, the last volume which has been distributed is the annual report for 1878–79. This delay is greatly to be regretted. Again, only a certain portion of the reports of the several surveyors is published from year to year—many are excluded from the books. In fact, I find that of twenty surveyors employed, the reports of only six to eight are published, whilst those of from twelve to fourteen are excluded. If these fourteen are not considered worth publishing of what use can they be to the public at large? Their manuscripts are I presume lodged in the pigeon-holes of the Geological Survey department. The book is altogether too bulky : it should be divided into districts, and issued separately. That is the way it is done in Pennsylvania, which has probably one of the best con-

ducted surveys on this continent. The moment a survey is completed in that State the report is published, accompanied by maps, and placed in the hands of the people at once and without delay. But here there is great tardiness, and not only that, but we get merely partial reports. I shall now give a few notes which I have taken from time to time. It is well known that the reports are admirably prepared. Now, that relating to Cape Breton with which I am familiar, prepared by Mr. Fletcher, one of the gentlemen of the Survey, which appears in the report—that of 1878-79—is a somewhat long one, but it is unaccompanied by maps, so that any one reading the report may be at a complete loss to understand it—so essential are these maps. First, I would state that Dr. Bell, although senior officer next to the director, cannot get maps of the Surveys of many years published. In Mr. Barlow's report for 1875-6 (written in May, 1876), he said :

“The map and report of the country examined will be ready for publication next year, and will embrace an area of about 500 square miles. This area includes the whole of the productive measures of the Springhill and Joggins coal fields.”

Yet this work has not been given to the public. Mr. Webster has worked diligently for fourteen years, but has had no report nor map published bearing his name; and other names ought to be mentioned in this connection. The draughtsman of the Geological Survey has not charge of the maps, nor their publication. No map bearing his name has appeared for many years, and maps for some of the reports are made by outsiders; in fact the work is entrusted to people who know little or nothing of the subject to be treated, and who are not at all in the same position as those surveyors who have a practical knowledge of it. I would further say, that the survey as at present organized is not of a sufficiently practical character, and the work done is inadequate to the requirements of the country. For example, although there is an inspector of mines on the staff, no mines are inspected by him. Then I would refer to the fact that Mr. Dawson's report for 1878-9 consists of 40 pages of history; 100 pages about the customs, etc., of the Haida Indians; 60 pages of geology, and about 50 pages contributed by other

workers. Why should this matter respecting these Indians, however interesting it may be, and which would have made, doubtless, an interesting page in a magazine—why should it appear in the report of a Geological Survey? I admit it puzzles me. Again, results are delayed, over-looked, or, as some think, suppressed. Mr. Fletcher's report on part of Cape Breton, just issued, relates to work done during the summers of 1878 and 1879, and no map accompanies it, without which it is all but unintelligible. And with a staff of upwards of twenty members, the annual reports contain a record of the work of very few. For example, in the report for 1877-78, only six members of the staff report on their work, the other fourteen being completely excluded. In the year 1878-79, the reports of Messrs. Dawson, Bell, Ells, and Hoffmann only appear, and they occupy spaces as follows, viz.: Mr. Dawson,—though covering a period of two and a half months only,—takes up 250 pages, has three large maps, and twenty-three plates; Mr. Bell occupies seventy-two pages, Mr. Ells twenty-six, and Mr. Hoffmann twenty-five. In the report for 1879-80, Dr. Selwyn occupies eleven pages, Mr. Dawson 166 pages, Mr. Bell 115 pages, Mr. Ells forty-seven pages, Mr. Fletcher 125 pages, Mr. Richardson sixteen pages, and Messrs. Hoffmann and Adams twenty-one pages. In other words, in three consecutive years, six, four, and eight persons on the staff made their work public. The staff comprises about seven field hands and eighteen in-door hands, who merely supplement their work, whereas the field staff is constantly being weakened by the resignation and discontent of the trained and efficient men, so that it is probably less efficient to-day than under Sir Wm. Logan, when the grant to the survey was not more than half as large as it is now; consequently the disproportion of the field to the office staff is absurd. Now with regard to those reports, I will shew what proportion the surveys bear to each other; I will just read the statistics which I have here, as it is impossible to carry them in one's memory. I will go back seven or eight years and will take first the report of 1874-75, which has 319 pages, of which Dr. Selwyn, the director, has sixteen pages; Dr. Bell, and assistants, fifty-seven pages, on the North-West; Mr. Richardson, thirteen pages, on British Columbia;

Messrs. Bailey, Matthew and Ells, twenty pages, on New Brunswick; Vennor, sixty pages on Ontario; Mr. Robb, one hundred pages on Cape Breton, N.S.; Smith, thirty-five pages on Canadian Salt; Harrington and Hoffman twenty pages of mineral analysis. The report also contains four maps, one each of New Brunswick and Ontario, and two of Cape Breton, N.S. The report of 1875-76 covers four hundred and thirty-two pages which are divided as follows: Macoun and Dawson on British Columbia, 250 pages; Mr. Ells in the North-West, thirteen pages; Dr. Bell on Lakes Superior and Huron, and Hudson Bay, forty-eight pages; Mr. Barlow in Nova Scotia, five pages; Messrs. Bailey and Matthew in New Brunswick, twenty pages; Mr. Fletcher in Cape Breton, fifty pages; chemical reports, nineteen pages. This report is accompanied by the following maps: of British Columbia two, and Cape Breton one, 16 of the 17 views and sections relate to British Columbia. The report for 1876-7 which embraces 531 pages, is divided as follows: British Columbia, 180 pages, Goderich, Ont., salt, 23 pages, Lakes Superior and Huron, 27 pages, Vennor on iron ores and phosphates, 76 pages, New Brunswick 80 pages, Cape Breton 50 pages; Chemical Analyses 50 pages; of the illustrations British Columbia has eleven and the other Provinces three. The maps group as follows: British Columbia, two; Ontario, one; New Brunswick, one; Cape Breton, one. The report for 1877-8 contains 440 pages; and is divided as follows—Mr. Dawson on British Columbia 188 pages; Hudson Bay by Dr. Bell 68 pages; New Brunswick, 90 pages; Cape Breton, 32 pages; Chemical Reports, 64 pages. There are the following illustrations: of British Columbia, fourteen; Hudson Bay, fourteen; New Brunswick, one; and Chemical Reports, nine. The Book also contains the following maps:—Hudson's Bay, three; and Cape Breton, one. The Report for 1878-9, of 400 pages is divided as follows:—British Columbia, by Mr. Dawson, 258 pages; Hudson Bay, by Dr. Bell, 72 pages; New Brunswick, 26 pages; Chemical contributions, 25 pages. The illustrations are as follows: Mr. Dawson 23 Dr. Bell six. The maps are: for Mr. Dawson, three; Dr. Bell one; and New Brunswick. three small

sheets. The Report of 1879-80 of 570 pages, is apportioned as follows: North-west Territory by Dr. Selwyn, 56 pages; British Columbia, by Mr. Dawson, 178 pages; Hudson Bay, Mr. Bell, 114 pages; New Brunswick, Mr. Ells 48 pages, Cape Breton, N.S., Mr. Fletcher, 126 pages; Magdalen Islands, Mr. Richardson, 16 pages; chemical contributions, 21 pages. The following is the division of the plates: North-West Territory, three; British Columbia, six; Hudson Bay, seven, New Brunswick, three. The maps are grouped as follows: Four large maps for Mr. Dawson's report, and one for that of Dr. Bell. It may seem tedious to many members of the House to listen to these figures, but most people would not take the trouble to worry over these books to obtain this information; it would be too great a labour to impose upon oneself. For my own part, I confess it has taken many hours to enable me to collect the facts which I have given, and it can be seen from the digest of these reports which I have just read that, as a rule, maps which should accompany the various reports are not contained in them; and this is particularly the case with reference to Cape Breton. Many persons in Cape Breton have repeatedly drawn my attention to this fact, and they say to me: "Why don't you have these maps supplied by the department?" I reply, "I might write a letter and do my very utmost, but after all, though Dr. Selwyn is apparently under the auspices of the Minister of the Interior, he is actually supreme in the department over which he presides, and I doubt very much if even the Minister of the Interior would consent to alter a plan, unless Dr. Selwyn were a consenting party." I regret very much that this should be so, and I have taken what I consider the best means of attaining the end which these people desire, and have brought this matter before the House. I have shown these reports, and these facts, when they become known, I trust will produce very good results. There is another point, before I resume my seat, to which I must refer. It is well known to hon. gentlemen present that there has been a Syndicate formed in Nova Scotia for the purpose of building a line of railway from the Straits of Canso, to the Eastern part of that poor Island of Cape Breton, which has not been blessed with

railways. Now with regard to the proposed railway and also the other railways of the opposite section of the Island of Cape Breton, the Great American Short Line Railway, which I had the honor of introducing in this House, I am informed, and I believe it is a fact, that these very lines over which the railways are to run, have already been surveyed under the direction of the Geological Survey. Now these maps, if published, would they not have been of great service at this juncture when these railways are being constructed, would they not be of great value? We know they are in existence, but they are completely buried in the archives of the Geological Survey. It may be that they will be published within the next two or three years, after the railway has been, I hope, located, when they will be, to some extent, useless. I am sorry to have encroached upon the time of the House so long, and have to thank hon. members for their patience. This matter, however, is of more importance than would at first sight appear to many who have not carefully studied it.

HON. SIR ALEX. CAMPBELL—I was not aware that my hon. friend had intended to go into the question of the thoroughness or want of thoroughness of the reports of the Geological Survey. The notice simply refers to the publication of maps, and therefore I had only prepared myself with reference to the question itself, and not with regard to the other matters which my hon. friend has discussed. As regards the maps,—it is the intention of the Government to publish them as fast as they can be got through the hands of the engravers. Supposing that my hon. friend had reference to Cape Breton particularly, I asked about the progress that had been made in that Island, and I am informed by Dr. Selwyn that a considerable portion of Cape Breton has already been published; also that of New Brunswick, four sheets, embracing 3456 square miles, with a scale of one quarter inch to the mile, have been placed in the hands of the engraver and will be ready to accompany the reports next year. Apparently Dr. Selwyn is of opinion that the proper maps have been published along with the reports from year to year as far as was possible. He says: "All the maps which should ac-

company the reports are published as quickly as they can be prepared." So, I can only answer the question which my hon. friend has put, in this way: that it is the intention of the Government to publish all maps that should accompany the annual reports of the Geological Survey as fast as they can be got through the hands of the engraver, and I believe that as fast as the work could be accomplished they have been published in the past. I would say further, that special attention is now being directed to completing the maps as speedily as possible, which refer to Cape Breton and New Brunswick.

BILL INTRODUCED.

The following Bill from the House of Commons was introduced and read the first time:

Bill (5) "An Act respecting the sale of railway passenger tickets."—(Sir Alex. Campbell.)

THIRD READING.

HON. MR. DICKEY from the Committee on Railways, Telegraphs and Harbors reported Bill (80) "An Act respecting the River St. Clair Railway Bridge and Tunnel Company" with some slight amendments.

The amendments were concurred in, and the Bill was read the third time and passed.

CALAIS AND ST. STEPHEN BRIDGE COMPANY'S BILL.

REPORTED FROM COMMITTEE.

HON. MR. DICKEY, from the Committee on Railways, Telegraphs and Harbors, reported Bill (97) "An Act to incorporate the Calais and St. Stephen Railway Bridge Company," with certain amendments. He said: the first amendment to this Bill is required in consequence of a person's name having been twice inserted. The Committee have recommended the usual addition to the bridge clause, requiring an Act of the Congress of the United States approving of the bridge, or the assent of the Federal Executive power. It was stated that it was quite possible that the bridge might be very near another bridge already

established, but as it was to be erected over a river forming an international boundary the Committee thought the Bill should not pass without this clause, though we were informed by the promoter of the measure that the company had already applied to Congress for that act. Clause 17 was an important clause, because it gave power to consolidate the stock and franchises of this company with any company in the United States of America, and we amend it in the same manner as in the Sault St. Marie Bridge Company's Bill, limiting their power of consolidation with any bridge company incorporated for the same purpose in the United States. The promissory notes clause is amended in the ordinary direction adopted during the present session.

The report was received and the amendments were ordered to be taken into consideration to-morrow.

THE ONTARIO AND PACIFIC RAILWAY COMPANY'S BILL.

REPORTED FROM COMMITTEE.

HON. MR. DICKEY from the Committee on Railways Telegraphs and Harbors reported Bill (61) "An Act to incorporate the Ontario and Pacific Railway Company," with certain amendments.

The report was received and the amendments were ordered to be taken into consideration to-morrow.

McCLARY MANUFACTURING COMPANY'S BILL.

SECOND READING.

HON. MR. MACINNES (Hamilton) moved the second reading of Bill (100) "An Act to incorporate the McClary Manufacturing Company."

He said:—This Bill is for the purpose of extending the powers of an existing Company whose object is to extend their business of manufacturing stoves to the North-West. I do not think there is anything objectionable in the Bill, and I hope the House will allow it to be read the second time.

The motion was agreed to and the Bill was read the second time.

HON. MR. DICKEY.

QU'APPELLE LAND CO'S. BILL.

SECOND READING.

HON. MR. MACINNES (Hamilton) moved the second reading of Bill (103), "An Act to incorporate the Qu'Appelle Land Company."

He said: This is a bill to incorporate a land and trading company for carrying on business in the North-West

The motion was agreed to and the Bill was read the second time.

PORT WARDEN'S ACT (1874) AMENDMENT BILL,

SECOND READING.

HON. SIR ALEX. CAMPBELL moved the second reading of Bill (120), "An Act to amend the General Port Warden's Act, 1874."

He said: This is a bill to increase the power of Port Wardens in respect to taking proceedings against the ship when they cannot find the person on whom they want to serve a process.

The motion was agreed to and the Bill was read the second time.

CANADA AND ASIA MARINE TELEGRAPH BILL.

SECOND READING.

HON. SIR ALEX. CAMPBELL moved the second reading of Bill (127), "An Act to make further provision respecting the incorporating of a company to establish a marine telegraph between the Pacific coast of Canada and Asia."

He said: This is to give further time—for a year—for the purpose of constructing this telegraph.

The motion was agreed to and the Bill was read the second time.

PRESBYTERIAN TEMPORALITIES FUND BILL.

THIRD READING.

HON. MR. VIDAL moved the third reading of Bill (166), "An Act to amend the Act of the late Province of Canada

intituled: 'An Act to incorporate the Board for the management of the Temporalities Fund of the Presbyterian Church of Canada in connection with the Church of Scotland' and the Acts amending the same."

HON. MR. ODELI.—I gave notice a few days ago that I would move amendments to this Bill when it came up for the third reading. These have been placed in my hands by the minority who are opposed to this measure, and who will be very much aggrieved under its operation if it is passed in its present shape. Personally I have no interest either way in this matter; but before I proceed further, I desire to make an observation with regard to a report which has reached me. (I have it from a member of this House), to the effect that I, and some other Senators belonging to the Church with which I am connected, have entered into a combination for the purpose of injuring the Presbyterian Church in Canada. I believe it is scarcely necessary for me to deny this, but as it has been circulated I deem it right to state on my own behalf (and I believe I can do so with equal justice to those who belong to the same Church as myself) that no such combination has taken place, that I have had no conversation with either the promoters or the opposers of the Bill, and that I went to the Committee without being biased in any way. I disclaim the slightest intention to convey anything like an imputation upon other members of that Committee who happened to vote on the other side, but I might say with equal justice that something like ten of them, who belong to the Presbyterian Church, and who voted together on this question, were equally combined to carry a measure, and they were somewhat biased. Indeed they would have been more than human if they were wholly unbiased under the circumstances. I stated there, and I state here, that I do not think this Parliament or a Committee of this Parliament, is really the proper tribunal before which this question should be brought. You will find by reference to the judgment of the Privy Council that it is really a question of law, and this is stated in the report as clearly as it can well be put. They say in the concluding part of their judgment:—

"Their decision depends upon the answer to be given to the question, which Church or aggregate of Churches is now to be considered as being or representing the Presbyterian Church of Canada in connection with the Church of Scotland *within the meaning of the Act 22 Vict., Cap. 66?* But the two Churches, which appear from the record to have rival claims to that position, are not represented in this action; and of the six ministers whose pecuniary interests are assailed by the appellant, he has only called one, the Rev. Dr. Cook, as a respondent. That question between the churches must be determined some how before a constitutional Board can be elected; and, unless the Dominion Parliament intervenes, there will be ample opportunity for new and protracted litigation. It cannot be determined now, because the appellant has not asked any order from the Court in regard to the formation of a new Board, and has not made the individuals and religious bodies interested parties to this cause."

Now, you will see, I think, at once this question has not been considered and decided at all, and will not be, even with the passage of this Bill. It is not a question which is decided by the measure before you. It is true they talk in this judgment about a reference here to the Parliament of Canada. Parliament certainly has power to declare anything almost, and to take away private rights if they wish, and it is contended that by this Bill private rights are taken away. It must appear clearly, I think, to anybody, that the question is one of law and not one that should be decided by this Parliament, as to which church has the right to the property. The whole question was fully discussed before the Committee, and with a good deal of recrimination, and a great deal of acrimonious spirit I think. But I do not intend to introduce anything of that sort here. After all, this is a question of money; there are vested rights concerned, there is a trust, and whether this Parliament ought to interfere in the case of a trust of that sort is, I think, extremely doubtful. That shows again that it is a question of law, and not one to be determined here. Then, again, if you take the number of petitions that have been presented against this measure here, you will find that there are forty-five against it, and only six in its favor. I think that is another point which ought to be duly weighed by the House, because it would appear to be a strong reason why the Bill should not pass. The money which was first given for the endowment

of these churches was in fact given to individuals, and these individuals made arrangements to forego a portion of their rights and to contribute the remaining portion to an endowment fund which was to be perpetual for the benefit of the Church. It has been stated also here that the Synod of this Church, in combination with the Synods of other Churches, have petitioned for this Act. Now, that is an important point to be considered in this question, and it is one which has been raised also in the Privy Council, and throughout the judgment of the latter you will see that they refer to it as a majority of the Synod have done this. It is contended on one side that the majority must rule, and that they had a perfect right to take this course; on the other side it is shown that, though the Synod had a right when certain questions came before them to decide them by a majority, they had no right whatever, as a majority, to take the church and the funds of that church away, and leave a portion, at any rate, of this church behind them which still exists and has its rights to be maintained. If you refer to page 19 of the judgment of the Privy Council, you will see that "on the 15th June, 1875, the majority of the Synod of the Presbyterian Church of Canada in connection with the Church of Scotland, and the Synods of the other uniting churches, met in General Assembly." Now, there is one point which we desire to amend in the preamble of this Bill, and we wish to follow what are the real facts. These facts are set forth in the judgment of the Privy Council; and instead of saying "whereas it hath been represented that the Synods of these different churches," coupling them all under that word "Synods," we propose by this amendment to state what are the facts of the case as they have been decided under the judgment of the Privy Council. My motion is to insert after the word "that" in the first line of the preamble, the words "and a majority of," and strike out the letter "s" from the word "synods," so that it will read "a majority of the synod." Then in the third line I would add after the word "Scotland" the words "and the Synods." That would make it conform exactly with the facts of the case, and with the view taken in the decision of the Privy Council. The amendment is merely

verbal, and I hope it will be assented to by the Senate.

HON. MR. DICKEY—Had my hon. friend submitted his motion without any observations I should not have thought it necessary to say anything to the House, because this whole subject has been considered and discussed *ad nauseum* before a committee of the House for the long period of five days. That committee came to a deliberate conclusion by something like a two-thirds vote, and we had hoped, I think with reason, that that would have been an end of the question. My hon. friend has moved an amendment and he raises objections to the Bill. His objection is that this Parliament has no power to pass this measure.

HON. MR. ODELL—I did not say that they had no power.

HON. MR. DICKEY—Then why does my hon. friend say that this is not the right tribunal to settle the question? The very extract he read from the judgment of the Privy Council is quite sufficient to answer him on that point. Now, what does the Privy Council say? Does it say that this Parliament is not the proper tribunal? It says the very reverse, because, if he will look at page six of the report, he will find the following: "The Parliament of Canada is, therefore, the only legislature having power to modify or repeal the provisions of the Act of 1858." It states that distinctly, and it does not stop there, because it goes on before the close of the judgment to state this fact: "That questions between the churches must be determined somehow before a constitutional board can be elected, and, unless the Dominion Parliament intervenes there will be ample opportunity for new and protracted litigation." Under these circumstances why should my hon. friend attack the principle of this Bill, which has already been assented to, and say that this House has nothing to do with the question? The hon. gentleman carps at the word "Synod" in the preamble of the Bill, and says it ought to be "a majority of the Synod." If he will look at the judgment he will find that that same principle is recognized, and it is not at all surprising that it is so recognized. How

is it possible that business could be done under any circumstances by bodies similar to these unless a majority controlled? When we speak of the action of the Synod we necessarily mean the majority of the Synod, and before I go further I may say to my hon. friend that it was distinctly stated before the Committee, that the Synod of the Maritime Provinces decided this by a majority—not the whole of the Synod, but a majority. The preamble of the Act says “The Synod of the Presbyterian Church in connection with the Church of Scotland,” and also “The Synod of the Church of the Maritime Provinces.” The same rule applies to both, and it is quite evident that the Judicial Committee of the Privy Council treated the question that way, because they say “On the 15th June, 1875, the majority of the Synod of the Presbyterian Church of Canada in connection with the Church of Scotland, and the Synods of the other uniting Churches met in general assembly, when the Articles of Union were signed by the Moderators of each of the four Churches.” There they distinctly recognize that the decision of the majority of the members is the decision of the Synod itself. I do not know that I need follow my hon. friend further on that point. This is merely the recital of the preamble. The recital is according to the fact, because, I repeat, in no sense could you quote the decision of any body whatever, where a question is carried by a majority, except by saying that it was the act of that body. When an act of Parliament is quoted, it is not the decision of the majority, it is the decision of Parliament, whether it had been carried by a small majority, or a large majority. The thing is so perfectly plain that on that point I do not think I am called upon to answer my hon. friend any further. If the hon. gentleman can succeed in persuading this House to make any amendment to this Bill he will most seriously imperil the passage of it in another place at this period of the session. He says he is making this motion at the suggestion and on the authority of the minority behind him. He has referred to the acrimonious discussion in the committee. We know what that spirit would do: the minority would defeat this Bill *coute qui coute*. The preamble is correct, and the principle of the Bill in my opinion is not open to attack.

HON. MR. BELLEROSE—I would be happy if I could avoid taking part in this discussion, but, belonging, as I do, to another Church, it might be thought that in giving the vote which I am about to record, I am influenced by prejudice, and therefore I feel it my duty to make some explanation to the House. Before the committee met I was approached by some gentlemen, who are within range of my voice, and as I had not read over any of the documents which were sent by outsiders to members of the Senate, I knew very little of the question, and I thought that I should be guided solely by the discussions in the Committee. I was open to conviction, and I heard every part of the discussion. I did not lose one word. I must say that the question is a very important one, not merely because it involves a few hundred thousand dollars, but because it is a question of right and wrong. It is a moral question, and such questions are always important. The Bill before the House relates to a trust, and to my mind, no parliament has a right to violate such a trust unless it has been created to accomplish an impossibility. I know it will be said that Parliament is supreme. Hon. gentlemen, I admit that. Parliament is supreme when it acts fairly, honestly and justly, but it is not supreme when it does otherwise. It has, as we say in French, the right of force—of violent force—but that is not right, it is an abuse of power. Parliament is supreme only when it is guided by the laws of equity and the laws of God. When so guided it is supreme in its legislation. In considering this measure relating to a trust, one must ascertain what the fund was created for in the first place. I saw at once, in the Committee, that we should ascertain what was the intention of those who had established that fund. We learned that the purpose of the fund was expressed in a certain agreement made at the time of the commutation—the desire of those ministers being to make provision for their Church for all time to come, and it being agreed expressly that only the interest should be used, and that the beneficiaries were to be ministers of the Presbyterian Church of Canada in connection with the Church of Scotland. If I look at the statutes of 1858, which created the Board, I find the same language—that this fund was created for that ob-

ject, and for that object solely, and that the Board have to administer that fund with that express object in view.

HON. MR. POWER—Will the hon. gentleman read the provision in the statutes of 1858?

HON. MR. BELLEROSE—I am very sorry, but I have been unable to get a copy of the statutes for that year. I sent to the library three times for it, but such interest is taken in this subject that all the copies are out, and I have been unable to get one. Not only does the statute say so, but the Privy Council which has been cited in the debate on this Bill has also declared in the case of Dobie vs. the Temporalities Board, that the fund belongs to those who represent the Presbyterian Church of Canada in connection with the Church of Scotland. If hon. gentlemen wish me to cite that part of the judgment I have it here.

HON. MR. POWER—It is at page seventeen.

HON. MR. BELLEROSE—I suppose it is not denied?

HON. MR. MACFARLANE—No.

HON. MR. BELLEROSE—I have always considered since this Bill came before the Senate that the only question we have to decide is, which Church is the Presbyterian Church of Canada in connection with the Church of Scotland, and it seemed to me that the greatest part of the discussion which took place before the Commons was useless. If that had been the only point discussed and decided at the commencement it would have been quite easy for the Committee or the House to settle the question. There are two parties who claim that they are the Presbyterian Church of Canada in connection with the Church of Scotland. There is the Unionist party who are now the Presbyterian Church of Canada, and there is the Old Kirk—or the Presbyterian Church of Canada in connection with the Church of Scotland, called the anti-unionists. The Presbyterian Church of Canada, or the unionists, separated and united with the other Presbyterian Churches of Canada. The discussion which I heard in the

Committee on that point showed me conclusively that the Church of Scotland or the Old Kirk, as it is called to-day, and as it has been called for the last 30 years, is the church for which this fund was created, and that the Presbyterian Church of Canada, that is the unionists, is no more the Presbyterian Church of Canada, in connection with the Church of Scotland, than any of the other Protestant Churches. I have been convinced of that by the discussion, and by the authorities adduced before the Committee. The arguments which convinced me of the fact that the minority were the real Presbyterian Church of Canada in connection with the Church of Scotland are these: The majority of the then Presbyterian Church before they could unite with the others were forced to set aside the constitutional rules of their own church, as proven by the rules which were submitted to the Committee—rules which I was not acquainted with until then. It was proved before the Committee that one of the rules of that church provided that all important questions must be brought before the Synod, called together for that purpose, in the manner prescribed by the real church. The mode of doing so is something similar to the rules of the Senate for the introduction of private Bills. At first a petition is presented, which is received by the committee on Standing Orders before the Bill can be introduced. Notice of the meeting and the purpose for which it is called must be given, and when the Synod is assembled, the question is discussed. In this case it was shown before the Committee that the rule was set aside. A private letter of one Mr. Jenkins was read before the Synod, on which action was taken and an adjournment took place. The adjournment was from June until November, at which date a new Board was presented to the Synod, though by the rules of the church there could only have been one board named in that year, and the union was decided upon. The Unionists never had a direct vote taken on the question of uniting with the three other Presbyterian Churches, they simply submitted some verses of the Bible which they interpreted, and asked a vote on such interpretation, stating that they who would vote "yea" would be considered as favoring the union, and those who voted "nay," as against

HON. MR. BELLEROSE.

the union. The matter will be more easily understood if I take an ordinary comparison. Suppose a municipal council override the rules prescribed for their own guidance, and pass a by-law, would that be sustained by the courts? Certainly not. Then I say in this matter how can I consider the act of the majority as legal to-day when they had to trample on the rules of their own church to attain the end they had in view? Now, if we look at the judgment of the Court of Appeals in Ontario, what do we find? We find that Court deciding that this majority had lost its identity. Can I then call this Church that has lost its identity the real Presbyterian Church of Canada in connection with the Church of Scotland, the Church for which the fund in dispute was created? No, hon gentlemen, I should feel I was stealing from the fund of that Church to give to another to whom it was not due. The Presbyterian Church of Canada has lost its identity. It has been stated that the Church of Scotland recognizes both of those Churches. Do they recognize the two Churches as one and the same Church? No, and I have the proof of it, because I find in the official documents submitted to the Committee that the Church of Scotland refers to the Presbyterian Church of Canada in connection with the Church of Scotland as being "the old relations," and to the Presbyterian Church of Canada, or the new Church, as being "the new state of things." If I voted to give the fund to the "new state of things" would I not be stealing from the proper owner to give to a party who has no claim to it? The old Church is called the real Presbyterian Church of Canada in connection with the Church of Scotland, while the unionists are called the new Church.

HON. MR. POWER—No.

HON. MR. BELLEROSE—The hon. gentleman cannot deny that the argument was used in the Committee and, that the documents were shown there, and I affirm it, and there was the place to give the negative answer to it, but that objection was not answered, because the hon. gentleman who used the argument would not be heard, though not a word was uttered by that gentleman which was not supported by documentary evidence. When

Parliament has to deal with such an important question, as arbitrating between individuals I believe, we should do our utmost to become thoroughly acquainted with the facts. The Court of Appeal, in Toronto, has decided that the Unionists have lost their identity; can I not add, that they have lost not only the title, but they have lost the right to interfere with anything that is the property of the Presbyterian Church in Canada in connection with the Church of Scotland. But while the United Church was declared by the Court of Appeals to have lost its identity, what was the minority declared to be? They were declared to be entitled to hold their Church and manse, as belonging to the Presbyterian Church of Canada in connection with the Church of Scotland. If that be so, and it cannot be denied, can there be a difficulty, can there be a doubt as to which of these two churches the fund and the property should go to?

HON. MR. VIDAL—Do you remember the date of that judgment?

HON. MR. BELLEROSE—No, but I challenge any hon. gentleman to say that this argument was refuted before the Committee. I did not find this out myself, because I did not take trouble to look into the affairs of that church, but I have listened for five days to the discussions of men who are conversant with the laws of that church, and I repeat their arguments which have neither been challenged nor denied. Such being the case I fail to see why I should not oppose this Bill, as being a gross injustice, and which if it becomes law will deprive one church of its property and hand it over to another church having no right to it. But more than that, if I support this Bill there would still be another injustice which I would find myself assisting to carry out. This Bill is retro-active in its effect, and proposes to legalize the acts of the Temporalities Board by which they have reduced the fund to the extent of \$140,000, contrary to the law of the land, and contrary to every principle of justice. In a matter of trust Parliament has no right to interfere, no matter how supreme they maybe, because the laws of nature and the laws of God are above and beyond the reach of legislatures. Yet Parliament is asked by this Bill to condone the mismanagement of the fund by the Temporalities Board in the past,

and declare their illegal acts to have been legal. The law of the land declares that only the interest of the fund shall be expended by the Board, while the Board admit in their public reports that they have reduced the fund by \$140,000, in violation of the rules of the Church. In the judgment of the Privy Council it is plainly set forth—"Substantial success being with the appellant (representing the so-called anti-Unionists), he must have his costs as against the respondents, (the Unionists). But their Lordships are of opinion that neither the respondents' own costs, nor those in which they are found liable to Appellant, ought to come out of the Trust Fund which they are holding and administering without title. The appellant's costs must therefore be paid by the members of the respondent's corporation as individuals."

After such a judgment as this, no hon. gentleman would suppose that the costs of the suit would be taken from the Temporalities Fund; but it has been stated before the Committee that the Board of Trustees for 1881 had paid to Mr. J. S. Morris for legal expenses the sum of £100 sterling. It was also stated before the Committee that two sums of \$1,000 and \$2,000 had been taken from the fund by the trustees to pay legal expenses during the previous year, yet in the face of the judgment of the Privy Council we are asked to declare that this misappropriation of the money was right. For my part I cannot support such a measure: I consider it illegal and unjust. It has been stated that Roman Catholics should support this Bill because they are in favor of union. I reply that the statement is erroneous; Catholics do not advocate unity in that sense. The millions of Roman Catholics throughout the world are a unit because they are united under one head, but they do not favor union with any other churches. You may go to China, Japan, British Columbia, or any other country and find millions of Catholics, and you will find unity among themselves, but no tendency to union with other churches. It has also been said these unionists are a great church, while the anti-unionists are few in numbers; but, hon. gentlemen, in a question of trust numbers have nothing to do. In a matter of this importance we have to be guided by principle rather than by numbers. It would have been a sad

thing if in the beginning of its career the Church of Christ had been declared with the majority. This is not a question of majority, but a question of right and wrong; minorities have been right before now, and majorities have abused their power. The money was given to the old church and not to the new, since the fund was created long before the new church existed. It has been said, "in the name of peace pass this Bill." I ask, as an amendment to that, in the name of justice let the whole of the money be given to the Old Kirk, the real owner, the Presbyterian Church of Canada in connection with the Church of Scotland. It has been urged that we should pass this Bill because it will be constitutional and will settle the question. That the Bill is constitutional I deny; it is nothing but a compromise, and I challenge any hon. gentleman in this House to say that the Bill as it stands is not a compromise. Is it not a compromise that distributes among two churches a fund that was established for one only? And where is the difference between the proposition of the gentleman opposite who says that one seventh of the money will go to the new church and one twentieth to the old church, and the proposition of the hon. gentleman from Rookwood, who asks that \$50,000 out of the whole fund shall be given to the Old Kirk? Is there not in both cases a compromise, and if the compromise is not constitutional it does not settle the case. When I first went before the Committee I was inclined to believe that the majority were right and that they were the true church, but the logic of facts has changed my opinion and I am now convinced that the church of the minority is the true church, to whom this fund properly belongs. Well, such a proposition having been made by the owners, I would feel that I was not doing my duty if I did not accept it. Now, as to the other question—whether this Bill ought to come before this Parliament—I regret that I have to give an opinion, as a layman, against the view of learned men in this House, but the more closely I look at the document before us, the more convinced I am that this question, while a proper one for a judicial tribunal, is not a proper one for Parliament. Now there is an Act on the Statute Book, passed in 1858, and I ask

could not this question be settled under that Act—could not the courts decide it? I think they could, because if the courts came to the same conclusion which seems to me right, the existing Board under the Act of 1858 would be the Board of that church still; so that nothing would have to be done but to continue the work begun in years past, to make it legal. Therefore, I consider that the first step which should have been taken would have been to have thrown this Bill out, and to have sent the petitioners to the courts. Those tribunals could have decided whether under the Act of 1858, the now existing Presbyterian church of Canada, in connection with the church of Scotland, is entitled to the fund, and whether the Board which was created by the Act of 1858 is not still the Board of that church.

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

After Recess.

HON. MR. SCOTT resumed the debate. He said:—I am reminded that the amendment now before the House is the introduction of the words "majority of the," and that it would be better to take a vote on this, reserving my remarks for the next amendment. The Synod could merely be the majority of the Synod. We all know that in a body of that kind the majority is understood when we speak of it. The amendment, if adopted, would only lead to confusion.

The Senate divided on the amendment, which was rejected by the following vote:—

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HON. MR. ODELL—I have not received much encouragement, I must confess, to go on with another amendment, but I daresay that in the opinion of a great many of your honors the first one was not considered very important, though it really is to the minority. However, the motion which I am about to make will, I am satisfied, commend itself more to the consideration of the Senate. I think it has been clearly established, both from the speeches which you have heard and from the decisions of the Privy Council when the matter was referred to them, that the question to be decided in this case was which was the Presbyterian Church of Canada in connection with the Church of Scotland. That has never been decided in any way whatever, because both parties have, from the first, and throughout all the litigation which has taken place, claimed the whole amount. Now, that point has not been considered or decided, and is not decided by this Bill. If you look at this measure you will see that it is an attempt at a compromise, but a one-sided compromise, and it was in that light that the amendment which I now propose to move was offered in the committee. It was felt that the amount which was, under the Bill, given to the old church party was not really what they were entitled to—that it did not come up to what, by a calculation then made, they were entitled to in proportion to the number of persons on each side, one twenty-seventh of the whole amount. Now, the whole sum is reported to be \$332,192.98. A compromise was first suggested by the old church party themselves, and they claimed that they were entitled to one twenty-seventh of the whole, or \$86,122.24. This was submitted to the Committee, and it was thought by several members that perhaps that sum might be considered by the other party rather large and they consented to have it modified. Consequently a member of the Committee (the hon. member from Sackville) proposed that the minority should be given a round sum of

\$50,000 instead of the \$86,000, which would leave the unionists \$282,192. We thought that was a very fair arrangement to make, but the Committee took a very different view of it. However, it was felt that if such a compromise was proposed in the House here it might be viewed more favorably. In the Bill it is proposed to give the minority \$23,000. The second section contains the following:—

“Provided always, that all ministers and probationers interested or possessing rights in or to the said Temporalities Fund at the time when such union was carried into effect, who declined to become parties to such union, or to enter into the said proposed united Church, shall be entitled to all the pecuniary rights and claims upon the said fund they would have enjoyed had they entered into such union, that is to say, so long as they shall continue to be Presbyterian ministers in good standing within the Dominion of Canada, whether in active service or retired; and the said Board shall administer the said fund so as to protect their rights until their said rights shall have respectively lapsed and been extinguished.”

That is, extinguished by the death of these individuals, after which there would be nothing to come to their families or congregations. They hold that they have an individual right in it, and that their families should be entitled to it. The unionists take not only all that is given them now by this Bill, but, after the death of these individuals they get the balance belonging to them. Therefore, the minority have only a life interest. We propose to give them \$50,000 which would be a fund for all time for the minority—for the ministers during their lives, and their congregations afterwards. I therefore move that the following be added to the first clause:

“After “follows” in the 30th line of the Bill insert “1. Fifty thousand dollars of the total capital of the Temporalities Fund shall on the passing of this Act be paid to Sir Hugh Allan and Joseph Hickson, of the City of Montreal, and the Reverend Robert Dobie, and Honorable Justice Thomas Millar, of Milton, Ontario, as Commissioners, who shall receive and hold such sum in trust for those adhering to the Presbyterian Church of Canada, in connection with the Church of Scotland, who refused to enter the Presbyterian Church in Canada, in accordance with the purposes and objects of the Act of the heretofore Province of Canada, Twenty-two Victoria, Chapter Sixty-six, until such further regulations as may be agreed upon: Provided always that the payment of

such proportion of the Temporalities Fund to the said Commissioners shall be a full discharge to the said Temporalities Board for all claims of beneficiaries who now adhere to the Presbyterian Church of Canada, in connection with the Church of Scotland, and that the said sum of Fifty thousand dollars shall not be subject to the provisions hereinafter contained; and saving as aforesaid and.”

HON. MR. SCOTT—Before making any remarks on the amendment, I desire to offer a few observations on the speech delivered just before recess by the hon. member from DeLanau dière. He spoke generally of the principle of this Bill and the propriety of Parliament undertaking the task now before it, and he also took a very decided view on the theological question, as to which was the Presbyterian Church in Canada in connection with the Church of Scotland. He drew in an element which has not heretofore entered very largely into this discussion. In his view of the case the ten ministers or congregations who declined in 1875 to come into the union and who dissented from the views of the one hundred and forty ministers or congregations that entered the union, are the Presbyterian Church in Canada in connection with the Church of Scotland, and that the majority, by their Act of 1875, became schismatics. That is practically the conclusion that one would have to come to in order to concur in the views expressed by my hon. friend. No doubt he sought with all anxiety and sincerity to do what he thought was just and right in reference to the subject before us, but I have no hesitation in saying that he will not refuse to any of us the exercise of the judgments that we individually possess, and he will not deny that we are all actuated by a similar motive and wish to do what is fair, just and equitable in this discussion. He laid down premises that cannot be, I think, sustained when he maintained that the ten beneficiaries, clergymen or congregations, as they may be, who declined to enter this union continued to be the Presbyterian Church in Canada in connection with the Church of Scotland, and that the 140 who formed the great body of the Synod at that time are seceders. He assumes to deal with the Presbyterian Church in Canada in connection with the Church of Scotland as if it were a subordinate Church, or one that owes

fealty to the Church on the other side of the Atlantic, simply because it retains the name "in connection with the Church of Scotland." I think the error which underlies all this debate and which has led to a good deal of the difficulty which has arisen, is the assumption that the Presbyterian Church in Canada in connection with the Church of Scotland, when it agreed to go into a union with other Presbyterian bodies, in any way departed from its original faith or ceased to be what it was the day before it took that step. The hon. gentleman has practically assumed that the Presbyterian Church in Canada in connection with the Church of Scotland was bound to the Mother Church in Scotland by ties similar to those which bind the church in Canada, of which he and I are members, with the See of Rome. Now, no such connection exists. The Catholic Church in Canada is subordinate to the See of Rome : it is governed by the Pontiff, the cardinals and the consistories in Rome. The Presbyterians of Canada took the name simply ; they were an independent body of Christians having no other than a filial attachment to the Church of Scotland, which at that time was a state church, and did not exist beyond the limits of Scotland. It exercised no control over the various Presbyterian Churches which were scattered over the earth, nor did it exercise in the slightest degree supremacy over the Presbyterian Church which existed in Canada. The Presbyterian body in Canada, though having a title, in connection with the Church of Scotland, was purely an independent body of Christians, voluntarily brought together, acting in Synod, in conformity with the mother church in Scotland, but independent of it. The name expressed nothing ; it conveyed nothing ; it was merely a term, an appellation that might at any time be altered by the majority of the members of that church if they so desired. This union as we all know, had been considered for some years anterior to its being consummated. With that peculiar care and caution that is one of the distinctive elements of the Scottish character they declined to come into this union unless they brought their worldly goods and chattels with them as a church. They declined to part themselves from their colleges, their universities and other properties that they themselves owned. They declined to make any sacrifice whatever, and believing that the question of civil rights lay with the provinces, they applied there for legislative authority before they took this final step. I need not go into the history of the union : I merely mention the salient points that will help us to clear away the mist that may exist to prevent us coming to a sound conclusion on this important question. They took every precaution that careful and prudent men could suggest before consummating the union. No active opposition that I am aware of was offered to the measure which was passed by the Ontario Legislature. In the following year the necessary legislation was obtained for the Province of Quebec, nor was there any very active opposition there except before the Legislative Council. I have looked over the records of both of those bodies, and I do not find that in the House a single division is recorded on the legislation asked by the Presbyterian bodies on those occasions. The only dissent that is entered in the Parliamentary record is that of one Mr. Fraser, who entered a protest, as one of the Legislative Council, against the passage of the Bill. Now, I think on the present occasion there is a very important matter for us to reflect upon ; those tribunals were invoked at a time when the discussion of this question was a prominent feature of the day. The Presbyterian bodies were meeting all over the country and expressing opinions for or against this proposition for union, and the press of the day entered fully into the matter. The legislatures of the time had full knowledge of the facts and circumstances ; it was before any final step was taken, and therefore if any outside opposition had been manifested it might not have been consummated. It cannot be pretended that the tribunals of that day were not equally competent with the Parliament of Canada to decide a question of this sort ; it was practically a question of fact with them before deciding, and they did decide it with the singular unanimity to which I have adverted ; which I think is a very strong and important feature. After the legislative sanction was obtained, the union was consummated, and it was not for some considerable time after that anything like opposition to that union was manifested. The suit that formed the enquiry before

the Privy Council was not instituted for several years after,—not till the year 1878, when the subject matter came before the courts, and finally went to the Privy Council. Since the decision of the Privy Council, declaring that the legislation in Quebec, and *ergo* in Ontario, was *ultra vires*, the agitation has had an extra impetus given to it. The excitement and opposition before the Parliament of Canada are very much greater than—far in excess of, any opposition that this measure had received at any earlier period, and are due entirely to the fact that the Privy Council had declared the legislation to be *ultra vires*. In declaring that legislation to be beyond the jurisdiction of the Province of Quebec, the Privy Council expressed no opinion whatever upon the equities of the case—upon whether that legislation was wise, prudent, or right; they simply decided that the Province of Ontario or Quebec, disunited, could not repeal an Act of the Parliament of Canada, passed when they were united. That is practically what the Privy Council has decided, and no wonder. I say it would be quite consistent with the judgment given by their lordships that, if they were here in this Chamber and called upon to vote upon this Bill, they might with all propriety vote for and support it against the present amendment, just as properly as they decided that the legislation of 1875 was *ultra vires* of the Province of Quebec. It altogether hinges upon a technical question, purely technical, not affecting the merits in the smallest degree. Those merits have long since been decided and it would be manifestly unjust for the Parliament of Canada, in my opinion, to withhold consideration of the legislation which took place in 1874-5. Now in order to illustrate what I mean I shall take the case of a Presbyterian Church existing only in one Province and that this legislation had only been asked in that Province—either Ontario or Quebec—it would have been granted, and such legislation would not have been *ultra vires*. It would have been acquiesced in and nothing more would have been heard about it: opposition would have disappeared when assent was given to the measure—in Ontario or Quebec. Had this question come up before the union of all the Provinces, when Ontario and Quebec were related to each other just as they were in

1859, there is no doubt whatever that the Parliament of Canada would have granted similar legislation to that which would have been granted in Ontario or Quebec. That would not have been *ultra vires*, in my opinion; it would have been perfectly right and proper that such legislation should be had. No one presumed to say that Parliament would not have had power to do that, or that they would not have done it rightly and properly; and such being the case, if after all it is only a technical difficulty, then I do say it would be highly improper for the Parliament of Canada to seek at this late period to make any violent change, such as is contemplated by the amendment of my hon. friend opposite, in the legislation that is now sought to be obtained from this Parliament. Were we to do so, we could not put the majority back in the position which they occupied before they made application to the provincial tribunals. Looked at it as a pure question of rights between minority and majority, you could not put the majority back in the position they occupied,—that would be impossible. They have taken their final step and gone before what they supposed to be proper tribunals. Therefore for that reason, if for no other, I say it would be manifestly unfair, and unjust, inasmuch as we could not place them back where they were before this move was consummated. As to the power of the Parliament of Canada, which was doubted on the part of some speakers, I do not think it at all necessary to make any observations other than these; that we need not go any further than the subject matter of this Bill to see how much Parliament has interfered in the past with what might be considered vested rights. It is over 100 years ago since the Imperial Parliament authorized King George III. to grant one-seventh of the lands of Canada, excepting those held under seigniorial rights in the Province of Quebec, to support the Protestant clergy. No one doubted at the time that it was only the clergy of the Church of England who were meant, and for fifty years that opinion was concurred in; but on a reference to the law the Imperial Parliament decided that a portion of it might go to the Church of Scotland. There was no warrant for the action of the Parliament further than mere caprice, yet they decided that one-

third of this one-seventh should be given to the Church of Scotland. But the people of Canada seemed after that to take a stand on this subject, and declare that they too had a voice: that King George the Third, or the Parliament of Great Britain should not be authorized to deal with the lands of the people of this country in such a capricious manner, that they would not recognize the existence of such churches in Canada, and that they must be given the necessary power to repeal that legislation. The Imperial Parliament granted them that power and allowed them to take away absolutely the gift of one-seventh, although those gentlemen who are from Ontario at all events will remember that for three-quarters of a century no patent was issued from the Crown that did not contain a reserve of one seventh for the Protestant Clergy. There was clearly a vested right which was given to those beneficially interested, and an Act of Parliament was passed cancelling that, because it was not in harmony with the spirit of the age. So it was cancelled: that vested right that we are so accustomed to hear as being respected and necessary to be maintained, was absolutely destroyed. But there was this reserve:—that those who were beneficially interested should continue to be interested during their lives with the annuities of which they were then in possession. Subsequently the Parliament of Canada agreed that these annuities might be vested in, and allotted to the churches if the desire for such allotment were shown to be comparatively unanimous; not by individual clergymen, but by the churches themselves; by the church of England acting through its organized authority, and the church of Scotland acting through its Synod,—but not by individual clergymen commuting in any sense. In that arrangement it is quite true they made some sacrifices. While in receipt of £150 sterling they were content to take £112. 10s. sterling, and the balance went to make up this fund which we are now discussing—the ultimate allotment. So it is quite clear that Parliament has acted in what ought to be called a much more violent manner in regard to this fund than we are called upon to act to-day, and I maintain that at the present moment we are simply called

upon to confirm what has been done before—done on the assumption that it was being done legally, but from a technical view done imperfectly. Now, another view that we might take of this question is this: supposing that in 1875, before this was consummated, the Church of Scotland—the Presbyterian Church in connection with the Church of Scotland—came to Parliament asking to have its name altered; that instead of being called the Presbyterian Church of Canada in connection with the Church of Scotland, it should simply be called the Presbyterian Church of Canada; does any one suppose there would have been any opposition to such a measure, or that the request would have been denied them? That is practically what they did in making the change they decided upon in 1875, accepting union with other Presbyterian bodies. They made no sacrifice of doctrine; they did not alter their faith; they did not even alter the discipline of those church rules that govern their Synod. They were still the Presbyterian Church; it was the same church after the union was consummated that it was before. Then, so far as the mother church was concerned, it was in just as close affinity, just as close affiliation with the mother church in Scotland before the union was consummated in 1875, as it was afterwards. It was just the same afterwards as before, no change whatever has been made. Hon. gentlemen can satisfy themselves on that point by looking up the reference that has been made by the Synod of the Presbyterian Church in Canada on several different occasions; notably on one occasion when delegates were sent from this country to Scotland, and when this very question arose,—as to whether, since that union was consummated in Canada, the mother church had regarded the church in Canada in any other aspect than it did before. Then a resolution was passed by the Synod of the Church of Scotland that the condition was unchanged. In confirmation of that it continued not merely its friendship, but, as was stated in another place without contradiction, they conferred from time to time substantial aids upon the Church in Canada. If that is the case, certainly the Church of Scotland, now named the Presbyterian Church, under its altered name, is not a different church from the

church that existed before 1875; and if it is not a different church, then there should be no hesitation whatever in granting this legislation, and the arguments of my hon. friend from DeLanau dière (Mr. Bellerose) fall completely to the ground, because he dealt with this question entirely from the standpoint that there had been secession from the Church of Scotland, that the minority represented the only orthodox part of the body as it had existed anterior to the union. With reference to the proposition now in your hands, Mr. Speaker, and the allotment of \$50,000 to the minority, I should like to ask upon what principle any such proposition is based? It is simply an arbitrary caprice, and my hon. friend cannot point out to me any fair or just basis by which those figures could be reached. What is the position of the six beneficiaries—I believe they are limited to six? What is the position to-day and what was the position before 1875, of these beneficiaries who are endeavoring to obtain this \$50,000? Are they any worse off than they were then? Does this Bill disturb their status or their beneficiary receipts? Their rights are preserved, they were preserved under local legislation, and they are continued to be preserved in this Bill. They receive just as much as if no change had taken place in 1875, and it cannot be urged, therefore, that their rights are prejudiced; because they are made no worse. They are exactly where they were, and they have no ground of complaint. But if you were to carry the amendment of my hon. friend, why you would be giving them a very great advantage over all the other beneficiaries. If you believe that as individuals, not as ministers of the Presbyterian Church, they were entitled to come forward and seek legislation, asking to have the principal of the several annuitants, why it would be a subject for an actuary, to see exactly what the value of the lives of these six clergymen should be commuted for, on the basis of their several annuities—taking their ages, and the amount they would receive—what it should be capitalized at. If you hold they should be commuted at all, and taken out of that fund the capital, that would be the only true basis on which to proceed; otherwise \$25,000 or \$50,000 is a purely capricious and arbitrary sum having no fair foundation—in point of fact,

no basis whatever. You would be acting most harshly, and would be taking from the other beneficiaries what they were entitled to, which I do not think would be the wish of this House. We ought not to disturb any parties in the receipt of their several annuities, but if this Bill pass in its present shape I maintain that we leave them all where they were before the union was consummated; neither more nor less. Therefore if it is a fact that these six dissentients are going to receive for the rest of their lives just the amount they would have received had this union not taken place, I say they have no cause whatever, no merit whatever, to oppose the passage of this Bill. It would be a thing which I maintain could not be done, that we should take the ground, as suggested by my hon. friend from DeLanau dière (Mr. Bellerose), that some of the proceedings before this Synod were illegally and improperly taken there; that their notices were not served, that they did not meet with proper quorums—or whatever the particular objection was, I did not catch it, but it is quite immaterial whether it was one point or the other. We have nothing whatever to do with the doctrine or details of the management of the Synod. As a matter of fact we all know that where 140 out of 150 representatives arrive at a certain conclusion, they certainly must represent the whole body. Now, to have corporations, lay or ecclesiastical, perfectly unanimous, is simply impossible; and if we are called upon to legislate for a corporation we only see what proportion desire such legislation or such change, and if we find that majority to be a considerable one—we do not ask to have fourteen-fifteenths, but we are satisfied if a two-thirds majority of any corporation come to Parliament and ask for changes in their management or in their internal economy. Parliament does not hesitate to grant it, because we recognize that the majority must rule. Under any other circumstances, would it be possible to carry on a corporation? If unanimity had to be secured, if we all must agree, it would be impossible that any corporation could satisfactorily exist. The minority must give way to the majority in the management of matters of that kind, particularly where we find the majority is so large and the minority is so small as to be only one out of fifteen. In

such a case Parliament should have no hesitation in acquiescing in the request of the majority. There are no other observations I think at this moment which I wish to address to the House. There is a great deal to be said, but really there is no advantage in going over ground repeatedly, and unless one can bring out something new which would throw more light upon a subject, nothing is to be gained by speaking. I do not desire to weary the House, therefore I shall not prolong this discussion.

HON. MR. BELLEROSE—I believe what the hon. gentleman from Ottawa says,—that his wish is to do justice to both parties in this case, and that he is doing his utmost to find out which of the parties has a right to the fund which we are now discussing. I must say, however, that I find some of the arguments of my hon. friend rather extraordinary. Now the hon. gentleman insinuates that in dealing with this question I am influenced too much by the connection of the Roman Catholic Church in Canada with Rome. Well, the hon. gentleman either was not here or I have spoken in such a way that I could not be understood, if he has drawn such an inference; because on the contrary I have shown there was such a difference that there could be no parallel between the cases. I did not rely on what I consider to be the bond that unites its different branches throughout the world to the Church of Rome. I stated that I consider that the present new church, or the church in Canada not in connection with the Church of Scotland, was not the church to which the fund belonged. That was my argument, and that was the first proposition. I said I would show by arguments which have been before the Committee, that the Presbyterian Church of Canada in connection with the Church of Scotland is represented to-day by a minority—those who are called anti-unionists—and I proceeded to show that the majority of the unionists who seceded are no more the Presbyterian Church of Canada in connection with the Church of Scotland than any other Protestant churches in the world. That was my proposition. I did not go to Rome for that, I went to the Committee room and I showed that documents had been put before the Committee proving that the

rules of the Presbyterian Church of Canada in connection with the Church of Scotland had not been adhered to, and when the question of secession—of the union of the four Presbyterian Churches of Canada—came under discussion, I pointed out the rules and showed how this question had come before the Synod and proved that it did not come in the way prescribed by the rules. The hon. gentleman from Ottawa (Mr. Scott) says, “what have we to do with the rules?” Is not that a strange question, and does it not show that the hon. gentleman is not so ready to do that justice to the case as might be supposed from his remarks? What would be the opinion of any man who would understand a judge in one of our courts to say—when an appeal is made from one of the by-laws passed by a corporation setting forth that the laws of the land had not been attended to in passing that by-law—“what has this Court to do with those rules; the by-law has been passed and whether right or wrong that settles it?” We know that on the contrary the court would go into the case and see whether the provisions of the law had been complied with, and if not, the by-law would be declared null and void. It is the same in this case; it is an ordinary case, and we have to see whether the unionists, when this question came before the Synod, complied with the laws of the Church. I stated this afternoon that the great question before the Synod ought to have come before them in some such way as a private bill comes into this House—by petition. A proper document must be laid before the Senate before a question can come under consideration, and so it should have been before the Synod of this church. Such however has not been done; on the contrary, the question came before the Synod in a private letter written by one Mr. Jenkins. On that letter it was discussed and after an interval of a few months the union took place. That was what I said this afternoon, and I shewed that such union had been illegitimately arrived at, and in opposition to the laws and rules of the Church.

No doubt if we only considered the question in this way, that the majority ought to rule, then the majority seceded, and the majority must have the money; but in such an important question, there

ought to be some better argument than this when you come to take three or four hundred thousand dollars from one party and hand it over to another. The hon. gentleman opposite says that almost the whole of the Presbyterian Church were in favor of the union; but according to the evidence submitted to the committee, there was no vote taken on the question of union—far from there being a unanimous vote, there was no vote taken in the different congregations of the Presbyterian Church. The question was put in this way: Some few verses of the Bible were written on a piece of paper, and an interpretation of these verses was given, and then the congregations were told that if they voted for this interpretation they would be considered in favor of union, and if they voted against it, they would be voting against union.

HON. MR. MONTGOMERY—The vote was not taken in the Lower Provinces in that way. It was nothing of the kind. The question was put before them were they in favor of the union, and the answer was given on that question.

HON. MR. SKEAD—In St. Andrew's Church of this city there was a fair, square vote taken after the subject had been very fully discussed, not merely for one night but for several nights, and the minority was very small.

HON. MR. BELLEROSE—The statement ought to have been denied in committee then.

HON. MR. SKEAD—I was not there.

HON. MR. BELLEROSE—Then it would be better if the hon. gentleman were not here, because the hon. gentleman accuses me of saying things that were not reported there, and says such is not the case. But how would I hear them if not before the Committee. What do I know about the Church?

HON. MR. MONTGOMERY—Not much.

HON. MR. BELLEROSE—The hon. gentleman says "not much," yet he votes every day himself on subjects he does not understand. I have attended the Com-

mittee and have listened for five days to the arguments advanced and my convictions lead me to take the position I do on this question. The hon. gentleman from Prince Edward Island ought to know that because a few congregations of his little island voted as he says on this question it does not follow that he can give a denial to my statement that the whole church did not vote. When the vote was taken the second time some forty-eight congregations refused to record their votes because, as they said, it was not the proper way to take the vote. I challenge the hon. gentleman to say that this was not stated in the Committee, and proved by public documents. It is not by mere denials that we are to arrive at the facts, as the hon. gentleman seems to have done.

HON. MR. MONTGOMERY—I deny that the vote was taken in the congregation I voted with in the way stated by the hon. gentleman, and I have every reason to believe it was the same in all the other congregations. I speak for the congregations that I am acquainted with that the statement I have made is correct, and the statement the hon. gentleman has made is not correct.

HON. MR. BELLEROSE—I will not say that what the hon. gentleman says is not true, but I will say that the statement was made in the Committee that forty congregations refused to vote because the question of union was not directly put.

HON. MR. SCOTT—I speak from my own knowledge of the fact that for four years it was debated, the legislation was not obtained in the same year, and every possible precaution was taken.

HON. MR. BELLEROSE—It ought to be shown that the subject was brought before the Synod from the first in accordance with the rules of the Church. If the first steps were wrong, then the whole proceeding is illegal. It may have been all right in 1875, but if the proceedings were illegal for the four years preceding, the whole transaction is illegal. The hon. gentleman from Ottawa states that the Privy Council did not decide anything more than that the Bill was *ultra vires*; if that is the case, it leaves the question open. But there is more than that: there

HON. MR. BELLEROSE.

could be no judgment upon points where it was not asked for, but there were observations by their Lordships which show the way they understood the question. Did they not say that the first thing to be done was to decide which church was the true Presbyterian Church of Canada in connection with the Church of Scotland? That is the first thing I did, and at the very first sitting of the Committee I thought their duty was to find out where the Presbyterian Church of Canada in connection with the Church of Scotland was. Two parties came before the Committee, each claiming to be the real church. After hearing the arguments of each I had to come to the conclusion that the minority were the real Presbyterian Church of Canada, in connection with the Church of Scotland, and that the majority were seceders. The hon. gentleman says if the church had come to this Parliament and asked to have their name changed, and Parliament would not grant their prayer, and would it be then said that the church was another church. If the hon. gentleman had not been addressing the first deliberative assembly of the Dominion, I would not have been surprised that he should rise in his place and use such an argument. Who ever said that by changing their name, the church was another church? I believe that it never entered into the head of anyone. What I stated was that in the judgment rendered in Ontario, in the Court of Appeals, the new church had been cited as having changed its identity. It was not on account of the change of name, but on account of the whole work it had done to unite with the others.

HON. MR. SCOTT—They had not then legally changed their name.

HON. MR. BELLEROSE—Will the hon. gentleman say that if those who had a right to the fund united with those who had no right to the fund the united Church would have a right to it? I say no; the fund was created some forty years ago for the benefit, progress and advancement of the Presbyterian Church of Canada in connection with the Church of Scotland as it was then in operation in old Canada, and not for the Presbyterian Church of Nova Scotia or the Presbyterian Church of Prince Edward Island,

or New Brunswick. How is it that these seceders, united with the Churches that had no right to the fund, are now a new Church having a right to the fund? It seems to me to be a very queer argument. This is the reason why the new Church has lost its identity, uniting with Churches that have no right to the fund. The hon. gentleman says that the Mother Church considers both of these Churches as the same Church. The hon. gentleman is wrong, because in the correspondence between the Church of Scotland and these Presbyterian Churches in Canada it is then admitted that the minority are called "the old relations," while the new Church, the majority who joined the three other Churches, are called "the new state of things." If both Churches were considered by the Church of Scotland as the same churches, I should say that the fund not having been created for two churches only one could have it. If it belongs to the minority it matters not that the ministers of that church will have a great advantage over the ministers of the other church; if it is theirs they should have it as it is their property, and you cannot give it to the ministers of any other church without stealing it from the real owners. If the Bill is passed, says the hon. gentleman from Ottawa, it will leave all the ministers in the same position as they were before.

HON. MR. SCOTT—Hear! hear!

HON. MR. BELLEROSE—I beg the hon. gentleman's pardon, because if some of them have stolen from others, those who lost would be in a worse position, and even though you give it to the majority they have no right to it, because, as I said before, though Parliament is supreme, it is supreme only where its legislation is according to the laws of nature and the laws of God. Parliament is supreme so long as it remains within the bounds of justice and the laws of Nature, and when it transgresses these it ceases to be supreme. Either this is right or it is wrong. If these ministers are entitled to the fund, give it to them: if not, they should not have it. If Parliament gives the money when it is not honestly due, they steal it, because an unjust law is no law. On an occasion like this, principle should govern us, and

we should not legislate to favour any individual or party, but to do what is right. At all events I have no interest in the matter except this, that having been appointed a member of the Committee to which this important measure was referred, I felt it my duty to decide what was right and to come to a just conclusion. I am very little concerned as to what church gets the money; but as a representative of the people I am responsible for the vote which I am called upon to give, and I have endeavoured to explain to the House why I feel it my duty to support the amendment.

HON. MR. MONTGOMERY—The hon. gentleman who has just sat down has made use of language here to-night which no member of either branch of the legislation should be guilty of expressing. He has said that the members of the church to which I belong are no better than thieves—that they had stolen the money.

HON. MR. BELLEROSE—I did not say that.

HON. MR. MONTGOMERY—That is what the hon. gentleman said, and no member of either branch of Parliament should make such a statement. What would he say if I were to rise here to-night and charge the clergymen of his own church with having stolen money?

HON. MR. BELLEROSE—I regret exceedingly that my imperfect knowledge of English has caused any misunderstanding. I certainly did not mean to say anything unparliamentary, and I think if I had done so I would have been called to order promptly. If I said anything which would lead the hon. gentleman to the conclusion which he has expressed, I beg to withdraw it.

HON. MR. SKEAD—The hon. gentleman from DeLanaudière (Mr. Bellerose) has charged me with having failed to attend the meetings of the committee. As chairman of that committee he knows I am not a member of it. He asked what right I had to be here if I was not a member of that committee? I can tell the hon. gentleman that I have the same business here that he has, and that I stand on the same footing that he does.

If I had been a member of the committee, I would have been there during the five days that this Bill was before it, and it is possible I might not have come to the same conclusion as that at which the hon. gentleman has arrived. I know I have come to a very decided conclusion as to this amendment—I intend to vote against it.

HON. MR. DICKEY—I feel that I owe an apology to the House for rising to refer to the extraordinary speech of the hon. member who is Chairman of the Private Bills Committee. He has indulged in such singular statements that he might possibly mislead gentlemen who do not know what took place before that committee and, therefore, I think that his observations should not be allowed to go unanswered. He has gone so far as to state—as if it were a fact within his own knowledge—that no vote was taken in any of the congregations with reference to this question of union. He was answered by two gentlemen who told him that as members of two of the congregations, they knew that votes were taken, and yet the hon. gentleman has not had the fairness to admit that he was mistaken. Some forty-five congregations, he says, did not vote because they did not approve of the proceedings that were taken. What right has he to make such an assertion? I tell him that he is not warranted in coming to that conclusion. The fact that they did not vote does not prove that they were opposed to the movement, any more than the absence of certain members of the Senate to-night proves that they are opposed to this legislation. The very statement of the thing shews its absurdity. These forty-five congregations scattered over the face of this broad country did not choose to meet in kirk session, or presbytery, as the case might be, and express their opinion, but they came in afterwards and became members of the union. They fell in with it, just as gentlemen who are not in the Chamber at this moment might fall in with the vote to be given one way or the other to-night. The hon. gentleman knows that the question before us now is simply the confirmation of legislation which has been pronounced *ultra vires*. My hon. friend has always been a great stickler for provincial rights, and I was rather surprised that he should stand up here to urge this

House not to confirm the legislation of his own Province. After all, that is what we are asked to do by this Bill—simply to re-assert and confirm what has been done by the Legislature of his own Province under a misapprehension of the law. It has turned out that the information that was then given that it was within the competency of the Provincial Legislature to grant this legislation is incorrect, according to the highest judicial authority, and why my hon. friend should oppose a bill to confirm the legislation of his Province I cannot understand. I do not wish to advert to the hard expressions which the hon. gentleman has used in his speech. He has thrown across the House such words as “misappropriation of funds,” “the majority trampling on the rights of the minority,” and has applied such a word as “thieves” to the ministers who take this fund. The hon. gentlemen has imported feeling into this matter which is quite unnecessary.

I rise for the purpose chiefly of calling the attention of my hon. friend who made this motion to the amendment itself, and to ask him on what principle he desires this House to adopt it. He knows that the amendment came before the committee after the suggestion had been made by the Rev. Gavin Lang, the moderator of the dissentient Synod, and he took as the basis for his calculation that the funds of the Temporalities Board, amounted to \$332,000, and he proposed to take one-fourth of that, on the principle that at the time of the union, the commutators of the old fund stood in the relation of seven to twenty-seven. If he was right in the principle, he was certainly very wrong in the application of it, because it would only be one-fifth instead of one-fourth—as seven to thirty-four—therefore he was wrong to begin with, but he was very specious about it. He said, “anything you like; if we cannot get what we claim we will take anything you choose to give us.” An hon. member of the Committee impressed by the very strong arguments which were made use of in this House, appealing to their sympathies, thought proper to come forward with a suggestion that the Committee should vote a lump sum. It was pointed out then, as I am prepared to point out now, that the proposition was based upon an utter fallacy. The reverend gentleman said, “I

ask this because the property belongs to the commuting ministers.” If he was right in his premises there might be some reason in his conclusion, but he was entirely mistaken. That was not only the property of the commuting ministers, but also the property of the privileged and non-privileged ministers, a large number of beneficiaries, numbering about 150. These privileged members and beneficiaries had rights in it just the same as the commutators, because the statute of 1858, and the by-laws made under the authority of that statute gave \$450 per annum to the commutators for life, \$400 to the privileged members for life, and \$200 to the others for life; and they had just as good a right to this money as the commutators, because the latter had given up their rights to this so long ago as 1855, and the Parliament of Canada passed an Act based upon that in 1858. What is that Act? It is stated in such terse language in the judgment of the Privy Council, that my hon. friends are so fond of appealing to, perhaps they will allow me to quote it and see whether they agree with their lordships. A gentleman who resides in Ottawa—who calls himself, in fact, the Church of Scotland in Ottawa—Mr. Brymner, appeared before the committee and furnished the only sound argument adduced there by the minority. He said “This money does not belong to the ministers at all but to the church, and there may be a church without a minister.” He repeated over and over again that the money belonged to the church, and he was right. What did the Privy Council say on that subject? After detailing the manner in which this fund had been brought to the point referred to in this Act, they say:—

“They received payment of the commutation moneys to the amount already stated; and in order to provide for the management of the fund thus obtained the Legislature of the Province of Canada upon the application of the commissioners, passed the Act 22 Vic, Cap 66.”

“By the first clause of the Act in question the commissioners were, along with four additional members and their successors, declared to be a body politic and corporate by the name of the Board for the management of the Temporalities Fund of the Presbyterian Church of Canada in connection with the Church of Scotland, and the funds held by them as commissioners were vested in the Board ‘in trust for the said church,’

subject to the condition that the annual interest thereof should remain chargeable with the stipends and allowances payable to the parties entitled thereto, in terms of the arrangement under which the fund was contributed by the Commuters."

This states briefly what I am prepared to show the Act points out, that it is in trust for the church, and that the trust is subject to the annual charge of those ministers—to the commuters certainly, but not to them merely, but to all the other ministers who have rights just the same as the commuters. What is the result? The Act goes on to authorize this Board to pass by laws for the management, appropriation, use and disposition of this fund, always keeping in view the stipends of the ministers, and the by-laws were passed under that, and are the same as if they had been incorporated in this Act. Those by-laws gave the sums I have mentioned—\$450 to each commuter, \$400 to each privileged member, and \$200 to each of the others. My hon. friend must admit that all these have equal rights in the disposition of this fund, and that they are all protected by this measure which we are now asked to pass, because it preserves \$450 for the commuters for their lives, \$400 for the privileged members and \$200 to the others. The residue is to go where? Why to the church—to the different congregations—so that it follows exactly the contention of Mr. Brymner and the decision of the Privy Council. That being the case it would be manifestly unjust; it would be a spoliation of these other ministers, to act upon the suggestion, and would certainly deserve all the harsh words which have been made use of by my hon. friend from DeLanaudière. It was a very cunning suggestion to ask the Committee to take one-fourth of this and hand it over to the Synod, because the proportion of the commuting ministers only stood in the relation of seven to twenty-seven. That was the relation they stood in. The congregations at the time of the union numbered 150 in all; of these ten remained out. Their rights were preserved to them; they kept their property and their ministers have received their stipends from that time to this. Then by a strange coincidence the number of ministers that remained out bore nearly the same relation to the others, and the result was that

the only basis that could possibly be applied to a division of this kind would be one-fifth. If you apply that to the \$332,000—even if Parliament were prepared to break up this capital—it would only be something like \$22,230. Now we are coolly asked to make a jump at the sum and take away the security that the majority and the minority have by the law, to hand over \$50,000, upon no principle at all, to the tender mercies of the Synod of this minority body. That is the whole case in a nutshell, and under the circumstances I hope the House will not hesitate for a moment in saying that it is a principle they will not sanction. I was not at all surprised that it was at once voted down in another place, and defeated by a two-thirds vote in the committee itself, of which my hon. friend from DeLanaudière was chairman, with his ear open to Mr. Brymner on one side. I think it will require no argument to show that the only course to be taken in this case is to defeat the amendment. My hon. friend has taken a very active part against this Bill, and he says, "in the name of peace I ask you to hand the whole of this money over to the minority."

HON. MR. BELLEROSE—I did not say that.

HON. MR. DICKEY—I took down the hon. gentleman's words.

HON. MR. BELLEROSE—I said, in the name of justice let this matter be settled.

HON. MR. DICKEY—My hon. friend's argument throughout was that the minority alone were entitled to this fund, and he got very excited and said, "in the name of peace let them have it."

HON. MR. BELLEROSE—I said this: that it had been stated such a settlement should be made in the name of peace, but that I would change the word and say, in the name of justice.

HON. MR. DICKEY—I cannot see how in the name of peace we are expected to settle this question by handing over the money to one party alone. In this instance their respective rights stand exactly as they were. No person is injured, each

of the beneficiaries is protected for life. Under the circumstances, I hope this House will not hesitate, but will pass this law and restore peace. We have been told in another place that the effect of this Bill, if carried, will be to wipe out three lawsuits. I say in the name of peace let us wipe them out. We are here to do justice between parties. We make every allowance for excited feelings on the part of minorities. They know they must submit to majorities, but we protect them and give them equal rights with the majority.

HON. MR. READ—I desire to correct an error into which the hon. member from Amherst has fallen. I feel sure it was not his intention to mislead the House as regards the portions claimed by the two parties. He stated in his opening remarks that it was not 27 but 34.

HON. MR. DICKEY—The exact figures are 33 : if my hon. friend can show the contrary I should like to see it.

HON. MR. DEVER—8 to 25.

HON. MR. READ—In the committee it seemed to be conceded that it was 27. At all events that was not denied. Those gentlemen who were entitled to receive \$600, agreed to take \$450, and according to the calculation I made in committee, (and nobody appeared to deny it,) if the resolution they moved was carried they would then receive \$350, because the interest on the \$50,000 would give them \$350 each. If these are not the right figures I have been mistaken all the time on that point. In the name of peace I think this amendment should be carried.

HON. MR. TRUDEL—After the remarks which fell from the hon. Senator from Amherst, and especially after the speech of the hon. member from Ottawa. I think it is my duty to say a few words in justification of the vote which I am about to record. The hon. member from Ottawa (Mr. Scott) said that it was so clear that the majority had a right to these funds that he did not understand how there could be two opinions on the subject. To my mind the main question before the House is this—has this Parliament the right to legislate on this matter?

Is it not a question as to the ownership of a certain sum of money? That is practically the question before us. Then is it not a matter that properly comes under the jurisdiction of the judiciary? I consider this a matter of very great importance, because if Parliament assume the jurisdiction of judicial tribunals, and decide contested questions which should properly come before courts of justice, it seems to me that we are reversing the whole social system. It is sometimes not only the right of the Legislature to interfere, but it is its duty to make declaratory laws, but only when there is a conflict of jurisprudence, when there are conflicting decisions of legal tribunals in different parts of the country. It is necessary, in such a case, for the law-makers to step in and declare what the law really is. But this is not a case for such interference. The only reason adduced, either here or before the Committee, for this legislation is, that a suggestion was made by the Judicial Committee of the Privy Council that, "unless the Dominion Parliament intervenes, there will be ample opportunity for new and protracted litigation." I think it is clear that the interference suggested by the Privy Council is only with reference to the question as to which church is entitled to this fund. The hon. member from Amherst expressed surprise that my hon. friend from De Lanaudière should oppose the decision arrived at by the Legislature of the Province of Quebec, whose rights he is so zealous in defending. As I am sometimes in the same position as my hon. colleague, the House will allow me to say that we never come here to advocate special rights for our Province: we advocate what we consider to be a right interpretation of the Constitution. We defend the rights of the Province of Quebec as we would the rights of any other Province when they are interfered with. The contention of those who have proposed this compromise is that these funds belong to the ministers personally. The very motion of my hon. friend is to a very different effect; it proposes to give the fund to a Board to be created for that purpose, who shall use the fund for the benefit of the church, and though it was said, for the sake of argument, that those ministers might claim that money, as a matter of fact they never had claimed it, and the amendment before

the House is in a contrary sense. My proposition is, that this matter should be left to the judicial powers. There is a serious objection to interference, on the part of Parliament, in this matter, because everyone who has any experience of law knows perfectly well that we are not in a position to adjudicate upon law-suits, as a Court of Justice is. We have not the time nor the records, and are not in a position to deliberate or to render justice as a Court would do. This matter requires deliberation, and how can we, without having all the facts before us and documents to consult at leisure, properly adjudicate such great interests as these? For this reason, if I were not convinced that it would be useless, I would submit a motion in that direction, but as the feeling of the great majority of the Senate has always seemed to be against that contention, the only practical way, to my mind, to decide this point is as I have suggested. Both parties will agree with me that a great deal of uncertainty has been displayed as to the rights of the respective parties in this case. I have not formed such a decided opinion on the subject as my hon. friend from DeLanau dière but I have heard enough to convince me that those who seek this legislation have not demonstrated their case clearly, and the moment there exists a reasonable doubt, it is our duty to refuse the legislation. The uncertainty in this case is so great that even the church of Scotland itself has declined to pronounce upon the matter. If we cannot find theological or canonical opinions, as to which is the church and which should possess this fund, we must decide it by laws which we understand better than canonical laws—we must decide it by the principles of justice and the civil laws. The hon. member from Amherst has said that by this Bill the parties are left exactly in the position they have all along occupied. I respectfully say they are not, because, rightly or wrongly, the minority contend that they are not the same church as the majority. They contend that this fund might be instrumental in propagating the doctrines of their church, an advantage of which they are deprived by this legislation. It may be said that they are allowed two members on the board, but we know what a minority of two in a board of nine members must be. It is practically giv-

ing them no power at all. The board will be entirely in favor of the church of the majority. On what principle of justice can we say that one of the parties should not have equal rights with the other, when we cannot ascertain clearly which of the churches is the true one? We find two parties, which had been associated and had formed a fund, disagreeing and dividing. It is a principle of law, recognized in all countries, that when parties divide, each one has a right to take his own share, and I ask would it not be just and fair that each of these two parties should receive their own share of the fund and devote it to such uses as they may deem best in the interest of their respective churches? Suppose that we consider that they made improper use of their fund, that does not destroy their right to employ it in the manner they sincerely believe to be best in the interest of their church. To my mind the only safe and just way to put an end to this discussion is that which I have suggested. There would remain only the question of what would be the basis of division. Some hon. gentlemen have said that if new members should come into the church, though they had not been parties to the formation of this fund, they would have a vested right in it.

HON. MR. DICKEY—The statute gives them the same rights.

HON. MR. TRUDEL—Yes, provided they are in the church to which the statute alludes, but when it is not clear what that church is, your argument is destroyed. It belongs only to the parties who contribute to the fund, and they may divide it according to the interests of their respective churches. For this reason I shall vote for the amendment.

HON. MR. ODELL—The hon. gentleman opposite (Mr. Dickey) asked me on what principle this \$50,000 should be given. I tell him it is the principle which he hoped would govern us—the principle of peace. The dispute was carried on with a great deal of warmth before the Committee, and we found it almost impossible to bring these two parties together. The Bill named one sum and the opposition agreed to take another. We were assured that unless a compromise was effected litigation would continue.

It was clearly and distinctly asserted in the Committee that the passing of this Bill instead of stopping litigation and bringing about peace between the parties, would only instigate them to carry it to the bitter end not only in this country, but perhaps before the Privy Council. I admit that this amount which we propose is a lump sum, but we suggested it in the hope that it will stop litigation altogether and establish harmony. We did not go into an exact calculation as to how this amount would agree with the principal sum: our object was to restore peace, and I hope that the motion will meet with the approval of the Senate.

The amendment was declared lost on a division.

HON. MR. ODELL moved that the following be inserted at the end of the third clause:

“Provided always that the vacancies occurring in the two seats at the said board, now filled by members of the Presbyterian Church of Canada, in connection with the Church of Scotland, shall be filled as they occur by members of the Presbyterian Church of Canada, in connection with the Church of Scotland, nominated by the Synod, and certified to be duly elected by the Moderator or Acting Moderator, of the Synod of the said Presbyterian Church of Canada, in connection with the Church of Scotland.”

He said: The third clause refers to the board which is to have charge of these temporalities. When vacancies occur they are to be filled by members of the united Presbyterian Church, thereby shutting out altogether from any management or control of the temporalities all the members of the old Church. This question was before the Committee, and the gentlemen who were present advocating the claims of the united church stated distinctly to the Committee that they had no objection whatever to the amendment, and were quite satisfied to have it put in the Bill.

HON. MR. MACFARLANE — The amendment was never proposed in the Committee.

HON. MR. ODELL—The matter was discussed in the Committee with the result I have stated, and I now propose the amendment, which speaks for itself. I also propose, after the word “church” in

the second to last line of the Bill to insert “or of the Presbyterian Church of Canada in connection with the Church of Scotland.” The object of that is merely, as I have stated, to give to the old church the privilege of having members elected from their body for the management of these temporalities. The proposition is so equitable and fair that I cannot conceive for one moment that there will be the slightest objection to adopting the amendment.

HON. MR. ALMON—In rising to second the motion, I appeal not merely to the justice of this hon. assembly, but to their generosity. The members connected with the Old Church of Scotland have been beaten at every step, whether rightly or wrongly I will not undertake to say. The beneficiaries are asked to vote for members to fill vacancies and yet they are told, “you must vote for one of the majority.” Is that generous, is it just? Is it not taunting the minority with their weakness? Is it not dragging them, as the old Romans did their slaves, at the wheels of their chariots? Would it not be kindness, compared with this, to say that the beneficiaries connected with the old Church of Scotland, who have not joined the union, shall not vote at all? By a refinement of cruelty they are told, “You have a right to vote, but you must vote for a member of the united Church.” What would the Roman Catholics in Ireland have said, after the Emancipation Act was passed, if they were told, “You have a right to vote, the same as your Protestant brethren, but you must vote for a Protestant candidate”? Would not any member of this body have laughed to scorn such a proposition as that?—yet this Bill contains just such a provision. For the sake of peace, and in common Christianity, this amendment should be allowed to pass.

HON. MR. DICKEY—It is quite true, as stated by my hon. friend from Rookwood, that Principal Grant said: “I desire to make peace with these people and would be perfectly willing to give them a representation at the board if it would bring about peace.” That proposition was scouted; it was never brought before the committee. It was not accepted in any way, and now, at the tail end of this

discussion, after all these amendments have been voted down, you ask us when you fail to get \$50,000 from the fund, to agree that you shall have a voice in the appropriation of it. If we pass this amendment it will be a legislative recognition of the fact that the minority, in whose behalf the amendment is moved, is the only true Presbyterian Church of Canada, in connection with the Church of Scotland. The amendment says :

“The vacancies occurring in the two seats at the said board, now filled by members of the Presbyterian Church of Canada, in connection with the Church of Scotland, shall be filled as they occur by members of the Presbyterian Church of Canada, in connection with the Church of Scotland.”

You could not entertain an amendment like that ; it is throwing an insult in the face of the gentlemen who say they are still associated with the old church, as they ever were. I think that it is greatly to be regretted that my hon. friend who is so desirous of settling this difficulty had not advised the gentleman behind him who put these amendments in his hand to-day to accept that representation on the Board and take their share.

HON. MR. ODELL—How will they get it ?

HON. MR. DICKEY—Nothing will do these gentlemen, however, but to have the whole. Now, after all, what does this humble clause in the Bill say ? It is exactly in line with the resolution of 1858, that this Temporalities Board shall have the power to fill a vacancy among them. The wording of the Act of 1858 is as follows :

“In the event of the death, resignation, removal from the Province, or leaving the Communion of the said Church, of any member of the said Board, the remaining members, or a majority of them present at any general meeting duly convened for that purpose, shall choose a minister or layman to fill such vacancy.”

There is the principle embodied in this very Bill, and this clause goes no further than the old Act, that these vacancies should be filled up by the remainder of the Board. I may state before I sit down that the fact of the two members of the Board, Sir Hugh Allan, and Rev. Gavin Lang, being members of that Board

before the union had nothing to do with their remaining out of the union. It was an accident that two members of the Temporalities Board remained out : it had no significance. There might have been four and eight, or six and six, or there might have been, as there were, ten and two. It had nothing whatever to do with the question that it should always continue ; but they remained on the Board—they remained in office up to the present day. Under these circumstances we cannot except the amendment : it would destroy the whole Bill, and would be a legislative recognition that might lead to litigation.

A division was then taken on the amendment which was negated on the following vote :

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HON. MR. VIDAL moved the third reading of the Bill.

HON. MR. TRUDEL—I desire to move the amendment, of which Mr. Ogilvie has given notice, reserving the rights of all parties as to costs in suits pending and decided.

HON. GENTLEMEN—Lost ! Lost !

HON. MR. TRUDEL—I would like to know if there has ever been a Parliament

in the world that has passed legislation putting an end to law-suits, without reserving the rights of the parties as to costs?

HON. MR. DICKEY—I am rather surprised to hear such an amendment as this moved, when we consider the fact that since the notice was placed on the order paper, no less than three suits have been brought against these people. This amendment applies to suits pending as well as to suits decided. With regard to the suit decided in the Privy Council, my hon. friend knows very well that the action of this Parliament does not affect it at all; the Judicial Committee have made their order as regards the costs. They should never have pressed this litigation, after public notice was given that they intended to apply to Parliament.

HON. MR. VIDAL—The hon. gentleman from Amherst is in error, there are no suits pending in the courts respecting the temporalities.

HON. MR. DICKEY—They have all been abandoned?

HON. MR. VIDAL—They have been all given up.

HON. MR. DICKEY—There is the suit respecting the Queen's College, in which a writ has been served upon my friend, Principal Grant, not only to recover the college, but the \$150,000 that were collected by his exertions as well.

HON. MR. TRUDEL—I think it is my duty to state that I am informed by a gentleman in whom I have the greatest confidence, that there are suits pending before the Court of Appeals which could not have been instituted since notice for this legislation was given. I hold in my hand one of the printed factums, which is dated December, 1880, and I am informed that this suit is still pending.

HON. MR. VIDAL—Is it the Temporalities, or the College?

HON. MR. TRUDEL—It is the Minister and Congregation of St. Andrews Church, Montreal, against the Temporalities Board.

HON. MR. VIDAL—I was informed by counsel to-day that the suit had been withdrawn.

HON. MR. TRUDEL—I was informed by counsel that this is still pending.

The amendment was lost on a division.

The motion for the third reading was then carried on a division and the Bill was read the third time and passed.

PRESBYTERIAN CHURCH MINISTERS' WIDOWS' AND ORPHANS' FUND.

THIRD READING.

HON. MR. MACFARLANE moved the third reading of Bill (71), "An Act to incorporate the Managers of the Ministers' Widows' and Orphans' Fund of the Synod of the Presbyterian Church of Canada in connection with the Church of Scotland, and amendments thereto."

The motion was agreed to and the Bill was read the third time and passed.

BILLS INTRODUCED.

Bill (Y), "An Act to make further provision respecting lighthouses, buoys and beacons" (Sir Alex. Campbell.)

Bill (Z), "An Act to amend the Act respecting the harbour of North Sidney, Nova Scotia." (Sir Alex. Campbell.)

The Senate adjourned at 1 1/2 p.m.

THE SENATE.

Ottawa, Tuesday, May 2nd, 1882.

The Speaker took the Chair at three o'clock, p.m.

Prayers and routine proceedings.

CANADA PROVIDENT ASSOCIATION COMPANY'S BILL.

REPORTED FROM COMMITTEE.

HON. MR. BELLEROSE from the

Committee on Standing Orders and Private Bills reported Bill (98) "An Act to incorporate the Canada Provident Association" without any amendment.

The report was adopted.

HON. MR. VIDAL moved the third reading of the Bill.

HON. MR. BELLEROSE moved in amendment that the Bill be referred to the Supreme Court for their opinion as to its constitutionality. In his opinion the Bill did not come within the 92nd section of the British North America Act.

HON. MR. POWER asked that the third reading of the Bill be allowed to stand over till to-morrow as the gentleman who was in charge of the measure was not present.

HON. MR. BELLEROSE thought it should be referred to the Supreme Court with out delay as it was near the end of the session and delay might be fatal to the Bill. Two members had a right to ask that the Bill be referred to the Supreme Court and it was not in the power of the House to refuse it.

HON. MR. POWER did not understand that that was the rule, as any two members could, in that case, stop the progress of a Bill towards the end of a session by referring it to the Supreme Court.

HON. MR. BELLEROSE said the hon. gentleman misunderstood him as he did not wish to convey the idea that two members could refer a Bill to the Supreme Court against the will of the Senate, but under the provisions of the 55th rule a Bill might be referred for an opinion to the Supreme Court at any time on motion of any two members.

HON. MR. VIDAL said he had no objection to postponing the third reading and he moved that the Bill be read a third time to-morrow.

The motion was agreed to.

QUEEN'S COLLEGE, KINGSTON, BILL.

REPORTED FROM COMMITTEE.

HON. MR. BELLEROSE, from the Committee on Standing Orders and Pri-

HON. MR. BELLEROSE,

ate Bills, reported Bill (64), "An Act respecting the Queen's College, Kingston," with certain amendments.

HON. MR. DICKEY said the amendments were in entire conformity with the preamble of the Bill, and he hoped the House would concur in them.

The amendments were concurred in and the Bill was ordered for third reading to-morrow.

DUTIES ON FISH AND FISH OILS EXPORTED TO THE UNITED STATES IN 1871 AND 1872.

INQUIRY.

HON. MR. HOWLAN inquired:

"When an answer may be expected from the Government to the memorial of W. H. Pope, addressed to His Excellency the Governor General, dated January, 1879, asking indemnity for duties paid on Fish and Fish Oil, exported to the United States in 1871 and 1872, from Prince Edward Island, and also to the letter on the same subject from the Members of the House of Commons and the Senators representing Prince Edward Island, bearing date the 20th April instant, addressed to the Right Honorable Sir John Macdonald, Premier of Canada?"

HON. SIR ALEX. CAMPBELL.—The matter is still under the consideration of the Government. An answer to that effect was given by the Premier of the Government the other evening in the House of Commons. I may say in addition to what he said that the Government have not yet had an opportunity of considering the last communication on the subject bearing date 20th April last, and addressed to the Premier, but they are anxious, at the earliest opportunity, to give their best attention to the whole subject.

AFFAIRS IN IRELAND.

RESOLUTIONS.

The order of the day was read for the consideration of the following address to Her Majesty from the House of Commons, in relation to affairs in Ireland:—

TO THE QUEEN'S MOST EXCELLENT MAJESTY:

Most Gracious Sovereign:

We, Your Majesty's most dutiful and loyal subjects, the Commons

of Canada, in Parliament assembled, desire most earnestly, in our own name, and on behalf of the people whom we represent, to renew the expression of our unswerving loyalty and devotion to Your Majesty's person and Government.

1. We have observed, may it please Your Majesty, with feelings of profound regret and concern, the distress and discontent which have prevailed for some time among Your Majesty's subjects in Ireland.

2. We would respectfully represent to Your Majesty that Your Irish subjects in the Dominion of Canada are among the most loyal, most prosperous, and most contented of Your Majesty's subjects.

3. We would further respectfully represent to Your Majesty that the Dominion of Canada, while offering the greatest advantages and attractions for those of our fellow-subjects who may desire to make their homes amongst us, does not receive that proportion of emigrants from Ireland which might reasonably be expected, and that this is due, in a great measure, in the case of many of our Irish fellow-subjects who have sought foreign homes, to their feelings of estrangement towards the Imperial Government.

4. We would further most respectfully represent to Your Majesty, that in the interests of this, Your Loyal Dominion and of the entire Empire, it is extremely to be desired that Your Majesty may not be deprived, in the development of Your Majesty's possessions on this continent, of the valuable aid of those of Your Majesty's Irish subjects who may feel disposed to leave their native land to seek more prosperous homes.

5. We desire respectfully to suggest to Your Majesty, that Canada and its inhabitants have prospered exceedingly under a Federal system, allowing to each Province of the Dominion considerable powers of self-government, and would venture to express a hope that if consistent with the integrity and well-being of the Empire, and if the rights and status of the minority are fully protected and secured, sure means may be found of meeting the expressed desire of so many of Your Irish subjects in that regard, so that Ireland may become a source of strength to Your Majesty's Empire, and that Your Majesty's Irish subjects at home and abroad may feel the same pride in the greatness of Your Majesty's Empire, the same veneration for the justice of Your Majesty's rule, and the same devotion to, and affection for, our common flag, as are now felt by all classes of Your Majesty's loyal subjects in this Dominion.

6. We would further express a hope that the time has come when Your Majesty's clemency may, without injury to the interests of the United Kingdom, be extended to those persons who are now imprisoned in Ireland charged with political offences only, and the inestimable blessing of personal liberty restored to them.

We pray that the blessings of Your Ma-

esty's reign may, for Your people's sake, be long continued."

HON. MR. HOWLAN said :

In rising to move the adoption of the Address passed unanimously by the other branch of the Legislature, I trust the House will bear with me for a short time, while making the few remarks which seem to me to be called for on this occasion. The representatives of the Irish race in the Legislature, prompted by public opinion of their own people throughout the Dominion, felt that they should give this matter their consideration. They met together, and after much deliberation on this grave question, actuated by the most sincere and patriotic motives in the interest of this Canada of ours, the present address was conceived. I am happy to be in a position to state that it has received the unanimous assent of the popular branch of this Parliament, expressive as it is, not only of the views of the Irish, but of the hearty approval of all the representatives of the people of Canada. Our recent census proves that out of a total population of four and one-half millions, over one million are Irish or of Irish descent, and as the words of this address state, they are among the most loyal, prosperous and contented of her Majesty's subjects; and if anything was required to bind them still more closely in their fealty, it is found in this intelligent and patriotic acknowledgment given by the representative men of this Dominion in Parliament assembled. That the Irish race is a grateful one, does not admit of question; in every land beneath the sun they have proved that beyond a doubt, but if proofs are wanting we have not far to seek them. In the war of the great rebellion in the neighboring Republic, on every battlefield from the Relay House at Baltimore to the trenches before Richmond, their blood was freely poured out in defence of the stars and stripes, and not less must be said of the faithful adherents of the stars and bars of the Sunny South. When the clarion of war was sounded along the granite hills and rivers of New England, no uncertain sound was heard; the call of country was sufficient, and throwing aside all thoughts of the unfriendly taunts of the foreigner, they boldly marched to the front, and no two

names were more synonymous for bravery in the north and south than those of the gallant generals Meagher and Cleburne. It will be remembered in this connection, when the gallant General Corcoran was made a prisoner of war by the South and was offered his freedom to join the Southern ranks, he spurned the offer and preferred to suffer imprisonment for his adopted country rather than freedom and oppose her. From the history of that war I will make but one quotation in favour of my statement. The battle of Lookout Mountain was one of the hottest of the rebellion. The Southern army was well placed on rising ground on either side with their guns in position. It became necessary to drive them out, and the matter was left to General Meagher and his Irish Brigade. He addressed his men, telling them how the United States had succored them in the day of their distress. The battle was fought immediately following St. Patrick's Day, the hill was taken, the field was won, but how severely it was contested was shown by the fact that the men laying dead in winrows each with a sprig of green in his cap. Nearly the whole brigade was killed in the terrible conflict, very much, in my opinion, like the death-ride of the gallant six hundred at Balaklava. That great war has passed, and the country is once more tranquil, but it went through a terrible ordeal. No one who looks back but sees that the whole cause of that war was slavery and its thrice accursed surroundings which cried to heaven for vengeance, for "vengeance is mine" saith the Ruler of the universe. Slavery had its defenders, had its armaments, had its apologists and its admirers. It was powerful even in the councils of the world; it sought strength from every source. We remember how in the English Parliament it had its defenders; we also remember how O'Connell when struggling for Irish rights, was tampered with by James Gordon Bennett, the founder of the *New York Herald*, in favor of slavery, and with what majestic manliness he answered him that if to take one dollar of the slaveholders money would free Ireland, he would rather see her in chains than accept it. To this day the *Herald* has not forgotten these words of O'Connell. But we rise from the perusal of the

history of those days, thanking God that where the old time honored flag of England waves there is no slavery. It was prompted by such feelings as those thoughts give rise to that we say in the address "we have observed with feelings of profound regret and concern the distress and discontent which have prevailed for sometime among your Majesty's subjects in Ireland" and express the hope that Ireland may soon enjoy "the inestimable blessing of civil liberty," for there can be no liberty where freeborn men having to advise the public may not speak freely. It is a remnant of barbarous times that men must be imprisoned for their ideas, and there is no Parliament in the world where freedom of thought and freedom of speech are so much valued and respected as in this Parliament of Canada, and in proof of this I need not go further than the records of the present session, which before I sit down I may more freely advert to, and satisfy the minds of honorable gentlemen that if Canada is looked upon to-day as the oldest child of the Empire she is entitled to her high position for her loyalty which is the result of representative institutions. A recent return shows that there are scattered over the continent six millions of Irish and their descendants, who according to Adam Smith in his "Wealth of Nations" have added more to the wealth of America than the gold fields of California.

The news of the address being passed by Parliament will be a harbinger of peace and good will into every household of our people throughout this vast continent. Their hearts will be overflowing with gratitude and the name of Canada will recall to them pleasant memories, and the name of a Canadian will be a passport to favour. Canada need have no fear of their enmity for the future. It would be a greater security for Canadian rights and liberties than if every hilltop along our four thousand miles of frontier was bristling with siege guns and bayonets, and this is one of the blessings which I think will ensue from the passing of the address. What has expatriated those six millions of Irishmen, and sent the majority of them under an alien flag, may be worth considering at the present time. I am not going to engage the time of this hon. House by dipping into the musty history of the last century, to repeat here quotations from

the Penal Laws, many of which would make us blush for very shame were they not redeemed at times by the farcical scenes which often accompanied their solution, as one will only rise from their perusal satisfied that Burke wrote correctly when he stated "they were a machine of wise and elaborate contrivance, and as well fitted for the oppression, impoverishment and degradation of a people, and the debasement in them of human nature itself, as ever proceeded from the perverted ingenuity of man." These laws were at last repealed, and, thanks to the unwearying perseverance of O'Connell, culminated in Emancipation, with which the people began once more to breathe freely and think that at last full justice would be done them, although it was late coming. "Hope deferred maketh the heart sick" is as true of a nation as of an individual. And so the people waited on the faith of promises, again and again repeated but to be broken and unfulfilled. Although several remedial measures of minor importance were passed, yet no large measure of this nature came into operation until Mr. Gladstone's Act, for the disestablishment of the Church of England—the church of the minority. And here I must say that the future historian will award him his due meed of praise for carrying such a sweeping measure of reform, creating such a social revolution by such peaceful means. During the interim of those two periods the precarious mode of living on land highly rented and overtaxed, began to give results. It was thought by many that the tithes being done away with, that this burthen taken off the land, would have somewhat relieved the overburdened laborer of the soil. A glance will show how many were affected by this great measure of relief. Ireland had then 685,000 tenants, occupying some 14,000,000 acres of land.

HON. MR. READ—What is the hon. gentleman quoting from?

HON. MR. HOWLAN—The figures are from Kane, on "The Resources of Ireland."

HON. MR. READ—I can give later figures—the exact number up to the present time.

HON. MR. HOWLAN—Whether the statement with regard to the number of acres is correct or not, if my hon. friend will permit me, I will explain at a further stage of my address why at the present time there are fewer tenants than there were at the time when these figures were published. Will that suit my hon. friend?

HON. MR. READ—Yes.

HON. MR. HOWLAN—Of these 685,000 tenants, 307,000 held farms of from 1 to 3 acres; 251,000, farms of from 5 to 15 acres; 79,000, farms from 15 to 30 acres, and 48,300, farms of above 30 acres; and all this land was held by about 900 landlords. Bad crops and bad harvests soon told their tale. The ground refused to yield her increase, and rents could not be paid: the poor rates were often higher than the actual rent rolls of the estates; famine set in and the whole nation was borne down before famine and pestilence. This great suffering was endured with unexampled forbearance, patience and untiring fortitude. The population became greatly thinned, the grave and the poorhouse were equally glutted with human bodies; the one with emaciated corpses of the dead, the other with the attenuated skeletons of the living. A gentleman who travelled through Ireland at the time thus describes it:

"The merry dance to the sound of the pipe, and the gladsome voice of the song were no longer heard, for joy and gladness had departed from the land—the very ground partook of the sadness which pervaded the whole country; there was an evident poverty in the soil, the beautiful, rich green of the grass was replaced by a grey, unhealthy line; wheat could not be grown in many districts where formerly it had been raised in great abundance, and the potato crops became all but extinct—the land was humbled under the judgments of the Almighty.

'Ill fares the land to hastening ills a prey,
Where wealth accumulates and men decay;
Princes and lords may flourish or may fade,
A breath can make them as a breath hath made;
But a bold peasantry are a country's pride,
When once destroyed can never be supplied.'"

O'Connell, he of the lion heart, foremost in every work for the defence of his people, pleaded for them in vain; he who at one time possessed as much political power as any one man in Europe, still stood loyal to his country and its flag,

never swerving, but always pleading the gospel of peace and good will; always telling them that "he who commits a crime gives strength to the enemy," and that nothing can be politically right which is morally wrong. He saddened at the sight, his big heart swelled within him, and he laid him down in a foreign land to die. The emigrant ship then was the refuge; the shark followed the ship. What a refuge! All who are at all familiar with the history of those times will remember the horrors of Grosse Isle. Almost every step along the banks of the St. Lawrence to Kingston, became the resting place of these unfortunate immigrants. In some cases whole families were swept away; in others, the parents perished leaving their helpless families unprotected in a strange land. Everyone knows the kindness with which the French population of Quebec treated those unhappy people. One is almost at a loss to understand why it is that no Longfellow has ever described the scenes attending the flight of these exiles. The decrease of population through famine, pestilence and emigration reduced the number of small holdings, and it was thought that Scotch and English farmers could take large farms and by increased capital and ability farm them, and thus the question of Ireland's land grievance could be settled. That was tried. Large sheep and stock farms were formed. By this means, says Miller in his "Social State of Ireland," 660 Scotch men and 96 Englishmen were induced to thus take up land in Ireland. But those who have had some experience in making money by farming will readily understand that even with improved machinery and capital, great results are not often attained, and that class are just as tired of high rents as are the Irish themselves. This reduced the total holdings to some 592,489. One would expect that then peace and contentment would reign throughout the land, and it did, for Miller states. "No country has ever made such rapid progress in so short a period (from 1847 to 1858). There is little or no pauperism, laborers are fully employed, though wages are still too low, the farms are finely stocked and rents are well paid; and many of the farmers have accumulated money; the laws are obeyed and respected, and there is an almost absence of crime, and peace and content-

ment and happiness prevail throughout the length and breadth of the land."

I am sorry that we cannot say this at the present time, for it is impossible to think it can be so, when 540 of the ablest, most influential and best educated men in Ireland are imprisoned. Those suspects are taken from all classes and creeds and are deprived of their liberty for advocating what they believed to be the rights of their people. I say it is a sad spectacle and one which is anything but creditable to the British Empire. It is almost impossible to believe that 540 men, comprising men of intelligence and high social position, can all be blind and impracticable. There must be something radically wrong when they can be imprisoned for stating their opinions publicly. I am not going to say that the Government were not justified in putting those men in jail. I would not say that if I were a member of the British Government I would not act in the same way, but I do say, that if I were a member of that Administration I would admit that there was something wrong which should be remedied. A man who rebels for his opinions is entitled to respect. Forty years ago a price was put upon the heads of men who have since been looked upon as benefactors of the human race. Look at the rebels in Ireland during the present century! Some of them have become most useful members of society, and amongst the ablest supporters of the constitution under which we live. I need go no further than Charles Gavin Duffy, who is to the Australian colonies what, I am proud to say, Sir John Macdonald is to this country. Take the case of Sir George Cartier, for whose name we all have the most profound respect. We are now appropriating \$10,000 for the erection of a monument to his memory. And for what purpose? To show the rising generation that under all circumstances a man should do what he believes to be right, and that, if actuated by patriotic motives, the time will come when he will be honored and respected. You find at the entrance of the House of Commons a portrait of Papineau. Does anyone believe that Papineau was not actuated in his course by patriotic motives? On the contrary his memory is honored because he was animated by patriotic sentiments, and on one of our great highways a town bears

his name. D'Arcy McGee, without whose name the history of this Confederation cannot be written, and to whose genius, learning and patriotism, we are all so much indebted, has passed away to a better land, but like all great men, his share in the noble work of confederating those colonies lives after him as a beacon light, and to borrow from one of his own poems—

“His name is written on the deep, the rivers
as they run

Will bear't timeward o'er the world, telling
what he's done.”

And so it may possibly happen that posterity will look upon many of those who are in prison in Ireland to-day for the sentiments to which they have given utterance.

There is one unfortunate feature in connection with this question; it is the frequency of agrarian crimes in Ireland, and I wish to be distinctly and thoroughly understood on this question, that so far as I am concerned I have no sympathy with those crimes; on the contrary I detest them as far as any law abiding citizen can detest such crimes. There is one thing to be said in favor of Ireland, that the statistics of crime in that country as compared with England and Scotland, in times of peace, will bear the most favorable comparison. I have in my hands a comparison of the statistics of crime in England, Ireland and Scotland, and I must say that Ireland in peaceful times, stands below either England or Scotland in that respect. It only proves that in a state of peace, or what may be called ordinary contentment and prosperity, there is no question as to the loyalty or proper observance of the law by the people of Ireland. Thomas D. Sullivan, in his “New Ireland” speaking on this particular subject, as any man actuated by proper motives, or any man who loves and values liberty should, expresses abhorrence of such a crime, and says:—

“I know of no Irish topic on which candid truthful and independent writing and speaking are more rare than this of agrarian crime. The outrages in many cases were so fearful that no one dared to speak a word as to their having had some cause without exposing himself to a charge of palliating or sympathizing with them. On the other hand the provocation often was so monstrous that if one execrated the crime as it deserved to be, he was supposed to be callously indifferent to the avidity, the greed, the heart business that

let up to it. Thus thirty years ago, nay twenty years ago, or less, the creation of a healthy public opinion on the subject was impossible. We stood arrayed, one and all of us, in one or other of two hostile camps: that of the landlords in apparent approval of merciless eviction, or that of the tenants in apparent sympathy with red-handed murder. Yet occasionally, on both sides there must have been a good man, nay, a true patriot who in his secret heart bewailed the terrible state of things that thus convulsed and affrightened society, and who yearned for the day when the page of Ireland's story would be blotted no more by this crimson stain.”

But it has often been said in connection with this particular question that there is no good reason why the Irish people should not be satisfied with the laws under which they live; that the laws of England, Ireland and Scotland are alike; that if they are just in one country they are just in the others, and if they are administered properly in one country they are administered properly in another. I am not going to seek for a solution of that question, but I shall quote from the remarks of Mr. Gladstone, one of the greatest statesmen of the day, on the introduction of the Irish Land Act of 1870. He said:

“Regarding the legal provisions for the government of the people, it is only fair to say it is only the skeleton of the laws of England and Ireland that bear any resemblance to each other.”

Now, that was the opinion of Gladstone. In looking over the state of things as they exist in Ireland, one must be struck with the fact that a great deal must depend on the landlords themselves with regard to the attitude of the people towards them. It is almost impossible to have a grievance without having a foundation for it, and it would be as well to take the opinions of those who have had opportunities of judging what are the conditions of these people, and in what way they fulfil the duties that devolve on them as citizens of a free country, and ascertain from that whether there is any good reason for stating that a great portion of the difficulties that arise in Ireland may not be properly laid at the door of landlordism. Froude in his history—and I think I may properly say that he is not looked upon as a great friend of Ireland (although a great and accomplished man); he has written at times not in the pleasantest strain of the Irish people, though with that I find no fault, as he wrote what he

conscientiously believed to be true, and I must therefore respect his opinion—in his history he says; “He would not yield to the most irreconcilable Fenian of them all in his determination to promote the entire, the final emancipation from the yoke of landlordism.” If we go further and read the discussions that took place on this particular Bill through the press of Great Britain at the time that the Land Act was under consideration we find many eminent men giving their opinions with regard to the necessity of reform in Ireland. Take Bishop Berkely, Protestant bishop of Kilkenny, for instance, who says:—“The landlords of Ireland are men of vulture beaks with bowels of iron in their treatment of the cultivators of the soil.”

That is the opinion of a resident bishop of Ireland, having to do with the flock under his charge, and to prepare them for a better world, and he being a high dignitary in the Christian church can have no reason for speaking unkindly himself of landlords. This state of affairs called forth from the Archbishop of Tuam, one of the ablest men of this generation, a remonstrance to Gladstone at that time Chancellor of the Exchequer, in 1863. He states with regard to the emigration of the people:—

“They are flying, and in spite of all dissuasions from whatever quarter, they will continue, to fly in such numbers as reminds us of the melancholy figures of our bards comparing them to the flights of the birds after the capitulation of Limerick. They know the terrors of the war and of the deep which they have to encounter, but neither the war, nor the deep, has for them any terror compared to the insecure, precarious, nay fugitive, and savage mode of life to which the laws have doomed them, aggravated by the treachery of broken promises and violated covenants on the part of unfaithful men in which they have resolved no longer to confide. In vain do landlords promise, and correspondents caution, Hence the cool and stern indifference with which they leave a land that has lost to them the endearing character of a parent, and with it all the sacred attractions and securities of a home”

Up to a very recent period it was very difficult to find an English or Scotch gentleman, or an American, or an Irish gentleman in America, who believed for a moment that such difficulties existed in Ireland. They would say that it was a chronic state of affairs, and that it was almost impossible to govern Ireland properly. But when the representatives of

the great daily newspapers of this Dominion and of the neighboring Republic sent representatives to examine into the state of affairs in Ireland, and when their representatives came back to this country people were shocked, even the people of Manchester and London were shocked, as were the people of Montreal, and here in Ottawa, and the general opinion was it certainly could not be the case. The first reports were looked upon as having probably been cooked and sent in the interest of some association on the other side. We know that another correspondent was sent across the Atlantic with instructions to send only legitimate news, and we find the news coming through the correspondence over the wires, gleaned from every day live in Ireland, was of the one nature, the one character. We find on comparing this information with the cablegrams to some of the daily papers of New York, that they were as different as day from night, and people were at a loss to understand how two such different accounts could be published of one thing; but the solution was easily arrived at when it was found that some of these correspondents were in the pay of parties whose object was to prevent this question from being brought to the notice of the world. Then the *Globe* correspondent was sent over, and it was commented on in the press of the country, everyone hoping he would send home legitimate news, as much as to say he should have some sort of a patent combination affair to grind out news to suit the ideas of the people; but when we read those letters as they appear in the *Globe* one is struck with their actual correctness as compared with those of Nasby and other correspondents, and nothing has tended more to throw light on the true position of Ireland. In a small country like Ireland you may choke the press, but you cannot choke the press of America, which gathers its news from all quarters of the globe. We know that correspondents have gone to all parts of the known and unknown world for news, and it was not possible that this terrible state of affairs in Ireland could exist without the attention of the press of America being directed to it.

But words are things and a small drop
of ink
Falling like dew upon thought produces

That which makes thousands, perhaps millions think.

I may say, as an Irishman, standing here, I feel sorrow and regret every time Ireland has to appeal to the world to be assisted in her difficulties, and I do hope that the day will come, sooner or later, when that country will be as contented, as happy, and as blessed in the enjoyment of constitutional government, as we are in this Dominion of Canada. I may say with regard to this particular item which forms a very large portion of the stock-in-trade of the grievances of Ireland, that the people of the small Province which I have the honor to represent, had to deal with a question which seems to me so analagous that there is really no difference except its size. Ireland has 20,000,000 of acres while Prince Edward Island has 2,000,000. We had in Prince Edward Island tenant leagues, we had riots, imprisonment, everything almost in connection with our trouble, which Ireland has at the present time. But we have lived to see the thing settled amicably and I do not see why the same happy result should not be arrived at in the case of Ireland. I am glad to see that my hon. friend alongside of me, who has been 44 years in Parliament, and who remembers well the struggles and quarrels about this question from its inception for many years, voted in favor of a fair settlement of the matter. It was settled satisfactorily, to the people and they are to-day happy and contented. Landlords got paid for their land, and the lands have been sold back again to the people and no harm has resulted. I do not advocate the landlords of Ireland receiving nothing for their lands; I should never think of giving the land to the people free, but I do say this, that it has been proved beyond any doubt in the correspondence which I have read at this time, that for the last two or three years it has been impossible to pay rent in Ireland, and not only there, but in England and Scotland. I remember well last year a Scotch representative of an emigration society there was called upon at St. John, N. B., and was asked if he was a practical agriculturist himself. He said, yes. Then the following conversation took place:—

Question—How much land do you farm?

Answer—118 acres.

Q—What rent do you pay?

A—I paid £237.

Q—Do you find any difficulty in paying that rent now?

A—Yes.

Q—Why?

A—Well, the difficulty arises from the fact that we are met in the markets of England by the cheap products of the cheap lands of America.

There was the question in a nutshell. It is not a new one, for we find the same idea pervading the speeches of the great Edmund Burke when he was advising the British Government to acknowledge the independence of the United States. Those who have read his eloquent utterances will remember that he clearly pointed out the fact that these people speaking the same language, having the same traditions and coming from the same stock as the people of the older country, necessarily in this new country would direct a large immigration from among their friends and relations in the old country, and that after a while commerce would find out some easy way by which their products would be laid at the doors of the older countries. There were no steamers at the time; they were not dreamt of, but it is now a fact that freights between Liverpool and New York, and Montreal and New York, differ very slightly from those between Belfast, Wexford, Waterford or Cork, and that is one particular reason why these exorbitant rates cannot now be paid. It has been proved beyond any question that there is no class of people in the world who can live upon less money than the Irish; I do not even except the Chinese, for it has been proved, by an investigation which took place lately, that the Irish cottier and his family are supported upon less than any other race, and even then these people are unable to pay their rents. If I desired to get a vote on this question in England or Scotland I would take these facts and shew the English and Scotch people the actual state of the case, making them thoroughly aware of what these different grievances are, and I believe these people once thoroughly satisfied upon this particular question, would be the very first to advise such action by the Imperial Parliament as we now suggest, namely: that they should pass remedial measures for the purpose of blot-

ting off the escutcheon of the country the stain which now exists. But it may be said in this case, "what have we to do with all this, we are only needlessly troubling ourselves, and are giving our attention to matters which do not concern us." I say the welfare of the empire concerns every subject of that empire, and it is as impossible to affect one part without the whole feeling, as it would be for a man to place his hand in a vice without the other portions of his body suffering. So with regard to the great flag which floats over us; it is impossible for any portion of the millions of Irish people scattered throughout the various parts of the empire not to be interested, and therefore I make this suggestion, which is like the suggestion of a son to a father. I go further and say that in this country we may be called upon at any moment—just as well as the people of Cork, Wicklow, Wexford or other Irish cities—to shoulder our muskets in the defence of the British flag. Therefore we have every interest, every right to make a suggestion of this kind. But over and above and beyond that suggestion, we must remember this fact, that there are 6,000,000 of Irish people on this continent, and that there are 5,000,000 or 6,000,000 more looking across the ocean to day, that their eyes are fixed on this country where they hope to find a home. And I ask is it not in the interest of Canada that we should sympathise with these people and have them for our friends? Further, I would dwell upon the fact that we have 250,000,000 acres of land stretching out in the North-West, waiting to receive the industry of these Irish people, and I maintain that if we had this 250,000,000 acres years ago at our disposal, the emigrants of 1854, 1863 and other years, who went to form some of the great American cities of the south western portion of the United States, would now be dwelling under the British flag. The wheat lands of the western states are now filled, and the day may come when this great north-western country will be thoroughly peopled and divided up into provinces of a proper size, and we then may find there a large portion of the people composed of Irish emigrants contented and happy under our flag. These are some of the reasons why the Imperial Government should consider the expres-

sion of the people of this country and of their Parliament. Again we hear it said that in this matter we are possibly interfering with the rights and duties of the British Government and I would be very sorry that any remarks of mine should be in any manner construed in that way. There is, however, this which all practical politicians must see: I believe that no leader of a Government can carry out exactly what he would wish at all times, he must be subject to the opinions which surround him. And I ask where is the man who can tell me that if the leader of the English Government is desirous, as I believe he is, to settle these unfortunate grievances in Ireland, he would consider it unwarranted on the part of 4,500,000 of people in this country to express their feeling on this subject? What greater strength, what greater power can be given him than the support which his liberal conduct in this matter would receive from Irishmen in Canada? We are among the most loyal people in the world, each one is happy and contented in the exercise of rights and privileges which are enjoyed under the constitution which has been given us, and that very fact has made Canada respected throughout the world. Surely, therefore, it is but fit that the Parliament of such a people should be unwilling that any portion of the Empire suffer, without, at all events, expressing their sympathy. I say we have every interest and every right to do so, and this is particularly the case in view of a rumor which has occurred within the past few days—rumors which I hope will soon become a fact—namely: that Ireland will be ruled shortly by the viceroy who ruled this Dominion so faithfully and so well. It cannot be denied that Lord Dufferin in his administration in Canada, considered every portion of the Dominion. Not one among the many races that people this country was overlooked, but felt that their rights and privileges were respected. Nay, more, he has a full knowledge of the great North-west, he has traveled over it and knows its value; he knows also that the Canadian people, when they take it upon themselves to give an expression of this kind, do so in the greatest friendliness, and with the greatest respect for the British Government and the British flag. He could tell the people of the country that he has been amongst us here for many years,

and that so far as disloyalty is concerned, it would be impossible to have passed in a House of 200 members of this Dominion, any measure which was not characterized by devoted allegiance to the Empire. Therefore I say it is a mere chimera, it is like chasing flies, to question the loyalty of the people of this country. I am greatly obliged to the House for the patient hearing they have given me and I have but a few words to say before I resume my seat. I wish distinctly to be understood that in any remarks I have made touching this delicate question nothing was further from my wishes than that I should hurt the feelings of any hon. gentlemen here in any possible way. If I have done so I hope that the fact of having to treat a delicate question like this will cause every allowance to be made for the short-comings of the humble member to whose lot it has fallen to make this motion. I beg to move that the blank before the words, "House of Commons" in the Address may be filled up with the words, "Senate and."

HON. MR. POWER—I do not know that I have ever regretted more than I do just now that I am not gifted with the eloquence of the hon. gentleman who has just sat down. It requires native Irish eloquence to do justice to such a subject as this. I am very much pleased that the hon. gentleman has made so fine a speech as he has; the only drawback is that he has said a great many things that I had proposed to say, and a repetition of them from me would not be interesting to the House. However, I propose in my humble way to point out a few reasons why I think we should concur in the address which has been sent up from the House of Commons. The address suggests three principal points: first, that we have learned that there is distress and discontent in Ireland; second, it points out a remedy for that distress, and third, the address sets out that Canada is interested in this Irish question. I propose to deal briefly with these three points. In the first place there is no doubt whatever that the condition of Ireland during almost the whole of the past eighty years has been one of chronic misery and wretchedness. I do not know that it is necessary to adduce any evidence of that

fact here. We have had the uniform testimony of tourists who have visited Ireland, and the almost uniform evidence of newspaper correspondents who visited Ireland for the purpose of investigating the state of things there. We have had the declarations of those best qualified to speak on behalf of the Irish people, and the testimony of English statesmen: we have had the whole matter set out very fully, clearly and forcibly in the other Chamber by the hon. gentleman who leads the Opposition in that body. After that great speech of his, to undertake to go into this matter at any length would be simply an attempt to "paint the lily." So far, for the misery and poverty of Ireland. Then, unfortunately discontent, and a feeling of something approaching to disloyalty to the British Crown also exist in Ireland. I do not think it is much more difficult to find evidence of that than it is of the fact that wretchedness exists there. Commencing almost with the beginning of the century agitations have been going on in the island almost all the time. Secret organizations of a disloyal character have existed to a greater or less extent during almost the whole period. There have been occasional violent outbreaks; and recently there has been a great deal of what is known as agrarian crime. There have been almost innumerable coercion acts and suspensions of the writ of *Habeas Corpus*. At the present time it is unquestionable that the law enacted by Parliament has not nearly as much weight or influence in Ireland as the decrees made by a body which is unknown to the law. I do not propose to urge this point any further: there is no doubt about the existence of these feelings. Recognizing the existence of a state of things which we all deplore, it is natural that we should ask if it can be remedied; and I think before undertaking to say what remedy we should apply, we have to seek for the causes for this poverty, dissatisfaction and disloyalty. With reference to the causes of the poverty in Ireland, I think the principal one has been the nature of the tenure by which land in Ireland has been held. That, too, has been clearly shown in the other House; but I venture to repeat here, to a certain extent, what has been said there. In the first place, the tenants in Ireland have been obliged to pay exorbitant rents—rents

that gave almost everything to the landlord, and left the tenant merely enough to eke out a most wretched existence—one which can hardly be called existence at all. In the next place, if the tenant who paid this enormous rent, by the greatest exertions, by industry, perseverance and ingenuity, was able to improve the land he held, the only effect of his so doing was that the rent was raised to a still higher figure, and further, that the landlord was at liberty to put him off his holding and give him no compensation for the improvements he had made. That is the position—that the rents were exorbitant, that the tenant had no security of tenure, and that he could get no compensation for the improvements he made. In addition to all that, and to aggravate the poverty and wretchedness which would naturally arise in an agricultural country from these causes, there was the fact that the landlords as a rule did not live in Ireland, and did not spend the money that was wrung from their tenants among the tenantry, but expended it in other countries. It was a common spectacle in Ireland to see live stock, grain and farm produce of different kinds, shipped from that country, the money for which never came back. This thing has gone on for eighty years, and it is not to be wondered at that Ireland, though gifted by nature with great fertility and resources, is probably one of the poorest countries in the world.

The causes of the discontent and disloyalty to which I have referred are various. In the first place, there has always been present to the mind of the ordinary Irishman the recollection of what are known as “the penal times.” Those were the times previous, one may say, to the passing of the Act emancipating Roman Catholics, and in which the great majority of the Irish people had almost no rights. They had no political rights whatever; and their civil rights were very few. Those were the times when it was almost true, as the phrase of the country went, that “killing an Irishman was not a murder;” at all events, almost any offence perpetrated against an Irishman was not considered a crime at all. Now, although that state of things has been changed since 1829 or 1830, still the recollection of that old state of affairs has always lain at the bottom

of the hearts of most Irishmen. That I think is one of the causes of the discontent and disloyal feeling that has been so prevalent in Ireland. Another serious cause has been the poverty and hard times to which I have referred, and which have prevailed almost continually in that country. Every hon. gentleman knows that poverty and hard times are always the strongest arguments against the Government of the day. We have had experience of that sort in our own country very recently. Hon. gentlemen will hardly deny that, in the year 1878, if the Dominion of Canada, instead of suffering from a very serious depression of trade, or what was commonly known as hard times, had been prosperous—I do not mean to say that the party of my hon. friend opposite (Sir Alexander Campbell) would not have come into power, but—they never would have been returned with such an overwhelming majority as they received. Hard times always tend to provoke hostility to the Government for the time being. It is very illogical; but still it is human nature; and I think it is as much the nature of an Irishman as of a Canadian, and perhaps a little more so. The fact that poverty and hard times have been chronic in Ireland has been one of the reasons why, as is currently stated, an Irishman is always against the Government. Another cause of the dissatisfaction of the Irish people with the present system of government is the slowness and reluctance with which the English Parliament and Government have, as a rule, granted to Ireland any concessions. No measure of justice has ever been granted to Ireland promptly and speedily. It is said that the Almighty loves the cheerful giver: I think most people resemble their Creator in that respect. The man who gives promptly and cheerfully wins much more love and gratitude than the one who gives slowly and reluctantly. A gift that is wrung from the giver, as has been the case with Ireland,—wrung generally from the giver through his fears, and not through a sense of justice and right,—excites no gratitude or good-will on the part of the recipient. This phase of the question was discussed at considerable length and with great ability in the other branch of Parliament, most particularly by the gentleman who leads the Opposition there. I do not propose to repeat what

was said, but the fact which I have stated is entitled to careful consideration. This mode of acting on the part of the Imperial Government has induced what is known as the National Party in Ireland to adopt as one of their maxims that "England's difficulty is Ireland's opportunity." When such a maxim as that has any foundation, the state of affairs—as to the relations between the two countries—must be very unsatisfactory. As a rule, Englishmen in general, including the people who govern England, have a very strong sense of fair-play and justice; and they are as a rule ready to remedy injustice when it is brought clearly before them. How then, one may naturally ask, is it that those crying wrongs from which Ireland has suffered for so many years—I had almost said centuries—have been redressed so slowly? I think that there are two reasons: first, that the Imperial Parliament, of late years at any rate, has been continually overburdened with work—so overburdened with work that the measures which are most necessary for England itself cannot be adopted by Parliament. As a matter of course, in this state of things, the interests of the majority in Great Britain would be attended to rather than the interests of Ireland. Irish members represent a minority; and their claims would naturally be postponed to the claims of the majority. I do not urge this as a matter of blame to the majority: it is human nature; it is the nature, as we all know, of Parliaments. That I think, is one of the reasons; and another and a more important one—it strikes me—is that the Imperial Government have always dealt with Ireland, and undertaken to govern that island, not according to the ideas of the men who represented Ireland and understood the wants of their country and the disposition of their countrymen, but according to the ideas of Englishmen who do not understand the people, or know the wants of the country. In this particular, one cannot help being struck at the difference between the way in which Scotland has been treated and the way in which Ireland has been dealt with. The ordinary manner of transacting business affecting Scotland in Parliament is that the Scotch members agree amongst themselves as to the measures which they desire; and, as a rule, when the majority of the Scotch members agree, the measure is adopted almost as a matter of

course by the Imperial Parliament. Then again, Scotland is not governed by the English law, but by the civil law which she had before the union; and that system of law has been continued as fully of late years as at the time of the union. Now, with Ireland it has been just the reverse. As I have said, she is governed according to English ideas, and by English laws. The system of law which governed Ireland in old times was almost immediately abrogated when she ceased to make her own laws, and she has ever since been governed by laws framed altogether by Englishmen, ignorant of the wants of the country for which they have legislated.

HON. MR. MACDONALD—What becomes of the one hundred Irish members in the House of Commons, if they are governed by Englishmen?

HON. MR. POWER—I have just stated that in the English Parliament legislation for Ireland is made, not in accordance with the wishes of the Irish members, but in accordance with the feelings of English members, who do not understand either the country or the people. I am just trying to show how differently Ireland has been treated in that way from Scotland; and that difference of treatment accounts probably for the difference of sentiment between the two countries.

HON. MR. MACDONALD—Why cannot the hundred Irish members agree as the Scotch members do, and bring in their measures.

HON. MR. POWER—The great majority have often agreed in vain. Quite recently, for instance, the great majority of the Irish members agreed to an important measure—that is the Sunday Closing Act. I think two or three years in succession the Irish members almost unanimously asked for the passage of that Act; and it was rejected, at the instigation, I presume, of the English publicans. Last year it became law. That is a sample, in a small way, of the spirit in which the English Parliament has legislated for Ireland. The unfriendly feeling, which we find amongst the Irish people, towards the Imperial Government, and which results from the inaction or ill-judged action of

the English Parliament, is aggravated by the tone which has been too frequently adopted towards the Irish people by the press of England, and by English speakers. Their habitual practice—a practice which fortunately is not as common now as it was a few years ago—has been to speak with the utmost contempt and dislike of Ireland, and the Irish, and everything connected with them. I do not remember the fact myself, for I was too young; but, I remember hearing the statement quoted time and again, and I never forgot it, that when one million, or thereabouts, of Irishmen perished of hunger and disease in 1847, the London "Times," which was supposed to be the mouthpiece, more than any other newspaper, of the English governing classes, referred to that fearful calamity almost in terms of exultation, and declared that the Celts had gone, and gone with a vengeance. The columns of London "Punch" have been continually filled with the grossest caricatures of Irishmen.

HON. MR. ALMON—What are the terms in which the "Irish Nation" speaks of the English people generally?

HON. MR. POWER—That is not the question: I do not approve of what that paper says: the hon. gentleman had better inquire of the leader of the other House what the "Irish Canadian" says.

HON. MR. ALMON—I speak of the "Dublin Nation."

HON. MR. DEVER—They all say too much against each other.

HON. MR. HAYTHORNE—The hon. gentleman has brought a very serious charge against the London "Times" and I think he should be more explicit than he has been on the subject.

HON. MR. POWER—I have merely made a statement which has been repeated time and again. I have not the file of the London "Times" for 1847; but there is no doubt that it contained that statement with reference to the famine.

HON. MR. HAYTHORNE—I should like to see it.

HON. MR. POWER—I have not the

HON. MR. POWER.

London "Times" at hand; but the hon. gentleman will find it in the Library, and can see it for himself. Perhaps my hon. friend from Prince Edward Island (Mr. Howlan) who has given more attention to this subject than I have, can tell him the date of the newspaper. This contemptuous tone, and the ridicule in which English speakers and writers have too often indulged in speaking of Ireland and its people are more calculated, in some cases, than even positive wrong, to irritate and excite the ill-feeling of a people who are so sensitive to ridicule and contempt as the Irish people; and they are as readily affected by contempt and ridicule as they are prepared to be grateful for fair-play and kind words. To realize somewhat clearly the state of feeling in Ireland, let us suppose that the Province of Quebec had been placed in the same position. Suppose that the treaty of cession from France to England, which guaranteed certain rights to the people of Quebec, had been violated, as the treaty of Limerick, which guaranteed certain rights to the Irish people was violated: suppose that the French law which governs the Province of Quebec had been abrogated, and the English law substituted; suppose that the religion of the people of Quebec had been proscribed for a great many years: suppose that Quebec instead of being in a federal union were in a legislative union: suppose that all laws even upon subjects most peculiarly affecting the people of Quebec were made by the representatives of the other provinces without any regard to the feelings of the majority of the representatives of Quebec; and suppose that the land tenure was as abominable in Quebec as it has been in Ireland, what would be the feelings of the people of Quebec? I do not think I am making a rash statement when I say that, long ago—many years ago—the people of Quebec would have broken out in open revolt against that state of things. I do not know that their conduct would have been very blameworthy if they had. Certainly, their indignation would have been very natural. We know that, because the people of Quebec were not allowed to govern themselves, and were governed too much by the power of the Executive, as they thought, they actually did revolt in 1837; and, as my hon. friend (Mr. Howlan) has stated, the men who were the

leaders in the outbreak were men who to-day are held up to the admiration of the public. I am afraid I have dwelt rather too long on the first point—that distress, discontent, and disloyal feelings exist in Ireland, and that those feelings are not very much to be wondered at.

The next point that our address makes is that there is a remedy for those things. The question is whether this unfortunate state of things can be remedied. I think, as to the poverty with which Ireland is at present afflicted, that it can be removed. There are a great many countries less fertile—less gifted by nature than Ireland, which support a much larger population for their areas and support it in comfort. I think that the changes made by the recent Land Act, if provision is only made for the wiping out in some way of the arrears of rent, will before long result in a great improvement in the condition of the tenantry. That Act gives them what they wanted before: it provides for a reasonable rent, compensation for improvements, and that they shall not be turned out arbitrarily from their holdings. It gives what are called the three F's. I think that the Act, with certain amendments, if fairly carried out, will do much to remedy the poverty and distress in Ireland. Then, as to the feelings of discontent and disloyalty, which are the subjects brought more directly before us in this address: that perhaps raises a more difficult question. There are a great many people who think Irishmen, as a rule, are unfit for self government—that they are dissatisfied with the authorities set over them, and that they are essentially disloyal and hard to govern. I think that that opinion is altogether a mistaken one, and I hope that no hon. gentleman here entertains it. We have not had a great many opportunities of seeing how Irishmen can govern themselves, but there have been some. In Ireland itself the people have the right of electing their own poor law guardians, and of managing the affairs of the poor. These rights have been exercised in an exceedingly wise and economical way, as a rule. The Irish people in the cities and corporate towns have the right of self government to a certain extent; and these corporations are governed, as far as I can learn, as wisely and economically as any others in the Empire. So that, as far as

Irish evidence goes, it is in favor of giving to Irishmen further rights of self-government; and when we look beyond Ireland, we find that in Australia, as stated by my hon. friend from Prince Edward Island, the Irish have shown a very considerable capacity for self-government, and for governing other people; and I think our experience in Canada has been the same.

HON. SIR ALEX. CAMPBELL—
Hear, hear.

HON. MR. POWER—I think that Irishmen in Canada average probably as well as their neighbours. I do not say that they are any better; but I think that, on the whole, they do probably as well as their neighbours. I may be allowed to remark here that the Irish people, as a rule, have succeeded better, have won much better positions, and have taken a more active part in public affairs in the British colonies than they have anywhere else in the world. The position of Irishmen in Canada to-day, and in Australia—in proportion to their numbers—is infinitely better than the position of Irishmen in the United States. It seems to me, as it seemed to the House of Commons, where they adopted this address, that the obvious and natural remedy for Irish discontent and dissatisfaction which has arisen from the inaction or ill-judged action of the Imperial Government, is to give to the Irish, to a greater extent than they now have it, the right to govern themselves—to treat Ireland as the Province of Quebec is treated—to give them a local legislature with the right to deal with all matters purely local, leaving matters of Imperial importance to be disposed of by the Imperial Parliament at London. Supposing that a measure like the British North America Act, governing the relations between England and Ireland, had been adopted, what would have been the result with respect to questions that have been burning questions in our own time, and have been burning questions for years past? Under a constitution like ours, giving the Local Legislature power to deal with the land question, very probably it would have been settled long ago. The educational question would have been disposed of by the Local Legislature also; and in

fact, every question that causes or has caused ill feeling and dissatisfaction in Ireland is one that, under a constitution like ours, would have been dealt with and settled by the Local Legislature. Matters of Imperial moment, which properly should be controlled by the Imperial Parliament, would have been dealt with by the Government and Parliament sitting at Westminster. The Army and Navy, Militia, Post Office, Customs—all of these things would have been controlled in London. The Irish people, having the right to manage their own local affairs, would have attended to them,—would have given their time to settling them; and they would have been as contented and satisfied as the people of Quebec or the people of the other provinces are now satisfied with the self-government which they enjoy in this Dominion. The Legislature sitting in Dublin would relieve the Imperial Parliament, now overworked, of a number of petty details that, under the present system, it has to attend to. The beneficial effect of this alteration in the constitution would not be confined to Ireland alone. Gladstone himself has declared that the same measure of self-government should be applied to Scotland and Wales, and part of England; and the consequence of the adoption of such a change in the constitution would be that, while the local legislatures would be better able to attend to the local wants of the different sections of the United Kingdom than the Imperial Parliament can do, Parliament would have ample time and opportunity to attend to matters of Imperial importance, which are now almost entirely neglected. Another of the effects of such a system would be that Ireland, instead of being a threat and a source of weakness to England, would be a source of strength and a protection; and Irishmen and Irish bravery, instead of being a source of danger to the empire from the United States or other points, would be a source of protection; and I believe that, in a very little while, it would cease to be true that nearly every Irishman who left his native isle for the United States, would go away an enemy to England. The Irish intellect, one of the brightest and keenest in the world, would be at the service of the British Crown; and the people of Ireland would work together with the people of England and Scotland to maintain the

Empire in the front rank of progress and civilization. There is one remark that I should like to interpose here, that is, that the home rule, as it is called, or local self-government, which is proposed, and which we recommend to the British Government as a remedy for the evils that now exist in Ireland, is one that the English Government, I think, are fairly well disposed to. I quote from a speech made by Gladstone, in 1878, on that subject:—

“The Parliament is over-weighted. The Parliament is almost overwhelmed. If we could take off its shoulders the superfluous weight by the constitution of secondary and subordinate authorities. I am not going to be frightened out of a wise measure of this kind by being told that I am condescending to the prejudices of the Home Rulers. I will condescend to no such prejudices. I will consent to give to Ireland upon principle nothing that is not upon equal terms offered to Scotland and to the different portions of the United Kingdom. But I say that the man who starts to devise a machinery by which some portions of the excessive and impossible task, now laid upon the House of Commons shall be shifted to the more free and, therefore, more efficient hands of secondary and local authority will confer a blessing upon this country, that will entitle him to be ranked among the prominent benefactors of the land.”

We can easily understand from these remarks that English statesmen are favorably disposed towards the proposition which we submit in these resolutions. I may venture to add, here, that I do not feel as strongly as the hon. gentleman (Mr. Blake) who spoke second on this subject in the House of Commons did, with respect to Mr. Gladstone. I think that, taking all the circumstances of the case into consideration, Gladstone has done a great deal. Possibly, if he had been the most chivalrous of men, it might have been deemed his duty to have risked his position as leader of the Government by introducing a measure for which Parliament was not then prepared. I am glad to say that I believe that in the interval since last year the people and Parliament of Great Britain have been advancing very rapidly to the point at which they will be able to recognize the necessity of federal organization for the three portions of the Kingdom.

The last point with which our address particularly deals is that this Irish question is one that affects Canada. It may be said, as I think I have heard it suggested by some hon. gentleman: Granted, that Ire-

land is poor, and discontented, and disloyal; and granted that this local self-government of which we speak would be a remedy for these evils, have we here any right to present such an address as this to Her Majesty? Is it not probable that the Imperial Authorities may intimate to us, as some English newspapers have already intimated, that we had better attend to our own affairs?

HON. MR. ALEXANDER—Hear, hear.

HON. MR. POWER—In reply to that question I say, as the hon. gentleman from Prince Edward's Island has already said, that the Irish question is most emphatically our business; and I do not think it is very difficult to show how it is so. In the first place, the hostility of the Irish in the United States to the mother country has already cost Canada a little blood, a good deal of money and a great deal of anxiety; and that same hostility, unless it is removed, may before long be the cause of greater loss and misfortune to Canada. Not only would it be the cause of evils to us, though we would be the most direct sufferers, but the probabilities of war between Great Britain and the United States are very largely increased by the ill-feeling of the Irish element in the Republic towards England. We know of hardly any other element in the United States that is so likely to lead to a rupture between the two countries as that one. Hon. gentlemen know that one of the great parties in the United States has the almost unanimous support of the Irish element, and that element is always ready and anxious for a war with England, and, in order to secure the support of that element, that party may be driven to acts of hostility towards England. In that way, we have a great interest in the Irish question; and in another way, we have an interest still more direct. We have in Canada immense tracts of very valuable and fertile lands; we need population for those lands; and I have no hesitation in saying that Irishmen make as good immigrants as English or Scotch. We do not get those immigrants at the present time—at least we get them only to a very limited extent, and the reason is, that almost every Irishman who leaves his native isle, goes away with a feeling that he does not wish to live under the British flag; and

the sooner we get that feeling out of the hearts of Irishmen in the Old Country the sooner will we get our share of that immigration. Thus, apart from the interest we have in the general welfare of the Empire, we have a direct interest of the deepest kind in this Irish question; and having that interest, we have the strongest right to respectfully suggest to Her Majesty the course which we think may bring about very beneficial results, if on no other grounds. After the experience of some fourteen years of this form of local self-government which we recommend for Ireland, we are entitled to suggest that that form be applied in another country and to a people resembling our own. Although I have already occupied the attention of the House somewhat too long, I take the liberty of expressing my regret that the address, as it has come to us from the House of Commons, is not the address drafted by the Committee of which the hon. gentleman from Prince Edward Island and myself were members, and I call attention particularly to the alteration which has been made in the fifth paragraph of the original draft:—

We would most respectfully pray, may it please Your Majesty, that some such form of local self-government may be extended to Ireland as is now enjoyed by the Provinces composing the Dominion of Canada, and under which Your Majesty's Canadian subjects have prospered exceedingly, so that Ireland may become a source of strength to Your Majesty's Empire, and that Your Majesty's Irish subjects at home and abroad may feel the same pride in the greatness of Your Majesty's Empire, the same veneration for the justice of Your Majesty's rule, and the same devotion to and affection for our common flag which are now felt by all classes of Your Majesty's loyal subjects in this Dominion.

Now, that paragraph in the draft address contained a clear and direct recommendation of a form of self-government similar to that which we enjoy. It was definite and distinct. The language of the address actually before us is vague and indefinite; and—I regret to be obliged to say it, because it implies a certain disrespect for the other House of Parliament—that I have some doubt whether the amended paragraph is strictly grammatical. But further, the amended address contains an addition with respect to the preserving of the rights of minorities which I think is unnecessary and in questionable

taste. However, as we cannot amend the address, I trust that it will be adopted; because it may do good—I think that at this juncture it is likely to do a great deal of good—and can do no harm. The telegrams which come from the Old Country show that already the information, that this address had passed the House of Commons, has resulted in a vote of thanks from the Irish representatives at Westminster; and I have no doubt at all, that the adoption of this address by the other House of Parliament, has had a very sensible effect in improving the feeling of the Irish people towards Canada. The address before us is so worded, I think, as not to hurt the sensibilities of the most loyal subject. There is nothing in it that any one could object to; and its adoption just now may have a very decided influence in improving the relations between Her Majesty and Her Irish subjects. It may tend to make the Green Isle a source of strength instead of a source of weakness to the Empire. It will have a decided tendency to free Canada from hostile neighbors on the South; and to bring the strong arms and stout hearts of thousands of loyal Irishmen, to aid in laying the foundations of the future greatness of this free and richly endowed, but as yet undeveloped country. I have much pleasure therefore in seconding the motion of my hon. friend from Prince Edward Island; and I hope that the Address will be passed without any expression of dissent.

HON. MR. READ—In rising to say a few words on the motion now before the House I think I cannot better indicate the course I intend to take than by referring to the words written by the Prince of Wales in an album in some nobleman's house at which he was visiting, in these words:

“My aim in life is not to say anything to hurt the feelings of another.”

I will go a little further and repeat what was written by the Princess of Wales at the same time to illustrate my sentiments:

“My aim in life is to mind my own business.”

These two sentiments are my sentiments, so that, in the course of the discussion that may take place, if I say anything that may grate a little harshly on the feelings of another, I hope hon. gentlemen

will consider it as a little slip of the tongue and not from the heart. I may say in reference to these resolutions that, to my mind, they are meddlesome and uncalled for; and I might go a little further and say that they do not, to my mind, express the sentiments of the majority of the people of this country, because they are meddlesome. What was the origin of these resolutions? We know from the public press, where they emanate from. The greater part of my life since I was twenty-one years of age has been spent among Irish people; but for their support I should never have warmed a seat in this House. Of the 55,000 of a population in the county from which I come, 22,000 are of Irish origin. I have lived in that locality ever since I came to this country, forty-six years ago. I have been in active business amongst them all the time, and I can say what few men in this House can say, that for thirty-eight years I have transacted business in one office in one locality among Irish people, and I would not say one word in the course of my remarks that I would consider offensive in any degree; at the same time I wish it to be understood that at all times during my life I have always spoken my mind. I have never dissembled. I have never said one thing and meant another, and I do not now intend to depart from that policy. Sometimes it may have been unpleasant to speak my mind, but it is a true friend who will tell a man his faults and not attempt to hide them. I have at all times taken a deep interest in the affairs of Ireland. I am not a great reader, but I have carefully read the debates on the land act of 1870, and other debates on the Irish question and have watched to see if any remedies were presented. I heard all the speeches in the other House; I sat there with inquisitive ear to try and find out something which I did not know before on this subject. I must say however that I came away without getting the information that I expected from that branch of the Legislature from gentleman who spoke there. I did hear some statements that I have since tried to verify; it would not be parliamentary to mention names, but I heard the second speaker in another place make statements which I have tried in vain to reconcile since then, and before I sit down I shall shew that they cannot be reconciled with returns

that have been presented to the Parliament of Great Britain. That gentleman's statements were calculate to mislead—to create irritation, and to do injustice, as I shall try to explain before I resume my seat. I am speaking now particularly of the relative proportion of landlords to the population, and the hon. gentleman who made the statements to which I take exception should have known, if he did not, that they could not be borne out by the facts. My data are taken from authorities which I will produce if necessary and here I would particularly urge any hon. gentlemen not to be deterred, by any fear of interrupting, from questioning me if any statements I may make do not seem to him to be warranted; I shall welcome such interruptions and will gladly answer any questions, for I have my authority beside me. I intend to use some figures which I have taken from the best possible official sources; but before I go any further I might perhaps refer to a conversation I had a few days since with a gentleman in this city. This gentleman, I must state, was mixed up with that affair of Smith O'Brien, which occurred in 1848, and he went to England and hid himself for a year or two until it blew over. In the course of our conversation he said to me, "What have we in Canada to do with these affairs; are we not the most free and independent people in the world? Is there any country that is less trammelled than we are, and are we not backed by the most powerful nation on the globe; is it not our duty to mind our own business?" Now, such sentiments, coming from a gentleman of great experience, are entitled to great weight; he had travelled all over the world and had come to the conclusion above conveyed, and I think there is no reason why I should not be willing to accept that conclusion. I must say I think it is a very reasonable and proper one.

HON. MR. POWER—I have been trying, in every possible way, to show that it was our business.

HON. MR. READ—We have free and independent institutions, every thing in fact that a people should desire, and we are supported by all the power and influence of the mother country. I have looked into the question of the population of the British Empire, and I find there

are three hundred and one millions and some odd thousands—speaking from memory—under the sway of that great Empire. It is a great honor to belong to a nation like that, holding its sway in every part of the world. Of the dependencies of the Empire we find that India has a very large number of inhabitants, embracing no less than 250,000,000. Now such results as these lead us to enquire "What is the cause of the difficulties in Ireland at the present time, why are so many people being incarcerated for acts that they have committed in defiance of the laws of the Empire?" No doubt there is a cause for it, and perhaps some may say that possibly mis-government has produced them; therefore we must trace up the government of Ireland. I think it is not well to go behind the Union, as it would be unnecessary for our purpose; so we will commence at the Union, and deal with the land, which seems to be at the bottom of the trouble. At the Union the population of Ireland was 5,250,000, but in the succeeding forty years—under misrule if you choose—it had increased in population to 8,196,597, being an actual increase of 3,000,000. The population to-day is 5,159,839, which shews a very large decrease, and one naturally seeks for its cause. I cannot think that the land would not sustain a larger number, for in 1845 the population was more than 8,000,000,—considerably more, for the census giving the figures I quoted was taken in 1841. Then again it does not appear that manufactures at that time were very extensive in Ireland, but rather the reverse; so it must be concluded that the larger population was then sustained by the land. I have, therefore, been led to the belief, in which others, perhaps, may not agree, that the Free Trade measure of 1846, had something to do with the decreasing population in Ireland. I cannot, of course, account for it exactly, but we know what took place in 1846, and I am inclined to think that a purely agricultural country cannot be a prosperous country. In 1846 the first measure favoring Free Trade was introduced; from that time it is certain that the population began to decrease, and it is now only 5,159,839.

HON. MR. POWER—Does my hon. friend think the famine had anything to do with it?

HON. MR. READ—Certainly I do; but I will now give a little history of the population of Ireland: In 1801 it was 5,250,000; in 1841 it had increased to 8,196,397; in 1851 it was 6,574,278; in 1861 it had decreased to 5,798,967; in 1871 it fell to 5,412,377, and in 1881 it stood at 5,159,839. Now, the only reasonable conclusion to which I can come is that, Ireland being a purely agricultural country, without any extensive manufacturing industries, was badly affected by the policy of free trade, which, combined with want of enterprise among the people themselves, and consequent lack of employment, resulted in diminishing their numbers. We know that, in 1845, the country sustained 8,500,000—

HON. MR. SMITH—No, it did not sustain them.

HON. MR. READ—Well, they were there, at all events. I have had very little actual experience of Ireland, but I have attempted to make myself acquainted with its affairs, and if I have failed it has not been for want of attention on my part.

HON. MR. HOWLAN—It is your misfortune, not your fault.

HON. MR. READ—Yes. Now a great deal has been said about the land tenure in Ireland, and about exorbitant rents, and my hon. friend who moved this resolution said something about the number of tenants. I shall give a few facts bearing upon these points, and in doing so shall quote from the Inland Revenue returns of Great Britain and Ireland—

HON. MR. HOWLAN—For what year?

HON. MR. READ—For the year 1881. As the land question seems to be the most important, we will make some comparisons and see how they will result. The hon. mover of the resolution before us stated that there were 20,000,000 acres of arable land—

HON. MR. HOWLAN—I do not wish to interrupt my hon. friend, but I said there were 20,000,000 acres when speaking of the size of Prince Edward Island as compared with Ireland. I said the latter contained 20,000,000 and the former 2,000,000 of acres. In the sub-division

of different farms, I think I put it at 15,000,000 acres.

HON. MR. READ—I took down the hon. gentleman's words—20,000,000 acres of arable land. Now, the whole of the British Empire is assessed for revenue purposes; all trades, professions, and persons having incomes from any other sources, are required to contribute, and so a large amount of money comes out of the pockets of the rich, for no man who has not an income of £150 stg. is liable to be assessed for income tax. From all these taxes there is realized £10,000,000 stg. in a year. Now, under that assessment we get the most minute information, and we find that the cultivated land in Ireland in 1878 was 5,203,705 acres. I must explain that the general assessment is only made every three years, but it gone over every year, and that was the result in 1878; the remaining acreage comprised bog and waste land unsuitable for cultivation. So that it will be seen only one quarter of the country comes under the heading "cultivated lands." I have here details of the crops that are raised upon this area of 5,203,705 acres, and will read it should any hon. gentleman desire the information. Now I come to a point where I must deal with the second speaker on this subject in the House of Commons; a gentleman whose name I will not mention, but who has had a pamphlet circulated of which I have a copy; and I must shew that his statements are not in accordance with the Inland Revenue returns. He stated that "in Ireland one in every two hundred and fifty-seven persons owns farm land;" yet I hold in my hand a return which gives a very different result, and the accuracy of which cannot be questioned. I find that there are 68,758 owners of land, which divided would give one in every seventy-five as owners. But in order that I may not be misunderstood I must say that farming lands are not here referred to, but the figures given include both houses and farm lands. Taking them separately we find that there are 32,614 owners, which gives one to one hundred and fifty-eight of the population. That is a true statement according to the official returns, and I cannot conceive any better authority to quote from; and I must regret that any

hon. gentleman in another place should have published a statement which was not in accordance with the fact. I quite agree in what that hon. gentleman said as to the defective character of the land laws, and I admit there are many other things in Great Britain and Ireland which are defective. In this new country we can adapt ourselves more quickly to circumstances, we can act sharply and promptly, and can take a more enlarged view of things than the people in the Old Country; they have grown up with these abuses—if I may so term them—and are in a measure insensible to them. The next question is that of *rent*. It is said they are exorbitant, and I will compare them in the two countries. From these returns it appears that the average rental of these five million and odd acres, is thirteen shillings and four pence sterling. I find the average rental in proportion to the cultivated land in Ireland is 13s. 4d. per acre, in Scotland it is nineteen shillings per acre, while in England it amounts to £3 os. 2d. Then let us take the ownership and the average acreage. I find that the tenants in Ireland on an average occupy 26 acres, and in Great Britain the figures are 56, while in France it is very much less. From a return published, I find that in France there are 60,000 occupants of over 600 acres each; 500,000 of over 70 acres, and 6,000,000 occupants of land under six acres. In view of these facts it surely cannot be held that thirteen shillings and four pence is an exorbitant rent per acre! I must now try to shew whether the rental is the only cause of distress that exists in Ireland. The rental paid by tenants in that country is £9,980,533 sterling, and the amounts paid on tenements is £3,164,265.

HON. MR. DEVER—When was this?

HON. MR. READ—In 1881.

HON. MR. DEVER—But they are not paying rent now; it is £20,000,000 sterling.

HON. MR. READ—I do not quote hearsay evidence; my authority is the 24th report of Her Majesty's Commissioners of Inland Revenue, and I find here further evidence that I am correct, because

it shews the exemptions, which are £7,257,948 stg.—being incomes below £150 year. The income tax of five-pence in the pound is paid on £2,722,595. I will now give the number of separate properties in the three countries: I find that in England there are 5,730,094; in Scotland, 4,459,220, and in Ireland, 1,152,435. The average receipts of the owners of these properties in each country are as follows: In Ireland the average owner receives £195 3s., and possesses 293 acres 32 perches; in England it is not nearly so much, and in Scotland still less. The owners of land less than an acre in Scotland number 132,230, and the owners of over an acre are 19,225. The average receipts for each owner in Scotland is £148 8s., and the average ownership is 143 acres one rood and no perches; while the average rental paid is nineteen shillings. It may be asked, how many acres of land are cultivated in Scotland? I answer, the whole of Scotland comprises 19,461,132 acres, but the cultivated land there only amounts to 4,438,137 acres; consequently in Scotland a little over one-fifth of the land is under cultivation, while in Ireland the proportion is one-quarter. I cannot find that in England there is any uncultivated land, which would seem to prove what I have often heard, that it is a garden, a finished country. I take exception, therefore, to the statement that the rent is the great drawback in Ireland. I maintain there are other causes for it; to my mind, if they drank less whiskey and beer, and worked a little harder, the distress in that country would not be so great. I do not say this in any offensive manner: I do not wish to give offence, but it is my duty to speak as I think, and I shall not refrain from doing so. I shall again quote from the Inland Revenue returns to make my point clear.

HON. MR. POWER—I hope the hon. gentleman will give the average consumption of whiskey in Scotland as well.

HON. MR. READ—That is not my business; the Scotch are not complaining.

HON. MR. POWER—No, but Scotland drinks a good deal more whiskey than Ireland does.

HON. MR. READ—I have often thought that if Irishmen would attend to their own business more closely, as Scotchmen do, they would be much better off. What do we find in this country? I can trace up many of our most active and energetic men; I have been living among them for nearly fifty years. I know hundreds of them who came out to this country as poor as need be, but who are now in most affluent circumstances.

It being 6 o'clock the Speaker left the Chair.

After Recess.

HON. MR. READ resumed his remarks: When the House rose for recess I was saying that I did not think the land tenure in Ireland was the whole cause of the distress there; that there were other causes; that the neglect of the Government in not providing a remedy was not the only cause. I had stated that to my mind if the people drank less and worked more they would be very likely to arrive at a better condition, and I was led to that conclusion by referring to the statistics of that country to find what dutiable articles were consumed there, and I found that the first cost of the spirits, beer and tobacco consumed by the people of Ireland, without counting the profits of traders and loss of time, amounted in 1881 to £10,574,998. I have the exact quantities from the returns, but I will not trouble the House with the details. The quantity of spirits manufactured and consumed in Ireland in 1881 was 5,184,953 gallons, upon which there was duty collected £3,618,530. Then there were the same year 1,734,946 barrels of beer consumed in Ireland costing £2,168,707 on which duties were collected to the extent of £542,170. This gives as the consumption of spirits in Ireland one gallon per annum for each inhabitant, and one barrel of beer for every three of the population.

HON. MR. SMITH—That is very little.

HON. MR. READ—If that was all, but you must add to that the quantity manufactured by the people themselves by illicit distillation. I notice that the number of persons detected in the illicit distillation of spirits in 1880, in Ireland,

was 680; in Scotland five, and in England five. In 1881 the number of detections of illicit distillations in Ireland was 700; Scotland three; England nine, and we may assume that there were a great many more engaged in the same occupation who might have been better employed. I do not believe that the people of Ireland are as industrious as they are in other countries. Men cannot be out at nights at all kinds of spree and go to markets and fairs two or three times a week and at the same time attend to their farms. Agriculture is a pursuit that requires to be looked to very rigidly. Every economy is necessary; a farmer cannot afford to waste his time running about amusing himself; if he does he goes to ruin even in this country as well as in Ireland. We often see it stated in the papers that Irishmen are driven out from Ireland to earn the bread denied them at home. Well, I think, if this little bill for spirits and tobacco were turned into bread there would be no lack of it. The land tenure seems to be the burning question in Ireland just now, but what is that land tenure? It seems to me to be much more liberal in Ireland than it is in either England or Scotland. The leases in Ireland are different; a great many of them are for life, a great many for thirty-one years, and a great many for twenty-one years. In Scotland the longest lease is for nineteen years, and in England it is the exception to grant leases at all. There are a few noblemen in England who grant leases, and the most liberal amongst them in the county from which I came is the Earl of Leicester who grants a lease for sixteen years allowing the tenant to farm the land as he pleases; if he does not lease again, the tenant has to farm it under what is called the four courts system so that the land will be left in a proper condition for the in-coming tenant. We find that in Ireland the law is such that the tenant has fixity of tenure, fair rents, free sale and compensation for disturbance on most liberal terms—as liberal as can be desired or expected, and more liberal than any other people enjoy as tenants. We have no such privileges here; when a man rents a farm in this country, he has to give it up when his lease expires; but there, if the tenant gives up his farm, his improvements, if any, have to be paid for. I contend that the land tenure in Ireland is liberal in the

extreme, and I have never yet been able to understand why the rights of tenants in Ireland should be different from the rights of tenants in any other part of the world; nor can I understand why the Irish people should consider that the land ought to be theirs because they occupied it and paid rent for it a certain number of years. I was rather pleased to notice that a committee of the House of Lords had agreed to report upon this question of land tenure, and from what I saw of it in the papers yesterday I should say it would be a reasonable proposition. From what I have seen of it, it is that the tenant, after paying three and a-half per cent. on the valuation for sixty years, would own the land, and if he paid four per cent. he would own the land in forty-six years. To my mind this would be reasonable, because the owner would in this way get compensation for his land, and the tenant would in due course of time acquire the property without asking the English tax-payer to put his hand in his pocket to buy land for the Irish while he remained a tenant himself. The tenant farmer of England has no aspirations for the ownership of the soil; he knows very well that he can invest his money to better advantage—that if he invests his money in land it will return him only a small interest, and if he has any money he prefers to put it into something else. The ownership of land in England is a luxury. A man may have any quantity of money and bonds and mortgages and nobody will know him, but if he goes into the country and purchases an estate he becomes known and is introduced into society, and in this way land is sought more as a luxury than as a profitable investment. My people in England are all tenant farmers. I have lived amongst them and I know what their feelings are on the subject of investing their money in land. It seems, however, to be different with the Irish tenant; it is a sentiment with him to own the land he lives on. If the Government were called upon to nationalize the land it would involve an expenditure of the enormous sum of £4,500,000,000. In Great Britain there are 561,000 tenant farmers who farm, on an average, holdings of 56 acres each; in Ireland there were 523,609 in 1881 tenant farmers, and their holdings average 26 acres each. Of course some of them

are very small and some very large. I was very much struck in reading a report of a committee of the House of Commons, some years ago, on the game laws, showing the extent of some of the farms in Scotland. A gentleman who gave evidence before the committee was asked how much land he farmed; his answer was 130,000 acres. I recollect the next question was, "How many sheep do you keep?" His answer was, 30,000. I recollect particularly the subject before the committee was the game laws, and their effect on agriculture. I have taken a little pains to ascertain what the increase in the value of land has been in Great Britain and Ireland. From 1857 to 1881 the increase in the assessed value of land in England was 21 per cent.; in Scotland, 26 per cent., and in Ireland only 6 per cent. The average rental of lands, in 1880, was:—

England	£51,418,121
Scotland	7,764,769
Ireland	9,980,543

The average rental of messuages and tenements for the same year was:—

England	£100,079,417
Scotland	11,765,537
Ireland	3,161,265

In going over these statistics I was very much struck with another statement giving the number of nurseries and market gardens in the three countries. In England there were 212,439; in Scotland 12,150; and in Ireland only 44. I must infer that a great many of the market gardens in Ireland are called small farms instead of gardens, because, no doubt, there must be more market gardens in that country than are shown by the return. But the most important statement that these returns present is the great wealth of the incomes as shown by the income tax of 1880, and of the trades and professions. The gross profits of the trades and professions in London alone for that year were £50,964,316, and of the rest of England £87,382,693, a total for England of £138,347,009; Scotland £15,779,801, and Ireland only £6,987,483. It is evident that the English and Scotch are a trading people; they are making enormous profits, and seem to be "up and doing." Another remarkable statement is the one showing the incomes from public companies such as mining companies, gas companies,

water works, iron works, quarries, markets, railways, insurance, etc. The gross profits are:—

England	£76,119,782
Scotland	9,356,593
Ireland	2,898,730

It will be seen from this statement that the people of Ireland do not form companies to engage in these undertakings as they do in England and Scotland. Why it should be so I do not know; at all events it has been well said by Napoleon that the English are a nation of shopkeepers. Of course we all know that England is a great manufacturing country, but I was surprised that in the manufacture of textiles in Great Britain and Ireland there are only 1,005,685 persons employed. England had in 1878 6,376 factories and employed 783,022 operatives; Scotland, 680 factories employing 154,919 operatives, and Ireland only 285 factories employing 67,744 operatives, a total of 1,005,685, of whom 611,641 were females, and 394,044 were males. These industries were divided as follows:

COTTON FACTORIES.

	Employed.
England, 2,542	440,336
Scotland, 105	36,104
Ireland, 8	3,075

WOOLLEN FACTORIES.

England, 1,483	105,371
Scotland, 257	27,728
Ireland, 60	1,506

SHODDY FACTORIES.

England, 123	3,424
Scotland, 2	7
Ireland, 0	0

WORSTED FACTORIES.

England, 648	131,830
Scotland, 43	10,255
Ireland, 1	12

FLAX FACTORIES.

England, 141	22,327
Scotland, 159	45,816
Ireland, 149	60,316

HEMP FACTORIES.

England, 45	3,039
Scotland, 12	1,831
Ireland, 4	341

SILK FACTORIES.

	Employed.
England, 812	44,419
Scotland, 4	740
Ireland, 2	400

JUTE FACTORIES.

England, 15	4,933
Scotland, 84	30,893
Ireland, 11	2,094

HAIR FACTORIES.

England, 21	768
Scotland, 6	425
Ireland, 0	0

HOSIERY AND OTHER FACTORIES.

England, 548,	26,577
Scotland, 8	1,120
Ireland, 0	0

It seems to me that during the last eighty years there has been no reason why in the race for fortune the Irish people should have been behind their neighbors in any way; there has been no legislative enactment against them, and nothing to prevent them from making the same progress as England and Scotland, but the fact remains that while England and Scotland have been rapidly increasing in wealth and population Ireland has shown no progress, but on the contrary, has rather decreased. I can only account for it in this way: when an inhabitant of any other part of the world feels that he is not safe at home where does he steer for? Why he steers for England, where he knows that his life, liberty and property are secure. The wealthy German who has sons growing up about him and wishes to save them from seven years of service in the army moves to England where he is free to act as he pleases, and he thus adds to the wealth and population of the country. The Austrian gentleman also saves his sons from eight years service in the army, which there is no other way to avoid than by moving his family elsewhere. And then that does not end it. He is enrolled and liable to military duty any hour of the day, and hence he says "I will go to a land of liberty where life and property are safe and my person is respected." Thus

the population of England is being rapidly increased by that cause. And it is the same with other peoples. Anyone who has lived in London has met these people from every country. You find them in business pursuits of every kind. The population of England in 1871 was 22,712,266; on the 4th of April 1881 it was 25,968,286, an increase of 3,300,000 in the decade. That is an enormous growth of population in a small country like that. The population of London in 1871 was 3,885,641; in 1881 it was 4,764,312; or an increase of one million in the decade. How do you account for this? People go there from every part of the world and if I had money to spare to day, I would go to London myself to live.

HON. MR. DEVER—You would not go to Ireland though.

HON. MR. READ—Let those go there who wish: I prefer London. It would be interesting to know how that little island is divided up, and how many owners of land there are in it. I find that the owners of less than an acre number 703,289; over an acre 269,549. The average rental of each owner in England was £102-3-0. The average rental of the acreage of agricultural land is £3-0-2: the average ownership was 33 acres, 3 roods and 30 perches. The increase in population for the decade from 1861 to 1871 was 16% and from 1871 to 1881, 22%.

It has been asserted that the English people are not doing what they should as regards Ireland. The English Parliament is composed of fair minded men. They could not be elected if they were not, and they are calculated to do what is just between man and man. I have the highest appreciation of the House of Lords. I am a Radical, all my ideas are liberal and have always been so, and I belong to the liberal conservative party. The British Parliament desire to see the world prosper because they will share in its prosperity. See what sacrifices they have made for the improvement of the world. What other people would do as they did in the emancipation of the slaves of the West India Islands? They took £20,000,000 out of their own pockets to accomplish that great object and that at a time when they were not in a very prosperous condition.

No people have shown greater philanthropy, no people have done more to disseminate knowledge and to Christianize the world; no people have subscribed their money so liberally for every charitable object that can be thought of, and I cannot believe, nor do I believe, that while they pursue such a course towards all the rest of the world they desire to an injustice to the people of Ireland. If I thought they did I would be the first to denounce them. I believe they are doing all they can for Ireland and are educating the public mind up to a standard which will enable them perhaps to do more yet for peace than they would consider justice demands, because peace is to be desired above anything. Their honesty of purpose is not challenged and I do not believe that they will do anything but what is just and proper between man and man. I admit that they might have done something more if they had thought it best—that they might have entertained the proposition from this country to transport a portion of the people of that Island to Canada where they could find profitable employment. I thought the British Government might in that way have benefitted both countries and that they were a little selfish in the course they pursued on that question. Perhaps they did not see it in the same light as I do, but I think they might have assisted emigration to this country, where we have homes for the millions who may come. If these people who are struggling for a living in the Old Country could find their way here they would soon become independent. I happened, while in London a few years ago, to meet a young mechanic, who asked me for information about Canada, and wished to know if I thought he could succeed here. I gave him my address and told him he might write to me on the subject. I got a letter from him; he had saved a little money, but being out of employment, had spent it again, and he would be glad to get out to this country. I will not say how he got out, but he did reach this country, and though he has been but a few years here, he is now a contractor carrying out a large contract for the Government of the Dominion, and I believe will carry it out successfully.

If the British Government would assist emigration to this country it would prove of incalculable benefit. I have

lived in one place for 46 years, and have seen hundreds of poor people who came to this country become independent through their industry. We have, in the place from which I came, an institution, sustained by charitable people from Scotland, for children who are brought out from the Old Country. I think 100 came out this spring and found homes at once.

It is quite evident that in Ireland this distress has been felt, during the past two years, more than before and the experience in England has been the same, as is shown by the reports which have been published. The decrease in profits in England, according to the latest report, was £6,143,059; in Scotland, £1,496,961, and in Ireland, which had not been much engaged in trade, £241,281. So that it has not been in Ireland alone that the distress is felt: it has been equally experienced in the other kingdoms. For four years, up to last year, they had had bad crops in England which had proved ruinous to the farmers but they tried to deal with the difficulty as best they could.

The landlords of England have been magnanimous. They have come to the relief of the farmers, and I cannot believe that men who treat their tenantry in England and Scotland so well would treat their Irish tenantry with less consideration. I know they have great sympathy with tenants when there is a failure of crops. We have seen that during the last two or three years. Many landlords gave up twenty, thirty and in some cases fifty per cent. of their rents. While I sympathise with the Irish and deplore the condition of Ireland at the present time, I am not one to attribute it to the Government of Great Britain. For eighty years the Irish people have been at liberty to go where they pleased and sell their labor in any market. They have not been restricted in their movements as the Germans are. In Germany no foreigner can address the people without rendering himself liable to arrest. If the Irish have not availed themselves of their freedom of action to seek more comfortable homes, the fault is their own. You might as well blame the Government of this country for the distress which sometimes prevails in Anticosti. The people could get away if they wished to go, but they prefer to remain. So it is in Ireland. The people prefer staying in

their native land to coming out here, where population is wanted, and where there is food and employment for all.

I should like to say a few words about France. That country has been pointed to as a land possessing great wealth, and where contentment prevails among the people. The progress of France is marvellous. It is generally supposed that the principal exports of that country to England are wines and brandies, but that is a mistake. 1879-80, the value of wines and brandies exported to England was £3,773,827. Last year the exports of butter and eggs from France to England amounted to £4,099,920, or £250,000 more than the brandies and wines. I notice also that there is a very large quantity of woollens. Here I may say that I believe free trade has had more to do with the distress in Ireland than anything else. I am led to that conclusion by the fact that the population of the Island at the time that free trade was adopted in England, was three millions more than it has since been: I cannot account for the decrease in any other way. It is said that Ireland is over-populated. For an agricultural country I believe it is, and emigration is the only source of relief. A reduction of rents will not meet the difficulty. Compared with other countries in Europe Ireland does not appear to be over-populated, but the people do not seem to be able to find employment. I find that the population per square mile in some of the European countries is as follows:—

Belgium	480 persons.
Ireland	161 “
The Netherlands	320 “
Great Britain & Ireland	291 “
Scotland	121 “
Saxony	428 “
France	183 “

Belgium is more densely populated than England itself, and exports to the latter country a large quantity of manufactures. I suppose they are a frugal people and indulge in fewer luxuries than some other countries I could name.

I am led to oppose these resolutions because I consider them unnecessary. I believe that the British Government are doing all they can to promote peace and harmony in the Empire. I think it would be unwise on our part to pass these resolu-

tions. It will lead to a similar movement in the other dependencies of the empire. I oppose the motion more particularly because I do not believe the people of this country approve of this interference. It has been said the other House adopted this address. We all know what that means. No one in the elective branch of the legislature wants to oppose it. There is an election coming on, and the members do not want to be bad friends with anyone. They are a happy family and shake hands with everybody. I have had the pleasure of running elections in my time, and I know how it is. Anyone could see a nice little game of euchre being played in the other House but these resolutions are not what the people of Canada want. They do not wish to interfere with the internal arrangements of Great Britain, and therefore I shall oppose the address.

HON. MR. ALEXANDER—I wish to say that I am sure the great body of the people of this country feel, in regard to this address, that it is most injudicious our pretending to offer advice to the Imperial Government. I cannot understand the leaders in another quarter having been parties to an address of this character passing that Chamber and being sent to the Senate for our assent. This address, in my opinion, is calculated to injure the Parliament of the Dominion in the estimation of the world, and it is especially calculated to call in question our wisdom as a body of public men. We all know that such motions, upon the eve of a general election, have probably been introduced in another quarter to catch the Irish vote, for they relate to a subject with which we have nothing whatever to do. Now, if there is any one thing in which the people of this country rejoice, it is the cordial understanding which has existed for a long period of time between this and the Imperial Government, and how has that cordial feeling been maintained but by each party not meddling in the affairs of the other? The Imperial Government have been most cautious, in all their policy towards this country, to give us the entire control of our own affairs, and never in any way, by advice or otherwise, to interfere with those matters over which we have exclusive control; and it ill

becomes us in return for that wise and considerate policy of the Imperial Government, which has brought about such a cordial understanding, to be a party to this address. It ill becomes this Parliament, at a time when the question of Irish disaffection has irritated the people and Parliament of Great Britain to such an extent for years, to follow such a course as is now proposed. It is injudicious and most foolish for us to venture to offer advice at this particular moment. How can we pretend to arrogate to ourselves, with our limited knowledge, that we are as competent to judge of the proper manner to deal with that disaffection in Ireland, as the great statesmen of England? Having been in the mother country upon two occasions lately and attended much both Houses of Parliament, I know that it has been a subject that has engrossed the attention of the whole press and of all parties in England: no subject has occupied so large a place in the public mind as the troubles in Ireland and we know that the whole people of the United Kingdom are striving to their very utmost to take steps in Parliament to remove all causes of discontent in the sister island. With a knowledge of that fact how can this Chamber be a party to seconding this miserable address which is only calculated, as I say, to call in question our character as public men, interfering in matters with which we have nothing to do, as the press of England have already told us. As soon as this address, if it is adopted here, finds its way to Mr. Gladstone, it will call forth from all parts of the kingdom, expressions of surprise that we should step out of our way simply for the purpose of elections in our own country, to send home an address of this character, calculated to foment and increase a spirit of anarchy and disorder. I hope, therefore the Senate will refuse to give it their sanction. Since the House of Commons have seen fit to pass this address, let them take the whole responsibility. They have their reasons for moving it in the prospect of the elections coming off. I ask this hon. House should such considerations influence us in this Chamber? We are here to express our honest convictions and to represent to the best of our ability the sentiment of the people of Canada, which, as my hon. friend from Belleville has remark-

ed, is not in favor of our interfering in the manner proposed by this address, in matters which are wholly beyond our jurisdiction. I hope the yeas and nays will be called for and that the House will refuse to give its assent to the address which is now before us.

HON. MR. HAYTHORNE—In the Province with which I am connected, there is a very large proportion of the population of Irish birth, or Irish extraction, and in Charlottetown these people have associated themselves in what are known as Irish societies. These associations met, as is customary with them, on St. Patrick's Day and passed certain resolutions, with a copy of which I have been favored, and I have been asked to support such an address as this which is before us to-day. I ask permission to trespass on the time of the House so far as to read this short letter, and in doing so I shall acquit myself—only in part though,—of my duty to my Irish constituents in Charlottetown. I admit that I cannot see this question eye to eye with them, but though I do not entirely concur in their views, or in the views of those who are favouring these resolutions, I hope to show before I sit down that I am as truly a friend to Ireland as any of the gentlemen who have spoken on the other side. This letter to which I have referred was addressed to me by Mr. Richard Walsh, secretary of the Irish societies in Charlottetown. He says:—

“A meeting of the several Irish Societies of this city was held on the evening of St. Patrick's Day, in St. Patrick's Hall, for the purpose of giving expression to the desire entertained by Irishmen that the Parliament of Canada should be invited to send an Address to the Queen praying Her Majesty to grant Home Rule to Ireland and to release the political prisoners.

The following Resolutions were unanimously adopted. I was instructed by the meeting to transmit a copy of the Resolutions to you, and also to ask your support to any motion that may be made in Parliament to carry out the wishes of Irishmen in this Dominion in the manner indicated.

We, the members of the Irish Societies of Charlottetown, Prince Edward Island, this day met together in general assembly, resolve as follows:—

1st. That enjoying as we do in this Province of Canada the privilege of legislative independence in all matters of a provincial nature, we hail with satisfaction the intimation recently

given by the Premier of Great Britain that he is not adverse to the granting of local self-government to the Irish people; and we heartily sympathize with our fellow-countrymen in Ireland in their efforts for such a measure of constitutional Home Rule.

2nd. We regret extremely that the British Government has imprisoned those recognized as leaders of the Irish people in the present agitation, and believe that the best interests of the Empire will be served by their immediate release.

3rd. That any resolution proposed in the Senate of Canada, expressing our opinion that Irishmen in this portion of Her Majesty's dominions earnestly desire such a measure of political reform, will meet with our full accord and sympathy.”

HON. gentlemen will see, I think, that there is no very great dissimilarity between the sentiments contained in this letter and those of the address as originally brought down in the House of Commons. It is true that the latter was somewhat modified before it ultimately passed that body and was brought forward here to-day, but I hope to show presently that although I am not unfriendly to this address, there is a possibility of improving it and making it more adapted to the purposes intended and more palatable to the House generally. In my humble opinion it would have been far better if this matter had been treated quite differently from the first—if it had been always treated as addresses to the Crown from the Parliament of Canada generally are. It is, of course, most desirable that the address should be agreed to unanimously though I believe there are very rare instances in which addresses have been otherwise than unanimously adopted by this Parliament. If an understanding had been come to, before action was taken in the House of Commons, between the leaders of the Government and of the Opposition, as to the terms which should be adopted in this address, I think all this difference of opinion—and there does appear to be a very considerable difference of opinion in this Senate—would have been avoided and an address might have been agreed to which, while expressing the wishes of the people of Canada, would have promoted the interests of the Irish in Ireland far better than this address which is now before us, and would not have offended the Imperial Government. Before I proceed to discuss the question generally, I should like to offer my denial to certain

propositions which are commonly accepted here. I consider, for instance, that the claim which is put forward by gentlemen who endorse the proceedings of the Land League and of the Home Rulers, that they, and they only, are the friends of Ireland, is quite untenable, and their contention that others who do not profess to go the full lengths which the Home Rulers and Land Leaguers have gone in Ireland within the last twelve or eighteen months, are the enemies of Ireland, is quite an error. While I would fully agree to the principle that the Land League is a useful institution in Ireland, if conducted within the limits of the law—I say so because I consider that a land league for farmers is just as essential, desirable and legitimate as an association of factory workers or mechanics for objects connected with their occupations,—I can also conceive that an agitation for home rule may be carried on in Ireland with a good purpose and with good effect without transgressing the law at all. The true friends of Ireland are those who advise the Irish to strive for something practicable, something attainable without a breach of the law and without interference with the rights of private property. The true friends of Ireland will be those who tell them that within the pale of the British Constitution there is a remedy for everything of which they complain if they only seek it in a proper way. That is the claim which I make for the true friends of Ireland. If they had always proceeded on that basis we should have had less of the terrible disturbances which have occurred there, than have been recorded. I do not say, because I differ from these men, that they are not sincere. I think they are perfectly honest, but they are mistaken. I will illustrate the position which I have taken by one or two historical references. Some Irishmen think that we in England (I am an Englishman myself) have had no experience of this sort of evils which they unfortunately suffer from in Ireland. That is a very great mistake. We have suffered to a great extent in England from the very same causes. Let any hon. gentleman who has arrived at my time of life recall the days of the Reform Bill and just consider for how many years the struggles were made year after year to carry reform, without results. No doubt

individuals transgressed the law occasionally, but as a rule the population of England were always ready to maintain order, and when the law was unfortunately broken, they were always prepared to bring the criminals to justice. I have an instance before me of a debate in Parliament which occurred, I think, before the passage of the Reform Bill. There was a well known individual of that time, an ultra-Reformer, who had struggled ardently to promote Reform principles, and had, in consequence, been brought in collision with the law—I allude to Mr. Hunt. Finally he found his way into Parliament, and his case serves to illustrate the fact that if a man pursues his object steadfastly and legitimately he is sure to gain it ultimately. In the debate in Parliament in 1831 upon the first Reform Bill, which did not pass, Mr. Hunt spoke as follows:—

“When I was tried condemned and sentenced to suffer two years and six months imprisonment in a dungeon (interruptions and laughter cries of question) (I think it is very hard that while some members in urging the question of Reform have gone back to the time of Edward III. I am not allowed to refer to the transactions of the last nine years); for advocating that question which is now advocated by so many hon. members in this House, I little expected to see a measure of reform proposed by the Government; though I knew that Lord Chatham had said that if Reform did *not* come from within, it would come from without with a vengeance.”

That is an instance of how perseverance pursuing an object is sure to result in its attainment in due course. I have also another instance at hand here showing the success of the English method as compared with that followed by the Irish. Most hon. gentlemen will remember the formidable Chartist agitation which for upwards of ten years convulsed the British monarchy. It originated very soon after the passing of the Reform Bill, and was caused by the fact that that measure did not go the full length desired by the working classes of England. It gave the political franchise a large number of people and many boroughs which before that did not send members to Parliament, but it left the lower orders of the community just where it had found them. For ten years these men persevered in presenting their claims to political rights. I cannot affirm that they always acted in strict conformity to the law, be-

cause it is well known that on some occasions they broke it; but their usual course of procedure was free discussion on the platform and elsewhere to promote their views. Their charter contained six points—manhood suffrage (they styled it “universal suffrage”), vote by ballot, annual parliaments, payment of members, equal electoral districts, and abolition of the property qualification of members. Out of these six points, three have actually become law, or nearly so. We have not absolute universal suffrage in England, it is true, but we have household suffrage, we have vote by ballot, and the property qualification of members has been abolished. I shall now read from Molesworth's History a brief sketch of the rise of Chartism, and I think it bears very strongly on the Irish question, and shows that if the Irish would but persevere in the same peaceful way they would eventually succeed. In the second volume of Molesworth's History, page 270, I find the following:—

“The agitation we are now to record is one altogether different from that for the repeal of the Corn Laws, but is one which was no less characteristic of our country, and no less deserving of serious attention. The long, patient and temperate pursuit, chiefly by the poorest of the working classes, of objects which were once scouted by all parties, but have now been to a great extent attained, and that too partly by the help of the party which when they were first proposed, recoiled from them most strongly, is a spectacle which deserves the serious attention of those who would fully understand the working of a constitution under which every demand that is founded on truth and justice is sure at length to obtain a respectful hearing, and an ultimate triumph.”

Now, could the Irish but work on that system, with the same perseverance and energy, avoiding breaches of the law and not listening to interested agitators, I feel convinced their progress would have been very much greater than it has been up to this date. There is one rather strange incident connected with this Chartist agitation—that it derived its name from an Irishman, Mr. O'Connell, who was himself a sympathiser with these Chartists.

HON. MR. SCOTT—You mean O'Connor—Fergus O'Connor.

HON. MR. HAYTHORNE—No, I mean O'Connell. I do not say that Fer-

gus O'Connor was not a Chartist, but I say that the agitation derived its name from O'Connell. He was present at a convention in London of which a prominent member was Mr. Lovett. When the Charter was published O'Connell said “There Lovett, is your charter: agitate for it and never be content with anything else.” If the hon. gentleman wants my authority for it I refer him to Molesworth's history, vol. 2, p. 275.

I wish, before going into the question of the address, to attempt to rebut another fallacy—one of even a more formidable character than that with which I have already dealt. The point to which I am now about to address myself is one that has been touched upon by the hon. member from Halifax, who seconded the address: it is that the British Parliament are indifferent to Irish grievances and incompetent to grasp and deal with them. I utterly deny that proposition. I say that they have shown an earnest desire for the past half century to promote the welfare of Ireland and to deal with every real grievance which could be brought before them. What has delayed the progress of these reforms and arrested the desire of the British Parliament and people has been that too often Ireland was in such a disturbed state that instead of carrying out reforms they had sometimes to apply coercive measures. The Emancipation Bill has been referred to. I will not go into that question at length, but I am quite free to admit that it was deferred a great deal too long. It should have been passed in the early years of the century when the union with Ireland was still young. It was not an absolute written term, but it was an understanding that the emancipation of the Catholics should be carried out immediately after the union, and I believe it would have been done but for the objections of the Sovereign to it. However, it was passed, I think, about the year 1829, and no doubt the British people and Parliament anticipated that they would, in consequence, enjoy in Ireland considerable peace and harmony. It was reasonable to expect that it would be so. The Emancipation Act enabled Roman Catholics to be elected to Parliament, and many of them were returned, but only four years later we find that Ireland was in a state of active agitation again. A parallel state of things pre-

HON. MR. HAYTHORNE.

vailed there in 1833, when Earl Grey was Prime Minister to England, to that which prevails there now. I am not sure that even the state of things which prevailed there at that time was not worse than it is now. What was the cause of this agitation at that time? It was an agitation against tithes, and I am quite free to admit that it was by no means unnatural that there should be such an agitation. As is well known the tithes were payable to what is styled in Ireland an alien Church, and even in England, where the established Church was the Church of the larger proportion of the population, tithes were felt to be an odious charge, one that was most objectionable in many ways, as it often created difficulties between the clergyman and his flock, but especially objectionable when they were payable by parties who were of other denominations. It is therefore easily understood by everybody that tithes in Ireland must have been specially objectionable, and I can see that the object of the Irish, to obtain the abolition of tithes, would be assured by setting the country in an uproar, and I am sorry to say, the commission of crimes of the character that we now deplore. I have here an extract from a speech delivered by Earl Grey in the English Parliament in 1833 on introducing his Bill for the commutation of tithes. From that it will be seen that the Irish had not long to wait for the remedy; the evil was seen in England, and the remedy was promptly provided. I have here the number, and particulars of the nature of the crimes committed in Ireland between the 1st of January and the end of December, 1832, but I do not intend to read it. I will not be a party myself to placing on the official debates of this House any such record of crime in detail. All I can say is that, unfortunately, in that year there were over 9,000 crimes committed in Ireland. Now, surely it was not necessary that the country should have been plunged into such a state of agitation as this for the sake of obtaining the abolition of the tithes system, which the English Government and Parliament were only too ready to abolish as it was? What it did really gain for them was, unhappily, a coercion bill, and that was a necessity at that time. When 9,000 crimes had been committed, it was certainly necessary for those who

were responsible for law and order in Ireland that some such law should be adopted. Passing from the time of Earl Grey to Sir Robert Peel's administration, I find that Minister adopting a course towards Ireland, which certainly one would have supposed was better than any other to improve the people in every way and reconcile them to the English Parliament and Government. Sir Robert Peel, I think, very wisely took in hand the endowment of Maynooth College. Maynooth College had received some endowment before that, but a very inadequate one; the buildings were in a delapidated state, and the funds at the disposal of the managers were altogether insufficient for the purposes intended. Sir Robert Peel raised the vote to £20,000 per annum, and obtained from Parliament a grant for £30,000, for repairs, and besides that, in the same session he instituted Queen's Colleges; he instituted Queen's College in Cork, another in Galway, and a third in Belfast. I think that this was a wise policy. The Maynooth College enabled five hundred youths to be educated at home in Ireland for the priesthood, instead of, as formerly, having to be sent abroad for their education. It certainly was an object gained that these men should be native-born Irishmen, and also educated in Ireland. I wish hon. gentlemen could read Sir Robert Peel's speech upon that occasion, because it is so full of patriotism and good feeling towards Ireland and the Irish. I may state that the crisis he had just been called upon to meet at that time, was one of those in which this Dominion was intimately concerned. He had been dealing with the question of the Oregon boundary, upon which the President of the United States at that time had been exceedingly urgent, and had been using threatening language. Sir Robert Peel had assumed a position quite as independent as that of the President, and had stated that if the rights of the British people were threatened upon that boundary, Great Britain was determined to defend them, and speaking upon this Maynooth grant, Sir Robert used these emphatic words on that occasion when he had assumed that high tone towards the United States, "I feel thankful to God that I had that day sent a message of peace to Ireland." It is quite a mistake to suppose that the British

Government are either incompetent or unwilling to deal with the case. The simple truth is that the Irish have been their own greatest enemies. Then coming down to the time of Gladstone, that was referred to by my hon. friend opposite (Mr. Howlan), what do we find? We find Mr. Gladstone taking hold of the Irish land question with such effect that he completely broke into the monopoly of the land owners there. I am glad to see that, although very slightly, my hon. friend has mentioned the interest which we in Prince Edward Island have taken in this question from the fact of having had a land difficulty of our own, and I am further disposed to offer some congratulation on it because I am aware of the fact that the basis of the Irish Land Bill of 1880 was derived from legislation previously adopted by the Legislature of Prince Edward Island. I have here an extract, which I made the other day, from one of the journals of the House of Assembly—at the time when the Local Government were called upon to correspond with the Imperial Government upon the question which was then up, between us and them. I think the question between us at that time was that we had adopted a Bill for compensating tenants who had been ejected from their holdings. We had in the Island at that time some short-lease holders, on 21 year leases, and at the termination of these leases some of the proprietors stepped in and took possession of the improvements. We sought to pass a Bill of the same description as was then before the British Parliament with reference to Ireland, and I may say that many years before we had attempted to pass a similar Bill but it had been disallowed by the Imperial Government; therefore we were in a position to speak of it as Island legislation. These were the words which the Executive Council of Prince Edward Island used on that occasion;

“The Council take leave to express the satisfaction they feel as members of the local legislature on observing that the leading principles of the Irish Landlord and Tenant Act are nearly identical with those of the Colonial laws passed for the relief of Tenants in this Island—known familiarly as the Land Purchase Bill—the Act to assist Tenants in the purchase of their farms”—and the Tenants Compensation bills of 1854-71 and 72 which last three bills have not yet received the Royal assent.”

Hon. gentlemen will observe there was a wide interval between the year 1854 when we first attempted to pass the “Tenant’s Compensation Bill” and the years 1871 and 1872, when they were endeavoring to do the same thing in Ireland and we were seeking to pass a similar law in our Island. We do not need such laws any longer: we have achieved our independence by steady perseverance, and I am sure if the Irish persevere in the same manner they will attain the same results. Mr. Gladstone’s measures carried a most valuable land bill for the Irish people; it gave them a great many advantages they had not before, and amongst others it enabled them to purchase their freeholds, sometimes in Ireland estates are to be had in the market and provision has been made for purchasing such estates and reselling them to tenants. That is the principle adopted in Prince Edward Island; sometimes landlords are desirous of selling their estates, and provision is made by the Government for purchasing them, the same way as in Prince Edward Island, and selling them to the tenants.

HON. MR. ALMON—May I ask whether in Prince Edward Island when the Government buys the land there has been any trouble in collecting the money from the tenants who purchase?

HON. MR. HAYTHORNE—Yes, there has been some trouble, but as a general rule the estate has been paid for. There was one estate, known as the Selkirk estate which was purchased at a very early stage of our proceedings but it was paid for in full not less than ten years ago and the whole account was closed. There have been others which have been standing over for a considerable time, but with reference to these land purchases, I have here in my hand a copy which I took from a Parliamentary return to the Imperial Parliament showing what the operation of these purchase clauses had been during ten years, and I may say that it is exceedingly encouraging. I think that all those whose duty it is to legislate for Ireland and the Irish should take “heart of grace” from the success which has attended these purchases, although they are comparatively limited in extent. I copied this from a report in an English newspaper, purporting to be a Parliamentary return which was

issued of the holdings purchased by tenants, in the Landed Estates Court, from the passing of the Act of 1870 to the end of last year. The gross amount of sales during that period, in respect to which advances were made by the Board of Works in Ireland, was 44,692 acres. The annual value of the land was £27,852, its rent £31,184, and the gross amount of purchase money £723,087, of which £280,867 was paid in cash by tenants and £434,220 advanced on mortgage by the Board of Works. The arrears of instalments due upon the advances amount to £932—not, I think, a very large sum considering that this was issued last year after a year of famine and agitation; therefore the arrears, £932, do not seem to be very formidable. It also appears from the return that, under the Landlords and Tenants Act of 1872, 4261 acres of the annual value of £2,524, and of £2,892 rental have been purchased for £74,913 of which the tenants paid £32,189 and the Board of Works advanced £24,724. The amount of instalments due on these advances was £139. There it seems to me, is the legitimate means of settling the land tenure in Ireland without wronging any one, it certainly is probable that considerable time would be required to carry out a scheme of this sort. In the first place it is not every tenant who is competent to embark in an operation of this kind; many of them are without means although it is well known that large numbers of farmers in Ireland have deposits in the Savings Banks. Considerable sums are held in that way, and it is quite likely that should effect be given by an Imperial Act, upon a considerable scale, to a scheme of this sort, these deposits in the Savings Banks, and other sums that the Irish are well known to possess, would be invested in the partial purchase of their lands, the balance being advanced to them by the Board of Trade herein indicated; but I do think it will take some time before the average Irish farmer would be in a position to avail himself of these privileges. The ultimate settlement of the land question in Ireland must be arrived at by slower and perhaps on the whole, a less satisfactory process.

Gladstone's other great measure was the disestablishment of the Irish church. That was a measure which I think the

Irish people were well entitled to receive, and I do not think myself, from the opportunities of observation I have had in that country, that the church has at all suffered from it; the consequence of it has been rather to stimulate the industry and activity of the clergymen—to make them more diligent and less careless in the performance of their duties. It is quite likely that men holding endowments for life would be, perhaps, somewhat indifferent in the performance of their religious duties, particularly when the flocks were very few. Gladstone has certainly done this much for Ireland; he has not only risked his reputation as a politician, but he has placed himself in such a position as regards Ireland that he brought to grief one of the strongest administrations, and one which was, perhaps, better disposed and better able to carry out reforms in Ireland than any which had previously existed, and yet, unhappily, about the year 1874, I think, when he introduced his university scheme for Ireland, it brought his Government to grief. I think it was rather a misfortune at that time for Ireland, because we find that the Government that succeeded him did very little indeed for that country. I shall read to the House a statement from an Irish author's history of how the Irish party in Parliament felt towards Mr. Gladstone when he had made this sacrifice of himself and his party on their behalf, and I do so because I wish to give point to the assertion I have made that the English Governments and English press were ready, able and willing to do their very best to promote the interest of Ireland. Here is what Mr. Justin McCarthy says of Gladstone's efforts to pass the Irish university Bill:—

“He had received a deputation of Irish members to announce to him frankly that they could not support him. His speech was in remarkable contrast to the jubilant tones of Mr. Disraeli's defiant and triumphant rhetoric. It was full of dignity and resolve; but it was the dignity of anticipated defeat met without shrinking and without bravado. A few sentences in which Mr. Gladstone spoke of his severance from the Irish representatives with whom he had worked cordially and successfully on the Church and Land Bills, were full of a genuine and noble pathos. They touched the heart of many an Irish member who felt all that Ireland owed to the great statesman, but who yet felt conscientiously unable to say that the measure now proposed was equal to the demand of the

Irish Catholics. Mr Gladstone was the first English Prime Minister who had ever really perilled office and popularity to serve the interests of Ireland; it seemed a cruel stroke of fate which made his fall from power mainly the result of the Irish vote in the House of Commons. Such was, however, the fact. The second reading of the Bill would have been carried by a large majority if the Irish members, who were unable to give it their support, could have conscientiously refrained from voting against it. The result of the division was waited with breathless anxiety. It was what had been expected. The ministry had been defeated by a small majority; 287 voted against the second reading, 284 voted for it. By a majority of three the great Liberal administration was practically overthrown."

I think it can hardly be fairly asserted that the English Parliament and English Governments have shown indifference to the demands of Ireland. Here is a man who has devoted his best years to the welfare of that country, and I do think it would be a very ill return to make to him for these noble exertions to add to the difficulties of his already difficult course in the present crisis in Ireland. Omitting Mr. Disraeli's ministry during which I cannot say that I recollect of any great measure of reform that was carried in Ireland, we find at the period of Mr. Gladstone's return to power the Irish question again in a state of agitation. At this time the agitation was on account of the land. They had just gone through a terrible crisis of famine, and naturally it was felt that the tenure of the lands was a matter of first importance to men who had just passed through such an ordeal. What were their demands then? They have been stated by the hon. gentlemen from Halifax who seconded this motion. They were familiarly known as the three F's; that is to say fair rents, fixture of tenure, by which, of course, was meant security against arbitrary ejection, and freedom to dispose of their improvements whether they desired to emigrate to America, or whether they desired to embark in any other occupation. These were three points for which the Irish people were raising their voice before Mr. Gladstone took office. The first work of his ministry was to introduce the land bill, comprising these three points, and who were his first opponents in Parliament? Who but the leaders of the Land League in Ireland. These were the men who gave him—I was going to say the most

frivolous, but I will not say that, as there may be hon. gentlemen in this House who think differently on this question from what I do—but they gave him very unnecessary opposition. They delayed the passing of that Bill for weeks beyond the time it might have been in operation, and when it was passed, what was their course? The Land League issued a manifesto in which they advised the tenants of Ireland instead of embracing the opportunity to settle their difficulties under the act, as they might have done, to pay no rent. Hence arose the difficulties which have distressed that country so painfully during the last twelve months. This is a true, undeniable statement of the case; it is a positive fact that this Act, which Gladstone passed through Parliament to settle the land question in Ireland, has only been very partially embraced by them. They have preferred to shout for no rent, rather than avail themselves of the privileges which the Act afforded them; and I think I am justified in the statement I made at the beginning of my address, that the truest friend of Ireland is the man who will advise them to the consideration and attainment of something practical, and not to the perpetration of acts which will bring them within the limits of the law. I have here a statement which I should very much like to read to the House. It is written by a gentleman who was a member of the last Parliament—he is not a member of the present Parliament—and it contains the gist of the land question of Ireland, and shows very clearly what are the causes now militating against the attaining by the Irish of the objects that they have been contending for for many years. It is written by a man named McCarthy; not Justin McCarthy, the author, but a lawyer who represented in the previous Parliament a borough in the County of Cork. He is now chairman of the Board of Land Commissioners.

HON. MR. HOWLAN—What is the name of this McCarthy?

HON. MR. HAYTHORNE—John George McCarthy. He is contrasting the policy of Mr. Butt and Mr. Shaw with that of Mr. Parnell and his coadjutors. He says:—

Mr. Shaw's policy seems to be substantially the same as that which, under Mr. Butt, was

approved by the country in 1874. The essential ideas underlying it appear to be as follows:—That Irish demands, however just and reasonable, cannot be carried by physical force; that the only real alternative to physical force is constitutional action; that under the constitution the granting or withholding Irish demands depends on English public opinion and the judgment of Parliament; that that opinion and judgment, though adverse and ill-informed in respect to Ireland, are open to considerations of justice and reason; that there are vast numbers of the governing classes in England who would not knowingly persist in wrong-doing towards Ireland; that therefore the first business of intelligent Irish advocacy is to win over English public opinion and Parliamentary judgment to a conviction of the justice and reasonableness of Irish demands; that another great object of Irish Parliamentary policy should be to acquire the Parliamentary influence by which, as a matter of fact, nearly all the great reforms of the last half century have been achieved; that with this view Irish members should avail themselves of the opportunities, conform to the usages and enter into the generous spirit of Parliamentary life, explaining Irish wants, removing English prejudices, and giving practical evidence of their fitness for free Parliamentary institutions; that a large section of Irish members acting in this spirit, loyally pulling together as one party, honestly seeking the good of the country, not the favor of the minister or the cheers of the mob, known to be men of honor, sense and spirit, would gradually acquire Parliamentary influence of the most legitimate kind, and might one day turn the often nicely balanced scale of English parties, and command for Ireland whatever concessions reason and justice require.

Mr. Parnell's policy is nearly the antithesis of this. The essential ideas underlying it seem to be as follows:—That the policy of conciliation and conciliatory Parliamentary action has failed; that the opinion of the governing classes in England, and the working majority in Parliament in respect to Ireland is not accessible to the considerations of justice and reason; that force of some kind must be applied to it in order to compel the remedy of Irish grievances; that such force need not necessarily be physical force, or exceed the limits of legal right and constitutional action; that the right of minorities in Parliament to prolong debates, multiply divisions, and obstruct business is such a force; that the right of tenants in Ireland to refuse payment of unjust rent is such a force; that the sympathy of English, French and American democracy is such a force; and that the bold, yet prudent exercise of forces such as these, would practically coerce England to do justice more effectually than any amount of conciliatory eloquence, or of ordinary Parliamentary action.

Such are the rival policies. Both have been tried. How have they worked?

At first the policy of 1874 worked well.

An influential Irish Parliamentary Party was formed. The Irish case was stated in all its branches. The leading Irish demands became important political and Parliamentary questions, and were put *in via* for ultimate settlement. Important alliances were formed. Useful concessions were obtained. Long desired privileges were restored to Irish municipalities. A valuable measure of Intermediate Education was carried. A great advance was made in University Education. The carriage of a Land Bill, a Waste Land Reclamation Bill and a Franchise Bill became merely matters of time. All looked forward to the period when, as parties became more evenly balanced, the legitimate opportunity for exercising Irish Parliamentary influence would arrive. Meantime Mr. Butt's health failed. His leadership gradually lost *elan*. His management failed in energy, tact and versatility. The reins of discipline hung too loose in his weakened hands. When the opportunity which he so sagaciously anticipated and so ardently hoped for had arrived, Mr. Butt was dead. His wand of leader had passed to his young rival's hands; his policy was reversed, and his party was so divided and so led as to have become practically powerless. Now, was this such a trial and such a failure of the policy of 1874 as to induce the Irish people who declared for it enthusiastically then, to reject it with scorn now? I submit that it was not. In truth, the policy did not fail. It succeeded while it was tried. The failure came only when it was reversed. In politics, as in most things, perseverance is the condition of success. They don't know how to win who don't know how to wait.

Mr. Parnell's policy also promised well. It was new. It was daring. It was led by a chief in the vigour of youth, of indomitable energy, of most varied resources. It was served by brilliant lieutenants and loyal adherents. It was backed by enthusiastic popular support. What has it achieved? Two things, and two things only; the *Cloture* and the Coercion Act. These things followed as certainly from this policy as any political results can be said to follow from any political cause. If Parliament had not been obstructed there would of course have been no *cloture*. If agrarian passions had not been aroused, and agrarian crimes committed, there would, of course, have been no Coercion Act.

For these reasons I counsel return to the old paths of peaceful progress. The counsel may be unwelcome to heated mobs or hiring orators, but it is honest, and time will show it to be wise. It expresses the real opinion of nearly every thoughtful and educated man I know. It is in accord with the old policies by which Gratton won independence and O'Connell won emancipation. It is in accord with the solemn warning addressed to us by the Father of Christendom on the 3rd of January last, when Leo XIII wrote these trenchant and sagacious words: *Multo tutius*

ac facilius fieri poterit ut ea quæ vult Hibernia consequatur; si modo via quam leges sinunt utatur causasque offensiones evitet. "Ireland may obtain what she wants more safely and readily if only she adopts a course which the laws allow and avoids giving causes of offence."

I am, sir,

Your obedient servant,

JOHN GEORGE MACCARTHY."

River View, Cork, March 2, 1881.

That, I think, is the opinion of a man who has borne part in these transactions and is certainly worthy of attention. It is in conformity with justice and equity in every way, and, moreover, in the past it has been successful. There is no reason to doubt, if properly tried, it will be successful again. Before I resume my seat I wish to add a few words with reference to the address which has been read by the hon. gentleman, and to state specifically the grounds upon which I object to some parts of it, and in what manner I think the objection could be met. There is one important circumstance connected with this address—there is no mention in it from beginning to end, of the land question, the question of all others which is most important for Ireland, and yet this address is presumed to be strictly in the interest of the Irish people. That is an important omission, and one which I think should be supplied—more particularly as the action of the English Parliament in a bill lately passed for the relief of Ireland has had, at all events, some success, notwithstanding the inauspicious surroundings that have been about it. I think myself it would be exceedingly desirable that another clause should be inserted in this address, and I would propose that the third and fourth clauses should be remodelled or re-cast, by omitting what refers to the Irish in the United States and what is contained in the fourth clause—for reasons which I will briefly state. The third clause contains an assertion which is not fully susceptible of proof. It may be proved to a certain extent, and I think it can. It is asserted that considerable estrangement towards the Imperial Government exists amongst the Irish resident in America, but it is impossible for any one to ascertain to what extent it does exist. The Irish in America may be to a very great extent like their fellow countrymen in Ireland.

There may be numbers of men whose feelings are estranged from the Imperial Government, but there may be also a vast number of others who do not entertain any such feelings, and it is quite probable that the more clamorous and impulsive spirits who are strongly opposed to the British Government lead after them—perhaps not willingly—those whose feelings are not of the same violent character. Such things are by no means uncommon, and when a question of that sort arises, perhaps memorials or other documents are circulated, and signatures are easily obtained without the fact being, as stated in this clause of the memorial, that the estrangement is nearly universal. Now, I will point to the fact that numbers of persons have undoubtedly emigrated to the United States from Ireland, but the reason they selected the United States for their home was because their friends who had preceded them to that country sent them means to cross the ocean and join them. It was, therefore, quite natural that numbers of the Irish people should have gone to that country. Then again, they are accustomed to the mild climate of Ireland, and it is quite natural for them to prefer going to the United States, where the climate is more like their own, than it is in Canada. No doubt we have a very fine climate here, but it is very unlike that of Ireland, and it is quite possible that many Irishmen emigrating to the United States may have done so in consequence of the fact that we have so many months of snow, while in the United States they can always choose their own climate. Besides, it must be remembered that Irishmen are not the only emigrants that go to the United States; numbers of Englishmen and Scotchmen go there too. Such being the case, that statement in this clause is one which cannot be demonstrated and is sure to be challenged in the country to which it is going. In my judgment, it would be preferable to leave it out, and adopt something which could not be objected to. I would therefore propose to—

"Omit all after 'that,' in paragraph three, first line, and substitute the following words: Your Majesty's subjects in the Dominion of Canada (whatsoever may be their origin) sympathise most earnestly with their fellow-subjects in Ireland in all their legitimate efforts to obtain the lands they occupy at fair

rents, with ample security against arbitrary ejection, and full power to dispose of their improvements; and they rejoice to know that these important objects are generally attainable through the operation of existing legislation."

That is a clause which I do not think can be questioned as the struggles of the Irish people have undoubtedly been to obtain the lands they occupy upon reasonable terms, and we have a fair right to sympathise with them in all their legitimate efforts to do so; and we may also fitly congratulate them upon the fact that recent English legislation has placed these objects within their easy reach. I therefore think the substitution of this clause for the two others to which I have referred (Nos. 3 and 4) would be an improvement in the address. I do not at all wish to obstruct this address, my view has been rather to improve it to the benefit of the Irish. Then I think that the last clause, which has reference to the parties who have been imprisoned in Ireland, might be modified somewhat. I think we ought to bear in mind that the statesman who now acts as premier of Great Britain has devoted his life and his best energies to the affairs of Ireland, has carried many great matters there, and is now using his utmost endeavors to pacify them and to better the condition of that country. We should, therefore, by all the means in our power, strive to render the task in which he is engaged not more difficult but more easy. I apprehend that by the last clause of this address, as it is at present worded, we should rather tend to add to his difficulties than assist to remove them, and I think the wording of this clause seems to indicate rather that the parties who have been deprived of their liberty in Ireland have been unfortunate men deserving rather of our sympathy than of our condemnation for the part they have played. Now, I must say that generally speaking I could take very little objection to the statements of my hon. friend who introduced this Address but there were some observations which he made in regard to this last clause which I certainly could not coincide in. He said, I think that these 541 men could not all be bad men: I do not doubt than among them there are a number of persons charged with serious

crimes; but this clause has reference particularly to those who are charged with political crimes.

HON. MR. HOWLAN—I wish to be distinctly understood on this point. The 541 men were suspects; they were not in for criminal offences: criminal offenders do not count in the 541.

HON. MR. HAYTHORNE—I think we should do our utmost to uphold the law, for if it be once broken it is difficult to say to what lengths parties may go, once they are embarked in opposition to the law. Their course then is not in the direction of reform, but of revolution. It is quite necessary for any English minister who is responsible to his Parliament and his Queen for the peace and welfare of the nation to support the law, and, if need be, to put down by force those who act in opposition to it. For this reason it has been found necessary to deprive those men of their liberty, and I think no one who has watched the course of Mr. Gladstone and his colleagues can for a moment suppose that it could be anything else than most distasteful to them to become the wardens of these prisoners in Ireland. In depriving Mr. Parnell, for instance, of his liberty, a most painful and disagreeable duty was forced upon Mr. Gladstone and his colleagues, and necessity only forced them to take this course. It is well known that a large body of Mr. Gladstone's supporters were utterly opposed to using force in Ireland, and for these reasons I think we ought to be exceedingly careful how we adopt a resolution which would rather encourage the parties who have unfortunately been placed in the position described in the sixth clause. I now beg to suggest an alteration in that clause, as follows:—"Paragraph six, line 1, after 'time,' omit the rest, and substitute 'is not far distant when it may no longer be necessary to deprive any of Your Majesty's subjects in Ireland of their liberty, for political offences, and detain them in custody, without trial in due course of law.'" I would prefer to substitute that for the words which are now used, and in making that proposition I must say that I am not at all actuated by a desire to whittle away the address. I would rather put it in such a form that it would really be of

service to the Irish people, and conduce more to their welfare and their best interests than the address as it now stands. That has been my reason for moving in this matter, and for proposing the amendments which I have read.

HON. MR. MACDONALD moved the adjournment of the debate.

The motion was agreed to.

NORTH-WEST MOUNTED POLICE BILL.

SECOND READING.

HON. SIR ALEX. CAMPBELL moved the second reading of Bill (102), "An Act further to amend 'An Act to amend and consolidate, as amended, the several enactments respecting the North-West Mounted Police Force.'" He said that, when in Committee, he would give some statistics relating to the force, and would explain the reasons for increasing the number of men from 300 to 500.

The motion was agreed to, and the Bill was read the second time.

MONTREAL TRINITY HOUSE AMENDMENT BILL.

SECOND READING.

HON. SIR ALEX. CAMPBELL moved the second reading of Bill (126), "An Act further to amend the Act respecting the Trinity House and Harbor Commissioners of Montreal."

The motion was agreed to, and the Bill was read the second time.

CALAIS AND ST. STEPHEN RAILWAY BRIDGE COMPANY'S BILL.

AMENDMENTS CONCURRED IN

HON. SIR ALEX. CAMPBELL moved concurrence in the amendments made by the Committee on Railways, Telegraphs and Harbors to Bill (97) "An Act to incorporate the Calais and St Stephen Railway Bridge Company." He said: In moving the adoption of the amendments I would say that they are amendments which have

been sanctioned by the House with reference to several other Bills which have for their object the crossing of rivers which separate us from the United States. The principal one is that which requires the assent of the United States—or the President of the United States—to the work, before the actual bridging is commenced; allowing the company in the meantime to do all the other work except the actual bridging of the river. That is the only substantial amendment to this Bill, the others being merely of a verbal nature.

The amendment was concurred in.

ONTARIO PACIFIC RAILWAY COMPANY'S BILL.

AMENDMENTS CONCURRED IN.

HON. MR. ALLAN—moved concurrence in the amendments made by the Committee on Railways, Telegraphs and Harbors. to Bill (60) "An Act to incorporate the Ontario Pacific Railway Company."

He said: These amendments are printed in the minutes with the exception of the first one which was to insert the names of three gentlemen, directors, in the preamble of the Bill. The rest of the amendments are similar to those which have been inserted in several railway bills which the Senate has passed during the present session. The amendment following the insertion of the names of those Corporations was in reference to the bridge which they are asking power to construct: a similar clause was inserted in the other bills and passed through the House. Then there is another amendment on page two, line three, which gives them power to lease a branch line from the town of Cornwall to a point at or near the town of Perth.

The amendments were concurred in.

RAILWAY PASSENGER TICKETS BILL.

SECOND READING.

HON. SIR ALEX. CAMPBELL moved the second reading of Bill (5), "An Act respecting the sale of Railway passenger tickets."

HON. MR. HAYTHORNE.

He said: The Bill is principally one dealing with railway tickets. It is proposed to remedy the system of tickets being sold by private parties, and to enact that they shall only be sold by agents who shall be appointed either by the railway companies or the Minister of Railways. These tickets must be stamped with the name of such agents and the date of sale. It may be that the Bill is open to some objections either on matters of detail, or on the principle of the measure. However, any such may be considered in committee, and it will be quite open to any hon. gentleman to make these objections when the Bill is being discussed there.

The motion was agreed to and the Bill was read the second time.

PORT WARDENS ACT 1874 AMENDMENT BILL.

THIRD READING.

The House resolved itself into Committee of the Whole on Bill (120), "An Act to amend The General Port Warden's Act, 1874."

HON. MR. HAMILTON from the Committee reported the Bill without amendment.

The Bill was then read the third time and passed.

CANADA AND ASIA MARINE TELEGRAPH BILL.

THIRD READING.

The Senate resolved itself into a Committee of the Whole House on Bill (127), "An Act to make further provision respecting the incorporation of a Company to establish a Marine Telegraph between the Pacific coast of Canada and Asia."

HON. MR. LEONARD from the Committee, reported the bill without amendment.

The Bill was then read the third time and passed.

The Senate adjourned at 10.50 p.m.

THE SENATE.

Ottawa, Wednesday, May 3rd, 1882.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THIRD READINGS.

The following bills from the House of Commons were read the third time and passed without debate:

Bill (64), "An Act respecting Queen's College at Kingston."—(Hon. Mr. Dickey.)

Bill (67), "An Act to incorporate the Calais and St. Stephen Railway Company."—(Hon. Mr. Botsford.)

Bill (60), "An Act to incorporate the Ontario Pacific Railway Company."—(Hon. Mr. Allan.)

Bill (126), "An Act further to amend the Act respecting the Trinity House and Harbour Commissioners of Montreal."—(Hon. Mr. Aikins.)

Bill (75), "An Act to incorporate the International Construction Company."—(Hon. Mr. Gibbs.)

AFFAIRS IN IRELAND.

DEBATE RESUMED.

HON. MR. MACDONALD—I would not speak on this question at all were it not that the Address now before us leads to the inference that England is to blame for all the ills of Ireland, and were it not for the conviction that a great deal has to be done by Ireland herself before the prayer of this Address could be granted.

I will first say, however, that I feel certain that the hon. gentlemen in this House and in another place who have brought forward this address, have done so from a sincere desire that peace and contentment should be brought to their fellow-countrymen in Ireland. I have no doubt they feel they are discharging a sacred duty in approaching Her Majesty in this respectful, although most unusual manner—respectful from the moderation of the language used, unusual as proposing and suggesting alterations of an extreme character in the internal and constitutional government of the Empire. A colony

steps in where the most powerful nations fear to tread, or, in other words, where they decline to interfere with each other's internal affairs. I do not question our freedom and independence of action to express our opinion in the manner proposed. Nor do I expect in return an uncivil reply from England. The condition of Ireland is such that nothing said for or against, in any place, by any people, will cause much surprise, and if Canada should take an unusual step on this occasion, England will understand that it is on an Irish question, and generally Irishmen, on Irish questions, are allowed a good deal of latitude.

HON. MR. POWER—Not at all.

HON. MR. HOWLAN—Not in Ireland just now.

HON. MR. MACDONALD—No doubt Mr. Gladstone and the Government of England are most desirous to bring peace to Ireland, to make concessions beyond what might be considered justly due to her; and my own fear was, a year ago, that Mr. Gladstone would go too far—would have entered on a career of spoliation of vested rights to appease popular clamor. No one with any pride of country would like to see the Government bullied into hasty action by a fraction of the nation. The example set by Ireland is having a most pernicious effect on other parts of the country; I see that in my own county the “no rent” cry is taken up, and I am certain this is brought about by the example set by Ireland.

Hon. gentlemen know how readily England has come forward in the time of Ireland's famine and distress. I know for a fact that, for two years, in 1847 and 1848, the Government of England sent her ships of war to carry supplies of food to Ireland, and lent her officers, naval and military, to administer the distribution of those supplies; and, considering this, I am the more surprised at the remarks of the hon. gentleman from Halifax, who said that the English people and press sneered and laughed at Ireland in her distress.

I can well understand and sympathise with the disaffection in Ireland up to the time of the Catholic emancipation and the removal of all civil disabilities. It was a righteous disaffection—but after the

removal of those disabilities, I cannot understand this continued irritation and discontent.

The hon. gentleman who moved the address did not prove that the people and peasantry of Ireland had more right to the soil than those of England and Scotland, nor can I find any sanction in history for any such right; nor did he show that they were laboring under any disadvantage. Confiscation of land in those early days was as common in other parts of the Empire as in Ireland. Previous to the Anglo-Norman invasion, the people of that country paid heavy tribute to their own princes and kings, and to the Scandinavians who made frequent descents and lodgements upon Irish soil.

Irish kings and princes gave the royalties and rents of large tracts of country to foreign mercenaries and soldiers whom they invited to fight their battles—not always against an outside foe, but frequently against their own people. The fact of the matter is, Ireland has always been fond of a row—her people always excitable and easily moved by any patriotic cry having reference to grievances in ages gone by—and all her ills cannot be charged to English rule.

In my opinion the root of the evil devastating Ireland lies fully as much out of that country as in it. On this side of the Atlantic in the United States lies one of the chief causes of evil and unholy and mischievous agitation—not a wholesome and just agitation for reform, but for revenge, and for the severance of Ireland from the British Empire. The inflammatory writings and speeches in that country—the emissaries and money sent to Ireland to feed the land league, and excite the people, are the strongest incentives to lawlessness and crime. It would be most unjust to blame the whole of Ireland for the present condition of things, as very many of its citizens are exemplary law abiding and perfectly contented with English rule, and who are now suffering from the lawless acts of others, and who deserve all the sympathy and all the remedial measures which England can apply to save them from their own countrymen.

But what is to be done with the very large class living in open violation of the law—what concession can be made and ought to be made to those who set the law at defiance and who are guilty of the most

barbarous and revolting crime, and that against their own unoffending countrymen, against innocent Irishmen who wish to live within the law and who wish to live in peace? This question seems to me a difficult one to answer and a still more difficult one to deal with. How can the English nation yield to lawbreakers without endangering the stability of her institutions and without weakening the influence of or her rule at home and abroad? While I say this and see those difficulties in the way, I do not wish to be understood as saying anything against giving ample justice to Ireland. Will home rule satisfy the Irish people; will it bring them peace and contentment? In my opinion it will not. Supposing that to be conceded, then they will demand ownership of the soil and after that total independence. What was the condition of Ireland when she had a Parliament? Were they not some of her darkest days, when they were more oppressed and placed under greater disabilities than at any other period in her history?

I can well imagine an absence of representation, and of influence in the Government of the country being a source of discontent, but I cannot understand a people resting all their hopes for peace and contentment on having a Parliament—unless indeed it could give them a Pacific Railway and National Policy like this fortunate Dominion has. Ireland has little cause to complain of her representation in the council of the nation, although she has good reason to complain of the conduct of her representatives, who have not acted with discretion, as a general rule. I say then, before home rule can come, let all inflammatory speeches in and out of Ireland cease. Let the land league be abolished, and all contributions in money for its purposes cease; let American agitators keep at home—Ireland has talent enough to manage her own affairs and to present her own claims. If this were first done, peace would come to Ireland; and, after peace, would come a powerful moral force, supported by the sympathy and admiration of the whole British people; and then would come a redress of grievances, and probably a remodelling the Government favorable to Ireland.

As an integral portion of the Empire, we cannot be indifferent to the state of Ireland: it is a canker and a festering sore

in the side of the nation, and a source of shame and weakness instead of pride and strength. Although I would prefer not sending an address of this kind, yet, if it affords a degree of satisfaction to a portion of the people of this country, and if its foreshadowing will for one day arrest the course of crime in Ireland, I will vote for it.

HON. MR. SCOTT—I regret very much that I had made no preparation to address the House on this subject. I had hoped that this Address would have been allowed to go, after the very able explanation given by the mover of it, and after the remarks made by the hon. member from Halifax, who seconded it. I did not for one moment think that an acrimonious debate would have arisen here. I use the term acrimonious advisedly, because hon. gentlemen have risen in their places in this Chamber, and have denied absolutely that Ireland had any grievances. They have on the very threshold denied that it was right, or proper, or courteous, for us to address the Imperial Throne in reference to this important and vexed question, and while hon. gentlemen were speaking—the hon. gentlemen from Belleville, Woodstock, P. E. Island, and the speaker who has just sat down—I could not but be forcibly struck with the reality of the difficulties of this Irish question, in the British House of Commons. When I see men living outside the arena—living in a country so free as Canada is, with its complete self-government—defending for one moment the position that the Parliament of Great Britain and Ireland has adopted towards the latter country in the last eighty years,—I say it has fully brought home to my mind the great difficulties which the eminent Liberal statesmen of England have had to contend with in dealing with this subject. And I am now speaking of Liberals not from a political standpoint, because there have been Liberals in the Conservative ranks as well as among Reformers in that country, who desire to do justice to Ireland, and who have been unable to level up the great mass of opinion that is constantly shackling them in advancing towards the recuperation of that country. But first I would speak as to Canada's right—as to the propriety of our joining in this address. I have always understood it was the inalienable right of

every British subject respectfully to approach the Throne on any question, personal or otherwise; and how much more then is it the right of the Parliament of Canada, representing a people four millions in number, representing a broad continent such as ours,—on so important a matter to address a respectful petition to the Throne! I say that Canada has a special right to-day in it. In the first place, we have in our population a very large Irish element; many persons now living in Canada have come from Ireland, and a much larger number are the descendants of those who were born in Ireland, and can it be for a moment contended that there is anything singular in their keeping up a sympathetic tie with their native land or the land from which their fathers sprung? My hon friend behind me tells you that if we adopt this address all the colonies of the Empire would be sending forth their petitions and that it would be ludicrous that they should all be addressing the Throne on this particular question. I say, however, Canada has a special right above all other colonies of the Empire to raise her voice on the present occasion. Canada is in a different position to the colonies of Australia, South Africa, the West Indies and other parts of the Empire. We are British subjects, because we love the British flag; we are British subjects by choice; and I claim for my part to be a descendant of that very element entitled to be known as the United Empire Loyalists, and who, I claim, have a special right to speak on a subject which involves the shame or the glory of the Empire. The United Empire Loyalists made sacrifices such as no other British subjects, and rarely the subjects of any other country have ever made. More than a hundred years ago they sacrificed their fine farms and pleasant households on the Hudson, in the valley of the Mohawk, in and around Albany, and New York, and throughout the Eastern States, and emigrated to Canada, then an unknown wilderness. They followed the British flag. Some of them settled in the Maritime provinces, but the larger portion came to Ontario. I say the descendants of these people have a special right to speak their views frankly and courteously to their Sovereign, and, through their Sovereign to the British people on this vexed Irish question; and no one who reads that address can for a moment

maintain that it is lacking either in loyalty, in courtesy, or in any element that an address to Her Majesty ought to contain. We are accustomed in our meetings in Parliament to address Her Majesty on many occasions—it is our pleasure and our privilege to do so—to felicitate Her on any event personal to Herself or of interest to the Empire at large; and during the Crimean war it was our pleasant duty to offer Her our assistance, and to vote Her money in aid of the wounded. We have, within the last few years voted no inconsiderable sum to assist the Irish people threatened with famine, and I maintain there is nothing unusual, nothing improper, in our adopting the Address now before the House. I do regret that a sentiment has been expressed foreign to the language in which the Address is couched, and I more particularly regret that an amendment is sought to be interjected into this address. I trust, however, before it becomes necessary to go much further into the discussion of this question, that better counsels will prevail, and that those gentlemen who at the first promptings were induced to propose those amendments will see fit to withdraw them. This Address has come up from the people's Chamber, with the sanction and support of the two great political parties in this country. It comes up on an almost undivided vote. It is true one or two gentlemen did dissent, but they dissented, not in terms that indicated they were strongly adverse to it, nor did they for a moment propose to amend the address or divide the House upon it. I trust that in this chamber similar feelings will prevail and that the address will be adopted without any alteration. To send it back to the Commons would be contrary to all precedent, contrary to the courtesy recognized to be due by one chamber to the other. No man can say that these resolutions do not truthfully speak the facts to which they advert. My hon. friend from Belleville (Mr. Read) would lead us to believe that the Irish grievances do not exist at all, or that if they did exist they were due to causes within the control of the people themselves. He said he had not read much on the subject: it was not necessary for him to tell us that. He told us that he had collected a vast number of figures, and from these figures he had reached conclusions different from those

reached in another place by the leader of the Opposition, and he controverted the arguments of that gentleman in a manner that was contrary to the rules that have governed our debates in this Chamber. It was not worthwhile calling his attention to the fact, as I did not consider it of sufficient importance. It was not a question of figures, it was not a matter that was in any way to be settled by figures. His idea was that free trade was at the bottom of the trouble. He seems to have forgotten that Irish grievances existed hundreds of years before free trade was dreamed of, and that free trade could not have exercised any influence upon it. That free trade exists is, in some degree, due to Ireland, when the Corn Laws were repealed to permit corn and bread stuffs to enter the British market and relieve the sufferings of a famished people. The necessities of Ireland, that food should be brought into the country in order to save the lives of the people, had no doubt a strong bearing on the repeal of the Corn Laws of the Empire. The burning questions that one would have to go into to refute the arguments that have been made use of are subjects that I would prefer not to touch upon. I shall, however, do it as delicately and as remotely as possible. In the first place I lay it down as a principle that it is not to be wondered at that Irishmen are opposed to the union with England when they look back and see the way in which that union was consummated—by gold, corruption and the prostitution of every virtue and the commission of almost every political crime with which an act of that sort could be coupled in order to bring it about. It was not a union of the Irish people in any sense, as they were not represented. Yet we are told that the Irish had no grievance. For thirty long years no man who belonged to that element of the population which compose five-sixths of the people—the Roman Catholics—could represent his fellow men in Parliament: yet the hon. gentleman tells us that that is not a special grievance. During a very considerable portion of that period no Irish Catholic could be a Queen's Counsel or barrister-at-law. Will you tell me that that was no grievance, though it took long, long years to remove that disability? Was it no grievance that the Parliament and the paternal Government of Great Britain were unable to consider questions of such importance to personal liberty, and to postpone for so long a period the settlement of questions of that sort? You have not to go back more than one generation—in the lifetime of my own father—when a Roman Catholic could not take a degree in Ireland: if he wished to be a graduate of the University he had to sign the thirty-nine articles, and if he would not do that he would have to go abroad to get his education in a foreign land. Yet you tell me that the Irish people ought to forget the past wrongs of their country, and that they are treated as well as Scotch men and Englishmen. It is not necessary to point to this long list of landmarks, the mere reference to which would fill volumes; but I point to a few of the more significant ones to show that it is not a sentimental question that agitates the minds of the people. I do not wish to refer to the laws of the last eighty years that were passed in reference to Ireland—coercion laws, suspension of the *habeas corpus*, and all those various and extraordinary tyrannical machinery that Parliament placed in the hands of the Government to accomplish what they thought was necessary for the peace of the country. I do not for one instant wish to justify the crimes that have been committed, and the resistance to law; I do not justify the action of the people in taking up arms, but I point to what I consider were substantial evils in the government of Ireland, and I ask you the question, is it strange that a spirit of dissatisfaction prevailed while those bad laws continued to exist? During that time patriotic men in England and Scotland tried to have those laws repealed, but circumstances prevailed to frustrate their efforts, and it was only by some agitation that brought the people to the eve of rebellion a reform was effected. My hon. friend from British Columbia says no more changes should be made in the land laws in Ireland until the Land League is dissolved and the people go back to their daily avocations. I tell my hon. friend that if they did so Irish grievances would be forgotten and Irish grievances would continue just so long as the Irish people chose to submit and as they chose not to agitate the question. Was Catholic emancipation brought about by any such means as tacit submission to their slavery? Was it not fought out day by day for months? Was not the election of O'Connell for the

County of Clare in 1839 fought out on that issue? Was it not fought out by his coming to the House of Commons, definitely entering the bar and taking his seat and refusing the oath? He was expelled, of course, as other men have since been expelled; as members of the Jewish faith at a very much later date have been expelled, but the constituency re-elected him; the people were in earnest; they meant that this disability in the way of Irish representatives should be overcome. There was a body of four millions of people behind him and the British Parliament took the bar down and admitted O'Connell on the same terms as other members were admitted. I tell you that it was only by agitation Catholic emancipation was obtained. Would the Irish Church have been disestablished if public attention had not been called from time to time to the gross injustice and unfairness of such a system to the Irish people? Shortly before its disestablishment, its revenues were equal to over one-fifth of the revenue of Canada, and there were established at one time, previous to its extinction, not less than fifty-seven churches that had not been opened for three years. It took a long time to accomplish the disestablishment of the Irish Church; it was only done under the spur of agitation, and under the threat of doing something worse. We all properly condemn the outrages that have occurred in Ireland, and I shall not say one word in justification, not one word even in palliation of the terrible crimes that have been committed in that country; but I cannot close my eyes to, or refuse to recognize the fact that the Irish people have been sorely tried. Passing very rapidly over the very many excellent laws that were passed by the British Parliament to improve the condition of affairs in Ireland, we come down to the one of last year called the Land Act, and is it not now admitted by all, even by Gladstone himself, that it ought to have been broader in its terms, that it ought to have affected arrears of rent, and in many respects it should have been a much better Act than it is. We shall have it amended in a year or two, or a very much more sweeping act introduced. You may condemn the Land League if you will, but do you suppose that the Land Act would have had birth if the

Land League had not first been born? Certainly the Land Act is the outcome of the agitation of the League and the present condition of things in Ireland. Hon. gentleman will presume as my hon. friend from Prince Edward Island observed, that the English Parliament and English Government are willing, able, and anxious to meet the grievances of Ireland and it was not necessary for us in any degree to point out where these evils could be remedied; it is assumed that every difficulty had been cleared away. So it was assumed in 1838 and 1836 when Catholic emancipation was granted, and it was then said that the Irish Catholics ought to have been satisfied. So it was when every sweeping reform was passed, people for the moment said "we have heard the last of Irish grievances" but Irish grievances were not remedied. Had the Irish people of that day seen and recognised the full extent of them no doubt they would have been remedied; but it takes a long time to clear away the film of prejudice from the public eye—especially on subjects affecting the internal interests of the country, and before so large a body as the British Parliament. My hon. friend from British Columbia seems to think that the Irish people ought to be satisfied with the reforms they have already received. I would like to ask him, or my hon. friend on my right (Mr. Haythorne) whether British Columbia or Prince Edward Island would like to trust the management of all their local affairs with the Parliament of Canada, a Parliament certainly in its appreciation and understanding of the wants of the people not further advanced than the British Parliament? I am quite sure that neither of these hon. gentlemen, nor the people whom they represent, would be satisfied to allow their local affairs to be dealt with by the Parliament at Ottawa.

HON. MR. MACDONALD—I think it would be a very good thing for the people of British Columbia if they were.

HON. MR. SCOTT—I very much doubt if the people of British Columbia would think so, or that the hon. gentleman is entitled to speak for the people of that Province in that respect. Take the educational question in Ireland—what has been the policy of England with respect

to it? Has it been similar to the policy adopted in England and Scotland? If we look back to the history of Ireland we will see that the schoolmaster and the priest were both hunted out of the schoolhouse; neither of them was allowed to give instruction to the Irish people. It is a matter of history the fight there was with the Catholic bishops and priests of Ireland with regard to the godless colleges that Parliament endeavored to force upon the people. We know that down to this day, even the British Parliament and Government have refused a Roman Catholic University to Ireland. A grant was made to Maynooth College; but that was entirely devoted to the Irish priesthood, it was considered very much better that they should be educated in Ireland than that they should go to France, Belgium or other foreign countries. But so far as literature and arts are concerned to the present moment, the appeal for a Catholic University in Ireland has been denied. Can we recognize that as being just to the Roman Catholic population of Ireland—we who are accustomed year after year to passing through our legislatures, bills for the establishment of colleges and universities all over the Dominion, giving the greatest possible freedom of education? The hon. Senator from British Columbia also adverted to this land question, and said if Home Rule were established in Ireland that the tenants would forcibly take possession of the property of their landlords. However, I anticipate no such result. He has assumed in the discussion of this question that Home Rule is purely a religious question, and that its leaders come from the Catholic body. The hon. gentleman is entirely mistaken. The originators of the Home Rule party were mainly Protestants.

HON. MR. MACDONALD—It is the outcome of religious difficulties of one hundred years ago.

HON. MR. SCOTT—The hon gentleman has discussed this question as if it were one purely of religion, as if there were no Protestants in Ireland who love their country and recognize the most ordinary rights that a free people might be expected to possess. Who were the founders of Home Rule? I shall read some of the names on the Committee on

resolutions which was established in 1870, in Dublin:—

“The Right Hon. Edward Purdon, Lord Mayor, Protestant Conservative.

“Sir John Barrington, Ex-Lord Mayor, D.L., Protestant Conservative.

“E. H. Kinahan, J.P., Ex-High Sheriff, Tory.

“James V. Mackey, J.P., Orangeman.

“James W. Mackey, Ex-Lord Mayor, J.P., Catholic Liberal.

“Sir William Wilde, Protestant Conservative.

“James Martin, J.P., Ex High Sheriff, Catholic Liberal.”

And so on, through the list. A very large sprinkling of the names are Protestant Conservative, Protestant Liberal and Catholic Liberal. Those are the gentlemen who met together to form the Home Rule party in Ireland, in 1870, in the great room of the Bilton Hotel, Dublin. As I am on that subject, we will just ask ourselves what was this charter that was demanded, and what is there objectionable in it? It is declared that

“I. This association is formed for the purpose of obtaining for Ireland the right of self-government by means of a national parliament.

II. It is hereby declared, as the essential principle of this association, that the objects, and the only objects, contemplated by its organization are:—

To obtain for our country the right and privilege of managing our own affairs, by a parliament assembled in Ireland, composed of Her Majesty the Sovereign, and her successors and the Lords and Commons of Ireland;

To secure for that parliament, under a federal arrangement, the right of legislating for and regulating all matters relating to the internal affairs of Ireland, and control over Irish resources and revenues, subject to the obligation of contributing our just proportion of the Imperial expenditure;

To leave to an Imperial Parliament the power of dealing with all questions affecting the Imperial Crown and Government, legislation regarding the colonies and other dependencies of the Crown, the relations of the United Empire with foreign states, and all matters appertaining to the defence and stability of the Empire at large.

To attain such an adjustment of the relations between the two countries, without any interference with the prerogatives of the crown or any disturbance of the principles of the constitution.

III. The association invites the co-operation of all Irishmen who are willing to join in seeking for Ireland a federal arrangement based upon these general principles.

IV. The association will endeavour to forward the object it has in view, by using all legitimate means of influencing public senti-

ment, both in Ireland and Great Britain, by taking all opportunities of instructing and informing public opinion, and by seeking to unite Irishmen of all creeds and classes in one national movement, in support of the great national object hereby contemplated.

V. It is declared to be an essential principle of the association that, while every member is understood by joining it to concur in its general object and plan of action, no person so joining is committed to any political opinion, except the advisability of seeking for Ireland the amount of self-government contemplated in the objects of the association."

That is the whole of the Home Rule Text, and I ask hon. gentlemen if there is anything in it that ought for one moment to create the extraordinary opposition that has been developed in consequence of this agitation for home rule? It is what we ourselves enjoy in this country, and it is what we ourselves in the several Provinces demand. In regard to this land question, I certainly was surprised at the utterances of my hon. friend on my right (Mr. Haythorne), a gentleman whose judgment, I think, is not inferior to that of any hon. Senator in this Chamber, and one who has had a very long experience, and who takes on all questions that come before him such a fair and reasonable view—after his experience of the land question in Prince Edward Island. I was certainly surprised to hear him express himself in the manner he has done in this debate, more particularly as he was familiar with all the evils that grow out of a landed proprietary and a discontented tenantry. He knew that in Prince Edward Island for a long series of years, it had been a great source of discontent, and had retarded the growth of the Island. He knew it was one of the principal reforms insisted upon before entering the Confederation, that this land question should be cleared off, and he himself long before that set a noble example and allowed his tenantry to make a commutation without the interposition of the courts, or of an Act of Parliament. I did hope that with the full recognition of the subject he has, and after this sacrifice—for it was no doubt a sacrifice that he himself made when he allowed his tenants to commute without resorting to the law courts of the country—that he would recognize the rights of the people of Ireland to be allowed to purchase their holdings from the landlords, as the only true and fair solution of this difficulty in Ireland. It is a matter of history that the

lands in Ireland were taken from their rightful possessors forceably and violently, and distributed to favorites of the Crown. It is a matter of history that ought to make us blush, that no Catholic could inherit the soil, and that the incentive was held out to the member of a family who should become a pervert to his own religion and join the dominant church, that he could take all the goods and chattels of the family for his sole use. I say in recollection of those laws and in remembrance of how this extraordinary tenancy grew up in Ireland, we ought to apply the rule in all fairness and with greater reason to that country, where the circumstances are so peculiar, than we should to any other country where a similar condition of things has not existed. But let me quote a fair-minded Englishman, as to whether Ireland has to-day any grievances. I hold here the *Fortnightly Review* of a few months ago, which is edited by Mr. Morley; and in speaking very recently of the terrible deeds in Ireland, of the agrarian crimes, he said:—

"These are considerations which ought to temper our minds to lenity in judging the people of Ireland. Germans, Frenchmen, Spaniards, Americans, may condemn their ferocity; their lawlessness, their truthlessness, as much as ever they please, but Englishmen are the last people in the world who have a right to sit in judgment upon the Irish for all these things. It is English misgovernment which has directly engendered Irish vices. We have imposed bad laws upon them; we have persecuted their religion down to times when persecution elsewhere had long gone out of fashion; we have cowed them by the sword and corrupted them by gold. Who is not weary of hearing this long and unanswerable indictment? But the worst of it is that we have not yet heard it often enough to learn its lesson, the lesson of patience and consideration in dealing with a people whom our own careless misrule has made what they are, and whom only supreme patience and consideration will make anything better than what they are."

These are the words of Mr. Morley, but could I not find other testimony of men who are holding the reins of power in Great Britain? We all know of the speech made by Mr. Gladstone at Midlothian in which he expressed his belief that Home Rule was not only a good thing for Ireland but for England and Scotland as well. His only objection to its introduction was the want of time to prepare a satisfactory measure and he said,

forsooth, that the people who were clamoring for Home Rule ought to tell the Government of the country how to accommodate it to the system that prevails in England. We in Canada found no difficulty in preparing our Home Rule when we came into this system of Confederation. Our statesmen,—the gentlemen who had to do with the birth of our Constitution not very many years ago,—saw no difficulty in saying what ought to be provincial or local rights, and what should be the prerogative of the Federal Parliament. But Mr. Gladstone has also repeated the same words within a very short period, and he has excused himself on the same ground, namely,—his inability to understand what was wanted. The basis of what was wanted I read just now in the Home Rule Resolutions themselves. They convey the whole proposition; yet the Irish members are told by Mr. Gladstone to agree upon the basis themselves. This was during the election of 1874 when that statesman was defeated and the late Earl Beaconsfield came into power. No less than sixty Home Rulers were elected; a very considerable number out of 105,—and that was in addition to what were known as Irish Liberals, who did not go in for Home Rule. Still, with that compact body in Parliament, the Legislature did not see its way to acquiesce in the reasonable proposition that they had laid down for self-government in Ireland. They had not time to consider the matter, pressure of other work intervened, and it was impossible to take up the Irish question, which has been postponed, and will be postponed year after year, until circumstances arise to awaken the statesmen of England from the lethargy into which they have fallen. Now, let us see what Mr. Courtney says; he is a representative of an English constituency and is a brother of the gentleman who is Deputy Minister of Finance under our own Government; he is also another member of the present Administration in England. I would ask what does he say about Irish affairs? He spoke as follows:

“The thing that I wish to speak about, is the reform of local government in Ireland. You know that we have had a good deal of agitation about county government in England. In England it is a theoretical principle. Many of us would wish to see large reforms introduced into it; but county government in England is perfection compared with what it

is in Ireland. The Counties of Ireland are governed by the Grand Juries of Ireland, selected in the most extraordinary and inexplicable manner, and endowed with powers much greater than these possessed by English County Magistrates assembled in Quarter Sessions.”

Now, what would the people of this country say if the Grand Juries were named for this whole Dominion at the City of Ottawa, by the Government of the day—which would take into consideration purely political feeling? Would the people of this country say they had no substantial grievances, if the administration of justice, at its very fountain-head, was taken possession of absolutely by the Government of the day? Would they for a moment sit down, feeling there was no ground for agitation; that they ought to be quiet and not remonstrate against an evil of that sort? The grand jury system is a farce in Ireland: grand juries are taken from one class of the community, which represents the castle in Dublin; they have no affinity or connection with the great bulk of the Irish people, and in support of what I say, again I offer the statement of a member of the present Government of Great Britain, which goes on to say:

“If we could get a system of county government in Ireland you would satisfy that demand for management of their local affairs which lies at the root of the cry for Home Rule, and take the whole sting out of the agitation by granting to the Home Rulers that which they have a legitimate right to ask. We should be able to say to them; manage your own county affairs to the full, if you like, and I will tell you how we could do it. In my opinion a comprehensive and liberal scheme of county government might be introduced in Ireland. This might appear to be entering into a small matter, but if you will grant me your patience for a minute or two you will see that I am leading up to something of considerable importance. I would have, then, a County Parliament in each county in Ireland elected by representatives of each Barony, which corresponds to each hundred in England—a free election of several members of each Barony with a cumulative vote, and the result would be a County Parliament having great power and great authority as representatives of the rate-payers and inhabitants of the County, and to that County Parliament I would give most ample power of regulating very many matters which at present we have to deal with in the House of Commons, and very unsatisfactorily. In a word I will tell you one very great question which I would give to the management of County Parliaments in Ireland—and by-and-

by to County Parliaments in England when we get such Parliaments in the English Counties—and that is, subject to certain general restrictions, the management of the liquor traffic in each County.”

I say again, these are the expressions of a member of the present Government of Great Britain, who considers that there are grievances in Ireland, substantial grievances, under which the people are laboring: he considers that they ought to be remedied, yet we find members in this House rising in their places and saying that these grievances are purely sentimental.

HON. MR. MACDONALD—Does he propose a Parliament for Ireland as well as County Councils?

HON. MR. SCOTT—No, it was in reference to what might be called a County Council in Canada, having a certain number of County officers who would have much the same power as our County Councils have, in reference to purely local questions.

HON. MR. MACDONALD—I have no objection to that.

HON. MR. SCOTT—Then, if the hon. gentleman has no objection to that, I think it is his duty to urge on this Petition, and to strengthen the hands of the British Government in removing these grievances.

HON. SIR ALEX. CAMPBELL—So he is.

HON. MR. MACDONALD—I do not call that Home Rule.

HON. MR. SCOTT—I do not care what it may be called, Home Rule or County Rule, so long as you give them power to rule themselves, which should be given;—that is the question to be considered. Now what is this distribution of the offices in Ireland, I have reference more particularly to the judicial offices? Let me take for instance the statistics of Justices of the Peace in Ireland, and ask whether the Irish have a grievance in that. I read the following statement:

“It is found that Protestant Episcopalians in the three counties of Antrim, Down and

Derry, enjoy the distinction and power of the magistracy, almost to the exclusion of every other body. The Presbyterian population in Antrim is 132,918. But there are only twelve Presbyterian magistrates in the county. There are in the county 55,640 Roman Catholics. They have only five magistrates. The Protestant Episcopalians number only 45,670—that is, they are numerically fewer than the Roman Catholics, and scarcely more than a third of the Presbyterians. But they have no fewer than 105 magistrates.”

I desire to call attention to this fact; the Catholic body have only five to their 105. Is that the condition of things that the suffering class in Ireland ought to quietly and calmly submit to, or can they at all believe in the sympathy of the English Parliament, when they continue that evil? Yet we are told, by hon. gentlemen in this House, that the Irish should be contented with such rights as are allowed them by the Parliament of Great Britain. I will now continue the quotation:

“In County Down the statistics show the same result. The Protestant Episcopalians are the smallest of the three denominations; much less than the Roman Catholics, and little more than half the number of the Presbyterians. But they have, with few exceptions, the full representation on the bench of magistrates. In the county of Derry there are 20,079 Protestant Episcopalians to 58,779 Presbyterians, and 77,358 Roman Catholics. But the Protestant Episcopalians have there ninety magistrates, the Presbyterians eleven and the Roman Catholics seven.”

I would like to know how long that condition of things would exist in this country; if that disproportion in the magistracy prevailed in any of our Provinces, how long would the class that was ostracised bear with it? Would you expect them to throw up both hands for the constitution of the country and be jubilant over laws which treated them so differently from other classes of the community? I do not think there is a fair-minded man in this Assembly, nor throughout the broad land of Canada, that would for one moment approve of a condition of things similar to what has been described there. The writer goes on to say:

“From a political point of view the conclusion is much the same. The Liberal magistrates in the three counties may be reckoned on the fingers; the Conservatives generally can be represented by three figures.

HON. MR. SCOTT.

Yet the elections show that the body which thus has something like a practical monopoly of magisterial authority, is numerically the smallest. The significance of all this is pointed out by the journal from which the figures are taken. 'That this one-sided system causes much discontent, is beyond all doubt.'

That is the conclusion we must all reach, and I trust no one here would, for one moment, approve or countenance it. There are other questions, gentlemen, just as burning, just as important, just as pressing, as those to which I have adverted. Even if I brought forward no other proofs than those to which I have called your attention, I think you would have ample justification for feeling that it was not simply our right, but it might be our duty, to bring under the notice of the British people, what we consider gross anomalies in the laws of the country, which mete out such unequal justice to the various classes of the people. But I could bring forward much more substantial evidence than that, to show that there are grievances in Ireland, and that it ought to be a burning question with the British Parliament at the present moment. The wires this morning tell us that already part of the prayer of the Petition of our people has been granted—that the Kilmainham gaol has been opened, and that a very large number of the suspects have been released. May it not be that the action of our House of Commons a few days ago,—which was commented on by the British press, and discussed even in the British household,—has had the effect of hastening that result? I do not say that it had this influence, yet certainly, as a Canadian, I felt somewhat aggrieved when I found the London press giving utterance to the expressions they did, carping at our respectful Address, which was then about being passed by the Parliament of this country, and in which we called the attention of the British people to what we thought was an abnormal condition of things on the other side of the water. We find, however, since that Address has passed the House of Commons, and while we in this Chamber are still hesitating and considering whether we ought to adopt it, that a portion of its prayer has received its execution. All the suspects who are not absolutely charged with crime have been released; and this address does not ask that any but the ordinary course

should be pursued with reference to those who have to answer for any crime which they may have committed against the laws of the country. But there is also another statement which may or may not be true; at all events it is one of the rumours of the day, and is to the effect that one of the foremost men in the Home Rule party—Mr. Shaw—is absolutely in the Government, having been appointed Chief Secretary for Ireland, in place of Mr. Forster who has resigned.

HON. MR. HAYTHORNE—If the hon. gentleman will recollect, I have already called attention to Mr. Shaw's views on the subject of Home Rule, and to the advice which he has given.

HON. MR. SCOTT—I do not deny that, but I am calling attention now to a report, that Mr. Shaw is likely to become a Minister of the Crown in England. We live in rapid times, and I merely bring it forward by way of showing the people of Canada that their expression, through their representatives in Parliament, has been considered already by the English people, and has tended even in this short time to relieve the Irish race; and that one of the very men who have brought this difficulty prominently before the English House, has been taken into the councils of that country, with a view of restoring Ireland to the position she ought to occupy, under the constitution of which we are so proud. Stranger even than that, I read this morning that Lord Salisbury, the leader in the House of Lords, at a recent banquet in Liverpool, spoke on this subject; and again with reference to him, I would ask, does he consider there are not any grievances in Ireland? Does he consider that there are no grievances in Ireland, and nothing left for the statesmen of the day to remedy? What does he say? In the course of his speech at the recent Conservative banquet at Liverpool, he said:—

"If you wish to establish peace and contentment in Ireland you must do your best to bring the ownership of land again into single hands. You will see that I am referring to the proposal—notice of which has been given by my distinguished friend, Mr. William Henry Smith—for increasing those powers under which the Commissioners can now act for enabling Irish tenants to become, with perfect fairness and justice to their present land-

lords, themselves the owners of their lands. In order to get rid of this social revolution and to restore the Conservative instincts of society in Ireland, your effort must be instead of giving concessions to agitation, to provide the population of Ireland with motives for resisting change. I do not know whether it will conciliate them or not. That is not the point to which I am looking; but I know it will make them the defenders of the rights of property, and as defenders of the rights of property, restorers of that which will free us from the danger of social revolution which from the highest quarters has been threatened."

That is from a speech delivered by Lord Salisbury the leader of the Conservative party in the House of Lords. He says that there is something yet to remedy with reference to Ireland. He considers that the agitation has not been in vain; that it has drawn the attention of the British Government to the condition of affairs in Ireland, and that the improvement there is due entirely to that agitation. If the Irish had toiled on and starved to death, and expatriated themselves, as they have done, does anyone believe that this improvement would have taken place? From famine, pestilence and emigration no less than three millions of people have been lost to Ireland—one million by famine, and two millions by expatriation. They were driven from their land to seek a living which was denied them at home, except under circumstances which were adverse to keeping of body and soul together.

HON. MR. HAYTHORNE—Will the hon. gentleman do me the justice to recollect that I read to the House at length, a Parliamentary return showing the operation of the Land Purchase Act, in Ireland, during the last ten years, and suggesting that it was a very proper remedy to apply to Ireland, and that it should be extended.

HON. MR. SCOTT—I will do my hon. friend the justice to say that I believe if he had the management of affairs in that country at the present moment, he would do ample justice to Ireland, but I do regret that so far he cannot see his way clear to the acceptance of this Address to the Queen, calling attention to evils which should be removed.

HON. MR. HOWLAN—What the hon. gentleman (Mr. Haythorne) has himself done.

HON. MR. SCOTT,

HON. MR. SCOTT—I consider that in adopting this position we are strengthening Mr. Gladstone's hands, and giving countenance to Lord Salisbury if a change of Government should take place, and enabling the Liberal men of England and Scotland to redress the grievances which have given rise to the agitation. I believe that a very large class of Scotchmen and Englishmen are anxious to do justice to Ireland. It is through that channel alone that justice has been done in the past, or can be looked for in the future. That there are such men we all admit, but they have not been able to leaven the masses and arouse them to a sufficiently thorough appreciation of the people with whom they have to deal. Any action of this kind on our part simply strengthens their arms, and enables them more effectually to point out to the people in that country the necessity for prompt action in order to remove those Irish grievances. Some hon. gentleman think that the way to accomplish this is not by agitation—not by the excitement which arises from a consideration of these grievances. I ask then if they can point to ameliorations of laws in any part of the world that have not been brought about by violent agitation. I have yet to learn that the constitution of any country has been improved by slow degrees, where the people were contented to go on from year to year, hoping that the men they placed in power would have sufficient generosity, magnanimity, and comprehension to redress their grievances.

HON. MR. MACDONALD—The hon. gentleman justifies crime in Ireland.

HON. MR. SCOTT—I do not justify crime, but I draw illustrations from history. I could point to the most dreadful crimes that ever have been committed, which led to the attaching to our Sovereign's name the title of Empress of India. The hon. gentleman will not for a moment deny that the Indian Mutiny was due to the mismanagement of affairs in India. After that mutiny the British Parliament thought it necessary to assume the government of India, and ever since, that country has been prosperous and peaceable, and the prejudices of the people have been respected.

HON. MR. ALMON—Does the hon. gentleman consider Nana Sahib a martyr?

HON. MR. SCOTT—I am not going into individual cases, either in that mutiny or in any other revolution. I am pointing out facts, borne out by the history of every country in the world, to show that these terrible shocks to society were often necessary in order to bring about reforms.

HON. MR. KAULBACH—Unconstitutional agitation !

HON. MR. SCOTT—Unconstitutional agitation I grant you, but there was a great deal of such agitation before human liberty was brought to the level that we all now possess and enjoy. Why, a distinguished statesman and a member of the present government in England, attributes the passage of the Reform Bill of 1832 to the fall of the Bourbons in France. Mr. Bright goes very fully into that in one of his speeches, and gives the credit of the success of that movement largely to that memorable event in France. But need I go beyond the land in which I live for an illustration? I can recall to the minds of hon. gentlemen the results of misgovernment in Canada anterior to 1837. Discontent arose throughout this land, more particularly in the adjoining province of Quebec, culminating in open rebellion. After arms had been taken up, after repeated collisions with the British troops, and those who sided with them at that time, the attention of English statesmen was directed to the abnormal condition of affairs in this country. They considered that a body of freemen on this continent ought to be governed, not from Downing street, but by representatives of their own. They had long failed to listen to representations made on behalf of this country, but what was the effect of the rebellion? First they sent Lord Durham: he was followed by Lord Sydenham, and afterwards Lord Elgin came with direct instructions to give to the rebels of this country everything they demanded, and not only that, but to pay them for the losses they had sustained in rebelling against the Crown of England. It took that violent agitation to make the people of England thoroughly comprehend the situation, and when they did realize it they were generous enough to recognize that they should apply an ample remedy and to the shock, no doubt, of the minds of a large portion of the people in this country, Lord Elgin gave his assent to the

Rebellion Losses Bill which practically rewarded those who had gone into rebellion. Do we not to-day enjoy a much larger measure of free government owing to that fact, and am I not justified in saying that there are times in the history of nations when improvements can only be brought about by violent agitation? My argument can be illustrated in fifty ways, not only by reference to the history of Canada, but also by incidents in the records of every country which has made any advance in constitutional government. There are instances of countries advancing very slowly for half a century by regular constitutional means, whereas great reforms have been brought about within twenty-four hours by violent agitation. Need I point to the French revolution, and many other historical incidents with which hon. gentlemen are familiar? I am not standing here as the advocate of rebellion. I am not defending what has occurred in the past; I am only pointing out the lessons that history has taught us. I am endeavouring to show that it has taken a great deal to arouse the British Parliament to consider the evils in Ireland, and to come forward and apply the needful remedy. I need not advert, in illustration of what I have been saying, to the fact that the men who were foremost in the rebellion in Lower Canada were subsequently placed in the highest positions, and made the rulers of the land. We paid them no less respect, and regarded them with no less esteem, on account of the part they had taken in the troubles of those days, because we ourselves had become wiser. We felt that there was a justification for the course they had pursued. We might not, any of us, have sided with them in that rebellion; but, looking at what was past and gone, we were forced to the conclusion to which all right-minded men had come, that these people were terribly wronged, and that through their self-sacrifice this country had been advanced at least a quarter of a century in the path of progress. In adopting the Address which is now before the House, I am sure it is the desire of every gentleman who hears me that Ireland should be brought into harmony with the Empire, as Canada is.

HON. MR. KAULBACH—Not through rebellion.

HON. MR. SCOTT—I am satisfied that when fair and reasonable demands are granted by the British Government, Ireland will be a strength to the Empire—just as strong and as earnest a help-mate as is Scotland, or this portion of Her Majesty's dominions. We know that Her Majesty the Queen is in no sense responsible for the errors, or mis-government in Ireland: we acquit her of any desire to perpetuate the existing condition of affairs there. I am quite sure that a woman possessed of the good judgment with which she is gifted would, if it were under our constitution possible for her in any way to do so, have redressed those evils long ago. May she not remember that a not very remote ancestor of hers, George the Second, who when his troops met the Irish at Fontenoy made use of the exclamation "Accursed be the laws which have deprived me of such soldiers"? The Irish brigade had to go abroad to fight: they fought against the troops of England and they were successful. May not Her Majesty to-day say "accursed be the laws of my country that deprive me of the sentiments of love, of loyalty and affection of a nation so full of those high qualities as are the Irish people"? I ask you are the Irish people on this continent who enjoy freedom and equal rights less loyal than any other portion of the community? Would they not be as ready to sacrifice their lives, if need be, in defence of the flag of England? It would be strange if they did not inherit some of the prejudices of the past; but looking at them from the experience which I have had I find that when they cross the Atlantic and breathe the free air of this country, they shake off the feelings of discontent and dissatisfaction which they entertained in the land of their birth. No people are more forgiving than the Irish, and if Home Rule were introduced in Ireland, and the majority were granted the same privileges as we enjoy in Canada, there would be no more loving, loyal and faithful subjects of Her Majesty than those who dwell on the western side of the British channel. Let us hope that the day is fast dawning when a change will come. We live in a period of the world's history when governments move rapidly. The events of the last twelve months prove that. Looking back to five years ago, would anybody have said that Mr. Glad-

stone or Lord Salisbury would have given utterance to the speeches which they have made within a recent period? They have learned by experience, and they know that there is necessity for change. They are both statesmen living on that high plane that they feel called upon to remove the shackles which have fettered Ireland so long; and that the day is not far distant when all these grievances will be redressed is, I trust, the desire of every member of this Chamber. This address has been unanimously adopted by the House of Commons, and it has met with the approval of the press of Canada, and I should grieve if it were defeated, or its language weakened in this Chamber. Certainly it asks but little. A portion of the prayer, as I have already observed—the last paragraph—has already been granted. The shackles have already been knocked from off the suspects, and the doors of Kilmainham jail have been opened. The other asks for as reasonable an amount of Home Rule and management of their own affairs as is consistent with the rights of the land holders, and the minority in Ireland. Surely no gentleman will refuse to subscribe to such a reasonable proposition. I trust that my hon. friend from Prince Edward Island (Mr. Haythorne) will reconsider his amendment, and that the Address in its present shape, may receive the unanimous assent of this Chamber.

HON. SIR. ALEX. CAMPBELL—I cordially unite with my hon. friend who has just spoken, in hoping that the House will concur in the Address, and will not consider it necessary to amend it in any particular. It seems to me that the moderation of tone with which it has been moved and seconded must commend it to the sympathy of the House. I think that we who are not Irishmen, and do not enter into their feelings on this subject, which to them is a burning one, must all of us be struck with the manner in which this address has been framed and introduced in this Chamber, and our sympathy must be enlisted by the sentiments of those who have advocated it in this House.

HON. MR. READ—Did the hon. gentleman refer to the tone of moderation in the remarks of the last speaker (Mr. Scott.)

HON. MR. ALMON—Hear, hear.

HON. SIR ALEX. CAMPBELL—I will include the last speaker ; but I refer particularly to the gentlemen who moved and seconded the Address. I will also say that the language of my hon. friend opposite (Mr. Scott) was entirely in accordance with the sentiments which I think should govern the House in dealing with a subject of this character, and of this historical nature. I do not understand the hon. gentleman to have advocated anything that was contrary to the views either of the hon. senator from Belleville, or my hon. friend from Halifax, as a matter of practical conduct : but he was endeavoring to lay before the House the teachings of history, and to satisfy the House that changes had been brought about in various countries only by agitation, and sometimes by measures stronger than agitation. To what are we indebted now for the constitutional liberty which is enjoyed in England, the native land of my hon. friend from Belleville? It was through the revolution of 1668 that we derived all the Parliamentary freedom and liberty which we now happily enjoy. These blessings were not secured by quiet and peaceable agitation.

HON. MR. WARK—By a revolution.

HON. SIR ALEX. CAMPBELL—For myself I would entirely justify what was done in Great Britain in that revolution as being forced on the people by the circumstances under which they were placed, and which rendered their proceedings necessary for obtaining the liberty which we enjoy. But my hon. friend who spoke last did not justify those proceedings ; he merely spoke of them as historical facts from which we ought to draw the lesson that such a resolution as we are now asked to adopt might with reason and propriety be passed by this House. I am struck with the moderation of the whole address considering who it comes from—considering the excitable character of the Irish people and the wrongs they have suffered from for so many generations, and knowing how many there are in this country who feel deeply and earnestly, beyond my powers of description, and very probably beyond my powers of sym-

pathizing with them—is it not a marvel that they come to this House and address it in such a moderate tone? This address is the result, I believe, originally of deliberation between Irishmen of both Houses of Parliament, who met for the purpose of consulting together to see if some steps in the nature of an address to Her Majesty from this Parliament would help, in some measure, to improve the condition of affairs in their native land. Finding afterwards that the language which they first used might perhaps create more or less opposition, they altered it and toned it down, and all that was likely to provoke opposition from those who feel as the hon. member from Belleville does, and, as I judge from his remarks, the hon. Senator from Halifax (Mr. Almon) feels—lest it might offend the feelings or views of hon. gentlemen, the address was modified in such a way as to extract anything of that kind. Will the House permit me to draw attention to the changes which have taken place in this address, and to show with what an anxious desire it has been framed so as to secure for it, as I hope it will receive, the unanimous assent of this House? In the Address, as originally framed, I notice in the third paragraph, that after the allusion to the state of Ireland, the Address proposed to say that what was found to exist there was due in a great measure to their feelings of estrangement from the Imperial Government, whom they consider “responsible for the existing state of affairs” in their native country. Had that remained in the Address, I could have understood that hon. gentlemen here would have been unwilling to commit themselves to an assertion of that kind—that members who feel as my hon. friend from Belleville, and others do, would say it was not owing to anything that has been done by the Government of Great Britain that such a state of affairs existed. The whole line of argument of my hon. friend from Belleville (Mr. Read) has been that the Imperial Government are not responsible for what has happened in Ireland, but that it is attributable to other causes. The hon. gentleman said he supposed if the Irish people worked harder, consumed less ardent spirits and maintained peace and order, there would be a better condition of affairs. He will see that the language which was calculated

to arouse that opposition has been modified, and that the Address simply states that these evils exist. Instead of saying, as it originally did, that the Imperial Government is responsible for the existing state of affairs, it says :

“We would further respectfully represent to Your Majesty that the Dominion of Canada, while offering the greatest advantages and attractions for those of our fellow-subjects who may desire to make their homes amongst us, does not receive that proportion of emigrants from Ireland which might reasonably be expected, and that this is due, in a great measure, in the case of many of our Irish fellow-subjects who have sought foreign homes, to their feelings of estrangement towards the Imperial Government.”

However much we may regret it, is it not true that the large bulk of Irish emigration, which would be valuable to Canada and help us to develop the great North-West—which has already helped us much in the older provinces—goes to the United States? And is it not true that this is due to the feelings of estrangement of the Irish people towards the Imperial Government? The thing is as true as if we asserted that the sun shines in the heavens. If we can help to turn that tide of emigration to our shores, to aid in building up this Dominion, instead of peopling a foreign land, are we not justified in joining in this Address, which teems with expressions of love, devotion and loyalty to the Queen and the Empire? Is there anything which should divert us from joining in an address of that character? I think not. Then look at the further passages of the Address, which have been altered so as to procure for it, if possible, that unanimous assent which is so desirable, and which, it seems to me, should be secured by the efforts which have been made to so frame it that it shall not be justly entitled to opposition from any quarter, no matter what may be the conviction of hon. gentlemen, as to the causes of the discontent which prevails in Ireland. The fifth paragraph of the Address, as originally framed, was as follows :—

“We would most respectfully pray, may it please Your Majesty, that some such form of local self-Government may be extended to Ireland, as is now enjoyed by the Provinces comprising this Dominion of Canada, under which Your Majesty’s Canadian subjects have prospered exceedingly, so that Ireland may become a source of strength to Your Majesty’s Empire and that Your Majesty’s Irish subjects at home and abroad, may feel the same

pride in the greatness of Your Majesty’s Empire, the same veneration for the justice of Your Majesty’s rule, and the same devotion to, and affection for our common flag which are now felt by all classes of Your Majesty’s loyal subjects in the Dominion.”

There was a direct request for local self-government immediately, without condition and without reference to any other matter or class of persons whatever. The address has been changed, and now instead of praying that some such form of local self-government as ours may be extended to Ireland at once, without reference to the causes which render such a course for the moment so difficult, this paragraph has been toned down and now reads as follows :—

“We desire respectfully to suggest to Your Majesty, that Canada and its inhabitants have prospered exceedingly under a Federal system, allowing to each Province of the Dominion considerable powers of self-government, and would venture to express a hope that if consistent with the integrity and well-being of the Empire, and if the rights and status of the minority are fully protected and secured, sure means may be found of meeting the expressed desire of so many of Your Irish subjects in that regard, so that Ireland may become a source of strength to Your Majesty’s Empire, and that Your Majesty’s Irish subjects at home and abroad may feel the same pride in the greatness of Your Majesty’s Empire, the same veneration for the justice of Your Majesty’s rule, and the same devotion to, and affection for, our common flag, as are now felt by all classes of Your Majesty’s loyal subjects in this Dominion.”

Can anything be more moderate, in the first place, than the assertion that this feeling of estrangement does exist, and in the next place the expression of a hope that some means of self-government may be granted to remove at all events a portion of the causes which have brought about this feeling towards the Empire? I confess that when I read the Address it seemed to me there could be no objection to it unless it was this—that we would be expressing an opinion about a matter which we were not fully informed about. I, for one, admit that it is very embarrassing for me, and I think it must be for any one in this Parliament, to assume that we are in a position to judge what is best for Ireland. I confess that I for one cannot pretend to say what is best, but I would be very glad to do anything I could to suggest in a proper manner anything which those who are familiar with Ireland and who know what is required there,

believe to be desirable. Now, the reasons which were pointed out by my hon. friends, particularly the hon. member from Halifax (Mr. Power) who seconded the Address in a speech which seemed to me replete with sound arguments and sentiments in which I entirely concurred—as I did in the remarks of the hon. Senator from Prince Edward Island (Mr. Howlan)—the reasons given why we are in a position to adopt this Address are to my mind complete in that respect. The hon. member from Belleville (Mr. Read) says Canada is a colony : there are fifty other colonies, and if they are all to follow this example what is to become of the Imperial power? The hon. gentleman regarded this Address—I will not put language in his mouth which he did not use, but I have no doubt it was running in his mind—as impertinent. The justification was, in my opinion, complete on that point. Are we not interested in the direction which emigration from Ireland takes? If, as is expected, there is to be a large emigration from Ireland for years to come, are we not deeply interested in securing a portion of it to our great North-west, and can we have better immigrants than the Irish? Are we not justified, therefore, in expressing, in this moderate and respectful language, the sentiment conveyed in this Address. Look at the other reasons which have been suggested! Have we not suffered, those of us who have lived in Canada for many years, in pocket and in peace, and have not lives been lost in struggles with Fenians, invading our country from the United States? Why are they Fenians, and why have they a feeling of exasperation, not only against Great Britain, but against us who have never done them any wrong? Now, if we can do anything towards soothing that feeling, I think we should not hesitate as to the course which we should pursue. If, as this address says, a measure of self government granted to Ireland would produce feelings of love, devotion and loyalty to the Crown among the people of that country, would it not to a great extent change the sentiment of hostility entertained by Irishmen in the United States and all over the world towards the empire? Instead of finding Fenians in the United States eager to wreak upon us some of the vindictive feelings engendered by the condition of

affairs in Ireland, we should find them in sympathy with us like other citizens of the United States who are not of Irish birth or extraction. Now, I think there is ample justification for interference, if this be interference—for the presentation of this address.

Again, with reference to the imprisonment of persons in Ireland under the provisions of the Coercion Act, I felt that the address, as originally framed, asked for their liberation without regard to the character of the offences with which they are charged. The sixth clause was originally as follows :—

“ We would further most respectfully pray that Your Majesty would be graciously pleased to take into Your Majesty’s favorable consideration the cases of those persons who are now suffering imprisonment in Ireland, charged with political offences with a view to extending to them Your Most Gracious Majesty’s Royal clemency so that with their release, the inestimable blessings of civil liberty may be once more restored to all parts of Your Majesty’s Empire.”

That has been modified and we are now asked to adopt the following :—

“ We would further express a hope that the time has come when Your Majesty’s clemency may, without injury to the interests of the United Kingdom, be extended to those persons who are now imprisoned in Ireland, charged with political offences only, and the inestimable blessing of personal liberty restored to them.”

That word “only” has been introduced so that there is no intention or disposition on the part of those who favor this Address, to ask Her Majesty’s clemency for persons imprisoned for offences other than political. The disclaimers of those who have spoken in support of the Address, including my hon. friend opposite (Mr. Scott) have been strong on that point, and are in exact accord with the address itself, which asks that the clemency of the Crown be exercised towards those charged with political offences only, and only if it can be granted without injury to the interests of the United Kingdom. Instead of closing with “the inestimable blessings of civil liberty may be once more restored to all parts of Your Majesty’s empire,” it says, “the inestimable blessings of personal liberty restored to them.” As the hon. gentleman who spoke last remarks, some of those men imprisoned in Kilmainham jail have already been released. The very course which we are

asked to pray Her Majesty to pursue, has already been adopted in part by the British Government.

Is there anything that is reprehensible or that we should be reluctant to adopt in asking that, if it be consistent with the integrity and well-being of the Empire, and if the rights and status of the minority are fully protected and secured, a measure of home rule may be granted to Ireland? Of course, there are difficulties in the way of granting home rule which I cannot pretend to discuss. Those who are familiar with Ireland and its people, the Imperial Government and Parliament, are best fitted to decide upon what is possible or impossible in Ireland; but there is no reason why as a colony, composed largely of Irish people, interested largely in Irish affairs and in securing a share of the emigration from Ireland, should not ask, as we do in this address, for some consideration of such a measure of local self-government as we have in this country, and which we think is so valuable to us in reference to our liberty, our property, and our civil rights. I will not pretend to go into the subject of the Government of Ireland, as has been done more or less by my hon. friend opposite (Mr. Scott), but I desire to look upon this matter from a Canadian point of view. We have here a very large portion of our population of Irish origin, a large majority of whom, if not the whole of them, think that an address of this kind would be useful. We have no contradiction from any member in either House who belongs to that race; and I see no opposition to it in the press. So far as I can form an opinion it is the desire of the Irish people in Canada that an address of this kind should go to the Queen for the purpose of showing our sympathy with Ireland in her difficulties and troubles, and for the purpose of suggesting in as respectful language as we can use that possibly such a change as is here pointed out, giving to Ireland local self-government, would be of use. It may be, as the hon. member from Belleville stated, that the want of this is not the only cause, or is not the chief cause, of the difficulties, the troubles, and the distress of Ireland. Suppose that this is true, nevertheless there is more or less force in the fact that those who live there have no local self-government, such

as Her Majesty's subjects enjoy here, and in other colonies of the Empire. Supposing that Ireland's evils and sufferings are chiefly traceable to other causes, such as have been mentioned by my hon. friend (Mr. Read) still, if there is something in this, and if the change, which is here suggested, would prove to a certain extent to be a measure of relief and reform, should we not join heartily in an address of this kind, replete with terms of affection and loyalty to the Crown, and free from everything calculated to create friction in the minds of any class of Her Majesty's subjects, and praying simply and only, if it is consistent with the integrity and well-being of the Empire, that some measure of Home Rule may, if possible, be given to Ireland? I cannot think that there is anything in this, or in the prayer that those who are imprisoned for political offences only may be discharged, in which we cannot all join. As Canadians we ought to unite in this petition. In what way can we better or more strongly or usefully testify our sympathy with our fellow subjects of Irish origin who are living here amongst us, and who believe that the future of the country is likely to be advantaged by the adoption of the measure recommended in this address. I do trust that the hon. member from Prince Edward Island (Mr. Haythorne) will not persist in his amendments. They seem to me to be going, in an objectionable way, into detail as to the remedies which should be applied. The hon. gentleman expresses a wish that the land may be obtained by those who occupy it on fair terms, and that it can be done under the operation of existing laws. It seems to me that my hon. friend from Belleville might say, "I do not think so: the evils are not attributable to the land grievance, but to other causes which I have mentioned." The hon. gentleman (Mr. Haythorne) is, I think, leading us into an expression of opinion as to the course which should be pursued in England, as to which we should be silent. I venture to think that the suggestions contained in the amendment are likely to create more objection in England than the language of the address.

HON. MR. HAYTHORNE—It expresses sympathy with legitimate efforts to obtain land on fair terms.

HON. SIR ALEX. CAMPBELL—The amendment says :—

“Your Majesty’s subjects in the Dominion of Canada (whatever may be their origin) sympathize most earnestly with their fellow-subjects in Ireland in all their legitimate efforts to obtain the land they occupy at fair rents—with ample security against arbitrary ejections, and full powers to dispose of their improvements; and they rejoice to know that these important objects are generally attainable through the operation of existing legislation.”

It bristles with points to which people might object. Many hon. gentlemen might say that the prevailing rents are fair. The hon. member from Belleville, who, I was surprised to find, seconded the amendment, contended, at great length, that the rents are fair—that they are lower than in England. How, then, can he second an address which contends that they are not fair? Then again, it asks for “ample security against arbitrary ejections.” My hon. friend from Belleville says that the ejections are not arbitrary—that they ought to take place when the tenants do not pay their rents. The amendment continues, “and full powers to dispose of their improvements.” Many people think they have that power now. Then, the amendment to the sixth paragraph, sets forth that the time “is not far distant when it may no longer be necessary to deprive any of Your Majesty’s subjects in Ireland of their liberty for political offences and detain them in custody without trial in due course of law.” It seems to me the language of the Address is far preferable to that. It says :—

“We would further express a hope that the time has come when Your Majesty’s clemency may, without injury to the interests of the United Kingdom, be extended to those persons who are now imprisoned in Ireland charged with political offences only, and the inestimable blessing of personal liberty restored to them.”

The paragraph suggested by my hon. friend is not limited to political offences only. It says “political offences,” and we know that for the most part these are often bound up with other offences. Consequently the language of the Address before the House is in that regard safer.

I do hope most earnestly for the advantage of our country, for the sake of our population of Irish origin, who take so keen an interest in this matter, and

believing that it is calculated to do so much good, that the House will without a dissenting voice, adopt this Address as it stands.

At six o’clock the Speaker left the chair.

After Recess.

HON. MR. KAULBACH—I rise with a great deal of diffidence to express my views upon the resolutions which are now before the House. I feel much sympathy for the distress in Ireland, and am as desirous as any other British subject to ameliorate the condition of that country, and to maintain law and liberty in any and every reasonable and proper scheme which may be suggested, having those ends in view. If I thought the resolutions before us would have that effect, and that we properly could present them to Her Most Gracious Majesty the Queen; if I could believe that they would strengthen the hands of the Government and Parliament of England—much as I disapprove of such addresses as going beyond our province, I would give them my support. But I believe these resolutions, though couched in a specious and mild form, will appear to the English Government as savoring of dictation; they will, inferentially at all events, convey the impression that the Government of England do not know their own business and are not competent to manage the affairs of Ireland, and that we in Canada, in Parliament assembled, must shew them how it should be done. Those are the feelings which animate me in opposing, to some extent, this Address. But before going any farther I must say that if anything were needed to confirm me in my opposition to it, it has been supplied by the remarks of hon. gentlemen who have spoken in support of the resolutions now before us. I must say I listened with unbounded astonishment to the speech of the hon. leader of the Opposition in this House. In opening his remarks he seemed to reproach the hon. gentleman from Belleville (Mr. Read) and other hon. gentlemen for the acrimonious style in which they have dealt with this subject; and I must say that I did not altogether approve of some of the remarks that were made. The hon. mover of the resolutions (Mr. Howlan) and the hon. member from Hali-

fax (Mr. Power) I thought went further than was at all necessary and further than was a correct display of the wrongs of Ireland, and the causes of those wrongs, and have probably, and as I believe, lessened the chances of the address being graciously received, should it pass; but when I heard the hon. leader of the Opposition I was utterly amazed at the manner and style of his Address, and the way in which he presented this case to the House. Such addresses are I believe the cause of the great discontent and consequent great distress in Ireland at the present time; and similar sentiments expressed in and out of that country have caused disturbance, animosity and bad feeling among the people, exciting them to lawlessness, bloodshed and murder. That hon. gentleman's address breathed sedition.

SEVERAL HON. GENTLEMEN—Oh! Oh!

HON. MR. KAULBACH—Some hon. gentlemen may say "Oh! Oh!" but I am only expressing the feelings also of many hon. gentlemen around me. My hon. friend said: "Irish resentment is not to be wondered at" and "The union was obnoxious." He also told us that "changes brought about by agitation, although unconstitutional, might be approved of, and that force sometimes was necessary." My hon. friend the leader of the Government tried, I believe, to take the sting out of the remarks of the leader of the Opposition, to make them more acceptable to us and talked about the history and result and teachings of those revolutions referred to by the member for Ottawa. The hon. leader of the Opposition seemed however to approve of the course which has been pursued in Ireland and spoke strongly of her grievances; he said that agitation towards redressing existing evils, even if not confined within constitutional bounds, even though it assumed the position of revolt or rebellion, was not wrong. It seemed he would have us believe that the ends justified the means; his words tended to that effect. Now, I cannot be a party to, or endorse such expressions, and I believe if the Address goes to England, accompanied with the remarks of the leader of the Opposition, showing the feelings and promptings of that hon. gentleman, and other hon. gen-

tlemen who have spoken in a somewhat similar strain, all the grace will be out of it, and it will have the opposite effect to that which we should believe was intended by its framers. Instead of strengthening the hands of the English Government, such speeches will but misrepresent the feelings and sentiments of our people, and if read in Ireland will increase existing discontent, and therefore I regret the spirit so strange and so unlike himself, which seemed to animate my hon. friend when he addressed this House to-day. I am forced to say that he went beyond anything that I had ever heard on the floor of this or any other Parliament; he raised the religious cry, and showed the wrongs of Ireland in the past, going even back to the times of the Reformation. Many of the dark pages in the history of England were unfolded by him, and he showed how Ireland had been tyrannized over, and that she had every justification for the discord that prevails and that her present course, in redressing wrongs, was a proper one. Such a position does not seem to me consistent in a gentleman who is living under the British flag, and much less is it becoming in one who held, and yet holds, a high position in the affairs of this country. I shall now go over some of the reasons given by my hon. friend for the position he took. He said first, that we had a right to present such an address; but I must confess it appears to me a novel and unwise thing for this Colony to dictate to, or even advise, England how she should govern her people—how the internal and domestic affairs of Ireland should be conducted, or how subjects in her own country should be dealt with. It seems to me that while we have the right to approach the throne by petition, as the hon. gentleman said, we should do so graciously and respectfully, not in a spirit of dictation, and not accompanied by speeches of an inflammatory character, or presuming the existence of wrongs and misgovernment. In such a spirit we should not address Her Majesty. My hon. friend then said, it was the special right of Canadians to so petition, and referred to the American war, to the patriots who left the United States and came over here—the United Empire Loyalists. He said that we are to-day breathing the spirit of those men, and that in consequence of the sacrifices they

made for their country we have a peculiar right to approach the Throne. That is quite true, but the United Empire Loyalists left their homes all behind them in that country. We all know the trials and sacrifices those patriots made because they would not be parties to independence and to rebellion, because they wanted to maintain a United Empire, to live under the British flag; and it surely cannot be argued or believed that their descendants would favour an address like this—at least I do not believe there is a single descendant of the United Empire Loyalists in this whole country who would endorse the remarks of the hon. leader of the Opposition in this House, who instead of endeavouring to preserve in Ireland the glorious old flag and Constitution of England, would from dark days of history draw encouragement to revolt, rebellion, anything in fact to ameliorate the imagined wrong of Ireland,—what my hon. friend conceives to be wrongs. My hon. friend then went on to shew that Irish resentment towards England is not to be wondered at, that the Union was obnoxious. I am not going back to the time of the Union, which was done and ratified by the Irish Parliament, I think in 1801, by a vote of two thirds of its members. Every country has had its dark days, every history its dark pages from which we can learn wisdom, but it is not for us, on such a matter as this, to go back to rebellious times, the times of violent struggles for ascendancy between the Protestants and Roman Catholics of those days and fight them over again here. They are past, and I believe gone forever. I, for one, shall not favour the arraying of Catholics against Protestants as my hon. friend has a tendency of doing in dealing with the wrongs and probable injustices which Ireland has seen. Our plain duty, it seems to me, is to rejoice in the granting to Ireland of all the liberties which she should enjoy under the constitution; but when we endeavour to secure that by inflaming the minds and prejudices of her people and adding to their feeling of discontent, our power to help is gone and we cease to act as loyal and peace loving citizens. The people of the British Empire, everywhere, have many blessings and privileges unknown to most countries and have every legitimate and constitutional means of agitation—through the

press, through their representatives and through other sources which are open to the humblest subject—and those only ought to be employed. I repeat, that the hon. leader of the Opposition's remarks in this House suggested other means of which loyal British subjects cannot approve; he said, at least, in effect, that any means, whether proper or improper, constitutional or otherwise would be justified when the end in view was the redressing of the wrongs of Ireland—wrongs which, to a large extent, I believe, exist only in imagination.

HON. SIR ALEX. CAMPBELL.—The hon. gentleman who spoke (Mr. Scott) is not here, and I really think it is not fair to put in his mouth the sort of argument which the hon. gentleman from Lunenburg (Mr. Kaulbach) is doing. He (Mr. Scott) was merely referring to the history of those disturbances for the benefit of the House and was not justifying them at all, as my hon. friend has said. The previous speaker (Mr. Scott) only pointed out that these movements had existed, that these events had taken place, and that all great changes had, as a rule been preceded by great agitation and great efforts.

HON. MR. KAULBACH—I only hope that may be the view which the people of this country will take after hearing that hon. gentleman's speech, but I think the general understanding by hon. members of his remarks was that these wrongs existed in Ireland, and that she was right in or had reasons for adopting the course which she had pursued—

HON. SIR ALEX. CAMPBELL.—No; I think it was said that if Ireland had taken this course, we really ought not to be surprised in the face of the great difficulties that existed and had occurred,—that was the kind of argument, I think.

HON. MR. KAULBACH—My hon. friend said that unconstitutional agitation for changes might be used and approved of—which means rebellion and anarchy.

HON. SIR ALEX. CAMPBELL.—No; he said it had been used.

HON. MR. KAULBACH—Well; I do

not wish to misconstrue my hon. friend's remarks. But further, he went on to say that no degrees could be conferred upon a certain body to which he belonged, that it was proscribed, and he went back to the worst days of religious intolerance to shew the wrongs of Ireland, and her present disadvantages—for what purpose?

HON. MR. ALLAN—He had a perfect right to do that.

HON. MR. KAULBACH—I consider he should not, in dealing with a resolution like this, for which we should endeavor to secure a gracious reception; it should not be accompanied by references to the wrongs of Ireland, whether real or imaginary, going back to past centuries. Such a course does not conduce to the benefit of Ireland itself, and will not commend our resolutions to the Parliament of Great Britain; that is the position I take. I must say I am surprised that my hon. friend from Toronto (Mr. Allan) should support the views of the leader of the Opposition.

HON. MR. ALLAN—No, No; but I like fair play, and I do not like words being put into a man's mouth which I do not think he ever uttered; at all events not in the same sense as my hon. friend says. That is all.

HON. MR. KAULBACH—I repeat that my hon. friend (Mr. Scott) the leader of the Opposition went back to the Union to show the wrongs under which Ireland suffered; he said that an Irish Roman Catholic had to conform to the 39 articles of the Church of England before degrees could be conferred upon him. And it was not strange that intense discontent and agitation existed. I am showing that such statements cannot be brought up in this House to effect any good purpose. I am sure hon. gentlemen on both sides of this House will disapprove of any course which tends to excite religious feeling among the people of this country. The leader of the Opposition in this House is an old parliamentarian and knows what is the proper course, and unless he has some ulterior purpose to serve, he might have adduced sufficient arguments in support of his views on this subject without going back to history to paint the wrongs

in Ireland which do not exist at the present time. Will my hon. friend (Mr. Allan) tell me that Roman Catholics cannot take degrees except they conform to the 39 articles of the Church of England—my hon. friend from Toronto surely does not mean to say that?

HON. MR. ALLAN—Of course not.

HON. MR. KAULBACH—The hon. leader of the Opposition here, also said there were no colleges in Ireland to which Roman Catholics could belong. Now we know that Maynooth college is entirely a Roman Catholic institution, and it is supported by public grants, from the public revenues of the country. He also referred to the other colleges. I believe Dublin College is a Protestant institution and was incorporated centuries ago—probably in the time of Queen Elizabeth; but there are other colleges I believe—some three or four Queen's Colleges—which have no tests and which are open to men of every denomination. A man can go in there and take his degree without reference to his religion; yet my hon. friend the leader of the Opposition would let this impression go abroad among the people of this country that the people of Ireland were in past times, and are to-day, laboring under disabilities, which I state do not exist. An hon. gentleman behind me says that many professors in the Queen's Colleges are Roman Catholics, and I must say the leader of the Opposition on this point went farther out of his way than I think was at all proper or justified by facts.

HON. MR. RYAN—The Queen's Colleges in Ireland are not Roman Catholic colleges.

HON. MR. ALMON—No; but I think the professors—some of them at all events—are Roman Catholics.

HON. MR. KAULBACH—I did not say they were Roman Catholic colleges.

HON. MR. RYAN—I did not hear the hon. gentleman distinctly; I misunderstood him.

HON. MR. KAULBACH—Then the hon. gentleman (Mr. Scott) went back to the Irish Emancipation, and to Daniel

O'Connell. I say, in regard to the acts and events of those times, that there was much in his principles and actions to admire—and whatever else may be said of O'Connell, he was forced to be, for a time, an agitator outside of the constitution.

HON. MR. HOWLAN—Oh, no!

HON. SIR ALEX. CAMPBELL—His whole tenor was that he was inside the constitution.

HON. MR. KAULBACH—I say that O'Connell endeavored to avoid agitating improperly; his aim was not to incite rebellion.

HON. MR. HOWLAN—He worked inside the constitution.

HON. MR. KAULBACH—I believe for that he is decried by some Irishmen of the present day, that he did not act outside the constitution; that he did not encourage violence. He endeavored to fight the difficulties of that time under and by constitutional means and by every legitimate means. He tried to redress the wrongs of which the Irish people complained, and he succeeded, but not in the way which has been followed and encouraged at the present time. The people there are now told “do not obey the laws do not perform and fulfill your contracts, do not pay your rents, etc.” Now the great object of O'Connell's agitation was to have Ireland's wrongs righted in a spirit of loyalty to the Crown and he succeeded in securing municipal reforms—Irish emancipation and on the Tithe question.

HON. MR. HOWLAN—I would like to say one word, though I do not wish to interrupt the hon. gentleman. I noticed in the papers to day a statement that Mr. Parnell had been released from Kilmainham. I would ask the hon. gentleman if Mr. Parnell is any more loyal to-day than he was yesterday?

HON. MR. KAULBACH—Mr. Parnell and others were put in jail, under exceptional legislation, to protect the country from their seditious language—from its effects upon the people—to vindicate Imperial power and authority—to prevent

the people from murdering and committing other crimes. As long as he and his associates kept within the Constitution, they were not interfered with by the Government of England; but when they agitated in an illegal manner, and by their manifesto declared the people should pay no rents, no doubt he has been made to understand that he must cease to oppose the execution of the law; and we may hope that, with the release of the suspects, the days of outrages are ended, and that they can be liberated without danger to the peace of the country: the prison doors have been opened, and they are free. It must be remembered, however, that they are not prisoners charged with being personally concerned in the outrages. They were rebels against the country, and inspired other people to revolt, though they did not enter personally into the fray. However, England has thought fit to open his prison door, and I am glad of it, for that very fact is another proof that there was and is no occasion for these resolutions. The moment the English people heard of our action in passing this address, we were told in unmistakable terms to mind our own affairs. The organ of the British Government, the *Daily News* I think, said in effect that Canada had better leave the Mother Country to deal with its own affairs, that England did not want to be dictated to, but could attend to the domestic and internal affairs of Ireland without any instructions from her colonies.

HON. SIR ALEX. CAMPBELL—My hon friend must bear in mind that that was before they saw the terms; they know nothing in England of the various passages in the Address: they just know generally that there was an address—that is just a newspaper paragraph.

HON. MR. KAULBACH—Yes, but if they had known of the addresses of members of this Parliament I am afraid the language that came across the wires would have been still more severe. If they had known of the remarks of the leader of the Opposition (Mr. Scott), I fear the wires would have told a very different tale. As I said before I am glad that these prisoners have been liberated, and we know that they were not imprisoned until the whole press of the country spoke out against the vacillating and uncertain

action of the Government, and their imprisonment under the Coercion Act, which served an important purpose and put violence under restraint, and rents were better paid than in the time which preceded their arrest. Even the Globe, the organ of the Opposition in this country, approved of that policy of incarceration pursued by Mr. Gladstone's Government towards Mr. Parnell and his associates. I am glad to know, as my hon. friend has reminded me, that Kilmainham gaol has been opened, and that Parnell and Dillon and O'Kelly, members of Parliament, have been released, and I hope when they go back to the Parliament of England they will have learned wisdom and will see that England of itself is able, ready and willing to remedy the wrongs of Ireland if she is let alone and the agitators and Fenian emissaries from the United States are kept out of the country. I believe that there would be no occasion for addresses of this kind from us or from anyone else if it were not for the Fenian organizations in the United States. It is not the wrongs of Ireland they look to; it is for an opportunity to make an attack on England. When they found they had not the power to attack England, they attacked us, who had done them no wrong. I contend that it is through the influence of the secret organizations in the United States that this agitation is kept up and encouraged. I repeat, the wrongs of Ireland, if there are wrongs, should be remedied, but it is only when there is a prospect that it will create rebellion, or destroy or disturb the union with England, that money is sent across from the United States. I believe that many who contribute money to these Irish organizations do so from motives of patriotism, and pity for destitute Ireland and friends at home. I believe most of them have been deluded, and their money is devoted to a different purpose from what the givers intended. I believe that there will be misery, distress and agitation in Ireland so long as these secret organizations are in operation, and agitators from the United States, and the press and gold of the Americans, are permitted to poison the minds of the people. We see by the telegrams to the press to-day that the British Government are determined to do all in their power to redress the grievances of Ireland. Every nation

has its grievances, and every nation has its dark days, and Ireland should learn wisdom from the troubles of the past, and by constitutional and legitimate agitation no doubt will obtain further concession, and endeavor to live in harmony under the free institutions of their country and the flag and constitution of the Empire. We are asked how long would the people of the different Provinces be satisfied under a legislative union? I ask suppose one of the Provinces desired to leave the union would we be content? I should say not. My hon. friend contends that none of our Provinces would be satisfied to have their local affairs settled for them at Ottawa. The hon. gentleman from Victoria said that it would be better for British Columbia if they were, and I know three Provinces down by the sea that would be very glad if they could get rid of their local institutions and unite them all under one legislature. My hon. friend has talked about the manner in which the lands were taken from the Roman Catholics of Ireland in years gone by; but he forgets that it was the result of a struggle for supremacy between the Roman Catholics and the Protestants. That was the condition of affairs in England at one time, as well as in Ireland; sometimes the Roman Catholics were the dominant party, and sometimes the Protestants. But these struggles have ceased, and the hon. gentleman from Ottawa should be the last to bring up at this day the wrongs of past generations, and perpetuate feelings in this country that should not exist. The hon. gentleman talked of the Grand Juries, of Queen's Counsel, of Justices of the Peace appointments, but after all he has failed to show us any wrongs that exist in Ireland at the present time. He has had to go back to old times and old prejudices, and then asks us if we in these provinces would be satisfied to have all our justices of the peace appointed at Ottawa. For my part, I think it would be far better if the justices of the peace were appointed by the Dominion instead of the Local Governments, because the criminal laws are within the jurisdiction of the Federal Government. As regards grand juries in Ireland, the same law exists there that is provided for England and Scotland, and I am sure that if Ireland is in a proper condition to have municipal institutions

there should be no objection to giving them to her. These are all the wrongs of Ireland that my hon. friend has been able to lay before us, and to these wrongs he attributes the troubles and distress of the Irish, and asks us to pass an address, couched in terms that, to my mind, are not justified by the condition of Ireland, and not calculated to further the objects that it seems to have in view. I believe, and am very glad the hon. gentleman has acknowledged it, that a ray of light has fallen on Ireland, and that the British Government are going to adopt a new policy towards that country.

HON. MR. HOWLAN—Will you vote for the Address then?

HON. MR. KAULBACH—I am satisfied that I cannot do so: the more the matter is discussed the greater is my objection to it. Instead of the renewal of the Coercion Act, I believe that England is going to improve the administration of justice, so that there will be greater protection for life and property in Ireland. The hon. gentleman has spoken of William Shaw M. P. being made Secretary of State, as a rebel, or one of these home rulers, and that he has been rewarded for his agitation by this high appointment. I believe that every loyal subject of Her Majesty can approve of the course taken by that gentleman. William Shaw was and may yet be a home ruler, and may be appointed Chief Secretary, but it must be remembered that he never advised the rash course taken by Parnell and others. Mr. Shaw was the leader of the national party but he believed in and trusted to the constitution of his country; he believed that under the power of that constitution all the wrongs of Ireland would be righted; he did not ask for Ireland what Ireland did not want, nor did he counsel Irishmen to pay no rent and wrong those who depended on the income from their properties for an existence. I believe that the parties in Ireland to-day who most require aid and protection are not the tenants but those who are deprived of their means by the no rent cry, and those who do pay their rents and those of the tenant farmers who are able and desirous to pay their rent but dare not do it in consequence of the terrorism exercised over them by the Land League—a

secret association that seems to sanction every crime against every tenant who does not submit to its dictation and pays rent,—to carry out their object. I am strongly in favor of an amendment to these resolutions if they pass at all, because as they now stand they convey a censure on the British Government—that these suspects have been too long in gaol and that they should be released. The amendment moved by my hon. friend from Prince Edward Island was supported in a calm reasoning manner that appealed to the intelligence of the House and won a great deal of admiration from myself. I approve of especially the last one in which he says that whenever England feels that the time has arrived that it will be no longer necessary to keep these suspects in prison that their liberty should be restored to them. I think no person can object to that, but the resolution as it stands now is rather an implied censure on the Government and dictates to them what they should do. The hon. gentleman who introduced these resolutions (Mr. Howlan) led us to believe that everything was wrong in Ireland; that the Government was wrong; that the administration of the laws was wrong; that the landlords were wrong; and the rent was wrong; and I think he compared the landlords to vultures preying on the vitals of the country.

HON. MR. HOWLAN—I quoted that as the opinion of a Bishop of your own church—I know that you are a high churchman.

HON. MR. KAULBACH—That may be, but I do not endorse it as my hon. friend did by quoting from a book in support of his contention. I believe that there are many more good landlords in Ireland than bad ones, but there are men in all communities who try to exact too much from those who deal with them. I believe that the position of a landlord in Ireland is such that he is proud of his position; that he likes to go amongst his tenants and feel that they are happy contented and prosperous. My hon. friend however, would lead us to believe that they are all of the vulture tribe who would prey on the vitals of the country.

HON. MR. HOWLAN—I cannot per-

mit the hon. gentleman to put words in my mouth that I did not use. I quoted from the published utterances of the Protestant Bishop of Kilkenny, and gave my authority.

HON. MR. KAULBACH—I am not desirous of putting words in the hon. gentleman's mouth, but I say that he endorsed them. If the hon. gentleman says he does not endorse those views, then it shows to what shifts he was driven to make out a case against the landlords. My hon. friend has not shown that there are any disabilities or wrongs existing in Ireland to-day that do not exist anywhere else. The rents of Ireland are less than they are in many parts of England or Scotland. I take the figures of the hon. gentleman from Quinté, who tells us that in Ireland the rents average \$3.30 per acre, in Scotland \$4.75, and in England \$15, and that 36,214 persons in Ireland own land in quantity below an acre each. We know very well that the land in Ireland is as good, if not better, than it is in Scotland, and why it is that an Irishman cannot pay as much rent as a tenant in Scotland I cannot see, or that he should be considered down-trodden because he is asked to pay it. The present condition of Ireland is greatly due to the want of education; that, because of the ignorance of the people they are imposed upon by agitators. Although they come from the same countries, and are of the same lineage and race as the Scotch, for some reason, I know not what, they are quite different in their character, habits and temperament. The Irishman prefers to live at home in squalor, rather than go abroad for a living; Scotchmen are more "canny," and they will make a living anywhere; but the generous, warm-hearted, hospitable Irishman—and their hospitality is unbounded—prefers poverty at home rather than leave the land of his birth, while his generous impulses sometimes carry him so far that he will knock his friend down for love. It is the impulsive Irishman, not the cautious Scotchman, that gets into scrapes. I believe that the greatest remedy for Ireland to-day would be education; they are far behind England or Scotland in that respect. Of the marriages registered in Ireland in 1876, thirty-two per cent. of the males and thirty-seven per cent. of the women could not write and had to make

their mark on the marriage registers; and yet I think I heard my hon. friend from Prince Edward Island say that in education Ireland was not behind-hand. Now, if my figures were right (I took them from "the Statesman's Year Book" for 1880, and that is the proportion of ignorance among the marriageable class in 1876) what must yet be amongst that part of the population more advanced in years? It certainly must have been greater, a much larger proportion must have been laboring under the same disability, a want of education. But I believe that Ireland's condition is being rapidly improved and ameliorated; education is advancing rapidly; the farm labouring classes are fast taking advantage of the present school system, and the youth of the country generally are becoming educated and thereby the condition of Ireland will soon be changed. The people will read and think for themselves and will no longer be swayed into discontent and trouble by the appeals of agitators to the past wrongs of Ireland, such wrongs as we have heard on the floor of this House to-day. The day is coming if not present now when the parish or village letter writer will be no longer known or required in Ireland; when Irishmen can read and write for themselves; when they will at least gradually become owners of the soil and have a greater voice not only in the management of their own local affairs, but in the legislation of their country—and leave no room for the mischievous agitators, and social revolution will no longer exist, but peace and order permanently prevail. Lord Salisbury, the leader of the Great Conservative party, at a banquet at Liverpool lately, said in the course of his speech:

"If you wish to establish peace and contentment in Ireland you must do your best to bring the ownership of land again into single hands. You will see that I am referring to the proposal—notice of which has been given by my distinguished friend, Mr. William Henry Smith—for increasing those powers under which the Commissioners can now act for enabling Irish tenants to become, with perfect fairness and justice to their present landlords, themselves the owners of their lands. In order to get rid of this social revolution and to restore the Conservative instincts of society in Ireland, your effort must be, instead of giving concessions to agitation, to provide the population of Ireland with motives for resisting change. I do not know whether it will conciliate them or not. That is not the point to which I am looking; but I know it will make them the defenders of the rights of

property, and as defenders of the rights of property restorers of that which will free us from the danger of social revolution which from the highest quarters has been threatened."

The great Fox long ago said that he was ready to give to Ireland all reasonable rights and liberties and thus leave no room for the agitator. These are the principles of the Conservative party—to restore conservative instincts among the Irish people and provide them with motives to resist agitation and change, and the Conservative leaders have further intimated that the State should buy out the landlords on a basis of 21 years rent—judicial rent which is about 25 per cent less than rates heretofore charged—thus removing landlordism and creating a peasant proprietorship. This no doubt has alarmed Gladstone and compelled him to some extent to change his uncertain and vacillating policy. That is the spirit of the Conservative party—as far as possible to do justice to the landlords, and to give the Irish tenants rights to the soil. I would go as far as any man to let them have that—to protect them in their homes, and I consider it the only, or at least the best way, to ameliorate the condition of the Island. But Ireland can never obtain this through agitation, violence, and bloodshed. She never can get it through Fenian inspiration: she can only secure it by constitutional measures. What did the member for Tipperary (Mr. Smith) say? On the 20th April last he remarked, "we must denounce the Land League," and he declared "until that conspiracy is demolished Ireland can never know peace." Mr. Smith declares that the Land League is the only trouble, and until it is subdued there can be no prosperity for Ireland. Thousands upon thousands of dollars have been dragged from the poor Irish people on this continent to keep up that agitation, and those whose dupes they are know that when the agitation ceases their occupation will be gone. I hope the time will come ere long when every man in Ireland will feel that he has a right in the soil, and when the Government will see that the best way to rule Ireland is not by the terror of arms but by righting wrongs and protecting all classes, not by the might, but by the conciliatory power of the Empire.

HON. MR. POWER—Hear, Hear.

HON. MR. KAULBACH—My hon.

friend says hear, hear—I will turn to his speech now.

HON. MR. POWER—I take it back.

HON. MR. KAULBACH—I do not feel inclined to let him pass since he has drawn my attention to him. My hon. friend (Mr. Howlan) who moved the resolutions took us back, the same way as the leader of the Opposition, to the events of the past centuries. He spoke of the troubles in the seventeenth century—1688—and the English Revolutionists.

HON. MR. HOWLAN—I never mentioned anything of the kind.

HON. MR. KAULBACH—My hon. friend certainly referred to those times and to the rebellion in France in 1776.

HON. MR. HOWLAN—I never referred to the rebellion in France, or any where else.

HON. MR. KAULBACH—It must have been the hon. member for Halifax (Mr. Power)—I have the remark down in my notes.

HON. MR. POWER—I never spoke a word about it.

HON. MR. KAULBACH—I understood that the hon. member from Prince Edward Island (Mr. Howlan) took the ground that these rebellions had resulted in benefit to the nations.

HON. MR. HOWLAN—I state most positively that I never made use of any such expressions.

HON. MR. KAULBACH—Somebody said it in this debate—I took it down at the time. However as my hon. friend from Halifax assures us that he did not take that ground I shall say nothing more about it; but I believe it was either the one gentleman or the other.

HON. MR. TRUDEL—He had it in his mind.

HON. MR. KAULBACH—Yes; no doubt they both had it in their minds. I shall now refer to the speech of my hon.

friend from Halifax. He went back to the distress in Ireland for one hundred years, and referred to the speech made in another place, mentioning the leader of the Opposition in that House. He extolled the eloquence and force of that speech, and said he might as well paint the lily as endeavor to equal it. I believe that speech was a censure upon the Government and Parliament of England, and will have a great tendency, accompanied by the speech of the hon. member from Halifax, to prevent these resolutions, if they do go home, from meeting with that courteous reception which an address from this Parliament should receive from the Government and Parliament of England. My hon. friend took a position which I think was not justified under the resolution and subject before us. He said that the poverty which prevailed in Ireland was due to the land tenure and the exorbitant rents exacted from tenants. The hon. gentleman went so far as to say that up to 1830 it was no great crime to shoot an Irishman. I do not believe that such has been the feeling in England. Britain watches over her subjects, and jealously guards life, liberty and property, and does not desire that any of her subjects should entertain any such feelings. The hon. gentleman said that England was lukewarm and indifferent to the wrongs of Ireland, and showed supineness in applying needful remedies; that she did not understand Ireland, and that he and those who concur in his views in Canada knew more about the condition of affairs in Ireland than the British Parliament, or even the people of Ireland themselves.

HON. MR. POWER—I beg the hon. gentleman's pardon; I never made any such statement as that.

HON. MR. KAULBACH—My hon. friend said that England was ignorant of the wants of Ireland, and of the country, and wishes of its people.

HON. MR. POWER—Yes, I said that.

HON. MR. KAULBACH—Now, I cannot believe that a greater stigma or reproach can be cast upon the intelligence of the people of England, its statesmen and rulers, than to tell them that they are ignorant of the condition of affairs in the

sister isle. It is preposterous and presumptuous to suppose that such a thing is possible, and yet more presumptuous that we should dictate to the Imperial Parliament as to the manner in which Ireland should be governed. The hon. member, in such terms as these, and with such reasoning, asks the Senate to adopt this Address. During all these times to which the hon. gentleman referred, and when, according to his account, it was most oppressed—between 1801 and 1846—Ireland increased in wealth and population. After 1846, the decrease was as rapid and continuous as the increase had been prior to that date. My hon. friend from Belleville (Mr. Read) has alluded to some of the probable causes of all this, and it may have been, as he says, the result of free-trade. Up to 1846,—while the population was increasing,—a protective policy to the industries of the country had prevailed; but in that year free-trade was adopted, and many products of the soil and dairy, which had previously been protected and furnished by Ireland, were imported into England from France. My hon. friend from Belleville has referred to the remarkable fact that in 1880 the eggs and butter imported into the British Isles from France exceeded in value the wines and brandies by over two millions of dollars.

HON. MR. POWER—Does my hon. friend attribute the potato disease to free trade?

HON. MR. KAULBACH—I presume my friend refers to the famine in Ireland; but, I repeat, between 1801 and 1846 the population of Ireland increased by three millions, and that since 1846 there has been a decrease of three millions. In the former period the increase took place notwithstanding all the oppression and wrongs which, according to the hon. gentleman's account, the Irish people suffered, and that a protective policy prevailed; that since 1846, notwithstanding the rights obtained by O'Connell previously, there has been a continuous decrease, notwithstanding the legislation referred to, which had been passed to remedy the evils complained of, and that this decrease has at least attended the operation of the policy of free trade. Factories they have none of much account, excepting flax. I will not say whether the poverty and distress in

Ireland are most due to other causes, and to the fact that life and property are not safe there, that people will not invest their money in a country where agitation exists continually, and life and property are in danger. That is a subject for variety of opinion. I believe that if the Irish people felt that the land of the island was their own, and would properly cultivate it, it would be made to produce a great deal more than it does. It is a fruitful soil, capable of producing every thing except the finer kinds of wheat, and if the Irish people had a direct interest in the land, and would adopt a proper system of rotation of crops they would soon furnish the English market with many of the products of the dairy, and the cereals which are now imported from other countries, and especially from France; but this can never take place until the Irish are taught in a different school from that in which most of them have been trained. My hon. friend from Halifax (Mr. Power) talked of Home Rule for Ireland. I doubt if the majority of the people do in reality want it. I do not believe that the country at present is in a fit condition for self government. Until it ceases to be controlled by agitators, and until its people are educated and prove that they can maintain and support the laws of the land, they cannot be entrusted with self-government. Let England once feel that it would be a strength to the Empire to give her the right of local self-government, in some such manner as we possess in our several provinces, and it would gladly be given. England's desire is and must be that peace and prosperity should prevail everywhere throughout the Empire—that everywhere her banner floats liberty and happiness should dwell. England and the Parliament of England, is in a position to rightly understand what the evils or wrongs of Ireland are, and how they should be redressed, but the British nation will never consent to the disintegration of the Empire, which is the policy of the agitators who seek a separate government for Ireland: on the contrary, England desires to draw her colonies closer to her, and to consolidate the power of the Empire. My hon. friend from Halifax referred to the famine in Ireland, and asserted that there was a want of feeling in Great Britain towards the distress which prevailed in that country in those days.

Such assertions tend to no good, and I believe they are contrary to the truth. I do not believe them. Hon. gentlemen everywhere around me will support my assertion that no portion of the people of the country, England or Scotland, felt anything but sympathy and sorrow for the suffering population of the neighboring island. Did not England in every way render assistance? Private contributions were poured into the lap of Ireland and the public exchequer was opened to relieve her wants. From the colonies and other parts of the world assistance was given to save the destitute and starving people. My hon. friend is wrong when he says that England looked with indifference on the distress in Ireland, and his remarks were only calculated to foment discord and bad feelings and to alienate the Irish people from the Empire—to make them feel that they are not an integral portion of the British Empire and people. Such a policy is calculated to do great harm, and to keep alive the feuds and discords of the past which should be buried in oblivion. Such speeches delivered in this House, or outside of it, instead of ameliorating the condition of the Irish people, only tend to aggravate their wrongs if any do exist.

HON. MR. HOWLAN—There are some wrongs then?

HON. MR. KAULBACH—I said if any wrongs exist. As regards the condition of Ireland I shall say nothing more, but in reply to the last remark of my hon. friend (Mr. Howlan) I say that there are some grievous wrongs in Ireland, as was clearly shown by Earl Spencer the present Viceroy or Lord Lieutenant of Ireland, when he moved the Coercion Act in the House of Lords in 1881. In moving the second reading of the Protection of Property Bill, he showed us the condition of Ireland at that time; he showed that of 2,300 cases of agrarian offences committed in 1880 only 86 were followed by convictions; he showed the necessity for this law, and the difficulty of administering justice in such a country was shown by the large number of crimes and the small number of convictions. As long as this state of affairs continues “there are some wrongs there,”—wronges endangering the life and property of Her Majesty's loving

and law-abiding subjects. There must be better protection for life and property! As long as this agitation continues and secret societies exist, maintained by funds supplied by the enemies of England, Ireland can never be trusted with self-government. We, as British subjects, who feel the blessings of liberty and peace, and know that compulsion is alien to the spirit and genius of the British constitution, can well believe that constitutional means in a spirit of conciliation, without the aid of physical force, or the power of the Empire, will tend to relieve Ireland from distress, crime and misery. We in Canada differ very much, I believe, in opinion as to the best mode of managing the internal and domestic affairs of unhappy Ireland, and we should not speak in a spirit of dictation in advising the Imperial Government as to what its policy should be. Yet, we can express a hope that under wise counsels the blessings we Canadians enjoy, of peace, prosperity and happiness under the British flag, may be extended to every part of Ireland, and that under that old British flag and equitable and just laws wisely administered, Ireland may soon become peaceful, happy and contented.

HON. MR. ALLAN—The hon. member from Lunenburg (Mr. Kaulbach) said at the commencement of his speech that he did not see how any descendant of a United Empire Loyalist could join in an address such as we are asked to concur in to-day. Now I think I can boast of having as much United Empire Loyalist blood in my veins as any hon. member in this House, and yet there is nothing in the whole spirit and tenor of this address that I do not thoroughly and heartily concur in. The hon. member said that the address was conceived in a spirit of meddlesome dictation, and that the presentation of it to Her Majesty would be simply going out of our way to dictate to the Queen and the Imperial Government what they should do in matters in which we have no concern whatever. I fail to find throughout the address one single paragraph which could possibly be construed into anything like dictation. Again, it has been asserted by another hon. gentleman, who spoke in the early part of the debate, that this address implied that every ill which Ireland suffered under was

to be laid to the door of England. Now hon. gentlemen what is there in the language of this address that implies even the faintest shadow of such an imputation? Not one word, as I read it. Again, fault has been found with the Address because it contains no condemnation of the agrarian outrages and crimes and many unhappy occurrences which have stained the history of Ireland for some years past, and further it has been implied, if not absolutely suggested, by the remarks of the hon. member from Lunenburg that by joining in this Address we, were, impliedly sanctioning the unlawful practices, the illegal agitation, the violations of law and order which have unhappily prevailed in Ireland during the last few years.

HON. MR. KAULBACH—I said if the Address were accompanied by the remarks of the leader of the Opposition, instead of doing any good it would have a contrary effect.

HON. MR. ALLAN—I think every one within the sound of my voice holds but one opinion with regard to all the outrages and crimes which have occurred in that unhappy Island for many years past. I go further and say that I do believe that scarcely in all Canada could a solitary person be found who does not unequivocally condemn these offences, and therefore I cannot conceive, when we are all perfectly agreed, when there never has been but one opinion in regard to this matter throughout the whole community why it should be necessary to import any statement in reference to these offences into this address. I think the total absence of any allusion to those agrarian outrages and unlawful proceedings is the very best proof that we could not conceive it possible that any other idea but that of the strongest condemnation could be entertained by any one joining in the presentation of this address to the Queen and the Imperial authorities. But my hon. friend said, just now in explanation, that he did not mean to say that by joining in this address we impliedly sanctioned all that has been taking place in Ireland, but that the address being accompanied by the speeches of hon. gentlemen in this House, and I suppose of hon. gentlemen in the other House, would give some

colour to such an idea and would do more harm than good. Now, I was exceedingly glad to hear the hon. leader of the Government speak in the terms he did of the speeches of the gentlemen who moved and seconded this address in this House, and I most heartily endorse every word he said about them. I do not think it would have been possible for any subject of this kind to have been introduced by two Irishmen, with all the warm, impulsive feelings which we know characterize their nature, and with the deep sympathy they must necessarily have for the sufferings and misfortunes of their countrymen,—in more temperate and moderate language than that employed by both hon. gentlemen. As to the remarks which my hon. friend from Lunenburg made and which, he will excuse me if I say, were not altogether fair, in reference to the speech of my hon. friend the leader of the House in the late Government—I see he is now in his place, and it perhaps does not become me to attempt his defence when he is present—but I will say this, the hon. gentleman (Mr. Scott) simply stated certain historical facts, and he did that in answer to some speeches which have been made since this Address has been the subject of debate before this House, in which hon. gentlemen sought to prove that Ireland had no wrongs to complain of at all, except those of her own making. Now, I cannot conceive it possible that any unprejudiced man, who has read history at all, could stand up in this Chamber and say that Ireland has never suffered from mis-government, has never had any wrongs to complain of—that there have never at any time in her past history been unjust and oppressive class distinctions and religious proscriptions. As I understand the language of the hon. gentleman (Mr. Scott) all he endeavored to show was that these things did once exist, and that all those bitter feelings which now unhappily prevail, and which have more or less alienated one of the noblest divisions of the British family from the rest of their fellow subjects, have been the outcome of the wrongs of years gone by when these things did obtain, and when these grievances complained of did exist. That is what I understand my hon. friend to endeavor to prove, and in saying that he did not for one moment assert that he either

justified acts of violence which all of us condemn, or offences against law and order which may have been committed during periods of revolution.

HON. MR. MACDONALD—Yes he did. In my remarks I counselled peace instead of agitation. I was taken to task for doing so, and for advising peace and quietness in Ireland.

HON. MR. SCOTT—Not certainly by me.

HON. MR. MACDONALD—Yes, by the hon. gentleman.

HON. MR. SCOTT—The hon. gentleman entirely misapprehended my language. I am not conscious of having counselled dissension. On the contrary, I condemned anything like violation of the law. But I was pointing out, not alone in the case of Ireland, but in the case of other countries, how discontent was produced, and what it resulted in.

HON. MR. KAULBACH—I understood my hon. friend to say that great ameliorations had been brought about in many countries by agitation—agitation not within the constitution, but often rebellion. He cited the mutiny in India, the rebellion in Canada, and other instances, and from those drew the inference that the wrongs of Ireland could be redressed in the same way.

HON. MR. SCOTT—I thought I was very plain indeed in the line of my argument. I pointed out that ameliorations effected in the ordinary course of constitutional agitation had been brought about slowly, but when secured by violence had been accomplished rapidly. I did not approve of violence, but I cited facts, and I brought home to the memory of every hon. gentleman the results of rebellion in Canada. I did not myself approve of that rebellion. I was too young at the time to take an active part in it, but all my own family were on the side of the loyalists. That, however, does not make me indifferent to what was transpiring at the time and the consequences of that rebellion.

HON. MR. ALLAN—No one will accuse

me of anything like sympathy with rebellion. I was a boy at school when the rebellion broke out in Canada, and left school and shouldered my rifle for a year and a half in support "of law and order" and therefore I am not inclined to sympathise with revolution but I did feel it to be only fair when my hon. friend from Ottawa was not in his place to state what my impressions were as to the language of his speech in reply to the attack made upon him by my hon. friend from Lunenburg. In some other of the speeches delivered in the early part of this debate attempts were also made to show that there were really no grievances in Ireland which were not entirely the fault of their own people that Irishmen were improvident and unthrifty—that they drank too much whiskey!—and did many other things which, if they would only avoid, they might be a contented and a happy people. That this may be, to some extent, I do not deny; but no one supposes for a moment that these things are the sole causes of Irish misery and discontent, or can of themselves account for the existence of those strong and bitter feelings of irritation, and aversion to British rule, which have been occasioned by, and, as I said before, are the natural outcome of years gone by, when, unfortunately, there were class distinctions, proscription and misgovernment, which no longer exist. On the other hand, because we join in such an address as this, it does not mean that we are not thoroughly aware of the fact that England has nobly striven, for years and years past, to do her duty towards Ireland, and if, unfortunately, her statesmen have not always comprehended the best mode of dealing with that country, that has been their misfortune, but certainly not their fault. No one can deny what the hon. member from Lunenburg has said about English generosity, and the desire of England in Ireland's calamities to afford her all possible relief. Nobody can deny that the great problem which has occupied the attention of English statesmen for many years past has been how to render Ireland happy and contented.

HON. MR. KAULBACH—It was denied by the hon. member for Halifax.

HON. MR. ALLAN—I think not; but I leave the hon. gentleman to answer for

himself. We may put that to one side at once, and admit what nobody can deny, that in the past Ireland suffered a great many wrongs, and that the present difficulties which surround the administration of Government in that country are due, in a great measure, to what took place in former years; that English statesmen of all parties have been long striving to redress Ireland's wrongs and to render her prosperous and contented; and that the Parliament do not in any way, or in the slightest degree, by this Address, approve of, or condone the disorders which have prevailed, or the illegal agitation, which has unhappily been resorted to by misguided men in that unfortunate country. It has been asserted further in respect to this Address, by one of the speakers in the early part of the debate—I think I quote the words correctly—if I do not I am quite willing to be corrected—that the passage of this address was a mere "electioneering dodge on the part of the House of Commons." That is a pretty serious charge to make—that nearly two hundred gentlemen in the House of Commons, of both parties, would combine together and draw up an address to be laid at the foot of the Throne, simply to serve electioneering purposes in Canada; and again it was said, I think by the same speaker, that in the Senate we are far removed from the atmosphere of the House of Commons, that we are not dependent in the same way upon the votes of the people, and we should not therefore be a party to seconding this address. A great deal too was said, by another speaker, and said with some force, about the old proverb of "minding one's own business." That is a very excellent rule, and no doubt if it were more acted on in the world matters would go more smoothly every where, and even in this House at times. But there is such a thing as carrying the principle of minding one's own business to an extreme, and of our becoming so selfishly wrapped up in ourselves that we have no sympathy for the troubles or misfortunes of others, and I should exceedingly regret if ever the time did arrive when the Senate of Canada will not always be ready to join with their fellow-subjects in the House of Commons in response to any appeal that is made to us for the expression of our sympathy in the misfor-

HON. MR. ALLAN.

tunes or distress of any portion of Her Majesty's subjects. Lastly a good deal has been said about impertinent meddling with Imperial affairs, which this Address involves, and special reference has been made in connection with that to the clause in which the suggestion is contained with regard to granting some sort of self-government to Ireland, such as the different Provinces here possess over their own affairs. If hon. gentlemen would look at the wording of that paragraph, they would find that there is nothing disrespectful or dictatorial in it; that it simply sets forth the fact that we in this country, though a people of different religions and different races, have, under that system of self-government, managed to live together happily, and that we are a contented and prosperous people. All that we do suggest in that paragraph is, that peradventure if the same system were applied to Ireland, it might be found to work well there, and we merely offer the suggestion by saying, in reference to such local self-government, that we "would venture to express a hope that if consistent with the integrity and well-being of the Empire, and if the rights and status of the minority are fully protected and secured, some means may be found of meeting the expressed desire of so many of Your Irish subjects in that regard." Now, is there any thing in this paragraph more than the mere suggestion, and that couched, I think, in the most respectful terms in which it could well be expressed?

I hope, therefore, hon. gentlemen, that not only will the hon. gentleman from Prince Edward Island not persevere in his amendment, but that on the main motion the House may be unanimous, or, at all events, that the Address will be carried by so large a majority as to shew that although we in this Senate do not depend upon the votes of the people for our seats here, our sympathies are as strong, and we feel as deep and strong an interest as do the members of the other branch of Parliament in all that concerns the happiness and well-being of our fellow-subjects in every part of Her Majesty's wide dominions.

HON. MR. TRUDEL—My desire would be to leave you under the favorable impression created by the eloquent and judicious speech of the hon. gentleman who

has just sat down. Moreover, after the expression of the noble sentiments and eloquent speeches made by the leader of the Government and the leader of the Opposition, there is very little left for me to say on this question, but I think that on a question of such importance it is desirable that not only should both Houses of Parliament join in the Address before us, but that the sentiments in favor of the resolutions should be expressed in both of the official languages of this Dominion, and therefore claim the privilege of saying a few words in French: I will say a very few words on account of the very limited attendance of those who understand the language.

HONORABLES MESSIEURS—La présentation de cette adresse doit être considérée comme une bonne fortune pour nous, non seulement parce qu'elle nous fournit une occasion d'exprimer nos vives sympathies pour nos concitoyens irlandais et leur venir en aide, continuant ainsi les traditions de notre race sur ce continent, mais parce que la présentation de cette adresse est un de ces événements heureux qui permet à la population entière de la Puissance du Canada, quelque différente que soient ses origines, ses sentiments religieux et nationaux, ses lois et ses coutumes de s'unir dans un sentiment de commune sympathie pour une portion de nos frères malheureux. Oui messieurs, il est bon que de temps à autre, il nous soit permis d'oublier nos divisions, politiques et autres, pour nous réunir sur le terrain d'une commune fraternité et nous y donner la main.

Le but principal de cette pétition à Sa Majesté est de replacer l'Irlande sous un système politique qu'un célèbre homme d'Etat anglais, Edmund Burke, appelait "l'ancienne loi commune de l'Europe;" car, les institutions qui nous régissent ne sont autre chose, et c'est à certains Etats du continent, où elles existaient sous une forme un peu différente, que l'Angleterre les a empruntées, ainsi que le reconnaît le célèbre homme d'Etat auquel je viens de faire allusion. Il ne peut donc y avoir d'opposition à l'adoption du principe même de ces résolutions. Et je ne puis cacher l'étonnement dont j'ai été frappé en entendant quelques voix dissidentes venir briser l'harmonie qui, je le croyais du moins, existait sur cette question d'un bout à l'autre de la Confédération. Com-

ment se fait-il, en effet, qu'une adresse conçue dans des termes si humbles et si respectueux, rédigée de manière à ne pouvoir blesser les susceptibilités, même les préjugés de personne, comment se fait-il, dis-je, que cette adresse rencontre de l'opposition chez quelqu'un de nos honorables collègues ?

Honorables messieurs, que demandons nous à Sa Majesté par cette adresse ? En présentant cette pétition n'usons nous pas, avec justice et modération, de ce droit sacré, conservé à tout sujet de l'Empire britannique, de porter sa supplique aux pieds de sa souveraine. Je crois pouvoir résumer sous ces trois chefs, tout le contenu de cette adresse : 1. Nous faisons une demande dans l'intérêt du Canada ; nous constatons quelque chose qui est défavorable à la prospérité de notre pays ; nous exprimons le désir de voir disparaître certains obstacles qui s'opposent à ses progrès ; nous constatons, comme l'a dit l'honorable ministre de la Justice et autres honorables messieurs, des faits qui sont du domaine de l'histoire, des faits évidents, savoir : que l'émigration irlandaise est détournée du Canada par l'animosité qu'elle nourrit contre l'Angleterre et la répulsion qu'elle éprouve à vivre sous son gouvernement. Et pourtant, de quelle prix ne serait pas pour nous une telle émigration, pour nous aider à peupler notre magnifique pays ; une telle émigration deviendrait ainsi une grande force au lieu d'être une cause de faiblesse pour le glorieux empire britannique.

Nous constatons que, dans le Canada, les Irlandais comptent parmi les sujets les plus loyaux, les plus heureux et les plus dévoués de Sa Majesté. Nous démontrons l'avantage qui résulterait pour la Puissance du Canada et pour l'empire entier, d'assurer à ce pays le précieux concours de ceux des sujets irlandais de Sa Majesté qui seraient disposés à quitter leur pays natal. Nous travaillons à faire disparaître les obstacles qui sont la cause que le grand nombre de ces sujets irlandais se sont établis à l'étranger au lieu de venir ici, par l'aversion qu'ils nourrissent contre le gouvernement impérial. En agissant ainsi ne travaillons-nous pas dans l'intérêt de notre pays ? Il est donc inexact de dire que cette adresse est une intervention indue dans des affaires qui ne nous regardent pas.

Un homme d'État remarquable a dit

que ce qui a fait les Etats-Unis, ce pays de progrès matériels extraordinaires, ce peuple merveilleux, a certains points de vue, c'est moins les avantages exceptionnels de son sol et de son climat, c'est moins l'industrie de ses habitants que l'émigration.

Or, nous représentons respectueusement à Sa Majesté que le Canada et ses habitants ont prospéré grandement sous un régime fédéral qui laisse à chacune des provinces de la Puissance des pouvoirs étendus pour se gouverner elles-mêmes. Et considérant que le mécontentement existant parmi les sujets irlandais de Sa Majesté vient en grande partie de ce qu'ils n'obtiennent pas du gouvernement impérial toute l'attention qu'ils méritent, et qu'ils aspirent au droit de conduire eux-mêmes leurs affaires, nous demandons pour l'Irlande de semblables institutions ou plutôt nous ne demandons pas mêmes, nous insinuons délicatement au gouvernement de Sa Majesté que si l'Irlande possédait un gouvernement autonome, nous croyons que ce pays deviendrait un élément de force pour l'empire britannique, que le sujet irlandais serait aussi fier de se dire sujet de cet empire, qu'il professerait le même respect pour son gouvernement et pour son drapeau, la même confiance dans sa justice, le même dévouement et la même affection que ressentent les loyaux sujets de Sa Majesté en Canada. Nous croyons même que sinon le souvenir de ses malheurs séculaires, du moins l'amertume qu'il en ressent disparaîtrait à jamais.

En second lieu, nous exprimons notre demande croyant que la réalisation de nos désirs serait non-seulement avantageuse pour le Canada mais encore pour l'Angleterre. Il est en effet d'un intérêt majeur pour l'empire que les misères qui, depuis trois siècles, oppriment le peuple irlandais aient enfin un terme. Les statistiques établissent que durant les dernières décades au-delà de 3,000,000 d'Irlandais ont laissé le sol de leur patrie pour émigrer aux Etats-Unis. En laissant exister les principales causes de désaffection qui ont amené cette émigration, l'on peut dire que l'Angleterre s'est fait 3,000,000 d'ennemis qui aujourd'hui nourrissent l'idée de venger leur patrie. Tandis que, si l'Angleterre eut pris les moyens de diriger au Canada et de garder sous son allégeance ces 3,000,000 de sujets, elle aurait aujourd'hui

d'hui pour la défense de son drapeau 3,000,000 de cœurs aussi loyaux, aussi prêts à se dévouer pour leur souveraine que le sont nos concitoyens irlandais du Canada.

Oui, au lieu de millions d'ennemis qui troublent son repos et menacent sa suprématie, ce serait autant de millions de bras prêts à se lever pour la défense de leur commune patrie. C'est donc dans l'intérêt bien entendu de l'Angleterre que nous pétitionnons dans le sens de l'adresse.

Je n'ai pas été surpris d'entendre l'honorable Ministre de la Justice et d'autres honorables membres de cette Chambre reconnaître les griefs séculaires de l'Irlande et d'exprimer le désir de les faire cesser. Dieu merci ! nous avons, en Canada comme en Angleterre des hommes d'Etat aux idées assez larges pour reconnaître que la vérité a des droits supérieurs aux préjugés nationaux, pour déplorer les torts de l'Angleterre vis-à-vis l'Irlande et pour travailler énergiquement à les faire disparaître.

Je dis en Canada comme en Angleterre, car il n'y a que quelques semaines que j'ai eu l'occasion de causer sur le sujet avec plusieurs hommes distingués de l'Empire britannique.

Tous s'accordent à reconnaître et à déplorer les malheurs de l'Irlande. Et s'ils ne les reconnaissent ; s'ils voulaient recommencer le long procès qui se débat, depuis si longtemps, entre l'Irlande et leur patrie, on leur répondrait que déjà depuis longtemps l'Europe entière, tout le monde civilisé, se sont constitué en jury et ont prononcé sur les griefs de l'Irlande un verdict que l'histoire a enregistré.

Mais ils les reconnaissent. Et pour eux, la seule difficulté, c'est d'appliquer un remède pratique. L'on comprend facilement que des siècles d'oppression ont emplanté dans le sol de l'Irlande des abus qui ont poussé des racines bien profondes. Aujourd'hui, il est difficile de les déraciner sans affecter sérieusement l'ordre social, sans ébranler les fondements de l'Etat, sans mettre en danger, par exemple, l'autorité et la propriété : ces bases principales de l'ordre social. Ce que nous demandons n'est donc que ce que désirent eux-même les plus grands patriotes de l'Angleterre ; et nous aurons rendu un grand service à notre métropole, si nous contribuons à faire disparaître le sombre nuage qui depuis tant d'années voilent les

plus beaux rayons de la gloire britannique, obscurcissent ce qu'il y a de plus brillant dans cet empire dont un de nos collègues (M. Read) nous a fait un tableau si séduisant :

3°. Nous demandons pour l'Irlande un gouvernement autonome. Il me paraît également dans l'intérêt de l'empire britannique d'accorder à l'Irlande le *self-government*, le gouvernement des Irlandais par les Irlandais. En cela nous ne demandons rien de trop, car demander le gouvernement de l'Irlande par l'Irlande, c'est demander rien de plus que l'application même de la constitution britannique, dont le premier principe est : "le gouvernement du pays par le pays." Le gouvernement britannique mû par une ambition, louable peut-être, a voulu s'agrandir en s'incorporant l'Irlande et en assimilant les lois et coutumes de ce dernier pays aux siennes. Mais nous voyons, après trois siècles, que cette assimilation n'a pu s'opérer. Et quand j'entends dire, par quelques honorables messieurs, qu'ils ne voient pas pourquoi l'Irlande serait mise dans une position politique différente des autres parties du royaume, et qui doutent même de l'existence de véritables griefs, je ne puis m'empêcher de penser à cette histoire de Procus, ce fameux chef de brigands, qui réduisait tous les hommes à la même mesure. Il les assésuttissait sur un lit de fer et ceux qui n'étaient pas de longueur voulue il les étirait pour leur donner la grandeur nécessaire, tandis que ceux qui étaient trop longs il les coupait et les réduisait ainsi à la mesure requise.

Naturellement, je ne veux pas comparer la politique anglaise à ce lit de Procus ; mais il y a une grande analogie entre l'acte de Procus et celui de certains politiques qui ne tiennent nullement compte du caractère, des sentiments, des principes, des aspirations, même des préjugés d'un peuple, et qui veulent lui adapter des institutions politiques qui ne sont pas faites pour lui et que tout en lui répudie énergiquement. Il est impossible de faire perdre son individualité nationale à un peuple et de lui appliquer un mode de gouvernement qui ne lui est pas naturel. Les lois sont faites d'après le tempéramment d'un peuple et non le peuple d'après les dispositions des lois. Qu'arriverait-il, si nous voulions discuter cette question de la manière dont l'ont fait les adversaires de l'adresse ? Nous n'aurions qu'à faire

revivre ici tous les griefs de chaque partie et à renouveler les malheureuses luttes que nous déplorons. C'est ce que les moteurs de l'adresse ont eu la modération d'éviter. Il serait, dans mon opinion, facile de démontrer de quelles injustices a souffert le peuple irlandais. Mais nous voulons nous abstenir de le faire. Pour demander en faveur de l'Irlande son autonomie, il suffit de dire qu'après une expérience de trois siècles il est constaté que toute tentative de faire des deux nations un peuple homogène a failli et que l'Irlande est aussi différente de l'Angleterre qu'elle l'était il y a trois siècles.

Entre l'Irlande et l'Angleterre il y a ce que nos lois bas-canadiennes appellent "incompatibilité d'humeur." La loi reconnaît cette incompatibilité comme une cause légitime de séparation, de quelque côté que soient les torts, quelquefois ils sont du côté du mari, quelquefois du côté de la femme. Et souvent la loi, sans prononcer si les torts sont d'un côté plus que de l'autre se contentant de constater qu'il y a incompatibilité d'humeur, prononce la séparation. N'en devrait-il pas être ainsi de l'Angleterre et de l'Irlande, du moins quant à l'administration de leurs affaires locales respectives. D'ailleurs cette demande en faveur de l'Irlande est-elle si extraordinaire? On l'a dit déjà: les principales colonies de l'Angleterre ayant obtenu la plénitude de leur liberté politique, se gouvernent elles-mêmes. Et nous retrouvons un état de choses analogue dans plusieurs des principaux états de l'Europe. L'empire allemand n'a-t-il pas conservé au grand nombre des états de l'Allemagne qui le composent aujourd'hui leur autonomie nationale et le gouvernement de leurs affaires locales?

Et l'Autriche, avec la grande diversité de nationalités, de langages, d'intérêts divers qui divisent les peuples qui la composent, n'a-t-elle pas accordé aux nombreuses principautés qui la composent chacune leur gouvernement particulier? Ne voit-on pas tous les ans l'empereur d'Autriche aller, en sa qualité de roi d'Hongrie, faire l'ouverture de son parlement de Hongrie? Ce pays n'a-t-il pas son ministère tout à fait distinct de celui de l'Autriche et le gouvernant comme pays autonome? La Croatie et une demi-douzaine d'autres principautés qui toutes parlent des langues différentes ne sont-elles pas administrées

par des gouvernements distincts de celui de l'Autriche elle-même?

HON. MR. ALEXANDER—The hon. gentleman is mistaken. There is only the Government of Austria, and the Diet of Hungary, at Pesth.

HON. MR. TRUDEL—If the hon. gentleman will allow me, I do not think he is correct. It is possible that, at the time he visited these cities, it was as stated by him. But it is quite different now. I have had occasion to meet some of the high officials of both governments, who have explained to me the details of their political systems.

Pour tous ces raisons, hon. messieurs, savoir, dans l'intérêt du Canada, dans l'intérêt de l'Irlande, et même dans l'intérêt de l'empire britannique, j'ai la ferme confiance que cette adresse sera votée à une très grande majorité et que nos honorables amis qui ont exprimé quelque dissentiment reconsidéreront leur première décision, et se joindront à nous dans un vote unanime en faveur des résolutions.

HON. MR. SMITH—I am sorry to-night that I have not the gift of oratory, as I think it would be unbecoming of me to allow the Address to leave this House without identifying myself with the prayer of that petition. One reason for that is, I am a native of Ireland. I am a Canadian by adoption; I have spent fifty winters in Canada as a son of Ireland, as a citizen of Canada, and as a subject of the British Empire; prepared to stand by the union of Great Britain and Ireland; prepared from this moment forward to forget the wrongs and injustice of the past—for God knows we have had enough of them. It should be the study of every hon. gentleman who takes part in this debate to avoid casting any reflections on Englishmen or Scotchmen, or on the poor Irishman, though he may, as stated by one hon. gentleman, be somewhat inclined to indulge too freely in intoxicating liquors. I stand here to-night with the hope that the time is not far distant when there will be brighter days for Ireland. Looking back to the years of my boyhood, more particularly to the year 1837, when Her Majesty ascended the throne of England, I find, that although the measures are coming very slowly for

the relief of unfortunate Ireland, not one measure has been recorded on the English statutes that is harsh in its provisions towards the Irish people. The tendency of all legislation, of recent years, although it has come slowly, is towards reform in Ireland, and I hope the day is not far distant, when Her Majesty will say to Her Irish subjects, "We have given you local legislation, county rights, provincial rights, and a Parliament to govern Ireland, in unity with Great Britain," a Parliament in which no man will care to be known as the advocate of disruption of the union. The man who advocates anything else for Ireland but union with England, is no friend to Ireland or Ireland's sons. What I want to see in Ireland is, that the people there shall have the same rights and privileges that we in Canada enjoy; that they shall have the management of their own local affairs, while the Parliament of England looks after matters affecting the general welfare of the Empire. I have lived in Canada for fifty years; I served my adopted country during the troubles of 1837, when I was so young that the captain of the company that I sought to join said to me, "Go away, you little fellow; you are not old enough to serve;" but I did enter the ranks at Osgoode Hall, Toronto. Again, in 1866, when the time came for me, as a son of Ireland, and as a Canadian and a British subject, to speak out, who was it endorsed every word I said in defence of Canada? Why, hon. gentlemen, it was the Irish yeomanry of Canada, ninety-five per cent. of whom are Irish Catholics. They said, "We will stand by you; every word you say is correct; the Government of this country is a liberal government; we have equal rights here, and if necessary we will shoulder our muskets in defence of our adopted country and its laws." During those times there were men bigoted enough to accuse every Irish Catholic in this country of being disloyal to the British Crown and false to Canada. Why did they do so? Because they did not know the Irish feeling and they did not know the Irish heart; they did not know that the Irish are loyal to the Government in any country that treats them fairly, and respects their rights. That was the feeling of Irishmen in Canada, and that was my feeling on that occasion. But there were a few exceptions, for you must know that in all nations

there are exceptions, and in 1866 disbanded soldiers from the United States—not all Roman Catholic soldiers, as the records of Toronto will show, but one-half of them Protestants—crossed over to Ridgeway. It was not because they wanted to invade Canada as a British colony they came; it was because the civil war in the United States was over—their occupation was gone; they did not want to work, and they preferred to raid any country rather than go back to their legitimate callings. These were the men who invaded Canada in 1866. But I look forward to the day when Ireland will have her own local Parliament, and when an Irishman leaving Ireland will do so as a friend, and not as an enemy, of the British Government. It has taken the statesmen and the people of England a long time to become educated as to the requirements of Ireland. It was well shown when the Duke of Wellington passed the Emancipation Bill; it was well shown when an English mob showed their disapproval of the measure by breaking the shutters of his office windows. But British statesmen are gaining a knowledge of Ireland more rapidly now than they did in the past: they learn more now in one year, than they did in twenty-five in the past. The locomotive, the steamboat and the telegraph enable the people to become better acquainted, to form better opinions of each other, and to acquire more accurate information as to the requirements of their country. There is no reason why the best men in Ireland should be driven to foreign lands, embittered against the British Empire, to fight the battles of foreign nations. And I heartily believe that after five years of self-government, Irishmen would be prepared to acknowledge that they had received justice from England, and would be ready to say, "let us forget and forgive;" and the young man, leaving his native isle, would say, "father, I am going away to a foreign land, but if the day ever comes that it is necessary, I shall return to give you a helping hand, I shall be ready to do so, because it is the land of my birth." Hon. gentlemen must be aware that wherever England has called on the sons of Ireland to uphold the honor of Great Britain, they have done good service, not only on the field of battle, but in the Parliament of England. Wherever England has given Irishmen positions

of trust those trusts have been faithfully kept, and Ireland's sons have stood up manfully for England's rights in many a hard-fought field in days gone by. As a true British subject, a Canadian by adoption, one who wishes Ireland well and is prepared to stand loyally by England to the last, when she gives me and my countrymen equal rights, I contend that it is unjust for one portion of the community to say that every man who belongs to a certain creed and a certain church is not a loyal subject. It is not the case, for the church that I belong to teaches nothing but what is true to the British flag, when justice is done. The church teaches that in Ireland to-day, and it teaches it here in America. but I may say this that Ireland will agitate, and should agitate in a legitimate manner, until the Parliament of England grants them such rights of self-government as we here in Canada enjoy. I do not intend to detain the House very long, but I wish to suggest a remedy for the Irish difficulty: let the British government purchase the lands of Ireland from the landlords, at a long date, at a reasonable rate of interest, giving a fair price for them. Then let those lands be sold to every man who wishes to buy, in such quantities as the purchaser may be able to pay for within a certain period of years. Let these payments be made in annual instalments, and these instalments year after year, with interest, will recoup the British Government for the investment that they would make, without any cost to themselves, because the present land proprietors would find it convenient to have their money out at interest for long periods, on good security. The purchaser of a farm of twenty-five or one hundred acres would pay the money into the British Government in yearly instalments, and when the whole amount was paid up he would then be proprietor of the soil. Give Ireland a measure of relief somewhat like this, and give them a local Parliament, and you will find that they will ask no more. I believe that it is the intention of the present statesmen of England to do something of this kind, and that the time is not far distant when local self-government will be established in Scotland and England also. Some hon. gentlemen say, "Now tell us what you want?" Ireland has had no Parliament, no county legis-

lation, no self-government for many years, and it is hard for them to step out on the instant and submit a scheme; but let them appoint a Commission of Englishmen, Irishmen and Canadians and they will soon submit to the British Government a system such as we in Canada now enjoy, and under which the people are prosperous and contented. On the face of the earth there is not a more fertile or better governed country than this Canada of ours, and a better people, or a more liberal people, cannot be found. I speak from long experience amongst men of my own race and religion, and amongst others. I have never been treated harshly; I have never been wronged in Canada, and therefore I have a right to point out to my countrymen at home the advantages which Canada presents for all those who wish to come and settle in this new country. We have lived twenty years in the last three or four years. Our great Northwest has been opened up and Canada has made more progress in the last four years than it had done the previous quarter of a century. We have a liberal government, and no matter what altar a man kneels at he will not find himself on that account excluded from civil or political rights; they are free to all. We have equal rights on juries, equal rights in schools, equal municipal and political rights, as subjects of Her Majesty, in this "Canada of ours," and the Irish people at home should know that here under the British flag we enjoy a greater measure of freedom than the people of any republic in the world. If we have not good government the fault is our own, as the people have it in their own power to make and unmake governments. We live in an era of progress, when men learn more in one year than in former ages they learned in forty; railways, telegraphs, steamships have all come into existence within my own lifetime, and why should we not expect that within the next twenty-five years our progress will be still greater. There has been a great deal said about the prayer of the petition before the House; if there was one word in it, that I believed would wound the feelings of any British subject it would not be there with my consent, for I share the responsibility with my fellow-countrymen in framing those resolutions. It was not a Catholic *clique* that framed those

resolutions; they were assisted by the liberal Protestants of this country. The Address has passed the House of Commons, and from the time the notice of it was first placed on the order paper in the other House to the present time no petition from the country, no remonstrances from the press or from the people of this land has been sent in against it. That Petition is to be laid at the foot of Her Majesty's throne; it asks what every British subject has a right to ask, no matter how humble his position may be: a measure of relief for those who consider they have wrongs that should be remedied. Whether the wrongs be great or small, so long as they exist, let us endeavor to remove them by adding our names to the prayer of the petition and by giving it our unanimous vote in this House. I am sure that when it is laid at the foot of the throne, Her Gracious Majesty will not find fault with me, as a Senator of this Dominion, for asking that she shall advise her Government to grant legislative relief to Ireland, with the understanding that Ireland shall still remain in the Union, for anything else would be ruin to that country, an island no larger in extent than our own Lake Superior, a small area as we regard it in this great Dominion. Independence is out of the question, and no friend of Ireland would advocate it. The hon. gentleman from Quinte has quoted statistics to show that Ireland pays an annual rental of £65,000,000—£50,000,000 for land rent, and £15,000,000 for tenants and messuages. All that money goes out of the country to support landlords in luxury; it never comes back, but has to come out of the soil of that little island. Only one third of the soil of Ireland is cultivated, the balance being rocks, grazing land and moss. On a system of purchase at long date, and re-distributing the lands amongst the farmers who wish to purchase it, that £65,000,000 would be paid out of whatever profits were made over and above the cost of working the land, and the property would belong to those who lived on it, the people would be satisfied and the country would prosper.

HON MR. DEVER—Hon. gentlemen: At this very late hour of the night I feel hardly able to go into this vexed question at any great length. I also rather hesitate

to do so, because I have friends who are very dear to me, who view this matter in a very different light from myself. But I have a duty to perform to a very large class of the community, who feel a deep interest in this matter too, and therefore I am called on to say something. Let me, before going further, say that I feel bound to compliment the hon. leader of the Opposition on the manly and valuable historical speech which he has delivered on this subject. I must also congratulate the hon. leader of the Government for the independent stand he has taken on a question so dear to every Irish heart. But now let me proceed to the question before the House, and I trust I may not wander quite so wide a-field as some hon. gentlemen have done. I regret to say I am ashamed to look at the state of affairs in Ireland; and I am sure all hon. gentlemen who observe the parent country must be depressed at news which comes floating over the wires and is placed on our breakfast tables each morning. There is something seriously wrong in the government of Ireland, notwithstanding the many speeches I have listened to to the contrary. There is no further evidence wanted than the state of the people; an unhappy people must have a bad system of government. Look at the fruit, and you may fairly imagine what the tree is; and, adopting that rule, I am impelled to the belief that most of the Irish landlords are a heartless lot. Look at the conduct of Clifford Lloyd, rousing the worst passions of the people, if we can believe the news of the day. The landlords have obtained their positions by force of conquest, and they live in tyranny and deception. Every man, I contend, should have a share of the soil of his country, if he wishes it, to supply the wants of his family. The present state of affairs in the British Isles cannot last, as a house divided against itself must fall. Coercion laws never yet made, and never will make, a loyalist; and stultifying the press is like murder in the dark. There are no soldiers wanted if the people have an interest in the country and are happy. The news of the world is garbled, so that it may tell against the Irish, for some cause, and to prove this I will read from the statements of a well-known gentleman who spoke on the subject in Glasgow the other day—Mr. Henry George.

HON. MR. KAULBACH—Who is Henry George?

HON. MR. DEVER—The author of "Progress and Poverty;" one of the most original thinkers of the day, and a man who holds a prominent position in the literary world. He advocates a new land policy which will give to the tiller of the soil sufficient of his mother earth to enable him to support himself. At the Glasgow meeting he said:

The struggle of the Irish people does not receive the sympathy to which it is justly entitled, and this in a large measure is due to the so called "Irish outrages." I do not think any story is too absurd to be told in this country and to be believed. Day by day you read in the English papers stories of outrages. You will find the Irish papers flatly contradicting these next day, but you never hear anything of that here. Why, only last week in every one of the papers I noticed a story—it was headed "Horrible Brutality"—of a whole lot of sheep having had their throats cut! That was published in all these papers, but a day or two afterwards the *Freeman's Journal* contained a letter from the owner of the sheep, and from a veterinary surgeon, saying that the sheep's throats had never been cut at all. Then there was another story—this was last week alone—of a hundred men with blackened faces armed with revolvers attacking a house, when the police came along and they fled. Next day, in the *Freeman's Journal*, the man who was said to have been attacked wrote that the whole thing was a fabrication, for which there was not the slightest foundation. Another story was that seven hundred men with blackened faces had gone to another place with the intention of doing I know not what; but, of course, something terrible. On Mr. O'Donnell asking in Parliament about this, Mr. Forster said there was no truth whatever in the story; and so it goes on. I remember on the other side of the Atlantic hearing day after day and week after week of there being a perfect siege at Tim Quinlan's Castle, or somebody else's castle. The "Moonlighters" had fortified it, and artillery was being brought up against them. Well, in Ireland I was told that no such thing ever happened. The real reason of all this is that there is a political object to serve. Why, I know one newspaper man in Dublin who attempted to tell his own paper something of the truth as to the condition of the country, and he got a letter back saying "We want none of that; we want none of your politics; what we pay you for is to send news, and the kind of news we want is full accounts of all the murders and outrages." That newspaper man did not care very much about the matter, and so he has kept on sending full accounts of outrages ever since. I think the Irish, from what I have seen of them—and I have seen something of them—

I think the Irish are, taking everything together, the most quiet and orderly people I know anything about. I believe if the same condition of things existed in England—I have not been long enough among you Scotch to know much about you—the result would be that there would be a great many more outrages in England than there are in Ireland. I am certain that if in my country, in America, the same condition of things existed in any State, every hedge would blaze. Talk about the Irish as a turbulent people, a people "against the Government," a people who cannot rest contented. Tell me the time in Irish history when they had not a good excuse for being turbulent! Tell me the time in Irish history for centuries when, if they had lain down quietly, they would not have been very dogs! And to-day I would utterly despise the people who could live under such a Government as exists now in Ireland and not turn against it. I say it calmly and advisedly—I believe that the Government of Ireland is to-day the very worst Government that exists in the civilized world. It is despotism of the most irritating and demoralizing kind. An Irishman has no right, no political right whatever, except to vote for a coroner and a Member of Parliament. As for his coroner, when he brings in a verdict that the police do not like, it is simply set aside; and as for his Member of Parliament, three members elected by Irish constituencies lie in Kilmainham Jail to-day! This anti-Irish feeling which has gone far in keeping Irishmen from getting their natural rights, the feeling which you find so much in Great Britain, springs very largely from misapprehension, springs very largely from the belief in the lies which have been circulated, and perhaps in some part from other causes, for that most miserable of all feelings, religious bigotry, is, I am sorry to say, not quite extinct. All these causes may be summed up in the word ignorance, and they affect most largely the great masses of the working classes. But this is not all, there is a reason for the hatred and the terror with which this movement is regarded by another class. The ruling classes of this country instinctively feel that the success of the Irish movement is the death-knell of their privileges. And you see the same thing in Ireland. Former movements have been largely aristocratic in their character. You have had in the lead men of what are called good families—descendants of the ancient kings—who still hold large estates and extort rents from their fellow-countrymen. You don't find them there now; they are on the other side; they are on the side of the Government."

Now, hon. gentlemen, how can the people be otherwise than unhappy? Let me read from a lecture delivered by the Rev. Mr. Pepper.

HON. MR. KAULBACH—Who is Mr. Pepper?

HON. MR. DEVER—A Presbyterian clergyman, whose views on the state of Ireland I propose to read.

HON. MR. KAULBACH—The hon. gentleman should show who this Pepper is, and whether he is a Fenian or not. He may be reading speeches delivered at an Irish revel.

HON. MR. ALMON—Others have spoken on every subject under the sun. The hon. Senator from Ottawa has spoken about the rebellion in Canada, the mutiny in India, the revolution in France, and all the revolts that have taken place since Satan was turned out of Paradise, and I think to apply strict rules to my hon. friend (Mr. Dever) is hardly fair.

HON. MR. KAULBACH—The hon. gentleman should not introduce matters which are foreign to the subject before the House. This Pepper may be a Fenian, and to let his utterances go on the record of this House is monstrous.

HON. MR. DEVER—I feel that I have a perfect right to reply to the very uncharitable remarks which have been made in the course of this debate by gentlemen who are opposed to this address, and I do not think these interruptions come with a good grace from an hon. gentleman who had to be called to order and told distinctly that he was putting into the mouths of others words that they never uttered.

HON. MR. KAULBACH—To whom does the hon. gentleman refer, I should like to know?

HON. MR. DEVER—I refer to you.

HON. MR. KAULBACH—I wish to know on what grounds such a charge is made.

HON. MR. DEVER—You accused an hon. gentleman of having used expressions which were offensive to you, and when he explained that he had not made use of such expressions, but had merely quoted them, you still persisted in making the charge.

HON. MR. KAULBACH—I simply

said that in quoting those expressions from the book he endorsed them.

HON. MR. DEVER—I have given my authority, and the hon. gentleman can settle the matter with him. The quotation which I was about to make from the lecture of the Rev. Mr. Pepper, is as follows :—

“The Queen had reigned 43 years, and during this time the landlords had taken \$2,150,000,000 out of Ireland. The charges that whiskey and religion are the causes of Irish misery are not true. The Irish now are a temperate people. In Wrexham in Wales, I saw more drunkenness in one night than I saw in Ireland in four weeks. Of the different classes in Ireland three divisions can be made,—the first, those native Irish who are noted for their unconquerable hostility to landlords; second, the 900 landlords, who own 15,000,000 of acres of land, which is two-thirds of the island; and third, the Scotch Irish. In the north of Ireland, among the Protestant farmers, I saw more begging, misery and positive suffering than in the south. It is landlordism that has cursed Ireland, that has made it poor, that has made it ignorant, that has made it the meanest beggar in the world.”

We read in the press that fifty flax-dressers left Belfast on Wednesday, April 20, 1882, for Liverpool, where they embarked on the steamer “Missouri” for Boston, leaving their native land for a foreign country. Yet we are told that Ireland has nothing to complain of. These things cannot be remedied by shutting our eyes and putting such men as Parnell in prison; nor by exciting the English people with a view to keeping any party in power. It is said the Irish are committing dreadful crimes, and every moment we find in the papers something new. But the facts are not fairly stated. Look at the wretch MacLean! He was at first supposed to be a Fenian, and even the newspapers thought or known to be favourable to the Irish cause are called “Fenian literature.” But, gentlemen, look at eight dead bodies taken out of the Thames during eight days in February, 1882—murdered and their pockets turned inside out! Talk of Irish outrages after that—Look at 186,000 people who are in prisons in England alone! But I ask, are not the English people a little mistaken or infatuated with their own superiority over other people? Just let me read again from Mr. Henry George on this subject. He says:

“A distinguished Englishman said to me the other day:—‘Well, I suppose what is

going on in Ireland is really the difficulty that always comes when a superior civilization tries to deal with an inferior civilization.' I told him that it seemed to me just the other way. [Hear, hear.] So far as there is any difference in civilization, I think it is in favour of Ireland. He asked me why, and I told him that the common people of Ireland were civilized enough to know that something was wrong, to know that they are being robbed, but that the common people of England had not got to that stage yet. I went down into one of the English counties the other day. I saw men working for nine shillings a week. I saw men living in little bits of hovels, crowded together in squalor with their wives and children; and a little way off from them would be a magnificent palace and a great extent of fertile land enclosed with high walls, which very often surrounded what had been common in recent times. I asked: 'What about these people; can they look upon these things and not become discontented? Cannot they feel that they, too, are men, and that there is something wrong in a state of things which condemns them to such lives as that?' I was told that they never thought of such a thing; that they were taught from childhood that the Creator intended this: that a divine Providence made those orders and conditions of men; and that they must not envy their 'betters.' Well, now, I call a people like that very low, indeed, in the scale of civilization. The Irish people, I can assure you, have got already a long way past that. Did you ever think of this?—A great Scotchman once said, 'There are in Great Britain twenty-eight millions of people—mostly fools. Is it not so? If the birds that fly overhead can think of what they see, and can laugh, don't you suppose they would laugh at the masses of us as a lot of infernal fools? What would we say if we saw a whole lot of birds working, starving and stinting themselves, building up a great big pile of corn that one bird might have more than he could eat in a million years?'

I maintain that the Irish race should not be trampled on in this manner and I believe that it is not right that the natives of the British Isles should be taunting Ireland, and shaming each other in this way before the world. Look at the specimens of the Irish race we have in this Dominion of ours; look at Mr. Blake one of the first lawyers that can be found,—and he stands by no means alone—for many other descendants of Irishmen, eminent in various directions, can be instanced, if necessary, who are adding to the fame of this Dominion. What Irishmen can do, and are doing, in this new country, they are equally capable of achieving in their native land; but there is this difference to be borne in mind. In Canada they are untrammelled by any in-

vidious distinctions, and have in the truest sense "a fair field and no favour"—so far at any rate as our laws are concerned; but in the old land, at present, they are working against terrible odds. Let us remove those disabilities, let us aid in furthering a better feeling among the various portions of the British family, and I shall be greatly mistaken if the result does not prove that Irishmen will be among the most loyal supporters of those institutions which we should all revere. Once the conditions, which are now bearing so heavily upon them, are ameliorated, I firmly believe the Irish race will take that position in their own land to which their great natural abilities entitle them, and from being looked down upon, and held up to the world as conspirators and disloyal men, they will stand in the proud position of the most faithful and loyal supporters of the British throne. The resolutions now before us tend to place them in a position to prove their true value as a people, and to give them that liberty which is justly dealt to every British subject; for that reason, and without dilating further upon this subject, I shall support them, and trust they will receive the unanimous vote of this House.

HON. MR. SKEAD—I do not wish to give a silent vote on this important question. It has been rumored about these buildings and through the city that this address would be rejected here—that they would be supported by none but Irish and French members and that they would be opposed by every member of English and Scotch origin. Now, I have not the honor of being Irish, but I claim to be English by birth and to have Scotch blood in my veins, and I do not intend to oppose these resolutions. I have a heartfelt sympathy for Ireland. Many of my relations have been closely identified with that country. A venerable uncle of mine, named Skead, a Scotchman, settled in the County of Armagh some eighty years ago, and accumulated property there. He and his wife and their son died in the land of his adoption and their dust is mingled with the soil of Ireland. On my mother's side a family named Russell settled in Limerick ninety years ago and became wealthy. Their descendants live there now, and some of them have been sent to represent Irish constituencies in

the British Parliament. My better half belongs to Ireland, and have I not good reason to sympathise with a land to which I am attached by so many ties? The first, last and only time I ever saw Ireland was on a misty morning in April fifty-two years ago, on my way to this country, but I have had some experience of this country and the benefits we have derived from the possession of self-government. What has produced such happy results in Canada could not fail to prove beneficial to Ireland, and if we can, by the adoption of this address, remove some of the causes of discontent in Ireland, I think we should not hesitate to give it our sanction. If Ireland is granted a local legislature similar to our provincial legislatures, I believe there is ability and patriotism enough among its people to make it a success, and that it would lead to the adoption of the federal system in the United Kingdom. I hope the statesmen of the mother land will see it in that light; and if the adoption of this address will tend to bring about that result, I believe it will be the surest way to restore peace and happiness to Ireland.

HON. MR. ODELL—I did not intend to speak on the amendment proposed by my hon. friend from Prince Edward Island (Mr. Haythorne), because I am not only opposed to it, but I am also opposed—I regret to have to say so, because it places me in an unpleasant position in connection with the Minister of Justice, under whose banners I am proud to fight—to the Address itself. At the same time, in this case I scarcely know where we are, because I find the leaders on both sides at one on this occasion.

HON. MR. POWER—They must be right.

HON. MR. ODELL—If this were what has been called by the hon. member from Toronto, who addressed you a short time ago in a very feeling manner, creditable alike to his head and his heart, a petition to Her Majesty from the Irish population of Canada, I should most gladly see it brought forward as petitions generally are, and should have no objection perhaps, to sign it along with that hon. gentleman. But we cannot look upon this as a petition at all, but as an address emanating from

the Parliament of Canada which we are bound to examine closely, to see how far it is constitutional for us to address Her Majesty on such a subject. The first part of it may be regarded as a sort of preamble to what is contained in the latter part of the Address. I shall not therefore, say anything as to the first portion further than where it goes on to state:

“We would respectfully represent to Your Majesty that your Irish subjects in the Dominion of Canada are among the most loyal, most prosperous and most contented of Your Majesty’s subjects.”

That is all right in itself; but there is an implication that it is necessary on the part of this Parliament to send a statement of that sort to be laid at the foot of the Throne. I do not think it is at all necessary. Who is there here who doubts the loyalty of the Irish in this country or doubt that they are prosperous and contented? The hon. member who sits beside me every day (Mr. Ryan), the hon. gentlemen who addressed you a short time ago (Mr. Smith), and the hon. gentleman who introduced these resolutions are examples of this. We all know it perfectly well: there can be no doubt about it, and, therefore, I think it is not a question which should be introduced here, to assure Her Majesty of what is really in existence, as if there were any doubt about it. I now come to the third paragraph. It is as follows:—

“We would further respectfully represent to Your Majesty that the Dominion of Canada, while offering the greatest advantages and attractions for those of our fellow-subjects who may desire to make their homes amongst us, does not receive that proportion of emigrants from Ireland which might reasonably be expected, and that this is due, in a great measure, in the case of many of our Irish fellow-subjects who have sought foreign homes, to their feelings of estrangement towards the Imperial Government.”

Now, these are not my opinions. I do not think that it has arisen from a feeling of estrangement towards the Imperial Government. The true reason why this emigration has gone to the United States is simply because emigrants have been for years and years past directed there not only by the opening up of a large extent of country, which at that time we did not possess, (we had not then our great north-western country with the excitement that has taken place latterly with regard to it but the United States had) but the Americans used both men and money in all directions

to induce emigrants to go there. Apart from all that, there is still another and a stronger reason why the emigration has tended in that direction; it is, that the connections of people left in Ireland settled there, and not a mail steamer leaves the United States but contains letters to these friends in the old country urging them to come out, and also forwarding them money to assist them to emigrate. Therefore, I say, the reason assigned in that paragraph is not, in my opinion, a correct one. That is another objection which I have to this Address. Then I come to the 5th paragraph. It is very peculiarly worded, and I think that it scarcely asks for what is intended, because you see that in respectfully suggesting to Her Majesty that Canada and its inhabitants have prospered it goes on to say, that in this regard 'sure means may be found so that Ireland may become a source of strength to Your Majesty's Empire, and Your Majesty's subjects, at home and abroad, may feel the same pride in the greatness of Your Majesty's Empire, the same veneration, etc.' Now this is not asking for anything, they merely state that it is in regard to the prosperity that exists in this Dominion.

HON. MR. HOWLAN—Read the whole clause!

HON. MR. ODELL—

"We desire respectfully to suggest to Your Majesty, that Canada and its inhabitants have prospered exceedingly under a Federal system, allowing to each Province of the Dominion considerable powers of self-government, and would venture to express a hope that if consistent with the integrity and well-being of the Empire, and if the rights and status of the minority are fully protected and secured, sure means may be found of meeting the expressed desire of so many of Your Irish subjects in that regard."

In what regard? In regard to the prosperity of Canada. But it does not ask for anything, it merely states that sure means might be found in that regard. I think that the sentence has been mutilated in some way and the real sense of the paragraph has been destroyed. However that may be, the sixth clause is the one I have the most objection to, and I will just read it and comment on it:—

"We would further express a hope that the time has come when Your Majesty's clemency may, without injury to the interests of the United Kingdom, be extended to those

persons who are now imprisoned in Ireland charged with political offences only, and the inestimable blessing of personal liberty restored to them."

Now, hon. gentlemen, that clause I cannot agree to. There is a strain of Irish blood in my veins also; but when I look across the water and see the state in which Ireland is, I feel almost ashamed to own it, because I find there atrocious murders, arson, and the maiming of animals—not only murders of the landlords, but murders of the tenants themselves by other tenants, and this because certain of them have felt that they honorably and honestly owed their rents and were inclined to pay them. Is there any reason why we should express sympathy in that state of affairs? This clause also asks for the release of those suspects, who are imprisoned for political offences.

HON. MR. MACFARLANE—Those are not political offences.

HON. MR. ODELL—My view of it is this: that those very men who are imprisoned there, though not guilty of these acts themselves—they have not instigated this individual to murder his neighbor or that individual to murder his landlord—but the agitation has risen through them and other political suspects; hence those who have instigated this agitation and brought it about, (for before this took place you never heard of any of these outrages) are responsible for these outrages. For that reason I cannot conscientiously vote for an address asking for the release of those people. What are the real facts in relation to it? You have only to take up the last accounts that have come to us through the press and you will find that the very thing you ask for in this address is being done, and although it is stated in certain papers that it is all owing to a speech that has been made in another place, nobody believes anything of the kind. But the fact is before you, that at this very moment England is doing everything she can for the mitigation of the evils that exist in Ireland, and is absolutely releasing the very men who are alluded to in this address. Why should we then send it home to be laid at the foot of the throne? It is in fact a reflection, not only upon the Government but upon the administration of the laws of the country. That is with

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me a paramount objection, and much as I sympathise with the tenantry of Ireland, I cannot conscientiously vote for an address of this kind, under the circumstances. We are, as a rule, rather inclined to act upon precedent, and I want to call the attention of the House to a case in point, in a discussion of this matter. It took place in 1869 when a motion was made by the late Mr. Holton in relation to the disestablishment of the Irish Church, and it is very much in the same strain as the Address now before us. The question with regard to the disestablishment was, at that time, before Parliament; it was being passed—I am not sure that it had not passed the House of Commons at the time, and was on its way to the House of Lords. That was the question that was before the British Parliament, and the resolutions on that occasion were in the nature of a congratulatory Address. It was expressing the satisfaction of this Parliament at the steps which were taken by the British Government, and it was at the same time congratulating the Government for having introduced the measure. Now, so far as the similarity goes, that Address was one that really would not carry so great objections to it as the one now before us, because it was not finding fault with the Government; it was not taxing them with a want of consideration for the wrongs of Ireland; but this one is, and, therefore, this is a much stronger case than the one to which I desire to allude. What was done in that case? That Address was rejected in the Commons by a vote of 89 to 49. The arguments made use of at that time were, that it was a matter with which we had no concern. It was a matter that the House had no right to deal with, and had no concern in; that it would render itself liable to receive an answer that it should, in fact, mind its own business. Those were the terms made use of, and in whatever way that question was brought in, it was considered to be one that should be put down, in order to prevent the introduction of similar resolutions in the future. Those were the opinions that were held at that time, and, moreover, some went so far as to say that we should be made a laughing-stock of for introducing anything of the sort; that we should let the Old World's quarrels alone, and attend to our own affairs. It was argued,

also, that passing a resolution of that sort would establish a dangerous precedent. These are arguments which, to my mind, at that time were conclusive, and, to my mind to-day they are conclusive, and for these reasons I desire to say that I cannot conscientiously vote with my hon. friend the Minister of Justice for this Address. If there are reasons why the other branch of the Legislature think it right to pass such an address, that is their affair; they may pass it as they please, but situated as this House is, I think it is our duty to reject the Address, for the reasons I have attempted to give.

HON. MR. HOWLAN—Before the question is put, as mover of this Address I should like to say a few words in reply to the remarks of some hon. gentlemen who have thought it their duty to oppose it. In the first place, I have to thank the House for the very liberal way in which the subject has been treated, and, although I am not a professional man, I may say that it must have been observed throughout the debate that no legitimate opposition was offered to the expressions contained in the Address—that the course taken by my hon. friend from Lunenburg, was like that of the lawyer who, finding he had no case abused the plaintiff's attorney. What were these objections to the Address? They amounted just to this: in finding fault with the resolutions four points were urged; first, that Ireland is a criminal country; second, that the people are not educated; third, that Ireland is not a safe country to live in; and fourth, that the Irish are intemperate. I was not prepared to hear an hon. gentleman, who ought to have known better, make such assertions as these before an intelligent assembly; they might have answered very well in a debating club away in the back woods, where proof to the contrary would be difficult to find; but in the Senate of Canada, with the library of the Dominion within reach of all of us, I was not prepared to listen to such a puerile argument, and I must apologize for having to insult the intelligence of the House by answering such statements. An old proverb points out that there are two classes of persons who should not play with edged tools—they should be withheld from children and fools. Figures, like sharp tools, are dangerous things to play with, and the man who

takes up statistics to deal with any public question, ought to first make sure that he fairly understands them. We find the hon. gentleman from Quinte quoting statement after statement copied from the Year-Book, and trying to pawn them off on the intelligence of this House as bearing on the particular subject now under discussion. I have every belief that had the hon. gentleman properly informed himself on this question, he would never have made use of such assertions in addressing the House, and I shall, out of his own mouth, convince him that he has exercised a degree of imposition upon himself to enable him to give utterance to the opinions he has expressed. His first remark was, "I am a Radical of the Radicals; I came from the Radical party of England, and I boast, as an Englishman, to speak my views under all circumstances." and going out side of that opinion, what next does he say? "I have lived for 38 years of my life in one office, and during that 38 years I have been dealing with Irishmen, and I have found them intelligent, honest, faithful and sober." Was there some particular reason why the Irishmen of that locality should be any different from the Irishmen at home? Was there some particular influence or agency on this side of the salt water that made them superior to the people they left behind them in their native land? Had a few days' voyage across the trackless ocean, in their journey to this country, and their coming into contact with the hon. gentleman in his office, made them superior to their friends at home, or was there something in the hon. gentleman himself that rescued them from a life of ignorance, crime, and degradation that would have been theirs in Ireland? He appreciates the people who surrounded his office for 38 years, and whom he himself acknowledges were the means of placing him in his present seat. Is he now, after 38 years of experience of Irishmen in Canada, prepared to add his name to the public slanderers of a nation whose vices are few, whose virtues are many, and whose good traits of character the hon. gentleman has never been able to emulate? I tell the hon. gentleman that there is less crime in Ireland in proportion to its population than there is in England or in Scotland.

HON. MR. READ—I beg to call the

hon. gentleman to order, I never used the word "crime" nor have I charged the Irish with any offence.

HON. MR. HOWLAN—I wish to correct the hon. gentleman, and I stand here now for that particular purpose. I would do myself and the hon. gentleman himself an injustice if I allowed him to leave this Chamber without using my feeble efforts to correct his false impressions on this subject. I have here from the official returns proof that there is more crime in Scotland, or in England, than there is in Ireland.

HON. GENTLEMEN—Dispense, Dispense!

HON. MR. HOWLAN—I was quite prepared for the word "dispense," because there is no intelligent gentleman who values his reputation as a public man, who will dare to dispute it. Now we shall come to the whiskey drinking. Let the hon. gentleman take the official returns, and I will prove to him again that in his own country, England, drunkenness is more prevalent than it is in Ireland. Many years ago, when this reproach was made against Ireland, in the House of Commons in England, certain gentlemen denied the assertion, and asked for a committee to investigate the question of the use of liquors in Ireland. That committee was appointed, and reported to Parliament, and their report is now before me. When I told the hon. gentleman, the other night, of the existence of that return, he said he had not read it, and I then informed him that it was his fault and not his misfortune. When he advanced the statement, the other night, that there was more drunkenness in Ireland than in England or Scotland, in proportion to its population, he ought to have been prepared with proofs in support of such a statement. In 1871, England, with a population of 22,760,359, consumed 12,874,732 gallons of spirits, on which was paid a duty of £6,437,366, and malt, on which was paid a duty of £6,119,938—a total of £12,557,504: Scotland, with a population of 3,366,375 consumed 5,671,477 gallons of spirits, on which was paid a duty of £2,835,738, and malt on which was paid a duty of £368,957—a total of £3,204,695; Ireland, with a

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and make such a statement to this House, that Ireland for want of education was at the mercy of agitators. I have heard this statement over and over again, but I have heard it only from ignorant men—men who were totally unacquainted with the statistics of that country, but if I can only educate my hon. friend on that point I shall feel that my efforts have not been in vain. If it were a fact that the population of Ireland were more ignorant than the population of England, I would readily admit it, but here are the proofs to the contrary. I have given him the return of the British House of Commons, and shown that it is almost impossible for the Irish people to be uneducated under existing circumstances. The Church of England and the Protestants of Ireland accused the Roman Catholics of not educating their children. I say it was a good thing for Ireland that such was the case and that we, the Protestants on the one side and the Catholics on the other in a spirit of emulation are demanding the education of the youth of the country. Can any people in the world show a better educational exhibit than that?

HON. MR. KALULBACH—Does my hon. friend not remember that I referred to the present condition of Ireland as the dawn of a new era in education?

HON. MR. HOWLAN—The fact is, my hon. friend ought to be very much obliged to me for informing him on this subject. I believe that he was misinformed on this point.

HON. MR. KAULBACH—Does my hon. friend deny the fact that I have stated, that one-third of the people married in that year could not read or write?

HON. MR. HOWLAN—The official returns show that the people of Ireland are, as well educated, in proportion to population, as the people of Scotland or of England.

HON. MR. KAULBACH—Will the hon. gentleman show me the data? He is referring to the present pupils, and not to the masses of the people.

HON. MR. HOWLAN—Now, with

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reference to crime, we are told that the reason why people do not go to Ireland to live is that life and property are not safe there. There seems to be very little accurate information about that country. Carleton, of the *Boston Journal*, one of the cleverest writers connected with the press of the United States, who went to Ireland as a correspondent, wrote from Dublin:—“I am here in the Capital of Ireland, the city of fine buildings, fine men and fine women, but, would you believe it, I do not see one Irishman here.” His ideas about the people of Ireland had been formed by what he had seen of the emigrants about the wharves in Boston. And so it is with some hon. gentlemen here. Now with regard to crime and pauperism, I have statistics here to refute the assertions which have been made on that subject in the course of this debate:—

Population, 1879.	
England.....	22,760,359
Scotland (population increased 100% in 70 years)	3,627,453
Ireland.....	5,363,324
Paupers, 1879.	
England.....	800,426
Scotland.....	94,671
Ireland.....	91,807
Criminals, 1879.	
England.....	12,473
Scotland.....	2,273
Ireland (giving a gradual decrease of crime in Ireland from 1869, see p.251)	2,292

Before I close my remarks, I have a few words to say in answer to my hon. friend from Quinté, who stated that Ireland is not a safe country to live in. In my opening address I alluded to the fact that after the famine, Scotch and English gentlemen were induced to take large farms in Ireland, to the number of 756. I hold in my hand letters, and extracts from letters addressed in response to a circular, to Mr. Miller, by English and Scotch proprietors and farmers resident in Ireland, published as an appendix to Miller's "Agricultural and Social State of Ireland, in 1858," from which I will give a few extracts:—

PROVINCE OF LEINSTER, COUNTY OF CARLOW—“The people are very kind and obliging here, and I have great pleasure in staying in Ireland.”

COUNTY OF DUBLIN—“I never resided within a circle of more kind and obliging people.”

COUNTY OF KILDARE—"I have always felt as much at ease as I would have done in either of the sister kingdoms."

COUNTY OF WEXFORD—"Neighbors are civil and obliging, from the highest to the lowest, and kind in the extreme."

COUNTY OF WESTMEATH—"The people are always very civil and most obliging. They are a very warm-hearted, kind people. I have travelled in Ireland, through various counties, every hour in the night and day, and never encountered any assault from anyone."

COUNTY OF WICKLOW—"The people of this neighborhood, as far as I have had anything to do with them, have been civil and obliging to me."

COUNTY OF CLARE—"I must say that a more civil, obliging and respectful people I have never met than those in this part of the county."

COUNTY OF KERRY—"I quite agree with you that much damage has been done to Ireland by exaggerated and erroneous accounts of the dangerous state of society there, which is quite a mistake. On the contrary, the Irish people are most civil and obliging to strangers, and would rather see an Englishman or Scotchman settle amongst them than a person from the adjoining county."

COUNTY OF LIMERICK—"My neighbors are most civil and obliging, and in all my experience I have always found them so."

COUNTY OF TIPPERARY—"There is no danger to anyone taking land here. It is just as safe as crossing the border from Scotland to England. As a country gentleman and very active magistrate, I have never considered the state of society in any way dangerous to me. On the contrary, I have always met with the greatest civility and respect from all classes."

COUNTY OF WATERFORD—"The people are civil and obliging to me and my family."

COUNTY OF GALWAY—"In this vicinity the people are particularly civil and obliging."

COUNTY OF LEITRIM—"The people are both civil and obliging."

COUNTY OF ROSCOMMON—"With regard to the people, they have always been kind, and never gave me cause to think anything but highly of them."

COUNTY OF SLIGO—"During my time in Ireland I found the people in general most agreeable, honest and obliging in every respect."

COUNTY OF ANTRIM—"All my neighbors are kind and obliging, and have been so ever since I came here."

COUNTY OF ARMAGH—"I find the people civil and most obliging in their manner, I have seen nothing more here than in Aberdeenshire, and find Ireland a different country altogether from what it is reported to be in Scotland."

COUNTY OF CAVAN—"The people are very civil and obliging ever since I came to the country. I have met with nothing else."

COUNTY OF DOWN—"With regard to my experience of Ireland I may first state, that I have generally found the people kind and obliging."

COUNTY OF FERMANAGH—"In general the inhabitants are very peaceable, quiet and obliging, and civil to strangers."

COUNTY OF LONDONDERRY—"The inhabitants in general, are an industrious and intelligent class of people, both civil and obliging, and take great interest in improvements."

COUNTY OF MONAGHAN—"I must say I found the people kind and obliging to me in every instance."

COUNTY OF TYRONE—"With regard to the people, I have always found them to be quiet, honest and friendly sort of people, not at all as they are represented to be in England and Scotland. I can live as quietly, comfortably and unmolested here as I could do in any part of the world."

In view of this testimony the hon. gentleman should be careful to investigate a subject before discussing it.

I think it must be apparent to every hon. gentleman that a more mild address could hardly be drawn up than this one. The hon. gentleman who last spoke objected to it because, he says, what we ask for has been done. If so, why not pass the address? The hon. member from Woodstock (Mr. Alexander) says it is a foolish address. Are we to suppose that there is no wisdom in the Parliament of Canada except in himself? Are we to suppose that the two hundred gentlemen in the other branch of the Legislature were deficient in common sense when they passed this address unanimously? I say that if this petition is instrumental in any way in releasing one suspect from jail, or strengthening the hands of Mr. Gladstone in his endeavors to ameliorate the condition of Ireland, it will have done good service, and I trust that it will be adopted by the House and forwarded to the foot of the Throne.

The Senate divided on the amendment which was rejected by the following vote :

CONTENTS

Hon. Messrs. :

Almon, Kaulbach,
Glazier, Read—5.
Haythorne,

NON-CONTENTS :

Hon. Messrs.
Aikins, Maclarlane,

Allan,	Macpherson,
Archibald,	(Speaker)
Armand	Miller,
Baillargeon,	Montgomery,
Bellerose,	Muirhead,
Botsford,	Northwood,
Bourinot,	Odell,
Campbell (Sir Alex.),	Paquet,
Carvell,	Pelletier,
Chaffers,	Power,
Chapais,	Pozer,
Dever,	Scott,
Gibbs,	Simpson,
Grant,	Skead,
Howlan,	Smith,
Leonard,	Stevens,
McMaster,	Trudel.—36.
Macdonald,	

Upon the question being put upon the main motion—to agree with the House of Commons by filling up the blank with the words “Senate and,”—the House divided, and the motion was agreed to by the following vote :

CONTENTS:

Hon. Messrs.

Aikins,	McMaster,
Allan,	Macdonald,
Archibald,	Macfarlane,
Armand,	Macpherson,(Speaker)
Baillargeon,	Miller,
Bellerose,	Montgomery,
Botsford,	Muirhead,
Bourinot,	Northwood,
Campbell (Sir Alex.),	Paquet,
Carvell,	Pelletier,
Chaffers,	Power,
Chapais,	Pozer,
Dever,	Scott,
Gibbs,	Simpson,
Grant,	Skead,
Haythorne,	Smith,
Howlan,	Stevens,
Leonard,	Trudel.—36.

NON-CONTENTS.

Hon. Messrs.

Alexander,	Kaulbach,
Almon,	Odell,
Glasier,	Read.—6

The Senate adjourned at 12.15 a.m.

THE SENATE.

Ottawa, Thursday, May 4th, 1882.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

TELEGRAPH MONOPOLY IN PRINCE EDWARD ISLAND.

INQUIRY.

HON. MR. CARVELL rose to—

Inquire of the Minister of Justice, whether,

notwithstanding the exclusive privileges granted to the New York, Newfoundland & London Telegraph Company and transferred to the Anglo-American Cable Company, other companies or persons are prohibited from erecting and working telephone lines on Prince Edward Island, or between that Island and any other Province of Canada?

He said: I will briefly state the facts which to my mind have made this enquiry necessary. Prince Edward Island is monopolised in the matter of telegraphic communication, under an Act which was passed, I think, in 1856, giving to the New York, Newfoundland and London Telegraph Company exclusive privileges in perpetuity, and in addition to the perpetuity there is a subsidy of \$2000 a year. This I regard as an infliction, and the fact that it is self-imposed makes it none the less an infliction. The question has been asked as to whether these exclusive privileges enjoyed by the Company referred to—rather now transferred to the Anglo-American Cable Company—deprive other persons or corporations from constructing and using telephones in the Province. Last autumn the Bell Telephone Company sent an agent down to Prince Edward Island, to see what they could do there in reference to introducing their telephones there, and they were met by the agent of the Anglo-American Cable Company, with the statement that they had no privileges; that it had been decided in England that telegraph privileges included telephone privileges, and acting upon that idea, or on instructions received from the head office in London, the agent of the Anglo-American Telegraphic Company wrote to the agent of the Bell Telephone Company a letter, a copy of which I have in my hand, and with the permission of the House I will read it:—

“THE ANGLO-AMERICAN TELEGRAPH CO.

(Limited)

“CHARLOTTETOWN, P.E.I.

Nov. 18, 1881.

“— HENDERSON, Esq.,

“MY DEAR SIR:—

“I am instructed as follows, on the subject of the erection of telegraph wires, and introduction of telephones here;—

“The Courts here (London, England) have already decided that telephones are, for all practical purposes, telegraphs, and consequently any company or persons, wishing to erect wires in the Island must do so under license from us. If the proposal comes to anything, let the applicants make written application to the Company,

describing fully what they propose to do, with the diagrams. We shall, of course, place no obstacles in the way, which are not necessary to protect the exclusive rights secured to us under our charter.

"I would suggest to you that should your company desire any further information on the subject, or should they propose to make any application, it would save time to send their communication direct to Henry Weaner, General Manager, Anglo-American Telegraph Co., (limited), 26 Old Broad St., London, E. C., as you will readily understand that matters of this nature rest in the hands of the chief office of the co'y., and not in the subordinates. If their communication were sent to me, I should only send it to our head office and await instructions.

"I am, my dear sir,
"Very truly yours,
"S. C. JAMES
"Sup't."

This coming before my notice, I endeavored to get some information in reference to the matter, and I am informed in this wise; that when the Post Office Department of Great Britain took over the telegraph system of that country they assumed as large and as many powers as they considered necessary. They took over not only the ordinary telegraph system but every other means of communication of a like nature that they could think of; so that when the Bell Telephone Company not very long since sought to introduce the telephone into England they were met by the Post Office Department and the Government with the assertion that they had no right there; that the Department held exclusive right to telephones as well as to telegraphs. If this be so, I am instructed that it is because of the large and comprehensive way in which the Government took over the system of telegraphs which would include the system of telephones also. On this side of the water the question has been raised and carried into the courts. There the decision has been that telegraph privileges do not include telephone privileges, and on an appeal being taken to the higher courts, the decision of the courts below has been sustained, so that in the United States where there is a fair chance to test the question they have decided that telephones are separate from telegraphs. In England if they are included it is owing to the manner in which the Government proceeded when they took over the telegraph lines, endeavoring as they did to control all similar means of communication. I may add that when the refusal

was given to the Bell Telephone Company, public opinion in England was found to be strong against the position taken by the Government that a compromise was permitted by which the Bell Telephone Company did introduce and are now working their telephones in England, paying a small royalty to the Government for the privilege of doing so.

HON. MR. KAULBACH—Do I understand my hon. friend to say that the law courts of England have decided that telegraphs privileges include telephones privileges?

HON. MR. CARVELL—This agent of the Anglo-American Company says that the law courts have decided that they are identical; but my opinion is different; that while the Government of Great Britain may have secured the control of telephones, as well as telegraphs, it was because of the way the legislation was had at the time they took over the telegraph lines. I need scarcely say that if it can be decided that telephone privileges are not identical with telegraph privileges, our province will be released from a very great burden.

HON. SIR ALEX. CAMPBELL—The question which is asked is purely a legal one, and I am not able to answer it. The question is whether the exclusive privilege granted by the legislature of Prince Edward Island continues and is in force now.

HON. MR. CARVELL—I do not think it is a question whether it continues or not; it is as to whether telegraph privileges include telephone privileges?

HON. SIR ALEX. CAMPBELL—That is a legal question also. Whether or not the exclusive privileges granted by the Legislature of Prince Edward Island to the Telegraph Company includes telephones, I am not able to say; there is no information on that subject in the hands of the Government, and except as a professional question I am not able to answer it; and my hon. friend, I think, should advise those who are concerned in the matter to take legal advice on the question.

HON. MR. POWER—If the hon. gentleman had asked my advice, not as a

professional man, I should have recommended him to go to his friend the Minister of Justice, and represent to him that two constructions had been put upon this privilege: that in England it had been held that telegraphs included telephones, and that in the United States it had been held the other way; and I would have suggested that the Minister of Justice should be asked to introduce a bill to declare that in Canada telephones were not included in telegraphs. If the Minister wished to do so, he could introduce such a bill this Session.

HON. SIR ALEX. CAMPBELL—The first question is to ascertain what the law really is. That would be the preliminary step, before any legislation could reasonably take place.

BILLS INTRODUCED.

The following Bills from the House of Commons were introduced and read the first time:

Bill (36), "An Act respecting the Civil Service of Canada." (Sir Alex. Campbell.

Bill (141) "An Act to provide for the allowance of drawback on certain articles manufactured in Canada for use in the construction of the Canadian Pacific Railway." (Mr. Aikins.)

Bill (122), "An Act to amend and consolidate the Acts relating to the office of Port Warden for the harbour of Montreal." (Mr. Aikins.)

CANADA PROVIDENT ASSOCIATION BILL.

THIRD READING.

HON. MR. VIDAL moved the third reading of Bill (98), "An Act to incorporate the Canada Provident Association."

HON. MR. BELLEROSE moved in amendment "That the Bill be not now read a third time, but that it be referred to the Supreme Court for their opinion whether it is not a measure which falls within the class of subjects allotted to Provincial Legislatures under section 92 of the British North America Act, 1867."

HON. MR. POWER.

HON. MR. SKEAD—May I ask the Minister of Justice if this should be referred to the Supreme Court could we in any way obtain an early decision? The Court might keep it a week, or longer, and then it would be too late to pass the Bill this session.

HON. SIR ALEX. CAMPBELL—I have no doubt, judging by the course pursued by the Supreme Court in past references, that we can have an answer in a day or two—probably on Monday.

HON. MR. SKEAD—In that case I could not have any objection. It seems a pity to send it there, but possibly there is a good cause for it and I do not wish to raise any objection; but if the Bill should be lost by delay, I do not want to be put in that position.

The motion was agreed to.

GREAT EASTERN RAILWAY BILL.

THIRD READING.

HON. MR. BELLEROSE moved concurrence in the amendments made by the Committee on Railways, Telegraphs and Harbors, to Bill (61) "An Act to incorporate the Great Eastern Railway Company." He said; I do not see any reason why I should enter into the question of these amendments. They have been published in the Minutes of Proceedings, and every hon. gentleman who takes an interest in the matter has had an opportunity of comparing them with the Bill as it stands. Some of them are important, but I may say that they are all in the interests of the public, and in the direction of giving more security to the people, so that there can be no objection to them.

The motion was agreed to.

HON. MR. BELLEROSE moved the third reading of the Bill. He said; I do not see any necessity for discussing the matter unless this Bill is opposed. I do not see any cause for opposition since the Bill has been before the Railway Committee, and has been very carefully considered

HON. MR. GIBBS—In accordance with the notice of motion which I have given,

and which may be found upon the order paper, I propose to move a rider on one of the clauses of this Bill, that provides for the objections raised by my hon. friend from Montreal (Mr. Ogilvie) and another gentlemen, in the Committee the other day. The amendment which I propose is as follows:—

“That the said Bill be not now read a third time, but that the Fourth Section of the said Act be amended by adding thereto the following:—“Provided that in locating or constructing the line of the said railway, the Company shall not locate or construct the same, so as to interfere in any way with the line of the Montreal and Champlain Junction Railway Company, located between the termination of their line already constructed near St. Martin and Dundee.”

If my hon. friend who has charge of this Bill will consent to this amendment being placed at the end of that clause, it will shorten the discussion and we shall be able to arrive at an amicable settlement of the difficulty. If he consents to that, I now give him an opportunity of doing so. If he does not accept it, I desire to show to the House why this amendment should be concurred in. It merely proposes that the provision in the Act empowering the Company to construct a certain portion of the line shall not go into force until the 1st May 1884. Those who are opposing this Bill in so far as it affects their interests, do not desire to throw it out, or even to expunge that clause from the Bill, but simply to ask that this portion of the Great Eastern Company's charter shall remain in suspense until the expiration of the time which the Montreal and Champlain Junction Railway Company have for the construction of this line; and if at the expiration of that time the latter Company has not complied with the terms of its charter, or whether it has or not, then this Act shall come into force, so far as it relates to that section. I think this is a perfectly reasonable provision, and one which the promoters of this Bill should have assented to at once. I find no notice was given in the application to Parliament for a charter for a line extending so far West as this Bill now proposes. The notice in the first place was that the application would be made for the incorporation of a Great Eastern Railway Company. Now they

come down and ask by their petition for permission to build to Huntington, a point sixteen miles from the frontier. So that a through route to Dundee was an after thought, and has been inserted in the Bill. I think in direct violation of what I conceive to be the rights of other parties. I think the House will concur in my opinion that a charter granted to a respectable company, giving them until a certain time to commence operations, ought not to be interfered with; and that the company ought to be given an opportunity to carry out what they agreed to do. It has been argued that Parliament has set aside its conclusions on former occasions, in matters of this kind—that it has, in violation of Acts on the statute-book, granted charters to other companies for the purpose of constructing competing lines. If I felt for one moment that those who oppose this charter desired to act as I believe the Grand Trunk Company did last year, when they asked this House not to grant a charter to the Ontario and Quebec Railway Company, I would be the last one here to plead their cause. On that occasion the Grand Trunk Railway Company failed to give guarantees to Parliament that it had any intention of proceeding with the construction of that road; and I think it was quite apparent at that time that they simply desired to have a charter themselves from the Ontario Legislature, to cover the ground—not to build it themselves, but to prevent any other persons obtaining a charter under which the road could be constructed. Upon that occasion I took strong ground against my own personal friends, and I lent my aid—whatever it was worth—for the purpose of getting a charter for the other company, although the previous one was then upon the Statute book, giving prior powers to another company to construct a line between these two points. Now, what is the character of the country through which this line is to pass? Is it one on which it is desirable to build two lines of railway, running side by side in such close proximity to each other that they are scarcely two hundred yards apart, and touch at all the small villages between Saint Lambert and Dundee? What has been the practice of Parliament in the past, as to the granting of two charters for the purpose of building a line through

a purely agricultural country in the way that is sought by this charter? I think hon. gentlemen will find that there is no precedent in any statute, in force at the present moment that will shew any thing of the kind; it cannot be shown that any such charters have been conceded by Parliament. Now two years ago, if I am not misinformed, an application was made to this Parliament by another Company for the purpose of constructing a line of railway over this same territory. The Montreal Province Line Railway made that application. It was however refused, as I find on referring to a report of the Standing Committee on Railways in the House of Commons, which is dated 19th March 1880. In that report I find the following decision :

“That it appears to the Committee that it would be proper to give the Montreal and Champlain Junction Railway Company an opportunity during the current year to make a *bona fide* beginning and prosecution of the road, and therefore that it would be proper to postpone the consideration of another Charter.”

HON. MR. POWER—Hear, hear.

HON. MR. GIBBS—My hon. friend opposite says hear, hear, and I presume from the way in which he says it that he is prepared to state that this Company had not a *bona fide* intention to construct that road; from the peculiar intonation of the hear, hear, which is heard so often from the hon. gentleman, I infer that such is the conclusion which he draws from the statement I have just made. Well, when Parliament refused to give this charter which was asked for by this company they went to the Legislature of the Province of Quebec, and there, after a long struggle, extending over a number of weeks, they did obtain a charter. The terms were that they should construct the line within twelve months, and they were very profuse in their promises to build the road immediately. But the fact is, that they had so much difficulty in floating their bonds that they could not prosecute the work as vigorously as otherwise would have been the case. I believe that they did construct some 23½ miles of railway, in the direction of Dundee, and they are willing to prosecute vigorously the construction of this work, provided they are allowed by Parliament to go on and complete the

works which they have undertaken, which by the terms of their charter they are bound to complete before the 16th April, 1884. Now what will be the effect if this proposed charter is granted to the other company, and if it has the powers which it claims? Simply that we shall have two companies, having the right to build a line on a route which will not be peculiar to either one, and the consequence will be most likely the abandonment of the line by both companies. It will also greatly impede the company, which has now the right to the road, from obtaining the necessary money to prosecute the work. In view of these facts, and of the determination of the company, which has now the charter, to construct the road within the specified time—and that they are perfectly willing to allow this proposed charter to come into force, if it be only left in suspense for two years—I do think that Parliament should respect the charter which has already been given, and that the amendment which I have submitted for the consideration of this House will be assented to by the hon. gentlemen who are promoting this Bill. If it is not, I hope this House will respect the rights of those who now have a charter to construct the road, and will enable them to prosecute vigorously the work which they have taken in hand. I may say further that the company which has undertaken the work have already expended a sum of upwards of \$300,000, which is certainly an earnest of their *bona fide* intention to go on and finish it. Therefore, in consideration of these facts, and of the respect which Parliament always shows to charters of this kind, I think I may safely appeal to this House to sustain the amendment which I have now submitted, and which I shall ask the House to refer to Committee of the Whole, for the purpose of debating it.

HON. MR. BELLEROSE—I must say I have been surprised at the speech of the hon. gentleman who has just taken his seat. His arguments, which at first sight seem to be very strong, are really very weak when they are compared with the facts. The hon. gentleman, in speaking of the expenditure on the construction of the Montreal and Champlain Railway, has mentioned the sum of \$300,000, but did not state that nearly the

HON. MR. GIBBS.

whole of that expenditure had been incurred before 1880, when that Company came to Parliament, and made promises and engagements—what I might call a compromise with the Parliament of Canada. Is it because his case is a bad one that such arguments are to be used, so that they may obtain votes in this House to aid them in securing their object? It seems to me to be so. The facts are, that two years ago—in 1880—the Montreal and Champlain Junction Railway Company, having shewn some four years before their intention of doing something for the counties of Huntington and Chateauguay, asked for a charter. That charter was given at once, and when it was about expiring, almost nothing had been done; only a small part of the road had been constructed—a few miles;—and when the greatest part of that sum of \$300,000 was expended. Then, two years ago another Company came here, and presented a petition to this House, in which they had the support of the counties in the southern part of Lower Canada. That was the Province Line; and what did they ask? Simply to have the right to build a line of railway from St. Lambert to some place near Dundee, about the same line as this for which we ask a charter now. That bill was read the second time in the other House, and referred to the Committee on Railways, and I ask, what was done there? The Committee were in favor of having the charter; and it cannot be denied that it has never been the practice of the Parliament of Canada to say that they will not grant a second charter, because a railway has already been chartered to run in the same direction. The hon. gentleman who moved the amendment knows full well, as I do, that there are several instances in which two railway companies have been incorporated, and are to-day running at a short distance from each other, which traverse the same direction. As I said at another time, will not this company run in the same direction as the Occidental, the North Shore, or the Quebec, Montreal, Ottawa and Occidental Railway? But who, in the Province of Quebec, thought of going before Parliament, and saying, “Oh do not grant that, we have another railway, and you will create competition.” Such a condition of things is in the interest of the public. I

myself reside on the North Shore Railway, but I am nevertheless a promoter of this on the southern shore, because it is in the interest of the whole people. I am not here to favor companies, but to do what is right to the public; though I know there are sometimes in Parliament men who consider first the interests of companies. I have seen that often in my lifetime, but I have never admired it. I think here, here in Parliament, we ought to judge of these things from another point of view, and if two companies are anxious to be rivals, and are willing to expend their money, is it for this Parliament to tell them, “No, you won’t; though it is in the interests of the public, you won’t expend your money; keep it for yourselves!” Yet that is the argument of the hon. gentleman who has just spoken. I, for one, am far from submitting to such an argument, and I hope this House will see its way to doing what is right to the public, and if these two companies are willing to expend large sums of money to build that road, let us not interfere with them. But the hon. gentleman has even led the House astray. Did he not say that both of these lines were running close to one another; that they were parted only by a few hundred yards? I challenge the hon. gentleman on that point, and I say the distance is often as much as eight and a half miles. But the hon. gentleman took only the vicinity of Montreal, the great central point from which the railways would start. I think it is anything but fair for the hon. gentleman to take his measurements at that point and then to say that it would not be right to give charters to two roads running so close to each other. I know what the Grand Trunk Railway has done in this instance, as in many others, and I do not complain much of their action, for they have undoubtedly been a great boon to this Dominion. But, I ask, are we to say because the Grand Trunk has been a great boon to this country, that for centuries to come we should allow the consideration of what the Grand Trunk has done, to prevent our granting to any other Company the right to work in the public interest, and so to cheapen the fares to the public? Certainly not, and I hope the House will see that such is not the case. The road which is under discussion has been before the Committee of Railways in the other House, as

I said before, and the majority on that Committee were willing to give them a charter; but a certain sense of duty pointed out to some of those gentlemen that they should give the Grand Trunk a chance. They thought they should perhaps wait and see whether they were honest in their promises, whether they would keep faith with Canada. Sir Charles Tupper, who was a member of that Committee, stated:

“Sir Charles Tupper would prefer to see a line of this kind constructed without American capital, but if it could not be done otherwise, he would sooner see it built by Americans rather than an important section of country should be left without railroad communication. He suggested that as a charter had been given so late as last year to another company, they should allow the Bill to stand over for a year, and if by that time substantial progress had not been made the charter should then be given to the present company. He thought that as the company were seeking municipal aid they could hardly pledge themselves to irrevocably proceed with the construction of the road.”

I call special attention to these words, as showing the true intention of the Montreal and Champlain, or the Grand Trunk Railway, and consequently of those who are backing them up. It was a compromise between Parliament and the Montreal and Champlain Railway Company, allowing the latter one year to show their sincerity, the Committee reporting that one year should be given to see how they would fulfil their promises. I ask what has since happened? Another fallacious argument used by my hon. friend was, that twenty-two miles had been built, giving us to understand that those miles had been constructed in carrying out the promises made to that Committee; but I deny that entirely. This company which is now applying to Parliament did not come before us in 1881, as they had a right to do under the arrangement to which I referred, but they have waited two years to see if the Grand Trunk were going to stand by the promises they made in 1880 to Parliament. Twenty-four months have since passed away, and I assert that during that whole period, only about 8½ miles have been built. And I would ask, how is that road built? I challenge those hon. gentlemen who know the road to say that it is built in the same serviceable way as other roads in this country. It is a bad road, and is laid

with old iron rails, the greater part of them being 7, 8, 9, 10, 11 and 12 feet long; they had been in use for years on the Rivière-du-Loup line and were brought from there to this road. This was done because the Grand Trunk never intended to have it a through line, but simply desired to make it a local line, on which a mixed train would be run every morning and night, for those who were residing there. That is the reason they did not care about laying it with good rails. In view of these facts, has not the new company a right to come to this Parliament now and say, “We have done our duty, and more; we have waited two years, instead of the one your committee suggested, and we now ask for our charter.” The greater number of the members of this House will remember that Mr. Scriver appeared before our committee, and stated that he himself, having been sent by his municipality, went to Mr. Hickson, the manager of the Grand Trunk Railway, after the twelve months had passed away which had been prescribed by the Committee on Railways of the House of Commons. He then asked that they should build the road, and was answered by Mr. Hickson, “We will build the road, but the municipalities will pay for it.” That was the way in which the promises made to Parliament in 1880 were kept. It shows how little the Grand Trunk cared about keeping faith with Parliament; and therefore, I think Parliament should rise in its might and say that no company shall treat it in such a manner and still be protected, at the expense of any other corporation. In 1880, Mr. Scriver, in referring to a letter which had been read to the Committee on Railways in the House of Commons, said that it was diplomatically written. That letter is from Mr. Hickson to Mr. Davidson, in which the former said, “The Montreal and Champlain Junction Railway had obtained the charter in good faith, and had secured a quantity of steel rails.” Now, is that honest?

SEVERAL HON. GENTLEMEN—Hear, hear.

HON. MR. BELLEROSE—Hon. gentlemen say hear, hear, but how shall I designate a man who will call black what he knows is white? As I stated before, the rails on that road are old iron upon

which an express train could not be run; I do not say that a mixed train might not pass over it at a slow rate of speed; but the rails are too bad to allow of the passage of an express train. Yet the Grand Trunk promised that before twelve months from the time that committee met, the road would be built with good steel rails; and as I before stated, the real fact is that after twenty-four months, only eight and a half miles have been built, even that small portion being equipped with bad iron rails, which had been so much used that they were forced to take them off the Intercolonial. Is that keeping faith with Parliament?

HON. MR. ALLAN—May I ask the hon. gentleman what he has quoted from; has he got a copy of a letter from Mr. Hickson there, or how does he know what was in the letter?

HON. MR. BELLEROSE—It is an extract from the "Free Press"—a report of the debate at the time—March, 1880.

HON. MR. ALLAN—But not a copy of a letter. You professed to quote, or at least read an extract from, a letter which was written by Mr. Hickson,—I merely asked whether you had a copy of that letter, or upon what ground you spoke of what you have just read there, as being the contents of that letter.

HON. MR. BELLEROSE—This is my position; the Committee having had a public discussion, that discussion was reported by the public journals. No one has ever denied these statements, the report has never been challenged, and so may be accepted as correct, I extracted what I have just read from it. As to the letter it is not in the paper, but the report reads in this way:

"The chairman read a letter from Mr. Hickson to Mr. Davidson, in which the former said that the Montreal and Champlain Junction Railway had obtained the charter in good faith, and had secured a quantity of steel rails, which would be laid down this year. The work would be commenced this year, and carried on to completion without any unnecessary delay."

To that Mr. Scriver, who was a member of the Committee, replies as follows:

"Mr. Scriver considered that the letter was diplomatically framed, and did not amount

to more than a pledge to proceed with a part of the road. It was to their interest to build this section. He believed that the line from St. Isidore to Dundee would never be built without municipal aid. The gentlemen who were here this morning were mainly from St. Remi and Laprairie, who had been led to believe that the portion of the road in which they were interested, viz: from St. Isidore to St. Lambert, was in danger. He felt, however, that after the declaration of the Minister of Railways, it would be useless for him to press the bill this session, but he was glad that in taking this step it was with the assurance that if the Montreal and Champlain Railroad Company did not proceed with the road, a charter would be given to this new company. He ridiculed the objections made to the company, on the ground that Americans were interested in it, and thought it should be rather a matter for congratulation to have American capital brought in."

Now, if the Grand Trunk had been inspired by honesty of purpose, should they not—particularly after having seen Mr. Scriver's statement at that time—have carried out their promises? That certainly was their duty, but we have proof before us that they failed to discharge it. Now, I ask if this Parliament would be doing what is right by the public to grant a further delay of one or two years? Certainly not, and if the hon. gentlemen look at the petitions which have been laid before Parliament they will see that these people are complaining that after waiting for fifteen years they are still without a railway. The hon. gentleman has said that no notice had been given. If he refers to the journals he will see that on this point he has not been well informed, because, although the word "Dundee" is not mentioned, it is stated that the road is to be constructed to the boundary line by a certain route. Is not that sufficient notice? I say yes; it was so much so that Parliament in its wisdom did not think proper to refuse the Bill when it was reported from committee. The hon. gentleman says that they are ready to complete the road before the year 1884, which is the term specified in their charter; I fail to see in the Bill before this Senate anything to prohibit them from doing so. It is only a prayer that this company be allowed, since the Grand Trunk do not seem anxious to do so, to give these two counties and the whole population of the southern part of Lower Canada the advantage of a railway.

If the Grand Trunk Railway Company want to build the road they may do so, and if the other company build their line then the people will have two roads eight or nine miles apart. The hon. gentleman says that the effect of granting a second charter may be to prevent either road from being built. He must know, however, that the same company who are now seeking an Act of incorporation have already begun the road without a charter; he must know very well that the road from Montreal to Sorel, that was built last winter has to be continued to Quebec, and that that road will never pay except it has connections west and south. I leave these arguments to the good sense of the House and I am sure hon. gentlemen will come to the conclusion after hearing the facts that these are good reasons why this charter should be granted.

HON. MR. OGILVIE—If the hon. gentleman from Oshawa has made mistakes, I certainly think the hon. gentleman from DeLanaudière has made mistakes also of quite as grave a character. In the first place he says there have been only eight miles of that road built; I say that every mile of that road has been built that was promised up to this time. Now, instead of the great bugbear, the Grand Trunk, being brought before us, it is the Champlain Junction Railway. I should like to know if any half dozen of us had got a charter to build in good faith a road out some forty miles, and a few years after Parliament should give a charter to somebody else to build another road over the same line, would we not feel as if we had been robbed of our money? That may be considered hard language, but it is the truth. Have the Grand Trunk Railway Company been such enemies to the country and opposers of our people that we should be called upon to treat them harshly? We know that several miles of road have already been built, and I thoroughly believe that before the sixteenth of April, 1884, the line will have been completed. If that is the case, I ask in all justice, have we a right to grant a charter to another road that will run almost parallel to it within a few miles—only eight and a-half miles from it in one place according to the hon. gentleman from DeLanaudière. I guarantee that

it does not run a mile that way; they certainly start from the same place and run most of the way together. The hon. gentleman said that we are always ready to assist the Grand Trunk, or something to that effect. For my part, I am not more ready to help the Grand Trunk than I am to help any other road. I would like to assist the Great Eastern, but we have got to treat the Grand Trunk people fairly, and if they have carried out their agreement to the letter I do not see how any of us can vote against them—at least I certainly cannot. I do not consider that the Grand Trunk should be treated differently from any other company; and if they were private individuals who got the charter they should not be treated any way differently from the Grand Trunk. But they are not the Grand Trunk Railway, they are the Champlain Railway, and I know that they had to go and raise money to build the road, and they intend to build it before the expiration of their charter. If the Parliament of Canada gave them too long a charter it is their fault and not the fault of the Champlain Junction Railway Company.

HON. MR. FERRIER—As Chairman of the Champlain Junction Railway I wish to state the facts of this case to the House. When the conversation about the fact alluded to took place before the Committee of the other House, and when Sir Chas. Tupper gave the decision he did in reference to it, the Grand Trunk had had their charter for one year during which they had surveyed the line nearly to Dundee. The Grand Trunk having done so, or rather the Champlain Junction Company, for I am chairman of the Champlain road—

HON. MR. SCOTT—You are also chairman of the other road?

HON. MR. FERRIER—Can a man not be chairman of two roads? The facts are these: the Champlain Junction Company commenced construction immediately after that decision in reference to the charter being withdrawn. They went on from the end of the bridge over the line surveyed to St. Martine in that year (1880). They laid it, according to what was promised, with iron rails to St. Isidore. They continued the con-

struction in the fall of that year as long as the weather would permit. We never put down steel rails first on a road if we can help it, because everyone knows that if a steel rail is bent as it is sure to be where the road-bed is not level, it cannot be straightened. That is the reason why the iron rails lie from St. Isidore to St. Martine. The Grand Trunk Company have carried out their promise to the letter of the law. We are asked why it is they did not go on in 1881. The other company went to Quebec after they were refused a charter here. When this charter was given, the Grand Trunk had extended the line to St. Martine and the Quebec Government promised that they should not allow the new company to proceed with the construction of the road without an Order-in-Council. Anyone who reads the charter will find that that Order-in-Council was not to be given until the Government were satisfied that the company was in a position to construct the road and a tunnel without detriment to other interests. The Champlain Junction Company then entered a suit to prevent them from constructing the road. Had they commenced to construct the tunnel first no opposition would have been given, but when the action was taken against them for constructing the road they had to stop. While that was going on the Champlain Company stopped construction because there was a difficulty in disposing of their bonds from the fact of this new company having got a charter. Of course the prospect of another road running parallel to it prevented the sale of these bonds. These are the facts. There was no intention not to construct the road. The Champlain Junction Company are honestly going on to fulfill the conditions of their charter, and there have been two or three deputations within the last two months waiting on the Vice-President, offering to raise money in the municipal councils for the purpose of aiding the construction of it since the bonds cannot be negotiated. There is no intention whatever on the part of the Champlain road to abandon their work unless Parliament gives another company a charter to build a road alongside of them. As chairman of the Board I may state that the Champlain Company has spent \$300,000 in constructing the road from Victoria Bridge to St. Martine.

HON. MR. POWER—The hon. gentleman said he was only anxious to state the facts: I should like to ask him a question, with reference to one statement which he made to this effect, that the ordinary rule was to lay down iron rails first for construction purposes, and that that was the reason iron had been laid from St. Isidore to St. Martine. I have been informed, and the hon. gentleman can correct me if the information is not correct, that on the other section of the road, from St. Isidore to Montreal, the Company laid down steel rails at the beginning.

HON. MR. FERRIER—The road was the whole summer under construction, and they were able to put down the steel rails before the bad weather came on. I say the fact is this, that no company making a road will put down steel rails at first, if they can help it, until the road-bed is settled. The line commenced to run towards the end of the season, and therefore the steel rails were put down sooner than they would otherwise have been.

HON. MR. BELLEROSE—I will read the official report of the Committee on the subject. It is as follows:—

“On the 19th March, 1880, the Hon. Sir H. L. Langevin laid before the House of Commons the following report of the Select Standing Committee on Railways, Canals and Telegraph Lines:—

“Your Committee have had under consideration the Bill to incorporate the Montreal and Province Line Railway Company, and report the preamble, *not proven*, for the following reasons:

“That it appears to the Committee that it would be proper to give the Montreal and Champlain Junction Railway Company an opportunity during the current year to make a *bona fide* beginning and prosecution of the road, and therefore that it would be proper to postpone the consideration of another charter, &c., &c.”

HON. MR. FERRIER—The road was begun and carried on to St. Martine without stopping.

HON. MR. SCOTT—How much of that \$300,000 was expended in making the connection between the Caughnawaga and Rouse's Point road to enable the Company to send their trains over the bridge?

HON. MR. FERRIER—I cannot answer that question, because I have not the

figures. If I had known that the question was to be asked, I would have got the figures before returning here from Montreal. The House must understand that I am speaking of the end of the bridge from St. Lambert's to St. Martine. That is the road we have the charter to construct. That road had not been commenced to be constructed. According to the decision that was come to in the committee, we commenced with a perfect understanding that we were going on, and we would not have stopped but for the charter which was refused here being given in Quebec, and I have given the reasons why we are protesting against that.

HON. MR. DICKEY—I should like to ask my hon. friend one question. It has been stated here that the extension from St. Isidore to St. Martine was laid with steel rails taken from the Rivière-du-Loup line. I ask if these were taken from the road over which express trains were run in connection with the Intercolonial?

HON. MR. FERRIER—I would have to ask that from the engineer. I do not care to answer the question, because I am not personally aware of the facts. All that I have been informed is that these rails were used in the construction, and that they are equal to what iron rails were on the best roads that were running at one time.

HON. MR. SCOTT—I think there is rather a mis-conception of the real issue before the House. I do not think it is at all a question of granting a charter to a legal company; it is a question of whether another road, a rival line to the Grand Trunk, shall be permitted to tap the American traffic at Dundee. That is practically the question, although in a measure it has been kept in the background. So far as the legal question is concerned, I think the facts are altogether with the gentleman who has charge of the Bill, because it must be in the memory of gentlemen who have been in Parliament some years, that the inhabitants of Beauharnois and Huntington have been clamoring for some time for the construction of this line. The Grand Trunk have been the only company to come to their aid, but they have been tardy in prosecuting the work.

The charter has been in existence since 1870. Since 1879, so far as the extension proper is concerned, only ten and a-half miles have been really constructed. The portion between St. Isidore and St. Lambert is practically a part of the Grand Trunk Railway through line to New York, and the use of that portion of the line dispenses with the ferry at Caughnawaga. Therefore, it is idle to talk of this \$300,000 being laid out on the extension, to benefit the inhabitants of Huntington. I asked my hon. friend how much of that sum had been laid out on the extension, and how much on the main line. I am ready to admit that he could not answer the question off-hand exactly, but he could have stated the amount approximately. It is just that amount, less what has been paid fairly for the ten and one-half miles that have been built in the three years, since 1879. There is no use in us talking about the Montreal and Champlain Junction Railway Company; it is the Grand Trunk Railway. The hon. gentleman did not see the drift of his observations, and talked about it as a Grand Trunk enterprise; it is the Grand Trunk, and there is no doubt about it. I find no fault with them for that, but let us recognize who are the parties before us. It is the Grand Trunk Railway Company, who desire either to obstruct altogether the through traffic which might centre at Dundee, and keep it from coming into Canada, or to prevent any other railway from getting it. I confess, after giving this subject a great deal of thought and consideration, I cannot understand their motive. Of course all this excitement and agitation with reference to the extension to Dundee cannot possibly arise from a desire to serve those counties as a local road, whether the line is constructed by the Grand Trunk Railway or the Great Eastern. Neither of them would be attracted by the local traffic alone: the attraction is the connection with the American railway system which has approached very near the boundary, and in another year will probably reach it.

HON. MR. FERRIER—It is some forty or fifty miles from the frontier.

HON. MR. SCOTT—The line would be built to the boundary if there was any certainty that the connection could be obtained. The policy of the Grand Trunk

Railway Company has been—and their statement would seem to indicate this view to be correct—that they did not want to make that connection. It seemed to be the idea that there would be no great advantage flowing to them directly by tapping that point. I cannot understand why it is so, but that must be the conclusion of the Grand Trunk Railway Company, or else they would long since have formed such an alliance as would have given them that traffic.

HON. MR. FERRIER—The Champlain road has been negotiating with this line, to which you refer now, to join with us so soon as it is constructed to Dundee, and they are making the arrangements now. I can give that assurance. There is traffic beyond that point which the Champlain road is without and desires to obtain.

HON. MR. SCOTT—Then it is this fact that there is traffic beyond Dundee that the Grand Trunk Railway Company wishes to obtain, and they know that there is business to be secured by connection with the United States line, and think it is desirable to tap it! That did not seem to be the opinion of the Grand Trunk Railway Company for the last three years.

HON. MR. FERRIER—That negotiation has been going on for some time.

HON. MR. SCOTT—That desire has only been manifested since application has been made for a charter for another railway through to Dundee. Whether that railway is to be built from St. Isidore or St. Martine on to Dundee is not a matter of the slightest consequence in considering this question, because I am prepared to argue that, even if that line were in existence to-day, Parliament would not be true to its duty if it refused to a long through road, and more particularly one connected with the Intercolonial Railway, power to tap the American traffic at that point on the frontier. The principle we have always acted upon has been this, to give every facility for tapping American traffic. If you just cast your eyes along the frontier, you will find that wherever the two countries come together, wherever waters separating them can be bridged, or wherever there is still water for boats at the

frontier, connections are made with American railways. Would anybody deny that that is the true policy for this country? Has it not been our policy at all times? As to a railway charter giving a vested right to one company alone to occupy the ground, that theory has long since been exploded in Canada. If it were not, we should not now be encouraging a through line. It was fought over in the case of the Great Western Railway Company. It was fought over in Ontario when the charter was granted to the Canada Southern Railway Company. It was maintained at that time that it was not fair to English stockholders—that it was perfectly monstrous—after they had expended their money, that any other railway, a competing line, should be built. Nevertheless, the Legislature of Ontario thought in their wisdom that it was a right thing to do,—that it would develop the country and give additional facilities for traffic. Since that time the Parliament of Canada has given its sanction to that principle, because it has granted the legislation necessary to give that line connection with the United States railway system. It is a true and sound principle, and we should not now depart from it. Why the city of Montreal should be disposed to impede the passage of this Bill is, to my mind, another singular problem. Because, a through line having Montreal as an important objective point, running from Dundee, a very large traffic must be carried to that city. A portion of it may be carried to the Intercolonial Railway, but a considerable amount would take ship at Montreal and go down to the Atlantic by the St. Lawrence route. There are several elements in that traffic. The Rome and Watertown Railway Co. has extended its line to Oswego and on to the bridge. At the bridge it makes important connections with the South Shore Railway, with the Great Western Railway, and with all the lines centering at that particular point. It runs through the northern portion of the State of New York, one of the most busy and active sections of the Union, so far, at all events, as certain kinds of traffic are concerned. It runs through one of the best grain and fruit regions of the Northern States, and there is a large amount of traffic which would go by the St. Lawrence route, in preference to continuing to follow the Southern route to

New York if there were proper outlets, and it is our duty to give every facility to that trade. That traffic, more particularly dairy products, would take the Northern line, in preference to the more Southern one, because it is cooler; and, moreover, if hon. gentleman will look at the map, they will observe that the Great Eastern line taps the Intercolonial Railway. Is it proper or patriotic for us to impede in any way traffic seeking an outlet by St. John or Halifax over the Intercolonial Railway? That would be practically the result of our refusal to grant a charter for this line through to Dundee. Any gentleman who looks at the map must come to that conclusion. Let the Grand Trunk Railway go to Dundee and get all the traffic it can, but let the Great Eastern also go to Dundee. At an objective point like that it is quite proper that there should be rival roads. That should be our policy, more particularly as the Great Eastern would furnish traffic to the Intercolonial Railway which the Grand Trunk Railway does not, because the larger portion of the traffic on the latter road goes out by way of Portland. The true and patriotic policy would be to favor traffic, if possible, for a road owned by the Dominion; at all events there is no special reason why we should give the Grand Trunk Railway the exclusive right to the traffic at that point, unless it has been a policy that Canada has pursued in the past, and I contend that we have never committed ourselves to any such principle. On the contrary—our whole policy has been in the direction of free-trade in railways. My idea is that railway companies should obtain their charters under a general act and should be allowed to build their lines wherever they please. It would relieve Parliament of a considerable pressure of business and benefit very largely the people of Canada. That system has been found to work well in the United States. As to the argument that bonds could not be floated because there are two rival charters and companies could not obtain the money, I contend that this is not the time to raise a question of that kind. That theory was abandoned long ago. We know that before companies put their money into the building of railways they look well to the future and the people who now invest in railway stocks and bonds make a very close exami-

nation before doing so. We need not give them any hints or suggest to them any views on that question; they are all sharp, keen men. It is not as it was twenty-five or thirty years ago when occasionally trust funds got into such enterprises. When the construction of railways was first begun we know that a great deal of money went into bonds and stocks which should not have been invested in that way, but now it is a stock operation. Men put money into it with a hope that they will be able to sell out at some future time. In the case of the Canadian Pacific Railway, I admit the bonds are a good, safe and lasting investment, until they are paid, at all events. But with regard to other railway companies in the country that are issuing bonds, I think we can leave it to the people who invest in them to say whether this would be a safe investment or not. For these, and for other reasons which I could urge, I think it is our duty to let both the roads run to Dundee, providing, if you think it proper, that they should keep a certain distance apart until they reached that point. However I think it unnecessary, for both parties will see that it is to their advantage to do that. It is in the public interest to bring the largest amount of traffic that we can secure into this country, and we can best do so by granting this charter.

HON. MR. ALLAN—The amendment proposed by the hon. member for Oshawa is very much in the same direction as one which I moved when the Bill was before committee. But I think as it stands now the amendment is even a more equitable one as regards the Bill and the objects sought by its promoters. As I said in the committee, I have been looking at the question mainly as it relates to other roads to the seaboard. I have no doubt there are important local interests concerned as well, but, for my own part, all my sympathies would naturally be with any company which would furnish to Canada, and more particularly to western Canada, the greatest number of facilities for getting to the seaboard. Therefore, so far as my sympathies are concerned, if they went in any direction it would be with this Bill and its promoters; but it seems to me that until the American system, spoken of by my hon friend (Mr. Scott), does come into vogue in this

country, and until charters are obtained in the same way that he says they are secured in the United States, an Act of Parliament is supposed to be given in good faith, and to be some guarantee to those who hold that charter that it will not be infringed upon. With regard to the charter given to this Montreal and Lake Champlain Railway Company, it has been asserted that the extension of time was given to them to build this road. The statements which we heard made in the committee room, and the statements made in this House, both by the hon. gentleman who has charge of the Bill in the Senate, and the hon. member who is the chairman of the Montreal & Lake Champlain Railway Company, have certainly differed very widely in many respects. But I think, after all this, the fact remains that a charter has been given to the Montreal & Lake Champlain Railway Co., that it does not expire until 1884, and that they had a perfect right to suppose that on the faith of that charter they could go on and build the road, without being exposed to the danger, before the expiry of their charter, of this Parliament granting another company the right to build a road over precisely the same route. The instance quoted by the hon. member from DeLanaudière, of the railways on the north and south shores, is scarcely analogous to this. You can hardly compare the roads on the north and south shores of the St. Lawrence to these two short lines, necessarily running very near each other. My hon. friend from Ottawa referred to the cases of the Great Western and Grand Trunk railways, but you can hardly compare them with the short lines in this instance, as laid down in the maps. The amendment, as presented to the consideration of this House, is an exceedingly fair one. As I have said, my sympathies go with those who are building a road to the seaboard, and giving us access also to the United States, and the railway system there. The amendment, as it stands, does not prevent the Great Eastern Company from making this connection. The amendment proposed to the House is as follows:

“That so much of the Bill as authorizes the construction of that part of the proposed railway running to the east of the Village of Dundee, and the west of St. Lambert, shall not come into operation until the first of May, 1884.”

Now, hon. gentlemen, what position does that leave the Great Eastern Railway Company in? It gives them the power of doing what they seek by their Act. They ask for power in addition, at St. Denis, to build a branch line on the frontier, near Hemmingford, or near Lacolle, in the County of St. John. The amendment leaves them free to build that line. So that if it is adopted the position of the Great Eastern Railway Company will be this—not that they are precluded for ever from building the road from St. Lambert to Dundee, but that after May 1st, 1884, they will be at perfect liberty to construct that section. In the second place they are at liberty now to make this much wished for connection with the American railways and seaboard, by the line at Lacolle.

HON. MR. POWER—Surely the hon. gentleman is not in earnest in saying that.

HON. MR. ALLAN—Certainly I am in earnest, and why should I not be? They are not cut off from that connection: they have it still; and, therefore, in the face of the existing Act which empowers the Montreal and Lake Champlain Company until May, 1884, to build that road, I think this amendment goes as far as is at all reasonable, or just, or compatible with the faith which I think Parliament ought to keep with a Company to whom they may grant a charter, and therefore, I hope the amendment will be adopted.

HON. MR. KAULBACH—If I supposed that this amendment would not defeat the Bill I should certainly vote for it; but this delay in building that section may prevent the capital from being raised and defeat the object of the Bill. Coming from one of the Maritime Provinces I have taken a deep interest in this road. From the first I took a position in favor of it, from which I cannot withdraw, feeling as I do that the line will be a great feeder to the Intercolonial Railway, and that it will connect our Government road with the railway systems of the United States, giving us a large portion of the trade of the central portion of the State of New York. I find that this line will run through thirteen counties, all of which would be benefited by its construction, that the representatives of those counties

are in favor of it, and therefore I think the Bill is in the public interest. We ought to legislate in that interest, and not for the benefit of railway corporations. I am not inclined to sacrifice the interests of the public for the benefit of any individual company. I believe there should be no monopoly in railways; and when thirteen counties are to be benefited, when this charter is petitioned for by the inhabitants of those counties, and when it is to be a feeder to our own Government railway, we would be acting unwisely to refuse this Bill. Coming up to Ottawa by rail, we have to come by way of Richmond, and I have often been delayed at that point for hours, waiting until the Grand Trunk train from Portland came up before we could proceed to Montreal. I think the Grand Trunk Railway Company's interests are centered in Portland. At all events, they advertise connections with steamers at that point. Our interest should be to take all the trade we can to our own cities on the sea-coast. I think we should not overlook the importance of this line to the Maritime Provinces and the Intercolonial Railway, and that we should not, for the sake of a few miles of line, defeat a Bill for the construction of a road 250 miles in length. I would be acting contrary to my duty as a legislator if I allowed myself to depart from what I believe to be the true interests of the country.

HON. MR. ALEXANDER—The argument is, no doubt, a plausible one, that we cannot grant too many railway charters—that it is in the public interest that we should afford facilities to all parties desiring to construct railways; but my own experience in that part of western Ontario from which I come has been that numerous applications have been made to the Ontario legislature, that charters have been obtained, that applications have been made to municipalities along those lines for assistance, and that the people have also contributed heavily to the construction of competing lines, and when these companies come to operate their roads they find the traffic insufficient to maintain them. The local legislature has given large sums of money as subsidies, municipalities have voted bonuses, and consequently a large number of unnecessary lines have been constructed which

the companies have been unable to run, and the result has been that the more powerful companies have been obliged to buy up these weaker lines and none of the anticipated advantages have been secured. In this case a charter has already been granted, and a large amount of money has been expended. We are now asked to grant another charter to cover the same ground, the distance of one of the lines from the other being very short. How, under the circumstances of this application for another railway charter, can I do otherwise than support the amendment of my hon. friend behind me (Mr. Gibbs)?

HON. MR. TRUDEL—I think it my duty to say a few words on this subject, because, while I am on the same footing as all other members, as to the general interests of the Dominion, I have the honor to represent here the locality which is to be traversed by this road. So far as I understand the matter, there are three considerations presented to the minds of every hon. gentleman—the general interest, the private interest, and the local interest. As to the local interest, I have received from my division a certain number of letters and telegrams, with a request to submit them to this honorable House. One of the letters is as follows:

“HUNTINGDON, May 2, 1882.

Hon. F. X. H. Trudel, Ottawa.

DEAR SIR—The Municipal Council of Elgin, learning with regret that there is danger of the act of incorporation to the Great Eastern Railway Company being impaired, by withdrawing from it the power to build westward from St. Lambert's, expresses its views as follows:

“That this Council, as expressing the views of the ratepayers of the Township of Elgin, protest against refusing power to the Great Eastern Railway Company to build from St. Lambert's to Dundee, as being calculated to do a grievous injury to the farmers of this section, who are destitute of all railway communication, and see no prospect of securing such facilities, unless the Great Eastern are given liberty to build.

Trusting you will be kind enough to submit the foregoing to the Senate, and to advocate our just and reasonable rights, of which the Grand Trunk, under specious pretences, is seeking to deprive us.”

I beg to remain,

Sir,

Your obedient servant,

[SD.]

DANIEL MACFARLANE,

Mayor.”

I have a lot of telegrams in my hand, communicating to me the unanimous decision of the Council of the Town of Drummond, of the Township of Ormonston, of the Village of Huntington, the Municipal Council of Hinchinbroke, and I thought it was my duty to put the views of these localities before the Senate. I may say that though these documents do not present the views of all the localities traversed by this road, I have not received a single letter, nor have I heard a single word against it. This seems to me to be a fact of such importance, that I conceive it to be my duty to lay it before the House. I may add, that I am in a rather delicate position with regard to this matter, because, up to the present session, I did my best to encourage the Grand Trunk Railway, and secure, to a certain extent, the right for that company to build the railway from St. Isidore to Dundee. It has been represented by the hon. member from Ottawa that there is a certain portion of the line which has been built by the Grand Trunk Railway, which is not properly a part of the local line alluded to. As I have perfect knowledge of the facts connected with the building of that section, I will say a few words on this point. It is well known, and the Chairman of the Grand Trunk Company will not deny it, that the Grand Trunk Railway, irrespective of any view of building a railway westward, had decided to avoid the trouble of crossing the St. Lawrence by ferry at Caughnawaga, and built a branch to bring the traffic to Victoria Bridge. This bridge is now, as far as I can see, constructed with steel rails, and in perfect working order. It is true that the Grand Trunk Railway, or properly speaking, the Champlain Junction Company, had obtained a charter to extend their road westward towards Dundee, but it was a long time before they commenced building that road. The people of that country—one of the wealthiest localities in the Dominion—complained of having no railway communication, and made representations to the Grand Trunk Railway to induce them to build that branch. The Grand Trunk Company appeared to be very reluctant to commence it, in fact the whole question was whether the municipalities would subscribe or not, and the people were left

under the impression that unless a large bonus would be subscribed the Champlain Company would not build the road. In the meantime a new company was formed which came before Parliament asking for a charter. At that time, considering that the Grand Trunk Railway was in earnest, and would build the road, I did my best to induce the members of the other House to refuse the new company a charter. The charter was refused and the people of that locality, who were very anxious to promote this new company, were only induced to stop their efforts, by the assurance of the Grand Trunk Railway or President of the Champlain Railway that their promise to construct the road would be strictly fulfilled the next year. It is true that, to a certain extent, a part of the line was built—that is from St. Isidore to St. Martine. I do not think it is proper to consider the other part of the line as being a part of the fulfilment of this promise, because, as I stated before, it is a different matter entirely. It was a part of the Caughnawaga road extended to the Victoria Bridge.

HON. MR. FERRIER—It is the same charter.

HON. MR. TRUDEL—Certainly it is the same charter, but obtained for an entirely different object—to connect the Caughnawaga road with the Victoria Bridge, and the other part was to satisfy the people of Beauharnois, Huntington and Chateauguay counties and give them railway connection. If I remember well, that part of the charter embracing the line to Dundee was not in the original scheme for the charter at all.

HON. MR. SKEAD—May I ask the hon. gentleman if the terminal point of the road is at Dundee?

HON. MR. TRUDEL—Of course it is, because it is the boundary line.

HON. MR. SKEAD—From that to the American system of railway's is some thirty or forty miles?

HON. MR. TRUDEL—Yes.

HON. MR. SKEAD—Have they any charter to make that connection yet?

HON. MR. TRUDEL—I do not know that they have.

HON. MR. SKEAD—Then a few years would have to elapse before that connection can be made at Dundee ?

HON. MR. TRUDEL—Certainly. I did my best to secure what I considered to be the equitable right of this Company, and they solemnly bound themselves to build this line, but unfortunately their promise was not fulfilled. So much for the local interest, but now there is another reason : Two years ago it was a fight between two local companies, and Parliament obliged the Montreal and Champlain Company to build their line within one year, and according to terms mentioned before this House. Since this, another road, which I consider to be a through line—a provincial line—has been originated, and it seems to me there is a general interest in favouring that charter. These are the reasons why I very reluctantly and with great hesitation thought it my duty to sustain the granting of the charter before the House.

HON. MR. POWER—I rise for the purpose of calling the attention of the hon. gentleman who moved the amendment to a point of order involved in it that ought to be settled before we go any further. The point is this : it is a general rule that the motion made should correspond with the notice given. I call the attention of the hon. gentleman who moved this amendment to the fact that it does not correspond with the notice given, and the notice as given in the Minutes does not correspond with the notice given by the hon. gentleman before the House rose the other day. I do not wish to lay any stress on that fact ; as long as the substance of the notice is preserved I think it is sufficient. But I wish to make this suggestion ; the hon. gentleman has moved that the Bill be referred to a Committee of the Whole House ; I do not think that is the usual practice with reference to Private Bills. I think the practise is to refer the Bill back to the Railway Committee with instructions to do certain things. The amendment which the hon. gentleman has read is not one that has been before the House in any way before, and I only wish to have an understand-

ing that if the Bill is referred to a Committee of the Whole House, or to the Standing Committee on Railways, that the duty of the Committee will be to substantially provide that the construction of that part of the line running west to Dundee shall be postponed for two years. The fourth section of the Bill to which this amendment is proposed, gives the company in addition to the power to build the road from Point Levi to St. Lambert and then from St. Lambert to Dundee, also the power to build a branch line to the frontier. I may be mistaken but I think that the amendment, as the hon. gentleman has worded it, would prevent the company from building that branch and possibly prevent them from building branches to the St. Lawrence river. I presume that my hon. friend does not wish to do anything of that sort, and I wish to have him state before the question is taken that the object is to have the Bill so amended by the Committee that the road from St. Philip to Dundee shall not be constructed until the year 1884. The hon. gentleman from Rideau Division asked a question about the connection in the State of New York. The President of the Champlain Junction Railway Company stated to the House in reply, that the American companies were prepared to connect with the Grand Trunk Railway. I presume that the companies are equally prepared to connect with the Great Eastern, if the Great Eastern Company built this road. I am informed that a company in New York are prepared to build the connection at once and that the distance on the American side of the line is only thirty miles.

HON. MR. GIBBS—I desire to say in reply to the hon. gentleman from Halifax, that I did give notice the other day ; I afterwards thought the motion was not sufficiently explicit, but in correcting it I did not alter the general tenor of the original motion in any way. My only desire was to make it so that it might not be misunderstood. I asked hon. gentlemen who are well versed in the rules and proceedings of this House which was the better course to pursue—to give notice of a second amendment, or to amend the first in the direction I did amend it. I was informed that I was not tied down to any particular words so long as I kept within the general

terms of the notice. Upon the other point I was informed that another amendment would be made to my amendment, and as I believed that it would be in the interest of the promoters of the Bill, I altered it in the direction in which it now appears before the House, with the desire not only of strengthening the position of the parties who asked for the amendment, but also to remove any possible objection on the part of the promoters of the Bill that they might be prevented from making their connections with the American system.

HON. MR. POWER moved in amendment to the motion in amendment that the fourth clause be amended by adding thereto:

“ Provided that in so far as concerns that portion of the line between St. Philip and Dundee, the work of construction shall not commence before the first day of May, 1884, unless before the fifteenth day of July in the present year, the Great Eastern Railway Company shall have offered to purchase from the Montreal and Champlain Junction Railway Company the portion of their line now constructed, located and surveyed upon such terms as may be agreed upon by arbitrators appointed according to the Consolidated Railway Act, 1879, the amount awarded by such arbitrators, however, not to exceed the actual cost of such work, the said Montreal and Champlain Junction Railway Company being hereby authorized to sell and the Great Eastern Railway Company authorized to purchase and acquire all the rights, privileges and franchises of the said Montreal and Champlain Junction Railway Company. Should the said Montreal and Champlain Junction Railway Company refuse or not agree to sell said railway or to carry out the award of the arbitrators, the Great Eastern Railway Company may proceed immediately with the construction of their line.”

HON. MR. SCOTT—I think before the question is put we ought to understand what we are voting on; this Railway aims at two points, one at Dundee, and the other at Rouse's Point, which is a very considerable distance east of that. I did not understand that that branch was attacked, but only the line from Dundee. I find on reading over the amendment that the branch to Rouse's Point is attacked, and I see that the House is under a misconception; there was never any idea that the opposition was to anything but the extension to Dundee.

HON. MR. BELLEROSE—I believe that the promoters of the Bill ought to accept that amendment, and in their name I do accept it, because it is only right that the Grand Trunk after they have expended a large sum of money on that line between St. Philip and Dundee, should be reimbursed for their expenditure. One word as to the question of order. The hon. gentleman from Oshawa gave notice of an amendment: that amendment he changed next day, and to-day he has changed it again. The hon. Minister of Justice may say that it is only changing the wording and it is within the rule, but I can assure the hon. gentleman that two years ago, in the case of the Sovereign Company's Insurance Bill which I then opposed, when I offered an amendment in which I changed only the wording, it was objected to. Has the hon. Minister of Justice one ruling for one year and another ruling for another year? I want to know if there are different principles for ruling in these matters?

The Yeas and Nays being called for, the House divided on the amendment, which was declared lost on the following division:—

CONTENTS:

Hon. Messrs.

Armand,	Leonard,
Baillargeon,	McClelan,
Bellerose,	Odell,
Carvell,	Paquet,
Chaffers,	Pelletier,
Chapais,	Power,
Cormier,	Pozer,
Fabre,	Scott,
Flint,	Stephens,
Grant,	Thibaudeau,
Guévremont,	Trudel,
Haythorne,	Wark,—25.
Kaulbach,	

NON-CONTENTS:

Hon. Messrs.

Aikins,	Hamilton (Inkerman,)
Alexander,	McKay,
Allan,	McMaster,
Almon,	Macdonald,
Archibald,	Macfarlane,
Benson,	Macpherson (Speaker,)
Bourinot,	Northwood,
Bureau,	Ogilvie,
Campbell,	Read,
(Sir Alexander),	Ryan,
Dickey,	Simpson,
Ferrier,	Skead,
Gibbs,	Smith,
Howlan,	Vidal,—27.

HON. MR. ALLAN—All the promoters of this Bill want is what I stated a little while ago—simply to be ensured the right of building this road to Rouse's Point, Lake Champlain,—and if that is allowed they are perfectly willing to strike out the power to build the road from St. Lambert to St. Denis within the next two years.

It being 6 o'clock the Speaker left the Chair.

After Recess.

HON. MR. GIBBS—I trust that the amendment as it is now proposed will meet the views of the conflicting parties. It is as follows :

“ Page 2, line 21.—After ‘ Montreal ’ insert ‘ Provided always that so much of this section as authorizes the construction of any part or parts of said railway, from and lying east of any point on the frontier, at or near the Village of Dundee, and which passes through the Counties of Huntingdon, Chateauguay, Beauharnois, Napierville and Laprairie, shall not come into force until the first day of May, 1884 ; but provided, nevertheless, that the said Company shall not in any way be hindered from constructing a line of railway to the east and south of the said counties, from St. Lambert to Lacolle and Rouse's Point, on which route the Company may, if deemed expedient, place any portion of their line of railway west of St. Lambert, at a distance of not more than a mile.’ ”

He moved that the House go into Committee of the Whole to make the amendment.

HON. SIR ALEX. CAMPBELL—The amendment meets the approval of all parties.

HON. MR. SCOTT—I have just seen the parties and I am told that it does not.

HON. SIR ALEX. CAMPBELL—I am told that it meets with the approval of Mr. Armstrong and his son, who, I understand, are the promoters of the bill. I am astonished that there should be any disagreement now.

HON. MR. SCOTT—I have been told to the contrary by one of them, and by others.

The Senate divided on the amendment, which was adopted by the following vote :

CONTENTS.

Hon. Messrs.

Aikins,
Alexander,

Howlan,
McKay,

Allan,
Archibald,
Botsford,
Bourinot,
Bureau,
Campbell
(Sir Alexander),
Chapais,
Dickey,
Ferrier,
Gibbs,
Glasier,
Hamilton
(Inkerman),

McMaster,
Macdonald,
Macfarlane,
Macpherson,
(Speaker),
Northwood,
Ogilvie,
Read,
Ryan,
Skead,
Smith,
Vidal—27.

NON-CONTENTS.

Hon. Messrs.

Almon,
Armand,
Baillargeon,
Bellerose,
Carvell,
Chaffers,
Fabre,
Grant,
Guevremont,
Haythorne,
Kaulbach,

Leonard,
McClellan,
Paquet,
Pelletier,
Power,
Pozer,
Scott,
Stevens,
Thibaudeau,
Trudel,
Wark.—22.

In the Committee.

HON. MR. GIBBS moved that the Bill be amended by inserting the following after the word “ Montreal ” in the 21st line on the second page :

“ Provided always that so much of this section as authorizes the construction of any part or parts of said railway, from and lying east of any point on the frontier, at or near the Village of Dundee, and which passes through the Counties of Huntingdon, Chateauguay, Beauharnois, Napierville and Laprairie, shall not come into force until the first day of May, 1884 ; but provided, nevertheless, that the said Company shall not in any way be hindered from constructing a line of railway from St. Lambert to Lacolle and Rouse's Point, on which route the Company may, if deemed expedient, place any portion of their line of railway west of St. Lambert, at a distance of not more than a mile.’ ”

HON. MR. BELLEROSE said that the words “ to the east and south of the said counties ” having been struck out of the amendment, the promoters were willing that it should be incorporated in the Bill.

The motion was agreed to.

HON. MR. WARK, from the Committee reported the Bill with the amendment, which was concurred in.

The Bill was then read the third time and passed.

MONTREAL TELEGRAPH CO.'S
BILL.

THIRD READING.

HON. MR. FERRIER moved concurrence in the amendments made by the Committee on Railways, Telegraphs and Harbors to Bill (96), "An Act to consolidate and amend the Acts relating to the Montreal Telegraph Company."

The motion was agreed to.

HON. MR. FERRIER moved the third reading of the Bill

HON. MR. SCOTT—I put a notice on the paper that I had proposed, on the third reading of this Bill, to strike out a portion of the 13th clause. My reasons for selecting that portion of it as particularly obnoxious are that it authorizes amalgamation with a foreign corporation. I have objections to the whole Bill, inasmuch as they propose to consolidate their Acts in such a way as to effect a change in the operations of the Company in future. In regard to all legislation that effects the great masses of the people, Canada in the past has taken the very foremost rank. Our legislation has certainly been abreast of the times, with all civilized countries, but in the matter of telegraph legislation, we have been behind other countries except the United States. The cause there I need not mention: the power obtained by telegraph companies has somewhat postponed the time within which Congress would take charge of the telegraphs, and assimilate them to the post office system. I consider that this occasion is a very favorable one for adopting that course in this country, as very extraordinary changes have taken place with regard to the management of our telegraph system, and I think the time is opportune for the Government of this country to assume its management and control, as has been done by the Governments of Europe. In Belgium, Switzerland, France, Germany, Russia, Italy and England, the telegraph system has been united to the postal system in each of these countries, and placed under the administration of the Government. Why, in Canada, we should not follow in so wise a course, as has been adopted in Europe, I am unable to understand. The pressure of other

business, I suppose, and the excellent way in which the telegraph system of Canada has been carried on while the companies were under the personal management of directors in Canada, no doubt contributed to the postponement of the time when it should be taken over by the Government of this country. If we look to the results of the policy that has been adopted in Europe in regard to the absorption of the telegraph system, we find that the rates have been invariably reduced, that connections have been enlarged and the facilities given to the public have been wonderfully increased, while the cost of transmission, even for the press, has been largely reduced. As we know, to-day, a very considerable portion of the business of this country and the news of the Dominion are carried on by wire, and this is all the greater reason why the telegraph system should be under the control of the Government. Let us inquire whether the private companies, in whose hands this system is, have kept pace with the business, or whether they have given the public the cheaper rates that ought to have flowed from the increased business, and the cheaper mode in which the telegraph system is conducted. It was about the year 1848 that the first telegraph companies were formed in the United States. There were then a number of comparatively small companies established between leading cities over the Union, and it may be rather interesting to look at the rate then charged and compare them with the rates to-day, and to consider what the increased facilities of those companies have been for the transmission of messages and the general carrying on of their business. I find that in 1848, the charges by the New York and Boston line were as follows: Along that line from New York to Springfield, Worcester, and Hartford, Connecticut, 25 cents for the first ten words, just the rates charged to-day in Canada, exclusive of address and signature, and two cents for each additional word; to Boston fifty cents for ten words; there has been a reduction there. Over the lines between Washington and New York—New York to Philadelphia, a distance of between 250 to 300 miles, the tariff was very little in excess of what it is to-day. On the New York and Washington line the rates were, for ten words to Philadelphia, twenty-five cents, and to

Wilmington, thirty-five cents, with a slight reduction for messages exceeding one hundred words. Now, these figures are from official sources of the Western Union Telegraph Company, and accompanying these figures there is a statement showing the increase of business of the companies from that time to this. Comparing the enormous increase of business and the facilities for doing that business, one is amazed at the slight reduction in the cost of sending messages. According to these tables the volume of business done by that company had increased from 6,000,000 messages in 1857 to 29,000,000 messages in 1880, or almost five-fold. The increased number of messages was due to improvements on the original Morse machine. By that instrument only one message could be sent at a time, but it was superseded by what is known as the duplex system, that is, doubling the number of messages, and then came the quadruplex system, by which four times as much business could be done on the same number of wires as when only the Morse machine was used. So that the companies have facilities now for doing with the quadruplex machine four times the volume of business that was done when the telegraph system was first introduced to the world. Looking at the rates charged then, and comparing them with the rates charged to-day, hon. gentlemen will see that there has been no reduction at all commensurate with the increased facilities which the companies have. Take the charges in European countries that have absorbed the telegraph system and combined it with the postal service; you will find that there has been a reduction of 50 per cent., and sometimes more than that. In all these cases the limit is twenty words, and in some countries the rate has been reduced to ten cents per message. The majority charge at the rate of one cent. a word. Then, again, not only has there been that enormous advantage in transmitting messages, but all materials connected with the construction of telegraphs and used in the conversion of electric power are cheaper. The cost of sulphuric acid, which is a very large element in the operation of the wires, has gone down more than fifty per cent., and so it is with all other materials. Hon. gentlemen will see, therefore, that while

the rates are kept up the companies are enabled to do their business for from one-fourth to one-sixth less than the cost when they were originally formed. When they were first organized we know that they were in some measure profitable, otherwise new companies would not have gone into existence, and they would not have continued to develop all over the continent: therefore the presumption is that a very considerable gain has been made from time to time by the companies. The corporation we will have to deal with in the future will be the Western Union Telegraph Company, for under this Bill, as we all know, it is proposed that the Western Union (nominally the Great North-western Company) will have control of all the lines in Canada. In my judgment this matter is of the utmost importance to the people of this country. As I stated on a former occasion we would hesitate to transfer the postal department to a private company: we believe the Government ought to have the monopoly of the postal service. If so, then on the same principle they ought to have the monopoly of the telegraph service, because the two are closely allied. We have greater secrecy and satisfaction with the postal system than we have with the telegraph, because we can, at all events, secure secrecy, and we know that in despatching letters by mail they go at least as quickly as all others sent by the same train and line. It is not so with the telegraph system. You send an open letter, frequently of the most private character, in which secrecy is an element of the first consequence, yet you have no guarantee that the message you are sending is preserved from the eyes of those who may make considerable advantage and profit out of knowing its contents. You have no security that messages will be delivered in their order, in point of time. You have not anything like the same secrecy you have in transmission of letters under the control of the Government of the country. Now, this telegraph company that is going to absorb our Montreal line, and has now practically absorbed the Dominion line, has been, more than any other enterprise that the world has ever seen, the channel of inflation and of stock jobbing operations. Really, to read its history is like reading a fable. The wealthy Com-

stock lode has been a bagatelle compared with the enormous advantages that have flowed to Western Union stockholders who were in the deal. The Western Union was organized under a charter of the State of New York in 1856 with a capital of \$500,000. To-day it has a capital of \$80,000,000. If you trace the history of that company down, you will find that a large proportion of that amount has been purely inflated capital; stock has been allotted to the company under the name of shares—shares for profits, shares in consideration of amalgamation with smaller companies; shares on every possible pretext—until at one time, before it absorbed the American Union, another long line which it recently took under its fostering care, it had nominally a capital of \$41,000,000, and of that amount \$26,000,000 were scrip dividends, the cash actually invested in that company at that time being only \$15,000,000. Since 1856, when the company was formed, it has absorbed sixty telegraph lines until it now controls the telegraph system of the continent, with very few exceptions. There are yet the Rapid Transit Company, between New York and Boston, and one or two others of little importance. The occasion of absorbing any company was made a pretext for an increase of stock to the original holders—that is, shares in the way of compensation for taking in what might be considered poorer associations. So that to-day the estimate is that of \$80,000,000, on which the people of this continent are taxed for their messages, it is computed that the whole cost was under \$25,000,000, and if the lines had to be built to-day, they would not cost over \$20,000,000. The difference between the \$20,000,000 or \$25,000,000 and the \$80,000,000 is purely fictitious capital on which the public are charged for the transmission of their messages. Now, the Dominion Company, as we know, formed an alliance with the American Union; the American Union became absorbed, a comparatively short time ago, by the Western Union, and the proposition is that this same Western Union shall take over the entire telegraph system of the Dominion. Practically, when this Bill passes, the whole telegraph system of Canada will be handed over to a foreign power. I do think this is a matter that ought to make us hesitate

and consider whether we are acting wisely and prudently; whether it is in the interest of this country that so important a matter as our telegraph system should pass under the control of foreigners. If it were a foreign government you might consider there would be some kind of fair play in the future management of the company; but we know very well that it is controlled by one or two leading men in the United States—men who can at will inflate and depress stock, men who play day after day with bears and bulls, who make corners in wheat, in pork and in stocks. It is to them you hand over the telegraph system of the Dominion. Will any one assert that the business will be done just as secretly and methodically, that the messages will be transmitted in regular order, and that everything will be proper and fair? I say that men who have the opportunity to make, as we know these men do, their millions and tens of millions in stock operations by inflating and depressing the various articles with which they deal, when they get control of the telegraph system, are placed in the way of a temptation too strong to be resisted. They are not men who are above taking an advantage if they have an opportunity. The people of Canada propose to give them that advantage, and to place within the reach of Jay Gould the opportunity of doing what he likes with our telegraph system. It is idle to be met with this statement that the amalgamation is with the Great North Western. We know that that Company has never built one single line of telegraph, that it never owned a mile of wire until it absorbed the Dominion line, as it is now absorbing the Montreal Company. We know that it did not own any property. It was a skeleton company, got up for a speculative purpose, to accomplish what Parliament is called upon to sanction by this legislation. We are now lending assistance to a stock jobbing corporation. When this Bill came before the Railway Committee the other day our natural conclusion was that there would be some opposition to it, and we took very great care to allot to the contestants a fair share of time. We fixed an hour that the promoters would have to explain its object. When three-quarters of the hour were up, the promoters having furnished all the explanations that were necessary, we called upon the opponents

of the Bill, but no person came forward. We found it was a one-sided affair. It was not like the Bill which we had before us just now. They were all anxious to get this measure as quickly as possible. Every shareholder of the Montreal Telegraph Company felt he had made a good thing; he had secured an eight per cent. dividend without doing anything actively for it. Those companies, when they get a charter from Parliament, have certain duties imposed upon them; they are bound to keep up with the times; but this Company goes out of existence. The Bill says they are to have premises in Montreal, and there are other provisions to keep alive the charter, but beyond that they have no existence except the receipt of a profit of eight per cent. Parliament is deliberately lending its aid for the purpose of giving value to this stock, and making the Montreal stockholders feel very comfortable in the possession of the eight per cent. dividend to be paid them, nominally by the Great North Western Company, which has not \$100,000 capital—no more capital than is necessary to enable its manipulators to get possession of this line—but actually by the Western Union Company. We know what persistent efforts have been made to get this Bill. Every one has been told that his friend so and so has so much stock, and was anxious to have this Bill carried. It made it unpleasant for us to oppose it, and we would rather yield to the importunities of friends, if possible. But it does seem to me so contrary to the best interests of the people of this country that I could not see my to acquiesce in it. I suppose my opposition, emanating solely from myself, acting entirely on my own judgment, co-operating and conferring with no one else with reference to it, and guided purely by my own views of what is right and proper—I suppose my opposition will not amount to very much, because the House has been—I will not say canvassed,—but a great deal of pressure has been applied for this legislation. It must be obvious that this Bill is not asked for in the interest of the people of Canada. Those who are clamoring for it are men who want to make some money out of it. Eight per cent. is to be paid to the Montreal stockholders, and six per cent. to the Dominion stockholders, and there must

be a considerable margin beyond that, otherwise there would not be this extraordinary pressure, this intense anxiety to have the Bill carried. There must be a large amount of money that somebody is going to make outside of it, and the channel through which it is to be made is the legislation that is now being granted, which allows them to carry out this new telegraph deal. I think it is postponing, for a very considerable period longer than probably would otherwise occur, the time when the people of Canada will be in possession of the telegraph system. I shall just read, for the information of the House a report of the Postmaster-General in reference to the effect of taking over the telegraph system in England. It was taken possession of in 1870, and the Government paid a very large amount of money for it because Parliament had laid down no rule on which they were to acquire that property. The consequence was when the question was agitated and came to be discussed by the Chambers of Commerce, it was found that the rates were out of all proportion to the amount of capital invested, and the capital kept going up until it got to be an enormous sum, and the British Government had to pay an exorbitant price for the property, and out of all proportion to the cost of the lines. It will be the same in this country; the longer the Government of Canada postpone the taking over of our telegraph system the more they will have to pay for it in the end. In order to give hon. gentlemen an idea of the advantages to the public in England since the British Government took over the telegraph system, I will read from the report of the Postmaster-General for the year 1880:

“At the time of the transfer, the telegraph companies had 1,992 offices, in addition to 496 railway offices at which telegraphic work was performed, making the total number of offices 2,488. At the end of the past year there were 3,924 post offices, and 1,407 railway stations open for telegraph work, making the total number of telegraph offices within the United Kingdom 5,331.

“The number of instruments in use by the companies was 2,200, exclusive of those on private wires. The number in use in the post office has increased to 8,151.....

“On taking over the telegraph, the post office commenced with 5,657 miles of telegraph line, embracing 48,990 miles of wire, and these numbers have been increased to 23,156 miles of line embracing 100,851 miles of wire.

“The total length of sub-marine cables

connecting different parts of the United Kingdom was 139 miles in 1869. Last year it was 707 miles.

“There were about 6,500,000 messages forwarded by the telegraph companies and by railway companies transacting public telegraph business, in the course of the year 1869. Last year the post office forwarded 26,547,137 messages, so that the business has increased four-fold.

“The telegraph companies sent news to 144 towns, the number of subscribers being 306, including 173 newspaper publishers. Last year the post office sent news to 313 towns, the number of subscribers, including 518 newspaper publishers, being 806.

“During the Session of Parliament the companies sent about 6,100 words of news daily, and at other times about 4,000 daily. The post office during the last year sent an average of 25,679 words a day when Parliament was sitting, and 21,702 when Parliament was not sitting.”

Hon. gentlemen will see from this report, that there was the same relative increase, to the public, in the advantage of the possession of the telegraph wires by the Government, as there was by the introduction of the penny postal system, the postal card, and the various improvements in our postal system during the last fifty years. Under the system adopted by the several Governments in Europe, more particularly by the Government of England, whose records I have been quoting from, the cost of telegraphy has decreased immensely. The charge throughout the United Kingdom is 20 cents for the first 20 words and 6 cents for every additional 6 words. There has been that advantage to the public, and the newspapers have had such increased facilities that they have been enabled to give to the public four times the amount of telegraph news. We know that at the present time business men cannot afford the time to read more than the telegraphic despatches in the press, and they depend on them, rather than on the later reports that come by the mails, so that it is an object from every point of view that the facilities for the transmission of messages to the public should be largely increased. My opposition to this Bill is of a twofold nature: first, by passing this Bill we postpone to a much longer period the time when the Government of this country should take over the telegraphic system, and we will make it much more embarrassing and much more difficult, because we know if the telegraph passes into the

hands of these people they will manipulate it in ways and by means that we do not now anticipate. If, as I have shown you, they have successfully manipulated this company that has already absorbed so many rival companies, from a capital of half a million of dollars to one of over eighty millions in a few years, then they have acquired such proficiency in the art of manipulating that they are not likely to stop at the acquisition of the Montreal Telegraph Company also.

HON. MR. POWER—Do I understand my hon. friend to say that all the telegraph lines in the United States cost only half a million of dollars originally?

HON. MR. SCOTT—No, I said that the original capital of the Western Union was half a million of dollars, and since that time that company has gone on absorbing other companies and paying out a small amount of cash until its capital is eighty millions; that on one occasion alone, before it absorbed the American Union, when it brought its capital up to \$41,000,000, it had at that time paid out to its stockholders \$26,000,000 in scrip dividends—that practically at that time while its capital stood at \$41,000,000, it had only a cash capital of \$15,000,000. What I say is that the company had grown from \$500,000 to \$80,000,000, and that the difference between \$25,000,000 and \$80,000,000 was inflated stock given to holders of Western Union stock and holders of stock in those other companies that have dropped into the Western Union. It has absorbed over sixty companies since it has been created, so that it is very easy to measure what its powers are likely to be in the future. These are the reasons why I have felt it my duty to give notice that I would move to strike out that portion of the Bill which gives the company power to amalgamate with a foreign corporation. One of the appeals made to us is that the Montreal company would not be able to compete with the amalgamated companies, unless this legislation is granted. I do not agree with that view. I believe the Montreal Company has such a hold throughout Canada, in consequence of its lines extending through the business portion of the country, that no rival company is likely to occupy the ground. The Western Union must see something con-

siderable beyond that eight per cent., or they would not take the position they do. There is a motive, and it cannot be two or three per cent., because the Western Union men would not touch this telegraph deal, unless they saw hundreds of thousands of dollars in it, and I believe that a large margin of profit might be made and retained by the holders of Montreal stock, if they continue to do the legitimate business that they have hitherto been doing in this country. I should have been quite willing, if nothing better could be done, that they should continue Canadian companies, and I did not regret at the time the proposal made by the Dominion Company, before their amalgamation with this foreign company, to amalgamate with the Montreal Company. If we are to have a monopoly, let us have the monopoly of a home company; it would be far less objectionable, for we would know that the profits of that monopoly were going into the pockets of our own people. We should have, at all events, the returns made by these companies, and public opinion would no doubt be able to bring such pressure to bear, in case the business increased to more than eight per cent dividends, as would bring the rate down. But to say that the only recourse the Montreal Company has is to go as the Dominion Company has gone, and be absorbed into the American system, and that the American system is to rule Canada, so far as that particular service is concerned, I do not think it creditable, to say the least of it, to the Canadian people.

HON. MR. POWER—I have to express my regret that on the present occasion I am not able to take the same view of the matter before the House as that entertained by the hon. gentleman who has just sat down. The address that the hon. gentleman has favoured the House with has been an instructive and valuable one. He has given us a great deal of information on the subject of telegraphy, and has given the Government and the House hints that may be useful in the future; but I think the hon. gentleman failed in the purpose he aimed at. He moved an amendment which was to take away from the Montreal Telegraph Company the right to amalgamate with another company, but he failed to show how that amendment would be in the public in-

terest. I quite agree in what the hon. gentleman has said as to its being a very undesirable thing that the telegraph lines of this country should be to so great an extent under the control of a foreign corporation. I also regret that we cannot telegraph at as favorable rates as the people in England and in other thickly populated countries, but, after all, I fail to see how these evils are to be remedied by the amendment. This matter presents itself to me, and I think it presented itself to the majority of the committee, in this way: If we had to begin, *de novo*, to incorporate telegraph companies it would be a very desirable thing not to give any company the power of amalgamation with any other company. But we passed an Act to incorporate the Dominion Telegraph Company years after the Montreal Company was in existence, and subsequently we passed an Act giving the Dominion Telegraph Company the right to amalgamate with another company, a right which they exercised. Subsequently we incorporated the Great North Western Co. giving them the right to amalgamate, which right they also exercised. The Montreal Company, acting under a clause in their charter, have undertaken to amalgamate with the Great North-western and with the Dominion, and they ask us to ratify what they have done; and the question is whether we shall do that or not. Supposing we adopt the amendment of the hon. gentleman from Ottawa, and refuse to ratify what they have done, what will the effect be? In the first place a judge of the Superior Court of Quebec, Judge Rainville, has decided that the working agreement made by the Montreal Co. with the Great North-western is illegal, and is not justified by the existing charter. If we do not pass this Bill, the appeal which has been taken will be carried up to the highest courts in the country and possibly to the Privy Council, and during all this time the stock of the Montreal Company, which is held in a great degree in trust for the families of the original shareholders, will be made a foot-ball of in the stock market of Montreal; and by throwing out this Bill we will be doing a great deal more to assist the stock jobbers than we would by passing it. The hon. gentleman has spoken as though the passing of this Bill would be in the interest

of the stock jobbers; it is rather a singular thing that no one appeared before the committee to oppose the Bill openly.

HON. MR. SCOTT—I had reference to the stock operations in New York.

HON. MR. POWER—I think we are more interested in the stock operations in Montreal.

HON. MR. SCOTT—I made no reference to that at all.

HON. MR. POWER—The fact is that although there was no open opposition before the Committee, to the passage of this Bill, an agent of the Montreal stock jobbers was here; and I think that agent did as much in the way of canvassing against this Bill as all the agents of the company or the company itself in canvassing for it. Supposing that this appeal is ultimately decided against the company what will be the result? The stock of the company will have already become considerably depreciated, and Jay Gould, or whoever at that time controls the Western Union, will have this company completely in his hands. The Montreal Company has no lines in the Lower Provinces beyond Sackville; it would be cut off from the Lower Provinces and from the United States, and hon. gentlemen must feel that a company that has no connections outside of the old Provinces of Canada will go into the business of telegraphing at a great disadvantage as compared with the companies that have outside connections. The almost certain consequence of this will be that the stock of the Montreal Company will go down to 50 per cent. of its par value, and it will be all bought up by Jay Gould or his successor at its depreciated figure, and then the company will be in the hands of this foreign monopoly of which the hon. gentleman has spoken. As things are arranged at present, the Canadian stockholders and their families will have the benefit of the eight per cent. If my hon. friend had his way, the probabilities are that these families would suffer great loss; a loss that would be very serious indeed, to many of them, and the upshot would be that the property would go into the hands of American stock-jobbers, and Canadians

would have no return whatever from this stock. For the reasons that I have given I felt constrained in the committee, as I now feel constrained in the House, to vote against the amendment of my hon. friend. Then again rates are limited to twenty-five cents a message. The statistics produced by the hon. gentleman do not show that, for a sparsely settled country like Canada, it is an exorbitant rate. In the Lower Provinces it is five cents higher, and one amendment, made in the Committee to this Bill, provides that the rates existing in the Lower Provinces should not be raised; I thought it was a desirable amendment in the interest of the public. Then another great check on the people who may control the lines of this company hereafter, is the fact that a telegraph line is not like a railway line, expensive to build, and if this company is making large dividends on its capital there is nothing to hinder a number of wealthy men from establishing competition. If the existing company is able to buy up all competing companies people have in their power a very effectual remedy by establishing competing lines under Government management. I know of no reason why the Government would not be justified in establishing the competing line, if this company charges exorbitant rates.

HON. MR. OGILVIE—I shall certainly have to vote for the amendment of the hon. member for Ottawa, and the reasons that have been given by the hon. member for Halifax would certainly have convinced me that I was right, if nothing else had. I was rather astonished to think that within a few minutes such a vast change had come over these two hon. gentlemen. An hour or two ago they were talking very earnestly about protection to the public, and rival companies were not to be considered. The hon. member for Halifax, at any rate, was talking about what must be done to protect the public, and the interests of companies were not considered at all. I know a good deal, personally, of what has been done with that company for the last five or six years. Some of our best merchants, and some of our ablest men, who were stockholders, also were against this way of doing business, even with the chances of making a little more money. They felt that their future was gone; that they

would have eight per cent and nothing else, whereas, in the future they had the prospect of a great and prosperous company. Still, I think there is a reason beyond that why we should strike out this thirteenth or amalgamating clause. Although the Dominion Company did get a clause passed allowing them to amalgamate with certain companies, I think the House made a mistake when they passed that clause, and if we made a mistake then we should do better now by striking out the amalgamating clauses in all such Bills. I do not think that the amalgamation will benefit the stockholders of the Montreal Telegraph Company, and I feel quite certain that it will not be a benefit to the people of Canada to have our telegraph business managed in the City of New York. We may talk about our directors here just as much as we like, but there is not the slightest doubt, if this amalgamation is completed, the whole business will be managed from the City of New York. That is my greatest objection to it, and for these reasons I will vote for the amendment of the hon. member for Ottawa.

The House divided on the amendment and it was declared lost on the following vote :—

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HON. MR. FERRIER moved the third reading of the Bill.

HON. MR. OGILVIE.

The motion was agreed to on a division and the Bill was read the third time and passed.

The Senate adjourned at 10.30 p.m.

THE SENATE.

Ottawa, Friday, May 5th, 1882.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE McCLEARY CO'Y'S BILL.

THIRD READING.

HON. MR. BELLEROSE, from the Committee on Standing Orders and Private Bills, reported Bill (100), "An Act to incorporate the McCleary Manufacturing Company," with one amendment.

The amendment was concurred in and the Bill was read the third time and passed.

BILL INTRODUCED.

Bill (aa), "An Act to explain the differences between the English and French versions of 35 Vic., Cap. 23. 'An Act respecting the Public Lands of the Dominion.'"—(Sir Alex. Campbell.)

QUEBEC, MONTREAL, OTTAWA AND OCCIDENTAL RAILWAY BILL.

HON. MR. OGILVIE moved the second reading of Bill (114), "An Act respecting the Quebec, Montreal, Ottawa & Occidental Railway."

HON. MR. MILLER—The Bill is not on the Orders, and there should be a notice.

HON. SIR ALEX. CAMPBELL—The Bill has not been dropped; it never was on the Orders at all. It came up from the Commons and was laid on the table as there was no one to take charge of it, and it stands now for anybody to deal with it.

HON. MR. MILLER—Then the hon. gentleman should give notice of motion for second reading.

HON. MR. OGILVIE moved that the Bill be placed on the Orders of the Day for second reading on Monday.

The motion was agreed to.

NORTH-WEST MOUNTED POLICE BILL.

THIRD READING.

The House went into Committee of the Whole on Bill (102), "An Act to amend and consolidate as amended the several enactments respecting the North-West Mounted Police Force."

In the Committee,

HON. SIR ALEX. CAMPBELL said: There is nothing very special about the Bill, but I think it will be interesting to the House to know the present state of the Mounted Police Force, and what they cost. The particulars have been placed in my hands from the Department. There are in the Mounted Police Force now in the North-West, 300 men; this Bill proposes to augment the force to 500, and the augmentation has been considered expedient in consequence of the increased prospects, which I trust may not be realized, of troubles and difficulties in the North-West. The Indian population are being gradually deprived of their normal food, the buffalo, and we may anticipate, more or less, that increased difficulties may beset the maintenance of peace in that country. This apprehension is not confined to the Government, but it has formed the subject of communications to newspapers from correspondents sent up to that part of the country, who are tolerably well informed. I will read from a report of a special correspondent of the *Globe*, who says among other things there may be serious trouble brewing, for the Bloods, Blackfeet and other wild Indians of the south are not the class of men to be trifled with. He adds:—

"They are, I think, more resolute and warlike than the Crees and Saulteaux of the north, and should they once break out in defiance of the police, I cannot but shudder to think of the possible results. Though, so far, the police have been able to make arrests of

Indian depredators in the face of overwhelming odds, the general impression among the best informed frontiersmen is that this game of bluff is about played out, and that the day when three or four red-coated prairie troopers through sheer pluck and coolness can overawe a large band of Bloods, Piegans or Blackfeet, has now nearly or quite passed by, and that in future the greatest caution will have to be exercised in dealing with these lawless, half-starved savages. Even now horse stealing and "cattle lifting" is going on in various quarters in spite of the vigilance of the handfuls of police stationed at different points throughout this great stretch of country, and settlers and ranchmen are threatening to take the law into their own hands. Should they do so, the most frightful results will be sure to follow, and a general uprising of the Indian tribes might be confidently predicted. No matter what the cost may be, I think the police force should be doubled and the Indian Commissioner should be invested, for this winter, at least, with absolute authority to grant to the Indians such supplies as may be necessary to keep them from starving to death. It will certainly be cheaper to feed these Indians than to fight them, and should they once set the authority of the Government at defiance, there is no force in this region that could reasonably be expected to enforce authority in the presence of overwhelming numbers of hostile savages."

Some instances are given of their conduct in stealing horses, but I do not quote them because these things are occurring constantly, and stealing horses does not indicate any probability of a general difficulty; but the other paragraphs are worthy of consideration. The Indian Commissioner in his last report says:—

"The experience of our neighbours to the south of the international boundary line cannot be without its lesson to us. In their case the military had no trouble with the Indians until settlers appeared on the scene."

"These settlers, unaccustomed to the Indian manner and habits, do not make due allowances and exhibit that tact and patience necessary to successfully deal with Indians, and which showed them by an organized force kept under control."

Then it gives several instances, I will read one of them:—

"As an instance of this, during the past summer a settler, within a few yards of Fort Walsh, became annoyed at a Cree Indian he found leaning on his garden fence, and struck the Indian in the face with his fist. This so enraged the Indians of the tribe the assaulted man belonged to, that notwithstanding the fact that a fine was inflicted on the settler, they proceeded in a body to his garden, which they commenced at once to destroy, and, but

for the timely arrival of the police, I am of opinion that much more serious consequences would have followed. Had this happened, it is hard to tell where it would have ended."

Then he gives another instance or two and says:—

"This, however, cannot now continue. It may most safely be presumed that settlers will come in thousands over a line of railway constructed through a new western country of unquestionably great resources. Among these thousands will be a certain proportion of rough classes of men, requiring a strong force of police to ensure the law of the country being carried into effect.

Settlers near Indian reservations must be protected from Indian depredations of all kinds; while, on the other hand, Indians must also be protected from any unfair or dishonorable dealings being practiced towards them by renegade white men. It is presumable too, that the amount of public property which will come under the direct and general supervision of the police force will be largely increased. Railway interests must also be protected."

Some other passages of the report are marked, but I do not think it is necessary for me to detain the House by reading them. They go generally to the effect that the Indians are, from the want of food, becoming more likely to give trouble, and that the proximity of settlers is also a serious danger. The report of the Commissioner having been considered by the Minister of the Department of the Interior is adopted by him and the suggestion made by him to the Governor-in-Council, that the police force should be increased from 300 to 500 is wise and expedient to adopt, not only in the interest of peace, but in the interest of economy, as being the best way of preventing an uprising, which, if it took place, would entail consequences of a disastrous nature to the country. The beginning of an Indian war might be a serious affair; no one knows how far it might go or what the cost of it might be. Now, with reference to the cost of the force I have had a statement prepared. The average cost of a mounted policeman—man and horse—prior to 1879, was \$1,000 a year; the cost during the current year will be \$875 for man and horse; the estimated cost during the year 1882-83, is \$820 per man and horse. This is less than the average annual cost of an infantry soldier in the United States. In round numbers the cost is—

Infantry \$1,000.

Cavalry \$1,600 to \$1,800.

The augmentation which the Bill proposes has been prepared for, and the 200 men are already enlisted. It is not proposed to increase the number of officers. The present authorized strength is—Staff and division officers, 22; one surgeon and assistants, making a total of 25 officers. The present scale of pay to non-commissioned officers and men is as follows:—

Staff-Sergeants, per day	.. \$1 00 to \$1 50
Duty " " "	.. 75 " 1 00
Corporals " " "	.. 60 " 85
Constables " " "	.. 50 " 75

Constables commence at fifty cents per day, and receive an addition of five cents per day for each year's service, until the maximum of seventy-five cents per day is reached. Then there are certain men engaged as artisans, who are paid as follows:—

Shoemakers and Tailors.. 15 cts. per day.

Blacksmiths, according to

qualifications, as shoeing

smiths, not exceeding.. 50 " "

With regard to the free issue of clothing to the police force, I think I may safely say that no other organized force has so liberal a free issue. Of course, it must be remembered that the mounted police are on active field service almost continuously. The force are at present armed with the Adams revolver, and partly with the Snider carbine, and partly with the Winchester repeating carbine. It is proposed by degrees to arm the whole force with the Winchester. Three hundred of the men will be so armed by the 1st of August next. I understand that the Winchester rifle is more effective than any other, and has been a good deal sold amongst the Indians. The Bill under consideration differs from the existing Act in providing that there shall be 500 men instead of 300, and that instead of there being ten supernumerary constables there shall be twenty, also that no officer or constable shall be less than eighteen or more than forty years of age, with the exception of some officers or men who are already in the service. These exceptional cases consist of three. Two officers were appointed by the late Government, and one by the present Government, who are over forty years of age. It is also desirable that the limit of forty years should not apply to the commissioner or assistant commissioner; they require

as much experience as is consistent with physical activity. Then a change is introduced by which the power of dealing with disobedience and other offences against discipline, which was formerly limited to persons spoken of as constables, shall now extend to the whole force. Then there is an increase in the possible imprisonment of any member who has offended against the discipline of the force. It was limited formerly to six months; it is now proposed that the maximum shall be one year.

HON. MR. KAULBACH—Is there any provision made for keeping the Indians as far as possible from the boundary line of the United States so that border difficulties with the Indians of the other side may be avoided? I think it would be advisable to keep them north of the railway upon their separate reservations as much as possible. The Mounted Police have been a very valuable acquisition to the North-West. They have kept the country in peace not so much by their strength as by a display of courage, kindness and discretion. With the influx of population there must be an increase of security to property and person, but the settlement of the country will naturally increase the discontent of the Indians; they will of necessity be disturbed in their hunting grounds and possessions, and the loss of the buffalo will require that every reasonable provision be made for them. Five hundred police seem to be a small force to protect so large a territory, and the number will have to be increased no doubt as the necessity for it arises.

HON. MR. READ—I think I can not do better at this particular time than to read a letter written by the *Globe* correspondent of a very recent date to show that the Mounted Police Force is doing an invaluable service. It is dated Fort McLeod, March 31st, and appeared in the *Globe* of the 18th of April last:

“It is most essential that no one should be put in an executive position among the Indians who does not well understand how to act towards them. Had it not been for the presence here of an efficient officer of the time of the recent disturbance with the Blackfeet at the crossing, it is very probable that most serious trouble, and possibly a massacre might have been the consequence. But the brave and wise

action taken by Major Crozier with his handful of men, was, as I have heard a prominent stock raiser say, worth thousands to the Government and people in the country. The least sign of fear on the part of the police would have been certain death, the calm determined spirit that was shown by Crozier and his men was the only thing that saved the peace. I have since learned from the Indians that they looked upon the matter in this light. They had made up their minds to fight. When their party came down in the morning after the Major had arrived, they were surprised to see what kind of a reception was to be given to them. It was a wonder to them to find bastimes and barricades facing them. It gave them an idea how quickly the white man could get ready, and when the Major told them he was going to carry out the law, even if he and his men had to fight to the last man, they were sure he would do it. They knew many of them would be killed in the fight, and even though they might win now, they knew that Crozier said the truth when he told them they would be terribly avenged. I do not believe we will again see the Blackfeet misbehave themselves. They seem to have a wonderful respect for the law now, and strange to say, a great liking for the police force.”

That is from the *Globe* correspondent, and it is a well-merited eulogy of the force, and particularly of Major Crozier, whose services will, I hope, be recognized by the Government. It will be to their interest, and to the interest of the service, if they will promote him.

HON. MR. OGILVIE—I cannot help saying a few words about that celebrated force of ours, the North-West Mounted Police. I say “celebrated” advisedly, for I do not think that there is anywhere in the known world, at the present day, a force so valuable and efficient. Take the ordinary policemen (constables they are called, though I think they deserve a better name) and you find most of them men of education and ability. When there is trouble in an Indian camp, their officers are not afraid to send them to restore order. It is not only courage that is required; courage you generally require in a soldier, but in the North-West discretion is required as well, and that we

have got in this force. I have some knowledge of them, because for the last few years I have been in communication with, I think, one-half of the officers commanding in the several districts. I have always taken an interest in them, being an old cavalry officer myself. I know that I do not look now as if I were a light weight, but it is not very long since I was a cavalry officer in one of the best yeomanry corps in the country. In speaking of the North-West Mounted Police, I think we cannot give them too much credit. I know of many things they have done which few men would attempt. On one occasion some seven hundred Indians were ready to raise a row, and had begun to harry a settler's place. Two officers, whose names it would be invidious to mention, (though I suppose I may as well do so, since my hon. friend has spoken of another officer)—I refer to Colonel Irvine and Captain Cotton—went out themselves into the midst of the Indians and quieted them. On another occasion, with two men, they went into a camp of over a thousand lodges and took out one of the chiefs, a prisoner, without being touched. That shows that they must have exercised a good deal of discretion as well as courage. Then, as to the work they perform, they are not like ordinary soldiers who, in times of peace, enjoy comparative rest. When the Mounted Police are not attending to their farms, they have transporting to attend to, and, during the winter season, they are exposed to great hardships. I know that I will be excused for having occupied the time of the House in saying a few words in favor of one of the best and most efficient corps in the world to-day.

HON. SIR ALEX. CAMPBELL—The suggestion made by the hon. member for Lunenburg (Mr. Kaulbach) that this Bill should contain something to keep the police force away from the frontier strikes me as being unusual. It would be very unwise to prevent those men being sent anywhere that their officers may consider it necessary they should go. I am glad to hear this testimony borne to the efficiency of the force, more particularly as an opinion had got abroad in this part of the Dominion that they were inefficient and that their discipline was lax. An hon. friend of

mine, who is now in his place, held that opinion very strongly, but the testimony we hear now, and also the report, which was very strong indeed, of the result of the hon. gentleman's visit to the North-West, and the statements of those who accompanied His Excellency, particularly Colonel De Winton (an officer who had seen active service in the cavalry) all concurred in speaking in the strongest terms as to the efficiency and discipline of the force. They had seen them for some forty or fifty days covering some fifty miles a day, and were surprised at the efficient manner in which the service was performed. They said that it contrasted very favorably with what might have been expected from any body of cavalry they are acquainted with. I think nothing could be stronger than that, and I am glad to hear this testimony borne by my hon. friend (Mr. Ogilvie) who, I am pleased to hear, has served as a cavalry officer.

HON. MR. POWER—As felicitations are in order, I think I might be allowed to add my contribution to the stock. I am very much pleased to hear that the force is so efficient and still more gratified that the Minister of Justice and stranger still that the hon. member for Quinte Division (Mr. Read) have come over to adopt our view of public affairs and to take the authority of the *Toronto Globe* as being quite decisive as to facts in any matter affecting public business. I only hope that the hon. gentleman will continue of this frame of mind when the Bill for the distribution of seats comes up to this House and that they will adopt the *Globe's* view of that measure.

HON. MR. BUREAU, from the committee, reported the Bill without amendment.

The Bill was then read the third time and passed.

RAILWAY PASSENGERS TICKETS BILL.

IN COMMITTEE.

The Senate resolved itself into Com-

mittee of the Whole on Bill (5) "An Act respecting the sale of railway passengers tickets."

In the Committee.

On the fourth clause.

HON. MR. PELLETIER believed that something should be added to the fourth clause as, under the Bill as it stood, those parties who had now large stocks of tickets on hand, and who had acted in good faith, would be seriously injured. He had received information from parties who invested a large amount of money in these tickets; and if this Bill as it stood, was passed, there was no provision to permit those persons to sell the tickets which they have on hand. He did not think it was the intention of Parliament that any person who had acted in good faith should suffer loss; and while he greatly approved of the principle of the Bill, he thought some addition should be made to it to protect such parties, and to allow them to sell any tickets which they now have on hand.

HON. SIR ALEX. CAMPBELL quite agreed in the propriety of the suggestion; his only fear was that there might be danger of fraud being committed. He did not consider it likely that any persons would have a large stock of tickets on hand who were engaged in that business.

HON. MR. PELLETIER said that some men had over \$25,000 worth of such tickets on hand.

HON. MR. POWER suggested that the difficulty could be met by adding a clause at the end of the Bill to the effect that it should not go into operation before the first of July next.

HON. MR. PELLETIER stated that he would be quite satisfied if that were done.

HON. SIR ALEX. CAMPBELL said he would reserve the clause until he could see the Minister of Railways, and if the change could be made without any danger of inducing the sale of fraudulent tickets, he would be glad to adopt it.

On the fifth clause.

HON. MR. KAULBACH asked whether it was considered that ticket-scalping was in the interest of the public or against the railways; he had not looked into the Bill.

HON. SIR ALEX. CAMPBELL said it was to protect the railways and Government against fraud.

HON. MR. KAULBACH asked whether the Bill provided that a ticket, if not used within a certain time, should be redeemed.

HON. SIR ALEX. CAMPBELL said that such provision was made in the tenth clause.

HON. MR. POWER did not see why this particular clause should be passed, though he considered that the rest of the Bill was good enough.

HON. MR. PELLETIER thought it would perhaps be as well to postpone the consideration of both the fourth and fifth clauses.

HON. SIR ALEX. CAMPBELL acceded to the suggestion.

HON. MR. CHAFFERS, from the Committee, reported that they had made some progress with the Bill, and asked leave to sit again.

LIGHTHOUSES, BUOYS AND BEACONS BILL

SECOND READING

HON. SIR ALEX CAMPBELL moved the second reading of Bill (Y) "An Act to make further provision respecting Lighthouses, Buoys and Beacons" He said: The Public Works Department under the Public Works Act has power to expropriate land, and a scheme is provided in the Bill to ascertain by arbitration, the value of the land which is desired for public purposes. But lighthouses, or some of them at all events, are constructed under the direction of the Department of Marine and Fisheries, and that Department has no such power. In consequence much inconvenience has been caused on more than one occasion, when lighthouses

have had to be built ; for it has sometimes been found that a bargain could not be made with the owner of the particular piece or point of land which was required, and in such cases it becomes necessary to expropriate it under the law. This Bill proposes to give to the Department of Marine and Fisheries the same powers, in that respect, as are now exercised by the Department of Public Works, so that the former Department can expropriate such land. I beg to move that the Bill be now read the second time.

The motion was agreed to.

HON. SIR ALEX. CAMPBELL—It is somewhat unusual, but as the session is so far advanced, and the Bill is likely to meet with no opposition, I will move that it be referred to a Committee of the Whole House, presently.

The motion was agreed to.

HON. MR. MACDONALD, from the Committee, reported the Bill without amendment.

The Bill was then read the third time and passed, under a suspension of the Rules.

CHIGNECTO MARINE TRANSPORT AND RAILWAY COMPANY BILL.

THIRD READING.

HON. MR. BOTSFORD moved concurrence in the amendments made by the Committee on Railways, Telegraphs and Harbors to Bill (57) "An Act to incorporate the Chignecto Marine Transport and Cape Railways Company." He said : The amendments proposed by the Committee will be found in the minutes of proceedings. They are unimportant, but it will be seen that they make the Bill more perfect. They are not objected to by the promoters of this measure, and, under those circumstances, I suppose no objection will be made to their being concurred in. I therefore move that the amendments proposed by the Committee on Railways, Telegraphs and Harbors, be now concurred in.

The motion was agreed to.

HON. SIR ALEX. CAMPBELL,

HON. MR. POWER—I would ask the hon. gentleman if he will not postpone the third reading of this Bill until Monday next?

HON. MR. BOTSFORD—I think I shall be able to satisfy the hon. gentleman that there will be no occasion for postponing the third reading, at this late period of the Session.

HON. MR. POWER—It is a Government measure ; there is no hurry.

HON. MR. BOTSFORD—If the hon. gentleman persists, after hearing me through, perhaps the House will grant the postponement. I would state that, upon further consultation with the promoters of the measure, I find they are desirous of obtaining leave of the Senate to withdraw the fourteenth and fifteenth sections of the Bill ; and I think, when I have read those sections, it will be seen that it would be very desirable that they should be withdrawn ; because otherwise it might hold out a hope that the Government were likely to assume this work, and that might be an inducement to capitalists to advance their money, with the expectation that the Government would finally take possession of these works, and relieve them of any further responsibility. Therefore the withdrawing, with the consent of the House, of these two sections, will leave the Bill perfect in every particular, without giving authority to the Government to assume possession of the work. The whole responsibility will then lie with the promoters of the Bill, whether this work is constructed or not. The sections read as follows :

"14. The Dominion Government may, at any time after the commencement of the said Railways, or either of them, assume the possession and property thereof and of all the property which the Company is empowered to hold, and of all the rights and advantages vested in the Company, upon giving four months' notice of the intention to assume the said railways and works.

"15. In the event of such assumption as aforesaid, the Company shall make out and submit to the Dominion Government a statement and account, in writing, of all moneys then expended and all their ascertained liabilities, and the said Government shall, within four months from the time of receiving the said account, pay to the Company the amount of money so expended and the amount of such liabilities, with interest at six per cent., and

with an addition of ten per cent.; and the Government shall also, from time to time, pay all such liabilities as shall be further ascertained and established against the Company: Provided always, that in case of a difference between the Government and the Company as to the amount so to be paid by the Government, such difference shall be referred to arbitration, one arbitrator to be named by the Government and one by the Company, and the two so named to choose a third, and the award of the majority of the arbitrators so appointed to be final and binding between the parties.

With the consent of the promoters, I ask the permission of the Senate that these clauses may be withdrawn from the Bill; and I shall presently move the third reading of the Bill, as amended by the Committee on Railways, Telegraphs and Harbors, which has eliminated the two sections I have just read.

HON. MR. MCMASTER—If the hon. gentleman and the promoters of this Bill desire that these two clauses shall be struck out, of course no one can object; but I say it will be injurious to the company. I understand this matter was very fully discussed in another place before the Bill came to this House, and these sections were not considered objectionable. There is nothing in it which compels the Government to assume possession of the work; it merely empowers them, in the event of their deeming it necessary, to take charge of it. In the future it may become a very great and valuable work; it may even be of national importance, and the Bill should not be changed in this respect; however, if its promoters are willing to withdraw the clauses in question I have nothing to say against it.

HON. MR. KAULBACH—I understand that the promoters of the Bill were opposed to these clauses being taken out; I know one of them spoke to me upon the subject, and he thought it might affect the company very much. This Bill does not give power to the Government to take control of the work; that power can only be given by Parliament, and without such authority the Government cannot move in the matter; it is a wise provision, and I do not see why it should be struck out. Unless the promoters of the measure approve of these clauses, being eliminated, I shall oppose such a course being pursued.

HON. MR. BOTSFORD—I state again that the promoters of the Bill are desirous of having these two clauses struck out, and I do not see why hon. gentlemen should insist upon their being included in the measure. It is after a full consideration of the whole question that the promoters have so decided, and I think that the reasons I stated before are of very considerable weight and importance. I said that it might hold out inducements to capitalists to say: "This Bill contemplates that the Government will assume the whole responsibility of the work once it is constructed, and we will be relieved of it." So the promoters of the measure now ask that these two clauses may be withdrawn, and as I said before I do not see why hon. gentlemen should oppose their desire.

HON. MR. KAULBACH—I must place myself right with the hon. gentleman. I did not understand that such was the desire of the promoters of the Bill. I did not catch what the hon. gentleman said just now, or I should have risen.

HON. SIR ALEX. CAMPBELL—I was very glad to hear this proposition made by the hon. gentleman on my left (Mr. Botsford), because the suggestion which those two clauses held out would have the effect—and I think must have been intended to have the effect—of increasing public confidence and faith in the matter, as shewing that the Government considered it so important that they insisted upon reserving to themselves the right to purchase the property. Under that impression, many people might be induced to invest their money in this undertaking, and as there is no certainty that such action would be taken by the Government, I think it is very desirable—and the Government so consider—that these clauses should not appear; that they ought not to add anything to the strength of the undertaking.

HON. MR. POWER—I must express my satisfaction that the Government are persevering in the good path they entered upon this session, and that the hon. Minister of Justice has accepted the amendment of which I had given notice—for it is substantially the same.

HON. SIR ALEX. CAMPBELL—The hon. gentleman's suggestion adds great strength no doubt.

HON. MR. POWER—It struck me that those clauses might have the effect to which my hon. friend (Mr. Botsford) referred, and with a view of removing away possible future difficulty from the path of the Government, I thought that these clauses should be struck out.

HON. MR. READ—From all I have noticed this session I do not think there is any great change. We have seen the greatest harmony existing during the whole Session, between the Government and Opposition. Everything goes on as nicely as possible, and certainly we need not refer particularly to this little measure as one about which the Government and Opposition are in accord; that has been the case all through the Session. In fact the Government measures are such that the Opposition drops into them as naturally as possible.

HON. MR. ALMON—I think the hon. gentlemen opposite have taken a lesson from that Minister in the old country who has changed his views with almost every speech he has made. Therefore it is quite natural that the ministry here, who are following in the steps of the old country, should take their cue from them; that they should likewise change their measures. They should, of course, be all the more willing to do so when suggestions so valuable as those of the hon. gentleman from Halifax (Mr. Power) tend in that direction.

HON. MR. BOTSFORD moved "That the Bill be not now read the third time, but that clauses fourteen and fifteen be struck out."

The motion was agreed to.

HON. MR. BOTSFORD moved the third reading of the Bill, as amended.

The motion was agreed to, and the Bill was read the third time and passed.

GREAT AMERICAN AND EUROPEAN SHORT LINE RAILWAY BILL.

THIRD READING.

HON. MR. BOURINOT moved concurrence in the amendments made by the

Committee on Railways, Telegraphs and Harbours to Bill (94) "An Act to incorporate the Great American and European Short Line Railway Company."

The motion was agreed to.

HON. MR. BOURINOT moved that the Bill, as amended, be read the third time presently.

The motion was agreed to and the Bill as amended was read the third time and passed.

BELL TELEPHONE COMPANY'S AMENDMENT BILL.

THIRD READING.

HON. MR. POWER moved concurrence in the amendments made by the Committee on Railways, Telegraphs and Harbours to Bill (95), "An Act to amend the Act incorporating the Bell Telephone Company of Canada."

He said: In the absence of the hon. gentleman who sits on my right (Mr. Allan), I shall briefly explain what the amendments are. One is to strike out the present first section and to incorporate the substance of it in the second clause, where it properly belongs. The object of the first section was to empower the Company

"To manufacture, besides the telephones and other instruments referred to in section two of the Act passed in the forty-third year of Her Majesty's reign, intitled: 'An Act to incorporate the Bell Telephone Company of Canada,' such other electrical instruments and plant as the said Company and plant may deem advisable."

Various powers are conferred by the second section of the original Act as repealed and re-enacted here, and naturally the power to manufacture these things would go into that section. The first amendment proposed by the Committee is to insert this provision there, and in that way the second section of the draft of the Bill becomes the first section of the Bill as amended. The next amendment has reference to a matter, which I think was noticed by the hon. Minister of Justice. The company, in their original act, were not allowed to issue bonds for a less sum than \$100. However, it was represented to the committee that, with a view to extending the benefits of telephonic communication to the rural dis-

districts, it would be very convenient if the company were allowed to issue bonds for a smaller amount. It was very frequently the case that persons who were not able to take bonds for \$100, would take a company's bond for \$25 or \$50, and after weighing the whole matter, the committee decided to recommend that the company be allowed to issue bonds in sums of not less than \$50 instead of \$25, as asked by the company. The committee further—in order to prevent this from being used as a precedent in other cases—recommended that the whole amount of these bonds should not exceed \$100,000—the capital stock being \$500,000. Another amendment is in the third section which now reads as follows :

“The said company shall have power to extend its telephone lines from any one to any other of the several Provinces in the Dominion of Canada, and from any point in Canada to any point in the United States of America.”

The amendment is to insert the words “subject to existing rights” after “Company.” The last amendment is to add a section to the Bill to read as follows :

“The third section of the said Act of incorporation is hereby amended by inserting in the twenty-eight line thereof, after the word ‘villages’ the words ‘the location of the line or lines and.’”

At present the municipal corporations of cities, towns or villages have no control over the location of the lines of telephone companies, and it is proposed to give them that power ; not to prevent the introduction of telephones, but to give them power to see that the posts are put down in such places as they will do the least injury. I understand that the promoters of the Bill were before the committee, and I think consented to accept the amendment.

HON. MR. KAULBACH—Shall they be put down on the side of the street ?

HON. MR. POWER—No, that is provided for.

HON. MR. MCMASTER—I would draw the attention of the Minister of Justice to one of those amendments which, if adopted, will be a departure from the usual course with reference to the issue of bonds ; it will be granting this company a privilege which has not been extended to any other company, that I am aware of.

The lowest amount for which loaning companies can issue bonds, is \$100, yet those companies offer much greater security than can be afforded by the company whose bill is under discussion. This company is to be authorized to issued bonds or debentures of \$50 each, and it appears to me that it is granting a privilege that may be cited as a precedent, and that will be very objectionable. The loaning companies are obliged to hold mortgages to the full extent of the debentures they issue, which is undoubtedly the very best security ; but this company only offers the security of a lien upon their plant, which is a very unreasonable one, it seems to me. I rise merely to draw attention to it.

HON. MR. 'ALLAN—I quite agree with the hon. gentleman who has just sat down, that this is an unusual privilege to grant. Hitherto the amount of a bond issued by any company has been limited to \$100. In this case, however, the vice-president of the company appeared before the Committee and stated that the privilege asked for in this Bill was not really one which the company either sought on their own account, or would care for ; but in many of the newer parts of the country, in the small towns, where telephone communication was desired they could find many people who would take a small bond, but would not be prepared to take one of \$100. In that way the convenience of this communication would be extended to localities where otherwise they could hardly be carried out. I presume that if the Bill had simply said the bonds were to be \$100, we should have granted them that power ; therefore I cannot see any force in the observations which have fallen from my hon. friend behind me (Mr. McMaster) as to the security. It seems to me that if the security offered for a bond of \$100 were good, that for \$50 would be equally so. In addition to that, and in order to prevent its being drawn into a precedent, the extent to which they may issue them, as has been stated by my hon. friend on my left, has been limited to, I think, a total of \$100,000—their capital being \$500,000. It was under these circumstances that the committee thought they might, in this particular case, go beyond the usual precedent, and allow this Com-

pany to issue bonds for \$50. They had asked to be allowed to issue \$25, but that the committee would not agree to at all : they thought, however, that under the circumstances of the case, and after the explanations of gentlemen connected with the Company, they might give this power.

HON. SIR ALEX. CAMPBELL—It seems to me it would be best to adhere to our previous practice, which has been to limit the amount to \$100. I do not agree that many people would take \$50, but would not take \$100, and if this power is given to one company it will extend much beyond it. It seems to me, therefore, it would be better to keep the amount at \$100, for if once you depart from it other companies will say, "You have done it in one case, and you can do it in ours." From day to day we have it clearly proved that once you have departed from a rule, you have great difficulty in adhering to it afterwards. For my own part I should be disposed to vote for the \$100 bonds.

HON. MR. GIBBS—As has been already stated by the hon. gentleman from Toronto (Mr. Allan), it is not the company that asks this privilege ; they would rather issue \$100 bonds, but it is to afford facilities to a certain portion of the country to get telephonic communication, which otherwise they might despair of ever getting. It was from that point of view the committee came to the conclusion that they might, in this particular case, depart from the ordinary rule ; restricting them in the meantime to issuing only 25% of their capital. After careful review of the whole subject, after discussing it for some length of time, in the interest of the public and not of the company in any way, the committee considered that it was better in this case to yield to what seemed to be a demand from the rural districts in order to accomplish what they desire.

HON. SIR ALEX. CAMPBELL—Who was there representing the rural districts ?

HON. MR. GIBBS—There were letters read from different parts of the country.

HON. SIR ALEX. CAMPBELL—Promoters of the Bill, I suppose.

HON. MR. ALLAN.

HON. MR. GIBBS—The Committee had the same feeling as the House on the subject, and it was only on a very thorough consideration of the subject that we came to the conclusion the parties should have an opportunity of obtaining what they desire.

HON. MR. POWER—As far as I was individually concerned, as a member of the committee, I was opposed to allowing the reduction from \$100. A number of members of the committee seemed to favor a reduction to \$25, and \$50 was a kind of compromise. I may say, further, I think that the view taken by the Minister of Justice is the sound and proper one.

HON. MR. KAULBACH—I hope the Government will not alter the report of the committee. I think, in the interest of villages and towns, that \$50 is far preferable. I cannot see that the security to the public is diminished by it, and I think this might be made a specialty of the Telephone Company. They are now starting these lines in nearly every town in the country, and I think it is in the interest of the country that this reduction should be made.

HON. MR. ALLAN—In the statement which I made with respect to the facilities which it would give for the introduction of these lines of communication to the less settled parts of the country, the smaller towns and villages, I spoke simply from information placed before the committee by the vice-president of the company. I did not speak of my own knowledge of the fact. I quite assent to the opinion of my hon. friend on my left (Mr. Power) that it is objectionable to depart from the usual rule. One special reason why we preferred the larger amount was that we did not want the country to be flooded with shimplasters (if you can call them such), small bonds, which would pass from hand to hand like bank bills. I do not suppose that there is less security to the public with \$50 bonds than with \$100 bonds. Therefore, I fail to see the force of the remarks of my hon. friend behind me, but that it is objectionable to issue them for less than \$100, I quite agree. This was stated so strongly, however, that the committee thought it was really the case

and that the larger amount might hamper the enterprise, and therefore they compromised on the \$50.

HON. SIR ALEX. CAMPBELL—What these gentlemen said about the desire of the rural portion of the community might be taken, I think, with a large grain of allowance. Their interest in the rural part of the community was centered in the money they could make out of it.

HON. MR. CARVELL—As a member supporting the Bill I object to a reduction of the bonds below \$100.

HON. MR. RYAN—Though a member of the committee I was not present at the meeting, but I am certainly opposed to the issuing of less than \$100 bonds. It would be cited as a precedent in future cases. It is an abandonment of a principle to which we have hitherto adhered, that I object to.

HON. MR. VIDAL—As a member of the committee, I felt just as strongly as any gentleman who has spoken, the desirability of adhering to \$100 bonds. After listening to a long discussion on the whole matter, I became convinced of the propriety of meeting their wishes so far as to consent to the issuing of \$50 bonds. They assured us that it would be more convenient for them to have the larger amount, but for the convenience of the smaller places, they desired it to be \$50.

HON. MR. GIBBS—They do not care about it.

HON. SIR ALEX. CAMPBELL—Then I would suggest that the report be amended at the table, by striking out "fifty," and inserting in lieu of it "one hundred."

The suggestion was accepted, and the amendment was accordingly made.

HON. MR. POWER—That involves the necessity of striking out the proviso: it is no longer required.

The proviso was expunged, and the motion was agreed to.

The Bill as amended was then read the third time and passed.

The Senate adjourned at 5.05 p.m.

THE SENATE.

Ottawa, Monday, May 8th, 1882.

The Speaker took the Chair at three o'clock, p.m.

Prayers and routine proceedings.

EASTERN EXTENSION RAILWAY

INQUIRY.

HON. MR. WARK inquired :

What decision the Government has arrived at in regard to the claim of the Province of New Brunswick, for a balance of one hundred and fifty thousand dollars (\$150,000) expended on that part of the Intercolonial Railway known as "Eastern Extension?"

He said : I brought this matter before the House at an early period of the session, and I shall not, therefore, trespass long upon your time to-day. I shall briefly state, however, the facts of the case. Before we entered confederation a deputation went home from New Brunswick and Nova Scotia for the purpose, among others, of arranging for railway communication between Halifax and St. John, by the construction of the section required to connect the Nova Scotia Railway with the New Brunswick line. The Government of Nova Scotia entered into a contract to build a line from Truro to the Province line. The delegates from New Brunswick entered into a contract to build a railway to connect with the Nova Scotia road at the Province line, which would give railway intercourse between St. John and Halifax. For some cause or other the Nova Scotia Government did not proceed with their contract, as the contractors for the New Brunswick section did. On the New Brunswick line considerable progress was made before confederation. The Government of Nova Scotia found that their section would form part of the Intercolonial Railway and they left it to be constructed by the Dominion Government. The New Brunswick Government were informed that when their section was completed, the Dominion Government would pay them \$24,000 per mile for it, the Railway Commissioners having advised the Government that they expected to build the Intercolonial Railway at that price.

They were left no alternative, but to accept this amount, or else to have another line surveyed and constructed alongside of it, which would render the eastern extension valueless. The New Brunswick Government were obliged to accept the offer, and handed over the road, but in doing so they incurred a loss of \$150,000. Now, the answer I received to the question which I put in the early part of the Session was that the subject was under the consideration of the Department of Railways. It appears to me that the question does not require long consideration, that the matter to be decided is whether or not the Nova Scotia portion of the line was built for the price which was paid to the New Brunswick Government. If any portion of the Intercolonial Railway in the Province of New Brunswick of a similar character cost the Dominion Government more than they paid for this section, then the New Brunswick Government ought not to lose the amount they expended over and above what they received. One reason why I put this question is that the Lieutenant-Governor of New Brunswick, who had only shortly before been a member of the Government here, referred in his message to the House of Assembly to a possible favorable settlement of the claim, and in consequence recommended the construction of the new parliament buildings. The House of Assembly had a perfect right to assume that Lieutenant-Governor Wilmot was thoroughly acquainted with the views of his colleagues, and that he must have made the recommendation with a knowledge that there would be an early and favorable settlement of this claim. I am sure he would not attempt to deceive the House of Assembly. But two years have elapsed since and still there has been no settlement. The Assembly naturally came to the conclusion that he was well acquainted with the views of the Government here, and acting on that impression, a loan was contracted for the purpose of erecting the new parliament buildings. As the matter has not yet been settled, there is no course left for the Government of New Brunswick, if this amount is not paid, but to issue debentures. It is very desirable that the question should be settled one way or the other at once, because if it should be necessary to issue debentures for this purpose they could

not have a more favorable time for doing so than the present, provincial debentures commanding better rates now than usual. This amount should either be paid by the Dominion Government without delay, or the Government of New Brunswick should be informed that there is no intention to pay it, so that they can make the necessary arrangements on the most favorable terms for the payment of the debt to which I have referred.

HON. SIR ALEX. CAMPBELL—I am sorry not to be able to give my hon. friend any definite information upon a subject in which I know he takes a deep interest. Before replying to the question I may just observe that whatever Lieutenant-Governor Wilmot may have stated to the House of Assembly of his Province was said on the advice of his responsible ministers. It was their suggestion, not his. It cannot be assumed, because he has carried out the views of his responsible advisers, that he acted on some private information which he had obtained from a member of the Dominion Government: I do not think it is a fair or constitutional view of the matter. What the governor of a province communicates to his legislature is not to be dealt with or criticised, as indicating that he knew anything of the subject himself: he is simply to be considered as communicating to the legislature the views of his ministers. In reply to the inquiry, I may say that this portion of the railway was taken over by the Dominion Government, and forms part of the Intercolonial. I believe the value placed upon it was the average sum which the Intercolonial Railway had cost, and that the amount was paid to the Province of New Brunswick.

HON. MR. WARK—Not what it cost; what it was supposed it would cost. They had hardly commenced to build the Intercolonial Railway at the time.

HON. SIR ALEX. CAMPBELL—It was the estimate which the government engineers, or the railway commissioners, formed of what it would cost to build the road in that place. The allegation now is that the cost of the road really exceeded the estimate. There may be a great deal

said on both sides of the question, and the only reply I can make to my hon. friend is that the Government are giving it their consideration. The Provinces of New Brunswick and Nova Scotia are represented in the Government of the Dominion very ably, and I think my hon. friend may rest assured that the interests of the province from which he comes will be fairly and and fully considered when the matter comes to be determined. I only wish that I could give him a more definite answer.

HON. MR. McCLELAN—Though not strictly in order, I think I may be allowed to say a few words on this question by way of expressing my regret that all the Governments that have been in power here, have so long acted on a policy of delay in dealing with this, to us, important question. It appears to me that very great disappointment prevails among the people of New Brunswick at this delay, as has been evinced by the deputations that have come here repeatedly to obtain a settlement. The matter has been frequently—almost from year to year—pressed upon the attention of the Dominion Government, yet up to this time no satisfactory answer has been obtained, and it appears they are still considering the question. Now, I think, that in the interest of the Dominion Government itself, it would be a very great relief to have a question of this kind definitely determined. To a province so limited in resources as New Brunswick is, having incurred large liabilities based upon the hope that this claim, which they, at all events, consider a fair one, would be settled, it is very unfortunate that the Dominion Government should have taken so long a time to consider this question. Even if it should be decided adversely to the province, it would be much better to have it settled without further delay. It would, at all events, save those gentlemen who have to undertake those arduous journeys, sometimes in the winter season, the time, expense and hardship to which they are subjected. I can only express the hope that the question which has been so ably brought under the notice of the Government by my hon. friend from Fredericton on many occasions will be dealt with promptly, and decided one way or the other, without further delay.

SALMON BREEDING IN BRITISH COLUMBIA.

INQUIRY.

HON. MR. McINNES (British Columbia) rose to inquire

“Whether it is the intention of the Government to place a sum in the Supplementary Estimates for the purpose of erecting this year a Salmon Hatchery on the Fraser River, British Columbia?”

He said: I may say that, since placing this notice in the hands of the Clerk to be printed on Friday last, I find the Supplementary Estimates have come down, and I regret very much indeed to see that there is no provision made for the erection of a salmon hatchery on the Fraser River, British Columbia. Three years ago, when I had the honor to occupy a seat in the other branch of the Legislature, I brought this question—a question of vital importance to us in British Columbia—before the notice of the Minister of Marine and Fisheries and of the Government, and I finally succeeded last year in getting the Minister of Marine and Fisheries to promise that a sum would be placed in the Estimates for this year. But I regret to say, as we all regret to know, that owing to the serious illness of the Minister of Marine and Fisheries, he has been unable to take his seat in Parliament this Session, or to continue the duties of his Department. However, I renewed my application to the Acting Minister and was led to believe up till within two or three days ago that provision would be made for the establishment of a hatchery in my province. I would ask the indulgence of the House for a few minutes while I endeavor to show the vast importance of this industry to the Province of British Columbia, and to compare the fishery interests of that province with those of the other provinces of this great Dominion. In the first place I will give the total amount in value of fish, fish oils, and of the skins and furs of the various marine animals, products of our seas, lakes and rivers. I find according to supplement number two of the eleventh annual report of the Minister of Marine and Fisheries, which is the last that has been brought down, that the total

value of fish-oils, skins and furs of marine animals for the different provinces is as follows:—

Quebec	\$2,357,220
Nova Scotia	6,291,061
New Brunswick ...	2,744,446
Prince Edward Island	1,402,302
Ontario	446,491

There is nothing given for Manitoba; and last but not least comes British Columbia with a total of \$6,339,321. You will observe that in British Columbia the total catch was nearly \$100,000 more even than that of Nova Scotia.

HON. MR. MILLER—Of fish?

HON. MR. MCINNES—Of fish—not only including fish, but oils, and all the products that year of the waters of Nova Scotia.

HON. MR. KAULBACH—You will find it is only \$50,000.

HON. MR. MCINNES—I did not figure it out exactly, but it is about \$75,000. It will therefore be seen, hon. gentlemen, that the value of the catch of fish, fish-oils, and fur-bearing marine animals in British Columbia amounted to one-third of that of the entire Dominion. I will now call your attention to the exports from the different provinces. I find, according to the same report, that the exports amounted to \$6,867,715—that is, for the whole Dominion. Of that amount British Columbia contributed last year, according to the report of the Dominion Inspector of Fisheries for that province, which I have in my hand, \$1,454,321, or one-fourth of the entire exports of the products of the waters of our Dominion. Hon. gentlemen who have read or heard the Budget Speech of the Finance Minister, delivered during the present Session, will there find that the amount is the same as I have given. I would now call the attention of hon. gentlemen to the amount that it has cost each province annually for fishery officers:

Ontario	\$12,003.00
Quebec	12,591.00
Nova Scotia	14,180.00
New Brunswick	12,291.00
Prince Edward Island	2,686.00
Manitoba	19.75
British Columbia	1,399.00

HON. MR. MCINNES.

For overseers of the different hatcheries, \$29,109, making a total of \$86,162.55. British Columbia cost less than one-fiftieth of the whole amount. I will now show how these overseers or fishery officers are distributed. According to the same report, on page 5, I find that:

Ontario had	82
Quebec	103
Nova Scotia	240
New Brunswick	107
Prince Edward Island	44
British Columbia	2

Of fish breeding superintending officers there are 15, making a total of 594 fishery officers in the Dominion, and of that number British Columbia has only two, and the actual salary that they get is \$1,250.00.

HON. MR. GLAZIER—That is pretty good pay.

HON. MR. MCINNES—I find according to the same report that we have eleven fish-breeding establishments in the Eastern Provinces, here:

Ontario	2
Quebec	3
Nova Scotia	3
New Brunswick	2
Prince Edward Island	1

The aggregate cost of the construction of these hatcheries has been \$30,000, and the annual maintenance, \$22,000. Each hatchery costs on an average, \$2,000 per year for maintenance. I do not find any fault about the amount of money that has been spent in their construction and maintenance: in fact, I believe it would be money well spent were it ten times the amount. For instance, last year I find that the Sandwich hatchery on the Detroit River distributed no less than 13,500,000 young fish. In addition to what money has been expended in the cultivation and natural propagation of fish in the Eastern Provinces, there is a sum placed in the estimates of \$150,000 for deep sea fisheries. That I believe also is a move in the right direction, and before many years will give a handsome return for the money invested. Now, I wish to draw the attention of the House, for a few moments, to what they are doing to the south of us. I find that in the United States they have thirty hatcheries or fish-

breeding establishments, two of which belong to the Federal Government, and cost \$476,000—that is, including the maintenance of the institution since it was established in 1871. The annual maintenance of these two establishments is \$52,900. The remaining hatcheries belong to the different States. I find that there are 28 States, each of which has a hatchery—the cost of maintenance annually is as follows :

Malne	\$2,643 00
New Hampshire.....	1,600 00
Vermont.....	750 00
Massachusetts.....	5,750 00
Rhode Island.....	1,005 00
Connecticut.....	3,320 00

For the five Eastern States, the first cost of building the hatcheries amounted to \$201,728.

The cost of building hatcheries in the three middle States and the cost of maintenance are as follows :

	Building and cost of maintenance since built.	Annual maintenance
New York	\$165,000 00	\$13,750 00
New Jersey..	29,500 00	3,270 00
Pennsylvania .	99,530 00	12,437 00

The following is the cost of building and annual cost of maintenance of hatcheries in the other States I have above enumerated.

	Building and cost of maintenance since built.	Annual maintenance
Maryland.....	\$76,500 00	\$10,580 00
Virginia	1,500 00	3,000 00
West Virginia..	3,900 00	1,300 00
South Carolina.	800 00	800 00
Georgia.....	2,000 00	500 00
Kentucky	1,100 00	2,200 00
Ohio	29,000 00	14,000 00
Illinois	3,000 00	1,500 00
Michigan	53,000 00	6,600 00
Wisconsin.....	38,850 00	4,850 00
Minnesota.....	22,500 00	3,200 00
Iowa	22,750 00	1,750 00
Kansas	2,000 00	500 00
Nebraska	1,000 00	1,000 00
Colorado	1,200 00	600 00
California ...	37,000 00	3,700 00

The total cost of constructing hatcheries or fish breeding establishments in the United States since 1871, when the first establishment of that nature was constructed, has been \$1,306,378. This gives us an idea of what they are doing in the way

of artificial propagation of fish in the United States. They are becoming fully alive to the importance of their fisheries, and many rivers and lakes that were almost fished out a few years ago are now teeming with fish. I know of one myself, the Sacramento River, in the State of California, that five years ago very few salmon were to be found in ; this last year they have caught nearly as many salmon in it as were ever known to have been caught there before canneries were established. Another reason why I consider that we have a just claim on the Government for the establishment of a hatchery in British Columbia is this:—unfortunately we were not a part of the Dominion of Canada when the Washington treaty was being negotiated and by some unaccountable oversight British Columbia was left out. The consequence is we cannot send a pound of fish, fresh or salt, into the United States markets, as our friends from the Maritime Provinces are able to do. Why we have not supplied the people of Ontario and Quebec with salmon to a very great extent for the last few years, is owing to the fact that it has been almost impossible to get the fish down to California and have them shipped in bond from there because of the annoyance in connection with the Customs duties and bonding system. It has been a great drawback to us there and it is one reason why I think we are entitled to a small expenditure of money in British Columbia for the purpose of propagating the earlier runs of salmon, especially in the Fraser River. I may say that it was not until July 1874—eight years ago—that the first cannery was established in that province; it was built in my own town, New Westminster, and was opened on the 1st of July of that year. To-day we have no less than fourteen canneries, and these last year gave employment to over 3,000 men, women and children. Two years ago the total export of salmon alone amounted to \$305,000, and last year we exported of canned salmon \$1,063,656 worth.

We exported pickled salmon

to the amount of	\$39,332.00
Fresh Salmon	38,450.00
Smoked Salmon	1,450.00
Mixed Fish pickled	450.00
Herrings	1,250.00
Smoked Herrings.....	2,500.00

Sturgeon.....	4,216.00
Fresh Trout.....	201.00
Oolahans, (a kind of fish peculiar to that coast), pickled, smoked and fresh.....	4,311.00

Of the fur of south sea seal, we exported \$164,492 worth, and I may mention here that that industry has sprung up within the last three years. Three years ago there was no person engaged in it, now there are a great many men employed, principally Indians; in fact there are fleets of Indian canoes taken out by steamers in the morning that are allowed to go off three or four miles from the vessel to hunt seals, and when night comes or a storm threatens, they return to the vessel for shelter. The canoes employed in this business are from forty to fifty feet long, and contain each a crew of eight or ten men and women. We export the following articles as well, viz:

Hair Seal Skins	\$1,750 00
Sea Otter	6,000 00
Oolahan's Oil	1,630 00
Herring Oil	6,400 00
Dog Fish, Seal, and Porpoise Oil.....	56,896 00
Dog fish Oil (refined)	14,850 00
Other fresh fish	45,000 00
Fish Cured for Home Consumption	2,500 00
Fish Scraps—dried.....	200 00

Making a grand total of \$1,454,321.26 in value, exported last year from that province. Now no doubt, it may be asked by many hon. gentlemen, if there are so many fish, and especially so many salmon, in British Columbia—and in the Frazer River particularly—why do you want a hatchery?

HON. MR. KAULBACH—And when you have no market for them?

HON. MR. MCINNES—We have all the market we want, and I will just say in reply to the hon. gentleman from Lunenburg (Mr. Kaulbach) that no less than five new canneries have been erected in the district of New Westminster within the last year. That, I think, is a pretty good evidence that they can find a ready and profitable market; our men would not invest their money in any such enterprise as that, with the experience of the

other canneries before them for a number of years, unless the outlook was a safe one. The reason we want a hatchery is this: the early run of salmon—which is the chief fish canned on the Columbia River takes place 200 miles south of us. That "run" sets in about the first of May, and continues uninterruptedly until about the middle of July; whereas with us on the Frazer River, although only 200 miles farther north, the main "run" does not set in until the first week of July. It is true that a few of the "run" which frequent the Columbia River south of us find their way into the Fraser River during the first few days of the month of May; but they do not come in sufficient quantities to warrant the canneries in opening out. So that, virtually, our run of valuable fish does not set in until the first week in July, and terminates about the second week in August, making a season of only five weeks for fishing in British Columbia. On the other hand, in the Columbia and Sacramento Rivers, they have a fishing season extending over three, four, and even five months. Now, I have the highest authorities on fish culture to sustain me in the position which I have taken, and I think I fully convinced the Minister of Marine and Fisheries of the importance of this subject. I pointed out to him that if a hatchery is established on the Fraser River for that particular "run," and that early spring "run" propagated, we can extend our fishing-season over four or five months, instead of five weeks as at present, and would give employment to 4,000 or 5,000 men, women and children for that space of time, instead of the shorter period during which work is now afforded them. It is not for the sake of having a few thousand dollars expended in British Columbia that I am advocating this, but because I am fully convinced that if a hatchery is established of that nature, and that particular species of fish propagated, we shall secure this longer fish season.

HON. SIR ALEX. CAMPBELL—Is there any difference between the species?

HON. MR. MCINNES—Yes; on an average, in point of size and weight, they are more than double the size of the main "run" that sets in with us in the month of July.

HON. MR. KAULBACH—Won't one species drive the other out?

HON. MR. MCINNES—I think not. When I bring this subject up and discuss it with a great number of hon. gentlemen from the east, I am met with the reply, "You have more fish than you know what to do with."—

HON. MR. KAULBACH—It is said they are so plentiful that they impede navigation?

HON. MR. MCINNES—Well, it is true, when that "run" we are speaking of—which frequents our Frazer River in July—comes in, the water is nearly black with them; but that only continues for a short time. So great is the run that nearly all the canneries, notwithstanding the fact that they have their cans made for months beforehand, and have a great number of boats—some of them from 50 to 75—they cannot take full advantage of the "run," it is so great. The consequence is they have frequently to withdraw, (I have seen this myself), perhaps two-thirds of their boats. With the prospect of our Canadian Pacific Railway being completed within four or five years, and of the Great North-West being opened up and peopled not by hundreds of thousands, but, as I believe and hope, by millions, there is no question at all but we shall supply not only the North-West and Manitoba, with fresh and canned salmon, but I believe that here in Ontario and Quebec you will find, in a few years, our Frazer River fresh salmon on your tables, two or three times a week. Indeed, I should not be at all surprised if they were to find their way even down to the town of Lunenburg, in Nova Scotia. I do not wish to trespass much longer upon the patience of the House, and having called the attention of the leader of the Government to this matter, and endeavored, in my feeble way, to show the necessity for an institution of that kind being established, I hope that the Minister of Justice will urge upon the Government, of which he is such a prominent member, the advisability of taking steps to construct that hatchery before another year has gone by. I would add that I rely upon him to do justice to us in this matter.

HON. SIR ALEX. CAMPBELL—I have great doubt whether by the hatchery which is proposed, or by any other means, the salmon which frequent this river can be induced to come there at an earlier season than their natural tendencies will take them. I distrust the success of the experiment which my hon. friend desires to have made, and fear it will not have the effect of bringing the fish into the river earlier than they are now brought there.

HON. MR. MCINNES—A certain number of the salmon run up the Frazer River as early as April, but they are not in sufficient quantities to warrant the canneries in opening.

HON. SIR ALEX. CAMPBELL—Then the suggestion is that this April "run" should be selected and brought there?

HON. MR. MCINNES—Yes.

HON. SIR ALEX. CAMPBELL—Although I distrust the experiment, there may be merit in it; and my hon. friend will be happy to know that, at all events, the Government have resolved to bring down an item, to enable the experiment to be tried; the item will be a supplement to the Supplementary Estimates.

HON. MR. MCINNES—I thank the hon. Minister for the information.

The following bill from the House of Commons was introduced and read the first time:

Bill (117) "An Act to amend and consolidate the Acts respecting the Inspection of Steamboats, and the examination and licensing of engineers employed on them." (Hon. Sir. Alex. Campbell).

NORTH SYDNEY HARBOR BILL.

THIRD READING.

HON. SIR ALEX. CAMPBELL moved the second reading of Bill (Z), "An Act to amend the Act respecting the Harbor of North Sydney, in Nova Scotia." He explained that the object of the Bill was to incorporate the Harbor Commissioners of North Sydney, and empower them to improve the harbor. He was not aware

that there was any objection to the Bill, and he knew that it was desired by those who are interested in the Harbor of North Sydney. As the Bill was introduced late in the Session, he would ask that it be allowed to pass through its final stages without delay and sent to the House of Commons.

The motion was agreed to, and the Bill was read the second time and referred to a Committee of the Whole.

HON. MR. MONTGOMERY, from the Committee, reported the Bill without amendment, and it was then under a suspension of the rules, read the third time and passed.

SUPREME COURT BILL.

ORDER DISCHARGED.

HON. SIR ALEX. CAMPBELL moved that the order for reference of Bill (Q), "An Act further to make provision in regard to the Supreme Court of Canada," to a Committee of the Whole House, be discharged.

The motion was agreed to.

CIVIL SERVICE BILL.

SECOND READING.

HON. SIR ALEX. CAMPBELL moved the second reading of Bill (36), "An Act respecting the Civil Service of Canada."

He said: This Bill is the outcome of a report of commissioners appointed about a year ago for the purpose of inquiring into the state of the Civil Service, and in dealing with it the House has the advantage of having present the chairman of that commission, to whom, and his colleagues, the country is very much indebted for the suggestions made in the report. Some of those suggestions have found their way into this Bill, but it is not a complete carrying out of the recommendations made by the commissioners, it is the adoption of only a part of them. It is always difficult to advance the complete length which those persons may recommend who are theorizing upon a service of this kind and who, perhaps, do not see all those surroundings which affect the minds of members of the

Government and of Parliament, when they have to come to deal with the subject practically, and seek to give legal effect to the recommendations of those who have previously considered it as a theory, more or less. In this particular instance, one or two points which the commissioners considered of great importance (and I quite agree with them as to their importance) have been for a time, and I hope only for a time, passed by as not being, as the Government and the other House have considered, at the moment such as, considering all the circumstances, we can reasonably or with advantage to the country seek to give effect to. One of the cardinal points in the commissioners' report is that the Civil Service ought to be taken out of the hands of the Government and Parliament, and placed in the complete control of a body of commissioners appointed by the crown, and holding office during good behaviour, which is the case, I believe, in England, Belgium, France and other European countries. They recommended also that appointments to the Civil Service and promotions in the service should be made on competitive examinations only. These points, which are the cardinal ones of the report, are not carried out in this Bill; otherwise, I think the general views of the commissioners are given effect to by this measure. The question as to whether or not the country has advanced far enough, whether our general state as a public body is sufficiently apart from the interests of those gentlemen who represent the various sections of the country in Parliament to make such a change advisable, is one which I think it is hardly necessary for me to enter upon the consideration of now. Certainly various opinions may be entertained upon this point. We have to remember that the Civil Service in this country, and the number of persons who are employed in connection with it, bear of necessity a much larger proportion, and therefore the corresponding interest created in the Dominion in connection with appointments to office affects the whole country and the electors of the Dominion much more closely and constantly, and in a much greater degree, than similar considerations affect electors in a much larger community, such as England or France, and that, therefore, it is very difficult (and

HON. SIR ALEX. CAMPBELL.

hon. gentlemen in this House will appreciate and understand and perhaps sympathise with the difficulty) to seek to withdraw entirely from the cognizance and influence of the gentlemen who are elected to the other branch of the Legislature by the various constituencies, the appointments to the Civil Service. The time has not arrived when that could be done with safety to the community, or with the consent and approbation or to the advantage of the electors of the Dominion. Then, the system of competitive examinations, which have also been adopted in England, is one which, I think, we cannot adopt for other reasons. I think the opinion is gradually coming around in England to this: that competition does not bring out the best men for appointment to office. It brings out a great many qualities which go to make the best men, but I do not think it establishes that a person who succeeds in an examination upon paper, or orally, is the best man, or that he turns out in practical life to be best suited for office. I remember two or three striking instances of that in connection with a university, with which I was associated, where scholars who came out at their final examinations with the highest possible honors on various subjects and went away with their arms loaded with prizes, failed to succeed in after life. We must all remember cases of that kind. We know that many qualities are essential in a good servant, either in the Civil Service, or the Military Service, which are not brought out by competitive examination. For these reasons, which I express very shortly, and in order that we may deal with the Bill as it is before the House, these two cardinal points in the report of the commissioners were passed over, and instead of adopting competitive examination we have introduced qualifying examinations, and have entirely passed over the recommendation that there should be appointed commissioners who should have all this patronage placed in their hands and with whom the Government should have nothing to do. As to the examinations, we provide that every person entering the Civil Service shall be appointed by the crown. The heads of departments, as we are aware, owe their places to political considerations. It is provided in this Bill that the deputy heads shall be chosen by the

Governor-in-Council, not necessarily from the department. That is the salient point, because in selecting a deputy head it is very often necessary to go outside of the officers who may be in the Department at the moment. It is thought desirable that the tenure of office of the deputy head should be made as secure as is consistent with that subordination and discipline which are necessary in the service. The recommendation was that a deputy head should hold office during good behavior, which would give him the same tenure of office as a judge. That was thought to be undesirable, because a deputy head, although not carrying on his duty satisfactorily, and although not a man one would desire to see there, and perhaps, becoming careless or infirm, yet could hold office during good behavior, to the detriment, perhaps, of the public service. Therefore, the suggestion has been adopted that the deputy head shall hold office during pleasure, and whenever he is removed from office a statement of the reasons for such removal shall be laid on the table of both House of Parliament within the first fifteen days of the next following session. The other officers of the service are all to be chosen after a qualifying examination. To become a candidate for such examination a young man must pass a preliminary examination in reading, writing and arithmetic, so as to show that he is, so far, at all events, qualified. That is the examination for qualification for office. Having thus established his claim to be examined, he is sent before a board—not a board as was provided for in the former Civil Service Bill, composed of senior officers of the several departments, but a board taken from outside. That, I think, is a great advantage, because it will secure the uniformity which perhaps was wanting in the other plan. It brings a new element, unaffected by official traditions, and the views which men get in the service, without exception almost, and it introduces the kind of element you want from the outside to secure a fair and even consideration of the men brought before it, whether they are or are not connected with men already in the service. It secures an outside and an impartial board. The idea was taken from the examinations now held from time to time, and which have been held for some years past, for candidates for admission into the Military

College, and which have been found to work very successfully. The examinations have been carried on constantly in different parts of the country, I believe in Ottawa chiefly, by outside persons who have been mainly people connected with the schools or colleges of the place, and in that way I think, you establish a very fair and impartial tribunal for the purpose of deciding whether the young man is qualified or not for entrance into the Civil Service. If he passes his examination, his name is put upon a list of those who succeed in passing. The provision is for the examination here in Ottawa, and in the principal cities of the several provinces. The names of those who pass the examinations shall be put on a list, and when a vacancy occurs in the Civil Service, the head of the department, where the vacancy is, shall be obliged to fill it from this list, not necessarily the first, second or third name, but one from the list. The man so chosen will then be placed in his department on probation for six months, and if in that period the head of the department is dissatisfied with him, the young man is so informed and his services in the department cease; if he is satisfied, the position becomes permanent, and from that time the clerk takes his regular promotions and becomes entitled to contribute to the superannuation fund, and to receive the benefit of it. Then, as to the character of the promotions, it is provided in the Bill that every man in a class, if he desires promotion to the one above it, shall undergo an examination before this same board. This examination is suggested, I think, by the principle which has obtained in the military service, where if an officer, a lieutenant for instance, is desirous of being promoted he is obliged during his lieutenancy to undergo an examination to prove that he is fit to be made a captain. In the same way here, if a man in a junior class desires to be promoted he must undergo an examination, and when a vacancy occurs in the class above him, he has a chance for promotion. When it is established that he is eligible for promotion, the head of the department, when the next vacancy occurs, is obliged to choose from that class. He takes one who is eligible for the office to which he is to be appointed, from his own department if possible, and if he does not find one in his own department, he has then to take one from some other department. The divisions in the service are, as the House knows, first and second class clerks divided into two degrees, and third class clerks and messengers. The salaries which have been laid down are mentioned in the Bill. The first is a minimum salary of \$1,800 and a maximum salary of \$2,400 per annum. Then there is another provision which is also of moment, that a first class-clerk shall only be appointed on the report of the deputy head concurred in by the head of the department, and upon an Order-in-Council. The duties of these offices are generally discharged by gentlemen of great experience and a good deal of ability, and it is not desirable that they should be increased in number unnecessarily. Therefore the Bill makes provision—and that was the recommendation of the commissioners—that no first-class clerkship shall be created without an Order-in-Council. So that if the department has two first-class clerks and desires another, the head of the department cannot of his own fiat create the office, but must go to Council and get authority for it. An item to pay the salary of the additional clerk must be put into the estimates and submitted to Parliament. In that way there are obstacles placed in the way, intentionally, and the creation of such an office would be attended with some time and trouble, and in the course of that time and trouble the real strength of the reasoning would come out and show whether the additional clerk was necessary. The salaries of the other classes are in the same way. Messengers enter at \$300 per annum, and rise by an annual increase of \$30 to the maximum of \$500. Besides that there are in some departments packers and sorters. In the Post-Office Department there are thirteen or fourteen of them who receive and pack all the forms, papers and packages that come to that department. Then, the commissioners suggested, and it is the key by which the whole carrying out of the Bill is secured, that it should be made the duty of the Auditor-General to see that no officer or servant of the Government is paid unless he has been appointed, or his promotion has been obtained, or both, in accordance with the provisions of this Bill. So that the evils which resulted in practise under the old law cannot possibly

exist under this—that is, laxity in carrying it out. Many of the provisions of this Bill are to be found in a statute upon our books which is now law, but it gives no security that it will be impossible to forget or overlook it. In consequence, many persons have been appointed who would not have obtained office had the provisions of that Act been closely followed up. That Act, like this, provides for examination before certain officers of the Government, deputy heads, but in practise in some departments such examinations have never taken place, while in others they take place regularly and constantly, and in some departments they did take place but were not continued. Great laxity has crept in, but this cannot be repeated under this measure, because the Auditor-General cannot pay a man who has not passed his examination. The members of the outside service are also provided for in the same way; they will have to pass their examinations, and to advance step by step as they serve, and as their duties are satisfactorily performed, from the lower ranks up to the higher offices. Then there is a provision respecting superannuation. Those persons who contribute to the superannuation fund shall have the advantage of it by a report of the Treasury Board after the following inquires has been answered in the affirmative :

“ Whether the person it is proposed to superannuate is eligible within the meaning of the Superannuation Act ;

“ Whether his superannuation will result in benefit to the service and is therefore in the public interest ; or—

“ Whether it has become necessary in consequence of his mental or physical infirmity ;”

I think that these are the general provisions of the Bill. There are added to it several schedules, one of which I desire to amend slightly. I am very glad that we shall have the advantage, in the discussion of the Bill, of the presence among us of the chairman of the commission which made the report, a most valuable one, upon which the Bill was drafted.

HON. MR. MACINNES (Hamilton)—The Bill now before us, and which has been so clearly explained by the hon. leader of the House, must be considered as an instalment in the direction of Civil Service reform. The hon. Minister of Justice has correctly stated that it has not

gone the length of the recommendations made by the commission of which I had the honor of being chairman. I must ask the forbearance of hon. gentlemen, while I endeavor to explain and justify the conclusions at which that commission arrived ; though, judging from the manner in which it was received in the other House, on both sides, there was very little interest taken in the subject at all, although the importance of it must be self-evident to anyone who has given it the slightest consideration. There seems to have been very little interest manifested in the subject outside of the House, and it is probable that the Bill before us is abreast of public opinion at the present time, although I believe it falls far short of what would be right and proper for a thorough and effective reform of the Civil Service of this country. It may not be uninteresting to the House that I should point to the existing Civil Service systems in Great Britain and in France. The system of competitive examinations prevails in all appointments to the Civil Service in both these countries. The Civil Service of Great Britain, up to the end of 1855, was very much in the same condition that the Civil Service of this country is in at the present time ; but it was found to be so inefficient, the evils of it were so great, that statesmen on both sides of politics in that country laid aside their political differences and joined hands in an endeavor to bring about reform, and for that purpose Sir Chas. Trevelyan and Sir Stafford Northcote were appointed to make an examination and report upon the existing state of the Civil Service in Great Britain. That commission was inaugurated, I think, about the year 1853-54. Sir Stafford Northcote represented the Conservatives on one side, and Sir Chas. Trevelyan the Liberals on the other. They made, I believe, a thorough and exhaustive examination into the state of the Civil Service. Their report was subjected to a severe criticism by the most eminent men in the country, and their recommendations were adopted by the Government of the day, and the system devised by them is now the foundation of the Civil Service of Great Britain. I will read a passage from the report to show the House what they aimed at :

“ The general principle then which we

advocate is that the public service shall be carried on by the admission in these lower ranks of a carefully selected body of young men who shall be employed from the first on work suited to their capacity and education, and shall be made constantly to feel that their promotion and future prospects depend entirely on the industry and ability with which they discharge their duties, that with average abilities and reasonable application they may look forward confidently to a certain provision for their lives, that with superior powers they may naturally hope to attain to the highest prizes in the service, while if they prove decidedly incompetent or incurably indolent, they must expect to be removed from it. The first step towards carrying this principle into effect should be the establishment of a proper system of examination before appointment which should be followed as at present, by a short period of probation."

They framed a system which would, in their opinion, accomplish what is stated in the extract which I have just read to the House. Their recommendation was open competitive examination before first entrance into the service, and promotion by merit. These were the cardinal points of their report, and, as I have already stated to the House, the system recommended by them is the one upon which the Civil Service of Great Britain is at present conducted, and there has been no attempt and no wish, I believe, on the part of any one to depart from it. There has been no evidence that public opinion is in favor of returning to the old system; on the contrary, the new one has been enlarged and extended from the year 1855 down to the present time. Since then, other commissions have been appointed by the Government of Great Britain, the last of which was the commission presided over by Dr. Lyon Playfair, and their report confirms what had been previously decided upon in the report issued by Sir Stafford Northcote and Sir Charles Trevelyan—open competitive examination and promotion by merit. I frequently hear it asserted that there has been a desire to return to the old system—that the new one has not worked satisfactorily in England. If the House will allow me, I will read a letter written by Sir Charles Trevelyan to Mr. D. B. Eaton, the commissioner appointed by the United States Government to report upon the Civil Service of the various countries of Europe:—

"Rraemore, August 20, 1877.

"DEAR SIR,—Your letter of the 14 th has reached me at this remote place, and I much

regret that I cannot at present personally confer with you, for I have long been struck by the singular suitability of our new but well-tried institution of making public appointments by open competition for the correction of some of the worst results of the United States political system, and would gladly help to place you in possession of the mature fruit of our experience.

"Considering the practical nature of English character, which abhors theoretical innovations, based upon *a priori* reasoning, and reluctantly accepts even those changes which have been proved by experience to be desirable, a remarkable proof of the success of the system is to be found in the fact that all real opposition to it has long since died away, and, step by step, it has been extended to almost every branch of the service in its most advanced and only efficient form of perfectly open competition.

"It may be useful to the President to know one feature of its early history; the change was made by persons conversant with public affairs, from a practical perception of its necessity, but these early supporters of it *might be counted upon the fingers*; and if the matter had been put to the vote in London society, or the clubs, or even in Parliament itself *by secret voting*, the new system would have been rejected by an overwhelming majority. Nevertheless, whenever adverse motions were made in the House of Commons we always had a majority in favor of the plan. This at first caused us some surprise, but, on investigation, the case turned out to be thus: Large as the number of persons who profited by the former system of patronage were, those who were left out in the cold were still larger, and these included some of the best classes of our population—busy professional persons of every kind, lawyers, ministers of religion of every persuasion, schoolmasters, farmers, shopkeepers, etc. These rapidly took in the idea of the new institution, and they gladly accepted it as a valuable additional privilege. We were especially interested and amused at the sudden popularity which the system acquired in Ireland, where 'the competition,' as they called it, was regarded as a very preferable alternative to the old jobbery. You will now understand that, whatever may have been the individual sentiments of members of the House of Commons, they received such pressing letters from their constituents as obliged them *to vote straight*.

"But all the best members soon felt that, by the abolition of patronage, they had been relieved from a degrading yoke. While it was customary to place situations in the revenue and other departments at their disposal for distribution among their constituents they were obliged, in self-defence, to dance attendance on the patronage Secretary of the Treasury, besides having to carry on a large and annoying correspondence with their constituents. From this double bondage they were at once liberated when the junior appointments were open to competition; and as

all members were placed on the same footing, they were under no disadvantage in their elections in consequence of the change.

"The most searching and vital improvement arising from the abolition of patronage is that it has purified the constituencies, and increased the independence and public feeling of members of Parliament. Every borough and county, except a few of the largest, had its local manager on either side—a banker, brewer, or solicitor—who purchased the vote and support of the leading men by a judicious application of the loaves and fishes. The corruption so engendered was more constant and general than the bribery carried on by means of money; and it was also more influential, in the degree in which a provision for life for a son, or some other person in whom a voter was interested, was more valuable than the customary five-pound note. Both constituents and members now have to look, not to what they can get, but to what it is their duty to do. At any rate, they must now seek to promote their interests in some larger and more public way than by obtaining appointments for themselves or their friends."

"As regards the effect of the change upon the efficiency of the administrative service, the ordinary practice was to place the fool of the family in the civil, and the wild, idle, unmanageable youth in the military service, for the plain reason that while this was a provision for life for them, they were not so fit as their brothers to compete with others in the open professions. The promotion within the civil service was, for the most part conducted on the same principle of patronage, and in the military service on a mixed principle of purchase and patronage. The civil service also was held in low estimation by the public, who regarded it as a *corpus vile* for political jobbers; and this reacted in an injurious manner upon the *esprit du corps* of the civil servants. Now both civil and military officers are appointed on the ground of superior ability and attainment, with an indirect guarantee for good moral qualities [inasmuch as superior cultivation and attainments are to be acquired only by industry, self-denial, and a preference of the future for the present,] besides direct evidence to moral character from the persons best able to testify to it. As the persons appointed have no party connections, and are generally unknown to the political chiefs, there is now nothing to prevent their being promoted according to qualification and merit, which is the key to administrative efficiency. Lastly, the reproach of a corrupt origin has been removed from the civil service, and the members of it have been elevated in the estimation of themselves and others.

"The same change which has increased the efficiency of the civil and military services has given a marvellous stimulus to education. Formerly boys intended for any branch of the public service had no motive to exert themselves, because, however idle they might be, they were certain to get an appoint-

ment. Now, from their earliest years, boys know that their future depends upon themselves, and a new spirit of activity has supervened. The opening of the civil and military services, in its influence upon national education, is equivalent to a hundred thousand scholarships and exhibitions of the most valuable kind—because, unlike such rewards in general, they are for life—offered for the encouragement of youthful learning and good conduct in every class of the community.

"And this has led to a great improvement in the efficiency of the administrative service. That such is the case is proved by the general acceptance of the new national institution; so that no sane person has an idea of abrogating it and reviving the former state of things, but, on the contrary, there is a constant movement toward extending it in its entirety to the few remaining branches of the service to which it has not yet been fully applied....

"You ask as to the effect of the change upon 'official morality.' Official corruption was not one of the faults of the old system. Trustworthiness mainly depends upon a secure tenure of office, and that has long been abundantly provided for. The rule that the first appearance of official delinquency should be thoroughly investigated and adequately dealt with, has been, and still is, fully enforced. The plan now acted upon is to have fewer of the higher class of civil servants, and to pay them better from the first, getting the copying, care of papers, and other less intellectual work done by a cheaper and more ordinarily educated class, which has a tendency both to promote economy, and to encourage fidelity and exertion on the part of the most trusted servants by making their appointments more valuable to them....

"Believe me, very truly yours,

"CH. TREVELYAN.

"D. B. EATON, Esq.," etc., etc.

In a subsequent letter to the author, Sir Charles Trevelyan says:—

"You cannot lay too much stress upon the fact that the making of public appointments by open competition has been accepted by all our political parties, and that there is no sign of any movement against it from any quarter."

In proceeding with our enquiry we first directed our attention to the system prevailing in European countries, but more especially in Great Britain and France, and we find there, as I have already stated, that the system of open competitive examination, and promotion by merit is the rule. It appears to me to be very fitting that we in this country should follow the example of France and England. I believe the aspirations of the people of this country are to perpetuate British in-

stitutions on this continent, and to copy those which are best in the government of England and of France. The adoption of the Civil Service system of Great Britain, pure and simple, is objected to as not being suitable to this country. It is contended that Canada is not ripe for it. I believe that the English system, allowing for the different circumstances of the two countries, can be adapted to the Civil Service of the Dominion with great benefit. Of course the standard of qualification of applicants is very much higher in both England and France than is needed in Canada; we have therefore to adapt our examination and qualification to the education obtained in any of the schools of Canada. This is what we say in our report:—

“Competitive examinations for first entrance to the service should be preceded by a preliminary examination to ascertain whether the candidate possesses such a knowledge of orthography and elementary arithmetic, and whether his hand-writing is such as will justify his admission to the competition. The competitive examinations should test the comparative proficiency of candidates on the following subjects:—

- “ Hand-writing,
- “ Orthography,
- “ Arithmetic, including vulgar and decimal fractions,
- “ Copying Manuscript to test,
- “ Accuracy,
- “ Digesting returns in summaries,
- “ English composition.
- “ Writing from dictation,
- “ Geography,
- “ History—English, Canadian and United States,
- “ Book-keeping,
- “ Press-writing,
- “ French writing.

Now that is not a high class examination. It is one that I believe (and I think hon. gentlemen will agree with me) that the youth of Canada, educated in the public schools, are quite competent to pass.

HON. MR. ODELL—Is that the preliminary?

HON. MR. MACINNES—No, that is the competitive examination. The preliminary examination is simply to ascertain whether the candidate possesses such a knowledge of orthography, writing and elementary arithmetic as to justify his admission for the competitive examination; otherwise you might have numbers

who might not be at all qualified for it, coming up and wasting the time of the commissioners. The Bill before us is mainly founded upon our report, but omits the two important points to which the leader of the House has already referred—open competitive examinations, and the abolition of political patronage in making appointments to the service. Our great object, and a very important one, was to create a spirit of emulation in the service—to give the officers to understand that their promotion and success depended entirely upon the same energy and exertion as would ensure success in any other calling, and we endeavored to frame our recommendations in such a manner as to create such a stimulus to exertion. I will just read one quotation from our report that will convey our meaning. The Order-in-Council appointing our commission contains this paragraph:—

“A careful reconsideration of the duties of each department, including both inside and outside service, is eminently desirable with a view to seeking greater economy in all the departments, by the weeding out of men who, from any of the causes named, are no longer efficient public servants; by the creation of a new theoretical for each department, which would regulate the number of each class of officers required for its work, the promotions from class to class, and the steps by which salaries should be increased.”

We say in our report:

“It is quite obvious to us that the delicate duty of weeding out unfit men and redundant clerks, and the adjustment of inequalities of pay, can be best and most effectually accomplished by the thorough and comprehensive change in the principle of making first appointments and promotions which we have recommended, and that in this way alone can any enduring reform be effected.”

There is another great drawback to the efficiency of the Civil Service, owing to the structural arrangement of the departmental offices. In reference to that subject we say:

“Much valuable space is lost by the division of these buildings into so large a number of small offices. This again interferes with the proper distribution of the work among the clerks, involving loss of time and a minimum of work. The service is consequently made less efficient, and the expense increased. Experience has proved the advantage of large offices where considerable numbers can work, who thus come under the immediate supervision of those having the control.”

We also in our second report say on the same subject:—

"We desire again to direct attention to the present structural arrangements of the offices, which in nearly all the departments is such as to preclude the possibility of a proper supervision over the employees. The great bulk of the work of the service is purely clerical, and should be performed by clerks of the higher grades. They are required under present regulations to work six and a half hours per diem. We are of opinion that for want of the necessary supervision that the hours devoted to actual work do not on an average exceed much over two thirds of that time, and we feel that we cannot too earnestly press upon the Government the importance and necessity of a change in the present structural arrangements, and the substitution of large rooms where the clerks would come under the personal supervision of their superiors."

I shall not detain the House any longer now, but I shall take occasion when the Bill is considered in Committee to offer a few suggestions for the amendment of some of its clauses.

HON. MR. ALMON—Before the House adjourns I should like to name an amendment to clause 47.

HON. MR. POWER—That should be done in committee.

HON. MR. ALMON—I perfectly approve of the Bill although I have not given it the attention which I would if it had proceeded from any other source than the one from which it emanated. I think I act as the good parishioner did towards his clergyman. His clergyman said to him one day, "What is the reason you always go to sleep when I preach, and you keep awake when a stranger preaches?" "It is because," said the parishioner, "I have confidence that what you say will be right, but when a stranger preaches I have to look after him." So it is with the Minister of Justice; when he brings in a measure I have such perfect confidence that it will be all right that I do not pay the same close attention to it that I would if it were brought in by a private member. The amendment I propose to add to the end of clause 47, which gives a leave of three weeks to every member of the Civil Service, is that those persons shall be allowed to pass free of charge over any railway under the control of the Dominion Government. My reason for moving this is that I think the Civil Service, as a

general rule, are an under-paid and under-worked set of men.

HON. SIR ALEX. CAMPBELL—My hon. friend had better give his reasons for the amendment when we are in committee.

HON. MR. ALMON—I would rather give them now. I think the civil servants are an under-worked and under-paid set of men. They require this holiday, not because there is any over-exertion of brain energy or waste of muscular tissue, but because of the daily monotony of their work. From day to day the civil servant continues a round of figures; he knows that his promotion can only take place by the death of the man above him, or by superannuation, which is a long way to look forward, very wearying to the soul of any man; I think that state is very well described by Lamb, who was in the South Sea Office. We give a civil servant three weeks holidays; what does he do in that time? He cannot save enough money out of his salary to go to the country; travelling by stage coach is very expensive, and he stays about town and is as much a prisoner as he was before he got his leave of absence. There is no relaxation of body or of mind in that. But, hon. gentlemen, if these men had a free pass over the Intercolonial Railway, they would take their fishing rods with them and enjoy the fishing on the north shore, and could live at the houses of the farmers at a very little expense. Or they could go down as far as Quebec, that fine old historic city, whence a few minutes voyage across the river would take them into another country, the prototype of old France. They would see the walls of the historic old town, and would be filled with recollections of the sieges they have stood; the plains of Abraham, where the Saxon and the Gaelic races were blended into one, and although that union was cemented in blood, it is no less enduring on that account. It will take very little money to go from Quebec by one of the steamers to Montreal, and perhaps to Niagara, and after such a trip, the Civil Servant would come back, having spent very little money, refreshed in body and mind, and prepared for the daily routine of office work. I do not ask the Government to increase the pay of the service,

but merely to give them this free pass over the Government roads. The great objection I had to confederation was that the upper and the lower provinces knew so little of each other. The arguments used in favor of uniting the provinces pleased me well, but I said: "I know nobody in Canada; the inhabitants of Quebec are a people speaking a different language, and having widely different habits from ourselves, and how can we be expected to be united in feeling." Pass this resolution, hon. gentlemen, it costs you nothing, and the result will be that the men connected with the Civil Service in the Lower Provinces, will come up here and get acquainted with those who speak a different language, and who may in the future stand side by side with us, musket in hand, to fight, and I trust, conquer, under the British flag. Then, to look at the other side; the natives of old Canada will be able to come down and visit our shores, and I would ask have we nothing to show them? Have we not Annapolis with its historic recollections; and the Bras d'Or with its islands, quite equal to the far famed Thousand Islands? Have we not the ruins of Louisburg, and in Halifax can we not show them the British troops, the evening and morning gun, the sound of which encircles the world, and the band playing? When I began to speak I noticed a frown on the face of the hon. leader of the Government, but his countenance is now irradiated by a smile, and I see I have convinced him,—let me convince the House also.

HON. MR. KAULBACH—I know the hon. leader of the Government will not smile if I take up the time of the House too long, but I must say that this measure, considering it is only a remodeling of the present system, is as good as it could be made. The only objectionable feature, to my mind, is that you do not get rid of the element of patronage by the Government, and you will hardly find young men coming up for examination, unless there is some assurance that they will be appointed if successful. It is to be hoped that the Board will make the examination very rigid, as by that means the patronage will be minimised as far as possible, and really deserving men will be appointed, to a greater degree than otherwise, upon their merits. The great bene-

fit of the scheme seems to me to be that the examination is to be passed before appointment, and the hon. leader of the Government has explained that even after the successful passing of the examination, the young man must pass a certain time on probation, before he is given the office permanently. An important consideration will be to appoint fit men to the position of commissioners, as very much depends upon their action in arranging the subjects for examination, so that the qualifications of the applicants will be fairly tested, and in that way that merit shall be first considered, and patronage shall be only a secondary matter.

HON. MR. MACFARLANE.—I have perused, with a great deal of satisfaction, the very able and exhaustive report made by the Civil Service commission which has recently completed its labors, and there is no doubt that they have taken much pains and have entered carefully into all the details of this subject, which is of such importance to this country. The Civil Service heretofore has been, beyond doubt, very largely a political service. We have, in this Dominion, many clever young men, who will prove themselves thoroughly capable, when they are brought into competition with others in the discharge of their official duties in our public departments. I think they are as competent and as well qualified for those positions, taking into consideration where they have received their training, as probably any young men in any country. But there can be no doubt that our system of appointment is rotten at the core—it is thoroughly bad. It does not hold out any certainty to industrious and ambitious young men that they will be able to forward themselves to the higher offices; they cannot be sure that they will attain such promotion and mount to the better positions, which should be fairly open to them, and which should fall to the most deserving men already in the service. Now the hon. gentleman has drawn attention to the fact that the Bill, although founded on the report of the commissioners, has only to a very small extent carried out their recommendations—in fact, it is very much like the old story told of the play of Hamlet, with Hamlet left out. It probably is a step in the direction of reforming the Civil Service of this country,

but I am afraid if we adopt this measure, which has been very properly explained by the leader of the Government, if we put it on our statute book, though I admit it is a step onward, I fear very much that great difficulties will be afterwards experienced in making another step in advance. If we adopt this Bill, emasculated as it has been from the report of the commissioners, our progress in the direction of improvement will hereafter be greatly retarded. I know well the difficulties that are found by Governments all over this continent—how strongly political pressure is brought to bear on the various Governments by their supporters—and that they are in consequence unable, with all their desire to see their offices filled with qualified persons, to withstand the pressure which is brought to bear upon them, and which too often thrusts men upon them who are utterly unfitted for the positions to be filled. However, the result of the present Bill, bad as it is, may be to place the Civil Service in a better position, so that young men entering it may feel that they are making a step upward, and will ultimately attain positions of some value and importance. One matter that struck me very forcibly in the report of the commissioners, who went through the various departments, was the very unsatisfactory office arrangement in the public buildings here; the young men are confined to small rooms where they are not placed in full competition with each other—scarcely know each other in fact, unless they may happen to be thrown together outside of the service. That is a system which I maintain does not bring out the full powers of these young gentlemen. If they were put in larger rooms, as suggested in the report, and brought into closer competition with one another, it would no doubt result in great advantage to the public. I suppose in the construction of the buildings, years ago, there was no expectation that the public service of the country would become so very much enlarged. Beyond all doubt the present arrangement is very defective and not calculated to draw out the capacity of the various officials. The Bill may be as good as can be expected at the present time, but it will not satisfy the country as being a measure which will thoroughly reform the Civil Service; I dare say, however, it will be amended in

some directions, in committee. Possibly the amendment of my hon. friend from Halifax (Mr. Almon) will be adopted; it is a very valuable one, and will allow the young men of the Service, during their holidays, to increase their knowledge of their own country, combining their recreation, and the acquiring of valuable information. No doubt the Government will carefully consider the suggestion, and if this concession is made to the young gentlemen of the service, they will consider it a boon, and will properly appreciate the thoughtful care for their interest which has been shewn by the hon. gentleman (Mr. Almon) who mooted the question. I shall be disposed to sustain the Bill though it certainly is not the measure which I should like to see on our statute book.

HON. MR. HAYTHORNE—I confess I am somewhat disappointed in this measure, for I expected to see one which would command more general support, both in this House and the country. From what I should call the rather apologetic tone in which the hon. Minister of Justice introduced it, even he is not well satisfied with the measure; and he found it necessary to apologise to the hon. gentleman who spoke on the other side of the House (Mr. D. MacInnes) because the Government had not thought proper to adopt the report of their own commissioners, and had largely altered the Bill from what had been recommended by those gentlemen. It seems to me that the claim which has been set forth—that this Bill would have the effect of obviating the difficulty which has existed in the shape of political appointments—is not borne out by the facts. The Government have found great embarrassment, I daresay, in being unable to carry out the wishes of their supporters, and having to refuse appointments to their nominees; and while this Bill will enable them to relieve themselves personally of that difficulty, it will only do so in a measure. It appears that there are to be three persons appointed by this Bill who will be called examiners, but whose duty I would remark is not to examine; the examiners so called, in this Bill, do not examine candidates at all, but they merely carry out the terms of this measure. It seems to me therefore, to be a misnomer alto-

gether. Another point of consequence is that these examiners are not to be appointed permanently, but they have to perform certain duties, and for the time they are appointed at \$10 a day; the parties, however, who actually conduct the examination of the candidates are appointed by these examiners.

HON. SIR. ALEX. CAMPBELL—The hon. gentleman is mistaken there, they may call for the assistance of certain persons—that is, they cannot be ubiquitous—and if they have an examination, say at Halifax, one of their number may go there, and he may associate persons with him for the purpose of examination. It is not at all contemplated that they are to be mere ornaments; they are to conduct the examinations where they are.

HON. MR. HAYTHORNE—It seems to depend entirely on the meaning of the word “man;” but at all events the Bill provides for the appointment of other persons, who are to conduct the examinations. The great objection I take to it is that the Government, through the intervention of these examiners, may do things which heretofore they have done themselves; the change is more in form than in fact. Then again, so far as I can see, the Bill makes no provision for the publicity of the examinations. The hon. gentleman said, I think, that the candidates to be appointed were not necessarily those who passed the best examination, but that those who are now held to be best qualified in other respects for the appointment would get it. Now it seems to me that this is a very unfair proceeding; you may have candidates brought forward at this examination, and they may do exceedingly well, some of them, but in the discretion of the examiners they are not considered so well suited for the department as some others who perhaps have not passed such a good examination; in that way the best candidate on the list may be passed over. It is not necessary that an unfit man should be taken, because he happens to have passed the best examination, but certainly in my opinion the man holding that rank is generally to be preferred; and the performance of every candidate ought to be made public, so that, when the examination is over, it would be publicly known

what candidates passed the best examinations, and who were appointed. The action of the Government would then clearly be seen, and if they thought fit to take an inferior man into the public service when they had a better one available, it would at any rate be understood, and the man passed over would have the satisfaction of knowing, that though he failed to secure the position sought, his merit was publicly known. On that account I think the Bill is open to serious objection, and the principle adopted in it, is to my mind, a mistaken one. Of course I do not suppose the Government will make any alteration in it now, but there are some details which may be amended in committee. I think this suggestion of the hon. gentleman from Halifax (Mr. Almon) is a useful one, and I have personally often felt that the members of the public service deserve more consideration at our hands than they receive, in the way of taking holidays. Their application is very close and unremitting, and during the summer season it is well known, or at least generally considered, that this city is not a very agreeable residence, and therefore I think it is but just that the employees in the Civil Service of the country, particularly the young folk should have the opportunity of a complete rest and lengthened holiday. If the means aiding this desirable result which have been suggested by the junior member for Halifax (Mr. Almon) were afforded, I think it would be a great advantage. I hope the hon. Minister of Justice will move for a committee on this Bill, and not too soon, in order that we may have an opportunity of seeing in print the long communication which was read to this House by the hon. gentleman from Hamilton (Mr. D. MacInnes). I listened to his speech with great attention, and was very well pleased indeed with it, but I did not catch a great deal of the document which he read. I presume that it contains a great deal of valuable information, or he would not have brought it forward in the way he did, and if the committee is deferred until such time as this debate is published, we shall then have an opportunity to read and digest that communication.

HON. MR. POWER—Although I am

always averse to going into the consideration of any measure, without all the information that is available, I am afraid that I cannot second the request made by the hon. gentleman from Prince Edward Island (Mr. Haythorne) who has just sat down, viz : that we should postpone the further consideration of this Bill—that is its consideration in committee—until the report of the remarks made by the hon. gentleman who acted as chairman of the Civil Service commission, shall have come down to this House. At the present time our reports are, I think, some five or six days behind-hand—at least the last I have is the report of last Tuesday—and although my interest in the welfare of the public, and my desire for the perfecting of this Civil Service Bill, is great; still the desire to get home is almost equally powerful, and I am afraid that waiting so long as my hon. friend has suggested, would involve our not getting away until the end of next week, probably. Consequently, I, for one, shall be prepared to go into committee on this Bill without the information spoken of. I listened, as did my hon. friend from Prince Edward Island, with a great deal of attention, and a great deal of pleasure, to the speech made by the hon. gentleman from Hamilton (Mr. D. MacInnes), and I think that I succeeded in taking in most of the points contained in the letter from Mr. Trevelyan, I think it was, which he read. I venture to say that one of the best features in this discussion has been the exhibition of independent feeling on the part of gentlemen who generally support the Government; it is very gratifying, and it goes to show that the Senate is—gradually, perhaps—advancing towards that state of comparative political independence that it ought to have reached before now. With regard to the suggestion made by my hon. friend from Halifax (Mr. Almon), I should not care to commit myself. I think it is one that deserves consideration, certainly, but I do not know that it deserves favorable consideration. I think that as a rule the Civil Servants are paid as much as their services are worth. If they are not, then their salaries should be increased. While it may be very desirable that these gentlemen should have the liberty of travelling on the Intercolonial Railroad, or any other line that

may be owned by the Government free of charge, it is equally desirable that all other classes of the community should have the same right.

HON. SIR ALEX CAMPBELL—And have Pullman tickets too.

HON. MR. POWER—I think that professional men and other people whose duties oblige them to work a great many hours a day—double as many hours as a Civil Servant works—might with equal propriety be furnished with tickets to the sea-side during the warm weather, and if the Government proposed to introduce a measure of that sort, I might, in the sanitary interests of the Dominion, be induced to support it. I was struck with admiration at the manner in which the Minister of Justice introduced this Bill, One could hardly perform so small an office more agreeably, and evidently the feeling of the hon. gentleman whose handiwork the report of the commission is, to a great extent, and the feeling of my hon. friend to the left is that this measure really means nothing at all. The Government professed to feel in 1880, that the Civil Service of Canada had got into a very unsatisfactory condition, and that the condition ought to be remedied. With a view of obtaining authoritative opinions as to how the evils complained of should be remedied, they appointed a commission, at the head of which they placed, very properly, the hon. gentleman from Berlin (Mr. MacInnes), and that commission discharged their duty in a very satisfactory way, and made a very careful, proper and thorough report on the subject which had been referred to them. The commission practically declared, and I think public opinion before that had declared, that the fundamental error in the system of our public service was, that the appointments were made from political motives, and not on account of the fitness of persons for appointments, and further, that promotion in the service was based upon political reasons or favoritism and not upon merit. The commission also declared in their report that the only remedy for the evils spoken of was to be found by completely eliminating all traces of political patronage, and they proposed open competitive examination as the only effectual remedy. The Bill pro-

poses to leave political patronage just where it was, because this examination of a non-competitive character, as every hon. gentleman probably realizes, means nothing at all. The examinations will not be of a very difficult character, and any one who has any kind of an education whatever will be able to pass. There is hardly a doubt that in a very little while the examinations proposed to be held under this Bill will degenerate, as examinations provided for by the existing law have degenerated. I was rather struck by an inconsistency in the speech of the Minister of Justice in moving the second reading of this Bill. He said that while Canada was not prepared for appointments to the service by competitive examination, the Government had borrowed, not from the Civil Service in England (because I do not think that the system of examination for promotion in the service prevails there) but from the army system, a sort of examination which does not prevail in the Civil Service, and although the commission have recommended this examination for promotion, I have strong reasons to think that it is a mistake to do so. If the Government of the day adopted the suggestion of the commission, that admissions to the service should be based upon competitive examination, I could understand the carrying out of this system higher up, and have promotion based upon further examinations. But, in my opinion, the result of this system of promotion by examinations will be something of this sort: At the present time employees are promoted to a certain extent on their merits. There is a good deal of favoritism; but still, if the deputy head of the department is an efficient and independent officer, he is likely to promote men whom he has found useful and valuable. Regard will be had to seniority and efficiency, to a certain extent; but the practical result of this system, I take it, will be that the qualifying examination will be held all along as the warrant for promotion. There may be twenty clerks who are already in the service, some of these perhaps men who are somewhat advanced in years. They will be brought up and obliged to pass this examination. Everyone who has any experience in these matters knows that after the age of about 24 a man's capacity for passing an examination diminishes with considerable

rapidity, and the consequence will be that the experienced clerk, who has been a long time in the service, and who may be a competent business man, will not pass nearly as good an examination as a lad of twenty who has only been in the service a few months. The Government left out the examination recommended by the commission on the most vital point—that is competitive examination for admission, and they have provided for an examination where it is calculated to do more harm than good. If the House felt as I do in the matter it would reject this Bill; not that I think that it is one calculated to make things much worse than they are now, but because I think that if we did nothing the present Government, or a succeeding Administration, with the report of the Commission before them, would feel themselves forced by public opinion, before very long, to introduce a measure that would substantially carry out the recommendations it contained. The result of passing this Bill will be to give the present Government, or their successors, an excuse for doing nothing.

HON. SIR ALEX. CAMPBELL—Is it not rather an entering of the wedge?

HON. MR. POWER—No; I think it is pretending to do something when you are substantially doing nothing, and it will be a reason for not meddling with the subject for a number of years, when the present system will have got a stronger hold upon the community than it has at present.

The motion was agreed to and the Bill was read the second time.

PACIFIC RAILWAY DRAWBACK ALLOWANCE BILL.

SECOND READING.

HON. MR. AIKINS moved the second reading of Bill (141), "An Act to provide for the allowance of drawback on certain articles manufactured in Canada for use in the construction of the Canadian Pacific Railway." He said: The new matter in this Bill is very small indeed, and yet, notwithstanding that, it has been found necessary in order to enable the measure placed on the statute book last year to be worked efficiently. The only new provi-

sion in the Bill is contained in the fifth clause. The articles referred to are those which are manufactured in Canada and used in the construction of the main line of the Canadian Pacific Railway. As hon. gentlemen know, the drawback given to those manufacturers is equal to the customs duties, and this clause has been found necessary in order to enable the Minister of Customs to work out that Act.

The motion was agreed to and the Bill was read the second time.

COUNTY COURT JUDGES' BILL.

COMMONS AMENDMENTS ADOPTED.

HON. SIR ALEX. CAMPBELL moved concurrence in the amendments made by the House of Commons to Bill (B), "An Act respecting County Court Judges." He said: These amendments are four-fold. The first one is that a statement shall be laid before Parliament of the reasons for removing a judge under this Bill. The second amendment is to a clause in the Bill as it passed in this House enabling pensions to be given to judges who had been retired within the ten years specified in the measure. It was thought in the other House that this clause should not be in the Bill, and that these cases might be provided for as they occur. They added clauses relating to pensions.

HON. MR. POWER—I have not the original Bill before me, but I think it was the eleventh clause which made provision for the case of the removal of a judge for inability. I think some suggestion was made that a judge might become insane, or something of that kind, and if I remember rightly under the original Bill the Government had the power of removing a judge who became incapable of acting, or totally disqualified to act without resigning. I notice that the amendments made by the House of Commons do not provide for the removal of a judge under these circumstances.

HON. SIR ALEX. CAMPBELL—They provide for the removal, but not for a pension.

At six o'clock the Speaker left the chair.

After Recess.

HON. SIR ALEX. CAMPBELL—The hon. gentleman from Halifax thought that the House of Commons had stricken out, in the County Court Judges Bill, the clause which enabled the Government to dismiss judges in certain cases, but that is not the fact. What was stricken out in the other House was the provision enabling the judges to be pensioned. The amendments reported to this House are, first:—

"*Clause A.*—In the event of the removal of any such judge for any of the reasons aforesaid, the Order-in-Council providing for such removal, and all Reports, Evidence and Correspondence relating thereto, shall be laid before Parliament within the first fifteen days of the next ensuing Session."

That, of course, the House will agree to. The removal of a judge is an important matter, and there is no reason why it should not be laid before Parliament. It was not provided for before, because I took it for granted that Parliament would ask for the papers. Then, clauses B and C, which went down in red ink from this House, are inserted, providing for pensions of County Court Judges. There is nothing new in them, so far as the information which they contain. Clause D is as follows:—

"If any person receiving a pension under this Act becomes entitled to any salary in respect of any public office under the Government of Canada, such salary shall be reduced by the amount of such pension."

HON. MR. POWER—As we sent it down, the Government had power to retire a judge and allow him a pension, even though he had not resigned.

HON. SIR ALEX. CAMPBELL—I do not know exactly the reasons for striking that out, but it is an unusual case, and there had not been previously any provision for granting a pension to a judge removed for incapacity. I thought it was desirable to have such a provision in the Bill, but the House of Commons think differently, and as they have the power of granting pensions, I do not see that we can prevent it.

HON. MR. POWER—I think the change is a regrettable one. Suppose a judge becomes insane (as sometimes happens)

his family cannot get the benefit of a pension, simply because he is unable to resign.

HON. SIR ALEX. CAMPBELL—No, he cannot, but that is not the fault of this House, because we introduced the provision and they struck it out.

The motion was agreed to.

CONTINGENT ACCOUNTS.

FOURTH REPORT OF THE COMMITTEE ADOPTED.

HON. MR. READ moved the adoption of the fourth report of the Select Committee on Contingent Accounts.

The motion was agreed to.

QUEBEC, MONTREAL, OTTAWA & OCCIDENTAL RAILWAY BILL.

SECOND READING.

HON. MR. GIBBS, in the absence of Hon. Mr. Ogilvie, moved the second reading of Bill (114), "An Act respecting the Quebec, Montreal, Ottawa and Occidental Railway."

HON. SIR ALEX. CAMPBELL explained that the object of the Bill was to enable the parties who had purchased the railway to obtain a complete transfer of the property.

The motion was agreed to and the Bill was read the second time.

RAILWAY PASSENGERS TICKETS BILL.

IN COMMITTEE.

The House resumed in Committee of the Whole the consideration of Bill (5), "An Act respecting the sale of Railway Passenger Tickets."

In the Committee,

HON. SIR ALEX. CAMPBELL—This Bill passed, with the exception of two clauses, to which attention was drawn by my hon. friend opposite (Mr. Pelletier), who was under the impression that a great many tickets might be outstanding, and held by persons in good

faith, and honestly. The impression in the Department of Public Works is that this is not the case—that these tickets are not held honestly. The hon. gentleman mentioned that one firm might perhaps hold \$25,000 worth, but I am informed that that cannot be—that it is quite incredible that any one firm should hold so large an amount of railway tickets, fairly; or at all events, that it is very unlikely. The idea with which I asked that the consideration of the Bill might be postponed, was this: that we might perhaps hit upon some language which would enable any honest holders of tickets to have those tickets redeemed, but I am told that there are so many tickets dishonestly held, that if we open the door at all in that way it will give rise to a great deal of fraudulent dealing with tickets. It seems that many of those tickets having been used, are still left in the hands of dishonest conductors, unpunched, and that the dates are obliterated with acids and they are then passed off in the hands of such men as have been mentioned in the debate on this Bill in the other branch of Parliament. It would be almost impossible to frame a clause by which honest people could be allowed to hold tickets, which would at the same time exclude such persons as have been spoken of. I believe that the hon. gentleman's views are entitled to respect, and I am prepared to adopt the suggestion which was made on a former occasion,—that we should allow some time to elapse before the Bill becomes law.

HON. MR. PELLETIER—I am very glad that the hon. gentleman is prepared to adopt the suggestion. I may have been misinformed as to the amount involved in that speculation, but I was informed by parties who pretended themselves to have that amount, and the House knows there was a circular distributed against this Bill. I am perfectly willing to adopt the suggestion, and I would wish that the Bill be not allowed to go into operation until July next.

Clause four was adopted.

On the fifth clause.

HON. MR. POWER—I think it is very questionable whether Parliament should

HON. MR. POWER.

pass this Act. It is practically making a crime of what is an ordinary business transaction, and to which it seems to me there should be very little objection. It seems to me that the Railway Companies who suffer somewhat, perhaps, from the operations of these ticket brokers, are very well able to take care of themselves, and I think it is very unwise for Parliament to interfere, as it is now doing, by subjecting these parties to fine and imprisonment. I think all the latter part of that clause ought to be struck out—the part imposing penalties.

HON. SIR ALEX. CAMPBELL—I do not think the hon. gentleman realizes the difficulty which railway companies have had, and which the Government as owners of railways have had in this direction. It is quite true that it is interfering with an ordinary practice: it is too ordinary, and the official who has charge of the Railway Department of the Government, estimates that the loss by these frauds is about 20 per cent. of the profits. Many persons earn a living simply by the frauds they practice on the railway companies. That has been the case for a number of years. We know the sort of persons who are engaged in that business. We see the sort of persons who oppose the passage of this Bill. They cannot make money in the way they do out of honest dealing with railway tickets. Suppose you buy a hundred or a thousand railway tickets at a time, you can get but a small discount from the railway company, but these people make large sums through the connivance of conductors or the instrumentality of persons who have them for sale, and the evil has grown to be so great that there seems to be no other way of stopping it except by some stringent provision of this kind. If this Bill passes, the law will be that no other person than the railway ticket agent shall sell tickets, and it shall be a misdemeanor for anyone else to sell them. If the law be that I shall not sell such and such a commodity, and if in the face of that I do sell it, I should be punished in some way to prevent me from doing it again. This is the only way to deal with the evil. If a man will go on and sell tickets which he cannot possibly be able to obtain honestly—which he knows will be contrary to law, and the result of which is to create a very

serious loss to railway companies—he ought to be stopped, and in such a way as to prevent the practice absolutely.

HON. MR. ALLAN—I would ask whether forgery does not enter into it—whether those tickets have not been over and over again altered?

HON. MR. POWER—I do not think there would be the slightest difficulty about imposing a penalty on the altering of tickets. The Minister has given us one side of the story; he has given us the version of the Grand Trunk Railway Co. which is the principal party applying for this legislation.

HON. SIR ALEX. CAMPBELL—No, I have given the account of the Railway Department.

HON. MR. POWER—Of course, the Railway Department is acting on the suggestion of the railways behind it. They say that these tickets are fraudulently procured and altered, but the ticket brokers say a different thing. They say that the tickets which get into their possession are obtained in what, I think, is not a dishonest way. The competition between through lines is very keen, and you can get a ticket from Bcston to Chicago for less than you can get one from Boston to Montreal. A party travelling from Boston to Montreal buys a through ticket to Chicago and on arriving at Montreal, sells the portion which would entitle him to a passage through to Chicago, to a broker for less than a ticket from Montreal to Chicago, could possibly be procured for. It is not, of course, doing what the railway companies wish, but still I think you can hardly call it fraud altogether.

HON. MR. ALLAN—Half way.

HON. MR. POWER—It depends on the point from which you view it. If the passenger does stop off at Montreal he is entitled to go on to Chicago, and why should not the purchaser of the ticket have the same right. I know it is said the contract is made with one party, but I do not see any great crime in transferring a railway coupon.

Then I understand the hon. Minister to say that representations have come

from the Department of Railways with reference to the Intercolonial. Now, hon. gentlemen, I can only say that, if my memory serves me, in the other House, the attention of the Minister of Railways was called to the fact that he was, impliedly, making a charge against the honesty of the employees of the Intercolonial; and, unless I am mistaken about what took place, the Minister disavowed it. But there is another construction to be put on it. If those tickets are fraudulently disposed of on the Intercolonial, it must be by dishonest conductors, and it would then be the duty of the Government to remove those officials who are guilty of this fraud. And that recalls to my mind this fact, which I think is relevant to this subject. Shortly after the change of Government the salaries of conductors were very considerably reduced, and I have been informed that since economy has become less necessary than it was in 1878, in consequence of a larger revenue, the salaries of those officers have not—at all events in all cases—been restored to their original figures. The fact is that the Minister of Railways and the Government, in cutting down the salaries of those men, and particularly those most important officers, to so low a figure, are placing temptation in their way—they are placing a premium upon fraud.

HON. MR. MACFARLANE—My impression is that quite the contrary is the fact. I think the salaries have been restored to their old figure, and I am under the impression that they are now on a par with the former figures; therefore it seems to me that the argument of my hon. friend will scarcely hold water. If a party holds his ticket he has his redress, and he need not go to a scalper; he can do what is much better,—he can go to the office of the railway and get a rebate for every mile that he has not travelled on it.

HON. MR. POWER—No; that will not apply to this case at all.

HON. MR. MACFARLANE—A party who has not used his ticket to travel the full distance for which he bought it, can go to the office of the railway and get a return for the distance he has not travelled; and that is all a traveller has a right to expect.

HON. MR. POWER—The ninth section does not remedy the case, because it says that he is to be repaid the cost of his ticket, if not used in whole or part, less the ordinary and regular fare for the distance he has travelled. If he only gets a ticket for a thousand miles, the fare for half the distance, under the system which prevails on a great many railways, would be almost as much as he paid for the through ticket, and the consequence is, he would get no rebate at all if he only travelled 500 miles on it.

HON. MR. ALMON—To what amount have the salaries of conductors been reduced since the new Government came in? I do not think the hon. gentleman from Halifax would make such a statement on the floor of this House unless he was prepared to prove it. Perhaps he will kindly inform us what his authority is, and how much the salaries of the conductors were reduced on the Intercolonial by the present Government?

HON. MR. POWER—Although I do not feel bound to give the information—even to the junior member for Halifax—I think if the hon. gentleman looks into the report of the Minister of Railways—the first report—he will find how the salaries were cut down; and I will leave it to him to settle the question with the hon. gentleman from Cumberland, whether they have been cut down or not. The hon. gentleman from Halifax says they have not been reduced, while the hon. gentleman from Cumberland says they have been replaced at their former figure.

HON. MR. ALMON—The hon. gentleman should not have made the assertion that the salaries of conductors were cut down by the present Government, unless he can prove it. I ask him what his authority is, because I have been credibly informed that there is not the slightest foundation for what he has stated.

HON. MR. POWER—I have stated the fact, and that I have the best authority for it; I am not bound to produce my authority to the hon. gentleman.

HON. MR. MCMASTER—I am not in a position to give any information as to what loss has been sustained on the Gov-

ernment railways, but it has been, to my knowledge, that the loss sustained by many railways in this respect cannot be exaggerated; I am strongly of opinion that the more stringent you can make the provisions of this Bill the better.

HON. MR. CHAFFERS, from the committee, reported the Bill with certain amendments.

The amendments were concurred in, and the Bill was then read the third time and passed.

QU'APPELLE LAND COMPANY
BILL.

THIRD READING.

HON. MR. BELLEROSE moved concurrence in the amendments made by the Committee on Standing Orders and Private Bills to Bill (103), "An Act to incorporate the Qu'Appelle Land Company."

The motion was agreed to, and the amendments were concurred in.

HON. MR. BELLEROSE moved the third reading of the Bill.

HON. MR. MACINNES (Hamilton)—I have no objection to any of the amendments except the striking out of clause 16 from the Bill. No doubt the word "amalgamation" is a very disagreeable one to the ears of hon. gentlemen, but in this case I think it is carrying the objection to amalgamation too far. The clause as it stood, simply gave to the Qu'Appelle Company the power to amalgamate with any other Company of a similar character. The Government in selling lands to colonization companies have taken such precautions to guard the interests of the public that no company can hold them unless they carry out the conditions of the agreement, which means the settlement of the lands, so that the only risk that is run is on the part of the company in not finding settlers for their lands. It appears to me that to give powers of amalgamation with other companies simply strengthens them and places them in a better position to carry out the intentions of the Government. I therefore move in amendment that clause sixteen be restored to the Bill.

HON. MR. POWER—I hope the House will not adopt the amendment of my hon. friend. The position is this: The Qu'Appelle company is a company incorporated for the purpose of taking up a large tract of land chiefly, I presume, in the neighborhood of the river from which the company takes its name. That, I believe, is almost the most valuable district in the Northwest. The company has a capital of three millions of dollars, with power to increase that capital to six millions. I think that company is quite large enough as it is. Six million dollars worth of land purchased at present rates would be a very large tract indeed. The sixteenth clause which has been so properly struck out is a clause authorizing this company with its six millions of dollars to amalgamate with other companies. The company acting by its directors alone may amalgamate with any other company of a like nature; it does not even require a meeting of shareholders, and the powers of both companies are to be vested in the amalgamated company. I find on reading the clause that I was in error in stating that the company acted only by its directors, but the important fact is this: that this immense corporation with its capital of six millions is authorized to amalgamate with and take in any number of smaller corporations, or corporations of similar dimensions, thus flying directly in the teeth of the legislation adopted by Parliament this session, and directly against the policy of the Government. The committee were informed by an hon. gentleman interested in this Bill that the reason why this amalgamation clause was necessary was that the Government who had some time ago proposed to allow grants of very large tracts of land to colonization companies, had recently changed their views and had decided not to grant any large tracts to companies. Under these circumstances if the House replaces this amalgamation clause they will be authorizing this wealthy corporation to do, in an indirect way, what the Government in their land regulations and the laws respecting Dominion Lands, forbid to be done, and I hope that in this matter I will be supported by the Minister of Justice and the Minister of Inland Revenue. I do not see how these hon. gentlemen can vote in direct contradiction of the policy

which they have adopted as members of the Government, and which I think is a good one in that respect.

HON. MR. MILLER—My hon. friend who has just sat down has admitted that he was in error with regard to a very important feature of this Bill. I think I shall be able to convince him in a very few words that he is in a very serious error still with regard to the substance of the Bill. He has called attention to the fact, that the capital of this Company is \$3,000,000, with the power of increasing it to \$6,000,000. The mistake that my hon. friend makes is a ludicrous one, and he will admit it, I think, after the facts have been brought to his knowledge. Not only has this company not acquired three million dollars worth of land, but the actual amount which it can acquire is only \$60,000 or \$70,000 worth. This company with its \$3,000,000 capital, organized, no doubt, for much larger operations than to settle 60,000 acres of land in the North-West, has been limited by the policy of the Government to that amount—six townships. Will anyone say that that can afford a sufficient ground of operations for perhaps one of the most wealthy corporations that can be found in Canada for that purpose? I am sure that we all desire, if our North-West is to be settled and colonized under the scheme propounded by the Government, that the work of colonization should be carried on by such men as compose the Qu'Appelle Land Company—men of enterprise, wealth and standing—men capable in the most liberal and comprehensive sense of the word of successfully colonizing a portion of the great North-west Territory; therefore I cannot conceive that any argument based upon the capital of the company can possibly have any effect to induce the House not to restore that amalgamation clause. On the contrary I think it must be the strongest argument for a contrary conclusion. My hon. friend says that the clause is in opposition to the policy of the Government. Now if my hon. friend fears any controversion of the policy of the Government which he seems to endorse this evening, I can rid him of that doubt by showing him that the power of amalgamation, if given in this Bill, would be subject still to the action of the Governor-in-Council—subject to the action of

the Minister of the Interior and his colleagues in the Government, which in this case my hon. friend seems to have so much confidence in.

HON. MR. POWER—I did not say that; I said I thought they should have some regard for consistency.

HON. MR. MILLER—There is nothing inconsistent whatever with the Government policy in granting this power of amalgamation. The policy is to allow amalgamation wherever they see it is in the interest of the country to permit it, and in the granting of these lands there is an express provision in the regulations that no amalgamation can take place by the assignment of the interest of the parties upon whose responsibility it was given without an order in Council approving of that assignment. Under these conditions there is no violation of the policy of the Government, nor can the interests of the country suffer by granting this power of amalgamation. There can be no objection to this clause, and I can only fancy it has received hostility in the committee from the fact that in reference to the incorporation of companies for other enterprises the Legislature has in the past been guilty of serious mistakes—mistakes which I have on several occasions raised my voice against—the giving to companies powers that are not consistent with the public interests. I can see on this occasion how, without having given special consideration to the subject, in view of the limited quantity of land that the Government can grant to a colonization company, and in view of the checks and guards of the land regulations, which colonization companies are bound to observe, in reference to transfers such as are contemplated by this amalgamation clause, that no danger need be apprehended from it. If it is our desire that this great country which we have in the North-west should be settled by means of colonization companies, it is such wealthy and public spirited men as are mentioned in this Bill who should receive encouragement. I therefore hope that the House will not see any obstacle in the way of introducing into this Bill a clause which may be necessary for the successful working out of the scheme that the Govern-

ment has in view, for it is evident that so small a quantity of land as is now their policy to grant to one company is no inducement for any wealthy corporation to assist in carrying out what we all desire, the rapid colonization of the North-west Territories.

HON. MR. MACFARLANE—I was a member of the Private Bills Committee that recommended the striking out of this clause, and I must frankly confess that I did not express myself or feel favorable to it at the time, because, although we have generally adopted a policy of disallowing amalgamation powers in Bills this Session, it has been confined largely to railway companies and large corporations of that description. When the amalgamation clause was struck out of the Bill, it seemed to me to be a very arbitrary ruling that in no case should we allow any company whatever to amalgamate with another without first coming to the Government for leave to do so. I considered at the time it was an unnecessary prohibition to impose upon a company going out with large capital to aid in the colonization of the North West Territory. I have no hesitation now in saying, after the explanations given, that I shall vote for the amendment.

HON. MR. HAYTHORNE—Perhaps the remarks which have fallen from the hon. member from Richmond demand some notice. There is certainly an air of plausibility about his argument, but to my mind it is in no wise conclusive. I think, after the great North West has been held in strict monopoly for so many hundred years—for it is only within a recent period that we have been able to get rid of that monopoly—we ought to be very cautious before we establish a new one. For that reason I shall be very reluctant to vote for the amendment. My hon. friend from Richmond suggests that, because the gentlemen promoting this company are exceedingly wealthy, public spirited, and highly respectable, we should not hesitate to place the power of amalgamation in their hands—a power that may possibly be abused. It is very true there may be a number of very respectable and wealthy men at the head of the company at present, but these men cannot live forever, and neither is it improbable that they may give place to other men who are not quite so

honest or quite so respectable as themselves, and, in that case, the interests of the public require us to deal with this company as though we knew nothing of their wealth or respectability, as though they were as liable to err under temptation as other men. My hon. friend from Richmond says that the dangers, which the hon. gentleman from Halifax anticipates, cannot occur, because this amalgamation cannot take effect unless it is first allowed by the Government. That does not give an appeal to Parliament. The Government does not represent the whole of the people, and what the Government may do may not be acceptable to a great many people even in the North-West. There may be a large majority of the people in the vicinity of this company, whose interests may be at stake, in case of an amalgamation of this company with another, and therefore I say it is just as wrong to leave the responsibility with the Government, of allowing these amalgamations, as it is to admit of them at all. Companies desiring an amalgamation should come to Parliament, and allow Parliament to judge as to the expediency of amalgamation; then no great harm could possibly be done; but to allow a discretionary power of amalgamation, such as is asked for in this case, is, in my opinion, altogether wrong.

THE SPEAKER (descending from the chair)—I think I may ask the forbearance of the House while I explain the conditions of the agreement on which land is granted to colonization companies. It is known to the House that I have had a good deal to do with these arrangements, and I desire particularly to state what I think is calculated to remove from the mind of the hon. gentleman from Prince Edward Island, the apprehension that that country may fall into the hands of monopolists. In the first place, lands, so far, have only been granted to colonization companies, under what is known as plan number one of the Dominion regulations. Under that plan one-half only of the land is sold to the companies, the odd-numbered sections, and the even-numbered sections remain open for homestead and preemption settlers, just in the same manner as the even-numbered sections in the railway belt are open for free settlement. The even numbered sections do

not pass out of the hands of the Government at all, but the odd-numbered sections are sold at \$2.00 per acre, subject to a rebate of \$1.00 per acre to companies who may place the agreed number of settlers upon the lands. The colonization companies are regarded and employed as immigration agencies by the Government and in consideration of their settling both the odd and even-numbered sections—what they purchase and what remain free to the homesteader—they obtain the rebate. Then the agreement is only for five years; the Government reserve the right to withdraw from settlement any even-numbered section that appears from its position likely to become especially valuable in the future. If the Company have not settled their tract completely within the period of five years the Government, if they should consider it for the interest of the country, may cancel the sale of the unsettled portions of the tract and return the money paid by the company therefor without interest. These are the conditions on which lands are placed in the hands of colonization companies for settlement, and I think hon. gentlemen will see that it is impossible that any monopoly can arise under such conditions. The terms require that the settlement of each part shall be completed within five years, and unless that is done, then to the extent it is not done the land may be taken back by the Government. I do not know that I need say more. The price at which the odd-numbered sections are sold is two dollars per acre. As I have already said, if the companies place two settlers on each 320 acres of both odd and even-numbered sections, they will earn the rebate of one dollar an acre, which will reduce the price of the land they purchase to one dollar an acre.

HON. MR. POWER—I would like to ask, for information, why it is, if the system was satisfactory, the Government have altered the regulations, and now give a smaller tract than formerly?

THE SPEAKER—Just to prevent its falling into the hands of monopolists. Nothing has received so much attention from the Government as the conditions they believe necessary to prevent the land falling into the hands of monopolists and being locked up from settlement. The

determination of the Government is to prevent that, and to render it altogether impossible, the very stringent agreement which has been adopted by the Governor-in-Council has been made, and which colonization companies must execute before they can enter into possession of the tracts of land assigned to them to settle.

HON. MR. WARK—I think as a general rule when a bill has been referred to a committee, and that committee has reported, it is desirable that they should explain their report. Now, I think it is a safe policy to insert a clause in all these bills to prevent amalgamation, because if the companies can show a good reason for amalgamating, Parliament will not refuse its sanction. We had better let this Company go on as other companies have done, without giving them power to amalgamate, until they show good reasons why they should be permitted to do so.

HON. MR. VIDAL—I also attended as a member of that Committee. From the remark of the hon. gentleman it may appear that there was great unanimity as to this proposition. There was no unanimity, and neither was the attendance very large. My voice was not very strong at the time, and I did not speak on the subject further than to say that the amalgamation, in this case, was totally different from that which the House had set its face against in the case of railway companies. There was no similarity between the two. So far from being likely to be a public injury, it is likely to be a public advantage. I can easily imagine that some of these small companies, not very flush of capital, having taken up small tracts, will be unable to carry out the agreement with the Government, and, I contend that it will be an advantage to settlers who have gone in there to allow those weak companies to hand over their tracts to this strong company, which will give a guarantee that they will fulfil their engagements and put a settler on each lot. Every member of this House must be gratified with the lucid and satisfactory explanation which the Speaker has made to us. To my mind, it has taken away every shadow of objection to this measure. Although a member of the committee, I am prepared to support the amendment.

HON. MR. ALLAN—My hon. friend (Mr. Power) has forgotten the object of inserting these anti-amalgamation clauses in railway and telegraph Bills during the present session. What we feared was that, in such cases, if unlimited powers of amalgamation were given, the result might be that companies might combine together. For instance, in the case of telegraphs, they might raise the cost of transmitting messages, or in railways they might impose excessive rates for freight and passengers, and there were some very plain reasons that everybody could understand, for setting our faces against the principle of amalgamation, unless it was very carefully guarded. But I cannot see that the same principles affect this Bill at all. It is for a totally different purpose, and inasmuch as the explanations given by the Speaker make it plain that there can be no monopoly in land under the regulations of the Government, I cannot see any valid reasons for objecting to giving this company powers of amalgamation.

The Senate divided on the motion which was aged to on the following division :

CONTENTS :

Hon. Messrs.

Aikens,	Kaulbach,
Alexander,	McInnes,
Allan,	McKay,
Almon,	McMaster,
Baillargeon,	Macfarlane.
Botsford,	MacInnes,
Bureau,	Macpherson (Speaker),
Campbell (Sir Alex.),	Miller,
Carvell,	Montgomery,
Chaffers,	Ogilvie,
Chapais,	Faquet,
Dever,	Ryan,
Ferguson,	Stevens,
Flint,	Trudel,
Glasier,	Vidal.—31.
Guévremont,	

NON-CONTENTS :

Hon. Messrs.

Armand,	McClelan,
Bellerose,	Pelletier,
Grant,	Power,
Haythorne,	Wark.—8.

HON. D. MCINNES moved that the following Clause be added to the Bill.

Clause A.

“The Directors of the Company under the authority, and with the powers, and on the terms, set forth in this Section of this Act, may issue preference stock or shares of the Company, to be redeemed, or made liable to

be called in, at such time and in such manner as the Directors may by the by-law for issuing the same, fix and determine; upon which preference stock a dividend may be made, payable at a rate of interest not exceeding eight per cent. per annum; and such preference stock may be exchanged by holders thereof for ordinary stock, on such terms and conditions as the Directors may, from time to time, by by-law, fix and appoint; provided always, that the total amount of preference stock, bonds, debentures and other securities issued under the authority of this Act, shall not exceed, at any time, the total amount of the paid up capital stock of the Company.”

HON. SIR ALEX. CAMPBELL—I do not think that this is a clause which ought to be introduced at the third reading of the Bill. If it was a mere question of form, or an amendment of an important character, it might properly be made at this stage, but it is a new feature altogether, and one that has not been considered in the course of the progress of the Bill in either branch of the Legislature, and therefore, one that I think ought not to be introduced at the third reading. Notice has been given, but the practice is not to introduce a novel feature into a bill at its last stage. Then I would suggest, irrespective of the question of form, that my hon. friend runs the great risk of not having this matter considered in the other branch of Parliament at this period of the session.

HON. MR. GIBBS—Several amendments have already been made to this Bill, and as it has to go back to the House of Commons for concurrence in these amendments, this amendment can be considered at the same time. With reference to the powers which are sought under this clause, it is true they are somewhat new to the Bill, yet provision is made in another section that bonds may be issued to the amount of the paid up capital stock of the company, and this amendment simply provides a different method of raising money, so that the bonds, preference stock, and all together shall not exceed the paid-up capital stock. I may further say that a large number of bills have, during the present session, passed with precisely the same clause in it. This is a copy of a bill which has already passed both Houses of Parliament this session. In that respect it is not novel, though, as far as this Bill is concerned, it is true it

appears for the first time, but, as it limits the amount to be borrowed to the same amount that the former section does, it is not an additional power, but simply extends the one already sanctioned by the House.

HON. MR. ALLAN—It seems to me that the mistake which the hon. gentleman made was in not setting out his amendment in full. If he had done so every one would have been in a position to give an intelligent opinion on the subject, but, as it is now, it is simply a notice that he will add a clause relative to preference stock.

HON. D. McINNES—If the Minister of Justice still adheres to his objection, we will withdraw the amendment.

HON. MR. MILLER—I think the notice itself is defective.

The motion was withdrawn, and the Bill was read the third time and passed.

BILL INTRODUCED.

Bill (B. B.) An Act declaratory of the meaning of the word "telegraph" in certain cases (Mr. Carvell.)

The Senate adjourned at 9.20 p.m.

THE SENATE.

Ottawa, Tuesday, May 9th, 1882.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BILL INTRODUCED.

Bill (C. C.) "An Act further to continue in force for a limited time the Better Prevention of Crime Act, 1878." (Sir Alex. Campbell.)

THE SENATE DEBATES.

SECOND REPORT OF THE COMMITTEE.

HON. MR. MACFARLANE moved the adoption of the second report of the

Committee on Printing and Publishing the Debates of the Senate. He said:—The report which I had the honor, as chairman of the committee, to present to the House has been published in the minutes, and hon. gentlemen have had an opportunity of becoming acquainted with its contents. The reporting committee, though they have taken a good deal of pains during the session, and done all they could for the purpose of facilitating and widening the circulation of the debates of the Senate, have heard a good many complaints. Members have been continually complaining to the committee that the system adopted was not giving the circulation to the Debates which they conceived was desirable. We feel that we have done all in our power for the purpose of carrying out the instructions of the Senate last session to have the Debates circulated. In addition to the ordinary number of copies that have gone into the hands of members of the Senate, a copy has been sent to each member of the House of Commons, and to each daily newspaper throughout the Dominion; and besides that we have sent copies to the Governor-General, the Privy Council and others. It does appear from the perusal of the newspapers that they have very rarely made any reference to the debates which have occurred in this House. Complaints have also been made that the copies of the Debates issued to members of the Senate lie on their desks and are worthless. In view of all these facts, the Committee have conceived that probably the official report was hardly worth the very large sum which we are paying for it, and have recommended that for a time, at all events, it be discontinued. As a record, while it might be available at times, as far as my own recollection extends, I do not remember that it has been quoted over half a dozen times during this session. The Committee have, therefore, given it as their opinion that the official reports should be discontinued, and are content to leave it to the House to determine what course to pursue. In former sessions we arranged for the publication of the Debates in the principal paper here, but it was well known that whenever a prolonged debate occurred there was a delay of days, and sometimes weeks, in the publication. In fact the newspaper offices in this city do not

HON. MR. GIBBS.

possess such facilities for publishing extensive debates as are to be found in Montreal and Toronto. Their space is limited, and when they furnish the news of the day they have very little room for reports of the proceedings in either branch of the Legislature and particularly in the Senate. Last Session it was conceived that something could be done to circulate the debates by inducing reporters from some of the leading newspapers of the Dominion to attend our sittings and furnish condensed reports of our debates. They have attended here during the progress of the session; but it is known that we have contributed nothing whatever to the expenses they have incurred, and they could only be reimbursed by the additional circulation of their respective papers if they could gather anything here which would be of interest to their readers. The committee have thought that an arrangement might possibly be made to give larger circulation to our debates by saving the heavy expenditure which we are now making for the official report and employing a portion of the amount to induce some of the reporters of the leading papers of the Dominion to furnish reports of our debates for those papers. We would, of course, pay them, under such an arrangement, any amount which might be deemed fair. Probably, if this report be acceded to, the committee would recommend that during the recess his honor the Speaker, or perhaps the leaders of the Government and of the Opposition, be authorized to see what terms could be made with the leading papers of Toronto or Montreal to give circulation to our debates. It is known that in the United States the official reports of both Houses are published together, and in this way are circulated throughout the country. To a large extent the same system prevails in the mother country. The Committee believe that we are not getting value for the money which we are expending upon the official report, and that the country will not suffer very largely if it be discontinued for one year at all events. I desire to bear willing testimony, as we have done in our report to the House, to the fidelity with which the reporters have discharged their duty. Some members of the Senate have complained to me that the recent debate on

the Irish question has not been published as promptly as the contract called for, but it is well known that in this town the printing facilities are of a limited character. The debates which occur in this House are generally meagre, but occasionally have branched out and become extensive, as was the case in the debate to which I have referred. When that occurs it is impossible for the printing offices here to keep up a staff which would enable them to hurriedly issue that large mass of matter coming suddenly upon them. If they did keep up a staff which would enable them to do so, the printers might be idle for weeks at a time. In fact it is known that for three weeks at least after the meeting of Parliament very little debating takes place, and the official reporters cannot make bricks without straw; if we do not furnish them material for a volume they could not conveniently concoct it. The committee have adopted all the means in their power to carry out the wishes of the House, and it will be for the Senate to determine now what course to pursue if they do not see fit to adopt this report.

HON. MR. READ—I have not heard anything from the hon. gentleman who has moved the adoption of this report, to satisfy me that it is a move in the right direction. I think that if the utterances of the Senate are of any importance they should be given to the country. The newspapers do not publish such reports of our debates as we desire, and we do not like to be misrepresented, and if a correct report of our proceedings is desirable we should have the same mode of recording them that other deliberative assemblies have adopted. We are told in this report that the newspapers have been giving abbreviated reports of debates of any importance that take place in the Senate. We have had very few debates this Session; we have had only two important debates—one on the Temporalities Bill, and the other on the Irish resolutions, and let us see how they have been reported by the newspapers. I find that the space occupied by the report of the debate on the Temporalities Bill in the two leading papers of this country, the *Globe* and *Mail*, is not more than seven or eight inches. Hon. gentlemen know how long and how ably this question was debated in the Senate, and what interest

was manifested in the subject by the Presbyterians throughout the Dominion, still the few meagre sentences in the *Globe* and *Mail* are to go to the country as the utterances of this House on this important measure. This Senate is costing the country a large amount of money, and it is our duty to give to the public a correct and impartial report of our proceedings, which can only be done by having a staff of reporters of our own. Recently an important debate took place in this Chamber on the Irish resolutions, and how was that debate treated by the press? The official report of that debate fills eighty-eight pages of our *Hansard*, while the report in the *Mail* occupies a space of only about three inches. It is from these large dailies that the weekly papers throughout the country get their information of Parliamentary proceedings, and if we had no official report they would have no other means of ascertaining what actually takes place in this House. I must say that the *Globe* has been more enterprising in giving to its readers reports of the proceedings of this House than the *Mail*. The debate on the Irish resolutions the second day occupied from three o'clock in the afternoon until twelve at night, and I will read the report of that debate as published in the *Mail*. It occupied a space of about three inches. (The hon. gentleman here read the report.)

That is what has gone to the country as the utterances of this House on that important question through the columns of the *Mail*, yet for the sake of economy we are asked to abolish the official report. It may not be important to-day, but it may be important in the future to have an accurate record of our debates. In the House of Commons where the press of the country is represented by dozens of reporters who give very full reports of the debates that take place there, it is considered necessary to have a staff of official reporters. I had the honor in 1877 to move in this House a resolution to the following effect :

“That in the opinion of this House the present and future interests of the manufacturing and agricultural industries of the Dominion call for the adoption of a National Policy, by which either reciprocity of trade with the United States is obtained or a reciprocity of tariffs is established by Canada.”

Hon. gentleman would have supposed that the debate on that resolution, it being the first in the direction of the National Policy, would have been fully reported by the press. The *Globe* gave about a column report of the debate, but the *Mail* never took any notice of it, though hon. gentlemen will remember the effect that that resolution had on the country; the then Opposition took it up and made it their policy, and defeated the Government of the day on that issue. I believe that this House should have some official record of its proceedings, whatever course may be adopted to attain that end, and I therefore beg to move, in amendment, that the report of the committee be not now adopted, but that it be referred back to the committee, with instructions to make the best arrangement practicable for the publication of the official reports of the debates in this House for the ensuing session.

HON. MR. ALMON—Before proceeding to a vote on this question, I should like to say a few words. I think that if the Senate is to be continued as a branch of the Legislature, a report of our debates ought to be given to the public. The mode which has been adopted this session, though a very fair one, is not equal to the one we had the previous year. We have no fault to find with the reporters. Our speeches are taken down accurately, and we have them regularly next day, but there are no means of circulating them among the public, as they are not given through the medium of the press. I think that the plan we had last session of publishing our debates in an Ottawa paper is the best. Of course, it has only a local circulation, and is not generally read all over the Dominion, as the great Toronto dailies are. I agree with the hon. gentleman from Belleville, that the *Mail* is very deficient in Parliamentary news this session. If we contrast the *Mail* now with what it was last year when the talented Nova Scotian, Mr. M. J. Griffin, conducted the Parliamentary work here, hon. gentlemen will see that as the organ of the party, and I recognize it as such, it has fallen behind its rival. Mr. Griffin is a gentleman whose knowledge of literature, I think, is not equalled in this Dominion. That is my opinion now, and if he should live

ten or twenty years longer, I think it will be the opinion of this Assembly. I think, hon. gentlemen, that the system we had last session of publishing our official report in an Ottawa paper is the best. In that way our debates go to the public, and we can send any number of copies to our constituents. The report as it is issued at present, is sometimes a small slip of paper, and at other times it is voluminous and in its present shape it is liable to be overlooked in a newspaper office. I perfectly agree with the amendment moved by my hon. friend from Belleville, and shall be very happy to support it.

HON. MR. HAYTHORNE—I second this amendment with great pleasure, because, in my opinion, it is essential to the dignity and usefulness of this House, that reports of our debates should be published. When the change was made from the system formerly adopted, I do not hesitate to say that I thought the old system of publishing the debates in the newspapers was preferable, but I must bear my willing testimony to the efficiency with which the debates have been reported and published during the present session. As far as I can judge the reports have been given to the public with great accuracy and considerable promptitude. It seems to me to be very unwise to resolve that the House shall depend in future on such publicity as the newspapers choose to give to the debates of this House; it would be time that the doors of the Senate should be closed, as in my opinion the usefulness of this Chamber would be completely gone if its debates were not to have full publicity. It is perhaps well to refer to a period, a few years ago, when the gentlemen acting with the present Opposition formed the Government of this country, and when probably the majority of this House formed the Opposition. It is well known that hon. gentlemen forming that Opposition were by no means anxious to have the official reports of the debates of this House abolished. On the contrary, they availed themselves to the fullest extent to which it was possible of the opportunity of placing their views before the public. I have only to refer, hon. gentlemen, to the debates on the reports of the Committees of this House, in which the

Opposition gave the utmost publicity to their views—not only to their views, but to their extreme views—and those views were circulated throughout the Dominion through the medium of the Senate Debates. I do not say that the Opposition of that day were doing wrong in taking this course, they were simply availing themselves of a privilege which they probably considered a very useful one. At all events, it redounded to their use and benefit. I cannot see that any reason exists why the publication of our debates, if it was useful then, should be less useful now. In my judgment it is a most desirable thing that they should be continued upon another ground: the *Hansard* forms the recognized publication of the debates in this House, and hon. gentlemen may be attacked outside—perhaps in their own provinces—for action they have taken and votes they have given in this House; and unless there is some recognized publication of the course they have pursued here, it is impossible that they can defend themselves. They may be charged with expressing sentiments in this chamber which they never uttered, and that, I think, would be a most unfair and very unjustifiable proceeding in every respect. It may be, certainly, that the expense of publishing these debates is rather appalling, but I think it should be recollected that under our existing policy the prices of nearly everything have greatly increased—printing along with the rest. I am informed that the payment to compositors now in this city is something unprecedentedly high, and of course the publication of the debates must be dearer in proportion. Reference has been made by an hon. gentleman who preceded me—the hon. gentleman from Belleville (Mr. Read)—to the publication of our debates in the *Globe* newspaper. Now, it is well known that the policy of the *Globe* is to obliterate the Senate altogether; they think it is a sort of excrescence upon the constitution which we could do well without. It is the avowed policy of that paper that this body should be abolished, and while I am not going to discuss that question now, I say that the members of the Senate should not be placed in a position which would make them liable to misrepresentation, but that all we say and do here should be fairly published and made known to the people generally. Person-

ally I do not suppose that, expressing as the *Globe* newspaper does those extreme views in regard to this body, if we had here a good and useful debate, displaying a great deal of valuable knowledge and talent, that it would be to the interest of that paper to publish such a debate at all; because it would be disproving their own contention, viz.: that the Senate should be abolished. If such debates as I have described should take place in this body—I should be very sorry to say they do often occur, and I think we had such a one the other day—we could not expect that paper to do justice to them. Indeed my hon. friend (Mr. Read) has shown how very concisely that debate was reported in the *Globe* and in other papers. It is obvious from the line adopted by that paper, that the more useful the debates in this Chamber are, the less inducement there is to publish them; because they would be a direct contradiction of what these papers often say, viz.: that the Senate of Canada is a useless body. I think, hon. gentlemen, that the present system has been fairly effective, that it has answered its purpose well; for myself, as I said just now, I was opposed to it at the commencement, but I must say that I have found since that it possesses many advantages. We are relieved of a great deal of needless trouble in revising manuscript, and we receive our *Hansards*—except on extraordinary occasions when they are unusually bulky—within about 24 hours of the debates taking place in this House. For these reasons I think it is desirable that some system, at all events, of reporting the debates of this House should be continued, and my own preference would be, both as a matter of utility and also fairness to the gentlemen who have undertaken the duty of reporting, that it should not be suddenly shut down upon in the manner just now proposed. The present system should at least have a trial for another session.

HON. MR. ALLAN—I perfectly agree with what was said by my hon. friend from Belleville (Mr. Read) as to the desirability of finding some means by which the utterances of this House should make their way to the country. In fact, I imagine there is scarcely anybody in the House who will not thoroughly coincide in that proposition; therefore, the ques-

tion seems to me to be what is the best means of bringing about that result. I agree also with what was said by the same hon. gentleman about the reports that are given in the leading newspapers. Take, for instance, the report to which he alluded particularly—the report on the Irish question recently—I think anything more meagre and unsatisfactory than the notice with which they honored us—in the pages of the *Mail* more particularly—could not well be conceived. I fail to see, however, in what way the *Hansard* is doing that for us which the hon. gentleman argued so strongly for; if I saw that it did, I should say by all means continue its publication. But, as a matter of fact, while I am very glad indeed to bear testimony to the general excellence of the work, so far as *Hansard* is concerned, and the accuracy and general fidelity with which our reporters take down the remarks in the House, yet, at the same time, so far as making the utterances in this House known throughout the country is concerned, I fail entirely to see how the *Hansard* effects that object. We all know that unless what takes place in Parliament comes out at once—immediately after the debate has taken place—the public loses all interest in it. We live very fast in these days, and the events of one day do not long interest us; so much is crowded into the columns of the newspapers, that what has happened a few days before is almost effaced from one's recollection. Consequently with the *Hansard*, which only comes out some twenty-four hours after the debate take place, this result cannot be attained. Then, again it is often the case that hon. gentlemen desire to send these *Hansards* to their friends, and another delay necessarily takes place in transmitting them through the post; until, when they reach their destination, they have lost a great deal of the interest which should attach to them. Besides, but very little can be done in that way towards disseminating through the country a knowledge of what passes in the Senate. In the first place there are very few gentlemen who would take the trouble, in all probability, to send their copies of the *Hansard* about; and even if they do, very little publicity is secured by such a course. Now, I believe I am correct in stating that the cost of reporting in the House of Commons is \$20,000; I think that is the

sum I saw mentioned in the estimates the other day ; and the cost here is \$6,000. It seems to me that if any plan could be devised by which arrangements could be made with the leading journals to publish something like a fair report of the proceedings of this House—even if it were to cost double the present amount—the money would be well spent. I say this, because then our object would be attained, and there would be some probability of the public having made known to them what takes place in this House ; and I do not see how that can be achieved by the simple publication of *Hansard*. It is, of course, valuable to have some record that can be referred to in future years, showing what takes place here ; and as the hon. gentleman (Mr. Haythorne) said just now, an hon. gentleman's vote or procedure in this House may be called in question, and it may be very important to be able to refer to *Hansard* and see how he did vote or what he did say. So far, however, as the course taken by any one in this House, or his votes, are concerned, a record is kept in the votes and proceedings of the Senate which can be always referred to ; and therefore it is simply what he says—his speeches—which would not be available for reference, if we had no *Hansard*. But I do think, if the Committee could devise some means by which—even at double the present cost—the speeches of hon. gentlemen here could be given to the public, in the same way that they are for the House of Commons—through the leading papers—our object would then be achieved and the expense would be fully warranted. I fail entirely to see how that can be brought about by continuing the present system, and having the debates placed in our boxes twenty-four hours afterwards, where they are perhaps left by some of us until the end of the session. Therefore, so far as I can see my way in this matter—while I do not feel strongly one way or the other—I should very much prefer to see some course taken by which our proceedings could be published in the way I have mentioned—that is by the leading papers of the country.

HON. MR. TRUDEL—Being a member of the Committee on Reporting the Debates, I may say that, while I appreciate the reasons given by the majority of that committee, I cannot agree in the

conclusions which their report embodies. I believe that the great majority of the members of this House are in favor of having a record kept of our debates, and I do not think that the conclusions contained in this report, represent the desire of the majority in this chamber.

It seems to me that if we abolish our official reports we will be placing ourselves behind the times. Twenty-five years ago when shorthand writing was in its infancy, if we had been called upon to devise a system of official reporting, I could understand why objections, such as we have heard to-day, should be urged ; but when it is so easy to obtain an official record of our debates, I can hardly conceive how any member of the Senate can come to the conclusion that we should discontinue the *Hansard*. I have already on several occasions expressed my regret at what I believe to be a tendency to belittle the Senate. We sometimes are inclined to use strong language in speaking of those who propose freely to abolish this body, but in my humble judgment, those who attack the Senate openly, and ask for its abolition, do less harm than those who seek indirectly, even in this House, to diminish its importance. I consider it very desirable that the public should take more interest in our debates than they do, and that the leading newspapers of Canada should be induced in some way to report our proceedings ; but, on the other hand, I think it is very difficult to induce the press to undertake the extra expense of publishing our debates, unless they find it to their advantage to do so. The reason why they do not consider it to their advantage is to be found in the fact that very little attention is paid to this House. The policy if many of our leading men in the Canadian Parliament tends to diminish the influence of the Senate, and this, I think, is one of the main causes of the indifference which the public manifest for this chamber, and why our debates are given less prominence to in the press. I do not see how we can remedy that state of things by abolishing our official reports. I think the effect would be, on the contrary, to diminish our usefulness. If we come to the conclusion that a record of our debates are not worth six thousand dollars, we show that we attach very little importance to them, and as a consequence, that we

consider the House itself of little use, and thus we ourselves, are aiding in the destruction of the Senate. Of course it is beyond our power to secure for our debates the appreciation of the public, but we can keep a record to which the public can have access when they desire to obtain information of what occurs in this House. Now, as to the manner in which our debates are reported, I have already had occasion to state that I think it is hardly possible to find more accurate or better reports than we have here. I have had considerable experience of shorthand reporting in connection with the exercise of my profession, and I may say that in my opinion in no place in the country is such work done so thoroughly and satisfactorily as in the Senate by our reporters. I shall vote for the amendment, and I shall do my best not only to sustain the system of official reporting, but to improve it at increased expense if necessary.

HON. MR. McCLELAN—It is very rarely indeed that I tax the time of the House very severely, and, therefore, I have not much personal interest as to the manner in which our reports are sent forth to the world; but it seems to me that that is no reason why I should not consider this subject fairly in all its relations. There are members of this House whose utterances I am always glad to listen to, and I desire that the best method for conveying their observations to the public, and making a proper record of them, should be adopted. On first reading the report of the committee, I was struck with the idea of economy manifested in it, and thought that the sum, being a large one, might possibly be saved to a considerable extent by adopting some other plan, but from my experience in parliamentary life, I concluded that there always will be a very considerable degree of expense attending the publication of the debates in some way or other, and I notice one of the paragraphs of the report states that on the cancelling of this contract they recommend that other steps be taken to induce reporters to attend here, and to publish more fully in the press of the Dominion the debates of the Senate. I can quite understand that a system might be inaugurated in that way, which,

though less expensive than the one we are now conducting so well, would scarcely meet the necessities of the case. It strikes me that if we were to say that we should have no record of the debates of the Senate, we should be placing ourselves in a very exceptional position to the deliberative bodies in all countries. Every house of Parliament (I do not know of a solitary exception) tries to have some record to which reference may be made, and to which, as has been stated by some hon. gentlemen very correctly, members may refer when they are accused of having made observations which they had not made, and to sustain their position and their arguments and their assertions upon any given subject. I think, therefore, it would be placing ourselves in an anomalous position now, after having for some fifteen years had a record of our proceedings; and I am of opinion that so long as the people of Canada desire that the Senate shall be a portion of the Parliament of Canada, they will not grudge us that part of the machinery which provides for the registering of our debates. Therefore, I think, while very little money would be saved by departing from the very good arrangement which we have now, so far as the reporting is concerned, we would not have anything like so good a substitute by depending upon the casual reporting which is recommended to take the place of it. I do not think anything but a very meagre report would in any event go forth to the public through the press, while now we have a record which we can abide by, which we can rely upon, and which, with very little expense, can be reproduced in any paper in Canada if hon. gentlemen desire it. I think, therefore, in view of the criticisms passed on this body, looking at the necessity of keeping a regular record of our debates for future reference, and taking all the circumstances into consideration, I shall be inclined to support the amendment moved by my hon. friend from Quinte (Mr. Read).

HON. MR. FLINT—I think when we come to look at this matter as a question of economy, as a good deal has been said about the saving of \$6,000, and when we divide that amount by the population of this country, we find that it comes to a trifle over one-seventh of a cent per head; so that on that score I think the less said

about it the better. Now as to the advantage of having our speeches reported, I may say that so far as my own are concerned, they are very short and very few, and therefore, it is not on that account that I would plead the continuation of the official reports. I do so on this ground, that where they are circulated among the people they afford an amount of information that they could not possibly have otherwise. If any hon. gentleman here does not see fit to furnish that information to his constituents, it is his fault and their misfortune. I had the honor to hold a seat in the Provincial Parliament for eight years, and during that time I learned that it was necessary for me to give all the information I possibly could to my constituents, and I sent them every description of document that was printed and brought before the House, because I hold that if documents are worth printing, they are certainly worth circulating, and if they are circulated among the population they will be read, and information will be disseminated which cannot possibly be obtained in newspapers. The press of the country is greatly confined to advertisements and home news, and pays very little attention to the upper House, except something very remarkable in the way of a speech is delivered by some representative of their constituency. With reference to our official reports I should be very sorry to see them done away with. I do not think the present system is as good as the one we had last year, because we could then, when we desired it, purchase as many copies of the paper as we wished for circulation amongst our constituents. The district which I represent is some 130 miles in length, 90 in width at one end, and 15 to 18 at the other, consequently there is a large population there looking for information, and particularly those at the north end of the district who have very few opportunities of obtaining newspapers. In reference to that, I endeavor to send them all I possibly can in order that they may see what is going on in the Senate and House of Commons. I do not confine myself merely to matters that take place in this House, but send them all the information I can, and I consider that in doing so I discharge my duty to the public. If the copies of our Debates which are laying around upon members' desks,

and piling up in the post office, as somebody has remarked, were circulated amongst the rural population, they would have a good effect. The object of the *Globe* newspaper, and some other journals which I could mention, has been to belittle the Senate in every respect. Are we going to belittle ourselves? Are we going to do away with the only means we have to give information to the people? or are we going to sustain ourselves by giving all the information we possibly can to the public? If we respect ourselves, we will be respected; but, I believe, if we do away with our official reports, on the score of economy, we will forfeit the respect to which we are entitled. It would be said immediately that we were afraid to let the public know what was going on in this Chamber, and the people would say the sooner the Senate was obliterated the better. I hope that some means may be provided for continuing the official reports, and placing them, if possible, in a better position than at present. I am sure we cannot find fault with the reporting. The few speeches which I have made have never been submitted to me until after they have appeared in print, and I have always found them to be correct. I do not think the gentlemen who are doing the work for us can be surpassed in their profession; they are doing their work faithfully, and we have no reason to complain of them. The only cause for dissatisfaction is that we receive only five copies of the official report, but that is altogether our own fault. I think the system of last year was a preferable one. A newspaper was employed to publish the reports, and I should be glad to see a return to that method. I believe it would be better for the public. Newspapers throughout the Dominion would be more likely to copy from its columns than to republish from the *Hansard* slips which we send to them from day to day. I do trust that something will be done to prevent the official reports from being done away with, and that we will not place ourselves in the position of saying that we will not give to the people a reliable report of what is said here in reference to public affairs.

HON. MR. ALLAN—The hon. gentleman speaks of the duty incumbent upon us of distributing amongst our respective

constituents copies of the official reports, and that he himself has always endeavored to do so. How does he manage to do it? How many copies of the official report does my hon. friend get? or how does he contrive to send copies to more than five of his constituents?

HON. MR. FLINT—I send what I get myself, and I obtain copies from those who do not want them. But if our reports were published in a newspaper, as they were last year, I could order fifty or a hundred papers containing any particular speech that I wished to send to the public by paying for them. I did not say that I merely sent copies of the official report, I said that I sent documents of every description.

HON. MR. ALLAN—Sending a paper would not be a fair way, because I might have to circulate articles which I do not approve of.

HON. MR. KAULBACH—I think there is no expenditure with which the public are more satisfied than that incurred in reporting and publishing the debates of this House. Many of the blue books sent out through the country cost more than the Senate Debates and have not as much general interest for the people. I think my hon. friend has stated to the House that the cost of reporting and publishing our debates is only four per cent. of the entire expense of the Senate. If we, by our own action, show that our debates are of so little importance that they are not worth making a record, we will be rendering a verdict against ourselves. If there is any branch of the legislature of which an impartial record of the proceedings should be given to the public it is this, because here we are frequently called upon to record our vote in direct antagonism to the opinion of the Commons. I think, hon. gentlemen, when we record our votes in direct opposition to the opinion of the other branch of the legislatures we should have something to show to the public to justify our action. I believe that the Senate has to a large extent matured the mind of the people on important public questions. My hon. friend from Wallace (Mr. Macfarlane) has shown that our debates are sent daily to some

fifty newspapers throughout the Dominion, and I know that many of the local papers have reprinted speeches made by hon. gentlemen in this House for the information of their readers. I cannot conceive how we can deal a more fatal blow to the position and influence that this House ought to hold, and does hold, in the public estimation than by adopting the suggestion of the Debates Committee. The Committee is composed of nine members; the report is not a report of the majority, and it certainly does not express the sentiment of this House. Even though there were a small majority of the House in favor of the report, they might yield to the views of the minority in a matter of this kind. I know that the Senate Debates are largely sought after. I have had occasion this session and last session to refer to the reports for 1878, and on going to the Library for that purpose I could not find a copy of the seven or eight volumes of the Senate Debates of that year that were sent to the Library; not one was to be had; they were all out for a day or two. This shows that the debates of this House are read, and are probably considered of great importance, otherwise they would not have been taken from the library. I believe we would be going back to the old days of Nova Scotia with its council of twelve, and closed doors, if we stopped the official reporting and publication of our debates. I am sorry that this report of the committee receives the support of the leader of the Government and the leader of the Opposition. I do not wonder at the leader of the Opposition so much because this House has generally entertained views not in accordance with his own, but I am sure no hon. gentleman would care to depend on partizan reports of his utterances published by newspapers to suit their own convenience, and to advance the interests of the parties which they represent.

HON. MR. SCOTT—It is very clear that the members of the committee did not interpret correctly the sentiments of the House on this subject. I am breaking no confidence when I say that the committee had no very strong or decided opinion on the subject. The opinion seemed to prevail that the House was not quite satisfied with the mode, of publishing the debates; and that the official

report does not go to the public. We do not find it in any of the leading newspapers of the day, and I do not think that I have seen a speech of any hon. member of this House fully reported in the press this session. In fact I have seen no reports in any of the papers except those made by the two gentlemen who have attended here from the two leading dailies at Toronto. If hon. gentlemen will take the trouble to analyse the report of the committee, however, they will find that it does not contain any strong opinion on the subject. It makes no recommendation but merely suggests that possibly the public might be reached at a future session by the Senate contributing something towards the reporting to the journals that have this present session sent representatives to our Chamber; that if a consideration were given them they might possibly publish a pretty faithful report; that report, if not as full as the official report which we now have, would at all events be read, as we live in an age when men have only time to read brief reports of passing events as they appear from day to day, and we cannot go back two days to turn up the full reports of a debate. We get the news of the world in a condensed form twice a day from the morning paper and the evening journal. It is to the daily press we look for information on current events, and to assume that the four or five copies of the debates that each hon. gentleman receives daily, even though they were all distributed, would give the country any information of what is transpiring here every day is very fallacious. Very few hon. gentlemen are as industrious as my hon. friend from Trent (Mr. Flint) who sends not only his own copies, but those of his neighbors, to his constituents. I think the hon. gentleman is rather singular in that respect, and if the House had known it he could have had contributions from other members. The committee, in their report, have made no recommendation; they have only made a suggestion in order to elicit the opinions of hon. gentlemen because it had reached the ears of members of the committee that the opinion had been generally expressed that the official report might as well be discontinued; that it was simply a record, and beyond that it was not in any degree valuable. I think it is fortunate that the sense of the House has been

ascertained, which is evidently in the direction of continuing the official reports.

HON. MR. OGILVIE—If the committee had recommended any particular course for us to follow I would have felt very much like sustaining them, but as they have not recommended anything, and as I think it is very necessary that we should have some record—although some hon. gentlemen, myself amongst the number, would feel very much pleased sometimes if our speeches were not reported—we had better keep what we have got.

The amendment was agreed to without a division being called for.

CANADA CIVIL SERVICE ACT BILL.

IN COMMITTEE OF THE WHOLE.

The House went into Committee of the Whole on Bill (36) "An Act respecting the Civil Service of Canada."

On the third clause,

HON. MR. MACINNES (Hamilton) said he had an amendment to propose. This clause provided that a Board of Examiners should be appointed from time to time. In his opinion unless the Board were permanent their work could not be possibly well done. Looking at the importance of a permanent Civil Service, performing largely the functions of the Government, those who were admitted should be well qualified for the duties of their position. The Board should have an exact knowledge of the work to be done, in order to judge of the ability of the candidates to perform it, and this knowledge could not be looked for in a board appointed from time to time. The Board should also be a non-partizan board. His own view was that the Civil Service should be a question entirely free from political bias. He considered that a board appointed from time to time, and liable to change with each administration, could not efficiently perform the duties which were contemplated for such a body; and he therefore moved—"That in the first line of the third clause, the words 'from time to time' be expunged."

HON. SIR ALEX. CAMPBELL did not think such a change would answer, as it would involve the necessity of making these examiners permanent officers, and would entail the expenditure of several thousands of dollars, which the Government had not in view, and for which there was no necessity. Moreover, he explained that their time would not be fully occupied, and that it would not be necessary for them to understand the duties which the applicant would have to perform. They would simply have to test the applicant's knowledge of certain essential subjects—for instance, his knowledge of mathematics, geography and history, and similar subjects—which would go to prove that he was possessed of a certain education, and might properly be appointed if successful. He also pointed out that it was beyond the power of the Senate to introduce any clauses providing for the remuneration of officers. For these reasons he did not think the amendment should be adopted.

HON. MR. KAULBACH concurred in the view of the leader of the Government as to the duties of these officers not requiring their attention for the greater portion of the year, and stated he would like to see the appointments so arranged that the matter would be taken, as much as possible, out of the hands of the Government, which he thought was likely to result from the system of examinations.

HON. MR. MACINNES (Hamilton) said that the objection to the monetary provision did not occur to him, and therefore he would have to withdraw his amendment. At the same time he expressed a strong conviction that no other than a permanent Civil Service Board could efficiently discharge the duties of the position, and conserve the best interests of the service.

On the sixteenth clause,

HON. MR. MACINNES (Hamilton) called attention to the fact that the maximum salaries of the senior second class were greater than the minimum of those in the first class, which was an anomaly. He thought that those holding the higher rank should certainly not receive a less salary than men in the lower grade. He therefore suggested that the minimum salary of the first class

should be placed at \$1,500 instead of \$1,200 as in the Bill. He stated that they performed most important duties, in many instances supervising and directing the labor of others; they required to be very efficient men, and it seemed to him wrong that, occupying that position, they should receive a smaller salary than inferior officers.

HON. SIR ALEX. CAMPBELL thought it would be inexpedient to alter the clause; that provision was made with a view of affecting promotion, though he could not at the moment explain the exact grounds upon which it was based. He stated that in the Department of Justice there were, at the present time, some clerks receiving a higher salary than if they were in the next higher class, yet those officers were anxious to be placed in that class. He did not think it would be wise to alter the clause.

HON. MR. MACINNES mentioned that this anomaly was dwelt upon by several witnesses before the commission, and was one which excited great dissatisfaction in the service; and the report of the commission had recommended its abolition. It was on that ground that he had made the suggestion.

On the twenty-second clause,

HON. MR. HAYTHORNE said it appeared as if the Government were to depend upon the lists, which the examiners are to prepare, for young men to fill these vacancies as they occurred. This would seem to infer that these young men would continue on hand after the examinations—which it seemed to him was very unlikely. It was much more probable that they would accept other employment, and therefore could not be relied upon when these vacancies occurred. In that way he thought the object of the clause would be defeated.

HON. SIR ALEX. CAMPBELL stated that there would be examinations every year, and that experience had shown there was never likely to be any dearth of applicants; in fact it would rather be the other way.

On the twenty-fifth clause,

HON. MR. TRUDEL suggested that in the enumeration of the branches of

knowledge, which were required to be possessed by the candidates, a knowledge of both the English and French languages should be insisted upon. He referred to the fact that there were two official languages in this country, and it seemed but right that public officials should be familiar with them both. He ascertained that, in the Civil Service of several foreign nations, languages not common to the particular nation were included in the subjects for examination. For instance in Italy certain classes of officers were obliged to have a knowledge of French and German; while in other departments they were expected to have a knowledge of English.

HON. SIR ALEX. CAMPBELL thought this might fairly be left to the discretion of the examiners. He pointed out that public officers, in many parts of the Dominion, did not require a knowledge of French, and stated that it was at present the rule that no official should be appointed to an office in the Province of Quebec—where he was called upon to deal with those speaking the French language,—unless he was able to conduct the business in that language. He admitted that in all cases such knowledge was desirable, but as it was not in every case necessary, he thought the matter might be left to the examiners.

HON. MR. TRUDEL said that he had understood yesterday from the report read by the hon. gentleman from Hamilton (Mr. MacInnes) that such knowledge was required to be possessed by the candidates.

HON. MR. MACINNES explained that the qualifying examination required a knowledge of French; but it was only the preliminary examination which was there referred to.

On the twenty-sixth clause,

HON. MR. HAYTHORNE thought it was hardly necessary to make the applicant pay fees. He considered the passing of the examination was all that should be required of them.

HON. SIR ALEX. CAMPBELL said that probably the idea in charging these fees was to meet the expenses which

would attend the examinations. They would, however, be trifling. Another advantage which would result from these fees would be this: it would prevent a great crowd of people from coming up for examination, as would be the case if there were nothing to pay.

HON. MR. HAYTHORNE considered that the preliminary examination would be a sufficient barrier against a great influx of young men. At any rate he did not regard it as objectionable that a large number of men should apply to pass such an examination. He thought it should be rather gratifying to the Government than otherwise, because it would show that the public service was popular and that there were a large number of young men in the Dominion willing to enter it. He would rather see inducements held out to them to pass the examinations, than impose fees upon the applicants. Even if they do not receive appointments the mere effect of their having passed this examination, which would be made public with the number of marks they had obtained, would be, no doubt, of service to them afterwards.

HON. SIR ALEX. CAMPBELL did not agree with the hon. gentleman, that it would be desirable to have a great number of young men applying for positions in the Civil Service. He considered such a state of affairs would not be a sign of the prosperity of the country. He thought there were many other occupations which afforded much greater scope for young men. He really did not think that the imposition of fees would prove to be any disadvantage.

HON. MR. ALLAN expressed his regret that some definite idea had not been given as to the subjects which would be included in these examinations, and thought that the point which had been most prominently dwelt upon by the commissioners in their report had been eliminated from this Bill. The commissioners' idea, it seemed to him, had been to make such regulations as would ensure that the young men applying for positions in the Service would be possessed of a fair education, and these examinations were intended to exclude those who would prove ineli-

gible for such positions. This would relieve the Government of much of the annoyance and trouble which they now experienced in bestowing their patronage. It could not be denied, he thought, that young men were sometimes appointed to office in the Civil Service who were utterly unfitted for anything of the kind, and who were, in many instances, given their positions merely from political considerations. The effect of the Bill, in a great measure, would be to put an end to these abuses. He quite agreed in what had fallen from the Hon. the Minister of Justice. as to its being very undesirable that a large number of young men should apply for positions in the Civil Service. He thought that a young man, as a rule, could certainly make his mark in life better, if he had ordinary ability, outside the Civil Service, than if he were a member of it; the fact being that ninety-nine out of one hundred did not attain the highest positions. He could see nothing in the Bill which gave one an idea of the nature of this examination, though the twenty-third clause contained the provision that unless a man should pass this examination, he could not receive his pay. He would have been glad had the bill shown clearly that the examination was to be such as would give a substantial guarantee that the men chosen would be thoroughly competent.

HON. SIR ALEX. CAMPBELL reminded the hon. gentleman from Toronto that in no case, so far as he remembered, was the subject matter of an examination defined in any bill. He instanced the acts of incorporation in which cases the subject matter of the entrance examinations was never mentioned. That was a matter generally settled by the management of the different institutions, from time to time, and the subjects are published in the newspapers, or circulated in slips among the persons who desire to be examined. It would be difficult to lay down the subjects for this examination in an Act of Parliament, but the gentlemen to be appointed by the Governor-in-Council, would possess all the necessary qualifications for arranging this matter; they would probably be chosen from gentlemen connected with education, and who had some experience in examining. He instanced the examination of cadets for the military college at

Kingston, the subjects for which were arranged by the examiners two or three months in advance; they were then published in the *Canada Gazette*, and circulars containing them were also distributed; so that anybody who wished to be examined, or any parent who wished to send his boy to the institution, could see what the subjects for examination were. In the same way, he thought that anyone desiring to enter the Civil Service, could write for a circular, and when he had received it would know exactly what subjects he would be required to master.

HON. MR. ALLAN explained that he did not wish to be understood as urging that the details of the examination should be embodied in the Bill, but he thought it would be some guarantee of the reality of the test, if the subjects were mentioned.

HON. SIR ALEX. CAMPBELL said he considered that the Government possessed sufficient guarantee in the appointment of independent examiners. The great fault of the examination prescribed by the existing Civil Service Bill, was that examiners were chosen from within the service, but this would be remedied in the present Bill, as they proposed to appoint such men as he had previously referred to, to be selected from outside.

HON. MR. ALLAN asked if the arrangement of subjects for examination would rest entirely with these examiners, or whether they would not be prescribed by the Governor-in-Council.

HON. SIR ALEX. CAMPBELL said that the choice of subjects would be entirely with the examiners. Their recommendation would be sanctioned by the Governor-in-Council, but they would have full powers in preparing the subjects.

HON. MR. TRUDEL believed that there was to a certain extent a guarantee in the fact that men of high education would be appointed examiners, but thought that in many instances men of superior education did not give sufficient weight to the really practical branches of knowledge. Men of that class frequently paid very little attention to hand-writing, for instance; and he feared that in consequence of that ten-

gency it would sometimes happen that a successful candidate would not have the requisite practical qualification. On the other hand it would be necessary to have uniformity in examinations, and to insure that there should be some directions to the examiners.

HON. SIR ALEX. CAMPBELL said that the examinations would be conducted in a reasonable manner. There was no danger that professors of universities and scholars would be appointed as examiners. Practical men would be employed, such as were appointed under the Militia Act. In Ottawa, Mr. Thorburn, Principal of the Collegiate Institute, Mr. McCabe, Principal of the Normal School, and Mr. May, Inspector of Public Schools for the County of Carleton, had been appointed examiners under that Act. They were men engaged in educating the youth of the country, who knew the qualifications which go to make life successful, and they would not neglect anything which was essential. It would be safer not to lay down any cast iron rules.

HON. MR. MACINNES said that in France and England the subjects of examination are specified through orders-in-council.

The clause was adopted.

HON. MR. MACINNES called attention to the fact that the Bill did not specify whether the examination should be oral or written.

HON. MR. KAULBACH thought it was very important that the examination should be in writing.

HON. SIR ALEX. CAMPBELL said it would be better not to trust to an examination exclusively oral or wholly written.

HON. MR. MACINNES thought it was of the highest importance that the examinations should be written, and the papers filed with the Secretary of State. In the event of complaints of partiality on the part of examiners, the papers could be referred to.

HON. SIR ALEX. CAMPBELL suggested that the clause should be allowed to stand until to-morrow.

On the 34th clause,

HON. SIR ALEX. CAMPBELL said that a variety of circumstances must concur before any person could be appointed from the outside. The reason was, that it was very desirable as far as possible, to keep the promotion in the Civil Service by filling vacancies in the higher offices from the lower ranks. However, it sometimes became necessary to appoint somebody from the outside, as was the case recently in the appointment of a deputy head in the Department of Justice.

The clause was adopted.

On the 36th clause,

HON. MR. POWER thought that the provision was objectionable, because it would operate unfairly to men who are in the service now particularly. They would not pass an examination so well as young men just entering the service, fresh from college. The result would be that meritorious public servants who had served for a considerable time and were thoroughly qualified to discharge the duties of their offices, would not get the promotion to which they were entitled by seniority, and perhaps, by merit too, but would be pushed aside by younger men who could make a better show in an examination. He did not think that this clause should apply at all events, to men who are in the service now.

HON. SIR ALEX. CAMPBELL attached great importance to this clause, and thought it would stimulate the junior officials to qualify themselves for the higher offices. Under the present system, promotion goes by seniority, and it happens again and again that a man who is absolutely worthless as a civil servant, advances, because of mere age, and becomes a mere drone. This clause would obviate that and stimulate a young man to make himself ready for the next step. He would know the moment he entered the service, that he would never be made a second-class clerk, unless he passed an examination. The fact would give force and vigor to his studies. Would not that be better than to let him drone along and trust to time for his promotion? As to men in the service now, why should

not those who are young qualify themselves. Older officials are probably advanced in the service already. The clause would prove very useful.

HON. MR. POWER said he could see the propriety of this provision, if the Bill provided for competitive examinations. He could see the force of the argument if promotion was to be given to the man who passed the best examination.

HON. MR. BELLEROSE, from the Committee, reported that they had made some progress with the Bill, and asked leave to sit again to-morrow.

PACIFIC RAILWAY DRAWBACK BILL.

THIRD READING.

The House went into Committee of the Whole on Bill (141) "An Act to provide for the allowance of drawback on certain articles manufactured in Canada, for use in the construction of the Canadian Pacific Railway."

HON. MR. ARCHIBALD from the Committee, reported the Bill without amendment.

The Bill was then read the third time and passed.

MONTREAL HARBOR PORT WARDEN BILL.

SECOND READING.

HON. MR. AIKINS moved the second reading of Bill (122) "An Act to amend and consolidate the Acts relating to the office of Port Warden for the Harbor of Montreal." He said:—This Bill is largely a consolidation of a number of fragmentary Acts found on the Statute Books, in reference to the harbor of Montreal. Not more than one-tenth of the Bill is new matter. There are, however, two clauses of very considerable importance. One is to make the provisions of this Bill apply to all vessels leaving the harbor of Montreal. The present law is that only vessels laden with grain or partly laden with grain are

subject to inspection by the Port Warden. This Bill provides that all vessels shall be subject to such inspection. The other clause relates to a subject on which considerable feeling has been manifested as between the Board of Trade of Montreal and ship-owners and exporters. However, these can be discussed in Committee.

The Bill was read the second time.

CORRECTION OF ERRORS IN DOMINION LANDS ACT BILL.

SECOND READING.

HON. SIR ALEX. CAMPBELL moved the second reading of Bill (AA), "An Act to correct certain errors in the French version of 'The Dominion Lands Act, and 'The Dominion Lands Act, 1879.'" He said:—The Bill concerning the Dominion Lands was originally composed in the English language and was so introduced and was afterwards translated into French. In the translation, certain mistakes were made which have caused considerable inconvenience and doubt as to the true construction of the Bill. The phrase in the English version of the Act that a man is "entered" for a certain lot of land, denoting that his name is put down in a book for the land, and other kindred phrases, all in reference to what may be done in a certain book, and not with reference to what may take place with respect to the land itself, have been incorrectly translated into French, in certain passages of the Bill. For instance, where it speaks of a man being "entered" for the land, the French version has it that he has gone into possession of the land, and in a case which has caused some interest to be taken in the matter recently, the judges of the Supreme Court have found some difficulty in deciding what is meant. The confusion is very great, and it is impossible to come to a satisfactory decision upon the point. The object of the Bill is to make the French version correspond with the English one throughout, the latter being recognised in the Bill, as is the fact, as the language in which the Bill was composed.

The Bill was read the second time.

The Senate adjourned at 6 o'clock.

THE SENATE.

Ottawa, Wednesday, May 10th, 1882.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

QUEBEC, MONTREAL, OTTAWA
& OCCIDENTAL RAILWAY
COMPANY'S BILL.

THIRD READING.

HON. MR. ALLAN from the Select Standing Committee on Railways, Telegraphs and Harbors, reported Bill (114), "An Act respecting the Quebec, Montreal, Ottawa and Occidental Railway" without amendment.

The report was adopted, and the Bill was read the third time and passed.

IRISH EMIGRATION.

INQUIRY.

HON. MR. WARK inquired :

What arrangement, if any, has been made with the Imperial Government with the view of bringing out Emigrants from Ireland to the Dominion?

He said:—After the very full discussion which Irish affairs received at a very recent period, it may be thought singular that I again bring the question before the House. During that discussion we heard a good deal about the wrongs and difficulties under which Ireland labored, and we were endeavoring to suggest some remedy for them. During the course of that discussion it was stated that the population of Ireland had not increased like that of England or Scotland. I suppose if you take the agricultural districts of England and Scotland you will find that there has been no rapid increase of population there, if there has been any increase at all. But there is a very large overflow of population from these districts into manufacturing centres and great sea ports. And as Ireland is exclusively agricultural her increase in population has not been so great as other parts of the United Kingdom. Many of her people have gone to the United States, many go

to England and Scotland. I think twenty years ago it was found by the census that there were 100,000 Irishmen in Glasgow, 70,000 in Liverpool and more in London than the whole population of Dublin. There was a time, which I can remember, when I was quite young, when the occupants of small patches of land in Ireland had no other course, in order to obtain a living, than to pass over to the south of England at the commencement of the harvest, and as the grain ripened they proceeded northward, reaping until they went to the north of Scotland, and they returned with their earnings to Ireland. After a while these men found that they could get permanent employment in England and they dropped into the larger cities, and now most of the dock laborers of Liverpool and other cities of England are Irish. By and by they moved their families, and this accounts for the slow increase of population in Ireland and the rapid increase in these large manufacturing districts, many of which are largely populated from Ireland. But what I wish to call the attention of the House to is that Ireland is still over-populated, that more people are attempting to draw subsistence from the land than it is capable of affording. A late return shows that there are 280,000 landholders there who pay a rental of £4 a year, or less. Now, how is a family to live on a patch of land on which the rental is only £4 a year? It is impossible that they can employ themselves profitably for half the year. Then there are 206,934 families occupying holdings for which they pay a rental of between £4 and £10 a year. It is impossible that they can derive a living from such small holdings. What is wanted, I think, in the interests both of this Dominion and of Ireland, is to induce a portion of these people to emigrate from a country where they are so crowded and to leave four or five of their holdings to be cultivated by one family. Let them come to Canada where they can get land for nothing, and where they can get plenty to cultivate. It is impossible for any land laws to remedy such a state of things as exists in Ireland. If there was a Parliament at Dublin, and it passed an Act to relieve the holders of these small patches of land of rent altogether, they would still be poor. I look upon emigration as one of

the best remedies for the distress in Ireland, and I have understood that there have been negotiations between the Imperial Government and the Government of the Dominion, in order to bring about such an emigration. There is one thing, however, that they should carefully guard against: while the discussions respecting the Land League were taking place in the Imperial Parliament, when emigration was spoken of, it was said the Government were trying to banish the Irish. That is the difficulty the Governments would have to contend with, and, therefore, I think, one of the most important steps to be taken is to interest the churches in emigration, especially the Roman Catholic church, for there is not much emigration from the Protestant population, nor is it necessary. I am not extensively acquainted with the clergy of that church, but I think if the Government were assisted by the Archbishop of Ontario, he would render some service by corresponding with the bishops of the Roman Catholic church in Ireland, calling their attention to the subject and laying down something like a programme. It is only through the clergy that the people, or at all events, the great bulk of them, can be induced to voluntarily emigrate. I believe it would be quite possible, if the clergy would undertake to act in concert with the governments, to have intelligent and energetic priests selected, who would endeavor to induce a number of those in their respective parishes to emigrate and come with them. It is only a few days ago that I saw the statement that a number of young Englishmen were about to emigrate, and that a clergyman was to accompany them. Why could not this be effected in the Roman Catholic Church as well as in the English Church? If it were understood that a number of immigrants were to arrive at a certain time under the care of one of their clergy who would come out with them, assisting them in selecting the lands and making arrangements for settlement, we would soon have a number of prosperous colonies in the North-West, and these emigrants themselves would become the best immigration agents. I have noticed that wherever emigrants settle and are prosperous, their letters to their friends in the old world do more to draw people to this country than anything else. Some

of these people to whom I have referred have a little means, but many of them have not. It is likely, however, that on the ground of assuming control of certain portions of lands, where the tenants cannot dispose of their rights, (because there is such a thing as tenant rights in Ireland which Englishmen do not seem to understand), the Imperial Government might, at fair value, take those lands into their own hands, and then dispose of them at a future day, or put tenants on them. At any rate, there will be, and ought to be, a considerable fund raised for these people, which may recoup, to a certain extent, the expense incurred in their emigration, when these lands are made available. When these people come out, the same rules ought not to be applied to them as to wealthy capitalists. The proposition is to give every settler 160 acres of land, as a homestead, and let him pre-empt another 160 acres, and these are in alternate lots. But these people would be lost on more than 160 acres of land. Men accustomed to cultivate five or six acres would feel quite unable to take charge of so much territory. I would recommend that the Government should form these settlements outside the railway land altogether. Take a township of 36 square miles: the Hudson Bay Company must have their share; there are also school lands, and there must be a place for a village; but, after that, there would still be a district of thirty square miles, and if this were settled by placing a family on each 160 acres of land, everyone would have enough. A man who had been accustomed to tilling a farm of six acres in Ireland would have a farm twenty-seven times as large, and one accustomed to ten acres would have one sixteen times as great as he had ever tilled before. Give them 160 acres each and settle them down close together, and you would have a prosperous colony. You would require certain mechanics also. Shoemakers and tailors are not so necessary in these days, but a blacksmith and a carpenter would be indispensable. You want a place for a church and a burying-ground. All these things and a number of others should be taken into account before forming a settlement. When this would be done you would have a compact settlement; you would have the people near the church and schools, and you would

have every element necessary for prosperity, especially if those settlers were accompanied by a clergyman of their own church. Look at the effect which this would have upon the population left behind! If four or five of those small holdings in Ireland were thrown into one farm with fair rental and fixity of tenure, such as the Government are now securing for them, and with municipal corporations so that they would have a voice in the management of their own affairs, there would be a great improvement in the country. Their taxes are now levied by grand juries, over which they have no control. I think if they had the management of local affairs in their own hands, there would be less complaint about not having a parliament in Ireland. I propose that there should be some such system as I have marked out, and I now put my question.

HON. SIR ALEX. CAMPBELL—An effort was made, with considerable assiduity, to enter into some terms with the Imperial Government for bringing about emigration from Ireland, but it did not succeed. The English Government were not prepared to enter into any such arrangements, fearing that it might, (it is rather an assumption on my part) complicate their troubles in dealing with the Irish people, and no arrangement has been entered into with them, not from unwillingness on our part or on theirs. I hope, nevertheless, without their interference that some progress has been made towards the same end. I think my hon. friends suggestions have great merit, and I hope he will find ultimately that ideas somewhat similar have to a certain extent influenced the Government of the country in dealing with that subject, as regards the people coming from Ireland, and the course to be pursued in the North-west Territories when they do come to Canada. My hon. friend must bear in mind that the land there is, by the action of the Government, passing to a certain extent into the hands of colonization companies who will, in their own interest, resort to the system of dividing it into small holdings suitable to the character of the emigration which they may be enabled to bring to that portion of the country. I have no doubt, although the holdings marked out by the Govern-

ment are 160 acres in extent, that people will be able to get such farms in the North-west as will be suitable in every way to their wants. Both as regards emigration from Ireland and the settling of these people when they arrive in Canada, my hon. friend will find ultimately that arrangements have been made which I hope, and believe, will be satisfactory.

HON. MR. WARK—Some of these people may be able to pay for their land in course of time, but others may not, and how does the Government propose to provide for them?

HON. SIR ALEX. CAMPBELL—It is impossible, and it would not be proper, for me to trace out the course likely to be pursued; but it does not follow that the men will not be able to pay for their lands if they get time, and if the amount be not large, and if, peradventure, from some source or other, they should be assisted. The even numbered sections continue free.

HON. MR. READ—It seems to me that there should be a great immigration to the North-West this year, as no doubt the Pacific Railway Company are encouraging it to a large extent, because they can give immediate employment to the people who come amongst us, and in the meantime they can look about them for a place to locate themselves after earning money to work their farms with. To my mind it is the employment which the Pacific Railway Company are able to give that offers the greatest inducement to immigrants to come to this country with a view hereafter of taking up land. There is no use in a man taking up a prairie farm unless he has some means to begin with. To my mind a man without means can commence on a bush farm in Ontario easier than he could on a prairie farm in the North-West. My experience is that the more mixed the population is the better; they gain more information and make more progress when different nationalities are thrown together. A gentleman who arrived from Winnipeg a day or two ago says that emigrants of the very best class are coming in there in great numbers. He said further that he wanted a large number of workingmen and could not get them; that he would have to get Swedes and Norwegians as everybody else seemed to want to go west.

HON. MR. HAYTHORNE—I would offer, with the greatest diffidence, one or two suggestions that I saw a few months ago on this subject. They come from the pen of one of the correspondents employed by an eminent journal; writing from Minnesota or some of the adjoining States he describes two systems of emigration which had succeeded admirably as between Ireland and the States. One was emigration under the patronage of a church and the other was emigration under the superintendence of a railway company; both based upon the same principle, that of making improvements for coming emigrants, so that the difficulties of the first year would be to a great extent obviated. I feel confident that the chief cause of anxiety to every emigrant who crosses the Atlantic is the difficulty of supporting his family the first year, and if his mind can be set at rest on that point it would tend to encourage a large emigration to this country. The principle on which these enterprises were conducted was that certain improvements were made on the land; the prairie sod was turned down, to a certain extent, a house built, and preparations made to receive the emigrant and his family. A man who is well recommended would make application for one of these farms at the agency in Ireland, and pay a certain deposit. On his arrival in this country all he had to do was to provide seed and complete the tillage of the land that had been prepared for him. In that way on the first year of his arrival he was enabled to raise sufficient food for the support of his family. The result of this system has been that a superior class of emigrants were introduced into these settlements, men of some means, education and intelligence. Such a class of settlers gathered together, would, of course, give the locality superior advantages over ordinary settlements in a new country; and the success of these experiments has led me to the conclusion that the system is one worthy of the attention of everyone who wishes to encourage emigration to the North-West of this Dominion.

HON. MR. VIDAL raised a point of order, that there was no question before the House.

HON. MR. HAYTHORNE apologized for trespassing on the rules of the House.

HON. MR. McCLELAN—It has usually been the custom to discuss these questions in the way we are now doing, and I wish to make a few remarks on the general question of emigration that has been very properly brought up by my hon. friend from Fredericton. We should encourage immigration by every means in our power, and it is with pleasure that I hear from the hon. Minister of Justice that the Government are taking every possible means to promote the rapid settlement of the North-West. While that section of the Dominion has been made available for settlement since its purchase from the Hudson Bay Company, by the efforts of both political parties, the wants and requirements of the older provinces should not be overlooked. Hon. gentlemen are aware that there is a sort of unsettled feeling amongst the people of some of the older provinces, owing to the fever that prevails for emigrating to the Northwest—more particularly among the people of Ontario; but I notice in Nova Scotia and New Brunswick the people are moving away very rapidly, and I have not seen, for many years past, so large an emigration from the Lower Provinces to the United States as there is at present. This exodus from those provinces does not present even the favorable feature that they are merely removing to another portion of Canada: they are going with the idea of getting higher wages, and bettering their position, to the Western States. I very much regret it, as I do not think they will improve their circumstances by so doing. This migrating feeling prevails in all localities at certain times: we all know how one individual, going out to Wisconsin or some other Western State, and making a lucky strike there, writes to his friends and in that way induces large numbers of people to emigrate to the west in the hope of meeting with the same success. I hope the Government of the Dominion or the Local Governments will take such steps as are in their power, not only to prevent this unprecedentedly large exodus, but to induce a good class of emigrants to come in and take the places of those who have gone from amongst us. While it is important to the Northwest that it should be opened up and populated rapidly, it is rather injurious to the Dominion that this disturbing influence should prevail even so far as Ontario is con-

cerned. The older provinces have yet a large amount of land available for settlement and offering more inducements than any new country possibly could where they have not the facilities to make settlement easy and life agreeable or pleasant. I regret very much that there is such a great emigration from New Brunswick and Nova Scotia to the United States. And if no complete remedy can be supplied to prevent it, some restorative may be applied by inducing others to take their places.

BILL INTRODUCED.

HON. MR. AIKINS introduced Bill (D.D.) "An Act further to amend the Petroleum Inspection Act of 1880."

CANADA PROVIDENT ASSOCIATION BILL.

REPORT OF THE SUPREME COURT.

The SPEAKER presented to the House the Report of the Supreme Court of Canada on the Bill intituled: "An Act to incorporate the Canada "Provident Association," to whom the said Bill was referred to examine and report thereon on Thursday, the 4th May instant.

The same was then read by the Clerk. as follows:—

May 10th, 1882.

ROBERT LEMOINE, Esq.,
Clerk of the Senate,
Ottawa,

Sir,—I have the honor to enclose, for the purpose of being laid before the Honorable the Senate, the certified copy of the Bill intituled: "An Act to incorporate the Canada "Provident Association," together with the opinions of the Chief Justice and Judges of Supreme Court of Canada thereon.

I am, Sir,
Your obedient servant,
ROBERT CASSELS,
Registrar, S. C. C.

IN THE SUPREME COURT OF CANADA.

To the Honorable the Senate of the Dominion of Canada, in Parliament assembled:

We are of opinion that the Bill intituled: "An Act to incorporate the Canada Provident Association," referred by the Honorable the Senate for the opinion of the Supreme Court, is not a measure which falls within the

class of subjects allotted to Provincial Legislatures, under section 92 of the British North America Act, 1867.

S. H. STRONG, J.
W. A. HENRY, J.
N. E. TASCHEREAU, J.
JOHN W. GWYNNE, J.

SUPREME COURT, 8th May, 1882.

We think the Bill intituled: "An Act to incorporate the Canada Provident Association," having for its objects the carrying on of business and operating throughout the Dominion of Canada, is a measure which does not fall within the class of subjects allotted to the Provincial Legislatures, under section 92 of the British North America Act, 1867.

But we are not, in the very short time allowed us for consideration, prepared to say that so much of section one as enables this Company to hold and deal in real estate beyond what may be required for their own use and accommodation, or so much of section two as enacts that "such fund or funds shall be exempt from execution for the debt of any member of the Association, and shall not be liable to be seized, taken or appropriated by any legal or equitable process to pay any debt or liability of any member of the Association," are *intra vires* the Parliament of Canada.

We think, before a positive opinion is expressed on these clauses, the matter should be argued before the Court.

W. J. RITCHIE, C. J.
T. FOURNIER, J.

Ordered: That the same do lie on the Table.

STEAMBOAT INSPECTION ACT AMENDMENT BILL.

SECOND READING.

HON. SIR ALEX. CAMPBELL moved the second reading of Bill (117) "An Act to amend and consolidate the Acts respecting the Inspection of Steamboats and the examination and licensing of Engineers employed on them." He said:—This Bill is not printed, but it affects a question upon which, I suppose the House will generally agree. It provides that the safety of travellers and property upon the waters shall be further ensured by proposing a scheme for the inspection of steamboats and the machinery on board of them. I do not want to ask the House to read the Bill the second time now, if any hon. gentleman objects, but if no objection is raised, then I would suggest that we might fairly give it the second reading, and refer it to Committee of the Whole House to-morrow. It can

then be discussed, and the principle being one that everybody will acknowledge to be in the right direction, I would suggest that the consideration of details might be deferred until the matter comes up in Committee.

HON. MR. KAULBACH—Does it provide for the inspection of hulls, as well as of machinery?

HON. SIR ALEX. CAMPBELL—Yes.

HON. MR. KAULBACH—Will there be but one inspector for both duties, or different inspectors?

HON. SIR ALEX. CAMPBELL—Different inspectors, I believe.

HON. MR. KAULBACH—I do not think that, because a man can inspect the machinery of a vessel, he is capable of inspecting the hull also.

HON. SIR ALEX. CAMPBELL—We shall have details in the committee tomorrow.

The motion was agreed to, and the Bill was read the second time.

BETTER PREVENTION OF CRIME CONTINUATION ACT.

THIRD READING.

HON. SIR ALEX. CAMPBELL moved the second reading of Bill (CC) "An Act further to continue in force, for a limited time, the Better Prevention of Crime Act, 1878." He said:—This is to continue for another year a bill introduced by the Hon. Mr. Blake, which had reference, at the moment, to some riots which had occurred at Quebec. It has been found useful, from time to time, to continue the measure, and our attention has been drawn to it recently, from another portion of the Dominion altogether to keep it in force there for a year. I move that it be read the second time.

The motion was agreed to, and the Bill was read the second time.

HON. SIR ALEX. CAMPBELL moved that the House do resolve itself into a Committee of the Whole for the consideration of the said Bill.

The motion was agreed to.

HON. SIR ALEX. CAMPBELL,

HON. MR. CHAFFERS, from the Committee, reported the Bill without amendment.

The Bill was then read the third time under a suspension of the rules, and passed.

THE LIBRARY OF PARLIAMENT.

FIRST REPORT OF THE JOINT COMMITTEE.

HON. MR. ODELL moved the adoption of the first report of the Joint Committee of both Houses on the Library of Parliament. He said: In the first portion of this report there are several recommendations, to which I shall just briefly allude. The first is, that a collection of Coins and Medals be purchased for the sum of \$2,500 and that an additional sum of \$500 be expended for a catalogue which has been recommended by the committee; it is also suggested that arrangements should be made for the deposit of this collection in the Library under proper safe-keeping. The next recommendation is that the series of law reports, English and American, be transferred to the Supreme Court, but they are to remain the property of the Library and shall be open for reference by members. Another recommendation is that the shelves in the apartment, appropriated for a reading room for the House of Commons, shall be utilized for books not in very frequent use, and that they should be protected by sliding glass doors. Then there is a recommendation that the historical documents connected with Canada, which are now in the Bureau of Agriculture, shall be transferred to the Library. Another recommendation is, that more stringent means be taken to secure the return of books which have been borrowed during the recess, under tickets that are issued to persons not connected with Parliament. Then follows a report of the Audit Committee, upon the accounts, with an abstract showing an expenditure since the last audit, of \$4,322.08, with corresponding vouchers, and shewing an existing liability of \$3,350.34. This liability would have to be paid out of the grant of the present session, and it leaves only a balance of \$3,649.66 available for the library for the fiscal year 1882-83. Then there is a supplementary report from the Audit Committee, with abstracts

shewing the expenditure under separate heads for English and French works and newspapers, and binding; not only the binding of newspapers, but the binding of books generally, and for incidental repairs. But the Committee recommend under that head, that application should be made for a separate grant for law books, and for an additional sum of \$1,000 per annum to be added to the contingencies, to cover this cost of binding, repairs and such incidental expenses; in that way the ordinary grant for the Library would be left available for the purchase of books, irrespective of these contingencies. These are the chief recommendations made in the report and hon. gentlemen will find most of the details connected with it, which will speak for themselves. I would, therefore, move the adoption of the report.

The motion was agreed to.

CIVIL SERVICE BILL.

IN COMMITTEE.

The House resumed in Committee of the Whole, consideration of Bill (36) "An Act respecting the Civil Service of Canada."

In the Committee.

HON. SIR ALEX. CAMPBELL referred to the fact that when last in Committee on this Bill, the 28th clause was passed over in order that he might make enquiry as to the examinations being in writing. He stated that he had made such enquiry and was referred to the 6th clause, where provision is contained in the following words: "the examination, so far as practicable to be in writing." He did not know that they could say anything closer than that, or that it would be wise to do so. They could not say that the whole of the examination should be in writing, because it might be very desirable to find out other qualifications possessed by a candidate which could not well be ascertained by writing. He hoped that these words would meet the views of the Committee, and begged to move the adoption of the 28th clause.

HON. MR. MACINNES suggested that the examination papers should be filed in the office of the Secretary of State.

HON. SIR ALEX. CAMPBELL had no objection to that, but said it would be provided for by the regulations of the Governor-General-in-Council, and therefore there was no necessity to introduce it into the Bill. He however had no objection to giving the assent of the Government to it, and would take care that a provision of that kind was made in the orders and regulations.

HON. MR. HAYTHORNE said it appeared to him that the examination would give a great deal more satisfaction if a system of marks was adopted, as far practicable, so that those marks could be published when the examinations were over. That information would be sent abroad throughout the country, and a candidate who had acquitted himself well, though not appointed to office, would have the satisfaction of knowing that his merit was established.

HON. SIR ALEX. CAMPBELL admitted that such might be a valuable practice, but it would also form a subject for the regulations which would be made under the Bill.

The twenty-eighth clause was then adopted.

On the forty-seventh clause.

HON. MR. ALMON said he did not intend to cause any discussion at that late period, but trusted that the leader of the Government would allow him to add the amendment to which he had previously referred. He mentioned the fact that the employees of the Government were entitled to three weeks leave of absence, and thought that the Government ought to give them some way of enjoying their holidays. He stated his impression that the civil servants are not over paid and that their incomes are not large enough to enable many of them to travel, and in consequence they were obliged to spend their holiday at home. That meant that instead of going to the office they would stay at home. These holidays are given in order that the employees might be able to discharge their duties more efficiently on returning to their work, and how could they spend the time better than in travelling on the Government railways to the seaside?

HON. SIR ALEX. CAMPBELL said the suggestion offended every sound principle of business and every rule of political economy. He wished, and no doubt every member of the House wished, that the Government had no railways, but so long as they had, they must be managed on business principles. The desire of the head of the Department was to make the Government road, as far as possible, self-sustaining, and how could that be done if passengers were carried free? If Civil Service Clerks should travel free, why not their wives and families? Why should all the travel be directed to Halifax? There were in the inside service 480 persons, 24 in the Senate, 90 in the House of Commons, and 2,308 in the outside service. The suggestion was that these employees, nearly 3,000 in number, should have the privilege of travelling free on the Government railways during their holidays, and every employee was entitled to three weeks' leave of absence every year. Why should all these people go to Halifax? Many of them came from Western Ontario and some, perhaps, from Manitoba, and their desire would naturally be to spend their holidays with their friends. They would expect to have their passages paid, since others, whose friends live in the Maritime Provinces, would be allowed to travel free. It would open the door to a most injurious system. Nothing could conflict more with sound business ideas than this suggestion; and the hon. gentleman could not be serious in making it.

HON. MR. FLINT did not consider that the railway belonged to any particular government; it belonged to the whole people. They had to pay for it, and any one who wished to travel on it should pay for the privilege. The Civil Servants were well paid, taking everything into consideration; if they thought they were not, the door was open for them to look elsewhere for more profitable employment.

HON. MR. POWER said that when the late Government endeavored to manage the Intercolonial Railway on commercial principles, they were denounced throughout the Lower Provinces. He was glad to hear the Minister of Justice declaring that these were the correct principles, and that he had become a convert to the sound views of his predecessors.

The amendment was declared lost on a division.

On the 55th clause

HON. MR. MACINNES wished to say a few words with reference to the operation of the Superannuation Act, because he believed it was very imperfectly understood by the members of either House. The statements on this subject which are annually laid before Parliament are very incomplete. They simply show upon one side of the account the amounts received from the Civil Service, by deductions from their salaries, and, on the other, the amounts paid to those who are superannuated, but not the indirect benefits derived from the superannuation fund. The Commission paid a good deal of attention to this subject, and obtained statements from the Departments showing the operation of the Act for the last ten years, and they found that the net gain during that time amounted to no less a sum than \$328,566. The statements published in the report of the Commissioners fully show in detail how the Act operates in that respect. During the examination they found that many Civil Servants deemed it a hardship that no provision was made in the Superannuation Act for widows and families of deceased Civil Servants. A Civil Servant dying while in the Service, or soon after being superannuated, his family derives no benefit from the deductions made from his salary during the time that he was in the Service. It must be borne in mind that the Superannuation Act was not intended to make any provision for the widows and families of deceased Civil Servants; but the Commission made a suggestion that the State should insure the lives of their servants on a plan which was obtained from Professor Cherriman, the cost of the insurance, that is, the premiums, to be deducted from the salary of the Civil Servant, and that insurance should be made compulsory after a certain period to be named.

HON. MR. KAULBACH—What would the premiums amount to?

HON. MR. MACINNES said that the premium would depend upon the amount of insurance. The calculation was that each officer should insure his life for double the amount of his salary.

HON. SIR ALEX. CAMPBELL was sure that the hon. member from Hamilton (Mr. MacInnes) would be glad to know that a Bill to carry into effect the suggestions made by the Commission, with regard to insurance on the lives of civil servants, had been prepared and would yet, he hoped, be introduced in the other House before prorogation, not that it was thought possible to pass it this session, but with the hope that it would be distributed during the vacation and considered next session. He had read the statement to which the hon. gentleman had referred, as to the superannuation fund. He (Sir Alexander) did not want to enter into a discussion on the subject, but he dissented from the conclusions at which the Commission had arrived. He did not think the account showed any such balance in favor of the fund. There must be a mistake in the mode in which the Commissioners had arrived at their conclusion that the fund showed a profit to the Government of \$350,000.

The clause was adopted.

On Schedule "A,"

HON. SIR ALEX. CAMPBELL moved to amend the second line by inserting after the word "professional," the words "or technical." He explained that there were very valuable officials who were not professional men, but who could be properly defined as "technical" officers.

The motion was agreed to.

HON. MR. POWER called attention to the manner in which the remuneration of marine mail clerks was provided for in the second schedule. On appointment they receive \$360 a year, and this was increased by \$60 a year and \$50 a trip. The lot of the marine mail clerk seemed to be a happy one, since he not only had free trips, but was also paid extra for going.

HON. SIR ALEX. CAMPBELL said this was introduced while he was Postmaster-General. When the salaries were fixed amounts it was found that the clerks shirked their duty. When the ship was about to sail they were often either ill or absent, and it was difficult to ascertain whether the illness was feigned or the

absence unavoidable. Therefore, this mode was adopted of lowering the salaries and paying for each trip. The result was that disease departed and they were all ready and anxious to do their duty.

HON. MR. POWER wished to know whether it was absolutely necessary that Postoffice clerks should cross in those steamers? He understood the United States Post Office Department did not send officers across.

HON. SIR ALEX. CAMPBELL said the difference was this: the United States Department have a much larger staff than ours. Most of the mail steamers arrive at New York, where there is an enormous staff, based on the assumption that mails will arrive in large numbers the mails are distributed at once and despatched without delay. In our more confined system if we had not those ocean clerks there would be more or less delay. There is no one port with a sufficient staff to admit of the whole of the bags being assorted on arriving. For our purpose the present system was better than the one which prevailed in the United States. The mails for Europe are landed at Cork and despatched by special train to Dublin. Twelve mail clerks accompany them and assort them on the train.

The second schedule was adopted.

HON. MR. BELLÉROSE, from the Committee, reported the Bill with amendments, which were concurred in.

MONTREAL PORT WARDENS ACTS AMENDMENT BILL.

THIRD READING.

The House went into Committee of the Whole on Bill (122), 'An Act to amend and consolidate the Acts relating to the office of Port Warden for the Harbor of Montreal.'

In the Committee,

On the 32nd clause,

HON. MR. AIKINS said that the exporters and ship-owners of Montreal contended that the money received from fees

should not be applied to any other purpose than the maintenance of the Port-Warden and his office, and that the Board of Trade, not being contributors, should not have control of that money. For this reason they asked that the words introduced into this section as an amendment in the House of Commons, "and for the promotion of the commerce of the port of Montreal" should be struck out.

HON. MR. OGILVIE said the feeling of the Board of Trade of Montreal was very strong on this subject; if that Board represented anybody, they represented the merchants of that city, and there was no fear that the proceeds of the rates and fees collected would be misapplied by them. The Board of Trade had applied a few years ago to the Government for some assistance and had been refused it. Mr. Patterson, Secretary of the Board, had a peculiar faculty for getting up valuable statistics of the trade of the port and had issued them annually for some twelve years, and the money taken by the Board for that purpose from the Port-Warden's Fund would not average a thousand dollars a year. The Board felt that that they were not being fairly dealt with in this matter. The influence that had been brought to bear against the Board of Trade was mainly the work of one individual in Montreal, and was used in a way that had taken the Board by surprise. They felt that it was hardly fair, when they had all the work to do, that their secretary should not have some assistance from the fund towards getting out his reports. The Board of Trade, at a meeting held the other day, were unanimously of the opinion that the words, now proposed by the Minister of Inland Revenue to be struck out, should remain in the Bill—and they would certainly feel that they were unfairly treated if the amendment made in the Commons was not carried.

HON. MR. RYAN wished to bear testimony to the usefulness of the Montreal Board of Trade, and of its worthy secretary, Mr. Patterson; but it was held that there was no legal authority given to that Board to apply any of the money which was derived from the receipts of the Port Warden otherwise than to the remuneration of the Port Warden and deputies and to pay office expenses; this Bill would

give that authority which the Board of Trade never had by law before. A petition signed by a majority of the shippers, exporters and ship-owners of Montreal had been laid before the Government stating that the tax by which the Port Warden's office is supported was paid by the ship-owners and exporters of the port of Montreal and they felt it was hard that the fund arising from that tax should be placed in the hands of anybody, however respectable or however intelligent, to be applied to other purposes. They wished to have the fees applied solely for the use and benefit of the Port of Montreal, and if there was any surplus it should go towards reducing the fees of the Port, which would clearly be a benefit to the general trade of Montreal. The Bill as it was first introduced by the Minister of Marine and Fisheries did not contain the words now objected to; they had been inserted as an amendment in the House of Commons very much to the surprise of ship-owners and exporters, and these bodies now desire that that amendment be struck out, and that the clause shall stand as when the Bill was introduced in the House of Commons by the Minister.

HON. MR. OGILVIE said that the legality of the action of the Board of Trade in applying this money as they had done, had never been questioned until a very short time ago.

HON. MR. RYAN said there was no Act which empowered the Board to apply the money as they had been doing.

HON. MR. OGILVIE said that he had the authority of Hon. Mr. Abbott for stating that the action of the Board had been perfectly legal.

HON. MR. AIKINS moved that the words "and for the promotion of the Commerce of the Port of Montreal" be

struck out.

The motion was agreed to on a division.

HON. MR. CARVELL, from the Committee, reported the Bill without amendment.

The Bill was then read the third time and passed.

DOMINION LANDS ACT, (FRENCH VERSION), ERRORS CORRECTION BILL.

THIRD READING.

The House went into Committee of the Whole on Bill (AA) "An Act to correct certain errors in the French version of "The Dominion Lands Act" and "The Dominion Lands Act 1879."

In the Committee.

HON. SIR ALEX. CAMPBELL said the English version of the Act which is referred to in this Bill in several passages, uses language which refers to an entry made in a book, in accordance with the phraseology which we have adopted for some time in the statutes, and which is very familiar with gentlemen from Ontario at all events. Settlers enter for homesteads, and these entries as they take place are made in a book. By some accident, in some parts of the French version of the Act, it has been translated as entering upon the land, and hence it has become necessary to say that the original version of the law was composed in English, and written in English, and the French is the translation, and to make the French version correspond with the English.

The clause was adopted.

HON. MR. DEVER, from the committee, reported the Bill without amendment.

HON. SIR ALEX. CAMPBELL moved the third reading of the Bill.

The motion was agreed to and the Bill was read the third time and passed.

TELEGRAPH DEFINITION BILL.

THIRD READING.

HON. MR. CARVELL moved the second reading of Bill (BB) "An Act declaratory of the meaning of the word 'telegraph' in certain cases." He said:— In moving the second reading of this Bill, it is scarcely necessary to repeat even what I stated a few days ago, on the same subject, in relation to another matter: that a doubt had arisen

as to the extent and meaning of the word "telegraph" in certain cases—particularly referring to the position of Prince Edward Island in this connection, where a telegraph monopoly to and on the Island exists, and where that monopoly assumes to take charge, not only of the telegraph system, but of the telephone system as well, if it should ever go there. An attempt was made a short time ago, to introduce the Bell telephone line into the Province, but they were warned off, and in order to have a better understanding of the meaning of the word, this Bill was introduced.

The motion was agreed to, and the Bill was read the second time.

HON. MR. CARVELL moved that the House resolve itself into Committee of the Whole to consider the said Bill.

The motion was agreed to.

In the Committee.

HON. SIR ALEX. CAMPBELL said that the hon. gentleman in charge of the Bill was good enough to show it to him in advance of its coming before the House, and it had occurred to him that it proposed to go further than the House was empowered to do. It proposed to interpret the meaning of the word "telegraph," as used in Acts of the Legislature of Prince Edward Island, and in patents and agreements. He did not think that the House could interpret the meaning of the word as used by the Legislature of the Province, or in any bill which had not fallen within the power of the Dominion Parliament. He also thought the House could not interpret the use and meaning of that word in contracts or letters patent. Therefore he was of opinion that the Bill should be altered to define the word, if used in an Act of Parliament of the Dominion, or an Act of the legislature of the province passed before confederation, upon a subject which, after confederation, had become one of the subjects entrusted to the Parliament of the Dominion. He had suggested to his hon. friend (Mr. Carvell), who had been good enough to adopt the suggestion, that the first clause should enact that Parliament had the right to say what any word meant in the statute of the

Dominion, or in any statute passed in the Province before Confederation, which gave the subject to the Legislature of the Dominion.

HON. MR. POWER suggested, in order to avoid any possible doubt as to the application of the clause, that the following should be inserted "Wherever they occur in any statute of the Dominion of Canada heretofore passed or hereafter to be passed." He thought there was not very much reason to doubt the meaning now, but as it was the general rule that an act was not to be construed as retrospective unless it was so stated, it would be wise to insert this clause. He considered it would do no harm in any case.

HON. SIR ALEX. CAMPBELL stated there was no object in the amendment because that was what the Bill included.

HON. MR. POWER stated that the reason he suggested it was, that if the Bill were only to say "any statute of the Dominion of Canada" it might be held to mean, any statute hereafter passed; because it would not be construed to be retrospective unless the Act directly said so. He therefore moved that after the word "Canada" in the ninth line of the Bill the following words should be inserted, "heretofore passed or hereafter to be passed."

HON. SIR ALEX. CAMPBELL stated his amendment should follow that which had just been suggested. The clause would then read:

"The word *télégraph* and its derivations wherever they occur in any statute of the Dominion of Canada heretofore passed, or hereafter to be passed, or in any statute of any Province, now forming part of the Dominion of Canada passed before such Province entered the Dominion, on a subject which by the 'British North American Act, 1867,' was placed within the legislative powers of the Parliament of Canada, are not to be held or construed to include the word 'telephone and its derivations.'"

The 1st clause, as amended, was adopted.

On the preamble,

HON. MR. POWER moved that it should be amended as follows: "that all the words after 'at rest' on the third

line, down to and including the word 'communication' on the fifth line, should be struck out."

The amendment was agreed to.

HON. MR. ARCHIBALD, from the Committee, reported the Bill with certain amendments which were concurred in; and the Bill, as amended, was read the third time under a suspension of the rule, and passed.

The Senate adjourned at 5.40 p.m.

THE SENATE.

Ottawa, Thursday, May 11th, 1882.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE SENATE DEBATES.

THIRD REPORT OF THE COMMITTEE.

HON. MR. VIDAL presented the third report of the committee on reporting and publishing the debates on the Senate. He said: I wish to offer a word of explanation in reference to this report. It is exactly the same arrangement as we have had for this year, with one exception: the clause providing the sum of \$500 for reporting French speeches has been dropped from the arrangement for next year. It was found that during this session there was only one speech delivered in the French language, and it was thought unnecessary to repeat that paragraph in next year's contract. It is hoped that in the event of any gentleman addressing the House in the French language next session, arrangements will be made for obtaining the temporary services of a competent French reporter. I move that the report be taken into consideration to-morrow.

The motion was agreed to.

THE PUBLIC DEBT.

MOTION.

HON. MR. WARK moved,—

"That an humble Address be presented to His Excellency the Governor-General, pray-

HON. SIR ALEX. CAMPBELL.

ing that His Excellency will be pleased to take into consideration whether it would not be advantageous to the people of this country to have a portion of the public debt owned by creditors residing in the Dominion; and if so, whether the Government might not take steps to secure such result."

He said:—The subject to which I am about to call the attention of the House very briefly, has been before it already during the present session, but in a form that was objectionable. It was asking the House to express an opinion. I simply ask the House to suggest to the Government to take the subject into consideration. A part of this Dominion, at least, has obtained great facilities for borrowing money through the means of loan societies in different forms, but I think it would be very much in the interest of the country if those who are of a saving disposition were afforded an opportunity to invest their money. That is the object of the Address to which I propose to ask the House to give its consent. The Minister of Justice, I think very properly, objected to the motion of my hon. friend from Belleville, (Mr. Read), on the ground that it was not required. I do not propose anything of the kind; I merely suggest that the Government and their officers should transfer a portion of the public debt from the other side of the Atlantic to this Dominion. This, I think, might be done, by issuing bonds, or a loan in any other form, as the public might require it, and immediately investing the money through the means of the High Commissioner, who, I believe, is not very fully employed on the other side of the Atlantic. Let us suppose that only five per cent. of our debt was transferred from London to this Dominion. The debt now is about \$200,000,000, five per cent. of which would amount to \$10,000,000. The interest on that, assuming that five per cent. bonds would be bought up and transferred here as required, would be \$500,000. Now, when the Finance Minister undertakes to remit \$500,000 from this side of the Atlantic to the other, if he has his revenues as they are collected and deposited in the bank at four per cent., the interest on that \$500,000 per month (and he could not with safety withdraw the money from the bank and convert it into exchange and send it home in less than a month) would be \$1,677. Then there is a half per cent. payable

on that \$500,000 as brokerage which would be \$2,500; this, added to the monthly interest, would be \$4,167. It may be said that this is but a small saving, but there is another great advantage: instead of that \$500,000 being converted into exchange and remitted to London never to come back again, it would be paid here to the public creditors and immediately put into circulation in the country. Here would be one great advantage. I do not think it necessary for me to say anything more on that subject. I have pointed out the advantages of giving our people who are saving a little money an opportunity of investing it in a satisfactory way. I have shown that we would save money by having the interest paid here, and I have shown that it would be a great advantage if the money thus paid on interest were put into circulation here instead of being remitted out of the country. There is a large amount of money now lying in the savings banks at three per cent. A few years ago there was no difficulty in getting five per cent. This shows that there is a large amount of money in the Dominion that could be invested in this way. There is one question which we ought to consider—that we should be nearly through now with borrowing money. What will be the result when we cease to bring borrowed capital into the country in the shape of importations? We shall then have to deduct from our exports every year, if the interest is to be paid on the other side of the Atlantic, the full amount of interest to be paid, and it would be only the difference between the value of the exports and the value of the imports which would be available to meet our importations. We hear it often said that England must be getting into debt, because she imports more than she exports, but England imports besides the products of the world the interest from loans to foreign countries. This interest, and the earnings of her shipping, go to pay for her imports, and therefore, she can afford to import a great deal more goods than she exports. But when we come to have to deduct the interest on our debt from our exports before we begin to pay for our imports we are put in a much less favorable position. I therefore beg to move the resolution of which I have given notice.

HON. MR. READ—It is exceedingly gratifying to me at this late day to find that our friends who have not heretofore been in accord with us on this subject are now beginning to think the balance of trade amounts to something, I am very much pleased to find that my hon. friend who has moved this resolution has either changed his opinion, or that he has not held the opinion on this subject that I had always supposed he did. I am also gratified to find that he, and others, are becoming converts to the National Policy.

HON. MR. WARK—Not a bit of it.

HON. MR. READ—The argument of my hon. friend was in that direction. He did not say so in so many words, but his arguments amounted to an endorsement of the National Policy, and I congratulate him upon his conversion, because the subject of his resolution is something that the National Policy aims at. I have been looking into the official returns since this notice was placed on the order paper, to see what progress this country is making in national wealth as well as in other matters, and I find that there has been a marvelous increase in the amount of money deposited in the banks of this country. In the return for the last eight months I find that the increase in Government and peoples' deposits is \$12,423,623. On the 31st of July 1881 the Government deposits in the banks of the Dominion were :

Bearing interest.....	\$ 2,515,000
Without interest.....	5,750,571

Total Government deposit \$8,265,571

On the 31st of March 1882 the Government deposits in the banks were :

Bearing interest.....	\$ 5,052,716
Without interest.....	5,611,115

Total.....\$10,663,831

That is a very large sum, only half of which is bearing interest; and to my mind the balance might well be utilized to relieve the country of the interest which we are now paying abroad. I have been looking into the returns showing the deposits by the people, and I find that on the 31st of July 1881 they amounted to :—

Bearing interest.....	\$39,155,976
Without interest.....	42,741,922

Total.....\$81,897,898

Eight months after that—on the 31st of March 1882, I find that the deposits of the people were :—

Bearing interest.....	\$45,587,561
Without interest.....	46,335,600

Total.....\$91,923,161

That is a very pleasing statement to my mind, showing that the people, as well as the Government, have a large balance to their credit. There is no doubt that the time has arrived, and that the Government will see the necessity of it, when a portion of the indebtedness of this country should be transferred to the people, so that they can invest in Government securities. There are classes of our people who require this particularly, such as executors and trustees of estates. It is only a short time since, that even in the small town where I reside, a gentleman provided in his will that a large sum of money should be invested in Ontario and Dominion debentures. He had a number of children to provide for and he thought it wise to have his money converted into securities of that kind. There is another question that arises in this connection. Many people of wealth would come to reside in this country and spend the interest of their money here if they could safely invest it in Dominion securities. I am glad to see that the resolution of my hon. friend from Fredericton is in the direction of Canada for Canadians, and that he has come to my way of thinking. I hope the resolution will meet the views of the Government, and that they will see that it is given effect to.

HON. MR. KAULBACH—I am very glad that my hon. friend from Fredericton has become a convert to the National Policy, because when that policy was inaugurated the party with which he is identified contended that we would raise no revenue under it, and that our credit in England would be injured. I am pleased that the hon. gentleman feels that our borrowing power is still good, and that our people can with profit

to themselves and benefit to the country invest in Dominion debentures. I know that in my own Province there is a large amount of money—probably more in my own county than in any other portion of Nova Scotia—lying in the banks awaiting investment, and I am quite sure, now, that the attention of the leader of the Government has been called to this matter not only by the present resolution, but by the debate raised by my hon. friend from Quinte (Mr. Read) a few days ago, that it will be carefully considered. It must be gratifying to the House and to the country to find that so influential a member of the Opposition feels that our country has not been impoverished by the National Policy; that our credit remains good; that money has increased; and that the people feel that their savings can be safely invested in Dominion securities.

HON. MR. WARK—I had no idea of bringing a charge against the Government, or of being favorable to the National Policy; but the member from Quinte (Mr. Read) has done so by imputation, because if my motion were favorable to the National Policy, the past policy of the Government by imputation must have been the reverse.

MR. McCLELAN—I have been unable to hear in any intelligible way the remarks of the gentleman who has just spoken, but as I am the seconder of the resolution, I will briefly refer to the remarks of my hon. friend from Quinte (Mr. Read) who found it necessary to preface his speech on the question by a singular attack on the hon. gentleman from Fredericton—the mover of the resolution. The hon. gentleman seems to suffer—speaking politically—from a cerebral affection on the N. P. matter; or, in other words, he must have National Policy on the brain in a very marked and dangerous degree, when he discovers, either in the motion before the Senate, or the speech of the mover, anything at all favoring such a political fallacy. The hon. gentleman also kindly congratulates himself that those generally in the opposition to his views, have come at last to see “that the balance of trade amounts to something.” Now, he may be well assured that everyone sees something in the idea; but he is mistaken in stating that my hon. friend (Mr. Wark) claimed

that the apparent balance of trade can be any true criterion of the real wealth or general prosperity of a nation. On the other hand his statements very clearly indicated the reverse of such a conclusion. As to the question itself, I quite agree with the mover, that it is an important one, and, so well worthy of the attention of the Government, that I feel assured they will not object to the address, and my hope is, that it may lead to results useful and profitable to the people.

HON. SIR ALEX. CAMPBELL—There is no objection to the Address passing, and I think my hon. friend has called attention to a very important subject. At the same time the Government is quite alive, and everybody is quite alive, to the advantage of having the creditors of the country residing within the Dominion, and the interest collected here, and spent here, instead of on the other side of the Atlantic. I think great progress has been made in that direction of late years, and more, perhaps, by the present Minister of Finance than by any of his predecessors. I do not take any particular credit to the Government, or to the Minister of Finance for that; circumstances have been such that he has been able to refrain from borrowing, and to accumulate a large amount of money in this country, which renders it unnecessary that he should borrow and thus incur payments of interest abroad. The funds which are mentioned by my hon. friend, and another fund—that is the payments which are made by the Pacific Railway Company, on their bonds, into the Exchequer, and which remain there at four per cent. interest until they are earned—is increasing very rapidly. So that the prospects are very favorable that the evil, which has been very great in the past, will diminish from year to year, and I think that the whole tendency of events goes to show that the amount of interest hereafter payable abroad will decrease, and the amount of interest payable at home will increase. The Government have no objection to the Address.

MR. SANDFORD FLEMING AND
THE REPORT OF THE PACIFIC RAILWAY COMMISSION.

MOTION.

HON. MR. VIDAL moved:

“That an humble address be presented to

His Excellency the Governor-General, praying that His Excellency will be pleased to cause to be laid before this House copies of any communications addressed by Mr. Sandford Fleming, on the report of the recent Railway Commission, whose report was laid before both Houses of Parliament in the early part of this Session."

He said: In asking your concurrence in a motion for an address with respect to the Railway Commissioners' report and Mr. Sandford Fleming's connection with it, I feel it due to the House that I should offer a few explanatory remarks. It will be remarked by the House that Mr. Fleming occupied the front rank in his profession when he was first called into the public service in connection with this great work, the Pacific Railway, and held the position to which he was then called, that of chief engineer, under three successive Governments, during which time I, at least, do not remember that any fault was found with the manner in which he discharged the duties of his position, at all events none that the Government thought of sufficient consequence to render it necessary that he should be superceded or dismissed. Mr. Fleming has himself personally called my attention to the fact that in the report of the Railway Commission recently submitted to Parliament, statements are made which, he considers, reflect very seriously upon his character, both personally and professionally, and he feels greatly grieved because charges have been there preferred against him founded upon the evidence of a gentleman whose hostility to him personally was well known. It was never intimated to him that these charges were to be made against him, and the first notice he had of it was on reading it in the printed report which had been submitted to Parliament. He complains also with reference to some matters on which he himself was examined, that a large portion of the documentary evidence which he furnished has been suppressed by the Commission, although very essential to explain the course of action which he felt it his duty to follow in several instances. He finds throughout the report, as he thinks himself, evidence of personal hostility and an intention to do him injustice. I do not propose to take up this question at all, but merely think it is due to Mr. Fleming that feeling himself aggrieved and having, apparently, some

ground for the complaint, that he should have an opportunity of righting himself with the Government, and with the country. I am informed that he has already sent a formal communication to the Secretary of State in which he has repelled several of the charges made against him, explained some, and showed the insufficient evidence upon which the others are based. I think it is due to him, in view of the position he has so long occupied, and it is due to Parliament to have all the information available on this subject. I think it is also due to the Government that Mr. Fleming's letter should be brought under our notice in the way I propose, and it is purely with the view of affording him the opportunity of justifying himself and of explaining his position, as I am sure he can, with regard to many of the things which are specified in the report strongly against him, that I now venture to make this motion for an Address to His Excellency the Governor-General praying that this correspondence may be sent down for the information of Parliament.

HON. MR. ALLAN—In seconding this motion, I think it is hardly necessary for me to add anything to what has been said already by the hon. gentleman from Sarnia, except that I heartily concur in what he has said with respect to the fairness of having the letter which Mr. Fleming has addressed to the Government in reference to this Railway Commission report given that degree of publicity which can only be accorded to it by the request contained in this motion being complied with. There are very many statements in that report which reflect upon Mr. Fleming's ability as an engineer, and also, as he complains, to a certain extent upon his integrity. They are certainly pointing to conduct on his part which would seem like a disregard for, or a proper care in the expenditure of public money; there are many points there, which he was not aware would be raised, on which very strong comments are made, and on which he was never questioned and never had an opportunity to give an explanation of. It is in order that he may have the opportunity of giving his explanation, and that this explanation may be made public, that this motion is made.

HON. SIR ALEX. CAMPBELL—The Government make no objection to the

Address. We will bring the papers down, whatever they are, if they are official communications to the Secretary of State, as I presume they are, from the wording of the Address.

BILLS INTRODUCED.

The following bills were introduced and read the first time :—

Bill (135) "An Act to amend the Act 42 Vic. c. 40, entitled 'An Act to amend the Maritime Jurisdiction Act, 1877,' and to make further provision for the recovery of the wages of seamen employed on vessels navigating the inland waters of Canada." (Sir Alex. Campbell.)

Bill (EE) "An Act to provide for building certain branch lines of railway from points on the Intercolonial Railway and Prince Edward Island Railway respectively." (Sir Alex. Campbell.)

HARBOR AND RIVER POLICE BILL.

COMMONS AMENDMENTS CONCURRED IN.

A message was received from the House of Commons returning Bill (D), "An Act respecting the Harbor and River Police of Canada," with certain amendments.

HON. SIR ALEX. CAMPBELL said that the amendments were not important and he moved that they be concurred in. One of them was to strike out the fourth clause, which was as follows :—

"Every superintendent of harbor and river police appointed under this Act shall, for the purpose of carrying out the criminal laws and other laws of Canada only, have and exercise within his local jurisdiction all the powers, authorities, rights and privileges by law appertaining to a Police Magistrate of a city in Canada and to Justices of the Peace generally."

The objection taken to this in the House of Commons was that it would be unsafe to entrust a man, who was almost sure not to be a lawyer, with the duties appertaining to a police magistrate under any circumstances.

The motion was agreed to.

CIVIL SERVICE BILL.

THIRD READING.

HON. SIR ALEX. CAMPBELL rose to move the third reading of Bill (36), "An Act respecting the Civil Service of Canada." He said :—I stated that I would, at the third reading of this Bill, recur to the point raised by my hon. friend from Hamilton (Mr. McInnes) with regard to the fact that the maximum salary of a second class clerk exceeds the minimum salary of a first class clerk. I thought at the time it was mentioned that it was a matter within the power of the Lower House, and that it would not do for us to interfere with it. Since then, on consultation with the Minister of Public Works, who had charge of the Bill in the other Chamber, I have been led to believe that it is a clerical error which could be corrected here. I therefore move that the fifteenth clause be amended by striking out the word "two" and substituting for it the word "four." The clause would then read :—

"The minimum salary of a first-class clerk shall be *one thousand four hundred dollars per annum*, with an annual increase of fifty dollars up to a maximum of *one thousand eight hundred dollars*."

It will correspond with the 17th clause which fixes the maximum salary of a second class clerk at \$1,400.

The motion was agreed to.

HON. SIR ALEX. CAMPBELL—In the discussion in Committee it was suggested that the examination papers should be filed and remain of record in the office of the Secretary of State, and in the 30th clause I move that the words "with their examination papers" be inserted after the word "qualified." The clause will then read : "A list of the men qualified, with their examination papers, shall be made out, etc."

The motion was agreed to.

HON. SIR ALEX. CAMPBELL—I see that my hon. friend from DeSalabery (Mr. Trudel) has given notice of an amendment to the 25th clause. I hope he does not intend to press it.

HON. MR. TRUDEL—I would have no objection to modify the amendment in

any way that might suit the hon. Minister of Justice, but it strikes me that it should find its place in the Bill.

HON. SIR ALEX. CAMPBELL—I do not think it is necessary, because the examination cannot be in any other language. The amendment is that the following words be added at the end of the twenty-fifth clause:—

“Also, whether his knowledge of French or English, as the case may be, would justify the admission of such candidate to the Civil Service.”

These are the only two languages we speak, and there is no suggestion that German or any other foreign language is necessary.

HON. MR. TRUDEL—The meaning of the amendment is that the examiners should ascertain whether the candidate has a sufficient knowledge of both languages. I would accept any suggestion to make that meaning clearer.

HON. SIR ALEX. CAMPBELL—That idea would have been better expressed by saying “knowledge of French and English,” but I could not assent to that, because I do not think it is necessary that every candidate should understand both languages. As I said yesterday, it is a desirable accomplishment and is necessary in some parts of the country, but I would not disqualify a young man because he does not know both languages. The examination would be made up of so many marks—say 1,000 marks—and so many would be appropriated to each subject, amongst others, French. If a candidate is able to get so many marks in that language, of course they would enure to his benefit and render it unnecessary that he should apply himself to a corresponding amount of other studies, so I think it would come as a matter of course, but I do not think it would do to make it imperative. Take the Civil Service at the present moment! I think it is, for the most part, thoroughly equipped, but there are a great many men in it who do not speak both languages. Take this House! We believe that we are well equipped, yet many of us are not familiar with the two languages. I do not think it should be laid down as a *sine qua non* that every candidate should speak or write French and Eng-

lish. It is enough that both are likely to be the subjects of study in which a candidate can obtain marks, and that will bring about a disposition to study the two languages.

HON. MR. TRUDEL—Perhaps the majority of this House do not feel, as we who are of French origin do, the necessity of such an amendment as this. Every day French members of Parliament who have occasion to visit the Departments to get information on various subjects, experience great difficulty in obtaining it in their own language. We do what we can to acquire a knowledge of English, but there are technical terms which those of us who are most familiar with the language do not understand, and this fact gives rise to a good deal of difficulty. Then, again, all correspondence from the Departments here to officials in the Province of Quebec is in English, and I have known many instances in which even French clerks, writing to French officials in our Province, correspond in English. The attention of ministers has frequently been called to this, and the reply has invariably been that it had always been the custom. It shows how necessary it is that the public officials should understand both languages. If I interpret the Constitution aright, both the French and English are official languages, and I think it is but proper that those who speak French should exercise their rights as citizens, in that language. I feel that it is their right to transact their business in French, and to receive answers to their questions in that language, whenever they have occasion to deal with any of the departments; we do not generally insist upon it, but certainly it is our right. The hon. Minister of Justice states, and very truly, that there are many efficient officers in the various departments, who do not speak French, and he urges that the country should not be deprived of the services of such men because they do not speak both languages. To this I answer that the rule which I propose, is not intended to be applied to those already in the Service; indeed I should be one of the first to vote against any such arrangement, but the proposed change is only to affect those who are to enter under the Bill which is now before us, and it is with that view I ask for it. I might here remark that we are trying to improve our

system, and if the argument is good, that we cannot expect applicants generally to have a knowledge of French—then it is good also with regard to many other important and useful subjects, and we might consistently reject the whole Bill and say “up to the present time those requirements have not been used in the Civil Service, yet we have an efficient body of men, and it is not necessary to improve the Service.” I think, however, that to any one who would speak in that way, the Hon. Minister of Justice would answer “We are trying every day to improve our position.” If it is the desire of the hon. gentleman not to make the bill too stringent, I would readily accept any amendment in that sense; but I think we should try to make some progress in that direction, and I repeat it is the right of every French citizen to go into the Departments and transact his business in his mother tongue. The fact, however, is that our country-men every day go into those offices and very often cannot find people to answer them in French. I look upon this as a sort of denial of our rights, and, having submitted the case, I hope the House will take it into consideration.

HON. SIR ALEX. CAMPBELL—I quite agree that members speaking the French language, have a perfect right to expect that they shall be met and answered in that language when they made enquiries at the various Departments. I think, however, that my hon. friend is wrong in what he has said, for I know with reference to some Departments at all events, it is not the case that the correspondence is conducted entirely in English. I am aware that such is not the fact in the Post Office Department for instance, and my hon. friend beside me (Mr. Aikins) says it is not the case in the Department of Inland Revenue; in both of those Departments, letters which come written in French, are for the most part answered in the same language.

HON. MR. TRUDEL—I said that I had personal knowledge that such was the case in some departments; but in dealing with portions of the Civil Service, questions were asked in French which could not be answered in that language.

HON. SIR ALEX. CAMPBELL—I

am glad to hear that my hon. friend does not think it is so in all the Departments. It is not that there is any disposition on the part of the Government or the House, I am sure, that due attention should not be given to the French language, or that members speaking that language should not have every facility afforded them to transact their business in their native tongue; but this is not the question before us—it is whether we should exclude a young man from entering the service because he does not know the French language. It may happen that a young man who has passed the examination here prescribed, will afterwards study French; but in the greater part of this country such language is unnecessary, and why should we impose it upon all applicants for admission to the service? Is it not more reasonable to depend upon the examination, which must be conducted, I imagine, upon a system of marks, where, no doubt, so many marks will be attached to the French language, and where every candidate will naturally try to obtain the marks which are given for that language. A general feeling of emulation will exist at these examinations, and everybody will desire to possess that knowledge which is most likely to help him in his career, and will try to acquire it accordingly. There are few things more likely to aid a young man in his future service than a knowledge of French; and certain other accomplishments in the same way might be instanced. I hope my hon. friend will not think it necessary to press his amendment, because I am sure there is no real reason why we should exclude a man, because he does not know French.

HON. MR. TRUDEL—Perhaps we might meet the difficulty in this way: the Bill divides the officers of the service into two divisions—the inside and outside divisions. I can understand very well that, for instance, a public officer in some parts of the Province of Quebec might discharge his duty thoroughly, without knowing the English language, and I can equally fancy that a knowledge of French is unnecessary for other officers stationed in some parts of the Province of Ontario. I think, however, that those who are employed here, at the seat of Government, should be required to speak both languages, and we might, perhaps, frame an

amendment in such a way as to insist upon the officers to be appointed to the Inside Division having knowledge of French, as well as of English. As I said before, I do not insist upon a very stringent rule, but I would like something to be done, in order to facilitate the relations of the French portion of our population, with the public offices.

HON. MR. BELLEROSE—I must say that I am always surprised, when this question is raised in the House, to see the feeling that it creates. That feeling is such among some hon. gentlemen that they get blinded, in a measure, and we hear the statement made that there is no necessity for the speaking of both languages. Well, hon. gentlemen, I do not see that there is one spot in the Dominion where it is not necessary. I do not speak of Quebec where the majority are French, but I will go to Ontario and even further away, to the Province of New Brunswick, where we find to one-fifth to one-sixth of the population are French: yet are we told that a knowledge of that language among the officials of this Dominion is not necessary. In Quebec there is a minority of one sixth but we respect that minority, and in the past they have never had occasion to complain of the acts of the majority towards them. It is only in this Dominion that the conditions are changed; here our majority becomes a minority, and we are not treated as we treat others. I would ask hon. gentlemen to look abroad and note how this subject of the French language is treated. In Russia it is learned by all among the upper classes, and in Italy and Germany it is taught in the schools. But I will go elsewhere, to that powerful Island called Great Britain, and what do I find? I read in that great newspaper, the *Times*, under date of July 4th, 1881, a letter from the Earl of Morley to the Rev. G. C. Bell, M.A., in which the following passage occurs:

“The military authorities having had under their consideration the question of demanding and encouraging proficiency in the French language among the officers of the Army have come to the conclusion that, from the date to be hereafter fixed, and of which fair and ample warning will be given to all whom this measure may concern, a knowledge of French, both scholastic and colloquial, shall be made obligatory on all candidates

for admission to the various branches of the Army, except only in cases where the candidate may have a knowledge of colloquial German, when he will only be required to qualify in scholastic French.”

True this is in the Army, but hon. gentlemen, if it is necessary there, might I not argue *a fortiori*, that in the Civil Service it is much more essential? Such at any rate is the view of the writer of this letter who goes on to say, and I draw hon. gentlemen's attention particularly to this passage;

“His Royal Highness the Field-Marshal Commander-in-Chief and the Secretary of State for War, being thus of opinion that a knowledge of French, even if it be not required from every English gentleman” (I will leave it to hon. gentleman to draw the inference) “may fairly be demanded from every British officer, and that it is indispensable to officers who aspire to employment on the staff, still recognise the fact that the acquisition of this language in early youth is absolutely necessary for the prosecution of it in later years.”

“In the meantime it has been resolved to give an additional value to French in all competitive examinations in the Army in which that language forms a part of the course of study, and at the same time it is intended to request the Civil Service Commissioners gradually to raise the standard in that language at the preliminary examinations.”

Now, gentlemen, that is in England—the last country in the world which I would have thought would have come to those conclusions. But let me go to the other side of the line, to the United States, and we find Mr. Siddons writing to the *Washington Republican* in these words: “I congratulate you on the article showing the importance and necessity of every officer of the United States Government knowing the French language.” A different argument, however, has been put forth in this House.

HON. SIR ALEX. CAMPBELL.—Not by me.

HON. MR. BELLEROSE—I do not say it has been done by the hon. Minister of Justice; that hon. gentleman does not deny that it is a good thing, but there is a great difference between saying a thing is good, and insisting that it is not indispensable. I say that it is not only reasonable and acceptable, but I say more, that it is a necessity; for if it is a necessity in England as the *Times* states, where is the hon.

gentleman who will say it is not a necessity in Canada? Then Mr. Siddons continues: "No one ought to deny that French is the diplomatic language, that it is the language of every man who is well educated. There is not in the whole of the North, and particularly in the East, a single family where the French is not taught and spoken." Now, this is the case in the United States, and if it is so there, why is not such knowledge necessary in Canada, where one-half of the population is of French origin. I might also quote the names of Mr. Edward Everett, a well known literary man in the United States; Mr. Sumner, a prominent speaker there, and Mr. Longfellow, the poet of world-wide fame; they all have made it their boast that they knew and spoke French. Then again, in July, 1881, there appeared in a journal of the city of Montreal a letter from a gentleman named Mackintosh. He writes: "I regret to see your great French Canadian leaders seeming to be ashamed of their mother tongue; but let Canadians not believe that the English people will consider them the more for that. On the contrary, they would feel more respect for them if Canadians would openly affirm their nationality, if they would freely acknowledge their truthfulness to their flag, their tongue and their institutions. Let Canadians work so that the officers of their country shall learn both languages." I have read these citations, hon. gentlemen, to show that, on the other side of the Atlantic and on this, where there are no prejudices, the French language is taught. Here, however, three-fourths of the time, we are met with the argument, "Oh, let French and English alone and be Canadians!" I say, hon. gentleman, let the majority in this country cease to discriminate against the French speaking portion of the people, and their own language will no longer be considered any other than a purely Canadian matter. Let every gentleman look at this question in a broad light; let it be shown that we are one people; let it be as with us in Quebec, where we have no prejudices against the minority. In that province we have been taught by our forefathers to be liberal to those in the minority; we have not forgotten our education in this particular, and the minority in our province are always shown great consideration. The hon. Minister of Justice said that in some

Departments, letters received, which were written in French, were answered in that language. Well, I do not deny that such is the case; I accept the statement of the hon. Minister that it is so; but I would remind that hon. gentleman of the fact that while to-day this may be true, it may be all changed to-morrow by other Ministers who may be placed in charge of those Departments. If, however, it were made a matter of legislation it would be otherwise, and these conditions would be imposed upon the Ministers in all Departments. It may be possible, too, that I have knowledge of matters which have not come within the experience of the hon. Minister of Justice, and I may state for his information that I have known a letter to be returned from one of the Departments, (by a man who had come from England, but who, I suppose forgot his knowledge of French while crossing the Atlantic) with a request that it might be translated into English. I was consulted in the matter and said, "send it back, and if you do not receive an answer, never mind, we will face the position." So it was sent back again, and the second time it was kept. That is the way we are treated, hon. gentlemen, but if we had such laws as that for which we now ask, it would be quite different. The minority in the Province of Quebec never have to complain that their language is ignored, because there, not a step is taken unless it is published in both languages; and so the minority always work harmoniously with us, in the secure belief that they are well treated. Indeed we feel a certain pride in showing that though we have the power to crush down the weaker party, we scorn to exercise it; we have a deeply rooted idea that might is not necessarily right. I would ask to remind hon. gentlemen in this connection of what took place a few months ago, on the other side of the line. A great international Congress met in the City of Washington, the Capital of the United States, and there were present delegates from every part of the world. It was held to discuss the question of health legislation, and I would ask, in what language was the business of that Congress conducted? I am proud to say that the language common in a measure to all the different nations there represented, was the French,

and the discussions were conducted entirely, and I may add with great fluency, in that tongue; thus showing how the study of it is cultivated among all civilized nations. Here in Canada, even by constitutional law, the French is recognized as the official language, yet we cannot have it except when the majority pleases. I maintain it is our right only which we now ask, and we should not always be forced to submit to the wish of the majority in this matter; but we should have such legislation as will give us the right to rise and complain when justice is not done. As the hon. gentleman from DeSalaberry stated, none of us ever dreamed of asking that the officials should be thorough finished scholars; we only ask that a candidate for promotion or appointment in the Civil Service should know enough of the language to be able to answer in French any ordinary question which might be put to him. That would be sufficient to satisfy us, and I would here express my conviction that if the officials in the Civil Service, and future applicants for those positions, knew that a knowledge of French was expected of them, they would make a point of mastering the language. The greater part of the present staff in the various Departments know enough of French to answer a question on an ordinary subject, but they will not do it, because there exists among them the same feeling which is noticeable in other parts of the Dominion. This is to be greatly regretted, and certainly is a very different feeling from that which actuates the French-speaking part of our people. Look at the discussions in both branches of our legislature, and you will find the French members taking their part, and in the face of all difficulties addressing both Houses in a language which is not their own. It may be that it is not always pleasant to the English-speaking members to listen to the necessarily imperfect utterances of the French representatives; but if they suffer in that way, we would say to these gentlemen, "If it is painful to you, let us suffer in like manner—speak French, if necessary, we will suffer, not with two ears, but with four ears, if possible, to understand what you mean." We do not want a revolution; all we want is that this Bill shall provide that applicants for examination as candidates for the Civil Service shall have a certain amount

of knowledge of the French language sufficient at least for ordinary purposes. There seems to be a disinclination on the part of the English to learn the French language; some of them do acquire it, because they find that it is an advantage in business and enables them to make money, but they are few in numbers. It is only conceding a right to the French speaking portion of the population that this amendment should be unanimously adopted.

HON. MR. ALLAN—I would like to put the hon. gentleman right in one respect. From the tenor of his remarks I would infer that he was under the impression that a knowledge of the French language was not considered a necessary part of a gentleman's education in Ontario, as he says it is in England and in the United States. Now, I venture to say that there is not a public school of any standing in Ontario where French is not made one of the branches of study for which prizes are given, and where it is not considered as essential that a pupil should be as well educated in French as in any other respect.

HON. MR. BELLEROSE—If so there can be no objection to the amendment.

HON. MR. ALLAN—The instances which my hon. friend has quoted with respect to examinations for the Civil Service and the Army in England can hardly be said to be analogous to the examinations proposed in this Bill for candidates for the Civil Service of Canada. I presume one reason why members of the Civil Service in England should possess a knowledge of French is, that if they go into the diplomatic corps they would not be qualified for service abroad without it. In the same way with regard to education for the army. French is not considered necessary for the discharge of the duties of an officer in England, but should the fortunes of war call him abroad, then the advantage of a French education comes in.

HON. MR. BELLEROSE—I ask the hon. gentleman, then, if the interests of one-fourth the population of this Dominion, who speak the French language, are to be overlooked in this respect?

HON. MR. ALLAN—Not at all; I am pointing out the reason why so much stress is laid upon a knowledge of French being necessary in the army and Civil Service in England; and in neither case is it analogous to the question here. I think that the hon. gentleman is hardly fair in his reference to the English speaking members; certainly, as long as I have had the honor of having a seat in this House, every courtesy has been extended by them to their fellow members who speak the French language. At this present moment we have the advantage of having a Speaker in the chair who can and does put the motions to the House in both languages. The leader of the Government can address the House in French if he pleases, and sometimes does so, and all the resolutions and reports are read at the table in French as well as in English. I think the hon. gentleman himself (though I am sure he does it out of courtesy and consideration for those who do not require to have the resolutions read in French) is one of the first to cry “dispense!”

HON. MR. BELLEROSE—I hope that the hon. gentleman is not using that as an argument to show that the reading in French is not necessary; if he does he will only force me to insist on a right that is waived only out of courtesy to the House!

HON. MR. ALLAN—I hope the hon. gentleman understands me when I say that there has never been any desire on the part of the English speaking members of this House to interfere with the rights of French members to have their language recognized. With regard to examinations for the Civil Service, I understood the hon. Minister of Justice to say that in the awarding of marks they will be given for a knowledge of French just as they will be given for a knowledge of any other subject on which a candidate may be examined. What I object to is that it should be made a rigid rule that no one shall be admitted into the service at all unless he has a knowledge of French—which is practically the effect of the amendment proposed by my hon. friend from DeSalaberry. Every inducement should be held out to candidates to acquire the French language by giving a larger number of marks to anyone

who has that qualification in addition to the other qualifications called for by the Board of Examiners. I would go further and give additional marks for other languages, German, for instance, because we have a large number of German citizens settled in western Ontario, and we are likely to have a very large immigration of Germans as well as other nationalities into the Northwest. For that reason I would like to see young men entering the Civil Service have one or two languages besides our own.

HON. MR. BELLEROSE—The hon. gentleman must be aware that there are only two official languages in this country.

HON. MR. ALLAN—I am aware of that.

HON. MR. BELLEROSE—Then it shows that the German language is not a necessity to carry on the public business.

HON. MR. ALLAN—It shows that my hon. friend is not willing to extend the same courtesy to his German fellow citizens that he claims should be extended to his own nationality.

HON. MR. BELLEROSE—The difference is that for us it is a right; with them it is a matter of courtesy.

HON. MR. ALLAN—It may be very desirable in the future to make a knowledge of German one of the requirements of a candidate for the Civil Service. I hope that in a majority of cases those who come up for examination for the Civil Service will have a fair knowledge of French, but I do not think we should insert a clause in the Bill that would prevent anyone from entering the Civil Service who has not had a French education.

HON. MR. KAULBACH—Reference has been made to the German language, it is my mother tongue; it is the language of a large portion of the population of my county, and I think that a knowledge of German should also be one of the qualifications of a candidate for the Civil Service. There is more German spoken in the United States than French, and really it is the language of the educated in every country in the world. If this

question of languages is to be raised here I do not know why German should not be recognized also. I do not see anything in this clause that requires to be amended in that respect, but I could say a great deal in favor of the German language.

HON. MR. BELLEROSE—May I ask the hon. gentleman whether the German has received the same official recognition in this country as the French language has by the Treaty between France and England.

HON. MR. KAULBACH—I am speaking of the reference made by my hon. friend to the use of the German in the United States, where it is more largely spoken than the French language. The English is the dominant language; it is spoken in every country in the world, and we shall find that it will prevail in this country as everywhere else. The use of it is increasing in France, and I hope before long that it will be the only official language on this continent.

HON. MR. MILLER—The hon. gentleman from Lunenburg has referred to the German language as being largely spoken in his county; but I may say that a large majority of the people of Cape Breton speak Gaelic, and they have an equal right with the Germans to have their language considered in the qualification requisite for a Civil Servant. But the point has been very accurately and properly put by my hon. friend from De Lanaudière, when he says that we have but two official languages in this country, French and English. The French is not only recognized and secured to the French people by Treaty, but it is recognized and secured also by the Confederation Act, of a later date, under which this Dominion exists. If I comprehend the clause correctly, I have no objection to it. If the clause was intended to exclude from examinations for the Civil Service all candidates not possessing a knowledge of both languages, then I would not be disposed to support it; but, as I understand the section, I do not think it has that effect. The clause is not conjunctive in its sense, it is disjunctive, and therefore I cannot see what objection there can be to the addition to the 25th clause of the Bill.

HON. MR. BOTSFORD—The view I take of this question is that there can be

no difference of opinion that it would be very desirable that all candidates for the Civil Service should know both languages; it would be a desirable advantage to the country. But to say that no applicant should be eligible for appointment to the Civil Service unless he knew both languages would be requiring that which, under the circumstances, cannot be well carried out. There is no distinction in the Bill, as it stands, between a gentleman who understands the French language alone making application for examination, and an English gentleman applying under similar circumstances. It is not required that a Frenchman shall have a thorough knowledge of English any more than it is required that an Englishman should have a thorough knowledge of French. The examiners can put the questions to the applicant in both languages, and if he is proficient in the two, he will stand in a better position to be appointed or promoted than the person who only speaks French or only speaks English. I think that is all that can be required. There is no doubt at all but most of the applicants will have a reasonable knowledge of both languages, but as a matter of course the gentleman of French descent will have a more thorough knowledge of the French, and if he has a thorough knowledge of the English also, and passes a good examination in every other respect, it places him in a prominent position for appointment or promotion. In the same way if an English gentleman has a thorough knowledge of both languages he has a better chance for promotion than a candidate who only understands one. But to require all applicants to have a knowledge of both languages is to demand that which, under the circumstances, is unnecessary. As the Bill stands they are both placed on an equal footing.

HON. SIR ALEX. CAMPBELL—The candidate can be examined in French if he likes.

HON. MR. BOTSFORD—Yes, and if he speaks both languages he will receive a greater number of marks than the candidate who only speaks one of them. It is very desirable that the hon. gentleman should not press the amendment as I think the Bill as it stands is all we can require under the circumstances.

HON. MR. KAULBACH.

HON. MR. POWER—I concur almost altogether with the hon. gentleman from Richmond in thinking that the French language is in a totally different position from the German or Gaelic, because it is recognized by treaty and by the British North America Act; but at the same time I could not vote for the amendment of the hon. gentleman from DeSalaberry. In the first place, the 25th section, which he proposes to amend, only relates to the preliminary examination and his amendment is quite unlimited and would apply to examinations that would take place in other provinces as well as to examinations in the Province of Quebec and at Ottawa. The facilities for acquiring French in some of those provinces are so limited that a provision of this kind would practically shut out the youths of some districts from admission to the Civil Service if it were made a part of the qualification for a preliminary examination. The preliminary examination is a simple affair that does not require skilled examiners, and if the hon. gentleman wishes to make a knowledge of French a requisite qualification after the preliminary examination his amendment should be made to the 27th section. That section contemplates that the advertisements shall be published in the two languages. I think that the hon. gentleman from DeSalaberry ought to be willing to trust the Government to a certain extent in this matter. The subjects on which candidates are to be examined are to be prescribed by regulations, and in these regulations the Government can provide that in the Province of Quebec a knowledge of both languages will be necessary—and possibly here at Ottawa, for admission to the inside service; but I think it would be unfair and unreasonable to require a knowledge of French in provinces where candidates have not the facilities for acquiring it. I have no doubt that the attention of the Government having been called to the matter, in framing the regulations they will make such provision with reference to examinations as will carry out the wishes of the hon. gentlemen from the Province of Quebec who have spoken on this subject. The hon. gentleman from DeLanaudiere referred to the fact that as a rule the gentlemen whose mother tongue was French spoke the English language in Parliament, and that the natural construc-

tion to be put on that was that these gentlemen were ashamed of their mother tongue. I have never put that construction on it; I have felt that if anyone had reason to be ashamed in the matter it was the English speaking members, because, while we have had as many facilities for acquiring French as the gentlemen from Quebec have had for learning English, we have not succeeded as well as they have, and the reason why the English language is used here almost exclusively is that the French members are able to speak our language and understand it, while the gentlemen from the other provinces do not speak French and cannot understand it.

HON. SIR ALEX. CAMPBELL—I hope the hon. gentleman from DeSalaberry will not ask the House to divide on a subject of this kind, because it will leave uncomfortable and unpleasant reminiscences. The 25th clause of the Bill provides that the examinations themselves shall be held in either English or French, or in both languages, at the option of the candidate. I think it would be a pity to press the House to divide on what seems to us from Ontario and other provinces to be an impossible provision.

HON. MR. TRUDEL—I do not wish to impose on the hon. gentlemen of this House what might be considered an unreasonable demand; but I may say in answer to what has fallen from the Minister of Justice that my object is not to assert the rights of a candidate, but to benefit the public service. Hon. gentlemen will remember that I referred, in committee, to the report of the Commissioners and the list of subjects which they have recommended for the examination of candidates; that list included a knowledge of both languages, and if the Commissioners recommended it after due consideration, it certainly gives weight to my argument. It has been shown that even in countries where French is not the official language it is made one of the necessary qualifications for members of the Civil Service. I added a moment ago that if my amendment should be considered as being too general in its character it might be limited to the inside service. There is not an officer in the service at Ottawa who has not occasion to use French sometimes in connection

with his official duties. Allusion has been made to the manner in which the French members of this House have been treated. For my part I am willing to admit that I have never experienced anything but courtesy at the hands of my hon. colleagues; I have always found them disposed to treat us with friendship and justice; nevertheless we are at a great disadvantage because of our imperfect knowledge of the English language. Now, I know perfectly well that, in many circumstances of life, our countrymen who speak the French language, not only do not enjoy the same advantages here in the capital as others, but there are other classes of our population that do not even dream of receiving from their country the natural advantages to which they are entitled, because there is always in practice that great difficulty of language. Of course, when a French-speaking citizen of Canada comes to a Minister of high education, qualified to fill his exalted position, he generally meets with great courtesy, and even cordiality, but I know that in nine cases out of ten the French speaking population are treated, in the public offices, as if they were dogs—Indians would be better treated. This is a patent fact which is known wherever there is a French speaking population. While the French language is not so generally spoken as the English, it is, nevertheless, one of the official languages of the Dominion. We consented to enter Confederation on the understanding that we should enjoy the same advantages as our fellow-countrymen speaking the English language, and yet we are, in practice, placed in an inferior position. For instance, I am here a French speaking member by the constitution, by treaties, by all that is most sacred to me, entitled to an equal right with my fellow-countrymen of a different origin, to be heard and answered in my own mother tongue. Civil servants are my officers as well as the officers of anybody else, but in nine cases out of ten, if I ask a question in French I am not answered: if I cannot explain in English, I am not understood. That being the position of those who have better education, what is the position of those who are less educated—our farmers, for instance? Hon. gentlemen, you cannot imagine the difficulties which they experience every

day. Not long ago, on the Intercolonial Railway, a passenger who could not speak English was endeavoring to get information as to where to stop, and if I had not been there to interpret for him, this poor man would probably have been carried hundreds of miles beyond his destination. These are matters of daily occurrence. It is not difficult to get public officials; hundreds are soliciting positions in the public service, and why should we not say that after two, three, or five years every public official must have some knowledge of French. I think it would be very easy for them to qualify themselves in that time. It has been said that it would be hard to deprive the Dominion of the services of a very efficient officer because he did not understand French. We might just as well say that it would be hard to deprive a person of the right to enter the public service if he did not understand grammar. The famous DuGuescelin, and Chevalier Bayard—whose name was a synonym throughout Europe for bravery and gallantry—could not sign their names. There are official documents in existence showing that they made their mark. Those men accomplished miracles of bravery for the benefit of their country. And if I was more familiar with English history, I might cite similar instances in the English nation. We might say, in view of this fact, what is the use of demanding a knowledge of arithmetic, mathematics, grammar, and other branches of learning in our public servants. Very often you will find superior officials who do not understand grammar. But we say, in this age it is desirable that we should encourage education in every possible way, and we consider it quite natural to demand these qualifications. Then why not do the same thing with the French language, especially when it is remembered that they have to serve a population a large portion of which cannot speak English. For years and years our population have suffered in silence, but that is no reason they should be denied justice now. With regard to the amendment, I did not favor it myself; being very busy yesterday I asked a friend to put a notice on the paper for me. What I intended was merely to restore what had been proposed by the Commission, and I think this amendment might be changed to meet the circumstances of the case. To render

the rule less stringent we might say, for instance, that regulations in this direction should only be enforced after a certain time, or that they should apply only to certain classes of servants. I would be willing to accept any suggestion in this sense, but I contend that something should be done in this direction.

HON. SIR ALEX. CAMPBELL—Would my hon. friend accept this assurance? I will undertake, on behalf of the Government, that the subjects of examination, as suggested in the report of the Commissioners *quo ad* French, shall be adopted by the Government, and carried out by Orders-in-Council, which are to be passed in pursuance of this Act. I hope that will satisfy my hon. friend.

HON. MR. POWER—I hope not so far as the Provinces are concerned, where French is not spoken.

HON. MR. MACINNES—In England there is no Civil Service Act. The Service there is carried on by Orders-in-Council; so that the quotation which my hon. friend read from the London *Times* simply arises from an Order-in-Council passed by the Government. I think we might trust our Government to carry out, by means of Orders-in-Council, what is proposed.

HON. SIR ALEX. CAMPBELL—I hope the hon. member from DeSalaberry will withdraw his amendment.

HON. MR. BELLEROSE—Would it not be possible for the Minister of Justice to add some words to show that the Government will take it upon themselves to carry out this view?

HON. SIR ALEX. CAMPBELL—I cannot alter the Bill in the sense which the hon. member from DeSalaberry wishes—that is, to make it incumbent upon every candidate who goes up for examination to know French. I am willing to say that French shall form one of the subjects for examination, and a certain number of marks shall be appropriated to it; and I am willing to offer every encouragement and inducement to officials to acquire a knowledge of French, but I cannot say that it shall be imperative that

everyone entering the service shall understand French.

HON. MR. OGILVIE—That ought to be satisfactory.

HON. MR. TRUDEL—The notice as given does not put us in a much better position, because the interpretation would be invariably against our pretension. Perhaps the House will allow me to substitute “and” for “or,” and to strike out “as the case may be.” The amendment would then read:—

“Also, whether his knowledge of French and English would justify the admission of such candidate to the Civil Service.”

Will the Minister of Justice consent to put something like that in the Bill?

HON. SIR ALEX. CAMPBELL—I hope my hon. friend will withdraw his amendment. I have assured him that the suggestions of the Commissioners will be carried out in the regulations.

HON. MR. TRUDEL—But that is not binding. Suppose my hon. friend, the Minister of Justice, should be raised to the position of Governor-General, and my hon. friend, the Minister of Inland Revenue, should occupy some other exalted position, the Government might forget this promise.

HON. SIR ALEX. CAMPBELL—My hon. friend can see that it cannot well be put in the Bill, but the whole tenor of the measure shows that both languages are on an equal footing. The examination may be held in French or English at the option of the candidate. What can be plainer?

HON. MR. TRUDEL—It does not exclude young men of the Province of Quebec, who do not speak English, from the Civil Service, but it does not go the length that I desire. I claim that every man, who has occasion to visit any of the departments here, should have the right to be heard in his own language.

HON. MR. OGILVIE—J'espère que l'honorable monsieur va retirer sa motion. La promesse faite par le gouvernement par l'entremise de l'honorable Ministre de la Justice, que les intérêts de la langue

française seraient bien et dûment sauvegardés dans les réglemens concernant les examens, est parfaitement satisfaisante et je crois qu'après cette promesse et les explications données; l'honorable monsieur devrait retirer sa motion.

HON. MR. TRUDEL—L'honorable député me prend par mon faible en formulant sa demande en français et sur sa suggestion, je m'en remettrai au gouvernement qui j'en ai confiance remplira sa promesse et verra à ce que dans les réglemens concernant les examens les droits de la langue française seront sauvegardés.

The motion was agreed to, and the Bill was read the third time.

On the passing of the Bill.

HON. MR. MACINNES—I should like to ascertain whether it is the intention of the Government to verify the statements with respect to superannuation which are made in the report of the Commission? We took a great deal of pains to have these statements made out by the best accountants in the service, and it is a question on which the Commission were unanimous.

HON. SIR ALEX. CAMPBELL—I cannot speak on behalf of the Government, but I shall endeavor to have them examined by an actuary.

HON. MR. BELLEROSE rose to speak amid cries of "question," he said :—Since Confederation we have had many provincial questions before us, and we have had to vote millions of dollars to some provinces, in some instances, in my opinion, more than they were fairly entitled to, yet I never heard any representative from the Province of Quebec say that the debates on such occasions were too protracted and call out "question." I recollect on one such occasion five speeches being made by one hon. gentleman on one motion, and not a single member from the Province of Quebec rose to call him to order. Now, when the Province of Quebec is concerned, a good deal of feeling is shown.

HON. MR. VIDAL—No feeling at all.

HON. MR. GIBBS—It is not true.

HON. MR. BELLEROSE—I will not call the hon. gentleman to order, though I think his remark is not parliamentary. I say it is true, and I have seen a good deal of feeling displayed in both Houses. More than that, I have seen the rules violated three or four times a day by hon. gentlemen who are now so impatient, and yet nobody from the Province of Quebec rose to call them to order. Only last year, when I rose to speak in the debate on the Address, I was interrupted five or six times, though speaking to the question, and why? Because I demanded fair treatment for the Province of Quebec. Is it surprising, therefore, that we feel we have been unfairly treated, and are not on equal terms with our English speaking fellow subjects? I am here as a representative from one of the largest provinces of Canada, and though others may submit to be trampled upon, I will not tolerate it. I am here to defend the rights of my Province, and that I shall do whatever may be the consequences. If this Bill comes up late in the Session the fault is not mine. If hon. gentlemen are anxious to get home, they are not more anxious than I am; but I feel that I am responsible to the people I represent, and I shall do my duty under any circumstances. I cannot understand why it is that whenever questions affecting the Province of Quebec are brought before this House a feeling of uneasiness is displayed, and there is an anxiety to put an end to the debate. Last session an address was passed by this House asking for a list of all the officials in the employ of the Government. It is now nearly fifteen months since that motion passed, but no such list has been produced. Will anyone tell me that it could not be prepared within twelve months? It is obvious that it was neglected during the recess, and now whether it is ready or not, it is kept back, and by-and-by it will be submitted when the occasion for which it was most required has passed by. As a Quebecker, I cannot submit to this treatment without a remonstrance. That list ought to have been laid on the table of the House before this Bill was submitted for our consideration.

HON. MR. AIKINS—The Govern-

ment has no desire whatever to keep this list back. More than that, instructions have been given to have it prepared as soon as possible. But we have to ascertain not only the origin, but religion of every officer in the employ of the Government. We have to correspond with officers throughout the Dominion—in British Columbia, for instance, and other places at a great distance from the capital. Sometimes the response does not come very readily, and, under the circumstances, the hon. gentleman will understand that it is almost impossible, or, at all events, will take months to have the list complete. With regard to the inside Civil Service there is very little difficulty. That information could be got in a few days. The delay occurs in the outside service.

HON. MR. BELLEROSE—Even to obtain information from British Columbia cannot possibly take fifteen months since the mail is carried in two or three weeks. The information has not been obtained, or at all events, has not been brought before Parliament, and there must be reasons for all this. I do not assert that the hon. gentleman does not believe what he says: he may have been told so; but I know too well how these things are managed in the departments. The list has not been submitted to Parliament because some members of the Government have reasons for withholding it. I regret that the hon. member for Desalaberry (Mr. Trudel) has withdrawn his motion, because even if the House had been so illiberal as to refuse to amend it by striking out the word “or” and substituting for it “and,” the hon. member ought to know that there is another way to meet the difficulty.

HON. MR. TRUDEL—I thought it was the general feeling of those who were ready to sustain my motion that I should withdraw it, and the hon. gentleman knows very well that after a motion is put it belongs to the House, and a single member might have objected to the withdrawal of it. It was because I did not see any disposition on the part of the majority to support it that I withdrew it.

HON. MR. BELLEROSE—The hon. gentleman is wrong. No member of this House had a right to prevent him withdrawing it, for the very reason that the

motion had never been put in the hands of the Speaker: it was not before the House, so there was no necessity to withdraw it. The amendment which I had prepared was to provide that the examination in the language which was not the mother tongue of the candidate, should only be to establish whether the individual knew enough of the other language to answer questions put to him in the office by any outsider who might come to him. I think this might have been accepted by the House, but since the original motion has been withdrawn, I cannot move it, having given no notice. At all events, I hope this discussion will go abroad, and that the people of the Province of Quebec will see how they are treated in the Parliament of Canada—that they may see how the men who occupy the Treasury benches to-day disregard the promises they made at the time of Confederation. They will see how, during this session, solemn promises made in 1867, when the Confederation resolutions were before the Parliament of Canada, have been construed in a different way to that in which they were interpreted at that time. In 1867 the men who are now in power pledged themselves that the clause relating to marriage should be construed in a certain way; this Session they have declared that they are no longer bound by that construction. The people of Quebec will see in this case, also, that the men who occupy the treasury benches to-day, and who have for years been indebted to the large majority in the Province of Quebec for the positions they hold, and who will probably a few weeks hence be dependent upon the support of that province, refuse to do them simple justice. For four years the French speaking members of this House have been deprived of the right, which they are entitled to according to the spirit of the constitution, of having on the treasury benches a representative who could speak to them in their own language. It has been said that the Minister of Justice understands French, and that he sometimes uses that language. While he may be able to do so better than I can speak in English, as a matter of fact he has never spoken a word of French in this House except on one or two occasions, the last one being the other day when he read a message from His Excellency in both languages.

The Bill then passed.

LABOR EMPLOYMENT REGULATION BILL.

ORDER DISCHARGED.

The order of the day having been called for the consideration in Committee of the Whole of Bill (R) "An Act to regulate the employment of labor in workshops, mills and factories, and for other purposes."

HON. MR. AIKINS said:—Since this Bill was introduced, a very considerable amount of correspondence has taken place between employers of labor, who would be affected by its provisions, and the Government. In fact, communications are being received almost daily in reference to it. Under these circumstances, and at this late period of the session, it is thought better to withdraw the Bill for the present session. I therefore move that the order be discharged.

The motion was agreed to.

THE CONTINGENT ACCOUNTS OF THE SENATE.

FIFTH REPORT OF THE COMMITTEE.

HON. MR. READ moved the adoption of the fifth report of the Committee on the Contingencies of the Senate. He explained that the changes involved an increase of but \$200 yearly.

The motion was agreed to.

PETROLEUM INSPECTION ACT AMENDMENT BILL.

SECOND READING.

HON. MR. AIKINS moved the second reading of Bill (D.D.) "An Act to further amend the Petroleum Act, 1880." He said: Since the legislation of last session a necessity has arisen to have a mode of testing a class of oil that is used largely on our railways and steamboats. The Inspection Act last year did not make any provision for this high fire test oil. The fact is that the oil is supposed to stand a test of from 250 to 300 degrees, while the ordinary oil, used for domestic purposes, stands a test of only 90 degrees. Hence,

oil that was imported from the other side, as well as oil manufactured by our own people in Canada, could not be tested and branded. This Act is introduced for the purpose of relieving us of the difficulty, and enabling that kind of oil to be used legally.

HON. MR. POWER—This Bill looks harmless enough, but I feel rather suspicious of these Petroleum Inspection Bills. The hon. Minister who has introduced this measure, submitted one three years ago, which led to a complete revolution in the petroleum business. It was introduced in this same way and the House passed it, not knowing what they were doing. I just rise for the purpose of expressing the hope that when the House goes into committee on this Bill, we shall have such explanations as will show that we are not taking another leap in the dark. This is a subject of light, and we should have light on it. It seems to me that the amendment which the hon. Minister proposes, applies only to Canadian oil, and not to oil imported from other countries; and I do not see why we should apply different rules to the two kinds of petroleum.

HON. MR. AIKINS—It is not the intention to have two sets of rules, one for imported oils, and the other for oils manufactured in Canada. The second section of the Act passed last year refers to all kinds of oils, whether imported or Canadian. I beg to assure my hon. friend that there is nothing underneath this Bill which differs from what appears on the surface. The Petroleum Act was amended last year, and I think my hon. friend, as well as other members in the House, will say that those amendments were perfectly satisfactory. I have not found an instance in which oil which was inspected has exploded. Accidents have occurred in some cases from the upsetting of a lamp, and in others from placing lamps too close to stovepipes, but in no instance has complaint been made to the Department against the working of the Act.

The motion was agreed to, and the Bill was read the second time.

The Senate adjourned at six o'clock.

THE SENATE.

Ottawa, Friday, May 12th, 1882.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE PRINTING OF PARLIAMENT.

SEVENTH REPORT ADOPTED.

HON. MR. SIMPSON presented the Seventh Report of the Joint Committee on Printing. He said that the Committee had unanimously agreed to recommend an increase of salary to two of their very efficient distributors \$100 to Mr. Botterel, head of the distribution office, and \$100 to Mr. Boulet, who had charge of the French distribution. They had complained that in consequence of the increased cost of living they found it difficult to make both ends meet on their present salaries. As he (Mr. Simpson) did not expect to be here on Monday, he moved that the report be now adopted.

The motion was agreed to.

BILLS INTRODUCED.

Bill (FF), "An Act further to amend the Indian Act of 1880.--(Mr. Aikins.)

Bill (119), "An Act further to amend the Pilotage Act, 1873, and the other Acts therein mentioned.--(Sir Alex. Campbell.)

THE SENATE DEBATES.

THIRD REPORT OF THE COMMITTEE
ADOPTED.

HON. MR. VIDAL moved the adoption of the third report of the Committee on Reporting and Publishing the Debates of the Senate. He said he did not think it was necessary to occupy the time of the House with any explanations, as the contract entered into last year was the one which now appeared on the minutes. In order to conform to views expressed by some hon. members, information was obtained from the publisher of the morning newspaper as to the terms upon which he would publish our reports in the way

they were last session, but it was found that the expense would be so largely increased that it was not desirable to return to that system.

The report was adopted.

MARITIME JURISDICTION
AMENDMENT BILL.

THIRD READING.

HON. SIR ALEX. CAMPBELL moved the second reading of Bill (135), "An Act to amend the Act forty-second Victoria, chapter forty, intituled 'An Act to amend the Maritime Jurisdiction Act, 1877,' and to make further provision for the recovery of the wages of seamen employed on vessels navigating the inland waters of Canada."

He said:—There was an amendment made in 1879 to the Maritime Jurisdiction Act of 1877, which prevented seamen and other persons employed on a vessel from recovering wages in advance of a claim which a mortgagee might have on the vessel. Of course seamen's wages should be the first charge. This proposed to allow them to recover any wages due them after a certain date. There is a date to which mortgages are protected. It is not proposed to interfere with existing mortgages, but to change the law hereafter, so that seamen's wages may come in first, and then any person taking a mortgage on a vessel will do so subject to this Act. Another clause gives persons employed on vessels navigating inland waters the same mode of recovering wages as seamen have under the Seamen's Act of 1873. It will enable persons employed on lake vessels to recover wages by similar proceedings before a magistrate or two magistrates. As it is now, they are obliged to take proceedings either at law in the ordinary way, or, under the Maritime Jurisdiction Act, in the Admiralty Court, both of which are attended with delay, and in the meantime the ship may have left the port. There seems no reason why they should not have the same means to recover their wages as seamen elsewhere. It is very desirable in the navigation of Lake Ontario. The other clause of the Bill is to meet this want: the Seamen's Act of 1873 provides that seamen shall be paid off at the end of the voyage. It is difficult to fix that in

Ontario, because the voyage there is from port to port, and is of short duration, and sometimes the seamen are employed by the month. The law is changed to enable them to recover their wages as soon as the contract expires, or the right to recover is proved.

The Bill was read the second time, and referred to a committee of the whole House.

In the Committee,

HON. MR. MILLER inquired if there was any appeal from the decision of the magistrates under this Act.

HON. SIR ALEX. CAMPBELL—There is no appeal; it is a limited jurisdiction.

HON. MR. MILLER—Of course, you do not take away the writ of *certiorari*.

HON. SIR ALEX. CAMPBELL—No; but my hon. friend will see that the wages to be recovered are small amounts.

HON. MR. SUTHERLAND, from the committee, reported the Bill without amendment.

The Bill was then read the third time and passed.

BRANCH LINES OF GOVERNMENT RAILWAYS BILL.

SECOND READING.

HON. SIR ALEX. CAMPBELL moved the second reading of Bill (EE) "An Act to provide for building certain branch lines of railway from points on the Intercolonial and Prince Edward Island Railways respectively."

He said: The Government propose to construct two branch lines of railway, to increase and make more convenient the business of the Government railway at the points to which these branches go. The first is in the Province of Quebec, from St. Charles Station to Point Levis by way of Indian Cove; the other is from the Prince Edward Island Railway to a point between Cape Traverse and Carleton Cove. The items for the construction of these two railways will be in the estimates, but it is necessary, in addition to having the

money, that the Minister should have the power to construct these railways, and this Bill is to give him that power.

HON. MR. HAYTHORNE—Will it have all the rights and privileges of the Prince Edward Island Trunk Line?

HON. SIR ALEX. CAMPBELL—Yes.

HON. MR. POWER—I do not think there is any reasonable objection to what the Government propose to do. This branch to Point Levis is a very necessary addition to the Intercolonial Railway, and I regret that the Government, as far as I am aware, have not availed themselves of the facilities we have had in the past to the extent that they should have done. It has been a matter of complaint in this House for several Sessions past that, while the Government railway made a sort of connection with the railways on the North Shore of the St. Lawrence, there did not appear to be any working arrangement between the two lines; and it is impossible to get a ticket from Halifax, or I presume any point on the Intercolonial Railway, which will carry one through to Ottawa, or even to Montreal. The tickets can only be had to Point Levis, and luggage has to be re-checked there, and new tickets procured, no matter whether one proceeds by the Grand Trunk Railway or the North Shore Railway. It seems to me that the Government ought, even before this branch is constructed, to take such steps as would be taken if the two roads were owned and operated by private companies, so as to consult a little more than they do the convenience of people who have to travel over these lines. While this road to Point Levis is a very necessary improvement, as is also the Prince Edward Island branch, I think a branch from the Intercolonial Railway at Windsor Junction to Halifax is quite as necessary as the St. Charles branch, and I regret that the Minister of Railways, who has always manifested the deepest interest in the welfare of Halifax and Dartmouth, has not been able to induce his colleagues to insert in this Bill a provision for the construction of the short branch which is only about eleven miles and would be a very great convenience to the people of Halifax and Dartmouth, and would relieve the pressure on the main road.

HON. SIR ALEX. CAMPBELL.

HON. MR. HOWLAN—I rise to say I am most happy indeed to see that the Government have decided to build a branch line to Cape Traverse, and I hope they will carry out the connection as proposed in the terms of confederation, which has been a burning question, ever since, between both Governments. I may say that the branch line will go through as fertile a district as any in Canada—not only well cultivated, but inhabited by a very intelligent, well-to-do class of farmers, and I have no hesitation in saying that it will be one of the best paying portions of the line. I presume it is not going too far to ask the Government if it is the intention to build the branch line this summer.

HON. SIR ALEX. CAMPBELL—It is intended to go on with it at once.

HON. MR. MILLER—I must congratulate both of my hon. friends from Prince Edward Island on the solicitude now manifested by the Government with respect to the building of this railway; and I must also express my admiration of the modesty shown by my hon. friend from Halifax in condemning the Government because no further expenditure is to be made on railways in Halifax County this year. For the last four years most of the expenditure that has been incurred by the Dominion in connection with railways in Nova Scotia has taken place in Halifax County, yet the hon. gentleman is not satisfied. I am sorry, however, that we have nothing to be grateful for to any Government in regard to railway expenditure in the Island of Cape Breton. When Cape Breton came into confederation it assumed one-fifth of the debt of Nova Scotia, and has ever since been obliged to contribute its share towards the construction of the Intercolonial Railway; we have also been obliged to assume our share of the burden of building the Pacific Railway; we have been obliged to contribute our portion towards the building of the Canadian system of Canals; and on all occasions we have been called upon to bear our share of the public taxation. Yet no money can be found by any Government to build a single mile of railway upon our Island. We are an old, well settled country, a valuable country, perhaps the most valuable portion in this Dominion in propor-

tion to area, and we are until this day without a mile of railroad built in Cape Breton at the public expense. I am astonished at the neglect that has been shown to that island on all occasions, and astonished—I will not say at the presumption—at the regret expressed by hon. gentlemen in whose localities so much of all the public expenditures in Nova Scotia is made, that they do not get a great deal more. It seems to me that the object of the Government has been to make a sort of preserve of Halifax by lavish expenditure, and yet the hon. member from that city is not satisfied.

HON. MR. SKEAD—Why did you not ask for a railway?

HON. MR. MILLER—We have asked for it—times without number—and have been refused. There was a scheme before the Nova Scotia Legislature last winter for the formation of a syndicate to buy up the railways of that Province, and on one occasion it was stated that the Minister of Railways had said that instead of abandoning the Pictou Branch the Government might retain that line and buy up the eastern extension to the Strait of Canso. The statement was denied in the Nova Scotia Assembly, and a telegram was sent to Ottawa, to the Minister of Railways. The reply was that such was the case, but the Minister gave the people of Cape Breton to understand that although the Government might be persuaded to buy up the eastern extension and retain the Pictou branch, still he could not say that one dollar of money would be expended to extend the line through Cape Breton. But now, although not one dollar of public money can be found for a railway in Cape Breton, \$150,000 a year for twenty-five years can be provided for that work of folly, the Chignecto Marine Railway. It is true that a syndicate has been formed for the purpose of buying up the Nova Scotia railways and completing them, and of building a railway across the Island of Cape Breton. I hope I may be disappointed, but I greatly fear that after that syndicate has served its turn at the coming local elections, we will find the chances of Cape Breton getting a railway are just as far off as ever. I have no faith in that syndicate, so far as Cape

Breton is concerned, and no faith in the justice of the local government towards our island. There has been no important expenditure chargeable to capital account, in that island, either before or since Confederation.

HON. SIR ALEX. CAMPBELL—I think the hon. gentleman has some grounds for complaint, as regards the wants of Cape Breton, but the case is not quite so strong as he puts it. There was a large expenditure in Cape Breton, in connection with the St. Peter's Canal, some \$75,000, I think.

HON. MR. MILLER—\$200,000.

HON. SIR ALEX. CAMPBELL—Cape Breton is so fortunately situated that it really does not need much railway communication. It has so good and sheltered an inland navigation.

HON. MR. MILLER—But it is closed half the year.

HON. SIR ALEX. CAMPBELL—Then during the other half year the railway would only run to Louisburg or Sydney. There is no scope for a railway in Cape Breton.

HON. MR. MILLER—I do not concur in that.

HON. SIR ALEX. CAMPBELL—I am happy to say that the efforts that are being made in Nova Scotia, for the formation of a company to take over all the railways in that Province, and to increase their length by the construction of the piece of railway on the Island of Cape Breton, promise to be successful; and the Government of the Dominion has, in order to help the company so intending to construct this additional piece, as well as to take over the existing lines, negotiated to give over the Windsor Branch, which is about 40 miles long and belongs to the Dominion Government.

HON. MR. MILLER—That was given to them long ago.

HON. SIR ALEX. CAMPBELL—But it has been taken back by us and a Bill is now in the Legislature to deal with it

assuming it to be our property, and we are asked to deal with it in the way I have stated, and we are going to deal with it. The Windsor branch will be given to this Company and amongst other things the Company has to construct this line in Cape Breton from the Gut of Canso to Louisburg, so that the very line the hon. gentleman points out will be constructed by a company subsidized by the Dominion in so far as giving them the Windsor branch is concerned. I think the Government is entitled to some credit therefore for assisting in the construction of a railway on the Island of Cape Breton.

HON. MR. MILLER—I rise to say a few words in reply to the hon. gentleman. In the first place he has asked if the St. Peter's Canal, in Cape Breton, has not been built by the expenditure of public money. I can only say in reply to that, that the St. Peter's Canal was opened at an expenditure of \$200,000 contributed out of the provincial resources before the Union; since Confederation, it has been enlarged at an expenditure of \$200,000 more. But I cannot understand how hon. gentlemen can look upon that for a moment as meeting the claim of Cape Breton for an expenditure of public money on railways. That Island has about one-fifth the population of Nova Scotia. That province came into the Dominion with a debt of nearly \$10,000,000 and we should be entitled to an expenditure of one-fifth of that sum on capital account in our own island, but we get nothing at all. On the contrary when the debts of Ontario and Quebec were levelled up by giving all the other provinces a sum equal to the amount required for that purpose, something over a million of dollars fell to the share of the Province of Nova Scotia, all of which was expended in Nova Scotia proper; we did not get a dollar of it. All our share in that sum was expended on railways in Nova Scotia proper. I am only surprised that people will say that a trifling expenditure of a few hundred thousand dollars on our Island, with a population nearly as large as that of Prince Edward Island—an Island far more important and valuable than Prince Edward Island, and in resources far beyond any portion of the Dominion of equal extent—should be looked upon as any equivalent to our rights from this

HON. MR. MILLER.

Dominion. Now, with regard to the other matter alluded to by my hon. friend, he is altogether astray. There has been some very queer work in connection with the Windsor branch. Before the Government of Sir John Macdonald went out of office in 1873, an Order-in-Council was passed, transferring the Windsor Branch to the Western Counties Railway, extending down to Yarmouth. Afterwards the Windsor and Annapolis Railway Company brought an action against the Yarmouth Company to recover this branch, but before the action was terminated, the present Government gave this branch away to the Annapolis Railway Company. Since then the courts have confirmed the title of that branch in the Annapolis Railway Company. I understand now that there is a bill before Parliament making very important changes in regard to that railway, in relation to the syndicate which is about to be formed; the branch from Truro to Pictou is also to be handed over, to enable arrangements to be made by the syndicate with the local government. Now, I believe these concessions of the Dominion Government, whatever they may be worth, if the scheme assumes even a practical shape, of which I have grave doubts, will all be utilized in completing the railway system of Nova Scotia proper, and that not one dollar of money will go towards railway extension in Cape Breton. I believe not a mile of that railway will be built by the syndicate in our island. I have no faith or confidence in the local government doing justice to that island. They have shown themselves, ever since they have been in office, some four years ago—the Premier especially—unwilling to do justice to Cape Breton. I know myself, from intercourse with that hon. gentleman last session, when he first attempted to float this Syndicate, that he would not give us even a shadow of a promise to build a single mile of road in Cape Breton, although we are in the position I have described. I say the position of the question is such as to enable the Local Government and the Syndicate both to evade building any railway on the island, under the law passed by the local legislature, and I expect nothing better than a repetition of the old treatment to which we have been so long subjected. I supported Confederation, and did a great deal to bring my

Province into the Union, as some hon. gentlemen around we know, because I considered Cape Breton was not getting fair play from Nova Scotia under the old regime, but that Island has not benefited herself in that respect in coming into Confederation as much as I thought it would, because we have not received the consideration we are entitled to. I did not intend to interject these remarks into this discussion, and would not have done so if it had not been for the unreasonable demands made by other localities that are petted and spoiled by the Government.

HON. MR. POWER—I am very glad that my injudicious remarks have had the effect of bringing the hon. member from Richmond to his feet. We had almost forgotten the sound of his voice, and I am sure that the House is well pleased to hear it again. I do not rise for the purpose of contradicting him. I think, with reference to the St. Peter's Canal the hon. gentleman might have said more than he did. He might have said that work is not calculated to benefit Cape Breton more than the other portions of Nova Scotia. It is simply an opening through a small portion of the Island, and is quite as much a benefit to other parts of Nova Scotia, and some of the lower provinces also, as it is to the island of Cape Breton itself. I do not think, therefore, that that island is properly chargeable with more than a portion of the money spent upon that canal. I endorse the opinion of the hon. gentleman as to what this syndicate which has been incorporated in Nova Scotia is likely to do. From the best information we have been able to gather, they have not the capital at their command which would enable them to construct any road in Cape Breton. Their first duty is to complete the existing roads on the mainland of Nova Scotia, and there is no reason to suppose that they will have any money, after that work is done, to build any roads in Cape Breton. I join the hon. gentleman in the regret he has expressed that when money can be voted to build roads and to aid undertakings, whose value is questionable, in other places, the Government have not been able to do anything in the way of railway construction on that Island.

The motion was agreed to, and the Bill read the second time.

PETROLEUM INSPECTION ACT
AMENDMENT BILL.

THIRD READING.

The House went into Committee of the Whole on Bill (DD) "An Act further to amend the Petroleum Inspection Act, 1880."

In the Committee,

HON. MR. AIKINS explained, as he had previously stated, that the Bill was to permit the use of a certain kind of oil which at present cannot legally be used, in consequence of its gravity. It was a very high test oil, ranging from 250 to 300 degrees, while the gravity was much greater than that of the oil which was generally used for domestic purposes. He stated that this oil was used on steamboats and in railway cars, in consequence of its greater safety as compared with any other light that could be produced, the fire test being so great that even when a match was applied to it, it would not ignite. It would only take fire when exposed to a very high temperature, and the object of the Bill was to permit that kind of oil to be used.

HON. MR. HAYTHORNE expressed his regret that the Bill had not been introduced earlier in the Session, so that its provisions might have been made known to practical merchants in the more remote parts of the Dominion, and their opinions as to its merits ascertained.

HON. MR. AIKINS quite agreed that it would have been desirable, but his attention had only been called to it within a few hours. He was not even aware that such oil was produced in the Dominion, until very recently; but our own producers having discovered the mode of making it, are now placing it upon the market. It was only yesterday that his attention had been drawn to it, and he mentioned that the producers here were anxious that the fire test should be made 300 degrees. He had obtained samples of the oil from Montreal, which was used there both on steamboats and in railway cars, and he had got some from Toronto, which was also used on the railways. Those samples had been tested and they

averaged from 285 to 290 degrees. He had, however, made the test somewhat lower than that, so that no class of this oil would be prohibited, and in that way our own producers would not have a monopoly. Had his attention been called to the subject sooner, he would certainly have introduced a Bill at an earlier period, for he quite admitted the desirability of such a course.

HON. MR. HAYTHORNE called attention to the fact that the test was obtained in an open cup, and asked whether the expensive apparatus which was provided last year was found useless for the purpose.

HON. MR. AIKINS said that the apparatus referred to had not been laid aside, but was used for testing ordinary petroleum. He called the hon. gentleman's attention to the fact that the water bath could only produce a heat of 212 degrees, and in order to get a greater heat it was necessary to introduce the oil test. If sperm oil or sweet oil were used, it would bring the heat up to 360 or 400 degrees; and as it would be very expensive to get new instruments for testing this particular oil, they had adopted the open cup. For ordinary petroleum, however, the instrument alluded to by his hon. friend (Mr. Haythorne) could not be excelled.

HON. MR. MACDONALD, (Victoria), asked whether the Bill would keep out American oil, and mentioned that at present no other than American oil was used in British Columbia.

HON. MR. AIKINS said such was not the intention of the Bill. The oil which had been tested was American oil. He reminded the hon. gentleman from Victoria (Mr. Macdonald) that the Bill did not in any way apply to the ordinary oil for domestic use, but only to the new "high test oil."

HON. MR. POWER could see nothing objectionable in the Bill, except, indeed, that it was introduced at the instance of Canadian manufacturers of the article, and he instanced the fact that serious difficulties had arisen from bills which were introduced at their instigation in the past. However, the Grand Trunk and

other railways were the parties most interested in the measure, and he rose particularly to draw the attention of the hon. gentleman, who usually looked at the interests of the Grand Trunk in the Senate (Mr. Ferrier) to the Bill, and would ask him if that Company was satisfied with the character of the measure.

HON. MR. FERRIER regretted that, as he was not in a position to know all the details of the Company's business, he could not reply to his hon. friend.

HON. MR. AIKINS explained that the samples of oil to which he had referred were obtained, in one instance, from Montreal, where it was in use on the Grand Trunk; and in the other from Toronto, where it was used by that Company and others.

HON. MR. MONTGOMERY, from the committee, reported the Bill with certain amendments, which were concurred in; and the Bill, as amended, was read the third time, under a suspension of the rule.

STEAMBOAT INSPECTION CONSOLIDATION BILL.

IN COMMITTEE.

The House went into Committee of the Whole on Bill (117) "An Act to amend and consolidate the Acts respecting the inspection of steamboats and the examination and licensing of Engineers employed in them."

In the Committee.

HON. SIR ALEX. CAMPBELL explained that the Bill comprised much that was old and already in the law relating to inspection of steamboats, but there were also many new features; and he asked the attention of the Committee particularly to the new clauses.

On the seventh clause.

HON. MR. POWER expressed his doubts as to whether the three practical ship-builders named there, would be competent to examine a man as to his knowledge of the hulls of iron steamers. He remarked that ship-builders in this country are usually builders of wooden vessels,

and it seemed to him questionable whether those men would be competent to test an iron vessel.

HON. SIR ALEX. CAMPBELL thought that men possessed of the requisite knowledge to discharge that duty could be found, and it would have to be provided for.

On the 16th clause.

HON. MR. POWER said it did not appear to him that such a tribunal as was there constituted would be satisfactory to the ship-owners. He thought that in the event of a difference of opinion arising between the inspector and the ship-owner, the Minister would be likely, when the complaint was laid before him, to endorse the action of his subordinate.

HON. SIR ALEX. CAMPBELL considered it would be very difficult to have any other tribunal, and thought any complaints coming before the Department would be impartially enquired into and dealt with.

HON. MR. HOWLAN could see no other course to be pursued; he did not think it could so safely be left to the inspector alone. He supposed the matter was a consequence of the unfortunate accident which occurred last year on the River Thames, in Ontario, and that the Government were promoting this measure with a view to preventing a similar catastrophe in the future. It appeared to him that the Bill had reference more particularly to the inland marine rather than to sea-going ships, and therefore he thought it was necessary to have some such tribunal as that proposed. He instanced the case referred to by the hon gentleman from Halifax (Mr. Power), where an iron ship was to be examined, and the owner, feeling dissatisfied with the inspector, complained that he was not competent for the duty assigned him. He thought such a dispute should be settled by the head of the Department. He has to be responsible for it not only to the Government but to the public, and therefore, it is a very wise arrangement. It enables the Government, should any case arise, to go outside the Civil Service, to go even to the neighboring country, or any place, to get such information and practical knowledge as is thought necessary.

HON. MR. POWER said that of course any body feeling himself aggrieved by the action of the Minister could bring the matter before Parliament.

HON. SIR ALEX. CAMPBELL said it had been pointed out to him by a vessel owner, who had consulted a legal gentleman on the subject, that this provision referred only to disputes arising under the 16th section of the Act. He moved to amend the clause by adding after the word "dispute" the following: "arising under this section, or any other section of this Act." The effect of this would be to provide that it should not be only disputes arising under the 16th clause, but under the whole Act.

The motion was agreed to and the clause as amended was adopted.

On the 17th clause.

HON. MR. MACDONALD thought that this provision might entail heavy expense on vessel owners.

HON. MR. HOWLAN said it was the usual course.

The clause was adopted.

On the 51st clause.

HON. MR. ALLAN wished to know if there was anything in the Bill, or in the present law, making it incumbent on the owners of steamboats, or those having charge of them, to put up in conspicuous places on their vessels certificates as to the number of persons they were allowed to carry.

HON. SIR ALEX. CAMPBELL—Yes.

HON. MR. ALLAN said that everyone, no doubt, was aware of the dangers arising from the overcrowding of steamers, particularly excursion steamers, in the neighborhood of large towns. He had often seen them so overcrowded that any alarm on board might occasion a frightful accident. It was time to put a stop to such overcrowding, which had already led to terrible disasters, such as had occurred last year on the Thames.

HON. SIR ALEX. CAMPBELL quite

recognized the importance of the point, but it was provided for in the sixteenth section.

HON. MR. ALLAN considered that this was a great safeguard; but after the issuing of these certificates, the inspector had nothing to do with the vessel until the following year. Was there any provision by which somebody would be authorized to go on board these vessels and see that they were not overcrowded?

HON. SIR ALEX. CAMPBELL said there was not. It was left to the public to prefer the complaint. No doubt, in cities and towns it would be the duty of the local police to see that the provisions of the Act were carried out.

The clause was adopted.

On the 56th clause

HON. MR. SCOTT observed that in the penal clause in reference to the prosecution of the master, or captain, in such cases, he would not be liable criminally unless he knew that the passengers on board exceeded the number mentioned in the certificate. There would be no possibility of convicting the master of a vessel if that word "knowingly" were left in.

HON. MR. AIKINS—If he is told, he knows it.

HON. MR. SCOTT said it was the captain's duty to take cognizance of it.

HON. MR. HOWLAN did not see how it was possible to make the captain responsible. He had his duties to perform. Suppose the vessel was allowed to carry 400 passengers and the captain authorized the purser to sell only 400 tickets, if 450 were sold the captain would be criminally liable for the action of the purser, if this word "knowingly" were struck out of the clause.

HON. MR. SCOTT said that in a great majority of the cases referred to by the hon. member from Toronto (Mr. Allan) no tickets are sold. The money is collected on the boat. Parliament would be lax in its duty if it did not make it incumbent on the captain

to see that the vessel was not carrying more passengers than the certificate allowed. This subject had been discussed greatly in the press of late years, especially in the newspapers of New York, in which city the police had found it necessary to interfere to prevent infractions of the law.

HON. MR. ALLAN said the steamers to which he referred were simply vessels which carried excursion parties. When tickets were sold at all it was generally at some place on the wharf, and it was impossible to tell how many persons passed on board. It would be very difficult indeed to prevent the recurrence of this overcrowding unless the law were made very stringent. There had been some dreadful accidents from this cause, and his attention had been called to it repeatedly during last year by citizens of Toronto who had asked him, in the event of any alteration being made in the law respecting the inspection of steamboats, to see if something could not be done to protect the public. Of course any one on board of a vessel permitted to carry 400 people, finding 500 passengers on board could lodge a complaint; but that was something which people do not care to do, and somebody should be responsible for seeing that the vessel was not over-crowded. He did not see who could be made responsible but the captain.

HON. MR. HOWLAN did not see why the captain should be held responsible, unless he knowingly permitted the vessel to be over-crowded. The proof that he did know should be furnished by the party bringing the charge.

HON. SIR ALEX. CAMPBELL—It is very difficult to prove.

HON. MR. FERRIER said there was only one way—place a turnstile on the wharf, through which everyone going on board the vessel must pass. Otherwise it would be impossible for any man to count the number boarding a steamer on a public holiday.

HON. MR. POWER thought that if the word “knowingly” were struck out, a jury would never convict a captain, if it appeared on trial that only one or two pas-

sengers above the proper number had been taken on board. The public required protection: vessel owners would protect themselves. The captain was the only person who could control the number of persons going on board. If the captain was not present at the gate by which the passengers entered, other officers who were under his direction were, and he should see that they discharged their duty.

HON. SIR ALEX. CAMPBELL was afraid the use of the word “knowingly” destroyed the effect of the clause very much: at the same time the committee should bear in mind that the penalty imposed was a very severe one—two years’ imprisonment in the penitentiary—and it would be very difficult to convict a man charged with such an offence, unless it could be proved that he did it with malice aforethought. Although the word “knowingly” destroyed the effect of the clause very much, the word “wilfully” might be used. It would mean that the person had done this either in gross negligence or intentionally, and in either case he ought to be held responsible.

HON. MR. POWER said such an amendment would make the clause worse than it was as it stood.

HON. SIR ALEX. CAMPBELL said that the clause might be allowed to stand, and he would consult with the Minister of Marine on the subject.

HON. MR. SCOTT called attention to the fact that a great deal was left to the discretion of the Court. The judge could impose a fine of one dollar, or a very severe penalty. Modern legislation was in the direction of leaving the question of punishment to the Court. There might be a gross case where a man should be sent to penitentiary, and another case where a nominal fine should be imposed: either “wilfully” or “knowingly” would render it necessary to bring the offense home to the party. All this legislation would be perfectly nugatory, if on this important point, from which, of all others, danger was likely to flow, the statute was not made perfectly plain. It was the duty of the commander of a vessel to see that the rules laid down by Parliament were

observed. The captain would have no right to run any risk on such an important point, as to whether the number of passengers was in excess of what the certificate specified. It would be as well to strike out the clause altogether as to leave in the word "knowingly" or insert the word "wilfully."

HON. MR. HOWLAN said that the master of the vessel had other duties to attend to than counting the numbers of passengers. The purser of the ship or the owner who made arrangements for the trip would sell a certain number of tickets and receive a certain amount of money and that was the proper way to ascertain whether there were more on board than the boat should carry.

The clause was allowed to stand.

The remaining clauses of the Bill were concurred in.

HON. MR. GIBBS, from the Committee reported that the Committee had made some progress and asked leave to sit again on Monday.

CANADA PROVIDENT ASSOCIATION BILL.

THIRD READING.

HON. MR. SKEAD—The Canada Provident Association Bill was referred to the Supreme Court a few days ago for a report as to its constitutionality. That report has been sent in and is in favor of the Bill. I move that the Bill be now read the third time.

HON. MR. POWER—As the Bill is not on the Order of the Day, perhaps, the more regular way would be for the hon. gentleman to give notice that he will move the third reading at the next meeting of the House.

HON. SIR ALEX. CAMPBELL—The Bill lies on the table and stands for the third reading, and I do not think there is any occasion for delay.

HON. MR. POWER—I wish to call the attention of the Hon. Minister of Justice to a paragraph in the report from the Chief Justice and Justice Fournier. They

HON. MR. SCOTT.

think that a Bill having for its objects the carrying on of business and operating throughout the Dominion of Canada is a measure which does not fall within the classes of subjects allotted to the Provincial Legislatures under section 92 of the British North America Act. Then they go on to say:—

"But we are not, in the very short time allowed us for consideration, prepared to say that so much of section 1 as enables this Company to hold and deal in real estate beyond what may be required for their own use and accommodation, or so much of Section 2 as enacts that "such fund or funds shall be exempt from execution for the debt of any member of the Association, and shall not be liable to be seized, taken or appropriated by any legal or equitable process to pay any debt or liability of any member of the Association," are *intra vires* the Parliament of Canada.

We think, before a positive opinion is expressed on these clauses, the matter should be argued before the Court."

Does the Minister of Justice think that it would be better to amend the Bill so as to remove any doubts about that or let it go as it is?

HON. SIR ALEX. CAMPBELL—I think it would be better to let it go as it is. I am of opinion that we cannot say that these sums shall not be liable to be seized. As four judges of the Court say there is nothing objectionable in the Bill and that it is not a measure which falls within the classes of subjects allotted to Provincial Legislatures under section 92 of the British North America Act, I do not see any objection to the Bill.

The Bill was read the third time and passed.

The Senate adjourned at 5.40 p.m.

THE SENATE.

Ottawa, Monday, May 15th, 1882.

The Speaker took the Chair at three o'clock, p.m.

Prayers and routine proceedings.

URGENT BUSINESS.

MOTION.

HON. SIR ALEX. CAMPBELL moved, That all public bills in the hands of mem-

bers of the Government, shall for the remainder of the Session be deemed urgent under the forty-second rule of this House.

He said: At this late period of the Session I was about to follow the usual course and move the suspension of the 41st rule, when I read the 42nd, which says:

“Bills of an urgent nature are sometimes allowed to pass, with unusual expedition, through their several stages.”

It seemed to me that it would be better to avail ourselves of a rule which would serve the purpose and act upon it, than to repeal or suspend another. It seemed to me more consonant with what ought to be the practice of the Senate. It would enable us to pass bills with such expedition as the House should see proper. I therefore gave the notice which I have read. As bills come up from the House of Commons we can either go on with them at once, or not, as is most convenient. In that way it would be unnecessary to have two or three distinct sittings of the House on one day.

HON. MR. POWER—I think we ought to hesitate before we adopt the motion in its present shape. The usual practice has been to have two or three sittings of the House in one day, and to count each of those sittings as one day. In that way the business is expedited, and when a bill is of such a nature that there is no objection to its passage, the 41st rule has always been suspended. I regret that an hon. gentleman who has a good deal of experience on this question is not here now; but I know that his interpretation of the 42nd rule, which is the same as mine, is altogether different from that of the Minister of Justice. As I understand the 42nd rule, it is simply a kind of proviso to the 41st rule. The latter provides that every bill shall undergo three separate readings, each on a different day, and the 42nd says that bills of an urgent nature are sometimes allowed to pass with unusual expedition, through their several stages. It simply qualifies the 41st rule, and we have been in the habit of allowing bills of an urgent nature to go through by suspending the 41st rule. As I understand the interpretation put upon these rules by the Minister of Justice, the majority of the House could at any moment push through any

measure, no matter how important, or how objectionable to the minority, without any opportunity for debate, or consideration, or inquiry. I do not think it would be treating this House fairly to put such a construction upon the rule, or to adopt a rule with that construction. The Opposition are very weak in the Senate, and I do not think the Government can complain that they have been factious at all. I understand there are several very important Government measures to come before the House, and I do not think the Government ought to take the authority, by adopting this resolution with the construction that has been put upon the 42nd rule by the Minister of Justice, to close the mouths of the Opposition altogether.

HON. SIR ALEX. CAMPBELL—Certainly not.

HON. MR. POWER—I would suggest that the hon. gentleman shou'd substitute for his motion a resolution declaring that each sitting of the House shall be considered a separate day, and that the 41st rule shall be considered suspended, unless some member objects.

HON. SIR ALEX. CAMPBELL—Having separate sittings entails the necessity of members coming back in the evening, which is sometimes unnecessary. I have no objection, if the House will allow it, to move, instead of the resolution of which I gave notice, that the forty-first rule be suspended for the balance of the session.

HON. MR. POWER—Except when an objection is taken by any member.

HON. MR. FERRIER—While I was in Quebec the other day, a very important bill came up for second reading in the Legislative Council, and was carried by a majority. The Government quoted this very rule, and stated that the Bill was urgent, and that the Budget could not be brought down until it was passed. It was considered a very good reason, and we acted upon it at once. It was immediately referred to committee and read the third time. That was the interpretation of the rule there.

HON. SIR ALEX. CAMPBELL—I

should be very sorry indeed that any hon. gentleman should suppose that there was any desire to expedite business unduly, or to take any advantage of the Opposition. I have no objection to moving that the forty-first rule be suspended for the balance of the session.

HON. MR. POWER—Except a member objects to it.

HON. SIR ALEX. CAMPBELL—No.

HON. MR. POWER—I prefer the original motion of the hon. gentleman to this last one. If any member has an objection to the suspension of a rule it ought not to be suspended. My suggestion was that the 41st rule should be considered suspended unless objected to by one member.

HON. SIR ALEX. CAMPBELL—I cannot consent to that. I move that the 41st rule be suspended for the balance of the session.

HON. MR. POWER—I object to that, you had better adopt the original resolution.

The motion was agreed to.

PROVISIONAL DISTRICTS IN THE NORTHWEST TERRITORIES.

MOTION.

HON. SIR ALEX. CAMPBELL—moved

“That an humble address be presented to His Excellency the Governor General, informing His Excellency that the Senate fully concurs in the recommendations contained in His Excellency's gracious message, dated the 8th May, 1882, regarding the establishment of four provisional districts in the Northwest Territories, to be called respectively, Assiniboia, Saskatchewan, Alberta and Athabasca.

He said: His Excellency sent down to the Senate some days ago a message recommending the establishment of four provisional districts in the North-west Territories. It is not proposed to organize any system of administration, or any system of laws for those territories, but merely in the meantime to give them divisions and names. These divisions are shown upon a map which accompanied the message sent to Parliament. It has been thought by His Excellency desirable

to have the concurrence of both Houses in the step which is to be taken, although the subject is in its nature one of prerogative. Still the assent of both Houses of Parliament in such cases is very often asked for. In that view, His Excellency has sent this message, recommending its favorable consideration, which I am sure it will receive.

The motion was agreed to.

CRIMINAL LAW REFORM INQUIRY.

INQUIRY.

HON. MR. POWER rose to call

“Attention to the desirability of facilitating the conviction of persons guilty of offences against the Criminal Law; and will inquire of the Minister of Justice, whether the Government propose to take any steps towards the amendment of the existing law in the direction indicated.”

He said: I am perfectly aware that at this late stage of the session it is not desirable to take up the time of the House with the discussion of any matter which is not of a perfectly practical character; and I am free to admit that I should have given this notice at an earlier period of the session, but I do not think that the Government will be disposed to deal severely with me on account of my procrastination as I understand they have some fifteen measures that have yet to come up to this House, and procrastination is a sin that I am guilty of in common with the Government. The reason why I have thought it desirable to call attention to this matter before the prorogation, is that the Government have appointed a commission for the purpose of consolidating the Statutes,—and the probabilities are that the commissioner will suggest desirable amendments in the law; and as the whole matter is under the supervision of the Minister of Justice, I thought it possible, if his attention was called to it, some practical steps would be taken, in the direction which I propose to indicate, before Parliament meets again. The object of the Criminal Law, briefly stated, is to deter from crime by the fear of punishment; and hon. gentlemen will see that the more certainly punishment follows upon the commission of crime, the greater will be the efficiency of the criminal law in

HON. SIR ALEX. CAMPBELL

preventing crime. It is almost useless to devote, as we do every session, much time and great pains to the enactment of laws for the prevention of crime, when guilty parties are almost certain to escape from the penalties imposed by the law. Unfortunately I have not had time to get the exact figures on the point; but in Canada the number of persons who suffer punishment, as compared to the number who commit offences against the criminal law is very small indeed. In the first place a very small proportion of those who commit crime are arrested; and of those who are arrested only a small proportion are convicted. I have just taken up at hazard the criminal statistics of 1880, and I find there that there were 32 persons charged with the crime of murder, and that only five were convicted; and I imagine that throughout the whole category of crime the proportion will be found to be something the same. While men may be accused, and doubtless are accused of murdering, who are not guilty of it, I think the proportion of those who are accused to those who are guilty is much less than would be indicated by these figures. Then the question naturally arises, why is it that so few criminals are convicted, comparatively speaking? I think one of the principal reasons is that our system of procedure places so many obstacles in the way of justice. In the first place, the criminal always has the start, which is a matter of some importance when the means of conveyance are so rapid as they are at present. The officer has to wait for his warrant and that gives the accused a start; and so far, justice is handicapped in its race with the criminal. Supposing a criminal has been arrested he is brought in the first place, before a magistrate for preliminary examination. The original intention in providing for this preliminary examination, as I understand it, was merely to find out whether there was sufficient reason to believe the man to be guilty to warrant putting him on his trial: but it has grown to be a custom with many magistrates to go a great deal further than that; to have the criminal examined at length, to hear witnesses on both sides at length, and to discharge the accused, unless the evidence is strong enough to convict. I think that is a matter that should command the attention of the Government, and they

should see the law altered in that respect. The only real duty of the magistrate is to see whether there is sufficient evidence to put the accused on his trial. Suppose the accused is caught and brought before a magistrate and suppose the magistrate does think, in his discretion, that the guilt of the accused is sufficiently clear to hold him for trial, the next chance the accused has is before the Grand Jury. Unless the Grand Jury find a true bill against him, he escapes at that stage; and the same difficulty occurs with the Grand Jury that occurs with the magistrates, only, perhaps, to a greater degree. The Grand Jury, as a rule—I presume it is the same in this Province as in the Province from which I come—are not disposed to find a true bill, unless the evidence before them satisfies them of the guilt of the accused; and consequently the chances of a true bill being found are not nearly as great as I think they ought to be. It seems to me that the Grand Jury, as a factor of the criminal procedure, is antiquated and useless; and I think that it is the general impression amongst the members of the bar, that the Grand Jury should be done away with. It seems to me, the more reasonable and more business-like way to proceed is by information. Then there is another point to be considered: that in addition to the difficulties I have already adverted to, there is the fact that confessions made by the criminal, and which a criminal would not make unless he was guilty, are so hedged around by the law, that they cannot be made use of in the court against him, unless the prisoner is warned as to what the effect of his confession will be, although the warning defeats the ends of justice. Then supposing that we have got through all the preliminary difficulties and the accused is brought before the Petit Jury to be tried: no matter how clearly his guilt may be established, the prisoner is free for ever, unless the jury are unanimous in their verdict. It is true that if there is a difference of opinion in the jury, he may be tried over again, but that is rarely the case. As a rule, if one jurymen is obstinate the prisoner is acquitted for good. This is a matter in which the law needs to be changed. In former ages when the whole spirit of the law was hostile to the prisoner, it was well enough perhaps to give him all these chances. In olden times capital

offences were counted by the score, the prisoner was allowed no counsel and the court was hostile to him—at one time jurymen were liable to be punished if they did not find a verdict of guilty against a prisoner. But this has been changed, and the chances now are all in favor of the prisoner and against justice. In criminal cases, other than capital, the rule should be the same as in civil cases; if the jury is composed of twelve, nine or ten should find a verdict, if the jury is composed of nine, seven should be allowed to find a verdict. I have not placed this matter before the House in the manner which the importance of the subject deserves; but I have done it at as much length, I presume, as is desirable at this particular stage of the session; and I hope the Minister of Justice will give some attention to what, in my opinion, is a very important subject.

HON. SIR ALEX. CAMPBELL—I shall be very glad to give attention to this matter and to bring under the notice of the gentleman who is charged with the consolidation of the criminal statutes the observations which have fallen from the hon. gentleman from Halifax. My hon. friend is rather sanguine in supposing that the various suggestions which he has made, and which amount to a complete change in the criminal laws, should be adopted, or should all be discussed in the course of a half hour in an afternoon of a very late day in the session. I do not think that criminals are surrounded, on the whole, with more safeguards than perhaps are reasonable. We are not to be unduly severe; we are to give them all a fair chance and see that justice is so administered that there is no possibility of an innocent man being convicted. The proceedings before the magistrate are for the purpose of committing an accused person for trial if there is sufficient evidence to show that he ought to be tried. I do not think that magistrates are unduly severe in that way; so far as I know I think there is a disposition to give a criminal a fair chance and hear all that he has to say and all that the witnesses have to say. As to abolishing the institution of grand juries I hardly think that the country would like to see that system done away with. I think, however, that this might be safely done:

that where an accused person is committed by a police magistrate, a stipendiary magistrate, or a judge of sessions, the finding of a true bill by the Grand Jury is unnecessary. The hon. gentleman seems to think that the proceedings before the Grand Jury are the same as the proceedings before a magistrate. Of course, he must know that there are no witnesses examined before the Grand Jury, while there are witnesses examined in the preliminary examination before the magistrate. Then as to admissions made by accused persons; very often, no doubt, the hedge which surrounds the admission prevents the use of it afterwards against the criminal; but many criminals are exceedingly ignorant, and are in great danger of being induced by a threat, or by the authority of those about them to make admissions which under other circumstances they would not make, and which might be considered unfair as against them, considering the circumstances under which they were made. Supposing that an innocent person, or a person whose guilt is uncertain, is arrested, he may be in a state of nervous terror, and may make, in the presence of the constable or jailor, admissions which one would not like to see given in evidence against him afterwards; and so with women and persons who are not full of courage, they are all of them more or less ready to make admissions which would seem afterwards to be unfair to use against them as evidence. I cannot say that these admissions are surrounded with too great care on the part of the law or not. The House will allow me to mention a case in point. A few years ago some twenty or thirty prisoners were brought to Kingston and tried for high treason. The magistrate before whom they were taken was a Tory of the old school, and he, to have the conviction perfectly safe, made each of them admit of their guilt and swear to it. When the affidavits were produced in Court, objection was taken by Sir John A. Macdonald, and the Judge said it was impossible for those statements to be admitted as evidence, as they were admissions taken under oath. The consequence was the parties were all acquitted, although they had sworn to their own guilt. That is an instance of what might be done if we did not surround the confessions of prisoners with more or less safeguards, so that they might not be taken unawares

and be convicted upon admissions which, after all, they had made without being fully aware of the extent or result of that which they had been saying.

HON. MR. POWER—It does not appear whether the men were guilty or not?

HON. SIR ALEX. CAMPBELL—I have no doubt the men were not innocent, but they were acquitted.

HON. MR. READ—May I ask the Minister of Justice, would the Conservatives or Tories of this day be guilty of such a thing?

HON. SIR ALEX. CAMPBELL—I do not know; I am not prepared to say. I will take care that the attention of the Commission shall be drawn to the statements made by my hon. friend from Halifax, and no doubt he will, upon reflection, suggest such amendments as may seem reasonable and safe, as regards the administration of Justice, and not unfair towards persons who may be accused of crime.

ONTARIO BANK AMENDMENT BILL.

FIRST, SECOND AND THIRD READINGS.

The following Bill from the Commons was introduced and read the first time:

Bill (45) "An Act to amend the Act of the present session entitled 'An Act to reduce the capital stock of the Ontario Bank and to change the nominal value of the shares thereof, and for other purposes.'"

HON. MR. ALLAN moved that the 41st rule of the Senate be suspended as regards this Bill, and that the Bill be read the second time presently.

The motion was agreed to and the Bill was read the second time.

HON. MR. GIBBS moved that the Bill be read at length at the table.

The motion was agreed to and the Bill having been read at length,

HON. MR. GIBBS moved the third reading presently.

The motion was agreed to and the Bill was read the third time and passed.

BILLS INTRODUCED.

Bill (158) "An Act to re-adjust the representation in the House of Commons and for other purposes." (Sir Alex. Campbell).

Bill (157) "An Act to repeal certain provisions of the General Inspection Act, 1874." (Mr. Aikins).

BUILDING AND LOAN SOCIETIES IN ONTARIO BILL.

COMMONS AMENDMENTS CONCURRED IN.

A message was received from the House of Commons returning Bill () "An Act further to amend the law respecting building societies and loan and saving societies carrying on business in the Province of Ontario."

HON. MR. ALLAN moved that the amendments be concurred in.

The motion was agreed to.

INDIAN ACT AMENDMENT BILL.

THIRD READING.

HON. MR. AIKINS moved the second reading of Bill (F.F.) "An Act to further amend 'The Indian Act, 1880.'" He said:—This is one of those innocent, unobjectionable measures to which the hon. member from Halifax (Mr. Power) referred. I have no doubt whatever that the House will concur with me that there can be no possible objection to this Bill passing through its various stages at this sitting. The proposed amendments have been found necessary in the working of the Indian Act. The first clause removes doubt as to the meaning of the term "Indian reserves." The second clause makes provision that where the word "justice" occurs in the Indian Act, it shall be changed to "two justices." The third clause gives Indian agents the same power as is now possessed by stipendiary or police magistrates in dealing with cases of infraction of the Indian laws. It has been found difficult, particularly in some portions of the North-West Territories and British Columbia, to bring offenders before a stipendiary magistrate or a police magistrate, and it was thought

necessary, in the interests of justice and of the tribes, that this power should be given to the Indian agents. The fourth clause provides that in cases of debt there shall be no appeal from the decision of two justices of the peace, or of a police or stipendiary magistrate, when the sum does not exceed ten dollars. The Indians are said to be extremely litigious, and this amendment is considered necessary in their interest. The fifth clause provides that the annuity and interest money of any man living immorally with a woman shall be stopped—that he shall be dealt with in the same way as a woman who lives immorally with a man. I do not see why justice should not be meted out equally in both cases. The sixth clause gives the judge discretionary power to impose a fine for any infraction of the Indian Act. In some cases it has been found impossible to carry out the provisions of the existing law, and it is thought that a fine would in some cases be regarded as a more severe penalty than incarceration. In fact, imprisonment is almost impossible in some instances.

HON. MR. WARK—Would it not be better for the Governor-General-in-Council to appoint magistrates instead of giving every Indian agent the powers of police and stipendiary magistrates? There may be agents who should not be entrusted with such powers.

HON. MR. AIKINS—The Indian agents are given these powers only so far as the Indians are concerned.

The motion was agreed to.

The Bill was read the second time and referred to a Committee of the Whole House.

In the Committee,

HON. MR. AIKINS moved the adoption of the first clause.

HON. MR. POWER asked for an explanation of the first clause. It seemed to provide merely that an Indian reserve should be an Indian reserve.

HON. MR. AIKINS said the explanation was this:—Many Indian reserves

were set apart as such after the territory in which they are situated had been surrendered to the Crown by the Indians, such surrender having embraced with the other land covered thereby the reserves subsequently allotted to the Indians. This is the case with all the Indian reserves in the Northwest Territories and with very many in Manitoba and Keewatin. The Superintendent General considers this amendment necessary to carry out the act.

The clause was adopted.

On the fourth clause.

HON. MR. POWER suggested that the sum of ten dollars was too small—that there should be no appeal in any case where the amount was less than twenty dollars.

HON. MR. AIKINS said it would scarcely do to apply the same rules to Indians as to white men. The debts of Indians were generally small amounts.

The clause was adopted.

HON. MR. McMASTER, from the committee, reported the Bill without amendment.

The Bill was then read the third time and passed.

BRANCH LINES OF GOVERNMENT RAILWAYS BILL.

THIRD READING.

The House went into Committee of the Whole on Bill (EE) "An Act to provide for building certain branch lines of railway from points on the Intercolonial Railway and Prince Edward Island Railway, respectively."

In the Committee,

On the second clause.

HON. MR. HAYTHORNE asked if the hon. the Minister of Justice would give what information he could as to the point of departure from the main line, which he considered it was important should be known.

HON. SIR ALEX. CAMPBELL stated that he had no information upon the

HON. MR. AIKINS.

point, and thought it had not yet been decided upon, but would be determined by the surveys yet to be made.

The clause was adopted.

HON. MR. FERRIER, from the Committee, reported the Bill without amendment, and the Bill was read the third time and passed.

STEAMBOATS INSPECTION CONSOLIDATION BILL.

THIRD READING.

The House resumed in Committee of the Whole the consideration of Bill (117), "An Act to amend and consolidate the Acts respecting the inspection of Steamboats, and the examination and licensing of Engineers employed on them."

HON. SIR ALEX. CAMPBELL referred to the fact that the consideration of the 56th clause had been left over, when the Bill was last before the Committee, because of dissatisfaction having been expressed with regard to the word "knowingly," which occurred therein; and said it seemed quite clear that the use of that word would make it very difficult to convict any master or owner of a vessel, of the offence which was spoken of in the Bill, and which was a very serious one. It had led to great loss of life in the past, and threatened further loss in the future, from time to time, in the neighborhood of large cities, on streams or navigable waters. He had, therefore, been very unwilling to allow any word to remain in the Bill which was likely to affect the possible enforcement of the law in that respect. The word "wilfully" had suggested itself to him, but, upon further reflection he considered that word would not be sufficient, if inserted alone, and he proposed that the word "knowingly" should be struck out, and the words "wilfully or negligently" substituted for it. He did not consider that was going too far, or saying too much; it simply made it the duty of the master to see that there were not too many passengers on board, if the charge were that he had wilfully neglected to do so, the matter could be speedily ended; and if it were that it had occurred

through negligence, the charge would be carefully weighed by a jury.

The motion was agreed to.

HON. MR. GIBBS, from the committee, reported the Bill with several amendments which were concurred in, and the Bill was read the third time and passed.

PILOTAGE ACT, 1873, AMENDMENT BILL.

SECOND READING.

HON SIR ALEX. CAMPBELL moved the second reading of Bill (119) "An Act further to amend the Pilotage Act, 1873 and the other Acts therein mentioned."

He said: This Bill proposes to amend the Pilotage Act in several respects. In the first place it gives power to take evidence under oath; and in the next place it prescribes what absence on the part of any pilotage commissioner in the districts of St. John or Halifax shall cause the position held by such absentee to be declared vacant. Then there is a clause with reference to the trial of pilots who are in charge of vessels that have sustained damage, through their fault, between Quebec and Montreal.

HON. MR. ODELL—Why does the second clause apply only to Nova Scotia and New Brunswick?

HON. SIR ALEX. CAMPBELL—I will inform my hon. friend, when the Bill is before the committee; I regret that I am not able to explain its provisions more fully at present, and now beg to move that it be read the second time.

The motion was agreed to and the Bill was read the second time.

URGENT BUSINESS.

ORDER CHANGED.

HON. MR. POWER called attention to the fact that the motion to suspend the 41st rule for the balance of the Session, which had been declared carried in the earlier part of the sitting was not regularly carried, no notice of such motion having been given. He referred to the 18th rule which is as follows: "No

motion to suspend, modify or amend any Rule, or part thereof, shall be deemed in order, except on one day's notice in writing, specifying precisely the Rule or part of Rule proposed to be suspended, modified or amended, and the purpose thereof."

After some discussion,

HON. SIR ALEX. CAMPBELL moved the resolution of which he had given notice, namely: "That all public bills in the hands of members of the Government, for the remainder of the Session be deemed urgent, under the 42nd rule of this House.

The motion was agreed to.

The Senate adjourned at 4.50 p.m.

THE SENATE.

Ottawa, Tuesday, May 16th, 1882.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE PRINTING OF PARLIAMENT.

EIGHTH REPORT OF THE JOINT COMMITTEE.

HON. MR. ODELL moved the adoption of the eighth report of the joint committee on the Printing of Parliament. He said:—This is merely to order several additional documents to be printed, and some which were submitted are ordered not to be printed. There is a concluding resolution for a few more copies to be printed of the report of the select committee of the House of Commons on the operation of the tariff on the agricultural interests. It was thought that there was not quite enough printed before. That report was before the House on a former occasion and adopted, and this is merely to order an additional number of copies to be printed.

HON. MR. POWER—I think that this motion deserves something more than a passing notice. The report which the committee recommends to be printed is a

document which is generally regarded as being of a partisan character. I think that the motion of the hon. gentleman is irregular, because the committee on printing in their seventh report dealt with this very matter. That report was adopted by the House without any qualification. It was not referred back to the committee for the purpose of amendment or alteration, and I contend that it was finally dealt with by the House when the seventh report on printing was adopted. That committee appears to have undertaken, without any instructions from the Senate, to alter the seventh report already adopted. I contend that they have no power to do that. It is a general rule, about which I think there is no question whatever, that where Parliament has once disposed of a matter which comes properly before it in any particular way, that matter cannot be dealt with again in the course of the same session in a different way. This House disposed of the printing of this campaign document in a certain way, on the occasion to which I have referred, when it adopted the seventh report of the Committee, and I contend that we have no right to take up the question again, and that the Committee had no right to deal with it a second time without instructions from this House. I object to the adoption of the report on the ground that the motion is out of order.

HON. MR. ODELL—I think that the hon. gentleman is out of order in raising this objection. In the first place, the seventh report, which was laid before this House on the 12th May, recommended the printing of the report of the Select Committee appointed by the House of Commons to inquire into the operation of the tariff on the agricultural interests of the Dominion, without the evidence. The report which is now before the House is a separate and distinct thing altogether. It is a supplementary report to the other one. If it interfered in any way with the adoption of the previous report by the House, there might be some point in the objection which has been raised, but it does not interfere with it in any way and stands on its own merits. It came legitimately before the Printing Committee, and it is now brought up in this House as another report altogether, separate and

HON. MR. POWER.

distinct from the previous one, merely supplementing it and ordering the printing of an additional number of copies. Unless the hon. gentleman can show some better ground for his objection, I am quite sure the House will not refuse to adopt this report.

HON. MR. WARK—I was a member of this Committee, and when this question came up I objected because I thought the whole of the proceedings were irregular. The previous meeting of the committee was understood to be the last, and the chairman was authorized to use his own discretion in deciding what further documents should be printed. The member of the House of Commons who was the chairman on this occasion had left Ottawa.

HON. MR. AIKINS—I beg the hon. gentleman's pardon; Mr. Stephenson was in Ottawa.

HON. MR. WARK—Is the hon. gentleman sure? I understood that he had left for home.

HON. SIR ALEX. CAMPBELL—I saw him this morning,

HON. MR. WARK—Well, the Chairman from this House was absent. He had presented the report and it was adopted, and I took the ground in the committee that the Senate having adopted that report, and the document not having been referred back it was out of order, so far as the members of the Senate on the Joint Committee were concerned, to take any action upon it. Having stated that as my conviction, I refused to take any part in the proceedings, and with some other members of the Senate left the Committee, because I considered that the whole thing was irregular and objectionable. The printing of this document had been fully discussed at the preceding meeting. The same proposition was made that 10,000 or 15,000 copies should be printed, and the objection was made by members of the other House that it was for a political purpose, for the circulation of the report previous to the elections, and the Committee decided that it was not part of their duty to publish campaign documents. Now, this report is brought in, asking for the

printing of additional copies, for no other purpose than to be circulated previous to the elections. It was alleged in the Committee that the intention was to print them for that purpose, and no one denies that such was the case.

HON. MR. ODELL—So far from that when the committee met, an objection was raised by three hon. members to this report being adopted, and it was stated by them that it was a packed committee got up for a special purpose. At that time I denied and I deny it here again that there was anything of the sort. So far as I was concerned, I received my summons to attend that committee in the usual way, from the clerk of the committee, and not until I went into the room did I know what was coming up. On the way I happened to meet the hon. gentleman from Prince Edward Island (Mr. Haythorne), and I asked him what the meeting was for, he intimated to me then that there was something of this sort coming up. But as to the committee being packed for party purposes I repudiate it altogether.

HON. MR. WARK—I referred to the meeting of the committee where the printing of these documents was fully discussed and settled: I am not referring to the last meeting of the committee at all.

HON. MR. ODELL—I was not present at that meeting, and cannot undertake to say what took place there. With regard to this last meeting, an objection was certainly raised to printing this report. It was discussed in committee, however, and it was decided, by a large majority, that it was within their right to recommend the printing. The Committee took up several documents laid before them, and adjudicated upon them, and then, when this matter was reached, this motion was moved. I admit that an objection was raised, but the resolution was entertained by a large majority. I repudiate altogether that it was a packed committee assembled for the purpose of authorizing the printing of pamphlets for electioneering purposes.

HON. MR. AIKINS—I am very much surprised at the objection taken by the hon. member from Halifax, that the Joint Committee on Printing had no power or any authority to say whether an additional

number of these reports should or should not be printed. My hon. friend from Fredericton says he took exception to what was done on that Committee; that it was a packed committee, and that he left the room—or something of that kind. My hon. friend did not object to the proceedings of that committee, however, until he found that he was in a minority.

HON. MR. WARK—I beg the hon. gentleman's pardon. I stayed there until we had disposed of all the business that was properly before the Committee, and when it came up that the printing of this document be re-considered, then I objected to it.

HON. MR. AIKINS—The hon. gentleman took those grounds that a final report of the Committee had been made to the House, and that the Committee had no right to meet after that report was made. The hon. gentleman from Prince Edward Island moved an amendment that the last meeting of that Committee had already taken place and hence we had no power to meet or discuss the question of the printing of extra copies of these documents. But when the hon. gentleman came to look at his motion he found it was incorrect, and he struck out that portion of it relating to the last meeting of the Committee. The Committee in their eighth report submit the following resolution as recommended:

“Resolve, That in view of the importance of the report of the Select Committee of the House of Commons on the operations of the tariff on the agricultural interests of the Dominion, it is advisable that an additional ten thousand copies of said report be printed in English, and five thousand copies in French, and circulated in the usual mode of distributing public documents, and that the Clerk be, and is hereby, instructed to have the same printed.”

Now, the hon. gentleman for Halifax says that this was a partisan document, got up for the purpose of the elections.

HON. MR. POWER—I did not say that.

HON. MR. AIKINS—If the Committee at its last meeting had taken the ground that the evidence should be printed after this House had resolved that the evidence

should not be printed, then I would say that the Committee had gone beyond their power. But they had a perfect right to recommend that an extra number of copies of the report should be printed in French and English, though it is for the House to say whether that recommendation shall be adopted or not. Certainly the Opposition could not have shown a more partisan spirit than by pursuing the course they did on that Committee.

HON. MR. HAYTHORNE—As a member of this Printing Committee, and having occupied the same position for several years past, I think it my duty to give my account of this transaction. It is an undeniable fact that at the previous meeting, when the seventh report of the Committee was adopted, it was stated there verbally and most emphatically that the Committee did meet for the last time during the present session; that their affairs were wound up, and that any papers which should be found necessary to be printed afterwards, the chairman was authorized to have printed without further reference to the Committee. Upon that consideration several gentlemen who had taken an active part on the Committee left for their homes. The chairman representing that Committee in this House presented the seventh report and it was adopted by this House, and I suppose every member of the Committee considered, as I certainly did, that all the business of the Committee was closed for the session, including this particular report.

HON. MR. AIKINS—I did not know.

HON. MR. HAYTHORNE—Certainly there could be no other understanding entertained by any one who had been present at the previous meeting. Whether the hon. gentleman opposite was present or not, I do not recollect. There may be some question as to parliamentary rule respecting reports, but about that courtesy which the House always considers is due to its committees there can be no misunderstanding. I have seen it on all committees. I have sometimes seen the reports of committees not adopted, but I do not recollect, in my short experience, to have seen a report adopted and disposed of in the way that this report was

finally disposed of, and then again re-opened at another period of the session. It seems to me there must have been some unusual design in it when such a step as this has been taken. When I received my notice to attend the Committee, like any other member of the Committee, I felt it my duty to attend, but when this question was brought up, I felt it my duty to oppose it and moved an amendment, that the seventh report of the Committee having been disposed of in the Senate it was inexpedient to re-open any subject already disposed of in that report. That motion was put by the chair and lost, and my hon. friend from Fredericton and another hon. gentleman, as well as myself left the Committee, and what was done afterwards we could only learn by inquiring amongst our friends. I am not going to enter into the question of the partizan character of the report, because I think it is out of place altogether. If the report was entirely different from what it is, I should say it was not regular to order the printing of extra copies of it after what had occurred at the previous meeting of the Committee; because gentlemen were there who took altogether different views on the subject from what were taken in the House of Commons. They complained that their views had no place in the report at all, and consequently it was not a fair representation of them. These were, in my opinion quite sufficient reasons for objecting to the report even if there was no partizan question connected with it at all. I think there has been a most extraordinary course pursued with regard to this question, in the recall of the Committee after the previous meeting at which it had been decided most emphatically that the business of the Committee was closed for the session; from that false step down to the present moment the proceedings have been of the most unusual character.

HON. MR. READ—I am rather surprised at the Opposition taking such an exception to the printing of this report. Do they desire that the agricultural interests of this country should not have the information obtained with so much trouble and at so large an expense to the country? The agricultural interests of the Dominion are most important, and any information that they can obtain as

to the effect of the tariff on these interests is money well spent, but hon. gentlemen seem to desire to withhold that information. It is for the people themselves to judge whether that information is of value to them or not. To my mind the information gathered by this Committee is very valuable. The *Globe* published column after column of the evidence from day to day, as it was taken before the Committee. Yet hon. gentlemen think the country should not be allowed to have a full report and judge for themselves as to whether the tariff has been beneficial to the agricultural interests or not.

HON. MR. McCLELAN—I do not think it is for us to discuss whether this report is for the benefit of the agricultural interests or not, but whether this printing shall be done according to some rule or order. I fancy the hon. gentleman has not even read the report himself. I am sure I have not read it, and the report sent before the committee. The decision of the committee was that the evidence was not to be printed at all, although the evidence will have very much more bearing, and throw very much more light on the agricultural interests of the country than will the opinions of the committee. There was, however, a minority on that committee who did not agree with the conclusions arrived at by the majority, and the resolutions which the minority moved are not incorporated in that report. But that is not the question now before this House; the question is whether this Printing Committee has acted regularly in recommending the printing of these extra copies or not? It has been clearly shown by the hon. gentleman from P. E. Island (Mr. Haythorne) that the last meeting of the Printing Committee had been held, and at that meeting a distinct resolution was passed to the effect that subsequent proceedings in relation to the printing of documents should be left to the decision of the chairman, as is usual on all last meetings of large committees. Acting on that, the chairman of the Senate Committee made his final report and left for home without any expectation of any other meeting of the committee, or any other report being presented to the House. Other gentlemen who took a prominent part on the committee also left for home with the same understanding

after it was decided that this report of the agricultural committee should be printed in the appendix, and that 1,700 or 1,800 additional copies were as many as the committee would be justified in having printed. That report was presented to this House, and I was surprised to find the committee again asked to adopt a resolution recommending the printing of some 10,000 copies of this report in the face of the discussion that had taken place before at the regular sittings of the committee. I think the present proceeding is very irregular; it is contrary to the customs and ordinary routine of this House and a violation of the understanding arrived at by the committee, and I can scarcely imagine that the great Conservative party will derive any benefit from it.

HON. MR. OGILVIE—I certainly have been learning something during the last few minutes that I never knew before. I thought that the report of a committee, as a rule, was respected if there was not something terribly out of the way in it. I have heard a great deal from several gentlemen about the chairman and others being absent and that they gave their views before they went away. If the majority of that committee had left here and there was not a quorum of the committee, I could understand very well that there could be no business transacted, but it is not the fault of the balance of the committee who remain here to attend to their business that the others are away. We have also heard the statement made that this report is totally irregular, and reasons have been given that to me seem somewhat strange. We have all heard the old saying about persons measuring other people's corn by their own bushel, and it seems that something of this character has been done in this case, for we have heard insinuations thrown out by several members who have spoken on this subject which were quite unnecessary. The matter was thoroughly discussed in committee, a quorum was present, and a large majority, as I am told, voted for this report. It is certainly, therefore, the report of the committee, and I cannot see anything irregular in it at all. I think, therefore, that discussion is almost useless. If we cannot accept the report on its true basis, which is to

give information to the people, (and I think very valuable information), I consider that there is very little use for such a committee at all.

HON. MR. MONTGOMERY—The only question to be decided here is whether the Committee have gone beyond their powers. I was given to understand that they had done so; but after hearing this discussion I have come to a different conclusion. So long as they were sitting as a committee they had a perfect right to supplement any report which they had made before, and to recommend the printing of an additional number of copies of any particular document. It is now for the House to say whether they will sanction the report or not. I was given to understand that the Committee were practically dead—that they had presented their final report, and that those who remained had held a meeting without orders from the House; but so long as it is a joint committee of both Houses of Parliament, there is nothing, I think, to prevent them supplementing any report which they had previously made, and it is for the House to say whether their recommendation shall be adopted.

HON. MR. AIKINS—In order to relieve the minds of hon. gentlemen of any misapprehension on the subject, I may state that the Committee was called together by the order of the chairman. The notice was issued by the clerk of the Committee as is usually done: the Committee met, and I am not aware that the hon. gentlemen who now take objection to the adoption of that report objected, because there was other business transacted. There was a return with regard to fish breeding establishments, and they decided to print that. Then there were two or three other reports which they decided not to print. When this question came up they objected, because, as they declared, the Committee had met a few days before for the last time, but they did not object until a portion of the business was transacted, and they did not leave the Committee until after the vote was cast against them.

HON. MR. HAYTHORNE—The two items to which we took no exception had not been before the Committee prior to that.

HON. MR. AIKINS—Certainly not ; that was new matter.

HON. MR. HAYTHORNE—The other had been before the Committee at a previous meeting : it makes a material difference.

HON. MR. AIKINS—The Committee was called together regularly. The hon. gentlemen never raised an objection until this matter came up, and they voted upon it, and when they found themselves in a minority they left.

HON. MR. POWER—For the information of the Speaker I wish to put the question of order, which I have raised, clearly, so that there shall be no difficulty about it. I have some doubt of the regularity of the meeting of the Committee, but that I waive. My objection is to the reception of the report of the Committee, because the last paragraph deals with a matter which had been dealt with in another sense in a former report, which report had been adopted by the Senate. My authority will be found in the beginning of the tenth chapter of May :

“It is a rule in both Houses not to permit any question or Bill to be offered, which is substantially the same as one on which their judgment has already been expressed, in the current session.”

Now, this is a matter on which the judgment of the House had been deliberately expressed on a former occasion—

“This is necessary in order to avoid contradictory decisions, to prevent surprises,”

(Both we have on this occasion)

“and to afford proper opportunities for determining the several questions as they rise. If the same question could be proposed again and again, a session would have no end, or only one question could be determined ; and it would be resolved first in the affirmative, and then in the negative, according to the accidents to which all voting is liable.”

That is the rule to which I call the Speaker's attention, and under which I object to the reception of the report until it has been amended by striking out that last paragraph.

HON. MR. WARK—It is as well that the question of order should be thoroughly understood, and that we should know exactly what was done. I hold that this

document was not before the committee at all. If it had been produced as a paper referred back to the committee it would have been regularly produced, but that was not the case. The way it was brought before the committee was this: two or three insignificant papers were in the hands of the clerk and were decided upon ; a member of the Committee then rose and made a motion that the proceedings on the previous day should be reconsidered. Now, I never saw a paper brought under the notice of the Joint Committee before but by the clerk. The course has always been that the clerk laid the document before the Committee. This is the first occasion on which I saw a member rising and moving that a question which had been decided on a previous day, upon which a report had been made to the House, and which had been adopted by the House, was brought up again by a motion for reconsideration by any member of the Committee. The question which the Speaker should decide is whether the Committee had a right to take that matter up unless it was referred back by the House, and was in the hands of the clerk.

HON. MR. ODELL—I wish to refer for one moment to the authority of the hon. member opposite. He quotes from the roth chapter of *May*, and the heading of that chapter is this : “The same question or bill may not be twice offered in a session.” So that the whole of this point is with reference to bills, and not questions of this character.

HON. MR. POWER—Not at all.

HON. MR. ODELL—You must take the heading along with what I am going to read :

“The same question or bill may not be twice offered in a session.

“It is a rule in both Houses, not to permit any question or bill to be offered, which is substantially the same as one on which their judgment has already been expressed, in the current session. This is necessary in order to avoid contradictory decisions, to prevent surprises, and to afford proper opportunities for determining the several questions as they arise. If the same question could be proposed again and again, a session would have no end, or only one question could be determined ; and it would be resolved first in the affirmative, and then in the negative, according to the accidents to which all voting is liable.

“But, however, wise the general principle

of this rule may be, if it were too strictly applied, the discretion of Parliament would be confined, and its votes be subject to irrevocable error. A resolution may therefore be rescinded, and an order of the House discharged, notwithstanding a rule urged (April 2nd, 1604)."

This comes directly under the exception.

HON. MR. POWER—There has been no motion to rescind the order in this case.

HON. MR. AIKINS—There is nothing contradictory to what had been done.

HON. MR. ODELL—This question does not interfere in any way with the report which has been already adopted; but, as I said before, it is simply a supplementary report brought up at a meeting of the committee which was properly called. I think that unless the hon. member can produce some authority with more weight than this, his objection falls to the ground.

The SPEAKER—In deciding the question of order, I think I am required to confine myself in judging of the report, to its correctness in respect to its form—that I cannot take into consideration anything that has been stated here as having taken place in the committee room. I do not find anything irregular on the face of the report. Committees are authorized to report from time to time as they may see fit. In the case of the Joint Committee on printing, it is perfectly competent for them, if they consider it necessary, to recommend the printing of any additional document from time to time as to them may seem fit. I therefore, rule that the motion is in order.

The motion was agreed to on a division.

REDISTRIBUTION BILL.

SECOND READING.

HON. SIR ALEX. CAMPBELL moved the second reading of Bill (158), "An Act to re-adjust the Representation in the House of Commons, and for other purposes."

He said: Under the 51st section of the British North America Act, it becomes the duty of Parliament, after each decen-

nial Census, to re-adjust the representation of the several provinces in the Parliament of the Dominion. The language of the section is as follows:

"On the Completion of the Census in the Year one thousand eight hundred and seventy-one, and of each subsequent decennial Census, the Representation of the Four Provinces shall be re-adjusted by such Authority, in such Manner, and from such Time, as the Parliament of Canada from Time to Time provides."

The Bill now upon the table is for the purpose of carrying out that provision of the British North America Act to re-adjust the representation of the Dominion, in consequence of the Census which was taken last year. A similar proceeding followed the taking of the Census in 1871, and that duty devolved then, as now, upon the Administration of Sir John Macdonald. It was discharged then in a manner which has since, apparently, met with universal assent and approbation, inasmuch as we find, from the debate which took place in the House of Commons, that those gentlemen who were opposed to the present project, based their opposition on the ground that it was a departure from that principle which was introduced by the Administration of Sir John Macdonald in 1871. They therefore adhere to that principle.

HON. MR. POWER—Not altogether.

HON. SIR ALEX. CAMPBELL—Perhaps not altogether, but so far I think it is strong evidence that the re-adjustment of 1871, after the experience of ten years, commends itself now to the judgment of the community at large; and I trust that the present project will, during the next ten years—whatever hon. gentlemen may think of it now—commend itself to their more deliberate and better second thoughts, and that they will, at the end of the ten years which are now beginning, be prepared to defend it, and base any objection they may have to the changes which the Census of 1891 may render necessary upon the ground of the sound judgment evinced by Parliament in the Bill now before the House. It is a measure which I think shows a disposition on the part of the Government of to-day, not to be dissuaded from dealing with any constituencies, because the members from those

HON. MR. ODELL

constituencies happen for the moment to be on their side of politics. The first step which was taken in the direction of re-adjustment was to do away with two borough constituencies both of which return members to the other House who are favorable to the present Government, viz.: the boroughs of Cornwall and Niagara. The two seats thus obtained, in conjunction with the four which the increased population of Ontario gives to that Province—the gain of Ontario over Quebec, the pivot Province—make altogether six seats, which it became the duty of the Government to-day to provide for in the re-adjustment of seats, in consequence of the decennial Census just completed. These six seats were to be provided for in Ontario, which, at the time, and now, returned 82 members to Parliament. So that, as six is to 82, so the extent of the actual addition of seats is to the whole representation of that province, and so far as changes consequent upon them, came into play, so far they must of necessity interfere with existing constituencies. Now, if any hon. gentleman had sat down to introduce into the middle of a province containing 82 constituencies, six new ones, he must necessarily have found great difficulty and embarrassment in endeavoring, in any way, to introduce so new an element of so large a character into the general representation of their province. The Government have endeavored to be guided in the effort which they have made, by the principle which has always been strongly advocated in Ontario,—more especially by those gentlemen in opposition—the principle of representation by population. That principle was laid down in former years and strongly advocated by the existing Opposition, it was acquiesced in at confederation, and upon it the representation of Ontario and the other provinces in this Parliament, was based. And, it seems to me, that no fairer principle could have governed those gentlemen who are engaged in this scheme for the re-adjustment of representation in this Dominion; there could have been none which apparently could have recommended itself more strongly to the members of the Opposition than that one. I have had it pointed out to me that the principle to which I refer, was strongly laid down by the hon. gentleman who led

the Opposition in 1871, on the occasion of the presentation to Parliament of the Bill for the re-adjustment of representation, in consequence of the decennial Census of 1871. On that occasion the hon. leader of the Opposition moved, during the discussion of that measure in the other House, a resolution pointing to the principle of representation by population, which he then thought should have governed the re-adjustment in 1872; and that view was accepted by his followers, at that time. He complained then that it had not been adopted, and be laid down the principle very strongly, in these words:

“That all the words after ‘That’ to the end of the question, be left out, and the words ‘North Simcoe contains 33,917 souls; Essex, 32,697; Lambton, 31,994; South Bruce, 31,332, giving four members to 129,940 souls, and many other districts in Ontario contain far more than the average number of 18,315 per member; that three of the new members are proposed to be assigned so as to give members to districts at the average rate of 10,710 per member, giving five members to 53,550 souls; that the six additional members to be allotted to Ontario are due to the increased population of that Province, and should be allotted with reasonable regard to that population.’”

Now, hon. gentlemen, that principle has been followed out very closely—as closely as any member of the Opposition could follow it—in the scheme which is now upon the table. Many of the larger constituencies, most of them in fact, have been reduced; and many of the smaller ones have been increased; a general fairness—taking the principle of population for the moment as a guide—has been introduced, which did not previously exist. To satisfy, hon. gentlemen, that this is the case, I will just read a few figures, shewing the population of some of the counties in Ontario as they are now, and as they will be when this Bill shall have passed:

	As at present.	As proposed.
Brant, North	11,894	17,705
“ South	21,975	19,281
Oxford, North	25,361	24,389
“ South	24,732	23,133
Norfolk, North	17,219	20,923
“ South	16,374	19,279
Perth, South	20,778	21,508
“ North	34,207	25,538
Bruce, North	24,971	19,055
“ East }	64,774	22,618
“ West }		24,218
Elgin, East	28,147	26,304
“ West	14,214	23,480

SEVERAL HON. GENTLEMEN—Hear, hear.

HON. SIR ALEX. CAMPBELL—Hon. gentlemen say hear, hear, but I hope they will take in the full meaning of the change. In Elgin there were two sections, one having 28,000 and the other 14,000; that was not fair, and we now give 26,000 to one, and 23,000 to the other which is a much closer division so far as population goes. Essex is divided into two counties and the population is to be very evenly distributed, viz.: 22,385 for the South, and 25,659 for the North; in Lambton, in the same way the numbers approximate very nearly and will be, for the West 20,891, and for the East 21,725. Middlesex South, East, West and North will respectively have 18,889, 24,552, 19,491 and 19,540. Huron South, Centre and North are to be given 23,512, 23,716 and 21,720, and so on through all the various divisions into which Ontario is divided. There will be an equality much more observable than exists under the present arrangement of these constituencies. Now I will read some of the inequalities in the present division; some of the most striking ones have been grouped together. In the smaller ones there are Cornwall 9,904, Wentworth 14,993, North Brant 11,894 and West Elgin 14,214; and on the other hand there are some larger ones, such as East Elgin 28,147, East Middlesex 30,000, North Perth 34,207, North Huron 27,103, Bothwell 27,102, North Ontario 28,434, Muskoka 27,204, Victoria, North 13,799. These figures show that some constituencies are now twice, some three times, and one or two four times, as large as others. No discrepancy of that kind, however, will be found in the representation as provided for by this Act; for the constituencies will run, I think, from 20,000 to 24,000, which will secure, much more nearly, representation by population; and so far as that is an indication of a proper division of the representation, greater fairness will be obtained. The additional seats are given, commencing at the west, to Essex, Lambton, Bruce, Middlesex, Simcoe and Ontario—to each of these one. The increase of population is, speaking generally, west of Cobourg, and the increased representation has been given wholly to that part of the

country. Here, again, there is a spirit of fairness shown. I know that my hon. friend opposite will say, "but in addition to these new constituencies, you have altered counties very much where you might have avoided it." That depends upon the view which may be taken of the necessity of such changes, resulting from the increase in the number of constituencies. You could not introduce six new divisions in a country so large as Ontario without disturbing very much the boundaries of other constituencies. Take the first example we have, going west from here—that is, the introduction of a new division in the County of Ontario. It was very reasonable, taking that section of the country into consideration, and the increase of population there since 1871, to give it another representative, but it was impossible to take the County of Ontario and carve it into three constituencies, and therefore, to give that section the additional member to which it is entitled, some townships are taken from Ontario and some from the adjoining County of Simcoe. Hon. gentlemen might charge the Government with a disposition to do so for the purpose of accomplishing their own ends. That is an accusation easily put forth, but the fact remains that there is a necessity to create a new constituency, and it cannot be created without taking some townships from the county to the west, and if a change which is justified by the increase of population, is one which seems for the moment to assist the views of the Government, it is not a thing which, I think, should be complained of as against them. It is one of those results which the Opposition, if they were in power, would like to see. But the object is to equalize, as far as possible, the population in the various constituencies, and to give to all parts of the Province, as far as may be practicable, a tolerably even representation on the floor of the House of Commons. That is the principle of the bill, and the changes which have been made, although they seem to be remote from the counties which have been created, follow generally as a consequence of the additional constituencies, as can be explained to the satisfaction of the House in Committee. Occasionally it has so happened that it would seem for the moment to be a change in favor of those views which the Government of the day entertain, but I do not know that that

can be charged against us fairly as an objection to the scheme. An additional member is also provided for in Manitoba. That province is filling up very fast. The portion of it which is mainly occupied by French Canadians will form a constituency by itself—that is, the county of Provencher, along the banks of the Red River, which will be more distinct as a French Canadian constituency than any of the others are likely to be. In order to create this county, and inasmuch as a member is given to the city of Winnipeg, it became necessary to alter the locality of the division of Selkirk, which is now placed at the extreme west. Selkirk was in the neighborhood of St Boniface and thereabouts, close to Winnipeg. Selkirk is moved out to the west, and a member is given to Winnipeg, which is growing very fast and promises to be a considerable city. There will, therefore, be five members from Manitoba. There are no changes in the representation of Quebec in the Bill as it stands now before the House, but I propose, when it goes to committee, to make a small change with reference to some townships in Bellechasse, which, it is thought, should be added to Montmagny.

HON. MR. SCOTT—There are certain changes in Argenteuil.

HON. SIR ALEX. CAMPBELL—Yes; I had forgotten. Some townships are added to Terrebonne. That was explained in the other House as having no political significance. The townships were settled chiefly by the exertions of Father Labelle, who lives in St. Jerome. Their intercourse, their facilities for getting to the county town and their municipal organizations lead rather to Terrebonne than to Argenteuil, from which they are separated by a range of hills of considerable magnitude, making access to the southern or western part of Argenteuil somewhat difficult. Their natural leaning and tendencies, and their natural geographical affinities are towards Terrebonne. These are the changes. They are chiefly in Ontario and Manitoba, and some slight changes in Quebec. I propose, in committee, if it is desired, to show the outlines of the various constituencies. I do not think, however, that the committee will desire to go into any great detail in that particular matter. We

are, of course, to bear in mind that although we have a full right to deal with the measure, still, it is one affecting seats in the other House, and naturally we should be rather reluctant to interpose in reference to the geographical limits which they have laid down by the Bill, and which concerns themselves in that House.

HON. MR. SCOTT—The leader of the Government has informed us that the object the Administration had in view in preparing this measure was to satisfy a long expressed feeling on the part of the people of Ontario that representation should be based upon population, and he told us that this measure has been carefully framed with the view to carry out the wishes of the people, and to give them their fair share of representation in the House of Commons. The hon. gentleman gave us, as he thought from his standpoint possibly, illustrations of the principle on which the Bill is founded. Those illustrations it is my duty to criticise, and I shall point out to him wherein, from my standpoint at all events, the Bill does not carry out the views that he has expressed as the object of the Government in preparing it, and that, so far from its being a Bill fairly to distribute the voting power among the people of Ontario, it is practically to give the majority who now represent that Province in the House of Commons a lease of their present seats for five years more—that the constituencies of Ontario have been cut and carved out, wholly irrespective of their typographical and geographical position and their population. The whole object seems to be that the gentlemen supporting the Administration who now hold seats in the House of Commons shall continue to hold them for another term. This measure is one of the most important introduced to the Parliament of Canada for many years, because it is upon it the representation of the people is based. It is a measure that if fairly carried out would properly represent the vast majority of the people of Ontario, but, carried out as I fear it will be, under the auspices and direction of the temporary majority supporting the Government in Parliament, it will strike at the very root of the principles of civil government, it will create widespread dissatisfaction, and a feeling on the part of the minority

which time will not assuage. A people enjoying the rights of civil liberty are sensitive above all things of their electoral power. It is by that power they gained their rights, and it is by the exercise of that power they obtain wise laws for their country. If you deprive them of that you take away the very foundations of their liberties. The measure, therefore, is one of the highest consequence to the people, not alone of Ontario, but of the entire Dominion. It is one that has been introduced within a comparatively few days of the fag end of a very long session; it has been rapidly rushed through the other House, and changed from day to day like a kaleidoscope, until it is utterly impossible to follow it. Townships have been added to certain constituencies on one day, and withdrawn the next, just as it suited the whim and caprice of the gentlemen who support the Administration, and the Bill has been dealt with entirely as it may affect the position of members in the coming election. A measure of such consequence, in the opinion of all fair-minded men, is one which should not be flung on the country just on the eve of a general election, as the precursor by only a few days of the writs which are going forth for the election of members of the House of Commons. The people of this country have not had an opportunity, not merely of considering the Bill, but of knowing what the character of the measure is. I ask any hon. gentleman within the sound of my voice if he can go over that Bill and say what changes have been made during the last ten days? We know that the Bill as introduced was different from the Bill as it came up for the second reading. It was stopped for the purpose of making changes. These changes were improperly made after the Bill had been introduced: changes were made in committee, and from time to time up to the last day before it left the lower House, and I would not be at all surprised if the wires which are being worked and appeals which are being made by parties outside were now being employed to induce the Government to make still further changes. Certainly, if we sat here for a fortnight, not a day would go over but changes would be made in the Bill—changes to suit the exigencies of the hour in every part of the country. Therefore, a bill of such importance should not be

postponed to the last dying days of this protracted session, and the people should have an opportunity of considering it and expressing an opinion upon its details. The hon. gentleman has adverted to the principle that was laid down in 1872 having been followed out on the present occasion—when the representation of Ontario was added to necessarily a disturbing element was introduced into the various electoral districts in order that the additional seats might be apportioned fairly. I shall go back a little further than 1872, and show the principles that governed the measure of that time. I find no fault with the principle that was applied in 1872, although you can trace in the measure of that year the appeals of the supporters of the Government of that day to have changes made in certain constituencies unfairly and improperly, but still the Government of that day rose superior to the demands and clamors of party, and refused to cut and carve the constituencies of Ontario to suit the men who were to seek re-election. I say they rose equal to the occasion and declined to prepare a bill which was entirely made up in caucus and at the instance of their own supporters. Now, let us go back to the time of confederation when this question of representation by population had been so much discussed. What was called representation by population in those days was the representation of the larger population german to each other, whose sympathies and associations were in common. It was not the equal division of electoral districts over the country; that was never contemplated or thought of. At confederation the number of electoral districts in Ontario and Quebec was, as hon. gentlemen probably know, 65 for Ontario and 65 for Quebec. At that time no less than 17 new districts were created in Ontario. One would suppose from the language of the leader of the Government in the House to-day that the addition of so many seats must necessarily have disturbed nearly the whole area of the country. But let us see what was really done, and whether the statesmen who framed the Confederation Act recognized geographical boundaries, the municipal institutions of the country, and the importance of keeping people together who had worked together. They recog-

nized that in cases where there was no redundancy of population there should be no disturbance of the electoral districts. Out of 65 seats then in Ontario, 43 were left undisturbed by the addition of the 17, which brought the representation up to 82. That left just 22 electoral districts which had to be disturbed to make up that number. There was no attempt to betray the people by taking away their rights and privileges; there was no attempt to create a Conservative constituency by taking up a half dozen Reform townships from various quarters and grouping them together—to hive them—“to hive the Grits,” as it has been called. It was conducted on an honorable basis. The same gentlemen, probably, who conceived the Confederation Act while in London acted free and untrammelled by party lines. The leader of the Government of that day rose to the high plane to which a statesman should attain, and he was then preparing the magna charta for the working out of this question of confederation. He was equal to the occasion and he scorned to do anything so dishonorable and contemptible as to disfranchise a large element of the people of this country, and to give voting power to the minority—practically providing that the minority should represent the people of Ontario, and that the majority should be left outside. He rose superior to such feelings. Now, the hon. gentleman, warned by the clamors of his friends on the eve of a general election, and though boasting that he would come back strengthened and reinforced through the working of the National Policy, when the hour comes—anticipating that hour by a whole twelve months—feeling that the record would be read too truthfully and readily before 1883, by the people becoming better educated on the acts of the Administration, they have to make their seats secure, and in adding four members to the representation of Ontario they have been obliged to disturb 54 constituencies.

HON. SIR ALEX. CAMPBELL—Six constituencies are added.

HON. MR. SCOTT—My hon. friend says six constituencies are added; yes by annihilating Niagara, where the hon. gentleman's friend was elected by only two of a majority at the last election. The hon.

gentleman's supporters did not dare to trust Niagara again. He knew that the constituency would return a Conservative member. The hon. gentleman knows very well that Cornwall would not elect a Conservative.

HON. SIR ALEX. CAMPBELL—Yes.

HON. MR. SCOTT—The hon. gentleman knew that Cornwall had been represented by Reformers before and will be again, and it suited the Government to destroy those two constituencies, just for the same purpose that they are now creating new constituencies, as I will proceed to show. I start with the basis that when they added so large a number as seventeen when there were but sixty-five constituencies in Ontario, forty-three electoral districts were left undisturbed and only twenty-two were disturbed to bring the number up to eighty-two. That was a recognition of the proper principle, and that principle, although somewhat mutilated I admit, was still tolerably fairly carried out at the last distribution in 1872 when the representation of Ontario was brought up to eighty-eight. What were the changes made ten years ago? Huron and Grey were each given an additional member; Muskoka, a new settlement, was given a representative, Toronto, Hamilton and Ottawa were given an additional member each, and Haldimand, Monck, Wellington and Victoria were somewhat changed, making in all ten constituencies. Some new townships were added to south Renfrew, but that was merely an extension of its limits. Now that was a recognition of the same principle which prevailed at the time of confederation—that the municipal boundaries should not be disturbed. Here I would just like to quote, for the information of hon. gentlemen, the speech which the hon. the leader of the Government made in introducing this measure in 1872 and see how it tallies with the opinions expressed by his colleagues this session. I do not know that he spoke himself on the occasion of the present measure coming before Parliament—at least I am not aware that he answered the arguments adduced against him in 1872, he said:—

“The desire of the Government has been to preserve the representation for counties and subdivisions of counties as much as possible. It is considered objectionable to make

representation a mere geographical term. It is desired as much as possible to keep the representation within the county, so that each county that is a municipality of Ontario should be represented, and if it becomes large enough divide it into ridings. That principle is carried out in the suggestions I am about to make, 'Our municipal system gives an admirable opportunity to constituencies to select men for their deserts. We all know the process which happily goes on in Western Ontario. A young man in a county commences his public life by being elected by his neighbors, who know him, to the Township Council. If he shows himself possessed of administrative ability he is made a Reeve or Deputy Reeve of his township. He becomes a member of the County Council, and as his experience increases, and his character and abilities become known, he is selected by his people as their representative in Parliament. It is a grand system that the people of Canada should have the opportunity of choosing for political promotion the men in whom they have most confidence and of whose abilities they are fully assured. All that great advantage is lost by cutting off a portion of two separate counties and adding them together for electoral purposes only. Those portions so cut off have no common interest; they do not meet together and they have no common feeling, except that once in five years they go to the polls in their own township to vote for a man who may be known in one session and not in another.'

So it was fairly carried out. As the population of a county exceeded the normal representation of other counties, an extra member was given to it. That was the true principle, and that was the principle which always prevailed in Canada up to the present time. Now I think the right hon. gentleman who uttered those words spoke wisely and sensibly and in the interests of the people whom he represented when he delivered that speech. If he acted fairly in 1872 he cannot be credited with having acted fairly and honorably by the people in 1882, because the two acts are entirely inconsistent with each other. I have shown that to add six members in 1872 only eleven constituencies were disturbed, and practically only nine, because Muskoka was a new settlement and Renfrew had simply a number of townships added to it: it would not in any way disturb those constituencies. I maintain that if I stopped here my point would be carried. I have shown the principle on which even the Conservative Government of this country had acted in the past. I have proved how tenderly they dealt with this question, the dearest of all others to the people of this country, how

cautiously they dealt with it at the time of confederation is evident from the small disturbing element in the large increase given to Ontario then, and how cautiously the same principle was carried out in 1872 when six members were given to the Province. Now, in 1882, in order to give only four additional constituencies, over fifty had to be disturbed, so that it would be extremely difficult for the people of those districts to know to what constituency they belong. It will certainly be news to many of them when they receive the intelligence. On what principle has this Bill been based? The hon. gentleman says it is upon the dearly worshipped principle of representation by population, and he gives a number of cases where, from his view, the population was equalized. Now, I will quote a few cases, and let us see how they bear out that view. I maintain that neither geographical area nor representation by population had anything whatever to do with this Bill. It was to give to the present supporters of the Government in the House of Commons a continuance of their seats, if, by framing the constituencies to suit them, that wish can be accomplished. Now, take some of the constituencies. There is South Grenville with a population of 13,526, while Kent has 28,112, or considerably more than double. Take North Leeds,—with the reduction made from it which I shall discuss presently—which has a population of 12,423, while East Simcoe has 27,185. What a wide distinction! Take again Brockville, with Kitley added to it, 15,207, while South Wellington has 26,618. Take Frontenac, with 14,993, while East Elgin has 26,303; Kingston with 14,091 while North Perth has 26,538; West Peterborough with 13,310 while North Simcoe has 26,120; Ottawa with 27,417, has two seats, while North Huron and North Wellington have each over 26,000.

HON. SIR ALEX. CAMPBELL—That only shows that we have taken a step in the right direction; we will redress all that in 1892.

HON. MR. SCOTT—I have referred now to sixteen constituencies. Eight of them give a total of 110,962, which is an average of 13,870, while the other eight give a total of 212,998, or an average of

26,624; and yet we are told that this Bill is based upon representation by population!

HON. SIR ALEX. CAMPBELL—We have gone as far as we could get.

HON. MR. SCOTT—The hon. gentleman could not safely go further. He did not dare to carry it out entirely. I will show precisely how far the hon. gentleman felt it safe to go. The table which I have furnished sets at rest the question of representation by population. Let us now look at some of the constituencies in our own neighborhood which have been changed. Take the case of the two Lanarks. Their present population amounts to 33,975. They join North Leeds and other constituencies with a population less than their own; but it was desirable to change North and South Lanark. One would naturally think if the right hon. the leader of the Government were true to the impulses which dictated the step which he took in 1872, he would say that the Lanarks ought to have their boundaries preserved. That is a very old county, having been settled in 1816. It is an old clannish kind of a county, and you would have supposed that if it had to be equalized it would be done within its own borders. There would be nothing objectionable or repulsive about that, and nobody could complain if it had been done; it would give to each of the ridings a population of 16,987. But North Lanark is a Liberal constituency and it had to be supplemented by coming down to the county of Carleton. There are some good old-fashioned Tory townships in Carleton and two were selected, Fitzroy and Torbolton which were added to North Lanark, in order that a Reform constituency might return a supporter of the Administration. But Torbolton did not appreciate being taken from Carleton. They were not to be handed over to North Lanark; and so, Conservative as they were, they repudiated the idea; and, as they were near at hand to the capital, remonstrances reached here before the Bill got through. Torbolton being recalcitrant was withdrawn, and Huntley, a good Tory township, was substituted. They could be spared out of Carleton very well. Possibly the Government may find that they have caught a Tartar in Huntley. They may find that the Irishmen of

Huntley do not care to be called upon to vote with the Scotchmen of North Lanark. I think they will resent being transferred so far from the constituency in which they have been accustomed to vote and severed from the alliances which have prevailed in past years. But one would suppose that South Lanark would be left alone, because, assuredly, if you had to make up a deficiency in North Lanark, and there was a redundancy in South Lanark, you would naturally take from the south riding and add to the north. But the member for South Lanark did not feel safe, so he had to get rid of part of his constituents. Mr. Frost was an opponent of Mr. Haggart at the last election; he lives in the village of Smith's Falls, which is a rising town, where he had a majority of ninety-eight at the last election, a considerable majority in one municipality which is a growing one.

HON. MR. READ—Yes; under the National Policy.

HON. MR. SCOTT—Mr. Frost is a manufacturer, and if anybody should appreciate the National Policy one would expect that he would. But, on the contrary, he believes it has injured him; he believes he could do much better if he were allowed to get the raw material cheaper. However, that is aside from the question. Mr. Frost and the village of Smith's Falls have to be bundled out of the constituency. Mr. Haggart, the sitting member, not only gets rid of the village which gave such a majority against him, but he also gets rid of his opponent. The two ridings of Lanark formed at one time one constituency: when an increase of population warranted it they were divided, and the natural and honest way to equalize the population, when it was found that there had been a greater increase in the south riding than in the north, would have been to take from the south and add to the north. Instead of doing that they went outside of the county, to Carleton to increase the population of the north riding and transferred a portion of South Lanark to another county to reduce its population; and yet hon. gentlemen opposite say there is nothing objectionable or improper in all that. But let us go a little further; let us follow it up and see where it was interjected into. Mr. Frost and his supporters in Smith's

Falls were interjected into North Leeds, with whom they had nothing in common. But what was the position of North Leeds? It was a small constituency of only 12,423, a long way below the average, which was about 19,000.

HON. SIR ALEX. CAMPBELL—I think the average is still about 19,000.

HON. MR. SCOTT—North Leeds was largely below that, yet will hon. gentlemen believe it, this good Conservative county, though largely below the average, and with the addition of 125 Grits from Smith's Falls it could not have its representation affected, had to be again disturbed. The town of Brockville was not considered safe, and they transferred Kitley from North Leeds to Brockville, reducing North Leeds to 12,423, and yet we are told that representation according to numbers is the guiding principle in this precious Bill. We are also told that geographical arrangement has something to do with the measure, but if hon. gentlemen will look at Kitley and Brockville they will see that they are a long way apart and are not so situated, geographically, as to justify their being included in one constituency. But if the population of North Leeds is too low, and is to be brought up by the addition of Smith's Falls, why transfer Kitley from North Leeds to Brockville? Surely not to equalize it? No; they had to take in a Reform constituency from South Lanark and to eject a Conservative township in order to overcome a Reform majority in the town of Brockville.

HON. MR. SKEAD— It is for the purpose of amalgamation.

HON. MR. SCOTT—I do not think hon. gentlemen will succeed in this amalgamation; I think they will be met by an indignant people who will not tolerate such an outrage. I could quite understand the Government bringing in a township from one constituency to make up the proper numerical quota of the population in another riding, but I do not understand their bringing in a township from one side of a constituency and ejecting another township from the other side as has been done in North Leeds. Then why disturb it at all? There must have been some

object, and that object is apparent. You have only to look at the figures of the last election and you will see the object. Everybody knows that Mr. Frost gave Mr. Haggart a very close run in South Lanark; he had a large majority in Smith's Falls, and Mr. Haggart had to be sustained, part of the Reform element in his county had to be ejected from it and be transferred to where they could do no harm.

HON. MR. SKEAD—It could not effect Mr. Haggart, as I think that gentleman is going further west to find a constituency—near the Rocky Mountains—in the next election.

HON. MR. SCOTT—No doubt he finds that the offended people of South Lanark will not tolerate him any longer, and a great many others as well as Mr. Haggart will also find it to their interest to go further west for constituencies, and I think there will be a great many changes that hon. gentlemen do not at present anticipate. Now let us go a little further west and see how they run up in the central part of Ontario. Take Lincoln and Niagara which have been consolidated, making the population of that constituency 26,408. Niagara was blotted out for a good reason: at the last election Mr. Hughes, the Opposition candidate, was elected by a narrow majority I think, and was unseated for bribery on the part of some of his friends, and Mr. Plumb was returned by a very narrow majority. The Government thought that Lincoln ought to be changed because it is in the midst of a number of constituencies that are numerically smaller, and it was proposed that it should be reduced by taking out Clinton and adding to it Monck, which was a small constituency, and required Clinton to give it the proper number of population. The Bill was passing through the Commons in that shape, but the sitting member did not consider his riding safe with Clinton taken off. Clinton had a large majority of Conservative votes, and although the Bill had passed its second reading, Clinton had to be brought back and added to Lincoln, although it swelled up the number of the population of that constituency to 26,408, which is largely above the average, but it was necessary to make it safe for a Govern-

HON. MR. SCOTT.

ment candidate. Then Welland, which was only a very short distance from it, was left with over 26,152. And how does Monck stand? By the last census it had a population of 17,145; it certainly was not up to the average, but the exigencies of the hour were such that Clinton had to be removed, reducing it still further to 15,940. That looked a little too glaring, and the House of Commons would not stand it, as several constituencies had been run up to 26,000, so Haldimand with its population of 18,619 was reduced to 17,660, by taking from it South Cayuga with its population of 959; yet that is called equalizing the representation by population. We know from the manner in which this whole matter has been discussed by the press and the people of the country that the political exigencies of the party in power are what influenced and controlled the whole arrangement of these constituencies.

HON. SIR ALEX. CAMPBELL—I am astonished at the hon. gentleman.

HON. MR. SCOTT—It is not a measure that any member of the Government ought to be proud of; it is not a thing that future historians will write well of or approve of. It was not the guiding principle of the Minister of Justice, when he assisted in the framing of the charter of our liberties, the Confederation Act; it was not the political exigencies of his followers that influenced him at that time: he moved on the plane that statesmen move on. Even now I am satisfied that the hon. gentleman is too just, too fair-minded a man to have initiated or framed so disturbing a measure. I give him credit for being influenced by higher motives and higher aspirations than assisting in the preparation of a dastardly bill of this kind. I have shown where it has been changed, day after day, at every stage of the Bill—townships added one day, taken off the next and added somewhere else, according as it would suit the exigencies of the case and benefit the majority in the House of Commons. They were the people who controlled it; they were the people who prepared it, and prepared it with only one object in view, to make them feel safe in their constituencies for the next election. They might with the same propriety have passed an act to secure them in their seats

for five years longer without election. I maintain that this question of representation is too delicate a subject to be treated in the way it has been; it is one that ought to have been approached in a patriotic spirit, and entirely apart from political feeling. It ought not to have been approached on the eve of an election, when political feeling is aroused, and people are not in a position to consider fairly how such a bill will affect the future interests of the Dominion. This measure has been formed to give the majority the control in all directions and to bring the Opposition together in such a way as to render them powerless, as I am prepared to show when I go a little further on. Take the County of Bruce for instance: South Bruce had a population of 39,803, North Bruce, 24,971. It would have been a very easy matter to have divided Bruce into three ridings of 21,591 each. Now, if I have got the figures correctly, it is divided as follows:—East Bruce 22,000, West Bruce 24,000, North Bruce 18,000. Now why is it there is that discrepancy, why not make each riding as nearly as possible 21,000 each? Why should there be 6,000 of a difference between North Bruce and West Bruce? It is not very hard to find the motive.

HON. MR. READ—I happened to be in the House of Commons when North Bruce was divided in that way on a motion made by a political friend of the hon. gentleman.

HON. MR. SCOTT—Mr. Gillies?

HON. MR. SKEAD—No; it was on Mr. Patterson's motion that North Bruce was divided.

HON. MR. POWER—Mr. Patterson moved that the Town of Elgin be added to one of these constituencies.

HON. MR. SCOTT—That would not have made it any better.

HON. MR. READ—Oh, yes!

HON. MR. SCOTT—What is the population of Elgin? What is the object of adding it to one of the constituencies? It was to remove about 500 Reform votes

who were in the North Riding to the West Riding, where there were already 405 Grit votes, gathering together nearly 1,000 Reform votes, or as it is called "hiving the Grits." By this means all the Reformers are gathered into one riding, West Bruce, where they will have a majority of 956, and two constituencies are secured to the Conservatives. Do you call that fair representation? It is not based on members, or on affinities or on any principle that can be defended in connection with representation by population. I am justified in saying that it has been done for the purpose of giving two ridings to the Conservative party in the county, if the people will consent to be turned over in that way like sheep out of a fold—because it is the smallest constituency, 18,000, where the Reform vote is taken from and added to the large constituency in the west where it was already large. In no period in the history of Canada was ever such an effort made to control a whole constituency. Take any large county in Canada and by manipulation of that kind, a county that would return at least two Liberals you can make it return two Conservatives and one Liberal. A good deal of personal feeling has been mixed up with this disgraceful and discreditable act. Take for instance Centre Huron, the very name of the county has been scattered to the winds; all the bitterness of the Government in the accident of their power, seems to have been vented upon Sir Richard Cartwright; but we will see if the people of Ontario will tolerate the blotting out of a public man by such discreditable and disreputable means. Centre Huron has been entirely destroyed; there will be no such constituency in the future. Reference has been made to Mr. Mowat's Redistribution Bill.

HON. MR. READ—Hear, hear.

HON. MR. SCOTT—The hon. gentleman from Quinte says "hear, hear," but I will tell him what Mr. Mowat's Redistribution Bill was. Did he carve and cut up forty or fifty constituencies in order to provide six new seats? No he added one member to the County of Huron, he abolished the County of Bothwell which had been created out of Lambton and Kent and added a new member to each in conformity with the principle laid down by Sir John A. Macdonald himself.

HON. MR. SCOTT.

HON. SIR ALEX. CAMPBELL—Mr. Mowat divided townships I am told.

HON. MR. SCOTT—If my hon. friend will analyze Mr. Mowat's Redistribution Bill, he will find it is not open to any such objections as are made against this one.

HON. MR. AIKINS—It divides townships.

HON. MR. SCOTT—At all events in the County of Huron he did not go outside of the county; he equalized it as well as it could be equalized numerically and gave it an extra member. The old County of Bothwell he abolished and gave increased representation to Kent and Lambton. To the County of Essex he gave an additional member. Then to the County of Dufferin, a county that had been created for municipal purposes, after many years of agitation, by taking certain large townships out of Simcoe, Wellington, Grey and Cardwell he gave one member. For that county judges were appointed, and all the machinery for carrying on municipal affairs were provided. Grey got one member. Wellington had some slight changes made. Then Muskoka and Parry Sound were created into a new district. Simcoe had increased representation. The townships of Haggarty, Sherwood and Burns were taken from Lanark and added to the County of Renfrew. Brockville was enlarged, and some few changes were made in the east riding of Northumberland, and that sums up Mr. Mowat's Bill, and if it is at all open to the charge that has been made, that it is in any way a justification for the action of the Government in introducing the measure now before the House, then I do not read the English language correctly. But supposing Mr. Mowat had done an improper thing; supposing he had acted differently from the policy laid down by Sir John A. Macdonald when he framed the Confederation Act, and brought in a change of representation in 1872, would that justify the Government here in doing it in the higher sphere and on the higher plane that they move in, and where they are setting an example to all the minor provinces of the Dominion? No man will pretend to say that it would offer a shadow of justification, but there is no ground for

any statement of the sort against Mr. Mowat. In providing six new seats for the representation of Ontario, Mr. Mowat affected only one-fourth of the existing constituencies. Taking the last census and the votes recorded at the last election, I will just show how far the principle has been carried out of what is called gathering the majorities. Wherever in any two counties there was a considerable majority of Reform votes the principle of this Bill has been to get them together in one constituency.

HON. MR. READ—These are the hives ?

HON. MR. SCOTT—Yes ; but these hives may swarm, the people may repudiate this Act of the Government. They will not tolerate it.

North Brant was quoted by my hon. friend just now, and it was certainly made very safe, the majority being 723—quite a constituency by itself. However, if the Government suppose that the minority in this country are going quietly to swallow that pill, they make a great mistake. In my judgment no greater blow has ever been aimed at confederation than this Bill ; and nothing has tended more to shake the autonomy of this Dominion ; no freeman can accept it. I say that when the liberties and privileges of a people are infringed upon by an accidental majority in Parliament, that minority so trampled upon will seek redress. It is nothing more than telling those people that this piece of paper is the law which they are to obey, because it is made by an accidental majority having their own views, and the people whose interests are effected will not stand it. They will not submit to or tolerate it, and this Senate has now a great duty to perform in the premises, if it is to be truly a safe-guard for the minority. I would ask why we are here given 24 members for each of the larger provinces, though the respective populations and representations of those provinces in the other branch of the legislature vary so greatly? The answer is, simply to see that the minority of one people have not their rights and privileges encroached upon by those who happen to be in the majority ; that their liberties should be respected, and that the House of Com-

mons with its majority rushing madly and wildly on to accomplish something which should not be accomplished, might find that the people of this country would be protected by the Senate. What did the Senate do in 1874 when the Reform element of that day proposed to make a small change, to take one electoral division from one county and add it to another in order to make it symmetrical and equal in population? They threw out the Bill ; they obeyed then the minority in the House of Commons, as the Senate to-day obeys the majority of that House. Members of this House will rise in their places man after man, and tell me that this is not a political measure, and that the rights of the minority are to be preserved here. I hear it day after day, that they rise superior to political exigencies, that they are above the influence of men in the other Chamber, that they are free from the political animosity that naturally finds a place there, and that they only wish to deal fairly by the people of this country. I say to the hon. gentlemen in this House if you are actuated by these feelings you will take that Bill and throw it out. But nothing of the kind will be done ; hon. gentlemen here will quietly record their votes for the passage of this Bill—and yet I am told this Senate is not a partizan body ! I say it is a partizan Senate when it treated a Reform majority one year in the way I have mentioned, and refuses a Reform minority now the same justice that it was willing to give a minority on another occasion. In 1874 the Senate said to the minority in the House of Commons “We will stand by you ; it is quite true that the majority of the people of Ontario say that the counties of Huron are not fairly divided, that they only want to remove one township from one riding and to add it to another.” And the Senate did back the minority in the House of Commons and said, “No, it shall not be done, the great Conservative leader says it must not be so, and so the Senate will not pass the measure.” In that way the large Reform majority in the House of Commons was set at defiance, and were told that the Senate must keep them in check, and must hold the reins until a change came about. Now a change has come, and we have a Bill before us which seeks to give four additional seats to Ontario, and by way of

doing so it alters the constituencies from one end to the other of that Province. It is not carried out as would become a Government, calmly, judiciously, and upon fair principles; but it is arranged simply at the caprice of the men who have to go back to those constituencies and seek re-election. The members of the House of Commons favorable to the Government have virtually been told, "Make your constituencies to suit yourselves." I say again that the members of this Government will be ashamed, when this matter comes to be part of the history of this country, that their names have been connected with a measure which, in my judgment, is far beyond any other for which they may be judged and condemned by the people who will come after them, I maintain that it in no way bears comparison with any other of their acts, because it strikes at the very foundation of the liberties of the people, upon which civil rights hinge. There is no parallel in any question; there never was in this country any such legislation, nor do I know of a similar case in any other country where freedom is recognized. Now hon. gentlemen I probably have gone into this matter more exhaustively than might by some be thought necessary, but I felt that I should be recreant to my duty if I permitted this measure to pass, without, at all events, expressing my individual opinion upon the enormity of it and its discreditable character. Whether you take it in the aggregate or in detail, it is just full of idiosyncrasies; you cannot point out where in any one degree it is harmonious with itself. It is based on no principle whatever; representation by population has nothing whatever to do with it; topographical areas have nothing to do with it, but it is got up carefully just to suit a majority in the House of Commons;—men who are to go to their constituencies and want to prepare the field. It would be improper and unparliamentary to say just what it is like; but it resembles a man playing cards with another, who takes all the trumps himself. I ask are the Conservative party going fairly to the polls at the next election; are they going on any basis which could be regarded as honorable or just or proper; will the minority feel that they have been fairly treated? When they are beaten will they say we have been beaten under the laws

of our country, fairly and honestly administered? No, they will not; and if it were possible to go further I have only to point to the last section of that Bill. It states that hereafter the officials who formerly were the returning officers in this country—men amenable to the laws, and responsible, in some degree, for the integrity, honor and propriety with which they discharged their duties—that they are no longer to be returning officers. This was a right which was fought for during many years by the people of this country—that some responsible persons, who were not casually pitch-forked into the office, and who had no responsibility further than to gratify the views of the administration of the day, whether it was Reform or Conservative—should hold these positions. But this Bill tells us that the returning officer shall be anybody that the Government chooses to name. On all other occasions it necessarily has been either the Sheriff or Registrar, and we know very well the power with which the returning officers are invested, and how that power has been exercised in the past; how disgracefully it has been abused, either by one side or the other. I am now speaking generally, and I am not claiming any particular propriety or honor for one party more than another, but I say that if you give any man a position in which discredit can be done by going beyond the proper limits in some slight degree, that such a man, under the excitement of the hour, and with political feeling running high, may have his judgment so warped that he may be induced to do what at another time he would shrink from doing. Then it might happen that this power would be entrusted to an unscrupulous man, and such a person, whether Reformer or Conservative, will take advantage of his position; he acts under a certain spur or stimulus and we know that things have been done by returning officers in this country which, three months before or afterwards, some of them would have scorned to perform. They did it under the impulse of the moment, they were appointed as creatures of the Government, and they were paid for their work. A particular party was to be returned, so they carried out the views of their employers by electing that particular party, if the figures would at all warrant them in doing so. Our history is full of just

such illustrations, so it was found that a most important change would be the appointment of officers who were appointed both by the Reform and Conservative Governments—the Sheriffs and Registrars. Very strong and stringent laws were passed to punish them if they were guilty of the slightest impropriety, and I know a gentleman in the Province of Quebec who was a registrar—Mr. Archambeault, I think was his name—and because he was guilty of some slight irregularity he was expelled from his office; I dare say several hon. gentlemen here will remember the case. I merely mention this as an illustration of the severe punishment which followed any irregularity on the part of these officers who stood between the two political parties, and who were bound to see fair play, and to take care that the election was carried on under the law. These men knew that their offices were in jeopardy unless they acted in a strictly impartial manner, and in any event they were men of some importance in the community, having their character at stake. But under this Bill any man, no matter how reckless he may be, and though he may not own a dollar's worth of property, yet may be appointed to this responsible position. He may be sent from Ottawa with instructions to do anything to ensure the Government candidate's election. Again, an active, vigorous man on the other side of politics may be appointed a poll clerk, and he must serve in that capacity, if called upon, or pay a large penalty for refusing to go; in fact there are fifty ways in which advantage may be gained, during an election, by one side or the other. Will hon. gentlemen say that it is fair to take away this wise provision, that only certain persons shall be returning officers? I may be told that registrar and sheriff act improperly, and I dare say I shall hear some instance of it. I dare say they are like other men, but we should at any rate have some security for the greater fidelity with which they would perform their duties. Their offices would be in jeopardy, and they are chosen usually from the ranks of men in higher social positions; they are appointed returning officers by both administrations, and are expected to act impartially. Yet that bulwark is destroyed, adding, if possible, to the enormities of the measure

which we are now called upon to read the second time. I therefore move that it be not now read the second time, but that it be read the second time this day three months.

HON. MR. AIKINS—My hon. friend who has just taken his seat has made many statements to this House but to most of them I must demur. I agree with him, however, in this: that an important measure of this kind, which affects the rights of this country, ought to be well considered before it comes into force. The measure as now before the House is one that I hold has been properly considered by the representatives of the people. There is no question that has come before this Parliament which has received more attention or which has been more thoroughly discussed than the present measure. My hon. friend says that the people have not had an opportunity of seeing this Bill; that they have not been afforded a chance for expressing their opinion. I would ask that hon. gentleman if any measure that has come before the House of Commons this year, has received more attention than this Bill, or has been more thoroughly discussed; if the members on both sides of the House have not expressed their opinions very freely in reference to it? And then there is this point which my hon. friend appears to have ignored altogether: that in this country the municipal organization must control the electoral districts. Then there is another important principle which ought to be borne in mind in regard to any measure affecting the people; that is that no interests or classes having representation in Parliament ought to be neglected. Now a large number of the constituencies that have been affected by this Bill are agricultural constituencies, and I would ask hon. gentlemen in this House, or any hon. gentleman who feels inclined to examine this Bill dispassionately, if the agricultural interest in this country has in any way been sacrificed by the arrangements which have been made in reference to these electoral districts.

HON. MR. POWER—What has agriculture got to do with this?

HON. MR. AIKINS—It has this: that all classes or interests in this country, or any other country that possesses represen-

tive institutions, are always considered. Now, you have the agricultural class; what difference does it make to a man whether he resides on this side of the line or that, so long as he has the right, and the liberty to carry out that right, of casting his vote for the person who may be nominated as a candidate for Parliament? I could very readily understand a difficulty arising, if in grouping counties together, or municipalities together, townships had been added to cities or towns; because we all know that in cities they have a number of interests.

HON. MR. SCOTT—What about Brockville is not Kitley added to it?

HON. MR. AIKINS—Brockville had a rural township before, and if the argument of my hon. friend is worth anything, it is merely this: the borough of Niagara has been called a rotten borough—if not by my hon. friend at any rate by other hon. gentlemen—and according to the argument of my hon. friend we must maintain the integrity of the borough of Niagara simply as it is, and it must continue to send a representative to Parliament. I think that any hon. gentleman who takes up this measure and compares the course which has been taken by the Government with that taken, in reference to representation in the Province of Ontario, where they cut up townships and divided them, and paid no attention whatever to municipal districts, cannot fail to see that great care has been taken in this measure to equalize representation in the Dominion Parliament. If we had adopted the same course in reference to the increased representation given to Ontario, as the Provincial Government had done, then the course taken would have been a very different one. We have, however, tried to adjust the representation in such a way that each electoral division would have about the same number of electors in it. But what has been the course to which my hon. friend has referred as pursued in Ontario? How have the electoral divisions been distributed by the Provincial Government? When my hon. friend referred to our electoral districts he did not tell the House what the population was. Had he stated to the House how it affected the population, and not merely the area of these districts, then he would

have given us some information; that is what my hon. friend ought to have done, but did not do. For the information of the House I will just give two or three instances. For example, I will take the County of Wentworth as adjusted by the Provincial Government. It had a population of 31,000, and that county was given two representatives; but the City of Hamilton with 38,000—7,000 more than the County of Wentworth—could only get one member. Then you have the north riding of the County of Brant. Brant, with one representative, has only a population of 12,000, still you find that they actually grouped Niagara and Lincoln and made a population of 29,597; so that while in Brant that had only 12,000 they made another electoral district having 30,000, or very nearly two and one half times as many. Then they took West Elgin that had a population of 14,000, and they gave it a representative, yet you find that to the City of Toronto, with its population of 86,000 or over, they only gave two representatives. My hon. friend, however, did not think it proper to state that.

HON. MR. SCOTT—I am discussing this Bill, not Mr. Mowat's Bill.

HON. MR. AIKINS—You referred to the course pursued by Mr. Mowat in the provincial representation, and I say my argument is germane to the subject. If my hon. friend had acted consistently by the House he would have given this information, but he is not fair, and has led the House to believe that in the adjustment of the provincial representation population had been taken into account as well as area.

HON. MR. POWER—Will the hon. gentleman pardon me for interrupting him. He referred to the Government of Ontario not having given Hamilton and Toronto more members; I would ask why is it that the City of Montreal, that has a population of 140,000, has only three members under this Bill?

HON. MR. AIKINS—The reason is that there we find a state of things entirely different from what exists in the Province of Ontario. They are only entitled to 65 members in the Province of Quebec,

and if the population of Lower Canada was double what it is to-day, they would still be entitled to only the same number of representatives. If the Province of Ontario had only been entitled to the same number of members after the census was taken as it had before, it cannot be supposed that any re-adjustment would have taken place; I do not believe it would, and I am quite sure my hon. friend does not think that any adjustment of the representation would have been made, if by the census which has recently been taken, Ontario was not entitled to any increased representation;—yet such a course might have been pursued. Now my hon. colleague, in introducing this measure went over a large number of constituencies and showed how they were divided, how the population was as nearly made even as was possible, without dividing municipalities or townships. This it was not deemed advisable to do, and the only blot upon the Bill is one which was suggested by the Opposition in the other House, and which was adopted by that House. It is that Port Elgin is taken out of the township of Saugeen, and attached to an electoral district at least five or six miles away from it.

HON. MR. POWER — How about Scugog?

HON. MR. AIKINS—The cases are not analgous at all, and if the hon. gentleman knew the locality he would not ask such a question as that. My hon. friend talked about the civil rights of the people being affected by this Bill; but how are civil rights affected?

HON. MR. SCOTT—The rights which the majority give to the minority.

HON. MR. AIKINS—My hon. friend speaks about hiving the Grits, but how have the Conservatives been hived?—on the same principle. Why you could not take all the electoral districts in Ontario, with the large representation that the Liberal Conservatives have in the other House and arrange them in any other way, but you must have a larger number of districts. If you take the votes cast at the last election as any criterion, you could not adjust them in any possible way,

but you would have a majority of districts that might possibly be represented by Conservatives. The hon. gentleman says that the people might rise up in their indignation and resent the course that the Government has pursued; but if this be true my hon. friend has no right to complain. Why does he move the rejection of this Bill if the people are going to express their resentment in a practical way, by sending members to the House of Commons who are opposed to this measure? That is just what my hon. friend desires, I presume, and I am therefore surprised that he should move for the rejection of a measure which he himself declares will result in causing the people to send to the House of Commons members who are opposed to the present Administration. The speech of my hon. friend is similar in character to those I heard delivered in 1872. At that time I chanced to be a member of the Government, and Sir John A. Macdonald was the leader of that Government, and introduced a somewhat similar measure. I remember very well how that Government was opposed for having introduced such a measure, and the amount of ridicule and abuse which was attempted to be heaped on them for introducing a measure to divide the Province of Ontario in such a way. The then Opposition declared that it was done apparently in the interest of the Conservative Party. Yet hon. gentlemen, we find that a speech, as made at that time by Sir John Macdonald, has been used here to day by my hon. friend—that speech being the one of all others that is entitled to commendation. Now I have not the least doubt, if my hon. friend and myself are in this House ten years hence, when another readjustment takes place, that he will then take the speech delivered by Sir John Macdonald in the other House upon this subject, and will hold it up as a guide to members in this House. It is the old story over again; my hon. friend is not satisfied, no matter what course is pursued. But if my hon. friend had been in this House, and in the majority instead of the minority, I should like to know what course he would have pursued under these circumstances. I am rather inclined to think that, notwithstanding the principles he has enunciated to-day, if placed in the position I mention and called upon to readjust the rep-

resentation of Ontario—his own province—interested as he is in the people of that province, he would hardly have come to the conclusion that the civil rights of the people were very much influenced if he thought fit to divide these electoral districts in such a way that he would not be injured politically. I am quite satisfied he would come to the same conclusion which others have reached on this subject. Now, the hon. gentleman has said that when an adjustment took place heretofore very few constituencies were disturbed; but that can be easily explained. I am sure if my hon. friend had taken trouble to explain to this House as he might have done he would have satisfied the House—even if he was not satisfied himself—that the course pursued at that time was an extremely judicious one. Why you had the Counties of Huron and Bruce—two counties—united for municipal purposes, and those counties had a population of from 90,000 to 100,000, and there was no difficulty in saying how those counties should be divided. In place of the new districts increasing very largely in population, however, we find now that some of the old counties have increased. Take the County of Essex and the County of Lambton; they have largely increased, and the same may be said of Kent, Huron and Bruce and North Simcoe. Hence when you have to make changes, and those changes of that character that would allow six new electoral districts to be formed, you could not carve those out in any way without disturbing a large number. The hon. gentleman says we disturbed more than was necessary, but that is a matter of opinion. My hon. friend says “you could have done so and so;” well, we could, but we did not think it judicious to do so and so, and for this reason: that my hon. friend and others on that side would have come to the conclusion that in making such a readjustment we had not done it in such a way as to equalize the population—which we have now done. I have not the least doubt that when the people, as a whole, come to see this measure they will come to this conclusion: that whatever their other faults are, the Government had one object in view, and that was to adjust the population as nearly as possible so that they would secure for this Dominion representation according to population.

HON. MR. AIKINS.

It being six o'clock the Speaker left the Chair.

After Recess.

HON. MR. AIKINS—I was about to say, when the House rose at six o'clock, that when we bear in mind that the increased representation is confined to the western peninsula of Ontario, the increase of population being there, we will at once understand why so many constituencies are disturbed. The hon. gentleman who has moved the rejection of this Bill, in speaking of the town of Niagara, said it was carried at the last general election by the present sitting member by a majority of only two.

HON. MR. SCOTT—I corrected myself afterwards: I said that Mr. Hughes carried it in the general election.

HON. MR. AIKINS—That constituency has been carried by the Conservatives the last fifteen or twenty years. A Reformer was returned at the last election in consequence of bribery and corruption having been practiced. When a scrutiny of votes was gone into and Mr. Hughes' majority was converted into a minority of two, he was quite willing, if Mr. Plumb, who was the contestant in that case, would withdraw his opposition, to retire, paying all the expenses incurred on both sides, rather than have any further evidence taken. Mr. Hughes knew quite well, as all who read the evidence must have known, that he had himself violated the law to such an extent that had the case been pressed his position would have been much worse than it was. He was disfranchised for eight years, and that fact shows that the courts believed he himself, and not merely his agents, had been guilty. I think it was most unfortunate for the hon. gentleman to refer to Niagara and say that it had been gerrymandered because the present sitting member had only a majority of two. Now, the hon. gentleman from Ottawa adopted a course not unusual from a bad case has to be defended. He attacked the members of this House and declared that this House was a partisan body—that no justice could be expected from a majority in this House—and for what reason? Because when a certain measure was before this House, known as the Tuckersmith Bill,

they had the independence to reject it. The hon. gentleman says the Senate was a partisan body, then and must be partisan now. I am rather surprised that my hon. friend should have referred to that Bill at all. Those in the other House who occupy a position similar to his kept as far from it as possible. They knew it was indefensible. Tuckersmith, at the general election, had, by its large vote, returned the sitting member to the House of Commons; but, after that election had taken place, a Bill was introduced by a gentleman representing another constituency, who was likely to be unseated for corrupt practices, and who was afterwards unseated, to detach Tuckersmith township from the riding to which it belonged, and attach it to his own, in order that he might thus ensure his re-election. That was the only object of the Bill, and the only conclusion we can arrive at is that if hon. members opposite had the framing of this Bill, they would divide the province to suit the purpose of their party. When they were willing to detach Tuckersmith from one county and add it to another for the reasons I have mentioned, and to take Port Elgin from the Saugeen division and attach it to a county six or eight miles away, we can imagine what they would do if they had to re-distribute the representation of the Province. The hon. gentleman has moved the rejection of this Bill. If he considered it objectionable he might have moved to amend it. I admit that he is strictly within parliamentary rules in moving to reject it, but what does he desire? Is it that the Province of Ontario shall not have the four additional members to which it is entitled? That would be the result. The average population of a constituency is about 21,000. That average is determined by dividing the population of the Province of Quebec by 65. The quotient in that case becomes the divisor, so far as the other provinces are concerned. If hon. gentlemen will examine the list they will find that the constituencies in Ontario have been equalized as nearly as possible. It is true that townships have not been divided, as was done by Mr. Mowat—

HON. MR. SCOTT—I fail to find out what particular bill the hon. gentleman was referring to when he spoke of Elgin.

I do not know any other bill passed in 1874—

HON. MR. AIKINS—The hon. gentleman spoke of the Elgins.

HON. MR. SCOTT—I did not speak of Elgin being divided. What I said was that West Elgin had a population less than 15,000, while Lincoln and Niagara combined had a population in round numbers of 30,000. He did not disturb it.

HON. MR. AIKINS—Certainly not; but why did he not disturb it? If I should indulge in such insinuations as my hon. friend uttered, I would say that the reason was West Elgin returned a Reformer, while Lincoln and Niagara returned a Conservative. If my hon. friend would express his own conviction, he would admit that that was the reason.

HON. MR. SCOTT—Oh no!

HON. MR. AIKINS—What I say is this: had the Government thought proper to divide municipalities in the same way that the Ontario Government did, the representation could have been even more equally distributed. I cannot conceive that this House will for one moment think of rejecting this Bill. The result of adopting the amendment would be to deprive Ontario and Manitoba of the increased representation to which they are entitled.

HON. MR. BELLEROSE—On this important question, I think I should explain the course which I intend to pursue. While the Bill does not meet with my unqualified approval, I cannot vote for the amendment, and, in my opinion, it should not be put. The object of the Bill is to readjust the representation in the House of Commons, as we are required to do by the terms of the British North America Act. I cannot, therefore, oppose the principle of the Bill, but when it is referred to committee we can amend it to meet the wishes of the majority. I must say that on this subject I am in accord with the views expressed by Sir John Macdonald, fifteen years ago, when he said:—

“The desire of the Government has been to preserve the representation for counties and

sub-divisions of counties as much as possible. It is considered objectionable to make representation a mere geographical term. It is desired, as much as possible, to keep the representation within the county, so that each county that is a municipality of Ontario should be represented."

That is the broad principle laid down by Sir John Macdonald himself at the time of confederation and I believe that it is a sound one. Now I am asked to-day to take another view—the very opposite to that. I am asked to vote for this measure. I cannot do so, not merely because it violates the principle to which I have referred, but because we have seen, ever since confederation, how minorities may be dealt with. The majority of to-day may be in a minority to-morrow, and if I give my vote in support of such a proposition to-day how could I condemn my opponents, if they should follow this precedent in the future? I have thought over this question, and asked myself how I should like to have a couple of parishes of another county added to Laval to increase its population. I should consider it improper and feel that Sir John Macdonald's view of this matter fifteen years ago was the correct one. True, it has been said that if the other side were in power they would seize this opportunity to strengthen their party.

HON. MR. POWER—Oh no!

HON. MR. BELLEROSE—The hon. gentleman says "Oh no!" I say Oh yes! But while I believe they would do so, am I here to do what I believe to be wrong simply because I know that others would act improperly under similar circumstances?

HON. SIR ALEX. CAMPBELL—Certainly not.

HON. MR. BELLEROSE—I must do my duty honestly and conscientiously. I must bear in mind that the people I represent are in a minority, and that they are continually ill-treated. If they were sufficiently powerful, the question of marriage, which was decided this session to be within the jurisdiction of this Parliament, would have been decided in accordance with the interpretation which the framers of the Constitution placed on record at the time of Confederation. Therefore, though hon. gentlemen oppo-

site would, if they had the chance, do as their opponents are now doing, I cannot, as a representative of a minority, countenance this measure.

HON. MR. CHAPPAIS—The Opposition have done worse.

HON. MR. BELLEROSE—They would do worse, I believe, if they had the opportunity, but that is no argument. I must pursue a course which will give them no pretext in the future, if they should be in office, to abuse their power. If I do what is right now, I can in the future, if occasion calls for it, condemn them for trampling upon the rights of the people. This, then, is my position: I cannot support the amendment, because Ontario is entitled to increased representation, and the amendment, if carried, would deny it; but if amendments in the right direction are proposed, I shall either vote for them or abstain from voting altogether.

HON. MR. POWER—There is some force in the objection which has been raised by the hon. gentleman who has just sat down, but I do not think the objection is one that is strong enough to prevail. It seems to me that it would be more becoming at this stage of the session for the Senate to throw out this Bill altogether than to undertake to go into its details and reconstruct it. I think it is improbable that the amendment will prevail, but if it did the probabilities are that we would have another bill from the House of Commons of a more satisfactory character than this in a short time. I know that the friends of the hon. gentleman from Ottawa in the other House would assist the Government in preparing another measure on this subject which would come up very soon; so I do not think the hon. gentleman from DeLanau dière need fear that Ontario would lose the additional representation, to which she is entitled, if this motion was carried. The hon. gentleman said the principle of the Bill was to give Ontario an additional four members. There are more things than that involved in the measure. A very important feature of it is to do away with the system of having registrars and sheriffs act as returning officers. That is almost as important as having four additional members.

HON. MR. BELLEROSE—If I could

accept the changes in the boundaries of constituencies, I would have no objection to any other part of the Bill.

HON. MR. POWER—I am very sorry to hear the hon. gentleman say that. You cannot except the principle of this Bill from its details, because there is no particular portion of the Bill that you can oppose and feel that you have the essence of the measure, because the essence is spread over some 55 or 60 sub-clauses. There is just one point which I wish to say a word about at the start, which was suggested by the hon. Minister of Inland Revenue. He said that this measure had been carefully considered: now he did not tell us by whom.

HON. MR. AIKINS—By the members of the House of Commons, and by the Government.

HON. MR. POWER—If that is the case, the hon. gentleman is in error. This Bill, proposing to reconstruct the whole representation of Ontario, was read the first time on the 28th April. It was read the second time on the 8th May. There was no opportunity for reconstruction in that interval, and the House went into committee on the Bill, and it was forced through committee at a single sitting. Where was the time for consideration? There was no time at all. The same majority voted down every amendment that was suggested.

HON. MR. AIKINS—That may be, but still it was well considered.

HON. MR. POWER—We know how the Bill was considered. It is a matter that is quite well known to every gentleman of the House of Commons, at any rate, and I presume it is known to every member of the Senate, that during all the early part of this session, a committee of four members of the House of Commons, generally known as "the gerrymandering Committee" were incubating the details of this measure, and when they had their work done, as they thought, fairly well, it was introduced and read the first time. When the Bill was attempted to be read the second time it was found to be totally different from the Bill as introduced: in consequence of the alterations which had

been made in the Bill, the right hon. gentleman who introduced it had to withdraw the measure and re-introduce it. Now that is not the way they make changes of this kind in the old country. I find in May's Constitutional History, page 439, in reference to Earl Derby's Reform Bill, that when a change was to be made a Royal Commission was appointed to deal with the matter, and that Commission had to report to Parliament. The thing was done by a judicial body, and not such a committee as dealt with this measure. Now, I do not propose to go over the ground that has been so well covered by the hon. gentleman from Ottawa, but I shall refer to one or two authorities which I think ought to have a good deal of weight with hon. gentlemen opposite. The hon. member from De Lanaudiere read the declaration of the present leader of the Government in 1872 when introducing the Redistribution Bill of that year. That right hon. gentleman the other night, when introducing this Bill, declared that he stood by the declaration which he had made in 1872. Now, in 1874 this question of the representation in the House of Commons came before the Senate, the circumstances being briefly these; by the Re-distribution Act of 1872 the township of Tuckersmith had been taken from one riding of the County of Huron and added to another. There were 406 electors in that township, and 330 of these electors petitioned Parliament to be put back where they had been before. The House of Commons passed a Bill to grant their request. Now that was a very small matter, and not one which endangered the liberties of the people or affected the possible fate of the Government, but let us see what the hon. gentleman who leads this House said then.

HON. MR. READ—Will the hon. gentleman explain why Tuckersmith should be represented by two members of Parliament at the same time?

HON. MR. POWER—It was not to enable them to elect two members.

HON. MR. AIKINS—Yes, they had elected one member and it was proposed to give them an opportunity to elect another.

HON. MR. POWER—The hon. gentleman who now leads the House so ably, said on that occasion: "It was suggested that there was a clause in the Bill that it should not come into operation until the expiration of this Parliament."

HON. MR. READ—If the House of Commons had allowed that it would not have been objected to so much.

HON. MR. POWER—Perhaps not. Sir Alexander Campbell, continuing his remarks at that time, said:—

"It was suggested that there was a clause in the Bill that should not come into operation until after this Parliament, but that was pooh poohed, and he felt justified in saying that the object was—indeed the avowed object to take 200 votes from one constituency and give them to another, at a time when an election was imminent, or at least likely to take place. Take the case of Montreal and see how this would work; let us suppose 200 votes taken from Griffintown or Montreal East and added to the western division just before an election came on! Could anything be more unjust? He did not think there could, and when a majority was inclined to carry with a strong hand an arbitrary measure of this kind, that would have the effect of which he spoke, and which was contrary to fair play, good sense and sound reasoning, it was time for the Senate to interfere in a matter which so much concerned the people."

What is the duty of the Senate now? Hon. gentlemen are not proposing to interfere with one constituency, but they are proposing to interfere with fifty constituencies on the eve of an election.

HON. SIR ALEX. CAMPBELL—Because we are required to do so under the Confederation Act.

HON. MR. POWER—The hon. gentlemen are now prepared to do in fifty instances what they at that time condemned their opponents for doing in one instance. Further on in that debate Sir Alexander Campbell is reported as having said:—

"Now, supposing they took a warm interest in the west division of Montreal, what would be said if they took 200 votes from Griffintown, or if in Quebec they took 200 from Champlain, and gave them to the centre division? If such legislation was to be allowed, every person whose election was doubtful would be endeavoring to reconstruct his constituency, so as to make his seat safe. He hoped the Senate would do their duty to

the people of the whole country, by interfering and giving time for the sober second thought of the Commons, who, after they had got over their present flush of triumph, would feel more like dealing with the subject in a juster direction, and would not force on such legislation as this."

I only hope the hon. gentleman will view this matter—after having heard what he said in 1874, and presuming it was right—as we do, and will vote with us to throw out this Bill. The leader of the Government in the other House has declared that he still holds to the principle which he enunciated in 1872, and he enunciated briefly a further rule on the first reading of this Bill, when he said the object of this Bill was to equalize, as much as possible, the population in the constituencies of Ontario. The hon. gentleman from Ottawa has shown how he equalized that population. When the Bill was introduced in the other House, the leader of the Government stated in the beginning of his remarks all the changes that were necessary. He said that the County of Essex should be divided into two ridings; Lambton should be divided into two ridings; the two ridings of Bruce should be increased to three. That disposed of three of the additional seats. He then said the three ridings of Middlesex should be increased to four; the two Simcoes should be increased to three and the two Ontarios should be increased to three. These were all the additions that were necessary and according to the hon. gentleman's own showing all these changes are embraced in nineteen of the fifty-three sub-sections of this Bill, so that the other thirty-four sub-clauses are altogether unnecessary and are introduced for some object other than to carry out the equalization of the population and provide for the additional representation. This Bill, as has been very clearly shown by the hon. member for Ottawa, is not in accordance either with the principle enunciated in 1872—that municipal divisions were to be regarded—nor is it in accord with the additional principle enunciated in 1882—that the population was to be equalized. I wish to call attention to two or three of the many discrepancies in the Bill. The hon. Minister of Inland Revenue said that the only objectionable feature in the measure was one that was introduced on the

motion of a member of the Opposition—that was the taking of Port Elgin from Saugeen and putting it into the north riding of Bruce. What are the facts? Members of the Opposition insisted that the whole district of Saugeen, including Port Elgin, should form part of the electoral riding of North Bruce.

HON. MR. AIKINS—That was not in their original motion.

HON. MR. POWER—Then Mr. Paterson again moved in amendment that the Bill be again recommitted to a committee of the whole with instructions that they have power to amend the same by providing that the township of Saugeen shall form part of the electoral district of the north riding of the county of Bruce. No doubt the gentleman who moved this amendment thought that the Government having consented to put the village of Port Elgin into the north riding of Bruce, would not have the face to let the township stand alone in another county. Under the present law which this Bill proposes to amend, the electoral district of Monck contained 17,145, being 3,762 below the quota, but by the change the population of Monck is reduced to 15,940. So that instead of being equalized the inequality has been increased in that case. I shall now call attention to one point that was dwelt on slightly by the hon. gentleman from Ottawa, and which contradicts, most emphatically, statements of the Minister of Inland Revenue. I find that eight of the seats in Eastern Ontario have the following population :—

South Grenville.....	13,256
North Leeds.....	12,423
Brockville.....	15,207
Frontenac.....	14,993
Kingston.....	14,091
West Peterboro'.....	13,310
Ottawa (2 seats).....	27,412

This gives an average for each seat of 13,946. The hon. gentleman will see how near that is to his average of 21,000.

HON. MR. AIKINS—If these seats had to be rearranged we would have had to change every constituency in the Province.

HON. MR. POWER—The Government took very good care not to interfere with counties that were in the habit of returning Conservative members. It was only the Reform constituencies of Western Ontario or the doubtful ones that were reconstructed. Hon. gentlemen seem to think that the “hiving” of Reform voters is a mere trifle; I wish to show that it is a very serious matter. I will just take eight constituencies, beginning with North Oxford, where the Liberal majority under this Bill would be 1,500; and the smallest of the eight would give a majority of 400. They aggregate a Liberal majority of 5,500. The force of that will be seen when we reflect that at the last general election the aggregate of the majorities in forty-one counties was only 2,305, so that there the Grit majorities have been combined to more than double the amount that would have been necessary to have turned the scale in the last general election in Ontario. There were nearly forty counties in which the majority was under 100, so that hon. gentlemen can see the full force of this proceeding. The friends of the Government have declared in the most persistent way that their policy is so acceptable to the country that if they went to the people on their policy and on their record they would come back with a larger majority than they have at present. I think, as a rule, those who boast the loudest are not the most confident. If the Government feel certain of the result of the elections, why do they go to the country at the expiration of four years instead of allowing Parliament to sit out its whole term? Why do they attempt to concentrate the Reform majorities in those few constituencies in Ontario, and why do they say to the constituencies that have sent members here to support them that they will not trust these constituencies again. They say to the constituency of Brockville, for instance, “True, you elected a supporter, but we doubt if you will do it again, and we will put in the trusty little town of Kitley to make you sure.” So they go from one constituency to another, taking off a township here and adding another there, showing that they do not believe that the constituencies that supported them before will support them again. It looks to me like a breach of trust on the part of the Government to do

a thing of that sort. I think that it is the duty of members to go back to the constituencies that sent them here and render an account of their stewardship to them and not to totally different constituencies as they now propose to do. In addition to all this, which is limited to Ontario, they propose to take into their hands the power of appointing returning officers, a most objectionable feature, and one which indicates a decided retrograde step—a step twenty years back, not in time, but in political civilization. But if the principle of representation by population is a good thing why is Ontario to have a monopoly of it? Why should the other provinces not have the same advantage?

HON. MR. FLINT—Let them pass a representation by population bill and they will get it then.

HON. MR. POWER—Take the Province of Prince Edward Island. There are three counties in that Province returning two members each. Queens has a population of 48,000 while the adjoining county has only 26,000. So that one man in Kings County is as good as two in Queens. The City and County of Halifax return together two representatives for a population of 67,917. The County of Cape Breton has a population of only 31,258 and it returns two members, so that one man in Cape Breton is rather better than two men in Halifax. The County of Queens has a population of 10,577, returning one member, so that in that county one man is rather better than three men in Halifax. The same disproportion exists in Inverness and other constituencies. Then take New Brunswick: the County of Sunbury has a population of 7,651; Restigouche has 7,038, and each of these counties returns one member, while Westmoreland with a population of 37,719 has only one representative. York has a population of over 30,000, and returns only one member. Now, if representation by population is so good a thing we, who adopted it so many years ago in the lower provinces, are entitled to it as well as the people in Ontario are. An examination of the Census will show this fact about Quebec: there are thirteen members from that province who average 31,422 constituents each, and twenty-five members representing an

average of only 13,048 each, and there are six members from Quebec who represent on the average only 10,297, so that hon. gentlemen will see that the pretext (perhaps it is not a parliamentary word) advanced by the Government that this Bill is intended to honestly carry out the principle of representation by population has no foundation in fact. This is the first time, as far as I know, in the history of any British province or colony in which the party in power have undertaken by an unfair manipulation of the constituencies to keep themselves in office; and if the Conservatives regain power by this measure they can continue to repeat the process indefinitely. One of the practical results of this measure will be either such an outburst of popular indignation as will put an end to attempts of this kind in the future, or we shall before long have a dissolution of the Confederation. I think it is well that the Government have selected Ontario for the first attack; because it is a powerful province, one that has the will as well as the power to resent the unfair way in which she has been treated. This Bill coming after the disallowance of provincial acts and after the refusal to carry out the boundary award, is very likely to create a spirit of hostility against the Government in Ontario which will lead to a complete failure of this measure and probably to the defeat of the Government. If it does not we shall probably before very long find this country reduced to the level of Mexico or some of the South American republics where they have the form of responsible government but not the substance, and where the party in power violates the constitution to retain office until a rebellion of the people puts them out.

HON. MR. TRUDEL—As I will not have an opportunity to vote on this measure, having paired, I wish to say that what I have heard from the hon. gentlemen who oppose this Bill has not been sufficient to induce me to vote against it. In the House of Commons the leaders of the Opposition did not disapprove of the principle of the Bill, if I understand their motions correctly. It is easy to see from the record that while Mr. Blake moved an amendment to the motion of Sir John A. Macdonald, disapproving of some of its details he did not negative the principle

of the Bill itself; he did not propose that no legislation in that direction should be passed this session, while the motion of the hon. gentleman from Ottawa would have precisely that effect. I fail to see how we can vote against the second reading of this Bill, and for the amendment of the hon. gentleman from Ottawa, under the terms of the Confederation Act.

HON. MR. FLINT—The hon. gentleman from Halifax has asked why some of the provinces besides Ontario are not equalized. He certainly knows, or ought to know, that no other province has representation by population, and, consequently, there can be no alteration of the constituencies. If they wish for representation by population they can very easily obtain it, and then they will have a chance for redistributing their constituencies; under present circumstances they cannot do so. The effect of this Bill, as I consider it, is to readjust the constituencies of Ontario and give it increased representation according to its increase in population. In 1830 the population of Ontario was 211,000; there were twenty-nine constituencies and fifty members of Parliament. Since that time, of course we have gone on increasing until the policy of representation by population was adopted, and since its adoption, of course there has been a readjustment from time to time. The Confederation Act provides that there shall be a readjustment every ten years, and the simple question is, what is to be done; has that readjustment to be made so as to please only the party in Opposition? I should think not, and the very fact of the introduction of the famous Tuckersmith Bill shows sufficiently what would have been done by the late Government under the circumstances, at that time. If that Bill had passed this House, there were several others ready to come down upon us for readjustment of their constituencies so as to prevent persons whose seats were unsafe from losing them altogether. That was what we might justly consider taking an unfair advantage of a constituency, but I do not see anything unfair about the present measure, because the law requires that there should be a change every ten years, and we must under the Act make that change according to the number of population. We will take

for instance what was formerly called the Town of York: in 1830 it was represented by one member and contained 2,860 inhabitants; at present it has some 86,000 inhabitants, with three representatives. The following is a comparative statement of the Census of Ontario for the years 1830 and 1882:

	Pop. 1830.	Pop. 1882.	Increase.
Glengarry	9,564	22,221	12,657
Cornwall .....	.....	9,904	.....
Stormont	6,433	13,294	6,861
Dundas	3,758	20,598	16,840
Prescott	3,833	22,857	.....
Renfrew .....	.....	25,082	44,106
Ottawa .....	.....	27,412	.....
South Grenville.....	7,997	13,562	.....
North Leeds & do... ..	.....	12,929	19,410
South Leeds.....	11,290	12,266	.....
Carleton	6,249	24,689	18,420
Brockville.....	1,130	12,514	11,384
South Lanark.....	9,726	20,032	.....
North Lanark.....	.....	13,940	24,246
South Renfrew.....	.....	19,042	.....
North Renfrew.....	.....	20,965	.....
Frontenac.....	5,284	14,993	9,709
Kingston City.....	3,635	14,091	10,451
Lennox	9,658	16,314	.....
Addington .....	.....	23,470	30,126
Prince Edward	9,794	21,044	11,250
East Hastings .....	.....	17,313	.....
West Hastings	5,819	17,400	49,373
North Hastings... ..	.....	20,479	.....
East Northumberland	9,435	22,299	.....
West .....	.....	16,984	29,848
Peterborough East..	.....	23,956	.....
Peterborough West..	.....	13,310	.....
East Durham.....	5,416	18,710	.....
West Durham.....	.....	17,555	30,849
South Victoria.....	.....	20,813	.....
North Victoria.....	.....	13,799	.....
Muskoka.....	.....	27,204	.....
South Ontario.....	.....	20,378	.....
North Ontario.....	.....	28,434	.....
Toronto City.....	2,860	86,415	83,555
East York.....	.....	23,312	.....
West York.....	23,580	18,884	43,119
North York.....	.....	24,502	.....
South Simcoe.....	2,117	26,891	.....
North Simcoe.....	.....	49,238	74,012
Peel .....	.....	16,387	.....
Cardwell.....	.....	16,770	.....
Welland.....	.....	26,152	.....
Niagara.....	1,148	3,145	1,997
Monck.....	.....	17,145	.....
Lincoln.....	18,414	22,963	4,549
Haldimand.....	1,354	18,619	17,265
South Wentworth... ..	7,059	14,993	.....
North Wentworth... ..	.....	15,998	23,932
Hamilton City.....	.....	35,961	.....
Halton.....	13,886	21,919	8,033
South Wellington... ..	.....	25,400	.....
Centre Wellington... ..	.....	22,265	.....
North Wellington... ..	.....	25,870	.....
South Grey.....	.....	21,127	.....
East Grey.....	.....	29,666	.....
North Grey.....	.....	23,334	.....
South Norfolk.....	5,106	16,374	.....
North Norfolk.....	.....	17,219	28,487

South Oxford.....	5,725	16,374	} 27,868
North Oxford.....		17,219	
South Brant.....		21,975	}
North Brant.....		11,894	
South Waterloo.....		12,754	}
North Waterloo.....		20,986	
East Elgin.....		28,147	}
West Elgin.....		14,214	
South Oxford.....		24,732	}
North Oxford.....		25,361	
East Middlesex.....	} 11,822	30,600	} 61,543
West Middlesex.....		21,496	
North Middlesex.....		21,392	}
London City.....		19,746	
South Perth.....		20,778	}
North Perth.....		34,207	
South Huron.....		23,390	}
Centre Huron.....		26,474	
North Huron.....		26,103	}
South Bruce.....		39,803	
North Bruce.....		24,971	}
Bothwell.....		27,102	
Lambton.....		42,616	}
Kent.....	3,891	36,626	
Essex.....	5,397	46,962	32,735
Algoma.....		20,320	41,562

211,160 1,946,532 780,843

This shows a net increase in twenty-nine counties and union of counties, cities, etc. of 780,843; and an increase in forty counties, divisions, and cities not estimated in 1830, of 954,529, or a total increase in the population of Ontario since 1830 of 1,735,372—an increase in 51 years of 803 per cent; or an average of $15\frac{3}{4}$ per cent. per annum. When we come to take this into consideration it shows how the country has increased in population, as it has also prospered in wealth and importance. The present Bill may be perhaps wrong in some of its details, but taking it as a whole, I think it is a good measure, and I am therefore prepared to give my vote in its favor. As an Upper Canadian, having resided all my life in Ontario, and having grown with its growth—if I have not strengthened with its strength—having known it as a forest, when even this city had no existence and the surrounding country was an unbroken wilderness, I consider that our progress has been marvellous, considering the difficulties under which we have had to labor. I do not think there will be any general dissatisfaction throughout Ontario if this Bill should pass, or that the indignation spoken of by the hon. gentleman opposite (Mr. Scott) will extend much further than to a few members who have been disappointed, and their friends. I do not believe that it is going to bring about a rebellion; I think it is in the right

direction although it is not satisfactory in all its details. It is true it has come down late in the session, but the session has been very much protracted owing to the course pursued by the Opposition in the other House. But for them we should have had this Bill before us a month ago; and, after all, when we have finished it and returned to our homes, and come to reflect on the business we have done this session I think we will be no worse friends than we have been since the opening of Parliament.

HON. MR. WARK—I intend to vote for the amendment, but not to deprive Ontario of four members. This Parliament has another year to run, and I cannot understand the object of dissolving it this year if it is to be dissolved. If a vote of want of confidence had been carried against the Government or their majority had dwindled away, a dissolution this year might be proper, but there is no necessity for it and we have no authority for saying that it will take place. Let us reject this measure now and give the public an opportunity to consider it carefully. Then, when Parliament meets next year, we will be better prepared to legislate on the subject. The question of representation by population was, of course, a matter discussed between Upper and Lower Canada. It was a very exciting subject, but I do not think that the public men who met at London, and framed the British North America Act ever thought of representation by population being carried further than to give each province representation in proportion to its population. I do not think they ever intended that at the end of each decade the boundaries of the constituencies should be changed. The hon. member from Halifax has referred to the disproportionate representation of several counties in the Maritime Provinces. So far as New Brunswick is concerned I do not think there are more than two counties, perhaps not more than one, that would wish for any change with regard to the present representation, although no doubt the population of some counties, is greater than the population of others. I think every member of the House of Commons, as well as every Senator, should look upon himself as the representative of his Province rather than of his constituency. It is very different in the local

legislatures, where representation by population, or something very like it, is desirable. A great many local questions come up in a provincial legislature, such as the distribution of the revenue for local purposes, and it is necessary that every section of the Province should be fairly represented. No such necessity exists for the representation in this Parliament, and consequently I think it was a great mistake to change the boundaries of the counties at the outset. I believe that the boundaries should have been preserved, and when it was necessary to increase the representation, the course pursued in New Brunswick should have been followed, namely:—to divide the constituencies with the largest population. The other constituencies would acquiesce. Then, if we fell behind again in population, and members had to withdraw from us, I should say they ought to be withdrawn in the same way, but the representation we set out with, one member for each county, ought never to have been departed from. What the fate of Ontario now is, may, ten years hence, be the fate of other provinces, and we may have the constituencies throughout the Dominion cut and carved in a way at variance with our wishes.

The Senate divided on the amendment, which was rejected by the following vote:—

CONTENTS.

Hon. Messrs.

Baillargeon,	Paquet,
Chaffers,	Power,
Grant,	Pozer,
Haythorne,	Scott,
Leonard,	Stevens,
McClellan,	Wark.—13.
McMaster,	

NON-CONTENTS.

Hon. Messrs.

Aikins,	MacInnes, (Hamilton)
Bourinot,	McKay,
Campbell	Macpherson,
(Sir Alexander),	(Speaker),
Carvell,	Montgomery,
Chapais,	Northwood,
Dever,	Odell,
Fabre,	Ogilvie,
Ferrier,	Read,
Flint,	Ryan,
Gibbs,	Skead—21.
Glazier,	

The Bill was read the second time on the same division and referred to Committee of the whole House.

In the Committee,

HON. SIR ALEX. CAMPBELL said he wished to amend the third clause in such a manner as to give the population in the territory lying to the eastward of St. Anne, La Broquerie and Emerson the right to vote.

HON. MR. POWER wished it to be understood that this matter had been discussed in the House of Commons and the question was asked the Premier whether he proposed to include this disputed territory in the electoral districts of Manitoba, and the reply was that he did not. This proposed amendment would open up the whole question of where the eastern boundary of Manitoba is.

HON. SIR ALEX. CAMPBELL did not think so. The object was to give the people in that territory a right to vote somewhere. He moved that the third clause be amended to include the territory lying east of Emerson, La Broquerie and Sainte Anne, to the eastern boundary of the Province.

The motion was agreed to.

HON. SIR ALEX. CAMPBELL moved to amend the fourth sub-section to include all the territory lying east of St. Andrews and Springfield to the eastern boundary of the Province.

The motion was agreed to.

HON. SIR ALEX. CAMPBELL moved to amend the 13th sub-section of clause two by adding to Muskoka the township of Ridout.

HON. MR. POWER—Why?

HON. SIR ALEX. CAMPBELL explained that the township was now in North Victoria, and it was only accessible from the west, owing to the topography of the country. For convenience it ought to be added to Muskoka. It was a sparsely settled township and therefore there was no political significance in the change.

The motion was agreed to.

HON. SIR ALEX. CAMPBELL moved to add a sub-section to the second clause

to include all the territory lying west of Thunder Bay as far as the western boundary of Ontario, in the district of Algoma.

The motion was agreed to.

HON. SIR ALEX. CAMPBELL moved to amend the fourth clause by inserting a sub-section to detach certain ranges from the county of Bellechasse and add them to Montmagny.

The motion was agreed to.

HON. SIR ALEX. CAMPBELL said he desired to remedy an anomaly which existed and which affected the employees on the Intercolonial railway. In Quebec and New Brunswick they had a right to vote, but in Nova Scotia, under a law of the local legislature, they were disfranchised. There was no reason why they should not be allowed to vote in that province as they did in the other provinces. He moved to add the following clause :

“ Notwithstanding anything in any law of the province of Nova Scotia or of the Dominion of Canada, no employee on the Intercolonial railway in that province shall be disqualified to vote as an elector at any future election of a member or members to serve in the House of Commons of Canada, if he shall have the necessary property and other qualifications therefor required by law. In the event of the name of any such elector being an employee on the Intercolonial railway having been omitted by the revisors from the list of qualified voters for a member of the General Assembly of Nova Scotia under the laws in force in that province, or to be returned to the County Clerks or Clerks of the Peace, or omitted from the lists of voters deposited by the Sheriff with the County Clerks or Clerks of the Peace or obtained by the Returning Officer or furnished to the Deputy Returning Officer, it shall be lawful for each employee to vote as an elector at any future election of a member or members to serve in the House of Commons of Canada, on his taking or offering to take before the Sheriff or Returning officer the following oath, viz:— I (A. B.) do swear that I am legally qualified to vote at this election, and I verily believe that my name was omitted from the list of electors by reason of my being an employee of the Dominion Government on the Intercolonial railway at the time such list was last perfected and for no other reason.”

HON. MR. SCOTT thought it would be better to follow the excellent principle laid down in Nova Scotia and disfranchise all Government employees. The Government, no doubt, expected to gain a

considerable number of votes by their influence over their employees, but it was not a proper way to exercise their influence. Persons drawing their living from the Government should not be placed in that exceptional position. Many of them would vote contrary to their convictions to gratify those above them. It was all very well to say that under the ballot they could vote as they pleased, but that was encouraging falsehood and deception. The better way would be to disfranchise all Government officials.

HON. SIR ALEX. CAMPBELL thought that his hon. friend was governed more by the principles of his youth than of the party to which he belonged. He (Sir Alex. Campbell) did not at all agree that those who served the Government should be disfranchised. It was unseemly for certain Government officials to take an active part in elections, but there could be no objection to all officials voting. When the hon. member from Ottawa belonged to the same party that he (Sir Alex. Campbell) was still a member of, they did not allow Custom house officers to vote in England; now they allow them to vote, and every change that has been made of late years has been in the direction of increasing the number of electors and enlarging the powers of the people. It was an extraordinary anomaly, that men living on one side of an imaginary line could vote while those living on the other side could not.

HON. MR. POWER thought it was highly objectionable, after this Bill had passed the House of Commons, for the Senate to undertake to deal with a matter that properly belonged to the other Chamber.

HON. SIR ALEX. CAMPBELL—This was forgotten there.

HON. MR. POWER said the hon. gentleman could not be in accord with the Minister of Inland Revenue, in saying that this Bill was fully considered.

HON. MR. AIKINS—It was fully considered.

HON. MR. POWER wished to call the attention of the Minister of Justice to this

fact ; that instead of this being an anomalous state of things, if the amendment of the hon. gentleman were adopted it would introduce an anomaly. The franchise throughout the Dominion was regulated by the Local Legislatures, and every one who had a right to vote for members of the legislature in the several Provinces, had the right to vote for members of the House of Commons. In the Province of Nova Scotia it happened that the employees on the Government railway had not a right to vote since 1871. They had not the right when the seats were redistributed in 1872, and it was most extraordinary that the Minister of Justice should single out these few scores of men to make them an exception to the rule which prevails all over the Dominion ; it was highly improper and objectionable. The hon. gentleman had stated that the tendency in England was to take off restrictions and allow Government employees to vote, but the position of public servants there was very different from that of Government officials here. The Customs officials of England get their positions by competitive examinations, and politics have nothing to do with their appointments. But on the Intercolonial Railway every employee, however humble his position might be, was appointed because of his politics, and if this amendment were adopted we would see in the coming elections what was witnessed years ago—numbers of employees being brought up in a solid body to vote for the ministerial candidate.

HON. SIR ALEX. CAMPBELL said things had been altered under the present regime. No doubt as matters stood during the time of the late Government appointments were made for political purposes solely.

HON. MR. POWER said that he spoke of the condition of affairs before 1871.

HON. SIR ALEX. CAMPBELL said as matters stood now, these persons were appointed on their merits. The anomaly was very striking, that on one side of the provincial boundary railway employees could vote, while on the other side they could not, and he was sure the hon. gentleman would not press his objection.

HON. MR. POWER—I shall certainly.

HON. SIR ALEX. CAMPBELL—Suppose it was a case of a post office, and on one side of the line a postmaster could vote and on the other side he could not.

HON. MR. POWER—That is a reason for enacting a uniform election law for the whole Dominion.

HON. SIR ALEX. CAMPBELL—I dare say that would be a good plan.

HON. MR. MCKAY was a little astonished at the objection raised by the hon. member for Halifax. In 1871 these employees on the railway were disqualified by a local act, but there was open voting then. Not long ago they unanimously petitioned the Local Legislature to repeal that Act. The Legislative Assembly passed a repealing Bill, but when it went to the Legislative Council it was defeated by a majority of only two votes. This showed that public opinion was in favor of putting these men on an equal footing with other people. At present they were no better than Indians. A Government official might own any amount of property in Nova Scotia, and yet he would not have the right to vote for a candidate for Parliament. He failed to see why this clause should not be adopted, and he hoped the Government would not withdraw it.

The amendment was declared lost on a division.

HON. SIR ALEX. CAMPBELL moved an amendment to place Muskoka in the same position as other counties of Ontario. He explained that railways recently constructed remove Muskoka from its former exceptional position, and it is as accessible now as other parts of the country. There was no reason, therefore, to leave it in its present exceptional state, and the amendment was to provide that elections should take place there at the same time as in other parts of the Province.

The amendment was adopted.

HON. MR. RYAN, from the committee, reported the Bill with the amendments, which were concurred in.

HON. SIR ALEX. CAMPBELL moved the third reading of the Bill.

HON. MR. SCOTT—I desire to ask whether the urgency rule is construed to mean that when that rule is carried by a majority it gives the promoter of a Bill the right to move that it take all its stages in one day?

HON. SIR ALEX. CAMPBELL—Yes; that is my reading of it.

HON. MR. SCOTT—My own reading is that it does not go to that extent.

HON. SIR ALEX. CAMPBELL—I think it does.

HON. MR. SCOTT—I do not propose to offer any opposition to advancing public business at this stage, and therefore I do not take any exception to it, but I disclaim that it is done under that rule. I move that the Bill be not now read the third time, but that it be referred back to the Committee, with instructions to strike out clause six, with sub-section one.

The Senate divided on the amendment, which was rejected by the following vote :—

CONTENTS :

Hon. Messrs.

Baillargeon,	Paquet,
Charters,	Power,
Grant,	Pozor,
Haythorne,	Scott,
Leonard,	Stephens,
McLelan,	Wark.—13.
McMaster,	

NON-CONTENTS :

Hon. Messrs.

Aikins,	McInnes, (Hamilton.)
Campbell (Sir Alex.)	McKay,
Carvell,	Macpherson, (Speaker)
Chapais,	Montgomery,
Dever,	Northwood,
Fabre,	Odell,
Ferrier,	Ogilvie,
Flint,	Read,
Gibbe,	Ryan,
Glazier,	Skead,—20.

HON. MR. POWER moved that the said Bill be recommitted for the purpose of striking out subsection two of section five which authorizes employees on the Intercolonial Railway in Nova Scotia to vote at elections, although disqualified by the law of that Province.

HON. SIR ALEX. CAMPBELL—That is out of order. The resolution that they should be allowed to vote was passed in Committee, and the House concurred in the report of the Committee.

HON. MR. POWER—The same objection might be taken to the amendment of my hon. friend. One can move such a resolution at any stage. I am surprised at the Minister of Justice; surely he is not ashamed that his name should appear in the division list.

HON. SIR ALEX. CAMPBELL—Not at all.

HON. MR. POWER—This is an exception to the rule which prevails all over the Dominion, and the subsection contains this extraordinary provision—that a railway employee can, by taking an oath that he is legally qualified, record his vote. It allows any man who is bold enough to swear that he has a right to vote, to place that vote on record.

HON. SIR ALEX. CAMPBELL—He is liable to penalties if he swears falsely.

HON. MR. POWER—There is no penalty in the Bill. If the hon. gentleman had added to the clause that he should be liable to a penalty for perjury—

HON. SIR ALEX. CAMPBELL—It does not need to be there: it is under the general criminal law.

HON. MR. POWER—This is something quite unprecedented. It just means this, that the Government with everything that they have in their favor are afraid to meet the constituencies even in Nova Scotia, and they want to add a couple of hundred votes to the voters' list.

The amendment was declared lost on the same division.

The Bill was then read the third time and passed on the same division.

GENERAL INSPECTION ACT, 1874,
PARTIAL REPEAL BILL.

SECOND READING

HON. MR. AIKINS moved the second reading of Bill (157), "An Act to repeal

certain provisions of the General Inspection Act, 1874."

He said: Under the present law, herrings caught no matter where, if they are inspected by persons holding licenses from the Province of Newfoundland, can be brought into our market and are not again subject to inspection, and have only to pay two cents per barrel inspection fee; whereas fish caught by our own fishermen in the same waters are subject to an inspection fee of fifty cents per barrel, and our own fishermen are thus placed at a disadvantage as compared with those who are licensed by the Newfoundland Government. Under our law no man can inspect fish if he has any interest in the trade; but in Newfoundland the fisherman may be the inspector, and our fishermen are under a disadvantage in that way. The object of the Bill is to remedy that difficulty, so that all fish coming into our markets shall be subject to the same inspection.

HON. MR. POWER—At first sight this Bill might appear to be a very proper one, and when the resolutions on which it was founded were introduced by the Finance Minister in the other House I knew nothing against it. Since that I have ascertained that there is very considerable objection to it. I find that in the City of Montreal opinion is divided. A great many business men there are hostile to the passing of this Bill, and I have had a letter from a gentleman in Halifax who is particularly well qualified to speak upon the subject. He shows that the principal effect of this Bill will be to hinder these Newfoundland herrings from coming to Montreal and Halifax, and will cause them to be shipped direct to the West Indies from Newfoundland. These fish do not come into competition with our own herring at present as they are poor in quality, and the only effect will be to divert the trade from Halifax and Montreal.

HON. MR. OGILVIE—I have not heard from Montreal about this Bill at all excepting from one individual. I have heard from another individual in another place, but they complain that Newfoundland herrings come into Montreal paying no inspection fee at all practically, for it is only two cents a barrel, while the Cana-

dian Labrador herrings pay from forty to sixty cents per barrel. Our Canadian fishermen complain of having to pay so large an inspection fee, while competitors pay almost nothing. If Newfoundland fish are as poor as is stated we would be as well without them while we can get Labrador herrings so good and so cheap.

HON. MR. CARVELL—My idea is that this inspection of fish generally is a farce. In the inspection of flour or butter the inspector puts his trier down through and in each bore he brings up a fair sample of the package from top to bottom; but in the inspection of herrings, if you throw them out of the barrel—which is the only way they can be properly inspected—the injury to them is very much greater than any advantage that can be secured by inspection. The Minister of Inland Revenue speaks of the inspection of fish in some instances being made by the fishermen. I know in our province (Prince Edward Island) we have a large mackerel interest, and in every case the catcher and packer of fish is the inspector. He puts his brand on it, and when it goes to market, Boston being the principal market for mackerel, they are sold on the reputation of the packer or shipper, who is also the inspector. To inspect fish after it is once packed, is simply to depreciate the value from 25 to 50 per cent. The thing is a farce, and the only way to do with fish is to sell them on the reputation of the men who put them up. It is simply absurd to talk of inspecting fish, because it cannot be done properly.

HON. MR. AIKINS—I do not think my hon. friend desires that our fishermen should be placed at a disadvantage as compared with the fishermen who act under Newfoundland licenses, and who also fish in our waters. That is, I understand, the case, that some Canadians are licensed as inspectors by the Newfoundland Government. They fish in our waters and come into our ports with fish that are not inspected, whereas our own fishermen are subject to an inspection fee of from forty to fifty cents per barrel on their fish.

HON. MR. CARVELL—And then they are not inspected.

HON. MR. AIKINS—Yes, they are, because the barrels are taken indiscriminately by the packer and examined, and our own fishermen have good reason to complain that they are placed at a disadvantage with their neighbors who hold licenses from the Newfoundland authorities. I may just say to my hon. friend that the Government, in order to ensure that no injustice would be done to any individual or any section of the country by this Act, have provided that it will only be brought into force by proclamation of the Governor-General-in-Council, and it will be held by the Government until they are sure that no injustice will be done by it to the trade.

HON. MR. CARVELL—I would be very sorry to have it understood that any words of mine would put our fishermen at a disadvantage. I simply state that the whole system of fish inspection is a farce.

HON. MR. RYAN—The difficulty would be very much reduced if the Newfoundland Government would adopt a proper system of inspection there, and I think the tendency of the Bill now introduced will be to force the Newfoundland Government to some action of that description.

HON. MR. CARVELL—With the best intentions the Government may try to force the Newfoundland Government to take such a course as my hon. friend suggests, but, after all, it amounts to nothing. Supposing I am a fisherman on the coast of Newfoundland or Prince Edward Island. I have only to take out a license as inspector and inspect my fish myself, put my brand on them, and when the fish go to market they are sold on the reputation of my name, branded on the head of the barrel.

The motion was agreed to and the Bill was then read the second time.

HON. MR. AIKINS moved that the Bill be read at length at the table.

Motion agreed to.

HON. MR. AIKINS moved the third reading of the Bill.

The motion was agreed to, and the Bill was read the third time and passed.

INSOLVENT BANKS AND TRADING CORPORATIONS BILL.

AMENDMENTS BY THE HOUSE OF COMMONS.

The order of the day having been called for "consideration of the amendments made by the House of Commons to Bill (A) 'An Act respecting Insolvent Banks, Insurance Companies and Trading Corporations.'"

HON. SIR ALEX. CAMPBELL said :—The amendments made by the House of Commons to this Bill seem to be more formidable from their appearance upon the minutes of the House than they really are. The first one is to enlarge the Bill and make it apply not only to the companies originally named in it but also to loan companies and building societies. Building societies are of two natures: some of them have no capital stock, and others have. Where there is no capital stock it would not do to apply this bill to the winding up of such companies, because there is a whole scheme for contribution and a variety of provisions which are framed for and intended for joint stock companies. These are a different kind of societies to building societies where a building society has no capital stock. So I propose to concur in the amendment, and afterwards to introduce the words "having a capital stock" Then, in the same section, after the word "companies," it would be necessary to add, in order to make the sentence perfect, "building societies that have not capital stock." Then the next amendment is, to put the words, "either as a mutual or as a stock company," with reference to the business of insurance, whether it is done as a stock company or as a mutual company. The next amendment is to strike out the present provision of the Bill, under section four, and the next is a proposition to leave out the whole of section nine. Then they have stricken out altogether the clause about set-off. I think a portion of that should be inserted in the Bill, for this reason: it was stricken out, I believe, because some members of the House imagined that there was some new law on the subject of set-off established by this provision; but I apprehend that is not a sound opinion. There is no new law established by it, but

it is necessary, at all events, to keep the law of set-off in the several provinces where the law has to be administered, and as there was some provision with reference to this in the Insolvency Act, and as this clause was copied from the Insolvency Act some deductions might be drawn from it by courts of law which might lead to litigation. Therefore I think it would be better to substitute the first part of the section at all events. Then the next amendment is to strike out the proceedings to be taken against the estate of a deceased contributor if he had not paid up his instalments.

The amendments were concurred in as amended.

PILOTAGE ACT OF 1873 AMENDMENT BILL.

THIRD READING.

The House went into Committee of the Whole on Bill (119), "An Act further to amend the Pilotage Act, 1873, and the other Acts therein mentioned."

HON. MR. POWER, from the Committee, reported the Bill without amendment, and the Bill was then read the third time and passed.

PATENT ACT, 1872, AMENDMENT BILL.

FIRST AND SECOND READINGS.

The following Bill from the Commons—

Bill (55), "An Act further to amend the Patent Act of 1872," was introduced and read the first time.

HON. MR. AIKINS moved that the Bill be read the second time at length at the table.

The motion was agreed to.

HON. MR. AIKINS moved the third reading of the Bill.

HON. MR. SCOTT—I think this Bill is an extension of a principle that is a very unwise one, to allow persons to come into Canada, take out a patent and hold it for three years without doing anything

with it, for the purpose of speculation. I think we have carried this principle in relation to patents entirely too far. In my judgment, when a patent is granted unless something is done with it within twelve months, the exclusive right to it ought not to be continued. I know the facilities with which patents can be obtained from the United States. They generally pass into the hands of middlemen and speculators who are interested in obtaining this extension in order to speculate with them. We are peculiarly circumstanced here. Canada is a country with a population of only 4,000,000, alongside a country with 50,000,000 people, whose inventive activity is much greater than ours. The people of Canada cannot afford to pay enormous prices for the privilege of using American patents, and the consequence is a considerable advantage is lost to our people because they are not allowed to use patents that have been in operation in the United States, some of them for many years, without paying an exorbitant price for them. I understand that under the administration of the patent laws by the present commissioner it has been decided that even after a year a patent can be held some indefinite time without being infringed upon. In this way many a useful invention is kept beyond the reach of the Canadian people, because the patentee holds it for speculation and cannot get his price. I think the Bill is in the wrong direction; it is drawn in the furtherance of a principle that I know is favored by the Patent Office here as it is at Washington, whose legislation we are copying; but our circumstances are so different from those of our neighbors across the line that their patent laws are not suited to this country.

HON. MR. AIKINS—I know that under the general provisions of the act by applying to the department at any time an extension can be obtained on payment of a further sum and in this way the principle of this Bill is admitted.

HON. MR. SCOTT—That is in the case of where a patent has been taken out for five years and the patentee wants to extend it to ten years, but that clause does not apply to this Bill at all.

HON. MR. AIKINS—Under the provisions of the present law the time may be extended from five to ten years, but this Bill makes provision for a certain class of cases. The department is presided over by a practical man and he is strongly of the opinion that this Bill is in the interest of the patentee and of the general public.

HON. MR. SCOTT—My hon. friend will see that he has entirely misconstrued the object of the Bill, because the extension from five to ten years applies only to a case where a patent is taken out for a lesser period and the patentee having complied with the provisions of the Patent Act desires an extension—the article has been manufactured here, or imported and brought into general use,—but this Bill gives the right of extension where the article has not been manufactured in the country or brought into use. There is no kind of apology or excuse for a bill of this kind, because you are departing from the principle we have been acting on for so many years, when it was considered a year ought to be the limit of time during which the patentee ought to have the exclusive right to a patent without manufacturing. I think my hon. friend had better drop the Bill. It is too serious a matter to be taken up at the end of the Session, and it is only in the interest of some few dozen persons. I do not think Parliament ought to be called upon, at the last day of the Session, to consider a matter involving a very serious new principle.

HON. MR. AIKINS—After the appeal made by my hon. friend, I will allow the Bill to stand for third reading to-morrow, until I have had an opportunity of consulting with the Commissioner.

CHIGNECTO MARINE TRANSPORT RAILWAY BILL.

SECOND READING.

Bill (167) "An Act to provide for the granting of a subsidy to the Chignecto and Marine Transport Railway Company (Limited)" from the House of Commons, was introduced and read the first time.

HON. SIR ALEX. CAMPBELL moved that the Bill be read the second time presently.

HON. MR. POWER—I hope that the hon. gentleman will not insist on the Bill being read the second time now.

HON. SIR ALEX. CAMPBELL—We cannot do anything with a Bill of this kind but pass it or reject it. The House of Commons has stated in it that under certain circumstances the Government can expend a certain amount of money.

HON. MR. POWER—The Senate can always vote against the expenditure of public money.

HON. SIR ALEX. CAMPBELL—We will take the second reading now and allow the third reading to stand till to-morrow, reserving full liberty to the hon. gentleman to make any objections he wishes to urge against it at that stage.

The motion was agreed to and the Bill was read the second time.

FREE TRANSMISSION OF NEWS-PAPERS THROUGH THE MAILS BILL.

FIRST, SECOND AND THIRD READINGS.

Bill (161), "An Act to provide (for the free transmission of Canadian newspapers by mail within the Dominion," from the Commons, was introduced, read the first and second time and reported from the Committee without amendments.

HON. SIR ALEX. CAMPBELL moved the third reading of the Bill.

The motion was agreed to and the Bill was read the third time and passed without debate.

HON. SIR ALEX. CAMPBELL moved that when the House adjourns it stand adjourned until to-morrow at 11 a.m.

The motion was agreed to.

The Senate adjourned at 11.05 p.m.

THE SENATE.

Ottawa, Wednesday, May 17th, 1882.

The SPEAKER took the Chair at Eleven o'clock, a. m.

Prayers and routine proceedings.

RECONSTRUCTION OF THE SENATE.

NOTICE OF MOTION.

HON. MR. ALEXANDER gave notice that he would, at an early period of the next session, move that in the opinion of this House the necessary steps should be taken to fill up vacancies in the Senate upon a basis of popular election by constituent bodies in the several districts of this Dominion.

HON. SIR ALEX. CAMPBELL—I do not think this notice can be received unless the hon. gentleman has some authority to show for it.

HON. MR. MILLER—A notice of that kind could only be in the form of a notice of an address to the Imperial Government.

HON. MR. SCOTT—It is not necessary that this notice should go on our minutes; but of course the hon. gentleman has made it public. The press will take cognizance of it and the full object the hon. gentleman desires will be attained.

THE PROROGATION.

MESSAGE FROM HIS EXCELLENCY.

THE SPEAKER read a message from His Excellency the Governor General, announcing that he would prorogue Parliament at five p.m. to-day.

PATENT ACT AMENDMENT BILL.

THIRD READING.

HON. MR. AIKINS rose to move the third reading of Bill (155) "An Act further to amend the Patent Act of 1872." He said:—Exception was taken by the hon. gentleman from Ottawa in reference to

this Bill. I am not so sure that he understood its provisions, and I am not so sure that I understood them myself at that time. The present law makes provision to the following effect:—

"Every patent granted under this Act shall be subject and expressed to be subject to the condition that such patent and all the rights and privileges thereby granted shall cease and determine, and the patent shall be null and void, at the end of two years from the date thereof, unless the patentee, or his assignee or assignees, shall, within that period, have commenced, and shall, after such commencement, continuously carry on in Canada the construction or manufacture of the invention or discovery patented, in such manner that any person desiring to use it may obtain it, or cause it to be made for him at a reasonable price at some manufactory or establishment for making or constructing it in Canada; and that such patent shall be void if, after the expiration of twelve months from the granting thereof, the patentee, or his assignee or assignees, for the whole or a part of his interest in the patent, imports, or causes to be imported into Canada, the invention for which the patent is granted."

This has to be done within a period of two years.

HON. MR. SCOTT—That is what I complained of yesterday.

HON. MR. AIKINS—There is also a proviso that such patent shall be void, if after the expiration of twelve months from the granting thereof, the patentee does not manufacture or import the invention which is patented. An amendment to that was made in 1875, to the following effect:—

"2. Whenever a patentee has been unable to carry on the construction or manufacture of his invention within the two years hereinbefore mentioned, the Commissioner may, at any time not more than three months before the expiration of that period, grant to the patentee a further delay on his adducing proof to the satisfaction of the Commissioner that he was for reasons beyond his control prevented from complying with the above-mentioned condition."

The law as it stands now is this: the patentee has one year under this Act to bring into the Dominion his invention which he has patented, it may be in the United States or elsewhere, but he cannot bring it in after the expiry of that period, unless he is granted an extension of time. Now, under the amended Act the period may be extended for two years more. As the law now stands, if it is not amended the

effect will be this : although a patent may run four years the invention can only be brought in during the first year of the four ; which is just the thing we do not want. We desire to make the law consistent in itself, and to provide that if the Commissioner thinks proper to extend the patent two, three or four years, as the case may be, the patentee may have the privilege of bringing in his invention into this country during that length of time. The application must be made within three months prior to the expiration of the twelve months. The object of this Bill is to make it consistent with the law relating to the time for which patents may run. I saw the gentleman at the head of the department, and he considered it important that the Bill should pass, but if two years was considered too long and one year would meet the wishes of the House, it might pass in that shape.

HON. MR. SCOTT—The legislation of 1875 is clearly in the wrong direction. There has always been a pressure on the Department by persons applying for patents to have the time extended for the importation of inventions and their manufacture in the country. My own view is this : you simply encourage the speculator. A great many of the inventions in the United States are patented in this country by speculators, who hold them for higher prices, and not to manufacture or sell them. The longer you extend the time the more you foster that spirit of speculation which ought not to prevail. If the patentee is not prepared within twelve months either to manufacture the article patented in Canada, or to supply the trade he should not continue to have the exclusive right to it.

HON. MR. AIKINS—I quite agree with my hon. friend.

HON. MR. SCOTT—It may be a small invention, in itself comparatively insignificant, but applied to machinery it may be a matter of great importance and yet because this middle man holds it at a high price it cannot be utilized by the public. He is a dog in the manger ; he will not import it and he will not manufacture it. Now, I think that sort of thing ought not to be favored by legislation. I think one year is long enough for a

patentee either to import or manufacture the article in the country in order that people who desire to use the invention may have an opportunity for obtaining it. Of course the proposition to reduce the period from three to two years is a decided improvement. I hope that at some future period when this question of patents is up again, the time will be still further reduced. I feel that giving such latitude is simply favoring speculators and not inventors. It very rarely happens that an inventor comes into Canada. He generally sells to somebody in Canada, or to some American speculator who gets the patent and holds it dangling before the public in order to obtain a higher price for it.

HON. MR. AIKINS I move that the Bill be not now read the third time ; but that it be amended by striking out "two years" and inserting "one year" in the third clause.

The motion was agreed to, and the Bill as amended was read the third time and passed.

CHIGNECTO MARINE TRANSPORTATION RAILWAY SUBSIDY BILL.

THIRD READING.

HON. SIR ALEX. CAMPBELL moved the third reading of Bill (167), "An Act to provide for the granting of a subsidy to the Chignecto Marine Transport Railway Company (limited)."

HON. MR. POWER—When this Bill was read the second time I intimated to the leader of the Government in this House that I proposed to make some remarks on it, and the hon. gentleman was kind enough to say that these remarks could be made at the third reading as well as at the second. I wish to call the attention of the House to the somewhat unusual character of this measure. The beginning of the preamble says :—

"In consideration of the great advantages which would accrue to the Maritime Provinces and the intercolonial trade of Canada generally, from the construction of a Ship Railway across the Isthmus of Chignecto from Tignish, on La Baie Verte, in the Gulf of St. Lawrence, to a point at the mouth of

the River La Planche, on the Bay of Fundy, and of the proposal made by Mr. H. G. C. Ketchum, on behalf of a Company formed and to be incorporated as "The Chignecto Marine Transport Railway Company," (limited) and approved by the Governor-in-Council on the report of the Minister of Railways and Canals, after consultation with the Chief Engineers of the Department."

I think that if we have time at our disposal to deal with this matter, as the Senate should deal with every subject which comes before it, we should require that preamble to be proved. There is no evidence whatever that this Ship Railway would be a great advantage to the Lower Provinces or to any part of the Dominion. It has not been shown that such an undertaking is practicable. Some of the very best authorities in the United States think that Captain Eads' scheme for a Ship Railway across the Isthmus of Panama is impracticable. I have grave doubts, and it has not been shown to the House at all, that this undertaking of Mr. Ketchum's is practicable. Then there is not the smallest evidence that if the railway were constructed it would ever pay its working expenses. The presumption is that it would not.

HON. MR. MILLER—It would not pay for the grease for the ways.

HON. MR. POWER—When these measures, dealing with large sums of money, come at such a late period of the session, it is impossible for the Senate to give them that attention which they deserve. This measure might as well have come a month ago as now: still I do not intend to let it pass without my protest. The only trade that can go over this ship railway is the trade between points north of Cape Sable Island in Nova Scotia and between the Bay of Fundy, practically, and the Gulf of St. Lawrence. The trade between these points is extremely limited and never will be large. The population round the Gulf of St. Lawrence is small and all the shipping which plies between the ports of the Gulf or the ports on the Bay of Fundy, that would under any circumstances go there is very small indeed. The probabilities are that if this railway were constructed it would be used mainly by American fishermen, although there are not a great many of them to go to the Gulf now. The Govern-

ment of Canada propose, not knowing whether this work can be constructed—there not being the slightest evidence to show that when constructed it will pay its working expenses—to contribute really about \$2,500,000 for the construction of this work, probably enough to build it altogether. The sum of \$150,000 a year for 25 years is about equivalent to a subsidy of \$2,500,000. This is a thing about which there is no hurry and I really think, at the end of the session, when there are such immense sums being voted in the estimates or otherwise, this House ought not to pass this Bill. But as the principle of it has already been affirmed I do not propose to move its rejection. I will move that the Bill be not now read the third time but that it be recommitted to a Committee of the Whole House for the purpose of amending it to provide that no agreement or contract shall be of any effect until approved of by both Houses of Parliament. It will be seen that there cannot be much objection to this because the Bill says if, within seven years from the first of July next, they should construct this ship railway, the subsidy may be granted, so the hon. Minister of Justice will see that the money will not be required for a long time. It seems only reasonable that Parliament should have this control over so large an expenditure. The Government are authorized to enter into an agreement or contract; they are not told to do it, but they may do so if they see fit and this amendment is simply to provide that such agreement or contract shall be submitted to Parliament for its approval. I do not think there can be any objection to the amendment.

HON. SIR ALEX. CAMPBELL—I have no objection to the amendment.

HON. MR. CARVELL—The hon. member from Halifax speaks of want of information and objects to a measure of this importance coming to the Senate at this late stage of the session. If this House were to sit for another ninety days, and the hon. gentleman made no better use of the sources of information at his command, he would know very little more on this subject than he does at present. He says that there is no evidence of the practicability of this work. It is perfectly absurd that a gentleman of his intelligence

should make such a statement. There is abundance of information on the subject: the project has been before the country for years. Its practicability has been demonstrated beyond any chance of doubt. Of its usefulness there can be no question at all. It just happens, however, that it is more than likely it will take some of the trade of Halifax to the City of St. John.

HON. MR. POWER—Not at all.

HON. MR. CARVELL—That is, no doubt, the cause of the hon. gentleman's objection.

The motion was agreed to and the Bill as amended was read the third time and passed.

INCREASED SUBSIDY TO MANITOBA BILL.

FIRST, SECOND AND THIRD READINGS.

Bill (162), "An Act for increasing during a certain time the yearly subsidy to the Province of Manitoba", was received from the House of Commons and read the first time.

HON. SIR ALEX. CAMPBELL moved the second reading of the Bill presently.

HON. MR. POWER—I think it is to be regretted that the Government have not made a different arrangement with the Province of Manitoba. It seems to me that there is no reason why that Province should not be put on the same footing as the other Provinces of the Dominion, and given control of its own minerals and crown lands. The revenue which the Dominion derives from these sources is almost nothing at present. Manitoba would make a great deal more out of them than the Dominion, and we should not have that Province coming almost continually before us, asking for an increased subsidy. It is bad for the Province and bad for the Dominion that this process should be going on all the time.

HON. SIR ALEX. CAMPBELL—I very much regret that the measure does not meet with the approbation of the hon. gentleman, but it has met with the

approval of the House of Commons, and they have given this subsidy to Manitoba. The difficulty with that Province is that they have no crown lands. The public lands which do exist in the Province have, for the most part, been disposed of to railway companies or to individuals. In the case of Prince Edward Island, where there are no crown lands, \$45,000 a year was set apart and given in lieu of such lands, and it is proposed to compensate Manitoba in a similar way. The fact of Manitoba coming frequently to Parliament for an increase of subsidy, is owing to the anomalous position in which that Province is placed. The population is increasing very rapidly there, and naturally the expenses of government increase accordingly. Therefore, an unusual proceeding is required to be taken to meet an unusual state of facts. I hope that this may, at all events for some two or three years, be a finality, but nobody can believe that it will be a finality, ultimately, as regards a Province increasing so rapidly as Manitoba is.

The motion was agreed to, and the Bill passed through its final stages.

DEVELOPMENT OF THE SEA FISHERIES BILL.

THIRD READING.

The following Bill from the House of Commons was introduced and read the first time:—

Bill (177), "An Act to authorise an annual grant for the development of the Sea Fisheries, and the encouragement of the building of fishing vessels."

HON. SIR ALEX. CAMPBELL moved that the Bill be read the second time at the table and at length.

HON. MR. POWER—I cannot understand the attitude taken by the Government in this matter. This subsidy was promised at the beginning of the session; it has taken the Government the whole session to produce this little Bill, and now they cannot afford to give the Opposition half an hour to consider it.

HON. SIR ALEX. CAMPBELL—What is to be considered?

HON. MR. CARVELL,

HON. MR. POWER—There is everything to be considered. It was discussed at some length in the other House and there is a good deal to be said about it. I am not offering any opposition to the Bill, I simply ask that the third reading be allowed to stand over for half an hour until we have an opportunity to read the Bill.

The Bill was read the second time.

THE SUPPLY BILL.

FIRST, SECOND AND THIRD READINGS.

The following Bill from the House of Commons was introduced and read the first time :—

Bill (178), "An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the public service for the financial years ending respectively the 30th June 1882, and 30th June, 1883, and for other purposes relating to the public service."

HON. SIR ALEX. CAMPBELL—I regret very much when a bill of this nature comes up for a second reading that we have not the assistance of the hon. Speaker on the floor of the House. I have not been in the habit of investigating very closely the question of supply. I have never had the honor of holding a seat in the other branch of the Legislature; in this House we have passed these Bills without very much discussion, and I must confess I am not prepared to enter into any details in connection with the Bill. It is the Bill to supply Her Majesty for the current year and next year, and I move that it be now read the second time.

The motion was agreed to, and the Bill was read the second time.

HON. SIR ALEX. CAMPBELL moved the third reading.

HON. MR. SCOTT—This is legislating at the rate of how many millions of dollars a minute?

HON. MR. POWER—How many millions of dollars does the supply amount to?

HON. SIR ALEX. CAMPBELL—I have not read the Bill.

HON. MR. POWER—I think it would have been better if His Honor the Speaker had explained briefly the character of the Bill and the amount we are asked to vote.

HON. SIR ALEX. CAMPBELL—We are not asked to vote anything. They have voted it in the other House. The amount, under schedule A, is \$2,185,799; under schedule B, \$33,365,754.

HON. MR. POWER—I wish to say before the Bill passes finally that I think His Honor the Speaker could speak very feelingly on this subject, because I have a recollection that in 1878, when we were voting a supply Bill \$6,000,000 less than we are voting now, the hon. gentleman who now fills the chair thought we were rushing headlong into an abyss of debt and ruin. The population of this country is not very much greater now than it was then, and the resources of the country are not very much greater; and though we happen to have a little transient prosperity at present we are not justified in squandering millions of dollars to-day on that account. I regret that time does not allow the House to consider the utterances of the hon. gentleman in 1878; and look at what, as member of the Government, he is party to to-day.

THE SPEAKER (descending from the chair)—I do not think it is necessary for me to discuss this Bill, although as a member of the Cabinet, I am responsible for its contents. When I was in a position to criticise the expenditure of the Ministry I felt myself justified in doing so. The condition of the country to-day is very different from what it was then. We are now enjoying a state of unexampled prosperity, and when the revenues are abundant, and there are demands made on the Government for necessary public expenditures, the Government would be wrong in refusing them. The circumstances were very different at the time the hon. gentleman speaks of and I shall not recall them now; it would be improper to do so. All that I feel called upon to say is what I have already said. I congratulate the House and the country on the very great change that has taken

place; attribute it to what we may, we must rejoice that such a beneficial change has been effected, and that the people of the country are now enjoying a measure of prosperity such as we have not had for years.

The Bill was read the third time and passed.

ST. JOHN HARBOR BILL.

FIRST, SECOND AND THIRD READINGS.

The following Bill from the House of Commons was introduced and read the first time:—

Bill (163) "An Act relating to the Harbor of St. John in the Province of New Brunswick."

HON. SIR ALEX. CAMPBELL—This is a Bill to adopt in St. John, New Brunswick, the same plan that has been followed in Quebec and Montreal for some years, and in Three Rivers, and I believe in Halifax, for the government and control of the harbor of that port. Commissioners are appointed who are to purchase the various private wharves as they see fit, convenient and advantageous, and to establish tolls and control the harbor and improve it. I understand that the harbor is not so good now as it has been in former years, and it requires considerable attention to keep the necessary draft of water there. I move the second reading of the Bill.

HON. MR. DEVER—I have only one objection to the Bill. I would prefer to see it have a clause similar to that in the Bill passed for Three Rivers, that is that the Commissioners shall serve without remuneration.

HON. SIR ALEX. CAMPBELL—I do not think there is any salary connected with the position of commissioner in this Bill. I think the Chairman or Secretary are the only ones who have salaries.

HON. MR. DEVER—I see it distinctly stated in the Three Rivers Bill that the commissioners shall serve without salary and I do not think it is in this Bill. It leaves it optional with the Government to give salaries and if the commissioners

are paid, the salaries will necessarily come out of the shipping of the port of St. John. In every other respect I think this is a most desirable Bill and a large majority of the people of St. John will be much pleased with it.

HON. SIR ALEX. CAMPBELL—The only provision in the Bill upon the subject of remuneration is that the officers shall be paid, so that it will be impossible to pay salaries to any members of the Board, there being no provision to that effect. I do not find any negative clause, that they shall not be paid, but there is no provision that they shall be paid. In the face of the Three Rivers Bill there was an absolutely negative provision that no commissioner shall be paid, and I do not know why it has not been inserted in this Bill—I fancy it is because it was drawn up by a different person.

HON. MR. DEVER—I would like to see it amended in this respect.

HON. SIR ALEX. CAMPBELL—It does not require a negative clause to render it impossible that the commissioners shall be paid; to make it possible that a commissioner shall receive salary it requires a positive provision to that effect.

The motion was agreed to and the Bill was read the second time.

HON. SIR ALEX. CAMPBELL moved the third reading of the Bill presently.

The motion was agreed to and the Bill was read the third time and passed.

DRY DOCKS CONSTRUCTION BILL

FIRST, SECOND AND THIRD READINGS.

The following Bill from the House of Commons was introduced and read the first time:

Bill () "An Act to encourage the construction of dry docks, by granting assistance on certain conditions to companies constructing them."

HON. SIR ALEX. CAMPBELL—This Bill is to encourage the construction of dry docks, by lending a certain sum of money at a certain rate of interest or by subsidy. These docks are very expensive, and it is desirable, in the interest of con-

venience, that there should be one in each part of the Dominion where there is much shipping; it is following up the principle adopted in England, where dry docks have been for a considerable time assisted in the same way by the Imperial Government.

HON. MR. MILLER—I observe that this Bill is just in the direction of all the legislation of this Parliament, and that is to give to a few favored places in the Dominion the advantage of all these large expenditures of public money on capital account, while other places receive nothing whatever.

HON. SIR ALEX. CAMPBELL—It would have that effect, as my hon. friend says, but that effect, as regards this Bill, is unavoidable, because we must construct these dry docks where the shipping goes. A dry dock has been constructed on the Pacific coast, and another in Quebec. These are the only two now in progress, and if there are two constructed in the Maritime Provinces, there must be one at Halifax and one at St. John, where the bulk of the shipping is.

HON. MR. MILLER—We will have to pay our fair share of the taxation, whether we get any share in the expenditure of public money or not.

The Bill was read the second and third time and passed.

THE TARIFF AMENDMENT BILL.

FIRST, SECOND AND THIRD READINGS.

The following bill from the House of Commons was introduced and read the first time.

Bill (169), "An Act further to amend the several Acts imposing duties of Customs now in force."

HON. SIR ALEX. CAMPBELL—The changes in the tariff are in the direction of relieving the country of taxation, and they do relieve the country of taxation to a very considerable extent—\$1,295,000 a year—which, I think, is one of the best applications which could be made of that part of the surplus revenue which, owing to the wise policy of the present Govern-

ment, is now accumulating in the public exchequer. The relief under this Bill is given in the first place upon tea. The duty upon tea is taken off in every respect, except as regards tea imported from the United States, upon which ten cents is retained for the purpose of encouraging trade by the St. Lawrence. This would make a difference in the revenue of \$800,000 to \$900,000. Then the duty on tin, zinc and brass entering into the manufactures of the country is taken off, which will be of service not only to persons engaged in the manufacture of articles out of tin, but to canneries as well. Then the duty on glass is changed, the idea being that there is no reason why glass should not be manufactured in this country. There are several glass factories already in existence, some of them old, and some of them new. Then the stamp duty which has been very much objected to, and which, for my own part, I think is somewhat unreasonable, has been removed. It yielded a revenue of \$200,000 a year. The duty on tobacco has been changed so as to diminish the revenue from that source by \$50,000 a year. Another change has been made by taking off the postage on newspapers which makes a difference of \$45,000 a year so that in Customs there has been a reduction of taxation of \$1,000,000 a year and excise duties have been changed to the extent of \$250,000 a year. The total reduction of taxation under the regime of the present considerable Government is \$1,295,000 and I hope my hon. friend will not require any considerable length of time to appreciate the value of good administration.

HON. MR. POWER—We have to swallow the pill whether it is good or bad, and the hon. Minister knows that; but I think it was rather unkind of him to make the suggestion that he did, that it was owing to the wisdom of the Government that the Finance Minister has been enabled to remit so much taxation. I am not going to discuss the general policy of the Government now, but if it is so effective, and if the prosperity that the country is now enjoying is due to that policy, how is it that away back in 1872 and 1873 the country, which had not this policy then, was as prosperous as it is now? I think that important fact is sufficient to show that the present pros-

perity has no necessary connection with the National Policy. With respect to the changes that have been made in the Tariff, of course it is a good thing that any article which is largely consumed should be relieved from taxation, but I think the Government would have dealt more kindly by the classes in this country who are less able to bear taxation, if they had taken off the specific duties from the coarser qualities of cottons and woollens, which are used very largely by the poorer classes, and which pay a much heavier relative duty than cottons, woollens and cloths worn by the wealthier classes.

HON. MR. DEVER—I cannot allow the statement to go unchallenged that we were as prosperous in 1872 and 1873 as we are at present. I do not think we were as prosperous. I had some knowledge of business in those years and I have some knowledge of business now. I was in Ottawa and in other cities during those years and I can safely say that there is a different appearance in the streets of Ottawa to-day from what there was in 1872 and 1873. In those days almost every shutter was up and business was in a most deplorable state.

HON. MR. POWER—Not in 1872, it was later than that.

HON. MR. DEVER—At all events it was only a few years ago, and it is notorious that two thirds of the business places of this city were closed in consequence of the dullness of trade. I do not say that the whole of the Dominion is in a prosperous condition at present; there are some portions of the country that still have reason to complain, but the general prosperity of the country has improved vastly from what it was a few years ago. With reference to the change in the tobacco duties, I think it only applies to tobacco grown in Canada. I would rather see the reduction extend to imported leaf tobacco, because in my province and I think in Nova Scotia also, very little native grown tobacco is used. I must say that I feel pleased to see the reduction in the duties, and the improved condition of trade that permits it and am happy to give my support to this Bill.

HON. MR. HAYTHORNE—In intro-

HON. MR. POWER.

ducing this Bill the hon. gentleman passed over the additions to the taxation with a very slight notice. There is one important addition to the taxation that will be found to be a very ingenious and a very onerous one. It is one which falls with great force upon a large portion of the community. According to the statement we have heard from the Government side of the House, it is likely that a great many houses will be constructed in the North-West during the next year, by men who are comparatively poor, and with a great many depending upon them. It would, I think, be for the advantage of these persons, if they could obtain glass upon the cheapest possible terms; but just at this crisis, when many settlers are going into the North-West, the Government have thought proper to raise the tax upon glasses. I contend that it is a most injurious tax, whether paid by the capitalist or the peasant. In the case of large and handsome plates of glass, which are now being used in some buildings in course of erection in this city, the glass forms a very large portion of the front of such buildings; and the placing of this tax upon it forms a permanent charge upon the building, which must be paid either in the shape of increased rent, or larger prices for the goods which are sold by the tenants of those buildings. For these reasons, the tax upon glass is particularly injurious in a new country like this; and I can only infer that it is imposed in the interests of a few individuals in Canada, who make exorbitant profits out of it. But in the counties near the sea, we have been accustomed to buy glass wherever we might buy it cheapest, and therefore it is specially injurious to us; and instead of bringing the glass in our own ships, we shall be obliged to see it undergo a large amount of handling on the railways, and it will reach us, perhaps, in a considerably damaged condition. The hon. gentleman from Saint John (Mr. Dever) I think was a little obscure on the subject of dates. He said that in 1873, a great depression existed in this city; but I may mention that I made my first acquaintance with Ottawa in 1873, and I can say as a positive fact that there was then an active state of industry here. It was like a hive, and a sufficient number of houses could not be found to accommodate the people who were then arriving here. At the present time the saw mills

near the Falls are lighted at night by the electric light, but at that time other means were used for lighting them; still I maintain that a greater scene of activity is not presented in that direction now, than might have been seen in 1873. It was the testimony of every merchant in Ottawa at that time, that business was in the most active possible condition; they obtained very good prices; they had large numbers of mill men coming in with their pockets full of money, and trade was in a state of the greatest activity. Therefore, I think it is a mistake, whatever may have occurred since, to say that there was depression in 1873.

HON. MR. DEVER—I beg at once to take issue with the hon. gentleman from Prince Edward Island (Mr. Haythorne) and I would ask if prosperity prevailed then to such a degree, how he accounts for the large number of failures that took place and continued afterwards?

HON. MR. HAYTHORNE—It is not my business to answer the hon. gentleman's question in that shape, I merely rose to correct him as to the statement made about 1873.

HON. MR. FLINT—As to common glass, it can be bought and is bought as cheaply to day as it ever has been in the past. A great deal of it is now being manufactured in our own country; thereby work is given to a large number of men, helping them to support their families, and it may be mentioned that the money earned by them helps along other industries. It is within my own knowledge, for I use a great quantity of common glass, that it can be bought as cheaply to day as at any other time. So far as regards the finer plate glass which is put into the more expensive buildings, if gentlemen see fit to build such fine structures and must have plate glass, they surely can afford to pay a little more duty upon it; and the parties who rent these buildings, if they are fitted up so well, generally can by that very fact secure enough business to pay the difference in rent. Now with regard to woollens and cottons it cannot be denied that a great quantity of these fabrics is being manufactured in this country at present, and new factories are

springing up in a great many districts. I have been connected with this industry since I was eleven years old, and I know that cottons and woollens are as cheap, and in some of the lower grades cheaper, to day than they were in the past. We are getting these goods manufactured in our own country, and are bringing people here, and while we are increasing our population, we are also keeping our money at home instead of sending it abroad. The same may be said of many other industries which now exist in Canada. I know nothing about tobacco, and care nothing about it; indeed I wish no such thing were used in the world. However since it is used I think it is desirable that it should be good in quality. It cannot however be denied that taking the country throughout, it is in a far better position now than it was in 1873; at that time very few manufactories were in existence, but they are now being built up in all directions. Our exports used to be far behind our imports, but we are gaining now upon that, which I consider is a good sign of the prosperity of the country. I can also see evidence of that prosperity in the fact that the banks are overloaded with money, that many people have money to lend, and that interest is going down; all these things show that the prosperity of the country is greatly in advance of what it was in 1872. I do not wish to detain the House, and I would not have got up to speak on this subject, but that I think it is very wrong for hon. gentlemen to endeavor to make out that the country is no more prosperous to-day than it was ten years ago. I know that goods can be bought cheaper to-day; I am wearing now a pair of trousers made out of the cloth of this country, and I bought it for thirty-five cents per yard less than I would have had to pay for Scotch tweed, shewing that we are manufacturing these goods cheaper in this country than we can import them from home. We are getting more for our produce than we did in former years, and the consequence is that we are prospering, notwithstanding what many may say to the contrary; and this I honestly attribute to the course taken by the present Government, when they came into power, in establishing the National Policy.

HON. MR. RYAN—I would like to

ask the hon. Minister of Justice whether any progress has been made in the negotiations with France, which we have heard are going forward; and when the fine wines of that country are likely to be sent to us on better terms than we hitherto could obtain?

HON. SIR ALEX. CAMPBELL—I am unable to say that any satisfactory progress has been made. Sir Alexander Galt was asked to go to Paris, and he entered into negotiations with the French Ministry, receiving, I am glad to say, all possible assistance from the Imperial Government. There was nothing wanting of the full adhesion and assistance of the Imperial Government; they were as completely with us as if they had been carrying on the negotiations themselves. Certain propositions were made, but the duty upon wine which was the consideration offered on the part of Canada for a change in the French tariff as regards our ships, was not considered by the French Government to be of itself sufficient, and they suggested that other reductions should be made—I think upon silks—and the negotiations rested there. Sir Alexander Galt did not feel willing, nor was he authorized in fact, to go as far as the French Government thought they had a right to expect him to go, in order to obtain from them the changes which we wanted made in their tariff. Sir Alexander Galt has now returned to Canada, and I apprehend we shall be more fully informed than we have been, as to the exact character of the negotiations, and as to the particular points upon which they have now—for the moment at all events—broken off. I hope they may be resumed, and I quite join with my hon. friend in his desire—which from my long knowledge of him I am sure is sincere—that facilities should be increased for obtaining a good article of French wine in this country.

HON. MR. MILLER—Would the hon. Minister of Justice have any objection to state to the House whether the rumor is correct, that Sir Alexander Galt has resigned his position?

HON. SIR ALEX. CAMPBELL—There is no reason why I should not state it; that rumor is correct.

HON. MR. RYAN.

HON. MR. MILLER—Will my hon. friend go further, and give any information as to who is likely to be his successor?

HON. SIR ALEX. CAMPBELL—I am not able to gratify my hon. friend upon that point. In fact the Speaker reminds me that his resignation has not yet been accepted.

The motion was agreed to, and the Bill was then read the third time and passed.

JUDGES SALARIES BILL.

FIRST, SECOND AND THIRD READINGS.

The following Bill (No. 179) from the House of Commons, was introduced and read the first time. "An Act to fix and provide for the payment of the salaries of Judges of the Supreme Court of Jurisdiction of Ontario, and of certain County Court Judges in Manitoba and New Brunswick."

HON. SIR ALEX. CAMPBELL moved the second reading of the Bill. He said:—Some changes were made in the titles of judges in Ontario, by what is called the "Judicature Act" of that Province. The judges formerly were, judges of the Queen's Bench, judges of Common Pleas, and judges in Chancery; but they are now all made justices of the High Court of Judicature. The judges were paid fixed salaries in the past, under their old titles, and there is now no salary fixed for the President of the High Court of Justice, or for any of the other Justices under their new names; therefore this Bill is brought in, to change the language of the Act so that these officials may be paid their old salaries under their new names. There is no change in the salaries. Then as regards Manitoba, the increased population has rendered it necessary that two County Court judges should be appointed there, the functions of the County Court judges having been hitherto discharged by the judges of the Queens Bench in that Province. These two new judges are to be paid the same salaries as in the other provinces, viz.: \$2,000 for the first three years, and \$2,400 afterwards. Then as regards New Brunswick, \$600 is given to the Judge who

resides at St. John (Judge Watters) and who discharges duties which no other judge of that Court in that Province performs. Residing in St. John, the Chamber practise I understand, both of the Queen's Bench and his own Court comes very much before him, and in that respect his duties differ from those of any other County Court judge in New Brunswick. Then he has not the advantage possessed by some of the County Court judges in Ontario—Toronto for instance, which judge has a considerable income from the Surrogate Court. It has therefore been thought only fair to this gentleman (Judge Watters)—who performs those duties over and above the ordinary duties which fall to the other County Court judges of New Brunswick—to increase his salary by the sum named.

HON. MR. POWER—I have no objection to what is in this Bill, but my objection is to one or two omissions. I am gratified to see that the Ministry have at last done something like justice to the County Court judge of St. John—Judge Watters. Possibly the justice which has come so late, may be the result of the efforts of the hon. gentleman from St. John (Mr. Dever) who has been most persistent in bringing the case of Judge Watters before this House. I do not think the hon. minister's statement of the facts, however, covers the whole ground. Judge Watters has, in addition to his salary as County Court Judge—which is now raised to \$3,000 by this Bill—a salary of \$600 as judge of the Court of Vice-Admiralty, making altogether a salary of \$3,600. Now there is another judge in the Maritime Provinces, another County Court judge in the County of Halifax, who has jurisdiction nearly double that of the County Court judge of St. John; going up in civil cases—in actions arising in contracts—to \$400, and in actions on Ports to \$200. I imagine that the work of the two judges is about the same, and I do not wish to state the case unfairly here, for unless I am misinformed the County judge of St. John performs certain duties in connection with criminal cases that the County judge of Halifax does not. But here is the position; two judges having the same amount of work to do receive in the one case \$3,000, and in the other \$2,400; and this Bill gives to the

judge who was receiving \$3,000 another \$600 making his salary \$3,600 while the judge receiving \$2,400, and whose duties are equally onerous gets nothing additional. I think the Minister of Justice must see, that if he were to carry out the Act in that manner which the title of his office would indicate, he would deal somewhat differently with the County Court judge from Halifax. There is the more reason for doing it, as the Minister has had laid before him this session a memorial or resolution adopted by a very large majority at one of the recent meetings of the Barrister's Society of Halifax, recommending an increase of salary for the County Court judge of that place. I regret also that, when the Minister of Justice was dealing with this question of judicial salaries, he did not take occasion to provide that the Equity Judge in Nova Scotia should continue to receive the salary which was heretofore paid him. The resolution to which I have just referred, was adopted by the Barrister's Society almost unanimously, asking that the salary should remain as it is now, and I regret that no legislation has been brought in for that purpose.

HON. MR. DEVER—I cannot silently accept the very flattering compliment paid to me by the last speaker. My modesty is such as to prevent my thinking for a moment that my influence has had the slightest weight with the Government of this Dominion in this matter of adding to Judge Watters' salary. I am disposed rather to think that it is another evidence of the fullness of justice which the present Government desires to mete out impartially, and that it shows clearly their conviction that Judge Watters was fully entitled to this consideration. Therefore, I must impute the whole merit to the present Government of this country, and accept their action as an indication that they acknowledge the claims of the Judge in question; that they consider he is entitled to increased remuneration because of his long service, and the very general satisfaction that he has given to the people of the City and County of St. John. I need hardly say, hon. gentlemen, that I think there is no judge in this Dominion who gives more general satisfaction than Judge Watters; he is always found in his office, and is known to be

strictly fair and impartial in all his decisions. He possesses a large circle of friends, who will be glad to know that at last the Government has taken his case into consideration, and that they have granted him this additional amount. I believe their action in this matter will be hailed by the whole people of Saint John with a great deal of satisfaction.

HON. MR. GLASIER—I fully concur in all that has just been said by the hon. gentleman from Saint John.

The motion was agreed to, and the Bill was then read the third time and passed.

INLAND REVENUE ACT AMENDMENT BILL.

FIRST, SECOND AND THIRD READINGS.

The following Bill () from the House of Commons, was introduced and read the first time: "An Act to amend the Inland Revenue Act, 1880."

HON. MR. AIKINS moved the second reading of the Bill. He said:—I must express to the House my great regret that this Bill should have been brought down at such a late period of the Session. It was introduced in the other House weeks ago, but it only came to this House just now; and no one can really feel more regret than myself, that the members of this House should be placed at such disadvantage as they are now in discussing this measure. I would, however, say to hon. gentlemen that, if they will take the corrected copy of the Bill, they will discover the changes which have been made; and I will try to make my explanations in Committee as full as possible, so that hon. gentlemen will really see what has been done in reference to it. The most important part of this measure deals with the cultivation of tobacco in Lower Canada. As hon. gentlemen who have had seats in this House know, last year and the year before, when this subject was under discussion, the cultivation of tobacco in Lower Canada as permitted at present to the farmers there. In the first place they have to take out a license, and then they have the privilege of growing it, and of manufacturing it into Canada twist; there is a duty of four cents a pound

imposed upon it, and they then can sell it. The revenue which has been derived from this Canada twist, after paying all expenses, for the last year, was something like \$12,000; and altogether the system was so unsatisfactory that it was thought desirable to change it, and see if we could not by some means induce the farmers to give up making Canada twist, by reducing the Excise duty on manufactured Canadian tobacco. It was thought that in that way such manufactures might be stimulated and established, and that what the farmers grow might really be made of value to them, which cannot be said of it at present. I suppose that the growth of the past year has been two or three millions of pounds, but the farmers complain that they have no market. That complaint is well founded, and for these reasons: in the first place, they do not know how to manufacture it themselves, and, in the next place, the duty upon Canada twist made up by a manufacturer is fourteen cents per pound; therefore no manufactures have been successfully carried on under it. It is proposed to take away all restrictions upon the growth of tobacco, and to remove from the farmers the necessity of taking out a license. They may sell to any person, and, more than that, they still have the privilege of making Canada twist for a period of two years, by paying the present duty of four cents per pound. Then the duty on tobacco made exclusively from leaf grown in Canada is reduced from fourteen cents per pound to eight cents per pound for two years after the passing of this Act, and to ten cents per pound thereafter. The other provisions refer to tobacco imported into this country, and the importers are required to have it put up in certain packages, so that we may be able to detect any tobacco brought surreptitiously into the country, either cut or plug tobacco, or cigars. I may say here that, while the Excise duty is reduced on Canadian leaf manufactured in the factories here, the duty on cigars has been reduced from thirty cents to twenty cents; so I think that, under the provisions of this Bill, manufactures will be established, more particularly in Lower Canada and in counties in the western portion of the Province of Ontario. These are the general provisions, so far as tobacco is concerned. Then there are some provisions

that relate to bonding warehouses, but these I can perhaps explain better when the House is in Committee than I can now.

The motion was agreed to.

HON. MR. DEVER—We all must feel pleasant at seeing tobacco, and such things as we are in the habit of importing, raised in our own country; but it strikes me that this tobacco must necessarily come into conflict with the leaf imported for manufacturing purposes, and I fear great confusion will ensue. On tobacco leaf imported we have at present to pay 20 cents per pound duty—

HON. SIR ALEX. CAMPBELL—I do not think there is any question before the House. The Bill has been read.

HON. MR. AIKINS—I move that the House do go into Committee, in order that my hon. friend may have an opportunity of speaking.

HON. MR. DEVER—I say that I fear great confusion will ensue, for manufacturers and dealers in tobacco made from imported leaf will have to pay 20 cents excise duty, whereas this tobacco which is only grown in the Province of Quebec, will only pay a duty of eight cents. If the supply would be sufficient for the demand, I think it would be a very good thing for the country generally, but seeing that in the Lower Provinces at all events, we only use tobacco made from the imported leaf, I think it would make some confusion in selling. Of course we should not discourage the growth of tobacco in Canada if it can be properly grown, but if it could be arranged so that it would not come into competition with the regular importations of tobacco, I think it would be very satisfactory to the general trade. I am not aware that any such tobacco goes down to the Lower Provinces, as is described in this Bill, and I apprehend it will make confusion and come into conflict with the foreign leaf.

HON. MR. AIKINS—It does not affect the manufacture of tobacco from foreign leaf at all; the law just remains as it is; this Bill does not disturb the existing law at all. More than that, this Canada leaf

cannot go into factories where the foreign leaf is used, so there can be no conflict at all.

HON. MR. DEVER—The hon. gentleman will see that there must be confusion where there is no tobacco used but that made from foreign leaf. Where tobacco is used made from the native leaf, it will of course be all right; but on the other hand, those who do not use the native leaf have to submit to the payment of a high duty, whereas, another class of the community will only pay about two-fifths of that duty.

The motion was agreed to.

In the Committee,
On section nine,

HON. MR. AIKINS said that any person taking out a license for a Bonding Warehouse under the Customs regulations has to pay \$40 as a license, and he might have to take out a license for an Excise Warehouse as well. It was thought that parties carrying on a small business, and having to take out both these licenses, were paying too high a tax, and that it should be reduced. Therefore the following subsection was added, to which he asked the assent of the House:—

["4. Any person who has obtained a license for a Customs bonded warehouse, may obtain a license for a part of the same building as an Excise bonding warehouse on compliance with the Excise warehousing regulations, and on payment of the following fees:—]

["(a) For a warehouse having a floor area of not more than two hundred superficial feet, fifteen dollars."]

["(b) For a warehouse having a floor area of not more than four hundred feet, twenty-five dollars."]

["(c) For a warehouse having a floor area exceeding four hundred feet, forty dollars."]

["The floor area in each case to be computed from the actual inside measurement of the space available for storage."]

The clause was adopted.

HON. MR. AIKINS said there were amendments having reference to distilleries. Manufacturers of drugs can only use chemical stills with a capacity of five gallons. That was found to be too small for large manufactures, and provision is

made in the Bill that a still with a capacity of fifty gallons can be used without any extra license fee, if it is to be under the supervision of officers of the Inland Revenue, and the person using the still will have to pay for the services of such officer.

The section was adopted.

HON. MR. AIKINS moved that the Committee rise and report the Bill, with amendments.

HON. MR. POWER said this being a departmental measure it was one peculiarly within the control of the Government and ought to have come up to the Senate at an earlier day, but as the hon. the Minister of Inland Revenue had expressed his regret in a most unqualified way for the delay which had occurred, and as it was a Bill in charge of a minister in the Upper House, it was probably not looked after, in the other Chamber as promptly as it would have been if the minister in whose Department it was had been there. What the Senate had been doing to day was, he thought, a mere parody on legislation, and the tendency of the repetition of this, year after year, was to cause the Senate to be looked upon more and more as a useless body by the country at large. Almost all the most important measures of the session were being rushed through the Upper House within the two last days without any discussion whatever, or any opportunity for consideration. Last year there was a very long and vigorous discussion on this subject, and the opinion expressed was that if similar delays occurred another year, steps would be taken to reject some of the measures coming up so late. He merely wished to say, as one member of the Senate, that he should not feel bound to extend the courtesy to future bills that he had shown to those which had come up so far.

HON. SIR ALEX. CAMPBELL did not think the remarks of the hon. gentleman were warranted by the course of business during the present session. It was inevitable that in both Houses a number of Bills should have to be disposed of towards the close of the session. There must be business, and the session must have a termination, and, of course, a portion of

the business could not be disposed of until the last days of the session. There was no greater strain upon the Senate than on the other branch of Parliament this session. In that Chamber they had passed several Bills through all their stages in one day, and had discussed, within the last day or two, measures that had gone down from the Senate after remaining there for weeks. The same remarks, or remark, at all events, commenting on the inexpediency of Bills being deferred, might have been made there with the same force that they were made in the Senate. The detention of Bills was almost inevitable, and this session particularly it had not occurred in one Chamber more than the other. He did not think, therefore, that there was any ground for complaint on the part of the Senate.

The Bill was reported with amendments, which were concurred in.

The Bill was then read the third time and passed.

RAILWAY SUBSIDIES BILL.

FIRST, SECOND AND THIRD READINGS.

Bill (176), "An Act to provide for the granting of subsidies for the construction of certain lines of railway therein mentioned," was received from the House of Commons, and read the first time.

HON. SIR ALEX. CAMPBELL moved the second reading of the Bill. He said: This is to give assistance to several lines of railway, one in Ontario, one in Quebec, one in New Brunswick, and one in Nova Scotia. These railways are more or less of a general character—of a character affecting the whole Dominion—but undoubtedly there enters into each of them something more or less of a local character. It has been considered and stated in the other House that this is a new departure. I am not prepared to say whether that will be the just result of the step which has been taken or not, because, undoubtedly all of those railways have a general character.

HON. MR. POWER—The Lake St. John Railway?

HON. SIR ALEX. CAMPBELL—The

aid to the Lake St. John Railway is justified on this ground: a very large number of French Canadians are living in the United States, and they have gone there because they have not been able to get good lands in their own province. A very considerable tract of excellent land, I am told, is to be found on the banks of Lake St. John, and this railway is intended to make that country accessible, and it will probably be the means of attracting this French Canadian population back to the Dominion.

HON. MR. POWER—I was not objecting to that road, but the minister said there was something of a general character in all these railways. Now, I ask what is there about the Lake St. John Railway which is not of a local character?

HON. SIR ALEX. CAMPBELL—I am telling the hon. gentleman.

HON. MR. POWER—It is purely a Quebec road.

HON. SIR ALEX. CAMPBELL—That is true, but it is of great consequence to the Dominion.

HON. MR. POWER—So is everything that improves a Province. There is nothing local at all in that sense.

HON. SIR ALEX. CAMPBELL—In that sense it is a work of general advantage to the whole country, because it will have the effect of bringing back to Canada some of our expatriated fellow subjects. This line will also be a feeder to our own Government railways. The country which will be opened up there, if it is equal to the description which has been given of it, will be settled with a large population which will consume a large amount of dutiable goods, thereby adding to the revenue and furnishing traffic for the Government railways. In that sense there is something to be said in favor of the view that this line to Lake St. John is of interest not only to the Province of Quebec, but to the Dominion generally. I admit that it is of more importance to the Province of Quebec than to any other part of Canada, and there is a good deal to be said about this being wholly in that Province; but still there is something to

be said in the other sense also. The assistance to the line from Gravenhurst to Callander is justified, it is thought, by reference to the course which has been pursued with reference to the railway connecting Lake Nipissing with this part of the country, and which had a subsidy from the Dominion. Although it is altogether in the Province of Ontario, yet it really does not tend to the advantage of that Province, so much at all events as it tends to the advantage of Quebec, and does not give any means of communication from the Canadian Pacific Railway to Ontario, nor is it calculated to give Ontario any fair opportunity of contending for the trade of the North-West by means of that railway. Now, this road from Gravenhurst to Callander will give the heart of the Province of Ontario an opportunity of contending, over the Canadian Pacific Railway, for the business of the North-West, and therefore it is a fair subject for the assistance that is proposed to be given it. The other lines have the same sort of consideration.

HON. MR. MILLER—What about the Oxford and New Glasgow Line?

HON. SIR ALEX. CAMPBELL—The reason assigned for that is this: it will shorten the distance to Europe by some thirty or forty miles. I do not know what other reason my hon. friend may be thinking of at the moment. Supposing it is a local railway, it only enforces the argument which has been used in the other branch of the Legislature about it being a new departure. However, I do not want to admit that it is. We must take the measure as it comes.

HON. MR. POWER—There is no doubt at all that this is a new departure, because these roads are all lines which have heretofore been held to be local, and to which the present Dominion Government have hitherto refused to give assistance. I am not saying that I think it is a mistaken policy; but there is no doubt that it is a new departure, and that it is going to render the Dominion liable, in all probability, in the future to be called upon to build local roads throughout all the provinces. That may be a desirable thing or it may not, but there is no doubt that that will be the

practical effect of the measure. There is one feature in the matter that may perhaps help to remove our fears as to what the consequences may be, and that is this: it is one of those measures which are not uncommonly brought down on the eve of a general election. This is intended to give the people of all the provinces to understand that the present Government are prepared to assist them with large sums of money in constructing local works. The probabilities are that nothing more will be heard of these grants after the elections are over. There have been numbers of precedents for it. I know that in the course of the construction of the Intercolonial Railway for several years the Government to which the hon. gentleman belonged, when they were in power before, had a large item in the estimates for the extension of the railway into Halifax—an item of about a quarter of a million of dollars I think. It was put in before the elections and kept there for some time, but nothing was ever done about it, and possibly this Bill is intended to have the same effect which that item in the estimates had. It is to be regretted if this Bill means anything—if the Government are in earnest about it—that they did not change their minds sooner. There is no doubt that the North Shore Railway, from Quebec to Ottawa, is a very important highway, and this Government and preceding administrations refused to aid that line, or to buy it. Now that was a road which was much more important to the Province of Quebec, and of much more consequence to the Dominion, than the road to Lake St. John which is a very good thing no doubt, but still strictly local. The Province of Quebec is involved in financial difficulties. It has a large debt and a deficit.

HON. MR. OGILVIE—No.

HON. MR. SCOTT—The Provincial Treasurer says so.

HON. MR. POWER—This debt and this deficit are owing, I presume, altogether to the fact that the Province of Quebec had paid out of its own treasury for the construction of this North Shore road. If the Government had made up their minds some years ago that they were going to aid local roads, this North

Shore line was one which should have been assisted, and it called much more loudly for assistance than the Lake St. John road. I thought the Minister of Justice, when I asked him about this latter line, would have given the same answer that the Minister of Railways gave in the other House. In order to show that this Lake St. John railway was not a purely local road, he said that by and by it might be extended to James' Bay, and that it would then afford a pleasant way of going to Europe. A good many absurd things have been said in Parliament, but I think that was the most absurd I ever heard, that a man should go to Europe by way of James Bay, where the navigation is very bad indeed—much worse than in Hudson's Bay itself—and go around through Hudson's Straits. I do not wish to be understood as speaking against this road. I am merely calling attention to some features of the Bill. The road from Rivière du Loup to Edmonton in New Brunswick, the House will see, is to be a competitor with the Intercolonial Railway. Now, it is one of the boasts of the Government that the Intercolonial Railway has been paying its expenses, or nearly so, during the last two or three years. By the construction of this road which the Government are aiding, I imagine that fully one-half of the traffic will be diverted from the Intercolonial Railway and taken over the other road.

HON. MR. GLASIER—No.

HON. MR. POWER—It seems to me a rather unusual position for the Government to take, to subsidise a road which is going to take business away from its own road.

HON. MR. GLASIER—No.

HON. MR. POWER—The same thing is true to a certain extent of the road in Nova Scotia. This road from Oxford to New Glasgow will compete with the Intercolonial Railway through a portion of its length. There is another regrettable feature about this matter. In Nova Scotia there is a road running east from the Intercolonial Railway, one end of which is known as the Windsor and Annapolis Railroad, and the other as the Western Counties Railway. It is intended to

HON. MR. POWER.

connect the town of Yarmouth with the Intercolonial Railway. There is a link of some nineteen miles missing in that road, and the present Government have not only refused to assist the Western Counties Railway, to build that missing link, but they have thrown all sorts of obstacles in their way, and the Province of Nova Scotia have been obliged to undertake the most overwhelming expense, chiefly for the purpose of completing that missing link of the Western Counties railway. It seems to me that that is a railway which the Government ought to have assisted, and if they had adopted this policy a little earlier, the Province of Nova Scotia would not have been obliged to involve itself in difficulties as it has done.

HON. MR. WARK—With reference to the assistance which is to be given to the New Brunswick road, I may state that only about \$40,000 of this money is to be expended in that Province. Only twelve miles of it lie within New Brunswick. I think it is but reasonable that St. John should have an opportunity to compete with Halifax as a winter port. The shipping then can have their choice, and shippers can get the cheapest line for carrying their wheat and flour and such western products as they want to send to Europe. Some 70 miles of this line are in the Province of Quebec.

HON. MR. TRUDEL—Hon. gentlemen may recollect that it is not long ago since a leading statesman in the other House declared that the building of the Pacific Railway was nonsense, and that if the ministers of that day were in earnest in undertaking such a work they were little better than lunatics. I think the time is not far distant when the hon. member from Halifax will see that his estimate of the value of the road to Lake St. John is about the same.

HON. MR. POWER—I have said nothing against that road.

HON. MR. TRUDEL—The hon. gentleman considered it something extraordinary that this line should be considered in the future as a great thoroughfare towards Hudson's Bay. If he will look at the map he will see that between Lake

St. John and Hudson's Bay and Lake Nipissing there is room enough for an immense province. It seems to me that a policy which is intended to develop that part of the country is as much one of general interest to the whole Dominion as the policy of opening up our North-West. In this light this work ought to be considered as a national enterprise. The hon. gentleman is also wrong in saying that this is brought in on the eve of a general election. For years and years the people of the Province of Quebec have been asking for a subsidy for the Lake St. John road, not merely because of its local value, but because it is of immense importance to the whole Dominion.

The motion was agreed to on a division, and the Bill was read the third time and passed.

BANK OF UPPER CANADA BILL.

FIRST, SECOND AND THIRD READINGS.

Bill (), "An Act to increase the amount placed at the disposal of the Governor-in-Council by the Act 34 Vic., cap. 8, for paying off claims on the Bank of Upper Canada," from the House of Commons, was introduced and read the first time.

HON. SIR ALEX. CAMPBELL moved that the Bill be read at length at the table.

HON. MR. SCOTT—Are those payments out of the assets collected by Mr. Gamble, or was there a sufficient amount?

HON. SIR ALEX. CAMPBELL—Mr. Gamble has wound up the estate completely. This is paid out of the consolidated revenue.

The motion was agreed to, and the Bill was read the third time and passed.

WINDSOR BRANCH RAILWAY BILL.

FIRST, SECOND AND THIRD READINGS.

Bill () "An Act respecting the Windsor Branch Railway," from the House of Commons, was introduced and read the first time.

HON. SIR ALEX. CAMPBELL moved the second reading of the Bill. He said:—The Windsor Branch Railway, as it is called, the road which connects Windsor with some point not far from Halifax, was the property of Nova Scotia, and became, at the union, the property of the Dominion. Running powers were exchanged between that Windsor Branch and the Windsor & Annapolis Railway. Afterwards these running powers were converted into a lease of the Windsor Branch to the Windsor & Annapolis Railway. It was thought, in 1872, that the terms of this lease justified the Government in assuming possession of the Windsor Branch, and an Order-in-Council was passed to that end by the Government which went out of office in 1873. The Government which succeeded them introduced a measure in Parliament giving effect to that Order-in-Council. The Act which was passed was, however, not sufficiently definite in language to accomplish the object which the Government had in view in introducing it, and the Windsor & Annapolis Railway Company, feeling aggrieved by the result which was produced, brought the matter before the Privy Council in England, and the decision of that august body was to the effect that I have mentioned—that the Act of 1874 did not have the effect of transferring the Windsor Branch, as was intended, to the Western Counties Railway Company, and in consequence of that, partly, this present measure has become necessary. However, to go on with the history of the Windsor Branch, it was transferred to the Western Counties Railway Company on condition that they completed their road at a given time from Yarmouth to Annapolis. They did not complete their road within that time, and therefore the terms on which the Windsor Branch was granted to them were not complied with, and it became again the property of the Dominion. The Government took possession of it and placed it in the hands of the Windsor and Annapolis Railway Company by whom it has been worked since upon terms which are much the same, if not precisely the same, as their original lease, but with the understanding that it was so worked on behalf of the Dominion Government. At this stage in the matter the Government of Nova Scotia has endeavored to organize, and, I believe, is likely to succeed in organizing, an arrangement by which the whole of the Government railways in Nova Scotia shall be taken up by a company formed for that purpose in England. That company will become the owner of the Western Counties Railway, and desires to become the owner of the Windsor and Annapolis Railway, and to continue the road towards the Gut of Canso, to become the owner of the Eastern Extension, and to construct a line of railway from the Gut of Canso to Louisburg. That is the scheme which has been favored by the Government of Nova Scotia, and which they desire to bring into life. In the course of this negotiation it became necessary to deal with the Windsor Branch, as it was an important link in the undertaking—one without which it could not be completed. The Legislature of Nova Scotia has passed acts enabling the Government to deal with this matter in the way in which I have generally referred to. But, to speak of the Windsor and Annapolis Company only, power was given in their original charter to the Government to obtain the ownership of their railway upon terms of compensation to be fixed by an arbitration chosen in the manner provided for in their Act. The Nova Scotia Government desire to avail themselves of that power, and become the owners of the Windsor and Annapolis line. If they do so, then the lease, which was only a lease for the purposes of the Windsor and Annapolis Railway, would evidently become useless to that company, and the beneficiary ownership of it would then terminate. However, it is undoubtedly of great value to the Windsor and Annapolis Railway. The ownership of the lease of the Windsor Branch is a matter which should be, and will be, no doubt, arbitrated upon, and will form an item in the the compensation to be given to the Windsor and Annapolis Railway Company, when the Government of Nova Scotia come to arbitrate and purchase their railway. Under these circumstances it became necessary to legislate here for the purpose of transferring this Windsor Branch, which belongs to the Dominion, to whoever should become the legal owners of the Windsor and Annapolis Railway. To bring it to the point, that is the object of the Bill—to transfer to those who become the legal owners of the Windsor

and Annapolis Railway Company, this branch, as being a part of that railway, and as being a piece of road without which this scheme which I have referred to generally could not possibly be carried into effect. Undoubtedly, in that arbitration the arbitrators would have to consider the enhanced value which is given to the Windsor and Annapolis Railway by the possession of this branch, and there is no purpose on the part of the Government to hinder or obstruct that being done. On the contrary, they desire that it should be done, and they believe that it will be done under the provisions of the Bill. The object of the measure is given, in as few words as I can express it, in what I have stated.

HON. MR. MILLER—I think it is to be regretted that a bill of this character should come before the Senate at so inopportune a time for its proper consideration. I feel that I can scarcely venture to ask the indulgence of the House at this period of the session for anything like a lengthened discussion of this important Bill. The Senate, I daresay, is neither disposed to listen to me, nor is there such an assemblage of Senators here as it would be, perhaps, my interest to appeal to if I entered on such a discussion. However, I cannot allow this Bill to pass without bringing before the notice of the Senate the extraordinary character of some of its conditions, and I venture to say that in a full Senate, with ample time to discuss this measure, it would be impossible for it to pass the House in its present shape. This is to some extent, a public bill, so far as it deals with what is claimed to be public property; but it is also a bill dealing chiefly with private vested rights—rights of so sacred a character that they have not only been granted by a solemn Act of the Government, but also ratified by the decision of the highest judicial tribunal in the Empire. I do not desire to dispute the narration of facts as given by the hon. Minister of Justice, and if the Bill was consistent with his statements, I should not feel called upon to utter one word on the present motion. If it provided that no existing private rights—no rights such as the Windsor & Annapolis Railway Company claim to possess under an agreement with the Government of Canada, which has been upheld by the Privy Council—if

it stated that those vested rights were not to be interfered with, as is done in all legislation affecting private rights in my experience and knowledge of what is done in any British Parliament, I should not feel called upon on the present occasion to say one word. But it does not do so. Why it is that the admission of these rights which is made by the highest law officer of the Crown, and the fact that these rights must come under the consideration of an arbitration, is not made in the Bill, is something I cannot comprehend. This Windsor branch of the Nova Scotia railway system has had a queer fortune and a very extraordinary history. In the early history of the railway enterprises of Nova Scotia, certain interests in this work, which extends from Windsor Junction to Windsor, were given as a subsidy to the Windsor & Annapolis Railway Company, to induce them to extend that line to Annapolis. Those interests were afterwards confirmed by the Dominion Parliament, as the hon. Minister of Justice has just now stated. I do not dispute the history he has given of the case, and I do not wish to take up time in going over it again; but the road is now in the possession of the Windsor & Annapolis Company, and it is about to be taken out of their possession and given to another Syndicate without making any provision that their rights will in any way be protected. The language of the hon. Minister here is quite satisfactory, and I repeat if the Bill were consistent with that language, I should have nothing to say; but I would direct the attention of the House to the first clause of the Bill. The preamble sets out all the facts stated by the Minister of Justice, and goes on to enact:

1. "The rights, privileges and powers acquired by the Windsor and Annapolis Railway, under the agreement set forth in Schedule A to this Act, were so acquired by this Company as owners of the line of railway from Windsor to Annapolis, and on the transfer of the ownership of such railway to the Government of Nova Scotia, should properly belong to the said Government as owner of the said line, and whenever and so soon as the Government of Nova Scotia shall have exercised its right to assume the ownership reserved to it as hereinbefore mentioned, and as owner has legally taken possession of the said railway, then the Government may, by Order-in-Council, put an end to and determine the said agreement and any other rights

and interests, if any, which the Windsor and Annapolis Railway Company may have to or in the said Windsor Branch."

Now, when the Government of Nova Scotia under this clause exercises its rights in assuming the Windsor and Annapolis Railway, the Government of this Dominion steps in and by an Order-in-Council annihilates and transfers to the Nova Scotia Government all the rights of the Windsor and Annapolis branch without making any provision in the clauses of this Bill for the protection of those rights in the arbitration that is to follow.

I appeal to the justice of this House, to its respect for vested rights, not of a visionary character, but vested rights confirmed by most solemn acts of the Government themselves and which have been ratified and upheld by the decision of the highest judicial tribunal of the Empire, in the face of the act of this Parliament attempting to take them away, because the Western Counties Railway had held the road under an Act of this Parliament, and in the face of that Act the Windsor and Annapolis Railway Company were insisting in the assertion of their rights before the judicial Committee of the Privy Council. In the face of such existing rights as these, I do not believe, if this House were in full session and had time to enter into the full details connected with this transaction, that it would be possible they would abnegate one of their chief functions, and would not resist legislation which I hold to be unconstitutional, as interfering with vested rights. I cannot understand what can be the objection to stating in the Act what the Minister of Justice, the highest legal officer of the Crown in this country, has stated in his place in Parliament, and which I trust and presume the reporter has taken down correctly. This railway is to be handed over now to a Syndicate which is expected to come into existence under certain legislation in Nova Scotia last session. This Syndicate contemplates taking over all the Nova Scotian railways, and paying the proprietors certain damages to be assessed and ascertained in a manner which I shall not now trouble the House by detailing. The Government of Nova Scotia has a right to take over the Windsor and Annapolis branch, and it is true when this is taken over, the rights claimed by the Windsor and Annapolis Railway Company

over the Government line will cease and determine. There is no question about that. I do not complain of those rights ceasing and determining if provision is made that those who received them, as a portion of the consideration for the construction of that line, are protected. British capital was put into that line on the faith of the Government of this country, and when they come to arbitrate for the damages they are entitled to by the taking over of this line, they will find a quibble of law set up against them,—that the Parliament of Canada do not recognise any compensation that they are entitled to. I cannot understand how it is possible for the Government, feeling desirous that justice should be done in a matter in which it is so imperatively demanded, to hesitate for a moment to put such a provision in the Act. But this railway or through line in Nova Scotia, is to be handed over to a Syndicate for the purpose of completing the railway system of Nova Scotia and for the ostensible purpose of completing a line to Louisburg. I say ostensible because I do not believe the Syndicate about to be established has the slightest intention of completing the line from the Gut of Ganso to Louisburg, and, if they had the intention, I do not believe they have the means or power to complete it. Apart from the many advantages to be guaranteed by the Government of Nova Scotia, and the subsidy of \$5,500,000, if I am credibly informed the Syndicate about to be formed do not possess means to put into the enterprise. Now the amount which the Government of Nova Scotia is to receive is \$1,300,000, and after paying compensation to the different railway companies and parties interested in Nova Scotia, and completing the unfinished links in Nova Scotia proper, there will not be a dollar left to complete a mile of railway in Cape Breton, and the probability is there will hardly be enough to finish the line in Nova Scotia, as contemplated. I feel keenly on this question for other reasons apart from its merits. I believe that the Syndicate is going to impose upon us in Nova Scotia an enormous burden, which our resources are unable to bear. I believe that in a short time the Syndicate will break down, and after getting out of this \$5,500,000 what is due themselves for their bad bonds and other liabilities,

just so much of the work will be done as will suit them and they will break down, leaving the whole thing in the hands of the Government. Then Cape Breton will be left in this position—she will have no railway. There will be no difficulty in building parallel lines in other parts of Nova Scotia, branch lines in one part, and local lines in another, and that island, which was once a separate province, will be taxed—its mining, fishing, and maritime industries will be taxed—to the very last degree, for the construction of works from which they derive no benefit. They are taxed already there very heavily in comparison with many other sections of this country which do not contribute anything like the same amount per head to the revenue. Notwithstanding all this, we are not going to get a railway from this Syndicate. I know from the present leader of the Government in Nova Scotia that Cape Breton has no chance of a railway from that Syndicate. When he was here last, and endeavoring to get assistance he called on me and I asked him: "What do you intend to do with the subsidy? Do you intend to spend any portion of it in Cape Breton?" He would give no promise of that kind. He gave a similar reply to another member from Cape Breton. I was asked to go to the Minister of Railways with a deputation of Cape Breton members, to protest against anything of this kind being done, unless the Government got a guarantee that the first charge would be the extension of that line to Cape Breton. On that occasion we got the guarantee, but I was not home until I found that all that was asked by the Syndicate was given without any provision being made for securing a line for Cape Breton. When the Bill for the creation of this Syndicate was brought before the Nova Scotia Legislature last winter, it contained a proviso leaving it optional to build this line in Cape Breton, and it was only when they found that the votes of Cape Breton were necessary to carry the measure, that they consented to an agreement to build the line in that island. I do not believe that they contemplate building the road, and I am satisfied that they will leave us in the position that we have occupied for the last fifteen years—paying largely towards constructing railways and canals in every section of this country, contributing our

share to the payment of interest on the public debt, and getting nothing in return, excepting, of course, occasionally our share of the expenditures chargeable to revenue, as all the rest of the Dominion does, but nothing more. Therefore, the argument, to me, has no weight that this road is to be handed over to a Syndicate, with a view to completing the Nova Scotia Railways and extending the line to Louisburg, because I believe they have no intention of building that extension; but even if they had, I should raise my voice as strongly as I now do against legislation that interferes with vested rights of the company. I do not say because they are English capitalists they deserve greater consideration than any others, but it is better policy for us, perhaps, to stand by the British capitalists. Any persons who have invested their money in this country on the faith of Acts of the Government of Canada, and who are now probably to be deprived of the rights which they possess under agreements of this kind, should be protected. I repeat, I cannot understand why the Minister of Justice could hesitate to put into this Bill a clause expressing the views which he has stated just now, and which the leader of the Government in the other House also expressed. Why can there be any objection to clearly express in this Bill the language and conditions which both these hon. gentlemen have stated in their places in Parliament? I cannot understand it, and for one I raise my voice in protest against such legislation as this. I would fight it to the bitter end if the House were full, and there was time for discussion. Under the present circumstances however, I do not propose to continue any further, but I do hope when the House goes into Committee on this Bill the Minister of Justice will accept an amendment in the same direction.

The House adjourned during pleasure.

At Three p.m. the House was resumed.

WINDSOR BRANCH RAILWAY BILL.

THIRD READING.

The order of the day being read for the third reading of Bill (56), "An Act respecting the Windsor Branch of the Intercolonial Railway."

HON. MR. POWER said:—I beg leave to present a petition of the Windsor & Annapolis Railway Company, and I shall take the liberty of quoting one or two sections from it instead of handing it to the Clerk:—

To the Honorable the Senate of the Dominion of Canada in Parliament assembled.

THE PETITION OF THE WINDSOR & ANNAPOLIS RAILWAY COMPANY

HUMBLY SHEWETH:

1. That by an Act of the Legislature of the Province of Nova Scotia, passed 2nd May, 1865, (28 Vic., Cap. 13), entitled "An Act to provide for the construction of two other Sections of the Provincial Railways," it was enacted that the Chief Commissioner of Railways, by direction and authority of the Governor-in-Council, might Contract for and on behalf of the Province with any responsible party or parties for the construction of certain sections of the Provincial Railway, including the section from Windsor to Annapolis, on the terms and under provisions in the said Act set forth.

2. By an agreement dated 22nd November, 1866, made between the Chief Commissioner of Railways of the Province of Nova Scotia, by the direction and authority of the Governor-in-Council of the said Province, of the first part, and William Henry Punchard, Frederick Barry and Edwin Clark, in this Petition called "the Contractors," of the other part, and which said agreement was expressed to be made in pursuance of the said Act of 1865, the Contractors agreed to construct the Railway from Windsor to Annapolis, upon certain terms and conditions in the said Agreement expressed, and it was thereby provided that for the purposes of carrying out the said Agreement the Contractors should have power to form a Joint Stock Company, with such capital as might be necessary for the purpose of enabling the Contractors to sell and the Company to purchase the Railway and Works therein contracted for, and to take the tolls and charges therein referred to. That when and so soon as such Company was formed and capital subscribed as therein mentioned, the intended Company should possess the said Railway and Works, subject to the terms of the said Agreement.

3. By a Memorandum and Articles of Association, dated the 26th February, 1867, and duly registered in England on the 1st March, 1867, your Petitioners were incorporated in England by the name of the Windsor & Annapolis Railway Company (Limited), for the purpose of acquiring the said Railway and working the same, and for the other purposes in the said Memorandum and Articles of Association expressed. The share capital of the Company was fixed at

£500,000, divided into 25,000 shares of £20 each, with authority to borrow on bonds or debentures or other security to an amount not exceeding the aggregate of £200,000.

4. By an Act of the said Legislature, passed the 7th May, 1867 (30 Vic., Cap. 36), entitled "An Act to incorporate the Windsor & Annapolis Railway Company," after reciting the said Act of 1865 and the said Agreement of the 22nd November, 1866, the Contractors with others were incorporated as the Windsor & Annapolis Railway Company (being your Petitioners), for the purpose of constructing a Railway from Windsor to Annapolis (which it was thereby enacted that your Petitioners should own), and for such other purposes and with such extended and additional powers, privileges and authorities as in the said Act expressed and contained.

9. Your Petitioners have seen a Bill which was introduced in your Honorable House this day intituled "An Act respecting the Windsor Branch of the Intercolonial Railway," but they had no opportunity of seeing the same or of becoming aware of its contents until after it had been introduced as above mentioned.

The said Act if it should be passed by, and should be held to be within the powers of, the Parliament of Canada would seriously prejudice the rights and property of your Petitioners and the interests of their Shareholders and Bondholders of the said Railway and undertaking, and your Petitioners would be greatly aggrieved by, and they therefore strongly object to and protest against the passing of the said Act.

10. Your Petitioners have no desire to impede any action which may be deemed beneficial to the interests of the Dominion of Canada or the Province of Nova Scotia. On the other hand, if upon terms fair and just towards them and their interests, and in a mode not invading their rights, it should be deemed expedient that the Government should acquire their undertaking, they would be prepared to concur in that decision, although it might interfere in some measure with their realizing at last, and after a long period of effort, the reasonable expectations of profit which induced them to undertake their enterprise. But they cannot consent to the passing of a legislative measure, which they are advised is not only unwarranted by the Constitution of Canada, but is calculated to jeopardize certain valuable vested rights which they now possess and enjoy under a Contract with the Dominion Government.

11. Your Petitioners deny the existence of any right or liability under their Charter or otherwise by which, without their consent, their property can be taken from them; but if such right does exist, it clearly involves a corresponding right in your Petitioners to be

paid the value of their whole undertaking as it now exists, when that value has been ascertained by arbitration.

I do not propose to add anything to what was so well said by the hon. gentleman from Richmond before the Recess, but I think that some such amendment as was indicated by the hon. gentleman ought to be adopted—something to this effect :

“ And nothing herein contained shall have the effect of depriving the Windsor and Annapolis Railway Company of any of its rights without compensation.”

I contend, as the hon. gentleman from Richmond has contended, that this Bill does propose to transfer rights without compensation. The first section of the Bill really means that as it stands now, and if this amendment is made to the Bill, it will simply contain a provision that I think the Government ought to have put in it to protect the rights of the Windsor and Annapolis Railway Company. If the Government are willing to accept some such amendment as that I shall resist the Bill no further ; if not, I think, the Opposition have a right, under the rules of the House to prevent the Bill from taking the necessary number of stages at this period of the session.

HON. MR. ALEX. CAMPBELL—I do not think the amendment should be entertained by the House, for two reasons. The object of the amendment seems to be to provide for some supposed interference with the rights of the Windsor and Annapolis Railway Company, therefore nobody can be affected but the Windsor and Annapolis Railway Company, and as an understanding was arrived at by parties interested in the Bill that such an amendment was not desirable, I hope that the hon. gentleman from Halifax will not press his mention.

HON. MR. POWER—I was acting entirely on my own responsibility in proposing the amendment.

The Bill was read the second time.

HON. SIR ALEX. CAMPBELL moved the House into Committee of the Whole on the Bill presently.

HON. MR. CARVELL, from the Com-

mittee, reported the Bill without amendment, and it was then read the third time and passed on a division.

DEVELOPMENT OF SEA FISHERIES BILL.

THIRD READING.

HON. SIR ALEX. CAMPBELL—The Bill to authorize an annual grant for the development of the sea fisheries and the encouragement of building fishing vessels stood for third reading this morning, but was postponed until this sitting at the request of the hon. gentleman from Halifax.

HON. MR. POWER—There are just two points about this grant that I wish to call attention to. Since the matter was before the House I have had an opportunity to read the speech made by the Finance Minister in the other Chamber when introducing this measure. The first remark one has to make is this ; that the measure is altogether vague and indefinite. It simply appropriates \$150,000 as a bounty for fishermen, and it gives no idea whatever as to the conditions upon which this bounty is to be appropriated.

HON. SIR ALEX. CAMPBELL—I think it was stated to be in reference to the tonnage.

HON. MR. POWER—In the early part of the session when notice was first given by the Government that they proposed to appropriate this sum, they were asked how the money was to be distributed, and in reply to that question the Minister of Finance stated that the details of the measure would be given when the Bill came down. Now the Bill comes down and the Minister of Finance says that the details will be regulated by Order-in-Council. I think that is one objectionable feature in this Bill ; but apart from that objection, and taking the speech of the Finance Minister in the other Chamber as an indication of the way in which this money is to be distributed, it will be found that the money will not be such a boon to the fishermen as has been represented. The Minister stated that there was assumed to be 42,000 tons of shipping which had a right to share in this grant, and he pro-

posed to give \$2 a ton to all the vessels engaged in fishing. That makes \$84,000. Then he said there were 10,000 boats of a large size to which he proposed to give \$4 each; that makes \$40,000. Then there were about 12,000 boats of smaller size to which he proposed to give \$2 each, which would make \$24,000—a total of \$190,000. He further indicated that an appropriation that was estimated at one-half of the total grant should be given to the owners of the vessels and boats, and that the remainder was to be given to the men in the boats—the actual fishermen. Now, hon. gentlemen, it is estimated that there are about 60,000 fishermen in the Dominion, amongst whom \$32,000 is to be distributed, so that this measure proposes to give, as far as I can make it out, the munificent sum of fifty cents per man to the men actively engaged as fishermen.

HON. MR. MCKAY—That is rather a fishy story.

HON. MR. POWER—I am taking the figures given by the Finance Minister, but if we say the whole amount is to be divided equally—\$148,000 between the vessel owners and the men, then we would have something over \$70,000 to be distributed amongst the men—a little over \$1 each—that is the outside figure, so that probably the actual figure will be found between the two, and the fishermen of this country are to be compensated for what they suffer from the present system of taxation, and for the loss of their share of the Fishery Award, by the Government by the gift of a sum varying between fifty cents and \$1 per man. What we would really be entitled to if that Fishery Award which was paid over to the Government shortly after they came into office had been distributed as it should have been, the interest on that \$4,500,000 at five per cent. would have been \$225,000 a year. It is now four years since the award was made, so that the fishermen are at this rate really entitled to \$900,000 instead of this beggarly allowance of \$150,000. My contention is that the Government, in passing this measure, instead of doing justice to the fishermen, are really paying them only a very small instalment of what is due to them.

The Bill was read the third time and passed.

HON. MR. POWER.

CHIGNECTO MARINE TRANSPORT COMPANY'S BILL.

AMENDMENT RECEDED FROM.

A message was received from the House of Commons returning Bill (167), "An Act to provide for the granting of a subsidy to the Chignecto Marine Transport Company," objecting to the amendment made by the Senate requiring any contract made with the company to be submitted to Parliament at its following session, on the ground that it would create difficulty and delay in the organization of the company and the procuring of capital to carry on the work.

HON. SIR ALEX. CAMPBELL—I confess that when the amendment was before the House I did not quite appreciate the effect of it, and I apprehend that the reasons given by the House of Commons are substantial. I move that the Senate do not insist on their said amendment.

HON. MR. POWER—I do not think there is a great deal of force in the objection made by the House of Commons to the amendment, because it is not a Government undertaking at all. There is nothing to hinder the company going on and making their arrangements to carry on the work.

The motion was agreed to.

INLAND REVENUE ACT AMENDMENT BILL.

AMENDMENT INSISTED ON.

A message was received from the House of Commons to return Bill (168), "An Act to amend the Inland Revenue Act, 1880," and announce that they disagreed to the Senate amendments on the ground that they were contrary to the general policy of the Bill.

HON. MR. AIKINS moved that the Senate do not insist upon any of their amendments except the seventh.

The motion was agreed to.

The House was adjourned during pleasure.

At five o'clock p.m. HIS EXCELLENCY THE GOVERNOR-GENERAL proceeded in state to the Senate Chamber, and took his seat upon the Throne. The Members of the Senate being assembled, His Excellency was pleased to command the attendance of the House of Commons, and that House being present, the following Bills were assented to, in Her Majesty's name, by His Excellency the Governor-General, viz :—

An Act respecting the Canada Southern Railway Company, and the Erie and Niagara Railway Company.

An Act to incorporate the Manitoba Bank.

An Act to incorporate The St. Lawrence Marine Insurance Company of Canada.

An Act to incorporate the North Western Bank.

An Act respecting The Niagara Grand Island Bridge Company.

An Act to incorporate the Lake Superior and James' Bay Railway Company.

An Act to incorporate the Ottawa and Arnprior Junction Railway Company.

An Act respecting the Sun Mutual Life Insurance Company of Montreal.

An Act to incorporate the Sault Ste. Marie Bridge Company.

An Act to incorporate the Saskatchewan and Peace River Railway Company.

An Act to authorize and provide for the winding up of the Dominion Fire and Marine Insurance Company.

An Act to further amend the Act incorporating the Mutual Life Association of Canada, and to change the name thereof to "The Life Association of Canada."

An Act to revive and amend the charter of the Chartered Bank of London and North America, and to change the name thereof to "The Chartered Bank of London and Winnipeg."

An Act to incorporate the Nova Scotia Steamship Company (Limited)

An Act to amend and consolidate as amended the several Acts relating to the British American Assurance Company.

An Act to incorporate the Planters' Bank of Canada.

An Act to incorporate the Synod of the Diocese of Saskatchewan and for other purposes connected therewith.

An Act respecting the New York and Ontario Furnace Company.

An Act respecting the Portage, Westbourne and North Western Railway Company.

An Act concerning marriage with a deceased wife's sister.

An Act to amend the Acts relating to the Great Western Railway Company.

An Act to empower the Ottawa Agricultural Insurance Company to wind up their affairs, and to relinquish their charter and to provide for the dissolution of the said Company.

An Act to amend and extend the Act to empower the Stadacona Fire and Life Insurance Company to relinquish their charter, and to provide for the winding up of their affairs.

An Act to incorporate the Tecumseh Insurance Company of Canada.

An Act respecting the Exchange Bank of Yarmouth, Nova Scotia.

An Act to amend the Act incorporating the North American Mutual Life Insurance Company, and to change the name thereof to the "North American Life Assurance Company."

An Act to amend the Act incorporating "The Canadian Steam Users Insurance Association" and to change the name of the said company to "The Boiler Inspection and Insurance Company of Canada."

An Act to reduce the capital stock of the Ontario Bank and to change the nominal value of the shares thereof, and for other purposes.

An Act to incorporate the Western Bank of Canada.

An Act relating to the Canada Southern Bridge Company.

An Act to amend the Act to incorporate the South Saskatchewan Valley Railway Company.

An Act further to amend the Act incorporating the Souris and Rocky Mountains Railway Company.

An Act to incorporate the Ocean Mutual Marine Insurance Company.

An Act to incorporate the Edison Electric Light Company of Canada.

An Act to incorporate the Quebec Timber Company (Limited).

An Act to incorporate the Lake Athabaska and Hudson Bay Railway Company.

An Act to incorporate the Canada Mutual Telegraph Company.

An Act to incorporate the Thomson and Houston's Electric Light Company of Canada.

An Act to make further provision for the improvement of the River St. Lawrence between Montreal and Quebec.

An Act to authorize the Canada Co-operative Supply Association, (limited,) to issue preference stock.

An Act to grant certain powers to the "C. W. Williams Manufacturing Company," and to change the name thereof to the "Williams Manufacturing Company."

An Act to incorporate the Sisters of Charity of the North-West Territories.

An Act to amend the charter of the Fellows Medical Manufacturing Company.

An Act further to amend the Acts to provide for the improvement and management of the Harbour of Quebec.

An Act to amend the Act incorporating the Pontiac Pacific Junction Railway Company, and to authorize the said Company to erect a bridge over the River Ottawa.

An Act respecting the Commercial Travelers Association of Canada.

An Act to incorporate the Montreal and Central Canada Railway Company.

An Act to exempt vessels employed in fishing from the payment of duties for the relief of sick and distressed mariners.

An Act to incorporate the St. John's Bridge Company.

An Act to incorporate the Winnipeg and Springfield Bridge Company.

An Act to incorporate the Richelieu Bridge Company.

An Act to provide for the improvement and management of the Harbor of Three Rivers.

An Act to amend the Act thirty-fifth Victoria, chapter 42, respecting the appointment of a Harbor Master for the Port of Halifax.

An Act to authorize the construction, on certain conditions, of the Canadian Pacific Railway through some Pass other than the Yellow Head Pass.

An Act for amending the Acts relating to the Trust and Loan Company of Canada, and for enlarging the powers of the said Company.

An Act to incorporate the Royal Canadian Academy of Arts.

An Act respecting a certain agreement between the Canadian Securities Company and the Liquidators of the Consolidated Bank of Canada.

An Act to incorporate the Niagara Peninsular Bridge Company.

An Act to incorporate the Ottawa Waddington and New York Railway and Bridge Company.

An Act to amend the Act of the late Province of Canada intituled: "An Act to incorporate the Board for the management of the Temporalities Fund of the Presbyterian Church of Canada in connection with the Church of Scotland, and the Acts amending the same.

An Act to amend the Act of the late Province of Canada, intituled: "An Act to incorporate Managers of the Ministers, Widows and Orphans Fund of the Synod of the Presbyterian Church of Canada, in connection with the Church of Scotland," and amendments thereto.

An Act to extend and amend the Acts relating to the Canada Landed Credit Company

An Act to amend the General Port Wardens' Act, 1874.

An Act to make further provision respecting the incorporation of a Company to establish a Marine Telegraph between the Pacific coast of Canada and Asia.

An Act further to amend the Act respecting the Trinity House and Harbor Commissioners of Montreal.

An Act to amend the Act fortieth Victoria, chapter thirty, intituled: "An Act to make provision against the improper use of fire-arms."

An Act to amend the Acts respecting the Militia and Defence of the Dominion of Canada.

An Act respecting fugitive offenders in Canada from other parts of Her Majesty's Dominion.

An Act to amend and further to continue in force for a limited time the Act Forty-third Victoria, chapter Thirty-six.

An Act respecting the River St. Clair Railway Bridge and Tunnel Company.

An Act respecting Bridges over navigable waters, constructed under the authority of Provincial Acts.

An Act to amend An Act to amend and consolidate as amended the several enactments respecting the North-West Mounted Police Force.

An Act respecting County Court Judges.

An Act to incorporate the Ontario Pacific Railway Company.

An Act to incorporate the Calais and St. Stephen Railway Bridge Company.

An Act to incorporate the Rapid City Central Railway Company.

An Act respecting Queen's College at Kingston.

An Act to consolidate and amend the Acts relating to the Montreal Telegraph Company.

An Act to incorporate the International Construction Company (Limited).

An Act to incorporate the Great Eastern Railway Company.

An Act to provide for the allowance of drawback on certain articles manufactured in Canada, for use in the construction of the Canadian Pacific Railway.

An Act respecting the Quebec, Montreal, Ottawa and Occidental Railway.

An Act respecting the sale of Railway Passenger Tickets.

An Act respecting the Harbour and River Police of the Province of Quebec.

An Act to incorporate the Chignecto Marine Transport Railway Company (Limited).

An Act to incorporate the Great American and European Short Line Railway Company.

An Act to incorporate the Qu'Appelle Land Company (Limited.)

An Act to amend the Act incorporating the Bell Telephone Company of Canada.

An Act to amend the Act forty-second Victoria, chapter forty, intituled "An Act to amend the Maritime Jurisdiction Act, 1877," and to make further provision for the recovery of the wages of seamen employed on vessels navigating the inland waters of Canada.

An Act to incorporate the "Canada Provident Association."

An Act to amend and consolidate the Acts relating to the office of Port Warden for the Harbor of Montreal.

An Act to amend the Act of the present Session, intituled "An Act to reduce the capital Stock of the Ontario Bank and to change the nominal value of the shares thereof, and for other purposes."

An Act respecting the Civil Service of Canada.

An Act to incorporate the McClary Manufacturing Company.

An Act to further amend the law respecting Building Societies and Loan and Savings Companies carrying on business in the Province of Ontario.

An Act to repeal certain provisions of the General Inspection Act, 1874.

An Act further to amend "The Pilotage Act, 1873," and the other Acts therein mentioned.

An Act to provide for the free transmission of the Canadian newspapers by mail within the Dominion.

An Act to remove certain doubts as to the effect of "The North-West Territories Act, 1880," and to amend the same.

An Act to further amend "The Seamen's Act, 1873."

An Act to make further provisions respecting Light Houses, Buoys and Beacons.

An Act to correct certain errors in the French version at "The Dominion Lands Act" and the Dominion Lands Act, 1879."

An Act to amend the Act respecting the Harbour of North Sydney, in Nova Scotia.

An Act to provide for building certain branch lines of railway from points on the Intercolonial Railway and Prince Edward Railway respectively

An Act to amend and consolidate the Acts respecting the inspection of Steamboats and the examination and licensing of Engineers employed on them.

An Act to readjust the representation in the House of Commons, and for other purposes.

An Act for increasing during a certain time, the yearly subsidy to the Province of Manitoba.

An Act relating to the Harbour of Saint John, in the Province of New Brunswick.

An Act to encourage the construction of Dry Docks by granting assistance on certain conditions to companies constructing them.

An Act further to continue in force for a limited time "The better Prevention of Crime Act, 1878."

An Act to amend "The Extradition Act, 1877."

An Act declaratory of the meaning of the word Telegraph in certain cases.

An Act further to amend the several Acts imposing duties of Customs now in force.

An Act to further amend "The Indian Act, 1880."

An Act to fix and provide for the payment of the salaries of the Judges of the Supreme Court of Judicature of Ontario and of certain Judges and County Judges in Manitoba and New Brunswick.

An Act to provide for the granting of subsidies for the construction of certain lines of railway therein mentioned.

An Act to increase the amount placed at the disposal of the Governor in Council by the Act 31 Victoria, chapter 8, for paying off claims on the Bank of Upper Canada.

An Act respecting the Windsor Branch of the Intercolonial Railway.

An Act to authorize an annual grant for the development of the Sea Fisheries and the encouraging of the building of Fishing Vessels.

Then the Honourable the Speaker of the House of Commons addressed His Excellency the Governor-General as follows:

"MAY IT PLEASE YOUR EXCELLENCY,

"In the name of the Commons, I present to Your Excellency a Bill intituled:—

"An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Public Service, for the financial years ending respectively the 30th June, 1882, and the 30th June, 1883, and for other purposes relating to the Public service."

to which I humbly request Your Excellency's assent."

To this Bill the Royal Assent was signified in the following words:

"In Her Majesty's name, His Excellency the Governor-General thanks Her Loyal subjects, accepts their benevolence, and assents to this Bill."

After which His Excellency the Governor General was pleased to close the FOURTH SESSION of the FOURTH PARLIAMENT of the DOMINION with the following

SPEECH:

Honorable Gentlemen of the Senate:

Gentlemen of the House of Commons:

I desire to convey to you my best thanks for the earnestness and assiduity which you have shown in the performance of your Parliamentary duties, and I am glad to believe that on returning to your homes you will find the country everywhere enjoying a large measure of prosperity.

The Civil Service Act will, I trust, be productive of the best results. It will improve the organization and add to the usefulness of that service, already so efficient.

The measures relating to the extradition of fugitive offenders, to the winding up of Insolvent Banks, Insurance Companies and Trading Corporations, and for amending the Criminal Law, are all of an important nature.

The appropriation in aid of Railway enterprise will tend greatly to open up vast tracts of fertile country hitherto almost inaccessible to the settler.

The annual grant for the encouragement of the sea fisheries and the improvement of the condition of the fishermen will be of great value to that important branch of the national industries.

The removal of the duties on tea and coffee will lessen the cost of those important articles of food to the people, and the repeal of the Stamp tax on Bills of Exchange and Promissory Notes will be appreciated by the commercial community as a relief from an irksome burden, while the transmission of newspapers and periodicals free from postage will be accepted as a boon by the whole country.

Our manufactures already in a prosperous condition will be further aided by the abolition of the duties on metals and other raw materials used in their several productions.

It is satisfactory to know that the buoyant state of the revenue will permit these reductions, amounting to about a million and a

quarter of dollars, to be made without inconvenience.

During the recess my Ministers will continue their efforts to secure favourable commercial arrangements with France and Spain. In these endeavours the High Commissioner will receive the same hearty support from Her Majesty's Government and the Imperial Diplomacy as has already been given to him.

Such support must greatly strengthen Canada in any negotiations entered into for the improvement of her trade with foreign countries.

It has been the more readily accorded that Her Majesty's Government rely on no preference being given by Canada against the Trade or Products of the Mother Country.

Gentlemen of the House of Commons:

I thank you in Her Majesty's name for the supplies you have granted, which will be expended with all due attention to economy.

Honorable Gentlemen of the Senate:

Gentlemen of the House of Commons:

I heartily congratulate you on the rapid and successful development of our manufacturing, agricultural and other industries.

I am, however, advised that their progress would have been still greater were it not that capitalists hesitate to embark their means in undertakings which would be injured, if not destroyed, by a change in the Trade and Fiscal Policy adopted by you in 1879. In order therefore to give the people, without further delay, an opportunity of expressing their deliberate opinion on this policy, and at the same time to bring into operation the measure for the readjustment of the representation in the House of Commons it, is my intention to cause this Parliament to be dissolved at an early day.

The SPEAKER of the Senate then said:—

Honorable Gentlemen of the Senate and

Gentlemen of the House of Commons:

It is HIS EXCELLENCY THE GOVERNOR GENERAL's will and pleasure, that this Parliament be prorogued until Monday, the 26th day of June next to be here held, and this Parliament is accordingly prorogued until Monday, the 26th day of June next.

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2. PART II is the Index to subjects of Debate.

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3. Abbreviations of well-known words and Parliamentary expressions are used, as the following:—Amt., Amendment; Ans., Answer; Appt., Appointment; B., Bill; Com., Committee; Conc., Concurrence; Corresp., Correspondence; Dischgd., Discharged; Divn., Division; H. E., His Excellency; H. M., Her Majesty; Incorp., Incorporation; Inq., Inquiry; M., Motion, Moved; Neg., Negated; O. C., Order-in-Council; Priv., Privilege; Proced., Procedure; Res., Resolution; Ret., Return; Ry., Railway; W., Whole House; Withdn., Withdrawn.

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1^o, 421; 2^o, 438-9; amts. of Ry. Com., conc. in 612-15; Asst., 771 (45 *Vict.* *Cap.* 95.)

Bill-stamps, Repeal of duty; B. (63, *Sir A. Campbell*).

1^o, 64; 2^o, 54; 3^o postponed, 55; Amt., & 3^o, 56; Assent, 57 (45 *Vict.* *cap.* 1).

BILLS:

—Relating to Railways.—(*Sir A. Campbell*)
1^o, 3.

(A, 145) Respecting Insolvent Banks, Insurance Companies and Trading Corporations.—(*Sir A. Campbell*).

1^o, 21; 2^o, 34; rep. from Sel. Com., 202; in Com., amd. and rep., 266; amd. & 3^o, 287; Commons Amts. conc. in, 742. Asst. (45 *Vict.* *cap.* 23.)

(B, 112) Respecting County Court Judges.—(*Sir A. Campbell*).

1^o, 21; 2^o, 38; in Com., amd., 65-7, 90-4; 3^o, 100; Commons Amts. adopted, 635-6. Asst., 770 (45 *Vict.* *cap.* 12.)

(C, 108) Respecting Fugitive Offenders in Canada from other parts of Her Majesty's Dominions.

1^o, 21; 2^o postponed, 27; 2^o, 32; in Com., 71-8; 3^o, 89; Asst., 770 (45 *Vict.* *cap.* 21.)

(D, 107) Respecting the Harbour and River Police of the Province of Quebec.—(*Sir A. Campbell*).

1^o, 21; 2^o, 44; in Com., amd. & rep.,

60-2; 3^o, 65; Commons Amts. conc. in, 675; Asst., 770 (45 *Vict.* *cap.* 48.)

(E, 111) To amend the Act fortieth Victoria, chapter thirty, intituled, "An Act to make provision against the improper use of fire-arms."—(*Sir A. Campbell*).

1^o, 21; 2^o, 43; in Com., 59; rep. & 3^o, 60; Asst., 770 (45 *Vict.* *cap.* 39.)

(F, 109) To amend and further to continue in force, for a limited time, the Act Forty-third Victoria, chapter Thirty-six.—(*Sir A. Campbell*).

1^o, 21; 2^o, 33; in Com., 47-55; 3^o, 59. Asst., 770 (45 *Vict.* *cap.* 31.)

(G, 110) To further amend "The Seamen's Act, 1873."—(*Sir A. Campbell*).

1^o, 21; 2^o, 55; in Com. amd, 67-71; 3^o, 85; Asst., 771 (45 *Vict.* *cap.* 33.)

(H,) To amend "The Consolidated Insurance Act, 1877."—(*Mr. Bellerose*).

1^o, 21; 2^o, 47; B. dischgd., 101.

(I, 113) To amend the Act incorporating "The Canadian Steam Users' Insurance Association" and to change the name of the said company to "The Boiler Inspection and Insurance Company of Canada."

1^o, 26; 2^o, 43; rep. from Com. & 3^o, 79; Asst., 769 (45 *Vict.* *cap.* 102.)

(J, 133) To incorporate the Western Bank of Canada.—(*Mr. Gibbs*).

1^o, 27; 2^o, 43; Amts. of Banking Com. conc. in, & 3^o, 134; Asst., 769 (45 *Vict.* *cap.* 64.)

(K, 132) To incorporate the Montreal and Central Canada Railway Company.—(*Mr. Scott*).

1^o, 31; 2^o, 34; amts of Ry. Com., conc. in, 87; 3^o, 89; Commons amts. conc. in, 441-2; Asst., 770 (45 *Vict.* *cap.* 72.)

(L) For the relief of Matthew Gardner.—(*Mr. Ferrier*).

1^o, 34; on Order for 2^o, 102; ques. of proced., 2^o postponed, 104; rep. of Sel. Com on proced. adopted, 200; B. withdn., 237.

(M, 134) To amend the Acts relating to the Great Western Railway Company.—(*Mr. Vidal*).

1^o, 64; 2^o, 78; amts. of Ry. Com. conc. in, 133; 3^o, with amt., 134; Commons Amt. conc. in, 324; Asst., 769 (45 *Vict.* *cap.* 66.)

(N,) To amend the Act incorporating the English and Colonial Insurance Company of Canada.—(*Mr. Allan*).

1^o, 85; B. dischgd., 101.

(O, 150) To incorporate the Royal Canadian Academy of Arts.—(*Mr. Allan*).

1^o, 85; 2^o, 125; rep. from Priv. B. Com., 219; 3^o, 219; fees refunded, 240; Asst., 770 (45 *Vict.* *cap.* 122.)

(P, 131) To further amend the law respecting Building Societies and Loan and Savings Companies carrying on business in the Province of Ontario.—(*Mr. Allan*).

1^o, 88; 2^o, 104; Amts. of Banking Com.

- conc. in & 3°, 134: Commons Amts. conc. in°, 703; Asst., 771 (45 *Vict.*, cap. 24.)
- (Q,) Further to make provision in regard to the Supreme Court of Canada.—(*Sir A. Campbell.*)
1°, 167; 2°, 231-6, 240-50; B. dischgd., 622.
- (R,) To regulate the employment of labour in workshops, mills and factories, and for other purposes.—(*Mr. Aikins.*)
1°, 299; 2° m., 352; ques. of jurisdiction (*Mr. Dickey*) 353; debate, 358, 391; B. 2°, 397; B. dischgd., 688.
- (S, 151) To define the right in certain cases to assault, wound or kill certain prisoners.—(*Sir A. Campbell.*)
1°, 301; 2°, 347; in Com., amd., 385-401; amd. & 3°, 405-12.
- (T, 149) To remove certain doubts as to the effect of "The North-West Territories Act, 1880," and to amend the same.—(*Sir A. Campbell.*)
1°, 301; 2°, 350; in Com., rep. & 3°, 381; Asst., 771 (45 *Vict.*, cap. 28.)
- (U, 148) To amend the Acts respecting the Militia and Defence of the Dominion of Canada.—(*Sir A. Campbell.*)
1°, 301; 2°, 351; in Com., 381; 3°, 382; Asst., 770 (45 *Vict.*, cap. 10.)
- (V, 152) Respecting Bridges over Navigable Waters, constructed under the authority of Provincial Acts.—(*Sir A. Campbell.*)
1°, 315; 2°, 373; in Com. & amd., 397; Amts. conc. in°, 400; amd. & 3°, 428; Asst., (45 *Vict.*, cap. 37.)
- (W, 154) To Amend the Extradition Act, 1877.—(*Sir A. Campbell.*)
1°, 402; 2°, Constitut. ques. explained, 434-6; 3°, 441; Asst., 771 (45 *Vict.*, cap. 20.)
- (X) Relating to Bills of Exchange and Promissory Notes in the Province of Prince Edward Island.—(*Mr. Carvell.*)
1°, 427; B. withdn., 444.
- (Y, 159) To make further provisions respecting Light Houses, Buoys and Beacons.—(*Sir A. Campbell.*)
1°, 491; 2°, 609; in Com. & 3°, 610; Asst., 771 (45 *Vict.*, cap. 36.)
- (Z, 160) To amend the Act respecting the Harbour of North Sydney in Nova Scotia.—(*Sir A. Campbell.*)
1°, 491; 2°, 621; in Com. & 3°, 622; Asst., 771. (45 *Vict.*, cap. 50.)
- (AA, 164) To Correct certain errors in the French version at "The Dominion Lands Act," and "The Dominion Lands Act, 1879."—(*Sir A. Campbell.*)
1°, 604; 2°, 658; in Com., 669; 3°, 669; Asst., 771 (45 *Vict.*, cap. 27.)
- (BB, 166) Declaratory of the meaning of the word Telegraph in certain cases.—(*Mr. Carvell.*)
1°, 644; 2°, 669; in Com., constitutional ques. & Amts., 669-70; 3°, 670; Asst., 771 (45 *Vict.*, cap. 40.)
- (CC, 165) Further to continue in force for a limited time, "The better Prevention of Crime Act, 1878."—(*Sir A. Campbell.*)
1°, 644; 2°, 664; in Com. & 3°, 664; Asst., 771 (45 *Vict.*, cap. 38.)
- (DD, 172) Further to amend the Petroleum Inspection Act, 1880.—(*Mr. Aikins.*)
1°, 663; 2°, 688; in Com., Amd., 694; 3°, 695; Asst. (45 *Vict.*, cap. 26.)
- (EE, 175) To provide for building certain Branch Lines of Railway from points on the Intercolonial Railway and Prince Edward Island Railway respectively.—(*Sir A. Campbell.*)
1°, 675; 2°, 690-3; in Com., 704; 3°, 705; Asst., 771 (45 *Vict.*, cap. 15.)
- (FF, 174) To further amend "The Indian Act, 1880."—(*Mr. Aikins.*)
1°, 689; 2°, 703; in Com., 704; 3°, 704; Asst., 771 (45 *Vict.*, cap. 30.)
- (3) To incorporate the St. Lawrence Marine Insurance Company of Canada.—(*Mr. Ryan.*)
1°, 101; 2°, 120; 3°, 134; Asst., 769 (45 *Vict.*, cap. 104.)
- (4) Respecting the Sun Mutual Life Insurance Company of Montreal.—(*Mr. Ryan.*)
1°, 135; 2°, 148; rep. from Banking Com. & 3°, 203; Asst., 769 (45 *Vict.*, cap. 100.)
- (5) Respecting the Sale of Railway Passenger Tickets.—(*Sir A. Campbell.*)
1°, 467; 2°, 528-9; in Com., 608-9, 636; Amts. of Com. conc. in & 3°, 639; Asst., 770 (45 *Vict.*, cap. 41.)
- (6) To amend and extend the Act to empower the Stadacona Fire and Life Insurance Company to relinquish their Charter, and to provide for the winding up of their affairs.—(*Mr. Pelletier.*)
1°, 240; 2°, 299; rep. from Banking Com. and 3°, 340; Asst., 769 (45 *Vict.*, cap. 101.)
- (8) Respecting the Commercial Travellers' Association of Canada.—(*Mr. Macfarlane.*)
1°, 189; 2°, 201; ref. to Banking Com. 202; rep. with Amts., 390; 3°, 391; Asst., 770 (45 *Vict.*, cap. 120.)
- (9) Concerning marriage with a deceased wife's sister. (*Mr. Ferrier.*)
1°, 146; 2° m., 173; *Mr. Bellerose's* constitut. ques., 175; "hoist" amt. m., 177; debate, 177-88, 204-18-218-19-23; personal explanation (*Mr. Alexander*), 240; debate resumed, 269; amt. negatived (C. 19, N-C. 40) 280; ref. to Com. of W. m. 280, agreed to, 285; Amt. on going into Com. (*Mr. Bellerose*) 301, negatived (C. 12, N-C. 37) 313; in Com. and repd., 313-5; 3° m. 315; Amt. (*Mr. Trudel*) 316, negatived (C. 11, N-C. 38) 321; further debate; 3° on Div., 324; Asst., 769 (45 *Vict.*, cap. 42.)
- (13) To authorize and provide for the winding up of the Dominion Fire and Marine Insurance Company.—(*Mr. Hope.*)

BILLS.—*Con.*

- 1° 189; 2°, 218; 3°, 288; Asst., 768 (45 *Vict.*, cap. 109).
- (14) Respecting the Canada Southern Railway Company and the Erie and Niagara Railway Company.—(*Mr. Scott.*)
1° 88; 2°, 104; 3°, 126; Asst., 769 (45 *Vict.*, cap. 68.)
- (15) To incorporate the Winnipeg and Springfield Bridge Company.—(*Mr. Girard.*)
1° 332; 2°, 385; on amt. of Priv. B. Com., constitut. ques. (*Mr. Dickey*), 421; amt. to re-commit and strike out, carried (C. 34, N-C. 16), 424; 3°, 462; Ass., 770 (45 *Vict.*, cap. 92.)
- (16) To incorporate the Manitoba Bank.—(*Mr. Girard.*)
1° 101; 2°, 121; 3°, 134; Asst., 769 (45 *Vict.*, cap. 61.)
- (17) To grant certain powers to "The American Telegraph and Cable Company"—(*Mr. Gibbs.*)
1° 134; 2°, 167; rep. from Ry. Com., 269; amts. conc. in, 294; 3°, 295.
- (18) To incorporate the Ottawa and Arnprior Junction Railway Company.—(*Mr. Scott.*)
1° 88; 2°, 101; rep. from Com. with amts., 126; amts. conc. in, 147; 2° and 3°, 147; Asst., 769 (45 *Vict.*, cap. 74.)
- (19) To incorporate the St. John's Bridge Company.—(*Mr. Girard.*)
1° 332; 2° & ques. of jurisdiction, 383-5; on amt. of Priv. B. Com., 423, constitut. ques., amt. (*Mr. Bolsford*) to re-commit & strike out, 426, overruled on ques. of order; same amt. (*Mr. Dickey*) carried on div., 427; 3°, 462; Asst., 770 (45 *Vict.*, cap. 90.)
- (20) Respecting the Portage, Westbourne and North-Western Railway Company.—(*Mr. Girard.*)
1° 219; 2°, 368; rep. from Ry. Com. & 3°, 315; Asst., 769 (45 *Vict.*, cap. 80.)
- (22) To incorporate the Lake Superior and James' Bay Railway Company.—(*Mr. Dickey.*)
1° 100; 2° postp'd, 101; 2°, 105; repd. from Ry. Com. with amts., 135; amts. conc. in, 167; 3°, 168; Asst., 769 (45 *Vict.*, cap. 84.)
- (23) Respecting the Exchange Bank of Yarmouth, Nova Scotia.—(*Mr. Power.*)
1° 240; 2°, 287; rep. from Banking Com. & 3°, 340; Asst., 769 (45 *Vict.*, cap. 60.)
- (26) To incorporate the Saskatchewan and Peace River Railway Company.—(*Mr. McInnes.*)
1° 134; 2°, 147; rep. from Ry. Com., 173; amts. conc. in & 3°, 200; Asst., 769 (45 *Vict.*, cap. 81.)
- (27) To further amend the Act incorporating the Mutual Life Association of Canada, and to change the name thereof to the "Life Association of Canada."—(*Mr. McInnes.*)
1°, 101; 2°, 146; rep. from Banking Com. with amt., conc. in, and 3°, 203; Asst., 769 (45 *Vict.*, cap. 106.)
- (28) To revise and amend the Charter of the Chartered Bank of London and North America, and to change the name thereof to "The Chartered Bank of London and Winnipeg."—(*Mr. Gibbs.*)
1° 101; 2°, 122; rep. from Banking Com. with amt., conc. in, 203; 3°, 236; Asst., 769 (45 *Vict.*, cap. 59.)
- (29) To incorporate the North-Western Bank.—(*Mr. Gibbs.*)
1° 101; 2°, 121; 3°, 134; Asst., 769 (45 *Vict.*, cap. 62.)
- (30) To empower the Ottawa Agricultural Insurance Company to wind up their affairs and to relinquish their Charter, and to provide for the dissolution of the said Company.—(*Mr. Skead.*)
1° 299; 2°, 324; rep. from Banking Com. & 3°, 340; Asst., 769 (45 *Vict.*, cap. 108.)
- (31) To incorporate the Nova Scotia Steamship Company, Limited.—(*Mr. Macfarlane.*)
1° 135; 2°, 147; 3°, 236; Asst., 769 (45 *Vict.*, cap. 115.)
- (32) To incorporate the Quebec Timber Company (Limited)—(*Mr. Skead.*)
1° 101; 2°, 123; ref. to Supreme Ct., 148; ref. back to Priv. B. Com., 219; rep. from Priv. B. Com. with amts., conc. in, 236; 3° m., 285; amt. (*Mr. Hope*), to re-commit, 285; agreed to, 286; rep. from Banking Com. with amts., conc. in & 3°, 341; Asst., 769 (45 *Vict.*, cap. 119.)
- (34) To amend, and consolidate as amended, the several Acts relating to the British America Assurance Company.—(*Mr. Smith.*)
1° 134; 2°, 169; rep. from Banking Com. with amts., conc. in, & 3°, 236; Asst., 769 (45 *Vict.*, cap. 99.)
- (35) For amending the Acts relating to "The Trust and Loan Company of Canada," and for enlarging the powers of the said Company.—(*Mr. Gibbs.*)
1° 421; 2°, 445; rep. from Banking Com. & 3°, 462; Asst., 770 (45 *Vict.*, cap. 111.)
- (36) Respecting the Civil Service of Canada.—(*Sir A. Campbell.*)
1° 580; 2°, 622-34; in Com., 653, 665; rep. with amts., 667; 3° m., 675; Amt. (*Sir A. Campbell*), 675; Amt., (*Mr. Trudel*) 675, withdn., 686; 3°, 686; on passing, 686-7; Asst., 771 (45 *Vict.*, cap. 4.)
- (38) For the relief of the Bank of Prince Edward Island.—(*Sir A. Campbell.*)
1° 31; 2°, 32; 3°, 32; Assent, 57 (45 *Vict.*, cap. 56.)
- (41) To incorporate the Tecumseh Fire and Marine Insurance Company of Canada.—(*Mr. McInnes.*)
1° 240; 2°, 287; rep. from Banking Com. & 3°, 340; Asst., 769 (45 *Vict.*, cap. 105.)

- (42) To incorporate the Richelieu Bridge Company.—(*Mr. Bureau.*)
1^o, 332; 2^o & ques. of jurisdiction, 385; 3^o, 462; Asst., 770 (45 *Vict.*, cap. 91).
- (43) To incorporate the Sault Ste. Marie Bridge Company.—(*Mr. Read.*)
1^o, 100; 2^o, 101; rep. from Com. with amts, 106; amts. conc. in, 131-3; amd. & 3^o, 170; Asst. 769 (45 *Vict.*, cap. 89).
- (45) To reduce the capital stock of the Ontario Bank and to change the nominal value of the shares thereof, and for other purposes.—(*Mr. Gibbs.*)
1^o, 189; 2^o, 250-66; 3^o, 288; Asst., 769 (45 *Vict.*, cap. 57). (See also Bill No. 170.)
- (46) To incorporate the Edison Electric Light Company of Canada.—(*Mr. Bellerose.*)
1^o, 167; 2^o, 173; amts. of Priv. B. Com., conc., & 3^o, 299; Asst., 769 (45 *Vict.*, cap. 96).
- (47) To extend and amend the Acts relating to the Canada Landed Credit Company.—(*Mr. Gibbs.*)
1^o, 439; 2^o, 445-50; rep. from Banking Com. & 3^o, 462; Asst., 770 (45 *Vict.*, cap. 110).
- (48) Respecting the Niagara Grand Island Bridge Company.—(*Mr. Macfarlane.*)
1^o, 126; 2^o m., 126; agreed to on div., 131; 2^o, 146; rep. from Ry. Com. & 3^o, 173; Asst., 769 (45 *Vict.*, cap. 86).
- (51) To incorporate the Synod of the Diocese of Saskatchewan, and for other purposes connected therewith.—(*Sir A. Campbell.*)
1^o, 167; 2^o, 188; rep. from Priv. B. Com., 202; 3^o, postpd., 203; 3^o m., 288; Amt., on Church discipline, m. (*Mr. Dickey*), 288; negated (C. 18, N.C. 28); B. 3^o, 294; Asst., 769 (45 *Vict.*, cap. 126).
- (52) To incorporate the Planters' Bank of Canada.—(*Mr. Ryan.*)
1^o, 134; 2^o, 168; rep. from Banking Com. with amt., conc. in, & 3^o, 203; Asst., 769 (45 *Vict.*, cap. 63).
- (53) To amend the Act incorporating the North American Mutual Life Insurance Company, and to change the name thereof to the North American Life Assurance Company.—(*Mr. Allan.*)
1^o, 189; 2^o, 200; rep. from Banking Com. & 3^o, 341; Asst., 769 (45 *Vict.*, cap. 98).
- (55) To incorporate the Canada Mutual Telegraph Company.—(*Mr. Bureau.*)
1^o, 219; 2^o, 268; rep. from Ry. Com., & 3^o, 315; Asst., 769 (45 *Vict.*, cap. 94.)
- (57) To incorporate the Chignecto Marine Transport Railway Company (Limited).—(*Mr. Botsford.*)
1^o, 439; 2^o, 450-60; Amts. of Ry. Com. conc. in, 610; 3^o, 612; Asst., 770 (45 *Vict.*, cap. 76.)
- (60) To incorporate the Ottawa, Waddington and New York Railway and Bridge Company.—(*Mr. Skead.*)
1^o, 219; 2^o, 268; rep. from Ry. Com., with Amts., 326; Amts. conc. in, 377-80; 3^o, 381; Asst., 770 (45 *Vict.*, cap. 77).
- (61) To incorporate the Ontario Pacific Railway Company.—(*Mr. Allan.*)
1^o, 391; 2^o, 412; Amts. of Ry. Com., 468; conc. in, 528; 3^o, 529; Asst., 770 (45 *Vict.*, cap. 78).
- (62) To incorporate the Lake Athabaska and Hudson Bay Railway Company.—(*Mr. Girard.*)
1^o, 236; 2^o, 287; rep. from Ry. Com., & 3^o, 315; Asst., 769 (45 *Vict.*, cap. 83).
- (63) To repeal the duty on Promissory Notes, Drafts and Bills of Exchange.—(*Sir A. Campbell.*)
1^o, 54; 2^o, 54; 3^o postponed, 55; Amt., & 3^o, 56; Assent, 57 (45 *Vict.*, cap. 1).
- (64) Respecting Queen's College at Kingston.—(*Mr. Dickey.*)
1^o, 299; 2^o, 340; Amts. of Priv. B. Com. conc. in, & 3^o, 529; Asst., 770 (45 *Vict.*, cap. 123).
- (65) Respecting the New York and Ontario Furnace Company.—(*Mr. Read.*)
1^o, 135; 2^o, 167; ref. to Supreme Ct. suggested, 167; rep. from Priv. B. Com. with Amt., conc. in, 237; 3^o m. agreed to on div., 286; Asst., 769 (45 *Vict.*, cap. 113).
- (66) To amend the Act of the late Province of Canada intitled, "An Act to incorporate the Board for the management of the Temporalities Fund of the Presbyterian Church of Canada in connection with the Church of Scotland," and the Acts amending the same.—
1^o, 288; 2^o, 332-9; 3^o m., 439, postpd., 440; on 3^o, Amt. m. (*Mr. Odell*) neg. (C. 8, N-C. 28), 475; 2nd Amt. m. (*Mr. Odell*), 475; neg. (C. 8, N-C. 32), 490; Amt. m. (*Mr. Trudel*), 490, lost on div. & B. 3^o, 491; Asst., 770 (45 *Vict.*, cap. 124).
- (67) To incorporate the Niagara Peninsula Bridge Company.—(*Mr. Macfarlane.*)
1^o, 299; 2^o, 324; rep. from Ry. Com. with Amts., 358; Amts. of Ry. Com. conc. in, 414; Amt. (*Mr. Dickey*), 415; agreed to & 3^o, 418; Asst., 770. (45 *Vict.*, cap. 88).
- (68) Further to amend the Act incorporating the Souris and Rocky Mountain Railway Company.—(*Mr. Sutherland.*)
1^o, 299; 2^o, 324; 3^o, ; Asst., 769 (45 *Vict.*, cap. 79).
- (69) To grant certain powers to the "C. W. Williams Manufacturing Company," and to change the name thereof to the "Williams Manufacturing Company."—(*Sir A. Campbell.*)
1^o, 315; 2^o, 386; 3^o, 421; Asst., 769 (45 *Vict.*, cap. 118).
- (71) To amend the Act of the late Province of Canada, intitled: "An Act to incorporate the Managers of the Minis-

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- ters' Widows' and Orphans' Fund of the Synod of the Presbyterian Church of Canada in connection with the Church of Scotland," and amendments thereto.—(*Mr. Wark.*)
1^o, 299; 2^o, 340; 3^o, 491; Asst., 770 (45 *Vict.*, cap. 125).
- (75) To incorporate the International Construction Company (Limited).—(*Mr. Bellerose.*)
1^o, 357; 2^o, 391; Amt. of Ry. Com., conc. in, 462-3; 3^o, 529; Asst., 770 (45 *Vict.*, cap. 114).
- (76) To amend the Act to incorporate the South Saskatchewan Valley Railway Company.—(*Mr. D. MacInnes.*)
1^o, 299; 2^o, 324; rep. from Banking Com. & 3^o, 358; Asst., 769 (45 *Vict.*, cap. 82).
- (79) To incorporate the Thomson & Houston's Electric Light Company of Canada.—(*Mr. Gibbs.*)
1^o, 167; 2^o m., 171; ref. to Supreme Ct. m. (*Mr. Power.*), 171; discussion on *Proced.*, m. withdn., & B. 2^o & ref. to Priv. B. Com., 173; Amts. conc. in & 3^o, 299; Asst., 769 (45 *Vict.*, cap. 70).
- (80) Respecting the River St. Clair Railway Bridge and Tunnel Company.—(*Mr. Dickey.*)
1^o, 421; 2^o, 437-8; rep. from Ry. Com. with Amts., conc. in, & 3^o, 467; Asst. 770 (45 *Vict.*, cap. 70).
- (81) Relating to the Canada Southern Bridge Company.—(*Mr. D. MacInnes.*)
1^o, 299; 2^o, 324; rep. from Ry. Com. & 3^o, 357; Asst., 769 (45 *Vict.*, cap. 87).
- (86) To amend the Act incorporating the Pontiac Pacific Junction Railway Company, and to authorize the said Company to erect a bridge over the River Ottawa.—(*Mr. Skead.*)
1^o, 299; 2^o, 324; rep. from Ry. Com. & 3^o, 358; Asst., 770 (45 *Vict.*, cap. 69.)
- (87) Respecting a certain agreement between the Canadian Securities Company and the liquidators of the Consolidated Bank of Canada.—(*Mr. Ryan.*)
1^o, 299; 2^o, 324; conc. on Amts. of Banking Com. & 3^o, 429; Asst. 770 (45 *Vict.*, cap. 65.)
- (89) To incorporate The Great Eastern Railway Company.—(*Mr. Bellerose.*)
1^o, 391; 2^o, 412; amts. of Ry. Com., 463-4, conc. in, 580; 3^o m., amt. (*Mr. Gibbs.*) 580; amt. to amt. (*Mr. Power.*) neg. (C. 25, N-C. 27) 595; *Mr. Gibbs'* amt. adopted (C. 27, N-C. 22), 596; in Com., amd & 3^o, 596; Asst. 770 (45 *Vict.*, cap. 71.)
- (90) To incorporate the Ocean Mutual Marine Insurance Company.—(*Mr. Dickey.*)
1^o, 240; 2^o, 287; rep. from Banking Com. & 3^o, 340; Asst., 769 (45 *Vict.*, cap. 103.)
- (92) To incorporate the Sisters of Charity of the North-West Territories.—(*Mr. Trudel.*)
1^o, 357; 2^o, 391; 3^o, 421; Asst. 770 (45 *Vict.*, cap. 127.)
- (94) To incorporate the Great American and European Short Line Railway Company.—(*Mr. Bourinot.*)
1^o, 439; 2^o, 443-4; amts. of Ry. Com., conc. in & 3^o, 612; Asst., 771 (45 *Vict.*, cap. 73.)
- (95) To amend the Act incorpg. "The Bell Telephone Company of Canada."—(*Mr. Allan.*)
1^o, 421; 2^o, 438-9; amts. of Ry. Com. conc. in, 612-15; Asst., 771 (45 *Vict.*, cap. 95.)
- (96) To consolidate and amend the Acts relating to the Montreal Telegraph Company.—(*Mr. Ferrier.*)
1^o, 357; 2^o m., 387; 2^o, 402; amts. of Ry. Com., 464; conc. in, 597; 3^o m. 597; Amt. (*Mr. Scott.*), 597, neg. (C. 11, N-C. 34), 604; 3^o, 604; Asst., 770. (45 *Vict.*, cap. 93.)
- (97) To incorporate the Calais and St. Stephen Railway Bridge Company.—(*Mr. Botsford.*)
1^o, 421; 2^o, 436-7; amts. of Ry. Com., 467-8, conc. in, 528; 3^o, 529; Asst., 770 (45 *Vict.*, cap. 75.)
- (98) To incorporate the "Canada Provident Association."—(*Mr. Skead.*)
1^o, 442; 2^o, 460-2; 3^o m., 580; amt. (*Mr. Bellerose.*) ref. to Supreme Ct., 580; reported on, 663; 3^o, 698; Asst., 771. (45 *Vict.*, cap. 107.)
- (100) To incorporate the McClary Manufacturing Company.—(*Mr. D. MacInnes.*)
1^o, 442; 2^o, 468; amt. of Priv. B. Com. conc. in, & B. 3^o, 604; Asst. 771 (45 *Vict.*, cap. 116.)
- (102) Further to amend "An Act to amend and consolidate as amended, the several enactments respecting the North-West Mounted Police Force."—(*Sir A. Campbell.*)
1^o, 442; 2^o, 528; in Com. & 3^o, 605-8; Asst., 770 (45 *Vict.*, cap. 29.)
- (103) To incorporate the Qu'Appelle Land Company (Limited).—(*Mr. D. MacInnes.*)
1^o, 442; 2^o, 468; conc. in Amts. of Priv. B. Com., 639; 3^o m., 639; Amt. (*Mr. MacInnes.*) to restore clause 16, 639, carried (C. 31, N-C. 8) 643; Amt. adding a clause (*Mr. MacInnes.*) 643, ques. of Procedure, Amt. withdn. & B. 3^o, 644; Asst. 771 (45 *Vict.*, cap. 121.)
- (105) To amend the Charter of the Fellows Medical Manufacturing Company.—(*Mr. Ryan.*)
1^o, 357; 2^o, 401; 3^o, 421; Asst., 770. (45 *Vict.*, cap. 117.)
- (106) To further amend "The Patent Act of 1872."—(*Mr. Aikins.*)
1^o & 2^o, 743; 3^o m., 743, 745; Amt., 1 year limit (*Mr. Aikins.*) agreed to, 746; 3^o, 746; Asst. (45 *Vict.*, cap. 22.)
- (107)—See above, "D."
(108)—See above, "C."
(109)—See above, "F."
(110)—See above, "G."

- (111)—See above, "E."
 (112)—See above, "B."
 (113)—See above, "I."
 (114)—Respecting the Quebec, Montreal, Ottawa and Occidental Railway.—(*Mr. Ogilvie.*)
 1^o, 421, 2^o m., 604, postponed; 2^o, 636; 3^o, 659; Asst. 770 (45 *Vict.*, cap. 67).
 (117) To amend and consolidate the Acts respecting the inspection of Steamboats, and the examination and licensing of Engineers employed on them.—(*Sir A. Campbell.*)
 1^o, 621; 2^o, 663-4; in Com., 695, 705; Amts. rep. & conc. in, & 3^o, 705; Asst., 771 (45 *Vict.*, cap. 35).
 (119) Further to amend "The Pilotage Act, 1873," and the other Acts therein mentioned.—(*Sir A. Campbell.*)
 1^o, 689; 2^o, 705; 3^o, 743; Asst. 771. (45 *Vict.*, cap. 32.)
 (120) To amend "The General Port Wardens' Act, 1874."—(*Sir A. Campbell.*)
 1^o, 462; 2^o, 468; in Com. & 3^o, 529; Asst., 770 (45 *Vict.*, cap. 46).
 (121) To exempt vessels employed in fishing from the payment of duties for the Relief of Sick and Distressed Mariners.—(*Mr. Aikins.*)
 1^o, 439; 2^o, 441; in Com. & 3^o, 445; Asst., 770 (45 *Vict.*, cap. 19).
 (122) To amend and consolidate the Acts relating to the office of Port Warden for the Harbor of Montreal.—(*Mr. Aikins.*)
 1^o, 580; 2^o, 658; in Com., 667; Amt., (*Mr. Aikins*) agreed to on divn.; 3^o, 668; Asst. 771 (45 *Vict.*, cap. 45).
 (123) To amend the Inland Revenue Act, 1880.—(*Mr. Aikins.*)
 1^o, 756; 2^o, 756-7; in Com., 757; rep. with Amts. & 3^o, 758; Commons objecting to Senate Amts., only 7th insisted upon, 768; Asst. (45 *Vict.*, cap. 8.)
 (126) Further to amend the Act respecting the Trinity House and Harbour Commissioners of Montreal.—(*Mr. Aikins.*)
 1^o, 442; 2^o, 528; 3^o, 529; Asst., 770. (45 *Vict.*, cap. 43).
 (127) To make further provision respecting the incorporation of a Company to establish a Marine Telegraph between the Pacific coast of Canada and Asia.—(*Sir A. Campbell.*)
 1^o, 462; 2^o, 468; in Com. & 3^o, 529; Asst., 770 (45 *Vict.*, cap. 54).
 (128) To provide for the improvement and management of the Harbor of Three Rivers.—(*Sir A. Campbell.*)
 1^o, 390; 2^o, 402; in Com. & 3^o, 429; amts. conc. in, 429; 3^o, 431; Asst., 770 (45 *Vict.*, cap. 52).
 (129) Further to amend the Acts to provide for the improvement and management of the Harbor of Quebec.—(*Sir A. Campbell.*)
 1^o, 390; 2^o, 401; in Com. & 3^o, 428; Asst., 770 (45 *Vict.*, cap. 47).
 (130) To make further provision for the improvement of the River St. Lawrence between Montreal and Quebec.—(*Mr. Aikins.*)
 1^o, 390; 2^o, 401; in Com. & 3^o, 418; Asst., 769 (45 *Vict.*, cap. 44).
 (131)—See above, "P."
 (132)—See above, "K."
 (133)—See above, "J."
 (134)—See above, "M."
 (135) To amend the Act forty-second Victoria, chapter forty, intitled "An Act to amend The Maritime Jurisdiction Act, 1877," and to make further provision for the recovery of the wages of seamen employed on vessels navigating the inland waters of Canada.—(*Sir A. Campbell*)
 1^o, 675; 2^o, 689; in Com., 690; 3^o, 690; Asst., 771 (45 *Vict.*, cap. 34).
 (138) To authorize the Canada Co-operative Supply Association, Limited, to issue preference stock.—(*Mr. Ryan.*)
 1^o, 357; 2^o, 387; 3^o, 421; Asst., 769. 45 *Vict.*, cap. 112)
 (139) To incorporate the Rapid City Central Railway Company.—(*Mr. Sutherland.*)
 1^o, 442; 2^o, 462; 3^o, ; Asst., 770. (45 *Vict.*, cap. 85.)
 (140) To amend the Act thirty-fifth Victoria, chapter forty-two, respecting the appointment of a Harbour Master for the Port of Halifax.—(*Mr. Aikins.*)
 1^o, 390; 2^o, 401; in Com., 419; amts. conc. in, and 3^o, 432-3; Asst., 770 (45 *Vict.*, cap. 49.)
 (141) To provide for the allowance of drawback on certain articles manufactured in Canada, for use in the construction of the Canadian Pacific Railway.—(*Mr. Aikins.*)
 1^o, 580; 2^o, 634-5; in Com. & 3^o, 658; Asst., 770 (45 *Vict.*, cap. 7.)
 (144) To authorize the construction, on certain conditions, of the Canadian Pacific Railway through some Pass other than the Yellow Head Pass.—(*Sir A. Campbell.*)
 1^o, 391; 2^o, 412; in Com., 431-2; 3^o, 443; Asst., 770 (45 *Vict.*, cap. 53).
 (145)—See above, "A."
 (148)—See above, "U."
 (149)—See above, "T."
 (150)—See above, "O."
 (151)—See above, "S."
 (152)—See above, "V."
 (154)—See above, "W"
 (156) Respecting the Windsor Branch of the Intercolonial Railway.—(*Sir A. Campbell.*)
 1^o, 761; 2^o m, 762; on 3^o, petition presented & amt. proposed (*Mr. Power*) 766, with'd'n & B. 2^o, 767; Asst. 771. (45 *Vict.*, cap. 16.)
 (157) To repeal certain provisions of the General Inspection Act, 1874.—(*Mr. Aikins.*)
 1^o, 703; 2^o, 741; 3^o, 742; Asst., 771. (45 *Vict.*, cap. 25)
 (158) To re-adjust the representation of the House of Commons and for other purposes.—(*Sir A. Campbell.*)

BILLS.—*Con.*

- 1°; 703; 2°m., 712; Amt., 3 months' "hoist" (*Mr. Scott*) 715; debate; Amt. negatived (C. 13, N-C. 21) 737; in Com., Amts. made, 737-8; Amt., Ry. employees franchise (*Sir A. Campbell*) 738, carried on divn., 739; 3°m., 740; Amt. to re-com. & strike out clause 6, Returning Officers (*Mr. Scott*) negatived (C. 13, N-C. 30) 740; Amt., to re-com. & strike out clause, Employees' franchise, (*Mr. Power*) ques. of order, Amt. lost on same div'n, 740; B. 3° on same divn., 740; Asst. 771 (45 *Vict.*, cap. 3.)
- (159)—See above, "Y."
 (160)—See above, "Z."
 (161) To provide for the free transmission of the Canadian newspapers by mail within the Dominion.—(*Sir A. Campbell.*)
 1°, 2° & 3°, 744; Asst., 771 (45 *Vict.*, cap. 5.)
- (162) For increasing during a certain time the yearly subsidy to the Province of Manitoba.—(*Sir A. Campbell.*)
 1°, 2°, 3°, 748; Asst., 771 (45 *Vict.*, cap. 5.)
- (163) Relating to the Harbour of Saint John, in the Province of New Brunswick.—(*Sir A. Campbell.*)
 1°, 750; 2°, 750; 3°, 750; Asst. 771 (45 *Vict.*, cap. 51.)
- (164)—See above, "AA."
 (165)—See above, "CC."
 (166)—See above, "BB."
 (167) To provide for the granting of a subsidy to the Chignecto Marine Transport Railway Company (Limited).—(*Sir A. Campbell.*)
 1°, 744; 2°, 744; 3°m, 746; Amt., approval of Contracts by Parl. (*Mr. Power*) 746-7, agreed to, 748; 3°, 748; Amts. objected to by Commons, not insisted on, 768; Asst., (45 *Vict.*, cap. 55.)
- (169) Further to amend the several Acts imposing Duties of Customs now in force.—(*Sir A. Campbell.*)
 1°, 2°, & 3°, 751-4; Asst., 771 (45 *Vict.*, cap. 6.)
- (170) To amend the Act of the present Session, intituled "An Act to reduce the capital stock of the Ontario Bank and to change the nominal value of the shares thereof, and for other purposes."—(*Mr. Gibbs.*)
 1° 2° & 3°, 703; Asst. 771 (45 *Vict.*, cap. 58) (See Bill No. 45.)
- (171) To increase the amount placed at the disposal of the Governor in Council by the Act 34 Victoria, chapter 8, for paying off claims on the Bank of Upper Canada.—(*Sir A. Campbell.*)
 1°, 2°, & 3°, 761; Asst. 771 (45 *Vict.*, cap. 13.)
- (172)—See above, "DD."
 (173) To encourage the construction of Dry Docks by granting assistance on certain conditions to Companies constructing them.—(*Sir A. Campbell.*)
 1°, 2°, & 3°, 750; Asst., 771 (45 *Vict.*, cap. 17.)
- (174)—See above, "FF."
 (175)—See above, "EE."
 (176) To provide for the granting of subsidies for the construction of certain lines of Railway therein mentioned.—(*Sir A. Campbell.*)
 1°, 758; 2°, 758, carried on Divn., 761; 3°, 761; Asst., 771 (45 *Vict.*, cap. 14.)
- (177) To authorize an annual grant for the development of the Sea Fisheries and the encouraging of the building of Fishing Vessels.—(*Sir A. Campbell.*)
 1°, 748; 2°, 748; 3°, 767; Asst., 771 (45 *Vict.*, cap. 18.)
- (178) For granting to Her Majesty certain sums of money required for defraying certain expenses of the Public Service, for the financial years ending respectively the 30th June, 1882, and the 30th June, 1883, and for other purposes relating to the Public Service.—(*Sir A. Campbell.*)
 1°, 749; 2° & 3°, 749-50; Asst., 771 (45 *Vict.*, cap. 2.)
- (179) To fix and provide for the payment of the salaries of the Judges of the Supreme Court of Judicature of Ontario and of certain Judges and County Judges in Manitoba and New Brunswick.—(*Sir A. Campbell.*)
 1°, 2°, & 3°, 754-6; Asst., 771 (45 *Vict.*, cap. 11.)
- Bills assented to.*
 Notice given, 2 Mch., Asst., 3 Mch., 57; on Prorogation, 17 May, 769-71.
- Bills, Govt., in Senate.*
 Time for consideration; Res. (*Mr. Alexander*) 190; Amt. (*Mr. Dickey*) 193, carried on Divn., 200.
- Bills of Exchange, &c, in P. E. I., Protest of, B.—See "P. E. I."*
- Bills, Private.*
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- Block system on Govt. Railways.*
 Intention to introduce; Inqy. (*Mr. Dickey*) 295; discussion; Reply (*Mr. Aikins*) 297-8.
- Boiler Inspection & Ins. Co. of Canada, change of name, Directorate, &c., B.; (I, 113, *Mr. Vidal.*)**
 1°, 26; 2°, 43; rep. from Com. & 3°, 79; 79; Asst., 769 (45 *Vict.*, cap. 102.)
- Bridges over Navigable Waters, construction of; B. (V, 152, *Sir A. Campbell.*)**
 1°, 315; 2°, 373; in Com. & amd., 397; Amts. conc. in°, 400; amd. & 3°, 428; Asst., (45 *Vict.*, cap. 37.)
- British America Assurance Co. Acts Consolid. B. (34, *Mr. Smith.*)**
 1°, 134; 2°, 169; rep. from Banking Com. with amts., conc. in. & 3°, 236; Asst., 769 (45 *Vict.*, cap. 99.)

BRITISH COLUMBIA.

Railway Lands, negotiations respecting, & disposal of; *Inqy.*, (*Mr. Macdonald*); Reply (*Mr. Aikins*) 88.

Salmon Hatchery erection, intention of Govt.; *Inqy.* (*Mr. T. R. McInnes*) 617; Reply (*Sir A. Campbell*) 621.

Building Societies, Ont., power to increase capital; B. (P, 131, *Mr. Allan*.)

1°, 88; 2°, 104; Amts. of Banking Com. conc. in & 3°, 134; Commons Amts. conc. in°, 703; Asst., 771 (45 *Vict.*, cap. 24).

Calais and St. Stephen Ry. Bridge Co. Incorp. B. (97, *Mr. Botsford*.)

1°. 421; 2°, 436-7; amts. of Ry. Com., 467-8, conc. in, 528; 3°, 529; Asst., 770 (45 *Vict.*, cap. 75.)

Callander Ry. B.—See "Railways."

Canada & Asia Telegraph B.—See "Asiatic."

Canada Co-operative Asscn., issue of preference stock; B. (138, *Mr. Ryan*.)

1°, 357; 2°, 387; 3°, 421; Asst., 769 (45 *Vict.*, cap. 112).

Canada, Dominion of, Life Ins. Co. B.—See "Dominion."

Canada Landed Credit Co., powers extended to Man. and N.W.T.; B. (47, *Mr. Gibbs*.)

1°, 439; 2°, 445-50; rep. from Banking Com. & 3°, 462; Asst., 770 (45 *Vict.*, cap. 110).

Canada Life Asscn. B.—See "Life Asscn."

Canada Mutual Tel. Co. Incorp. B. (55, *Mr Bureau*)

1°, 219; 2°, 268; rep. from Ry. Com., & 3°, 315; Asst., 769 (45 *Vict.*, cap. 94).

Canada Provident Asscn. Incorp. B. (98, *Mr. Skead*.)

1°, 442; 2°, 460-2; 3° m., 580; amt. (*Mr. Bellerose*) ref. to Supreme Ct., 580; reported on, 663; 3°, 698; Asst., 771 (45 *Vict.*, cap. 107).

Canada Southern and Erie and Niagara Ry. Cos., period for construction extended; B. (14, *Mr. Scott*.)

1°, 88; 2°, 104; 3°, 126; Asst., 769 (45 *Vict.*, cap. 68).

Canada Southern Bridge Co., Detroit River Tunnel, time for completion extended; B. (81, *Mr. D. MacInnes*.)

1°, 299; 2°, 324; rep. from Ry. Com., & 3°, 357; Asst., 769 (45 *Vict.*, cap. 87).

Canada, Trust and Loan Co. B.—See "Trust and Loan."

Canadian Academy of Arts B.—See "Royal Can. Academy."

CANADIAN PACIFIC RAILWAY.

Change of Route from Yellow-Head Pass, B. (144, *Sir A. Campbell*.)

1°, 391; 2°, 412; in Com., 431-2; 3°, 443; Asst., 770 (45 *Vict.*, cap. 53).

Drawback on articles manufactured in Canada for; B. (141, *Mr. Aikins*.)

1°, 580; 2°, 634-5; in Com., & 3°, 658; Asst., 770 (45 *Vict.*, cap. 7).

Fleming, Sandford, corresp. from, on Rep. of Commission; M. for (*Mr. Vidal*) 673, agreed to, 675.

Canadian Securities Co. B.—See "Consolidated Bank."

Canadian Steam Users' Ins. Asscn. B.—See "Boiler Inspection."

Cape Traverse & Carleton Cove Branch Ry. B.—See "P. E. I."

Caughnawaga Indians.

Emancipation of, intention of Govt.; *Inqy.* (*Mr. Trudel*) 238; Reply (*Sir A. Campbell*) 239.

Census, 1881.

Transmitted from H. E., 25.

Chartered Bank of London and Winnipeg.—See "London & Winnipeg."

Chignecto Marine Ry. Incorp. B. (57, *Mr. Botsford*.)

1°, 439; 2°, 450-60; Amts. of Ry. Com. conc. in, 610; 3°, 612; Asst., 770 (45 *Vict.*, cap. 76.)

Chignecto Marine Ry. Subsidy B. (167, *Mr. Aikins*.)

1°, 744; 2°, 744; 3° m., 746; Amt., approval of Contracts by Parlt. (*Mr. Power*) 746-7, agreed to, 748; 3°, 748; Amts. objected to by Commons, not insisted on, 768; Asst., (45 *Vict.*, cap. 55).

Civil Service Act, 1882, B. (36, *Sir A. Campbell*.)

1°, 580; 2°, 622-34; in Com., 653, 665; rep. with amts., 667; 3° m., 675; Amt. (*Sir A. Campbell*), 675; Amt., (*Mr. Trudel*) 675, withdn., 686; 3°, 686; on passing, 686-7; Asst., 771 (45 *Vict.*, cap. 4).

Civil Service, distribution of Offices.

Ret. ordered in '81, preparation of; *Inqy.* (*Mr. Trudel*) Reply (*Mr. Aikins*) 88.

See also "Roman Catholics, Appts. of."

Clements Steamship Company B.—See "Nova Scotia S. S. Co."

Coal Lands, disposal of.

Regulations tabled (*Mr. Aikins*) 27.

Coinage, Silver, Return of, 1881.

Printing ordered (*Rep. of Com.*) 267.

Commercial Travellers' Asscn. Incorp. Act, amd., additional powers, &c.; B. (8, *Mr. Macfarlane*.)

1°, 189; 2°, 201; ref. to Banking Com. 202; rep. with Amts., 390; 3°, 391; Asst. 770 (45 *Vict.*, cap. 120).

Committees, Appointment of, &c.

See "Senate."

COMMONS, HOUSE OF.

Re-adjustment of Representation; B. (158, *Sir A. Campbell*.)

1°, 703; 2° m., 712; Amt., 3 months' "hoist" (*Mr. Scott*) 715; debate; Amt. negatived (C. 13, N-C. 21) 737; in Com., Amts. made, 737-8; Amt., Ry.

BILLS.—Con.

employees franchise (*Sir A. Campbell*) 738, carried on divn., 739; 3^{m.}, 740; Amt. to re com. & strike out clause 6, Returning Officers (*Mr. Scott*) negatived (C. 13, N-C. 30) 740; Amt. , to re-com. & strike out clause, Employees' franchise, (*Mr. Power*) ques. of order, Amt. lost on same div'n, 740; B. 3^o on same divn., 740; Asst. 771 (45 *Vict.*, cap. 3.)

Consolidated Bank of Canada, liquidation, transference of powers to Canadian Securities Co; B. (87, *Mr. Ryan*.)

1^o, 299; 2^o, 324; conc on Amts. of Banking Com. & 3^o, 429; Asst. 770 (45 *Vict.*, cap. 65.)

Consolidated Insurance Act Amt. B.—See "Insurance"

Constitutionality, ques. of—See "ORDER, &C." **Contingent Accts. Committee.**

3rd Rep.; \$100 to estate late Law Clerk, Montizambert, for books; (*Mr. Reay*) agreed to*, 125.

4th Rep. adopted*, 636.

5th Rep. agreed to, 688.

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Co-operative Assn. B.—See "Canada co-operative."

County Court Judges B.—See "Judges."

County Court Judge, Halifax.—See "Johnston."

Crimes of Violence, B.—See "Prevention of Crime."

Criminal Justice in disputed territory (Ont.) B.—See "Justice."

Criminal Law, Reform of Procedure.

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Criminals, escaping, &c., right to assault, B.—See "Prisoners."

Criminals, extradition of, B.—See "Extradition."

Criminals from other British Dominions, B.—See "Fugitive Offenders."

Crimping, B.—See "Seamen's Act."

Customs, drawback on home manufactures for C.P.R., B.—See "C.P.R."

Customs Duties Act Amt. B. (169, *Sir A. Campbell*.)

1^o, 2^o, & 3^o, 751-4; Asst., 771 (45 *Vict.*, cap. 6.)

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Remarks, on the Address (*Mr. Alexander*), 15.

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2nd Rep. of Com., adoption m. (*Mr. Macfarlane*), 644; Amt. m. (*Mr. Head*) to continue Official Report, 645; agreed to, 653.

3rd Rep. of Com., French reporting dropped (*Mr. Vidal*), 670.

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Debt, Public.

Owning within Dominion; M. for Address to H.E. (*Mr. Wark*) 670; agreed to, 673.

Deceased Wife's Sister B.—See "Marriage."
Detroit River Tunnel B.—See "Canada Southern Bridge Co."

Distributors of Documents.

Salaries increased (*Rep. of Printing Com.*), 689.

Districts, Provisional, N. W. T.

Establishment of; Address, conc. in H.E.'s Message, m. (*Sir A. Campbell*) agreed to, 700.

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Great Eastern Ry. Co. Incorp. B. (89, *Mr. Bellerose*.)

On 3^o, Amt., non-interference with Montreal & Champlain Ry. (*Mr. Gibbs*), 381; Amt. to Amt., purchase of M. & C. Ry., &c. (*Mr. Power*), 595, negatived (C. 25, N-C. 27), 595; Amt., construction, Dundee, Rouse's Point (*Mr. Gibbs*) 596, adopted (C. 27, N-C. 22) 596.

Island, Affairs in; Commons Address to H.M.

Mr. Haythorne's Amt. (p. 526) to Res. of conc., negatived (C. 5, N-C. 36), 577; Conc. carried (C. 36, N-C. 6), 578.

Marriage with Deceased Wife's Sister, B. (9, *Mr. Ferrier*.)

On m. for 2^o, amt., 6 months' "hoist" (*Mr. Bellerose*) negatived (C. 19, N-C. 40) & B. 2^o on same div., 280. On m. into Com. of W.; Amt., legality according to laws of Provinces (*Mr. Bellerose*) 301, negatived (C. 12, N-C. 37), 313. On 3^o, Amt, validity according to laws of Churches (*Mr. Trudet*), 316, negatived (C. 11, N-C. 38) 321.

Montreal Telegraph Co. Acts Consolid. B. (26, *Mr. Ferrier*.)

On 3^o, Amt. to strike out clause for amalgamation with Foreign Cos. (*Mr. Scott*), 597, negatived (C. 11, N-C. 34), 604.

Presbyterian Temporalities Fund B. (66, *Mr. Vidal*.)

On 3^o, Amt., majority of Synod (*Mr. Odell*) 470, negatived (C. 8, N-C. 28), 475; Amt, addition to 1st clause, \$50,000 payment to Commissrs. for Old Church (*Mr. Odell*), 476, negatived (C. 8, N-C. 32), 490.

Qu'Appelle Land Co. Incorp. B (103, *Mr. MacInnes*.)

On conc. in Amts. of Priv.B. Com., Amt. m. to restore clause 16, permitting amalgamation with other Companies (*Mr. MacInnes*) 639, carried (C. 31, N-C. 8), 643.

Representation, Re-adjustment, B. (158, *Sir A. Campbell*.)

On 2^o, Amt., 3 months' "hoist" (*Mr. Scott*), 725, negatived (C. 13, N-C.

- 21), 737; on 3^o, Amt. to strike out clause 6, Returning Officers (*Mr. Scott*) negatived (C. 13, N-C. 20), 740; Amt. to strike out sub-sect. 2, sect. 5, authorizing Intercol. Ry. employees in N. S. to vote (*Mr. Power*) lost on same Divn.; B. 3^o on same Divn., 740.
- Saskatchewan Diocesan Synod Incorp. B.* (51, *Mr. Skead*.)
On m. for 3^o (*Mr. Vidal*), amt. respecting Church discipline (*Mr. Dickey*), 288, negatived (C. 18, N-C. 28), 294.
- Winnipeg & Springfield Bridge Co. Incorp. B.* (15, *Mr. Girard*.)
On *Mr. Bellerose's* m. to concur in Amt. of Priv. B. Com., non-contravention of Provincial Legislative rights, 421; amt. (*Mr. Dickey*) to reconsider & strike out the amt., carried (C. 34, N-C. 16), 424.
- Divorce Case*, 1882.—See "Gardiner."
Dominion Debentures.—See "Debentures."
- Dominion Fire and Marine Ins. Co., winding up; B.** (13, *Mr. Hope*).
1^o, 189; 2^o, 218; 3^o, 288; Asst., 768 (45 *Vict.*, cap. 109).
- Dominion Lands Acts, French versions, Corrections; B.** (AA, 164, *Sir A. Campbell*.)
1^o, 604; 2^o, 658; in Com., 669; 3^o, 669; Asst. 771 (45 *Vict.*, cap. 27.)
- Dom. of Canada Life Ins. Co, B.—name again changed—N. Amer. Life Ass. Co, Directorate.** (53, *Mr. Allan*.)
1^o, 189; 2^o, 200; rep. from Banking Com. & 3^o, 341; Asst., 769 (45 *Vict.*, cap. 98).
- Drawback on articles for C.P.R.*—See "C. P. R."
Drawback on Sugar exports; M. for O. C.'s & Corresp. (*Mr. Power*) & Debate thereon, 79-85.
- Dry Docks, construction of, subsidies for enlargement of, authorized; B.** (173, *Sir A. Campbell*.)
1^o, 2^o, & 3^o, 750; Asst., 771 (45 *Vict.*, cap. 17.)
- Dunbar, Frederick, sculptor.*
Order to, recommendation for; M. (*Mr. Alexander*), 47; dropped, 50.
- Eastern Extension Railway, N. B.*
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- Edison Electric Light Co. Incorp. B.** (46, *Mr. Bellerose*.)
1^o, 167; 2^o, 173; amts. of Priv. B. Com., conc., & 3^o, 299; Asst., 769 (45 *Vict.*, cap. 96).
- Edmuntson Ry. B.*—see "Railways."
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Notice of M. for next Session (*Mr. Alexander*) 745.
- Emigration, Irish, to Canada.*
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- Engineers, Examination, B.*—see "Steam-boats."
- English & Colonial Ins. Co. In-corp. Act Amt.; B.** (N, *Mr. Allan*.)
1^o, 85; B. dischgd., 101.
- Erie & Niagara and Can. Southern Ry. Cos., period for construction extended; B.** (14, *Mr. Scott*.)
1^o, 88; 2^o, 104; 3^o, 126; Asst., 769 (45 *Vict.*, cap. 68.)
- Exchange Bank of Yarmouth, capital reduction; B.** (23, *Mr. Power*.)
1^o, 240; 2^o, 287; rep. from Banking Com. & 3^o, 340; Asst., 769 (45 *Vict.*, cap. 60.)
- Extradition Act, 1877, a discretionary clause repealed; B.** (W, 154, *Sir A. Campbell*.)
1^o, 402; 2^o, Con-titut. ques. explained, 434-6; 3^o, 411; Asst., 771 (45 *Vict.*, cap. 20.)
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