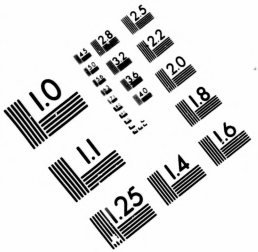

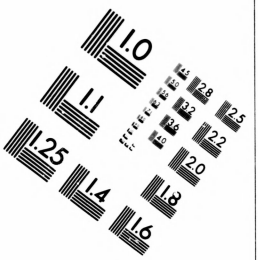

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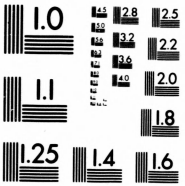

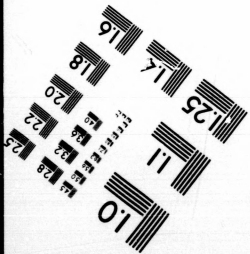

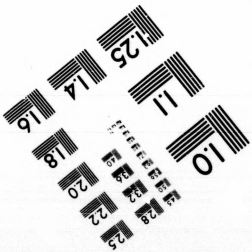

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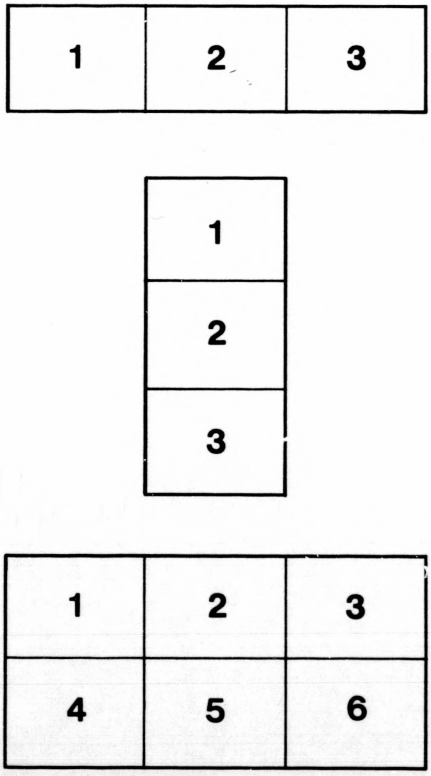

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SPEECHES

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ON DIVERS OCCASIONS

BY

SIR ALEXANDER CAMPBELL.

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ORIGINAL ADDRESS.

To the Electors of "Cataraque" Electoral Division:

GENTLEMEN:—In the summer or autumn of the present year you will be called upon to elect a Member of the Legislative Council for "Cataraque"—an Electoral Division composed of the Counties of Addington and Frontenac, and the City of Kingston.

It is proposed, I believe, to hold a Convention at an early day, to nominate a candidate.

I should not have deemed it necessary to address the Electors in any way prior to the nomination, did I not understand that an active personal canvass had been already commenced by another candidate.

Being unable to see you personally, I am urged by my friends in various parts of the Electoral Division to adopt this mode of informing you that I hope to receive the nomination of the Convention, and will be a candidate at the election in question, and to solicit your votes and support.

I do not deem it necessary, at this time, to enter into the discussion of the political questions of the day; my course as a private elector amongst you for many years, is well known, and free from inconsistency.

Should I be nominated, it will be with the full knowledge, on the part of the Convention, that I cannot go into a personal canvass, and that my election must depend on the exertions of others more than on my own.

If, labouring under such a disadvantage, I am honoured with the nomination, I shall continue the contest with an assured prospect of success; and, if elected, will endeavour to carry into public life the principles which have so far, I would fain hope, secured me the confidence and good-will of the general body of the electors.

I am, Gentlemen,

Your obedient servant,

A. CAMPBELL.

Kingston, 11th January, 1858.

ADDRESS AFTER NOMINATION.

To the Electors of "Cataraque" Electoral Division:

GENTLEMEN:—The nomination of the Conservative Convention at Odessa and other occurrences in the Electoral Division having given prominence to my name as a Candidate to represent you in the Legislative Council, I take early occasion to state my political opinions.

In the Legislative Council, as in the House of Assembly, political questions must be discussed and decided, and a candidate without politics would, in my judgment, be useless in either.

The connection with the Mother Country is dear to all Canadians, and redounds to the honour and advantage of the Province. I would seek in all our legislation to uphold and cement it.

As Canadians, I think we are under special obligations to seek to have the monopoly of the Hudson's Bay Company abolished, and the valuable country now held by them as a hunting ground thrown open to all classes of Her Majesty's subjects for settlement, under such arrangements as to government as might upon thoughtful inquiry be found expedient.

I am in favour of Parliamentary Representation being based on Population, irrespective of any dividing line between Upper and Lower Canada; and I will advocate the immediate passing of measures carrying out that principle.

Separate Schools in rural municipalities deteriorate the character and usefulness of both classes of schools, prejudicially divide the scholars, lead to the employment of inferior masters, and materially injure the Common School system. I am prepared to advocate their abolition. In Towns and Cities, where population is dense, and rival schools in one locality are not an injury to each other, separate schools for Roman Catholics may, I think, be maintained without prejudice to the cause of education; and the privilege of establishing these schools should, I think, be confined to such places where they would seem almost necessary to the maintenance of good will and charitable feelings between the members of the great religious denominations.

Sectarian Legislation should, I think, be avoided as much as possible; and I would advocate the passing of a general measure, under which corporate powers for educational and charitable institutions might be obtained by all denominations on terms of perfect equality, with such restrictions as the public weal might seem to demand.

American-built vessels are now allowed to coast between Canadian ports, whilst Canadian-built vessels are excluded from the same privilege

in the United States. I would advocate immediate measures to place us on even terms in this respect.

I am in favour of a revision of the Customs Tariff, and of placing the same duty on United States manufactures which they place on Canadian.

In case the decision of the Home Government, fixing the Canadian Capital at Ottawa, should be acted upon, I will strenuously seek to obtain for Kingston and its neighbourhood a direct Railway communication through the interior with Ottawa.

I will earnestly advocate an honest, efficient and economical administration of all Public Departments.

I hope to hold meetings in various parts of the Electoral Division, and will be glad to state to the Electors, fully and frankly, my views on all topics which may interest them.

I am, Gentlemen,

Your obedient servant,

A. CAMPBELL.

Kingston, 10th February, 1858.

SPEECH

DELIVERED AT HIS NOMINATION AS A LEGISLATIVE COUNCILLOR, KINGSTON—4th OCTOBER, 1858:

MR. CAMPBELL was received with enthusiastic cheering and waving of hats, which continued several minutes; when it had abated, he said: Mr. Sheriff, I am glad to see so many of the electors here to-day, and I hope that the proceedings will be conducted in a friendly manner; the candidates are all good friends, and why should we be anything else? [Cheers.] I wish to say one word personal to myself: I have never at any of my meetings said one word derogatory to the character of either of the candidates, though reports may have been carried to Mr. Kirkpatrick or Mr. Gildersleeve to the contrary

A VOICE—What does the Tribune say?

MR. CAMPBELL—The Tribune stands upon its own basis. I never wrote anything for it or any other paper, against either of the candidates. [Cheers.] It has been charged against me by Mr. Gildersleeve and his friends that I ought to support Mr. Kirkpatrick. You are all aware that Mr. Gildersleeve came out first and was busy canvassing, whilst Mr. Kirkpatrick was sitting in his office; he always said he would come out, but he never did so. [Cheers.] When I found that the Convention had nominated me, I issued my address. [Mr. Campbell here gave a sketch of the proceedings connected with the calling of the Convention, stating that Mr. Kirkpatrick as well as himself had addressed that Convention, and, if the latter gentleman did not intend to abide by the decision of the Convention, he should not have appeared there or taken any part in the proceedings. [Cheers.] In continuation, I believe if I had wished to become a candidate for parliamentary honours I could frequently have had that opportunity [cheers], but I believe, as I have always believed, that it is for the people to take the initiative; it is for the people to say who shall be their candidate; and this is the true and the only way. [Cheers.] I believe I am the only candidate who has come out at the request of the people. [Cheers.] Mr. Gildersleeve pretends he had a requisition calling upon him to stand.

A VOICE—And so he had.

MR. CAMPBELL—Yes, and he came out before that address was signed, and one minute since I caught the eye of a gentleman in the crowd, a friend of Mr. Gildersleeve, and who knows that to be true. [Great cheering.] I differ with the gentleman who seconded Mr. Kirkpatrick, that a candidate should not be bound by promises [cheers];

there were many questions at present which their representative should be pledged upon ; the question of Representation by Population and the School question were of too great importance to get the go-by in that manner ; and any candidate aspiring to represent the electors should be prepared to pledge himself either for or against those measures. [Cheers.] When Mr. Gildersleeve came out he said "politics had nothing to do with it," but afterwards he found out that would not do, and he now says "politics have to do with it." [Cheers and laughter.] I still occupy the position I did in January when I issued my address, and I believe that was the manly and independent way to do. [Great cheering.] I have spoken as highly and more so of Mr. Kirkpatrick than either his proposer or seconder have done ; I have done the same of Mr. Gildersleeve, favourably mentioning his enterprise and industry [cheers] ; but I say Mr. Kirkpatrick was not true to his politics [great cheering] ; he was always in some public office, and he was always supporting such men as Anthony Manahan and Mr. Harrison, because they were the nominees of the government of the day. [Great cheering.]

A VOICE—That's the truth.

MR. CAMPBELL—And when the election was between Mr. Macdonald and Mr. Mackenzie, did he not step in between the two to satisfy or gratify the Hincks government? (Cheers.) Did he not in a neighboring county go and support the government candidate, Mr. Roblin? and was he not at that time in opposition to all his friends? (Great cheering.)

A VOICE—You voted for Roblin.

MR. CAMPBELL—No ; I voted for Mr. Hooper, and supported him to the heart's core. I have always been the same thing. (Cheers.) I came out independent of the government ; and, if I go into public life, I will go into it independent of the government and of the opposition —(great cheering)—and the only way for a man is to take up the political questions of the day and give his opinion upon them fairly and honestly. If his opinion is shared by the government, good ; if it is shared by the opposition, good ; but a candidate should not pledge himself to act either with the government or the opposition, except their opinions coincided with his own. (Cheers.) With regard to Mr. Kirkpatrick—at the Convention I thought his opinions were the same as mine, but I now find that at Wolfe Island and in the City Hotel he was in favour of separate schools in town and country : I am in favour of united education—(Cheers.) Mr. Gildersleeve, in his last address, has used language which—perhaps he did not intend it—is calculated to mislead the electors. I refer to that part in which he states he is in favour of that system "which would be acceptable to all classes of the laity and unobjectionable to the clergy." (Cheers.) That is a system we shall never see until we get the millennium. (Great cheering.) Mr. Kirkpatrick is in favour of separate schools ; I am against them in the country, as I believe a large number of the electors, not

only Protestants, but Roman Catholics, are. I am in favour of them in the towns, where, from the denseness of the population, you can have good masters, and you can pay them well, and the cause of education does not suffer; but in the country, where the population is sparse and thin, I believe the cause of education suffers, and that you are unable to pay a good master. If you return me as your representative I shall vote to abolish separate schools in the country. (Great cheers.) Mr. Gildersleeve will go for the other thing, which is to please the clergy and not the laity. (Great cheers and laughter.) There is another question before the electors—Representation by Population. In Upper Canada we are much divided; whilst in Lower Canada they are, almost to a man, united. The consequence of this is that the country is always ruled by the Lower Canadian vote, and, as long as it is so, the country and the Government will pander to them: and thus it is that we find on the statute books many acts which are distasteful to the people of Upper Canada. (Cheers.)

The great thunderer of England, the *Times*, had lately said: "the politics of Canada seemed to be the bidding for the Lower Canadian vote." It is said that we have 300,000 or 400,000 of a population more than Lower Canada, and we should have eight or ten more representatives, and thus by the aid of Liberal votes from Lower Canada, (for Mr. Dorion and others from Lower Canada do endorse the principle of representation by population,) Canada would possess that influence to which she is entitled, and of which she is deprived; I therefore would vote for the immediate passage of a measure carrying out representation by population. [Great cheering.] What do the other candidates say about this? Mr. Kirkpatrick would not persist in it if it would be an injury or disadvantage to any person; but did he ever know a law which would not be a disadvantage to somebody or other? [Great applause.] Mr. Gildersleeve says he is in favour of representation by population when the British Provinces are joined in one confederation.

MR. GILDERSLEEVE—I never said so.

MR. CAMPBELL—I hold in my hand a copy of the *Daily News*, which contains a report of a meeting in the City Hall, at which you used the expression I have quoted. Mr Gildersleeve will go for representation by population when the provinces are all united; Mr. Kirkpatrick when it is not to the disadvantage of some person or other; I will go for it now. [Prolonged applause.] I know by the men who have accompanied me to-day of their own free will and accord that I shall be the successful candidate, [cheers]—and I believe that man will succeed who pursues a straightforward, honest course, which I believe I have always done. [Cheers.] Why is it I am speaking first? Because Mr. Kirkpatrick and Mr. Gildersleeve urged that I should speak first, in order that they might pitch into me; but I don't care for that. After all, it is not the man who has the show of hands, but the man who has the most friends at the poll, that will succeed, and I have

not the least doubt that my friends will exert themselves and will rally around me, and that, when we next meet here, I shall be your representative, [great cheering]. I have to thank you for your attention, and I hope my friends will listen to the other candidates with the same attention. [Mr. Campbell retired amidst prolonged applause.]

SPEECH

DELIVERED ON THE OCCASION OF HIS FIRST RETURN TO THE LEGISLATIVE COUNCIL—KINGSTON, 14TH OCTOBER, 1858:

When the cheering had subsided, Mr. Campbell said:

MR. SHERIFF AND GENTLEMEN—I feel deeply grateful for the high honour which the electors have this day conferred upon me (cheers). And I feel deeply the responsibility which that honour brings with it. (Cheers.) I know many of my supporters have very sanguine expectations of what I shall do in the Provincial Parliament—expectations which, I cannot conceal from myself, I shall not be able to realize. (Cries of No! no!) This I do know, however, that I shall do all in my power to perform the pledges I have given and the promises I have made during the present contest. (Cheers.) Gentlemen: Through all the contest which has been brought to a close, I have always spoken of my opponents in the highest terms as gentlemen of the greatest respectability, honour and integrity (cheers); and therefore I cannot help feeling that, in the speech made by my friend Mr. Kirkpatrick at the nomination, he threw out an insinuation against me in connection with the Convention at Odessa, which was altogether unwarrantable. (Cheers.) Referring to that Convention, Mr. Kirkpatrick read his letter to me, but he did not read *all* of mine to him. And from the manner in which he made use of those letters, he left it to be inferred that I had acted unfairly towards him, than which nothing could be more incorrect. (Cheers.) Mr. Kirkpatrick did not mention that, when he complained of the Convention, I offered to permit him to name delegates from all the townships himself, and the only condition I attached to that proposition was that the delegates should be leading men in each township. (Cheers.) I also offered him to cast lots which of us should stand, but he would not agree to either of those propositions. Mr. Kirkpatrick's complaint was that the Odessa Convention did not fairly represent the townships, but what is the result? I have polled large majorities in all the townships with the exception of Amherst Island. (Cheers.) So the result has shown that the Convention *did* fairly represent the respective townships. (Cheers.) Gentlemen: you are aware that immediately after I was nominated at the Convention I issued my political address, in which I explained my views frankly and fully. (Cheers.) I then nailed my colours to the mast, and kept them there. (Cheers.) I have again to return my warmest thanks to my respective committees for their warm and energetic support, and to my friends in all parts of the Division. No man was ever more warmly supported by any body of electors than I have been by you, gentlemen, who have placed me in

the proud position I this day occupy—(Cheers.)—a position which, I hope, shall never be sullied by me. (Cheers.) Your exertions on my behalf I shall never forget to my latest hour. (Cheers.) And, gentlemen, when my eight years term of office shall have expired, I trust to be able to present myself before you with clean hands, to give an account of my stewardship, and to ask you, on the ground of duties performed and promises fulfilled, again to vest in me the high trust and great honour which your kindness to-day has bestowed upon me. (Prolonged applause amidst which Mr. Campbell retired.)

SPEECH

DELIVERED AT THE BURNS' CENTENARY CELEBRATION, OF WHICH MR. CAMPBELL WAS CHAIRMAN—KINGSTON, 25th JANUARY, 1859.

MR. CAMPBELL said he was sensible that he could very imperfectly discharge the duties of the position which he occupied this evening, and he could heartily wish that its honours had fallen upon some more competent person, but, desirous as he was to further the success of the celebration, and having had the matter urged upon him by the members of the managing committee, he did not feel at liberty absolutely to decline taking that part in the proceedings of the evening which they thought would best tend to promote the object in view. (Applause.) He was sure that the ladies and gentlemen would lend him their support, and that the ladies' smiles would be accorded him in his effort to promote the general harmony and enjoyment of the evening. [Great applause.] In seeking to offer some humble meed of homage to the memory of Burns, it was thought by the managing committee that the form which has been given to our assemblage was that which, upon due consideration of all the circumstances, was the most suitable. Other festivities might readily have been selected, which perhaps might have been more amusing, but one would not have afforded occasion for any intelligent expression of our admiration of the poet, and another, if less objectionable on that score, presented what was to the committee an insurmountable barrier, in this, that it would have deprived the celebration of the presence of the ladies, and we should have been recreant indeed to the memory of Burns, [applause,] to the most active sentiments of his heart, if, in an assemblage held in his honour, we had excluded the representatives of that gentle sex among whom he himself declares his sweetest hours were spent, and in whose honour most of his tenderest songs were written. [Great applause.] —Ladies, said the chairman, we speak in the spirit of Burns, no less than in our own proper persons, when we heartily bid you welcome.—[Applause.] We trust that the evening may be to you one of unmingled enjoyment.

1. The influence of the writing of Burns on his countrymen ;
2. Burns as an interpreter of Scottish life and manners ;
3. The influence of Burns upon the world ;
4. The popularity of Burns ;
5. Burns as a song writer

Are all aspects of his writings, and their influences, to be passed in review before us this evening. I am sure that I shall not be misunder-

stood by the gentlemen who have so kindly undertaken to speak upon these topics, if I ask for them an indulgent as well as an attentive hearing. We can hardly appreciate the ability and thought required to discourse upon such themes, without having personally gone through the labour of preparing an address upon them. [Applause.] I will not by any thoughts of mine trespass in the least upon the ground which they are to occupy. But perhaps I may with advantage detain you for a few moments in seeking to recall some of the personal history of Burns. The annals of his life were so few and simple, and his character and writings have attracted such interest, that, probably, all who hear me are familiar with them, but they will nevertheless, I hope, think it not inopportune if I touch on them for a moment. [Applause.]

The son of an humble farmer who cultivated some few acres of land for the livelihood of himself and family; with hardly any education, obliged by the necessities of his father's position, and his own, to spend the best years of his youth and early manhood as a hard-worked plough-boy—his whole library consisting of the *Spectator* and the works of Pope and Ramsay, and a collection of English songs—how little was there to herald the genius which was in a few years to make his name a household word, and his works the cherished treasure of almost every land where his native tongue is spoken. We can here better judge of his father's position in life when we remember that seven acres of nursery ground is said to have constituted his whole farm. Up to the age of twenty-three, partly at home and partly as farm-servant—assisting his brother who had a farm at Mossgiel—he remained apparently without improvement in his social position or fortune. It was whilst living with his brother at Mossgiel that he first saw Mary Campbell; she was the servant of a neighbouring farmer, and was, perhaps, the earliest, certainly the most interesting, of his early loves; and was the object of the deepest passion he ever felt. Every one remembers the story of their last parting on the banks of the Ayr. The lovers spent a day in taking farewell—"their adieu was performed with all those simple and striking ceremonials which rustic sentiment has devised to prolong tender emotions, and to impose awe. [Applause.] The lovers stood on each side of a small purling brook, they laved their hands in the limpid stream, and, holding a Bible between them, pronounced their vows to be faithful to each other." The very Bible has since been discovered in the possession of Mary Campbell's sister. On the boards of the Old Testament is inscribed in Burns' handwriting:—"And ye shall not swear by my name falsely. I am the Lord." And on the boards of the New Testament: "Thou shalt not forswear thyself, but shalt perform unto the Lord thine oaths." Mary Campbell died in early life shortly after that parting, but her name will live to memory while the music and the language of her country endure. [Great applause.] In 1786 the first edition of his writings was published in Kilmarnock. It consisted of 600 copies, and, so eagerly was the book sought after, that, where copies of it could not be procured, many of his songs were copied and sent round amongst his

enthusiastic admirers in manuscript. The winter of 1786–7 he spent in Edinburgh, where, amongst a learned and somewhat cynical society, more noted for clearness of head than warmth of heart, he became immensely popular. It was here that Walter Scott and Allan Cunningham met him. He is described as having been in person strong and robust; his manners, rustic, but not clownish; a sort of dignified plainness and simplicity which received part of its effect, no doubt, from one's knowledge of his extraordinary talents. His countenance was more massive than it looks in any of his portraits. Had he not known him to be a poet, Walter Scott says he would have taken him for a sagacious country farmer of the old school. There was a strong expression of sense and shrewdness in all his lineaments: the eye alone indicating the poetic temperament, it was large, and glowed with excitement when he spoke with feeling or interest. His conversation expressed perfect self-confidence without presumption. Among men who were the most learned of their time and country he expressed himself with perfect freeness, but without the least intrusive forwardness. His address to females was exceedingly deferential, and always with a turn to the humourous, which engaged their attention particularly. Such is the best description we have of Burns. Whilst in Edinburgh the second edition of two thousand copies of his works was published—the whole of which were subscribed for by fifteen hundred persons. He had been fêted by the learned and the aristocratic; his fame had increased; but he gloomily sums up his gains and losses, and ends his strange season in a desponding mood.

Jean Armour, his future wife, he had first seen in 1785, before visiting Edinburgh. He was then six and twenty, and she but a young thing,

"Wi' tempting lips and roguish een."

"The pride, the beauty, and the favourite lassie of the village of Mauchline, where her father lived. She was the theme of many of his songs, among others 'the kind love that's in her ee,' and 'O whistle and I'll come to you, my lad;' and was at the time a blooming girl, animated by health, affection and gaiety; the perfect symmetry of her slender form, her light step in the dance, 'the waist sae gimp, the foot sae sma' were no fancied beauties. She had a delightful voice, and sung the ballads of her native country with much taste and enthusiasm." Amongst them we may imagine that the songs of her lover were not forgotten. In 1787 they were married, and the following year he took her home to his farm in Ellisland. He, on whom she had bestowed her beauty and her maiden troth, left her the mantle of his fame. She survived him many years, and her early love and her youthful charms are still warbled in the songs of her native land. [Great applause.] Burns passed three years in Ellisland in ease and happiness, but his convivial habits and the companions attracted by his fine social qualities rendered his farming unprofitable, and in 1791 he removed

to Dumfries—depending entirely upon his income of £70 a year as an Exciseman for his subsistence. He then, in 1793, published a third edition of his works, adding Tam O'Shanter, and some other pieces composed during his residence at Ellisland. In Dumfries, in 1796, on the 21st of July, he died, not yet 38. I will not attempt to interfere with the speakers of the evening by offering any remarks on Burns' genius and writings. That he was a true British poet, and one of the most considerable of the 18th century, has been said of him by an eminent living writer—few will deny it. Without having written any work of magnitude fit to develop his powers—the author of a few occasional pieces and of some beautiful songs—he has established a name in the hearts of his countrymen, and of lovers of poetry all over the world, which cannot die. We might exclaim as was said of Wren, "if you would see his monuments look around you." See, this evening, on the centenary of his birth, in every clime where his native tongue is spoken, men assembled to do honour to his memory.—Surely the man, who, in his short and troubled career, under so many clouds and disadvantages, could, by the almost unpremeditated effusions of his genius, secure so lasting a hold upon the human heart, was no mean poet. And let not any too hastily condemn his personal failings. Ordinary minds cannot fathom his temptations; and truth, virtue, and noble sentiments shone forth through his occasional excesses. If all hearts were open he would be found less guilty than thousands of those who condemn him. [Great applause.]

In many cities on this continent, on this day and at this hour, people are assembled rendering grateful homage to his memory. Meeting in social love and harmony—face answering to face, and heart to heart—may we not hope that this and the similar meetings which are being held in other parts of the world, gathered by his influence, are tending to realize his prophetic vision,

"When man to man the warld o'er
Shall brithers be, and a' that."

[Mr. Campbell resumed his seat amidst prolonged applause.]

SPEECH

ON THE PROPOSAL TO REMOVE THE SEAT OF GOVERNMENT TO QUEBEC—LEGISLATIVE COUNCIL, TORONTO, 3RD FEBRUARY, 1859:

HON. MR. CAMPBELL concurred in the expediency of supporting the Queen's decision, but there were certain deductions drawn from that decision in the proposed address against which he must protest. In the third paragraph it was laid down that, in consequence of the Act of Parliament, and in consequence of the Queen's decision, it was their duty to carry the Seat of Government to Quebec. If this duty did exist, it must be drawn from some other premises than the Queen's selection of Ottawa. It might be binding on the Government, in consequence of the pledges of some member of the Cabinet in another place, but that neither bound this House nor Parliament. When the motion was offered, humbly requesting Her Majesty to consider this matter, a resolution was moved by a gentleman from Quebec (Mr. Alleyn), to the effect that the alternate system should be carried out until permanent buildings were provided. The motion was not carried, for the Attorney-General West said there was no necessity for it, because it was in accordance with the intention of the Government. But this pledge did not involve the public faith. He looked upon what had passed simply as an announcement of the intentions of the Government. Those intentions the members of the Cabinet who sat in this House were bound to carry out, if they could; but he trusted they would not meet with the approbation of the Council. He trusted no consideration would induce them to continue such a system of extravagance and expenditure, now that there was an opportunity of avoiding it with honour and advantage to the Province. Honourable gentlemen would concur with him in acknowledging that the finances of the country were not in a state to justify a useless expenditure of £250,000; and for what purpose? Simply to expend this amount of money in Quebec, in order to gratify persons who happened to reside in that part of the country. In conclusion, the honourable gentleman moved that the words, "and it will be the duty of the Government to carry out the understanding which existed by which the Government will be transferred to Quebec," be expunged, and the following words added, "but this House fails to perceive that the transfer of the Seat of Government to Quebec for a fixed period, until the completion of the necessary buildings at Ottawa, is involved in the duty which devolves upon the Executive Government of carrying out Her Majesty's decision; or that any such arrangement has ever been recognized by any resolution of the Legislature; and this House deprecates the expenditure attending on a double removal of the Seat of Government after the Queen's selection of a fixed site has been promulgated."

SPEECH

ON A BILL RESPECTING "INTOXICATING LIQUORS"—LEGISLATIVE COUNCIL, TORONTO, 16TH FEBRUARY, 1859:

MR. CAMPBELL moved the second reading of the bill to restrain the use of intoxicating liquors. The object of the bill was to prevent the sale of liquor after seven o'clock on Saturday night until Monday morning, and thus remove temptation—and particularly from work-people of injuring themselves and their families by spending their money in liquor. The bill would also provide for the better observance of the Lord's Day, by closing all liquor shops on that day. It might safely be passed; it did not infringe on public liberty, he thought, in such a degree as to induce honourable gentlemen to reject it, an argument that had been urged against former bills of the same nature; and he hoped that it would be passed. He was happy to know that other bills of the same nature were also before the House; and he proposed, if the second reading was carried, to refer his bill to a committee composed of such gentlemen as had similar bills before the House.

SPEECH

ON THE SUBJECT OF THE "SEIGNIORIAL TENURE,"—LEGISLATIVE COUNCIL, TORONTO, 26TH APRIL, 1859:

HON. MR. CAMPBELL said, as far as he could learn, the question of settling the Seigniorial Tenure had been used in Lower Canada as a matter of electioneering tactics. Both parties had endeavoured to outwit each other in using the question as a means to influence parliamentary independence. Gentlemen from Lower Canada had been forced to promise the *Censitaires* everything, because they knew that the money was not to come out of their own pockets, but out of the Consolidated Revenue, to which Upper Canada contributed more than two-thirds. (Hear,hear.) Sir Etienne Taché denied this, and perhaps other gentlemen from Lower Canada did the same, but it had been admitted by the Attorney General East. It did not, however, require his admission, because it could be demonstrated from the public accounts. He did not mention it for the purpose of discussion, but only as an argument to show that members from Lower Canada had been more liberal with their promises than they would have been if Lower Canada were to contribute the money. The gross total revenue of the Province amounted to about $3,000,000. Upper Canada contributed $1,297,000. One-half of the whole was collected in Upper Canada; one-half of the remainder was collected in the port of Montreal, and one-half of all the goods sold in Montreal, and from which revenue was derived, was bought and consumed by the people of Upper Canada. It was because they were dealing with the money earned in the sweat of their brow by the people of Upper Canada that gentlemen from Lower Canada were so ready to aid the *Censitaires* and assist the Seigniors. (Hear, hear.) That was the aspect he wished to give to the question. In order to approach the question fairly, we should first ascertain whether there had been a distinct pledge made by the representatives of the people in 1854 to settle the Seigniorial Tenure. Now, it was true that such a pledge had been given, but the first and last clause of the bill of 1854 said that it was expedient to *aid* the *Censitaires*. Now, when the bill spoke merely about *aiding*, we must naturally infer that the *Censitaires* were expected to do something themselves. If, however, the bill now before the Council became law, the casual rights would be paid in full, without the *Censitaires* contributing in the slightest degree to their redemption. Allusion had been made by honourable members to the system of equivalents as connected with the present bill. The honourable member for Rougemont (Mr. Dessaulles) had called it a bribe; in the other House it had been designated as a system of equivalents. He

(Mr. Campbell) considered this the most reprehensible feature in the whole scheme. An honourable member had said it might have been carried out in separate bills. That would have taken from the bill the odium of offering equivalents as an inducement for its passage. He, for one, finding that the Legislature was committed to redeem the Seigniorial Tenure, would have been more ready to vote for paying the money purely and simply, than for giving at the same time equivalents to Upper Canada and the townships of Lower Canada. He looked upon equivalents as demoralizing and lowering the tone of public feeling. When hon. gentlemen argued against equivalents they were told that "they amount to nothing"; that "no additional charge will be entailed upon the Province thereby." Now, he would examine the operation of equivalents in the two provinces. The position of the Municipal Loan Fund was just this. Upper Canada had borrowed $7,300,000, and she would have to pay that. There was no proposition in the bill amounting to anything more than to an extension of time, and everyone knew that there was a great difference between extending the time of payment and extinguishing a debt. Lower Canada had borrowed £1,713,000. We had heard it repeated over and over again that Upper Canada had borrowed too much, and that she did not pay. To this he would reply that Upper Canada had paid half of the whole arrears due. It was true that people in Lower Canada had not been so eager to rush into railroad schemes as the people in the Upper Province. But it was also true, and he said it without any disparagement of Lower Canada, that there was a more enterprising tone in Upper Canada, which amply accounted for the fact that she had made more use of the Municipal Loan Fund than the Lower Province. Now, although the amount borrowed in Lower Canada was so small, comparatively speaking, that province had paid but one third of her arrears, whilst Upper Canada had paid one half. In Lower Canada twenty-three out of thirty municipalities had made no payment whatever, whilst, of forty-seven municipalities in Upper Canada, every one had at least paid something. The system of equivalents, as proposed by the present bill, was a delusion. Whilst no return of the money to be granted to Lower Canada was expected, Upper Canada was to pay every farthing of her so-called equivalent. In the one case, there was an absolute donation, whilst in the other it was a mere extension of time. No one could deny that the people of Upper Canada, who had to face the primeval forests, were harder worked than the people of Lower Canada, living on the banks of the Richelieu in comparative ease; and to those hardworking men, the Government were now saying, "You shall continue to pay your county tax, your school tax, and your Lunatic Asylum tax; we will not come to your relief;" whilst they assured the people of Lower Canada that they were to pay nothing at all for having their grievances settled, merely because they had been promised that settlement, time and again. The Government imposed great burdens upon the hardworking and needy man, for the purpose of rendering assistance to a man who did not want it, because he knew

of no hardship. This system of equivalents was therefore not only evil in itself, but also most false, and a complete blind to Upper Canadian members to induce them to vote for the measure. He (Mr. Campbell) admitted the difficulties the Government had to contend with in settling the question. Whilst the honourable member for Rougemont was attacking them for not being sufficiently favourable to the Seigniors, other honourable gentlemen asserted that they were too favourable. Still, the true way of settling the question was to vote the money purely and simply. (Hear, hear.) He was sure that Upper Canadian members possessed sufficient patriotism to vote for such a measure rather than for a bill so injurious to the tone of public feeling and the independence of Parliament. There was another part of the system of equivalents he desired to allude to. He had no doubt that the returns of the Clergy Reserves had been furnished by the Government to enable some of their supporters to argue that, if Upper Canada had paid part of her debts, it was because she got the money out of the Clergy Reserve fund. Members of the Lower House friendly to the Government had advanced this argument, and added that the Clergy Reserve fund belonged to both Provinces It was something novel to him to hear that the clergy reserves set apart in 1792 for the maintenance of the Protestant clergy, belonged to both Provinces.

Hon. Mr. DeBlaquière—It was a distinct equivalent for the tithes of Lower Canada.

Hon. Mr. Campbell—There could be no question as to the absurdity of the argument that, when Upper Canada had paid part of her debt, it was because she got the money out of the Clergy Reserve Fund. That money was hers, and Lower Canada had no right to it. According to a provision of the bill, Upper Canada was not to touch the equivalent until after the Province ceased to be under advance to the municipalities. Thus, whilst a sum of money had been granted, a provision had been inserted in the bill, which precluded the probability of the Province at large participating in the grant. Only the defaulting municipalites were benefitted, and it was because the municipalities of certain members in the House were in default that honourable gentlemen took a course which otherwise they would not have taken. Honourable gentlemen were mistaken if they said that the whole of Upper Canada was in default. The number of municipalities which had borrowed was as nothing to the number of those that had not borrowed. Those that had borrowed would not derive the slightest advantage from the sum to be given to Upper Canada. For all these reasons he felt compelled to vote against the second reading of the bill. He looked upon it as having a demoralizing tendency, as calculated to lower that independence of opinion which should characterize public men, and as involving three times the amount necessary to settle the Seigniorial Tenure question in a straightforward manner.

SPEECH

DELIVERED AT A DINNER GIVEN TO THE HON. JOHN A. MACDONALD AT KINGSTON ON THE 27TH OF NOVEMBER, 1860.

In reply to the toast of "The Members of the Legislature"

MR. CAMPBELL said—My experience as a member of the Upper House extends over but a very short time, but I early became impressed with the conviction that strong party feeling did not pervade its deliberations; that the effect which any contemplated course of action might have upon either political party was but little considered in comparison with the effect which was expected from it upon the country; that a party vote was seldom if ever taken, and that the views even of extreme men were much affected by the pervading moderate tone of the House as a body. I soon learned also to appreciate the independence of feeling and the patriotic singleness of purpose which were constantly evinced by the life members of the House, the general soundness of their views, and the reliance which for the most part might be placed in their determination, uninfluenced by Ministry or Opposition, to give the country the benefit of their own matured judgments on the various questions which might be brought before them. I believe that the elected members of the Council will do well to keep in view, and maintain unimpaired, those characteristics of the House evinced by the life members. I dread to see the passionate vehemence of party strife spread itself to the Legislative Council. With the utmost forbearance and moderation on the part of the Legislative Council, the introduction of the elective element into it is calculated to render the lengthened administration of the system of responsible government exceedingly problematical. It is very difficult to see how, under the most favourable circumstances, occasions of collision between the two Houses are for any lengthened period to be avoided; and, when both are elective, and both represent and must answer to the people, the responsibility to both of the Government of the day will be embarrassing and anomalous in the extreme. How can the Government serve two masters? How can they constantly secure majorities in two elective chambers? But, if difficulties so grave, if not ultimately so insuperable, as these may be reasonably looked for under the most advantageous and favourable circumstances, how quickly and utterly impracticable will responsible government become if the fierce rancour of party strife shall ever become as pervading an element in the deliberations of the Council as it is in those of the House of Assembly? It will be an evil day for our country if ever the party ties, passions, and influence of the

Assembly shall take possession of the Council. I think the members of the Upper House are alive to their responsibility in this respect, and that there is a general feeling amongst them that the most conciliatory tone and the greatest moderation are necessary to the harmonious working of the two branches of the Legislature. As evidence to some extent of this, perhaps you will allow me to mention that, during the two sessions which I have attended, I have almost constantly divided with a politician of the extreme Radical school who entered the Council (after some years' experience in the Assembly, where he had been a strong party man) at the same time I did, and, although we were able so often to agree, I am sure he is as strong a Radical, and I think I am as good a Conservative, as ever. We were governed not by the interests of party; we believed that the interests of the country could in that House be best served by pursuing a moderate and middle course, and we adopted that course. So, amongst the French-Canadian members of the Council, I have constantly been met with the greatest courtesy, with the most enlightened liberality. I am persuaded that sectional feeling is as vigourous amongst us as it is amongst them, or more so; that they are as free as we are from exclusive or oppressive bigotry, and that those of us who regard our French-Canadian brethern with jealousy, or apprehend difficulties in meeting them upon equal and honourable terms in all that concerns our common country, are utterly and grossly mistaken. Sir, on the behalf of the Legislative Council, I return thanks for the compliment which has been paid them.

Will you suffer me, before I sit down, to express the pleasure I feel in being present here to-night as your guest, and in witnessing and joining in this celebration in honour of Mr. Macdonald. There are few, if any, here who have known him at once so long and so intimately as I have; none can more sincerely admire his great talents, or singular aptitude for dealing with and influencing his fellow-men. But I came to-night to testify my sense of the claims which he has to the gratitude of this Province for the many eminent services which he has been instrumental in rendering to it, for the many good laws which he has given it, for the settlement which he has been able to effect of many questions vital to its prosperity and the happiness of its people. Those of us who can remember the years of struggle, acrimonious and deep, influencing not only public confidence, but embittering the relations of private life, which the Clergy Reserve question gave rise to during a quarter of a century in Upper Canada, will not be slow in rendering to Mr. Macdonald his due meed of thanks and gratitude for removing that question forever from the domains of party warfare. What that question was to Upper Canada, the Seigniorial Tenure question was to Lower Canada. Both have been, happily for the country, settled by the Government of which Mr. Macdonald is a leading member; and much as many of us may, and as I personally did, object to the mode adopted for the settlement of the Seigniorial dues, it seems doubtful, to

say the least of it, whether better terms could have been obtained, no matter in whose hands the settlement was placed. The "local fund" of the Brown-Dorion cabinet has been disowned by more than half its members, and I am afraid, although perhaps honestly talked of by some, was a *myth*, and the paramount necessity of the settlement was so great that some of the most bitter opponents of the ministry voted for the bill. I remember, when opposing the plan of settlement proposed by the Government as being needlessly extravagant and conceived in the corrupt principles of *equivalents*, that is, that because something was justly and necessarily to be done for the Seigniories, something unnecessarily, if not unjustly, must be done, on the "log-rolling" principle, for other sections of the Province; or, like the case of some unfortunate candidate for Parliamentary honours, who, having necessarily spent £10 in one locality, is told that difficulties of the most serious kind will arise if he does not throw away a like sum in another: I say that, whilst urging these and other objections to the mode of settlement proposed by Mr. Macdonald's ministry, I was surprised to find the Rouge members of the Council making violent speeches against the Government and its proposed scheme, yet declaring that they must vote for the bill, so paramount to all other considerations had the necessity of a settlement become. All the important measures passed during Mr. Macdonald's career of office can only be adequately appreciated by those who will give attention to the statute books, who will find that more measures of national (or rather Provincial) importance have been passed during his term of office than during any like period in the history of this colony, the whole crowned with that great work, the consolidation of the statutes—of itself enough to build a lasting fame for any man; and, if during all these years much has been done, many transactions have been suffered, wrong in themselves, corrupting in their influences, and which many of us did at the time, and do still, heartily condemn, let us remember that it is impossible but that offences and errors shall occur, and many miscarriages arise during a tenure of office extending over so many years. Can any of us recall the transactions of six years without finding much to regret, much to repent of? For my own part, whilst reserving to myself the right, which I have hitherto exercised, of using my own judgment on questions which arise, and whilst hoping for changes and improvements at the hands of the Government—above all, whilst anticipating a vigourous effort at a reduction of our extravagant and absurd expenditure, inconsistent alike with the finances and the necessities of the Province, and a reform of the system under which the people are represented in Parliament, if the census of next year shall (as I anticipate it will) show it to be reasonable, I cannot but believe that the party now in power is more national in its objects, more united in its councils, less influenced by sectional feelings and aims, than any which could be formed to carry on the Government of the country out of the ranks of the Opposition. The great reform party, as led by that true statesman and worthy

Canadian, Mr. Baldwin, was a national party, with national objects, and capable of allying itself without difficulty or embarrassment with a corresponding section of public men in Lower Canada; and, whether in or out of office, worthily exercised the functions of a great national party. But since that eminent man was driven out of public life the party has been so tossed and driven about from one standing point to another, so many platforms have been suddenly built up, and as suddenly replaced by others; party cries and party aims so exclusively local and selfish have been taken up, and such a "war-to-the-knife" tone adopted against the views, the interests, the prejudices and the religion of one half the Province, that the usefulness of the party has been altogether impaired. It seems no longer possible for it to form, in conjunction with any considerable portion of the Lower Canadian representatives, a national party. And I cannot but ask myself, should the present Ministry be displaced, can I see that a new one could be formed from amongst the ranks of the Opposition in whom I could place greater confidence? I believe that this question should be carefully considered by all Conservatives. For my own part, feeling that I must answer it in the negative, I cannot but rejoice, Mr. Chairman, that this, and other opportunities such as this have of late been afforded Mr. Macdonald in Upper Canada of explaining and vindicating his course as a public man, and of seeking to satisfy the people that, amongst many sins and much extravagance, the coalition party and Government have done much that was good; that many vital questions have been settled; the affairs of the country adequately administered; many good measures passed; the laws enforced, crime punished, security and peace maintained, and the prosperity of the country augmented. Sir, I wish Mr. Macdonald success in his efforts; and, as a Kingstonian and an old friend, I am delighted to find him surrounded to-night by the staunch and influential friends who for the last seventeen years have invariably carried him triumphantly through every contest in which he has been engaged, and made the day of election a day of certain victory to him. He is endeared to Kingstonians by many recollections, and heartily do I wish that, should the mists arising from ignorance of facts and temporary passions ever again cloud his position as the member for Kingston, they may, as now, be readily dispelled by explanations and returning judgment, and recompensed to him, as in this instance, by the increased favour of this community, amongst whom he has lived so long, and at whose hands he deserves so well. Gentlemen, I am obliged to you for the attention you have given me, and I thank you for the compliment paid to the Legislative Council. [The honourable gentleman resumed his seat amidst loud applause.]

SPEECH

ON THE ADDRESS—LEGISLATIVE COUNCIL—QUEBEC, 23rd FEBRUARY, 1864 :

HON. MR. CAMPBELL said he must congratulate both the mover* and seconder* of the resolution on having retained one of the distinguishing peculiarities of their early days. The aspirations of youth, based upon a ready faith in the promises of the gilded future, were unhappily too often dissipated by experience, but these members seemed to have retained, even at an advanced period of life, all the ardour and credulity which marked the morning of existence. When promises made to the ear had often been broken to the hope, men naturally became prone to doubt and distrust, and he therefore marvelled at the implicit reliance of his friends upon the fine promises of the Speech put in the mouth of His Excellency at the opening of the session. For his part, when he looked at the Speech and compared it with former deliverances made to the Legislature under the auspices of the same Government, and remembered how short that Government had come in the performance of the promises made, he confessed he could not participate in the fervent faith of these members. He must, however, repeat that he admired the youthful facility with which they again credited the declarations of the ministers. Perhaps his feelings might be tinctured with some degree of envy, and he would be glad if he could exercise the same undoubting faith, for it was always a source of great pleasure to an ingenuous mind to trust in the sincerity and truth of others. He submitted, however, to the members whether their experience of the non-performance of the promises made by the Government in former Speeches from the Throne ought not to incline them to exercise some small degree of caution in receiving and believing the promises of this Speech. Did they really believe that these promises would be all carried out? It would be most remarkable if they were; it would be worthy of note in any country under the sun if all the magnificent anticipations in this most elaborately rich address were realized. Why, it held forth promises of important improvements on the Ottawa, of like improvements in the navigation of the St. Lawrence, and of something grand to be accomplished in connection with the North-West Territory, though, to be sure, it did not indicate with any very remarkable precision the nature of the contemplated ameliorations. It did not say that measures would be adopted for facilitating intercourse, or intercommunication, with the settlement at Red River; it merely stated that the question was daily becoming one of greater interest, and that

*—Mr. Moore and Mr. McMaster.

His Excellency had deemed it expedient to open a correpondence with the Imperial Government with a view to arrive at a precise definition of the geographical boundaries of Canada in that direction. What was there in all this to excite gratitude towards the Government? Let the paragraph be closely examined, and it would be seen that there was no engagement to do anything at all—nothing to bind us more closely with our fellow colonists in that remote locality, nothing in fact but a vague allusion to a comparatively unknown territory, which may or may not become in the future a fit place for immigrants to settle in. Then there was something equally vague with regard to a project in the North-East; and, considering the antecedents of the Government in connection with the Intercolonial Railway, the proceedings relative to which had been published to the world, he must say he wondered at their courage in putting in the mouth of His Excellency "that unforeseen obstacles had retarded the survey of the route." Why, was it not patent to the country that they themselves had created the obstacles in question? From the first moment that the present Premier* had formed his Administration, had they not interposed difficulties for the express purpose of averting the progress of the enterprise? and had they not by those means created the most serious doubts in the minds of the people of Nova Scotia and New Brunswick of the honour and honesty of Canada? (Hear, hear.) How was the action of the delegates sent to London to treat upon this project, viewed even by an organ of the Government? at least he supposed he might so term it, it certainly was not an organ of the Opposition—he meant the Toronto *Globe*, a paragraph from which he found quoted in part of the correspondence on the subject of the Intercolonial Railway, published during the last session of Parliament, at the instance of the House of Assembly, and in which Messrs. Sicotte and Howland are congratulated upon having accomplished the object of their mission to England by indefinitely postponing the Intercolonial Railway. This assertion was quoted by an English Association somewhat favoured and patronized by the Government. He referred to the North American Association in England, which this very Government had so far recognized as to grant them pecuniary aid, and that, too, without the consent of Parliament—how had this body viewed that action? [Here the gentleman read a paragraph embodying this statement.] And yet forsooth after the good name of Canada had been compromised and the good faith of Canada impaired by their own direct action, the advisers of His Excellency made him say, on the most solemn state occasion of which our system of Government admitted, and when all the utterances of the moment should be weighed with the most scrupulous regard for the truth, "that unforeseen obstacles had retarded the survey" of the route. He (Mr. Campbell) did not hesitate to say that the delays had been intentional, and that they were interposed because the Government early found the scheme

* Mr. John Sandfield Macdonald.

was not looked upon with favour by their supporters in the West. For this reason, and no other, was it clogged with difficulties, and then abandoned. By these indefensible proceedings they had procured Canada a sinister reputation abroad, and seriously tarnished our honour as a people. [Hear, hear.] And not only had they produced us this shame, but their action had led the people of New Brunswick to look to the United States for an extension of their railways, so as to put themselves in the way of a more ready and speedy communication with that country. In view of this palpable breach of faith with the Lower Provinces, and the extraordinary averment in the Speech from the Throne as to the cause of the miscarriage of the project, he must be excused if he could not place entire reliance upon their new promises in relation to the foreshadowed improvements on the Ottawa and the St. Lawrence, or the far West and far East. The mover and seconder of the resolution, however, seemed quite ready to take in anything stated, and in this matter presented a fine illustration of youthful credulity in alliance with mature age. He had alluded to former fine Speeches, full of fine promises, by the same Ministry at the opening of Parliament, and he would now read that spoken at the commencement of the first session of 1863. [Here Mr. Campbell read His Excellency's Speech on that occasion.] Here then the very subjects since held in petto are to-day re-introduced. A person judging of things in good faith would naturally imagine that the gentlemen opposite would regard the word of the Governor General, solemnly given to the country, as he had already said, on a most important public occasion, as carrying a sacred obligation of performance, and that they would attempt to accomplish their engagements; failing which they would cease to keep their places. Surely, if any promises should be regarded as binding, those of the Governor General should be so considered; and would anybody suppose that no effort would be made to redeem them, but that they would be quietly dropped if the programme appeared to entail some inconvenience? But it would, perhaps, be answered that the Opposition, by their own act, prevented the performance; that the vote of want of confidence broke down the Government and incapacitated them from doing what they intended. Well, supposing that excuse to be taken in regard to the first session of 1863, what about the second session of the same year? Had not the Government then the option of at least attempting to carry out their programme? They had a House elected under their own auspices; they had enjoyed and liberally dispensed an extensive patronage, and at the beginning of the session they again produced the large promises of the previous occasion. All they submitted was the re-adjustment of the representation; and that was dropped for good reasons, no doubt. They had for years most strenuously agitated the question of Representation by Population, and, because Mr. Patton, one of the most respected and useful members of this House was not considered sound enough upon it, though personally, together with other members of the then Government, he was favourable thereto, he was defeated, and the

member for Saugeen, now in this House, was elected in his stead. Yet the member who had supplanted him on this very ground gave his support to a Government which absolutely ruled out the principle and made it a close question—not allowing any of its members to vote in its favour. That Government had actually retrograded in regard to it, and taken a position less advanced than the Government it had displaced. Aye, and that member now supported a Government in no wise better disposed than the Government of which Mr. Patton was a member upon the very question. The Representation by Population dogma had been made to give way to their sham notion of a Double Majority dogma, which was soon exploded, for, while it was undoubtedly improper for one section of the Province continuously and systematically to rule the other by its majority, it was not the less true that the division into sectional majorities was impracticable, and that, while the Government had a majority of the whole House, they were entitled to retain their places. Well, the programme of the second session of 1863, with the exceptions he had named, was the same as that of the first session. [Here Mr. Campbell read the Speech of His Excellency at the opening of the second session of 1863.] This was now the third time that several of the most important measures promised in the recent Speech from the Throne had been guaranteed to the country, but, as on former occasions, he very much feared Ministers would rest content with having propounded them in the Speech, and would trouble themselves very little about carrying them through. Were the people really to be taught that the representative of Her Majesty might promise anything in opening Parliament without any obligation on the part of his advisers to keep faith upon them? Were the people to go away and say: "Oh, it's all very fine, but it doesn't mean anything"? Was the word of His Excellency to be left unverified? He did not wish to use a harsher term. What, he would ask, was done last session to carry out His Excellency's promises? Was there any attempt at legislating respecting the law of Debtor and Creditor? He had hoped and expected that a bill would have been introduced in this House itself on the subject, and had ventured to suggest to the Provincial Secretary to introduce one in this Chamber. There were many commercial and many legal members quite competent to deal with the subject, and the member (Mr. Fergusson Blair) had said he would see if it could be done; but it was not done. Then, as to the Registration of Titles to Real Estate and as to the Patent Laws, was any step taken towards dealing with those subjects or the various other subjects mentioned in the Speech? None whatever. In fact, there were no bills introduced by the Government, although the other branch of the Legislature was of their own election and they had the power of the patronage. They closed the session without doing anything, and literally broke all their engagements. Then, what did they advise His Excellency to say in closing the session? Why! that "the purposes for which he had called Parliament together had been accomplished." But were they accomplished? No, not one of them. Was

any effort made even to avert a further deficiency in the finances of the country? Not the slightest, and a motion expressive of regret that this had not been attempted was only defeated by a very narrow majority, obtained too by very extraordinary means. The fact was that the Government had been all the time on the verge of ruin, and could do nothing. If, instead of depending upon the slenderest possible majority, they had said, "we cannot fulfil, or even attempt to fulfil our pledges," there would have been some show of manliness about the confession, but, while they had not the courage to do right, they still preferred to retain their seats by a miserable majority, obtained in a way which did them no credit. Was it reasonable, then, for this House (knowing how past promises had been regarded) to be expected to place reliance upon the renewed pledges offered? Was it not rather more consonant with the experience of the past to take them with a considerable allowance of doubt? He was not so conversant with military matters as to enter fully into the merits of the Militia Bill, but he might yet ask whether it had really met the requirements of the country? He held that it had not. There had been great congratulations, because of some articles which had appeared in the London *Times* to the effect that the measure had satisfied the expectations of the Imperial Government, but it had afterwards appeared that the satisfaction so expressed was based upon an entirely incorrect apprehension of the real facts of the case. Mr. Adderley had stated that the effect of the bill would be to fully clothe, equip and drill a corps of 35,000 Volunteers, and to organize and partly drill an available Militia 100,000 strong; but was this the fact? What was the condition and strength of our Volunteer and Militia Forces to-day on the eve of a possible war? Why, that there was not a tithe of the force organized as represented by these figures, and not a tithe of the preparation expected of us in England. Yet the Government, if they had not directly created the wrong impression, or made the wrong statement to which he had alluded, had been content to shelter themselves under it, and to take advantage of the misrepresentation. Were there, he would ask, 35,000 Volunteers in Canada, clothed, equipped and fully drilled? There were not. But where were the 35,000? And would the Volunteers who turned out at the reviews recently be ready to go to the frontier, as his gallant friend (Sir Etienne Taché) phrased it, to resist invasion? But, supposing they were ready, how many did they amount to in all? Possibly some 15,000 or 16,000. These Volunteers, however, were generally artizans living in the cities and towns, the large bulk of the population having been untouched by the Volunteer organization. In fact, in this respect the Government occupied a position towards the people of the grossest delusion. Passing from the Volunteers to the Militia, where were the 100,000 enrolled and partially drilled and disciplined men? There was no such organization, and all the Government had done was to shelter itself under the assumption, without a shadow of reason, that it existed somewhere. Most heartily did he recognize the fervent loyalty of the country, and most readily did he

acquiesce in the truth that all classes were alike loyal and devoted, but yet he maintained that, instead of 100,000 men, partially drilled, disciplined, and well officered, there was not one single battalion of Militia in this condition. The exact reverse was in reality the case—the Militia at this moment being in a state of disorganization. Indeed the Militia Bill of the present Government actually had the effect of disorganization. It destroyed the old system, which had many good and effective features, under which the men could be easily collected at the centres, and substituted nothing adequate to the necessities of the case. Yet those gentlemen had made His Excellency say, at the close of the session, that the Legislature had done all they were assembled to do. He regarded their conduct in this matter as exceedingly culpable, for it had led the people to slumber under the delusive belief that the country was in a proper state of defence, when, in fact, there was hardly anything worth calling by that name. All this was calculated to suggest grave doubts as to the sincerity of the promises now made. And, to come to the subject of finance, notwithstanding the reputation for ability claimed by the gentleman who seconded the motion, on behalf of the Minister in charge of that particular department, he must express some hesitation as to the probable flow of money with which that gentleman was to bless the country. Where would all this money be if the Government were going to spend the magnificent sums necessary for the improvements in the navigation of the Ottawa and the St. Lawrence, in the North-West and in the North-East? It was said, to be sure, that a saving of $49,000 in the expenses of the Civil Service had been effected, and the sum was to be increased, or had latterly been increased, to $80,000; but did the Government mean to say that even this would be sufficient to carry out the improvements in question? Then, was it not probable that the commissions through which these savings had been effected had cost as much or more than the savings themselves? The old shams of retrenchment had accomplished their object, and, having ceased to tell very strongly upon the public mind, other means had to be resorted to, and hence the Ottawa and other schemes. The commissions, however, had been useful in rewarding political partizans, and that was most likely the chief end attained by them. The Double Majority and Retrenchment shams, being no longer available, were to be set aside, and something else inaugurated. During the first session of 1863, if he remembered right, the members for the Saugeen and the Midland Divisions were willing to take the Ministry upon trust, and to allow them to keep Representation according to Population for the moment in abeyance, feeling confident that in the next session they would courageously address themselves to the task, but, instead of doing that, they had thrown the measure overboard altogether. He would venture to say that, when the member for the Saugeen Division had presented himself to the electors, he had told them that Representation by Population was the most important of all subjects, and that, if it could

be secured, it would effectually overthrow the baneful French domination under which the country had been so long suffering. (Laughter.) He had not read any of the member's speeches during his canvass, but he would put it to him whether this was not his most effective weapon. Now, who were the members that kept the Ministry in power? Why, the Clear Grits, the men who for long years had agitated for Representation by Population, as their chief and almost only plank. Yet, now when the Ministry had proved false upon this point, they continued to support them and keep them in office. Was it not time after three sessions, in which nothing was done for the country except the boasted retrenchment which everybody fully understood, that these gentlemen should show some disposition to live upon better principles than the sins of their predecessors? The paragraph relating to the North-West was intended to create an expectation in Upper Canada that something would be done to open up the way to the Red River settlement, so that we might supply the people there with the commodities they required, but let the wording be carefully examined and it would be found to have no such meaning. The paragraph merely said something about defining the boundary of Canada, and, for his part, he was at a loss to know why it had been put into the Speech at all. It was, of course, desirable to know the boundaries of the Province, but was that a matter of such importance that it must figure in an address from the Throne? The member who had seconded the resolution had dwelt with much satisfaction upon the administrative abilities exhibited by the present Government, but he hardly thought his encomiums fully deserved. Had anything occurred during the recess tending to increase the amount of reliance which members might be disposed to place in Ministerial assurances? It was rightly expected from the members of a Government that their public utterances would be marked by precision and truth. Exaggeration might, providing it did not go too far, be excused in an Opposition, but not so in a Government. Well! at the dinner to the Ministers in Ottawa, the Premier himself, alluding to the allowance to be paid to the Grand Trunk Railway for postal services, had said that by the decision of the question the difference between $250 and $400 per mile per annum had been saved to the country. He had alleged that one of the arbitrators was for giving $300 and the other arbitrator $200, and that no doubt a compromise would be arranged at $250, whereupon Mr. Moffatt, the Government arbitrator, had immediately addressed a letter to the Attorney General West, stating that he had decided upon $145 per mile, and had communicated that decision to him several months before, as he must be aware. Also, that this sum was to cover the cost of special trains and side services, amounting to some $18,000 per annum. Was it creditable in a Prime Minister to thus distort important facts? Then, Mr. Dorion, the co-Premier, at the dinner to the Government in this city, had said that, by the transfer of the Bank account, the large sum of $1,500,000 had been placed at interest, which sum had until then been unproductive. Now, by an examination of the

balances in the hands of the Bank of Upper Canada, it would be found that only once, and then only for a short time, had current balance risen to that figure, and that the half of it was nearer the average amount. But, if the gentleman had intended to state the case fairly, he would have deducted from even this amount the current balance remaining without interest in the hands of the Bank of Montreal under the new arrangement, and then the public would have been enabled to see the gain effected, in the shape of interest, by the transfer. There, unquestionably, had been an exaggeration, to say the least, calculated—although probably not intended—to mislead. The seconder of the resolution had spoken of the management of the Minister of Finance as a perfect triumph of skill, but he (Mr. Campbell) failed to see the great merit of the operation to which he referred—the borrowing of a million and a half from the Bank of Montreal at six per cent. He had been informed that the Bank of Upper Canada had offered more favourable terms than those agreed upon with the Bank of Montreal ; and it was well known, also, that the money required could have been had from other quarters. The skill must have been in selecting for acceptance one of several offers. The fact was that the Minister of Finance was averse to going Home, and so he had borrowed in this country, and in so doing had probably withdrawn a great part of the sum which had been spoken of from the uses of trade for the purpose of sending it Home to pay maturing claims. Where was the finanical triumph? He failed to see it. Then, another financial triumph was that the estimates for the past year had exceeded the expenditure in amount, but possibly the estimates may have been framed with a view to this boast. Besides, it might be useful purposely to over-estimate the probable revenue for other reasons. On referring to the resolution, he found that the Government promised, more or less distinctly, seventeen different measures, which, if carried out, would entail a very large outlay, the largest for many years, and so falsify the promises of economy and retrenchment so loudly made. But, as measures heretofore promised had not been carried out, he thought the country might reassure itself, and that, after all, there was not any extreme danger that the projects foreshadowed would be pushed forward with any undue haste. All he hoped was that the Government would not abandon all their promises, but would at least proceed with the measures which were very much wanted by the country. He did not intend to oppose the passage of the Address, but, in the interest of truth, had deemed it necessary to state to the House the opinions he entertained of its contents. [Hear, hear.]

GOLD MINING BILL.

LEGISLATIVE COUNCIL, QUEBEC, 27th MAY, 1864 :

HON. MR. CAMPBELL, in rising to move the second reading of the bill, said it was not translated into French, and, therefore, as it particularly interested the inhabitants of Lower Canada, if any member objected to his proceeding with it to-day, he would be willing to defer it until Monday next. No one rising to object, he took it for granted that the House was ready to go on with the measure. It was not his purpose to press it through with any haste, but, if it was read this afternoon, he would let it stand over for a week with the view of bringing it up in Committee of the Whole on Friday next. He had sent copies of the bill to several persons at the mines who had acquired considerable experience in other auriferous regions, and expected that they might make suggestions which would assist in making it, what he desired it should be, an efficient measure. By that time it would be printed in both languages, and honourable gentlemen would have an opportunity of discussing its provisions. There was gold in two classes of lands, lands belonging to the Crown, and lands owned by private individuals. Of the lands belonging to the Crown he proposed to limit the area of mining operations to that part of the country in which the search for gold would be found to pay, and, as fresh information was obtained indicating the necessity of changing these limits, the bill gave the Government the power to do so. It did not embrace lands in which there was no gold, and it did not allow of the sale of any in which there was. By and bye, if circumstances pointed out the propriety of selling the gold-bearing lands, that course might be pursued, but at present, with the scanty experience we had in the matter, it had been deemed better not to part with those lands. With the strong public feeling that there were considerable quantities of gold in those regions it had been thought more prudent to retain the proprietorship, and to allow the business to be done under licenses. The bill did not propose to interfere with the private lands on which gold might be found. He was aware that the bill of his predecessor in office provided for resuming such lands ; and it was a question of expediency, but in his opinion it would be a dangerous course to pursue. It was true that in the patents for those lands the right of the Crown to the precious metals which might be found there was reserved, but it would be an extremely difficult thing to interfere and allow people to go upon them to dig, and possibly to disturb the the very houses and barns of the proprietors, to their great inconvenience and hardship. Nor did he believe it would be for the public advantage

that such interference should be permitted. While recognizing, however, the private rights of the owners, the bill proposed that licenses should be issued for mining purposes upon such lands after the miners had arranged with the proprietors and obtained their permission to do so. In that way he thought the country would derive as large, or even a larger, revenue from those lands than would be got if the Government took possession of them and left it to arbitration to settle their value; for it was well known that in all such cases the Crown was made to pay smartly. In the preparation of the bill he had been guided in a great measure by the experience of other gold countries. He had obtained the report of the Superintendent of the Nova Scotia gold mines, whose opinion was adverse to interference with private lands, seeing that such interference was invariably attended with ill-will and loss. Some members might object that, if the proprietors were left to put a price themselves upon their mining privileges, they might ask very large sums, but the gold area was large, and he had the opinion of an experienced and intelligent miner to the effect that such a course would soon right itself, for that things would very soon find their level, and it would be out of any man's power to exact exorbitant prices. It was thus seen that the bill proposed to derive a revenue from both classes of lands, and that it was anticipated the licensing of workers upon the private lands would produce as much or more than could be derived in any other way. There was, however, another part of the country situated differently from the two classes he had spoken of—this was the district known as the De Lery patent, but the bill left it as it was. It might be that some change would be needed to the bill in this particular. It was alleged, to be sure, that this patent had been granted on terms which had been disregarded by the parties who obtained it. It might be so, and it might not; he had no opinion to offer on the subject. It might be necessary to make amendments to the bill to secure the patent of the present proprietors, if the lands had passed into their hands, and at the same time to make provision for the collection of the one-tenth royalty reserved to the Crown on all the metals which might be found there. These were the general features of the bill; the rest was matter of detail, such as the price to be charged for the licenses, and the regulations necessary for the preservation of peace and order. He was happy to say that, although there were already at the mines some hundreds of persons, there had been no indication of trouble, and he hoped this good conduct would continue. The bill provided for the appointment of four constables only, but gave the Government power to increase the number in the event of need. The provision for the preservation of the peace had been copied from the bill passed during the construction of the provincial canals, which enacted that the force necessary to quell any disturbance or riot could be embodied in the bill by the proclamation of the Governor-General. This force was not, however, to exceed one hundred men at any time. He thought such a provision quite necessary; but, as would be seen, it was taken in a conditional way only. Some persons

might think that it was unwise to prevent the sale of the gold lands belonging to the Crown; but, after consultation and much reflection, it was thought better not to sell them. The Government desired to make the business of mining perfectly free As to the licenses to be charged, two dollars on the Crown lands had been named, though, of course, the sum was left in blank, and one dollar on the private lands. For these small fees men might go and mine to their heart's content; any other system he thought would be more or less restrictive. If, before a man could go to work, he had to buy the land, the greater number would probably be prevented from doing so, and, if the lands were sold to capitalists, the terms for working would, in all likelihood, be too onerous. It was not intended to interfere with lands already sold, though fears had been entertained in that direction. While preparing this bill, he had had before him the Nova Scotia law on the gold mining of that country, and his bill was substantially the same. There, however, the royalty of three per cent. was claimed from the miners, whereas, in his bill no such provision was inserted. There, also, the law gave the Government the right to interfere with private lands; a feature which, as he had already said, he had not embodied in his measure. After a year or two, and when experience had more fully developed the nature of the business, Parliament might possibly be asked for further powers. He would only add that since he first addressed the House on this subject, he had received returns from the Crown land agents in the gold districts, which fully sustained the statement he had then made that none of these lands had been sold under the regulations issued soon after the Government was formed and which had recently been removed. Since January last 85,210 acres had been sold, but they had all been sold by or negotiated for with the late Government, and they had been sold in the ordinary way to settlers who had paid the first instalment. (Mr. Campbell here read from the returns in corroboration of his allegations.) In respect of these lands, matters remained, therefore, as they were three or four months ago. After receiving the views of the parties at the mines to whom he had written, he might have to propose some improvements; and he might here say that he had no other desire in connection with the bill than the promotion of the welfare of the country. No one else, he presumed, had a different feeling, and, as this was a subject which could involve no party issues, he trusted the House would give him its aid in making the bill as perfect and satisfactory as possible. By the way, with regard to the proper sizes of the claims or lands to be worked under the licenses there might be some difference of opinion. He had the regulations in use in California, Australia, and Nova Scotia, and had prepared a medium scale which he thought would answer the purpose; but it would be optional with the committee to make such changes as might be deemed for the better. The sizes varied from 20 to 50 feet square, and he believed the miners generally regarded them as satisfactory, though some had thought them too small. The honourable member here read a letter from an experienced

miner who had visited the various gold fields in other countries, and who stated it was his opinion that those of Canada would be found equal to any he had seen. "Possibly," the writer said, "some who engaged in the business would be disappointed, for the gold in Canada was not, as in some other places, on the surface, but he had no doubt those who sought for it under the soil would be sufficiently rewarded." The letter contained a variety of details in respect of prospecting, and the manner of working; he would not, however, read it all through. He had received it after the bill had been prepared, or possibly he might have adopted some of its suggestions. As a proof that the writer of it had faith in his prognostications, he had bought a lot of several acres on the Gilbert River, above the place where the Poulin brothers had found a good deal of gold, and was taking up thirty men with him to work the grant. He would now leave the bill in the hands of the House, with the expectation that members on both sides would give him their assistance.

TEMPERANCE BILL.

LEGISLATIVE COUNCIL, QUEBEC, 7th JUNE, 1864:

HON. MR. CAMPBELL concurred in the goodness of the objects the promoters of the bill had in view, though he hardly thought all the expectations they had formed in connection with it would be realized. There was a law similar to this, in many important respects, now on the Statute Book, but it had not answered, and the only change the present measure proposed was to allow two municipalities to act in concert. He did not believe this change would effect more than when the liberty to act was confined to one. In the part of Upper Canada in which he resided no effort that he was aware of had been made, or successfully made, to prevent the issue of licenses, and the clauses which permitted of such action might be said to have remained inoperative. If such were also the experience in other parts of Upper Canada he could not see how the joining of two municipalities would accomplish the object. He acquiesced in the goodness of the effort now proposed to be made, and would be glad if it succeeded; but, while he went willingly to this extent, he could not concur in some parts of the bill, which he regarded as extremely arbitrary. It was a fact that the advocates of measures of this kind were very apt to be arbitrary. In their ardent desire to enforce their views upon the community they often forgot what was due to the subjects of Her Majesty at large, and were disposed to compel others to take up with their opinions by means of pains and penalties. For instance, in this bill he found a clause which permitted an officer or constable to enter at any time of the day or night into any place where spirituous liquors were sold, without permission of the occupant being asked or obtained. He could understand that, where there was noise or disturbance, a police officer should be allowed to enter; but the well known principle that "a man's house is his castle" ought to be respected. It had been well said that "the wind and the rain might enter into an Englishman's house, but the King could not without the owner's leave." The bill departed from this principle, and allowed a police officer, however unworthy and improper a person he might be, to force his way into the house of any man who sold liquor. It might be that there was no reason whatever for doing so, that he merely went in as a spy, or for the purpose of showing that he had the power to do it; he might be a cross fellow, disposed to give unnecessary annoyance; but it was all one, the bill, if passed, would authorize his entrance at any time of the day or night, and under any circumstances. Such a permission might be, and would necessarily be,

productive of the most injurious results. It was not his purpose to oppose the progress of the bill, for he would be sorry to assume the responsibility of thwarting the wishes of the large number of persons who had petitioned for it; but he felt it his duty to point out the serious objections to which some of its provisions were open. In the eleventh clause power was given to the municipalities to prohibit the issue of licenses for the sale of liquor, and the twelfth provided that no liquor should be sold without license. Now, he believed that in Upper Canada licenses were not necessary for the sale of liquors excepting in small quantities, as in shops and taverns. These clauses would, therefore, interfere with the wholesale business. True, in another place a distiller or manufacturer was allowed to sell in quantities of five gallons, but a person who wanted to buy a quarter cask of wine or five gallons of brandy from France could not purchase it, for the distiller could only sell liquor of his own manufacture. Thus, if the bill was passed as it was, and the municipal councils of Toronto and Montreal were to put it in force, the wholesale merchants and importers would be prevented from selling.

HON. MR. VIDAL stated that it was intended to amend the bill in this particular.

HON. MR. CAMPBELL was glad to hear this, for the bill in its present shape was actually more stringent than the prohibitory laws of Maine or New York, for in those States some kind of provision was made for purchasing by the cask. It was remarkable that persons given to the advocacy of merciful, and as they believed benevolent, objects were often found attempting to carry them out in a harsh and unmerciful manner. Now, the bill provided that the right of appeal from the decisions of magistrates should be cut off. This was a very arbitrary and improper clause. The spirit of our laws was to extend the right of appeal to all possible cases, and a law had actually been passed to guarantee the privilege. This was done because the experience of our best judges and other public men shewed that it was necessary for the protection of the subject; but this bill proposed to shut out this right in a class of cases which of all others would most likely require it. It was quite possible that a magistrate might be a fanatic in respect of temperance, and use his power in a very harsh and reprehensible manner; but from his unjust decision this bill permitted no appeal. Then the option was also given to send the offender to prison if he failed, or if the magistrate decided that he had failed, to exhibit assets upon which the fine might be levied. It was easy to see how such a power might be abused, and a magistrate, who might have a grudge against a tavern-keeper or general dealer, could easily find grounds for ruling that he had not answered satisfactorily the questions relating to his chattels. The common law protected the person, and directed that the chattels should be levied upon first; but this bill gave the option of at once sending the offender to jail. There were other ojections to which he might allude; he trusted, however, that the honourable members who had the bill in

charge would see that those he had pointed out received a fair and reasonable consideration in committee. In the general provisions of the bill there was much to admire, and he especially approved of that which related to the giving notice to parties supplying liquor to persons addicted to intemperance that they were not to do so under the penalties proposed. The honourable member dwelt with much feeling upon the evils which had resulted to families and society generally from the want of some such means of preventing the drunkard from doing away with his property. He also alluded to the Lower Canada law which interdicted a man of this bad habit from putting away his effects, by taking away from him the management of his own affairs; and said he would be glad if a provision of this nature could be embodied in the bill now before the House. He recommended this point to the committee, and hoped it was not yet too late to engraft it in the measure.

CONFEDERATION.

LEGISLATIVE COUNCIL, QUEBEC, 6th FEBRUARY 1865:

HON. MR. CAMPBELL said that, with the permission of the honourable member who had the floor (Hon. Mr. CURRIE), he would offer a few remarks upon one portion of the scheme of Confederation, to which allusion had been specially made in the House, and which, to a limited extent, had occupied the attention of the country. He referred to the proposed constitution of the Legislative Council under that scheme; and, in offering the reasons which had led the Canadian Government and the other members of the Conference, which, as honourable members knew, was composed of the leading men in the legislatures of the several provinces—the leading men in opposition as well as the leading men in office—to decide as they had done, he begged the House to believe that the decision had not been arrived at hastily, but after prolonged and anxious discussion, and after a full and careful consideration of the subject. It was not to be supposed that the Government of Canada had itself laid down the scheme of the constitution as embraced in the resolutions on the table of the House. Honourable gentlemen must not misunderstand him. He did not mean to say that the Government did not heartily concur in and adopt the scheme, but that it was not its work alone, but that of the delegates from the other provinces as well. It was the result of deliberation, accommodation and compromise. When it became necessary for the Government to press the resolutions, he trusted honourable members would not suppose that they did so out of that love which people have for the creation of their own intellect, but would remember they were the joint production of the gentlemen to whom he alluded, and that any pertinacity on his part arose from a sense of the sacrifices they had made to secure an agreement, and the difficulties which any failure now would create. He felt it had been impossible for the Conference to arrive at any other understanding, and he only wished that those who looked with disfavour upon their plan could have witnessed the anxious debates held at Charlottetown and Quebec before it was finally settled. The result arrived at would, he hoped, promote the welfare of the provinces interested, and be remembered with gratitude by their inhabitants many long years hence. And, supposing this Chamber and the other were to come to a different opinion and reject the resolutions, what would be the effect? The sacrifices and compromises submitted to by the representatives of the several provinces would go for nothing; the efforts of the eminent men who had put aside personal and party differences to accomplish what

they deemed a great and good work would be futile; and yet, by such men only could such a scheme have been devised and matured. Considering then the earnest efforts made to secure this agreement, and the improbability that, if rejected, any other could be attempted with better hope of success, he felt he had a right to ask the House to give the subject a fair, patient, and favourable consideration. If an amendment were proposed here, and another there, and especially if the provision respecting the constitution of the Upper House were changed, it was pretty certain that the whole thing would miscarry, for he well knew that in respect of this point the legislatures of the Lower Provinces would come to a different conclusion. If the elective principle were insisted upon in Canada, and its Government bound over to maintain it, even though another Conference were called, no agreement could be expected, for, as he had already said, the delegates from the other provinces would be sure to be charged with exactly different instructions. And, as of this particular point, so of a hundred others, until it would be utterly impossible again to arrive at anything like unanimity. As the honourable member for Brock had so well said on a previous evening, any failure now would be extremely damaging to our credit abroad. It was well known that the fact of our public men having thrown aside their political partizanship for the purpose of advancing the welfare of the country, the holding of the Conference, and the agreement secured, had already done us a great deal of good at home. But not only would this first fruit of the work be forfeited, but an injury more than correspondingly great would follow. (Hear, hear.) [The honourable member elaborated this idea at some length with the view of showing the beneficial effect the adoption of the scheme of Confederation had produced, and the disastrous consequences which its rejection by Parliament must inevitably entail.] He did not propose to follow his honourable friend the Premier in the discussion of the merits of the project as a whole; the able manner in which that honourable member had presented it could not but have commended itself to every candid mind. (Hear, hear.) He (Hon. Mr. CAMPBELL) would, however, take up the point to which he had alluded at the commencement, and from which he had for a moment digressed, and give the reasons which had induced the Conference to determine as they had done, upon the constitution of the Upper House. And the main reason was to give each of the provinces adequate security for the protection of its local interests, a protection which it was feared might not be found in a House where the representation was based upon numbers only, as would be the case in the General Assembly. The number of representatives to the Legislative Council under the Federal constitution would be limited, and they would be appointed for life instead of elected by the people. For the purpose of securing equality in that House, the Confederation would be divided into three sections, viz.: Upper Canada, Lower Canada, and the Maritime Provinces, and each of these sections would send twenty-four members to the House. In Upper Canada, as had been stated lately by an

honourable member, the population has increased very rapidly, and would probably go on increasing in a much larger ratio than that of Lower Canada or the other provinces, and, if the Legislative Council were elective, the time might come when the people of that section would fancy themselves entitled to an increased representation in the Council, and commence to agitate for it. They might object to the fishing bounties paid the Lower Province, to the money expended there in fortifications, or to something else, and claim a representation in the Council more in accordance with their population, to enforce their views; and, in view of such contingencies, the delegates from those provinces conceived it would not be safe to trust their rights to an elective House. It was then determined that in one branch there should be a fixed number of members nominated by the Crown, to enable it to act as a counterpoise to the branch in which the principle of representation according to population would be recognized. It might be said that the principle of limitation of numbers could have been adopted, and that of election preserved. Well, he did not say the scheme was perfect, but it was the best that could be devised, and, as the Lower Provinces felt the danger from their inferiority of numbers, being only 800,000 against double that number in Upper Canada alone, it was essential that the security which a fixed representation in the Council afforded to them should be acceded to. The Conference acted upon the conviction that they were not building a structure for a temporary purpose, but, as they hoped, for centuries, and, knowing how the doctrine of representation according to population had operated in distracting the popular branch of the Legislature in Canada, they endeavoured to provide against a similarly disturbing cause in the Confederation. And their precaution appeared to him to be founded on wisdom and justice. For the sake of argument let it be supposed that the elective principle is maintained, and that the limit of numbers now proposed, viz., 24 members for each of the three grand sections in the Council, is also fixed; let it be supposed further that the population of Upper Canada continues to augment as in the past, what may not be that of the Saugeen, Tecumseth and Eastern Divisions (which now have 130,000, 90,000 and 60,000 respectively) forty or fifty years hence? And was it not possible, nay, would it not be likely, that these great constituences, when comparing them with the divisions in Prince Edward Island, numbering some twenty thousand to twenty-five thousand souls, would be disposed to set up claims for additional representation? Who that looked to the future would say that with an elective Upper House the Constitution would last? It was the apprehension of danger to its permanency that decided the Conference to adopt the principle of nomination to the superior branch, and it was the only way which suggested itself for averting it. And he must say for himself, that he fully and entirely concurred in the decision. He felt that the principle of election kept alive a germ of doubt as to the security of the Lower Provinces, and he was glad that a way was found of removing it altogether. It was well known that even

in the United States, where there was so prevalent a disposition to submit everything to the decision of the people, the principle of limitation to the Upper House was so fully recognized and settled by the Constitution that no attempt was ever made to change it. In this way the smallest state, like Rhode Island, was as fully represented as the state of New York. And, if that was considered necessary in a country so compact together as the United States, how much more would it be proper in a Confederation, some of the sections of which were separated from each other by long, narrow strips of land, or wide estuaries, with small representation in the popular branch, and looking chiefly to their equality in the Upper Chamber for security for local rights and interests and institutions? He was gratified upon another ground that this decision had been attained, and this was on the ground of the respect he bore to the life-members of this Chamber. In the law which had made the House elective there was no wiser provision than that which had guaranteed the seat of the members appointed by the Crown, who then composed it. He had always felt the great advantage of the presence of those honourable members here. If the elective system had entirely superseded the nominated House and had removed those gentlemen and brought together forty-eight entirely new members, the country would have suffered a grievous loss; but the old members kept their places and the new ones came in twelve at a time, two years apart, so that the change from one system to the other was effected without injury. The nominated members had retained their influence, and the tone of calmness and gravity which had obtained in their deliberations was insensibly acquired by the elective members as they came in, to the manifest advantage of the House. The elected members had picked up the spirit of the Crown members and the instruction they were so fully competent to give, and so had been enabled to discharge their duties in a way they could not possibly have done if they had been left to themselves. If the life-members had been deprived of their seats, it was not probable that many, if any of them, would have sought a restoration to them by the elective process, for they were generally gentlemen of wealth, position, and delicacy of feeling, whose habits of mutual deference, quietness and order would have unfitted them, or made them averse to face the turmoil and excitement of the unfavourable electioneering contests. These honourable gentlemen, under an elective system, must have been deprived of their seats, and their services have been lost to the country; whilst under the nominative system they would stand on the same footing as the other members of this House, and have a fair representation, along with the members holding their seats by election, in the Legislative Council of the Confederate Parliament. (Hear, hear.) Passing on to another point, he would remark that some persons had asked what would be done if the two Chambers of the Confederation came into collision? He had already remarked that the Legislative Council was intended as a counterpoise to the weight of numbers in the Assembly, but such a counterpoise did not necessarily

imply the probability of collision. It was not likely that the two branches would come into such collision upon minor subjects, or subjects of minor importance, for two such bodies should not, for the mere sake of resistance, oppose each other in such a way; they would not venture to do it. He did not remember that there had been any really difficult matter of this kind for a long time. This House had rejected the Squatters Bill, as it was called, seven or eight times, after it had been passed by the Assembly, but that had not impaired the good understanding between them. Indeed the effect had been of the best. The honourable life member from Cobourg [Hon. Mr. BOULTON], whom he did not see in his place, had, by the force of reasoning, convinced the House that the bill was destructive of the rights of property, and the consequence was that, year by year, the measure had been pruned of its most offensive features, until now, as he was informed, it was hardly open to objection. He could not recall another instance of persistent difference of opinion between the Chambers. The real danger of collision would be where one Chamber invaded the prerogatives of the other, and that danger, if it existed at all, would be greatly increased were the Legislative Council made elective. (Hear, hear.) If the members were elected they might say, "We come from the people just as directly as the members of the Assembly do, and our authority is, therefore, as full and complete as theirs. Nay, more, for where we each represent 1000 electors they each represent only 300, and we have, therefore, much right to initiate money bills and impost bills as they have." Make the Council purely elective, and he would not promise that an agitation of this kind would not spring up. It had not been a theme as yet on the floor of the House, but it was well known that it had been freely discussed in the corridors, and, if the subject had not been formally introduced, it was probably because it was thought by those who debated it that they could not rely upon the life-members. (Hear, hear.) Let the Council propose to deal with taxation, and the elective system would be sure in the course of time to urge it on to do so, and immediately the spirit of the Assembly would be aroused to resistance. This would be the way to provoke collisions, and with an elective Council it was not at all unlikely to be resorted to. In England, where the Upper House was composed of a class entirely distinct from the Commons, and having interests, as a general thing, diverse from those of the people, even there the collisions between the two branches had been but infrequent. Indeed there had been only one very serious collision in the course of centuries. When, however, such conjunctures arose, the Crown overcame them by the appointment of a sufficient number of peers whose political views accorded with those of the government. The right to sit in the House of Lords being, however, hereditary, the son generally inherited the politics of his father, and so the character of the body was always pretty well understood; but be it what it might, and as much removed as possible from popular influences, it had yet learned so far to

respect the will of the people as to know when to make concession of its own opinions. He did not say that it bowed to every breeze and instantly yielded to every demand, nor did he think that any Legislative Upper Chamber should do so and be content merely to reflect the temper and complexion of the other branch. On the contrary, he held that when it had good and sufficient evidence, sufficient to satisfy itself, that a proposed measure was unjust, it was bound to resist, and public opinion, which generally came out right in the end, would sustain it in such an attitude. But there was very much less danger in countries like this that difference of opinion would even be as frequent between the Legislative Chambers as between the Lords and Commons in England, and the reason was clear: our Legislative Councillors would not come from so different a class of society to the general population as the peers of the British nation, compared with the people of that nation. The lords had ideas of caste and privileges which none of our people were imbued with, and the common sympathy existing between all classes here would be felt equally by the Legislative Councillors and Members of the Assembly. Both would be equally subjected to popular influences and be more or less controlled by them. The interests of the Legislative Councillor, though a nominee of the Crown, would be the same as those of the mass, and the legislation which would be good for them would, as a general thing, be good for him too. He would have no ancestral estates, privileges, immunities and titles to protect, like the peers of England. He would be affected by the social changes which affected others, and would be moved by the same aims and aspirations as his friends around him. This being the case, it was not very probable that his opinions would even be set in opposition to those of other men so as to make it likely that he would come in collision with them, or that, as a House, the Council would be in danger of a serious quarrel with the Assembly. Then the changes which time would inevitably bring about in a body like the proposed Legislative Council would be sufficiently great to prevent the possibility of a continued antagonism between it and the other branch, if unhappily it should arise. The demise, the resignation and the loss of seats from other causes, would do this, and afford the Government of the day the opportunity of so re-constructing the House as to bring it more in harmony with public sentiment. He did not say it was desirable that at all times the Legislative Council should be a reflection of such opinion, though it was, of course, desirable that it should not continue violently to shock it. He would have that House conservative, calm, considerate and watchful, to prevent the enactment of measures which, in its deliberate judgment, were not calculated to advance the common weal. Any more rapid changes in the composition of the House than those he now indicated he did not consider wholesome or desirable. From the history of the present Chamber for the last few years, it would be seen that such changes, whether among the life members or the elected members, were much more frequent than

might be generally supposed. According to the present elective system twelve members went out and twelve came in every second year. Supposing that a collision had taken place between the two branches of the Legislature, and that it was desirable to bring the Council more in accord with the representatives of the people, under this system the same members might be returned, not because of the soundness of their political opinions on the topic which had brought about the collision, perhaps without the slightest reference to it, but from their position and their exertions. One might come back because he was a wealthy man and had a social position which gave him a large influence; another because he was an able canvasser and well versed in election tactics, and others from causes equally removed from the political question upon which the two Houses of Parliament were in antagonism. But suppose the twelve seats were at the disposal of the Government, and that an irreconcilable difference had existed between the two Houses, would they not have the opportunity of redress at once and thoroughly by bringing in twelve members who would harmonize better in opinion with them and the country? Undoubtedly. Well, within eight years the changes had been among the life-members as follows:—When the House was made elective, there were 40 such members in it; two years afterwards, at the call of the House, the number was found reduced to 31: two years after that again to 26; in two years more, to 24; and to-day to 21, of which 21 one honourable member was now seriously indisposed. In eight years, then, the number had been diminished by half. Then, changes nearly as great had occurred among the elected members. There had been 24 removals and changes by death and otherwise among these 48: and it should be remembered that, as the elected members came in by twelves, two years apart, the average time had been only four years. This was sufficient to show the opportunity which, even among younger men than the life members, the Government would have of keeping the House in accord with the true interests of the country, or of overcoming any unfortunate misunderstanding between the two branches. [The honorable member here went minutely into a statement of the changes effected by death, acceptance of office, and defeat at elections among this class of members.] These changes had certainly altered, to some extent, the complexion of the House, and the future would, no doubt, be like the past in this respect. The Conference had taken all these things into consideration, and wisely concluded, as he believed, that while the chances of collision were much less under the nominative system, the opportunity of restoring harmonious action was infinitely more prompt and effective, and that there was no such danger of collisions between the two branches of the General Legislature, as to make it a bar to the principle of nomination, which principle, in their judgment, offered the compensating advantage he had endeavoured in the earlier part of his observations to point out. He sincerely hoped the House would concur in the views he had expressed, and would accept the measure now before them, as one which he be-

lieved calculated to promote the best interests of this country and the other provinces, and to hand down to posterity a constitution analogous, as nearly as might be, to that of the empire under whose protection we had the happiness to live—a constitution calculated further, as he was fully convinced, to perpetuate the connection between these colonies and that mighty nation, to the mutual benefit of both. (Hear, hear, and applause.)

CONFEDERATION.—*(Continued.)*

LEGISLATIVE COUNCIL, QUEBEC, 17th FEBRUARY, 1865:

HON. MR. CAMPBELL said: I would like, honourable gentlemen, to continue the debate in that excellent and happy spirit in which my honourable friend* who has just sat down has addressed the House. I envy my honourable friend very much for the possession of that happy faculty of amusing and instructing the House in combination. I am somewhat grieved to feel obliged to call the attention of honourable members to that which is, perhaps, more of a business character, and less interesting, than the remarks which fell from my honourable friend. I must say that I very much regret that my honourable friend should have thought that, on this particular amendment being proposed, it was his duty to come to its support, because it is evident to my own mind, and must also be so to every honourable member present, that my honourable friend, while giving his support to the amendment, entertains very different views from those which were enunciated by the honourable member for Niagara, who moved it. My honourable friend says, "If there is to be delay, let it be a substantial delay; let it be such a delay as will ensure a dissolution of parliament; such a delay as will enable the people to speak in that manner, and in that manner only, that is known to the British Constitution." I can respect that sentiment. There is something real in an argument based on that foundation. I do him the justice to believe that he takes that view with a sincere desire that the delay should not militate against the scheme, but that it should be adopted by the people when referred to them. But, honourable gentlemen, contrast that view with the idea suggested by the honourable gentleman who moved this resolution (Hon. Mr. Currie). What view does he take? Not that there should be such a delay as would enable the people to express themselves in the manner in which Great Britain and all her colonies speak, but in that sort of way which, as my honourable friend has graphically described, is more nearly allied to the peddling of clocks than to anything connected with British constitutional procedure. What does the honourable gentleman say? He

*Hon. Mr. Dickson.

says, give us twenty days or a month. What could be done with twenty days or a month's delay? Is it possible for the people to speak in any constitutional way in twenty days or a month? The honourable gentleman knows very well that it is not possible, and that under no system of Government could such a plan as his mind has suggested by any possibility be sanctioned by the Legislature. Would the people of New York State, or any of the States of the Union, sanction a proceeding of that kind? On the contrary, they would adopt the course at once of having the scheme submitted to a direct vote of the people. If you adopt the British constitutional way, then there will have to be a dissolution of Parliament; but, if you adopt the American system, the people will be called upon to vote "yea or nay" on the scheme as it stands. Let it be expressed in one way or the other, fairly and constitutionally, in accordance with our system of Government. My honourable friend does not contemplate that. He contemplates a postponement of the subject, in some way or other, for twenty days or a month, and I am sorry that my honourable friend who spoke last should have felt himself called upon to adopt a scheme so entirely contrary to what I know are his views as to what is correct and proper, according to those constitutional and British views which he entertains. I am sorry that he should have been led to adopt a scheme which is evidently not advocated by him from the same motives as those which actuate my honourable friend from Niagara.

Hon. Mr. Dickson—I approve of the resolution as it stands, and I entertain the views that I have expressed. I have always held that a general election was the proper constitutional mode of learning the people's views, and I distinctly stated that I did not care to have a short delay.

Hon. Mr. Currie—All I suggested was that the Government might at least give twenty days or a month, if they would grant no more. Of course, I desire to get what my honourable friend, Mr. Dickson, has asked.

Hon. Mr. Campbell—Then, I do hope my honourable friend will withdraw his support to the amendment, when he sees that he does not concur with the mover of it, who evidently contemplates some other course than is known to the British Constitution for ascertaining the views of the people—for instance, by members going from door to door, or by holding meetings in convenient places, and making themselves agreeable to their constituents by indulging in hospitalities, &c. I am quite confident that is not the idea which my honourable friend opposite entertains; nor, I am satisfied, is it the view which any honourable gentleman of this House can entertain, who is desirous of promoting Confederation of the provinces—that these resolutions, important as they are, and necessary as it is that we should arrive at some conclusion in reference to them, should be laid aside until my honourable friend from Niagara goes about from door to door throughout his large and intelligent constituency, knocking at each and asking the

views of the electors on each separate resolution. My honourable friend is charged with the duty of representing his constituency on the floor of this House ; and it is to be supposed that he is well capable of representing them in point of intellect and good judgment, when he is called upon to say whether or not he believes the scheme, as a whole, to be a desirable one for the country. (Hear, hear !) But he seems to ignore all that. He does not seem willing to pronounce his judgment upon this scheme. He will not say that it is so objectionable that he will vote against it on the merits of the case. If he is unable to come to a decision, he ought to resign his position, and give place to some one who can come to a decision. But look at the position of a man who says in effect, "I have no opinion of my own ; if the people whom I represent are favourable to the scheme, I have not a word to say ; I will vote for it to please them, though I disapprove of it." Gentlemen, let him give his constituency the benefit of his best judgment, and consider whether, reflecting upon the fact that there are five different provinces to be consulted, and constituencies upon constituencies to be canvassed, that which he desires can be ascertained in any better way than by this House, considering itself a fair representation of the sentiment of Canada, coming to an immediate decision. He says his constituents have not charged him with the duty of altering the Constitution. Well, but he is charged with the duty of exercising his best judgment upon every subject brought before this House. We are not here for the purpose of altering the Constitution. We have not the power to alter the Constitution if we desired to do so, but we have the sacred duty incumbent upon us of expressing our views in relation to such alterations as may be considered advantageous to the country. (Hear, hear.) Do these resolutions alter the Constitution of the country? Not at all. They merely state that such alterations are desirable. The Constitution itself can only be changed by the Imperial authorities. We are not exceeding what our French Canadian friends called the *mandat* with which we are charged. We have no power to alter the Constitution, but we have the power of expressing our views in an address to Her Majesty, which it is proposed to adopt in all the legislatures, stating that such and such changes would, in our opinion, prove advantageous to the country. We are exercising exactly the duties which are incumbent upon us. We are giving to our constituents the benefit of our experience and honest convictions upon the topics which are committed to our charge, and which events force upon our attention. Has not the House, on previous occasions, adopted resolutions, the effect of which has been to bring about changes of the Constitution? And has it ever before been argued that this House had no right to debate such resolutions? Nothing of the kind. The first alteration asked for was for the purpose of allowing the use of the French language in the Houses of Parliament. Honourable gentlemen might have said then that they had not the power to ask for such a change, but such an idea was never mooted.

AN HON. MEMBER—It was carried unanimously.

HON. MR. CAMPBELL—I had not the honour of having a seat in this House at the time, but I am happy to hear that it was unanimously carrried. Next, a change was asked for in the composition of this House. This House was at one time nominative, and was, in 1856, made elective. Was that not a change of the Constitution? Nobody, however, urged at that time the idea that this House had no power to pass such a resolution. We stand exactly in the same position now, and it seems to me a most futile and illogical argument to say that we have not the power to do what it is proposed to do in passing those resolutions, that is, to pray the Queen so to change the Constitution of this province that we may unite in one Government with the other provinces of British North America. I am quite satisfied that, when honourable gentlemen reflect upon it, they will see that they are not in any way exceeding the powers committed to them by their constituencies. My honourable friend from Niagara suggests this amendment in a spirit that is comparatively poor to that in which it is supported by my honourable friend opposite. He says he is in favour of the Union, but is opposed to some of the details. It is painful to me that any honourable gentleman, who professes a desire to advance the Union, should yet shelter himself, in opposing it, under an objection to some of the details. Does my honourable friend seriously propose to submit to the country all those various details? Can he imagine that he could get an intelligent expression from any part of the country on those details? All he could get would be a general opinion in favour of Confederation, and we are all satisfied that he would have that. I believe there are but two or three honourable members in this House who are really opposed to Confederation. Take ten thousand people from the country, and you will find nine thousand of every ten in favour of Confederation.

SEVERAL HON. MEMBERS—No, no.

HON. MR. CAMPBELL—Well, I will submit to the opinion of honourable gentlemen from Lower Canada, for I do not pretend to be so well acquainted with the feelings of their people, but I am in as good a position to speak for Upper Canada as any other honourable gentleman, and I have no hesitation in saying that the people of Upper Canada are almost unanimously in favour of Confederation. I am satisfied that, if the question were put before the people by means of a general election, there would be a unanimous vote in Upper Canada in its favour.

HON. MR. CURRIE—Hear, hear.

HON. MR. CAMPBELL—My honourable friend from Niagara says "hear, hear." My honourable friend cavils at every statement which is made, attempts to throw doubt and distrust upon the figures which have been produced in advocacy of the measure, and has not restrained himself from using every method of opposition which his imagination could invent or his ability turn to account. I must say that I can hardly

believe an honourable gentleman to be in favour of the scheme, who takes every opportunity to attack it, and, when accused of hostility, shelters himself under objections to the details. (Hear, hear.) It shows me that his feelings are not sincere, but that he desires to upset the very foundations on which Confederation rests, not, perhaps, because he is oppposed to Confederation in the abstract, or a Confederation such as he would like to see established, but because he desires to thwart and defeat the efforts of those who have been honestly and industriously engaged in bringing about the scheme which is now before this House. I say, honourable gentlemen, if the people could express their opinions as we may express ours to-night, they would all concur in the first resolution. (Hear, hear.) Well, gentlemen, it being granted that we are all in favour of union, how are the details to be settled? Is it possible that the nearly four millions of people who compose the provinces to be affected by the union should meet together *en masse* and settle those details? It is not possible, and those who argue that the scheme should originate with the people know very well that it is not possible. Well, then, could the parliaments of all these provinces assemble together and agree upon a scheme of Confederation? Look at the difficulties that we have to encounter on every point of the details in carrying the scheme through this House, and judge for yourselves whether the parliaments of all the provinces could meet together and originate and decide upon the details of Confederation. There is no other practical way than that delegates should meet together, as they have done, and frame resolutions on the subject, upon which the Act constituting the union could be founded. Honourable gentlemen have asked, who authorized those delegates to meet together for the purpose of framing those resolutions? Honourable gentlemen know very well that the present Government of Canada was formed for the very purpose of considering and submitting a scheme of this kind. My honourable friend from Niagara again takes shelter under the statement that what the Government proposed to do was to bring down a scheme for the Confederation of Canada alone, and that the bringing of all the provinces into the Confederation was only a secondary idea. The honourable gentleman knows very well that that statement of the case is a mere pretence. Everybody knew that the Government would endeavour to overcome the difficulties which presented themselves in working the government of Canada, either by one project or by the other. The honourable gentleman has quoted from the Speech from the Throne, delivered at the close of last session, in which an allusion was made to the formation of a Federal union between the two sections of this province, and not to a Federal union of all the provinces. Why does he not refer to and quote from the Speech from the Throne at the opening of this session? My honourable friend will find there, and I suppose he will place the expression on even terms with the other, the following:

At the close of the last session of Parliament I informed you that it was my intention, in conjunction with my ministers, to prepare and submit to you

a measure for the solution of the constitutional problem, the discussion of which has for some years agitated this province. A careful consideration of the general position of British North America induced the conviction that the circumstances of the times afforded the opportunity, not merely for the settlement of a question of provincial politics, but also for the simultaneous creation of a new nationality.

Now, my honourable friend says in effect that we were not right, when the opportunity presented itself of endeavouring to carry out the idea, in seizing upon it, and endeavouring to combine these provinces in one nationality, under the common flag of Great Britain, and under the rule of a Viceroy of the British Crown. Every honourable gentleman feels in his heart that we were not only right and patriotic in thus assembling, but that we were doing that which was promised to the Legislature of this province at the close of last session of Parliament. I am surprised and grieved that my honourable friend from Niagara, whom I know to be a patriotic and loyal subject of Her Majesty, does not feel it his duty to unite with us in bringing about that which is so dear to all of us—a closer connection with the Mother Country, and a better means of perpetuating British institutions on this continent. (Hear, hear.) My honourable friend says the whole scheme is characterized by concessions to the Lower Provinces. Why, honourable gentlemen, place him in any portion of the Lower Provinces, and let him listen to the opposition that is made there to the scheme, and he will find that the whole cry of those who, like him, do not reflect on the necessity of yielding something for the common good, is, that everything has been conceded to Canada. It is said, "We are going to be united with a province which is infinitely beyond us in point of population and wealth, and whose public men are able to command, by their ability, a much larger influence than our public men." They profess to believe that they are coming under the shadow of Canada, and that everything which they desire for themselves will be trampled under foot. My honourable friend, forgetting those duties which he owes to the Government, and forgetting the duty which he owes as a patriotic citizen to his country, contents himself with finding fault with the details of a scheme which he believes will be for the benefit of the country, and picks holes in every part of these details which he does not happen fully to understand. He not only complains that the people of Canada have not been consulted, but that in every respect the interests of Canada have been bartered away. Does he forget that the members of the Government all love their country, and have interests as great and as dear to them as the rest of the people of Canada? Is it likely that my honourable friend at the head of the Government, the honourable and gallant Knight, would give up everything that is dear to his race and to the people of this province? Is it likely that any of us would ruthlessly throw away any advantage which we could reasonably retain? On the contrary, if my honourable friend could be brought to look upon the measure with that liberality which ught to characterize a public man, he would concede that, although

we had to give away some things, we did that which was best for the interests of our country. Let him find himself surrounded, as we were, by diverse interests—peculiarities here, prejudices there, and strong interests in the other direction, and let him produce, if he can, a scheme which, on the whole, is more advantageous to the people of this province, or which promises better for the country at large than that which is now on the table of this House. Let him do this and then I will forgive him for the illiberality which he exhibits towards those who have honestly endeavoured, to the best of their united ability, to arrange the scheme which is now under your consideration. (Hear, hear.) I could forgive my honourable friend altogether, if, like my honourable friend opposite, he took the ground that the scheme ought to be delayed until after a general election. But, instead of that, he leaves no stone unturned to prejudice this House against the measure. It seems to me that, if he could prejudice the House sufficiently against it to insure its defeat as a whole, he would leave no stone unturned to accomplish it. So far from showing that he is in favour of the scheme, I cannot for one moment imagine how any one can believe him to be a sincere friend of Confederation under any circumstances. It is all very well to say, "I am in favour of the scheme, but opposed to some of the details." Was not every one of those details tested and tried in all its bearings, so far as such a thing was possible, by gentlemen as intelligent and well informed upon the subjects embraced as any honourable gentleman in this House? Every honourable gentleman now listening to me knows very well that it was not possible to adopt a scheme that could not be found fault with. No matter what scheme was put upon the table of this House, even if my honourable friend had been able to submit a scheme infinitely superior to this, does anybody believe that certain honourable gentlemen in this House would have supported it? The resolutions may be objectionable here and objectionable there, but it is for honourable gentlemen to consider all the circumstances out of which they have grown, and consider whether, under those circumstances, they ought not to be adopted as a whole by the House. Honourable gentlemen say, "where is the advantage to be gained by Canada from Confederation?" Well, now, can any honourable gentleman in his senses believe that the removal of the obstacles to intercourse between the provinces, the doing away with the customs duties, and the developing the trade of the St. Lawrence are no advantage to Canada? Can it be said that to open up commerce with three millions of people along the St. Lawrence and the lakes will be of no advantage to the people of the Lower Provinces? Can any Briton, advocating as he does the continuation of our connection with the Mother Country, say, "I would rather be alone, be an Upper Canadian and be left to myself, and that my fellow-colonists be left to take care of themselves." Then my honourable friend asks: "Where is the additional military strength?" Does my honourable friend pretend to deny that there is no additional strength in union over isolation? Does any man pretend to say that

eight hundred or a thousand men belonging to a regiment are just as strong in units as when they are combined in a regiment and directed by the intellect of one man? And, just so, the forces of all these provinces are comparatively weak in their present isolated state. If we could say to the United States that we had the control of four millions of people to guard our frontier and repel attack, would not that form a strong barrier of defence? Would that be no weapon in the hands of a government desirous to avert an appeal to force of arms? It is the strength of a large number of people wielded by one mind, affording a power vastly superior to that which Canada alone could bring into the field, and giving the Government, when negotiating, an opportunity to point to what might possibly result from that power being called into active service. How can men be so lost to all that is true and useful and patriotic as to oppose a union of the powers of defence, and to oppose a scheme which is alone likely to afford the means of maintaining, for any long period of years, that connection with Great Britain which we all regard as so valuable? My honourable friend from Niagara took occasion, in the course of his remarks, to throw doubt upon one or two of my statements, and particularly in regard to the value of the mineral deposits of Newfoundland. I stated that I could satisfy the House that there were mineral deposits in Newfoundland of a valuable character. I will not detain the House by reading it at length, but I hold in my hand a copy of a report that was made on that colony in 1840, stating that those deposits consisted of galena, gypsum, marble, gold, iron, copper, etc. There are most important lead mines in operation, and Professor Shephard states that he saw 3,500 pounds of pure galena thrown from a vein at a single blast. He goes on in this report to describe the very convenient position of the mines, showing that they can be approached very closely by vessels drawing twelve or fifteen feet of water. This report plainly shows that my honourable friend was mistaken in supposing there were no valuable minerals in Newfoundland. But, suppose, for the sake of argument, that there were no minerals there; suppose we were simply giving the province of Newfoundland $150,000 a year for the purpose of getting that island into the Confederation, would it not be better to have the Confederation complete than to refuse to agree to that condition? One would suppose, from the manner in which some honourable gentlemen treat the question, that the various sums to be annually paid to the Lower Provinces were to be paid by Canada alone; but it is nothing of the kind,—they are to be paid by the whole confederation, the population receiving the benefit contributing as much per head to the amount as that of the province of Canada. What does my honourable friend suppose the province of Newfoundland gives up to the Confederation in return for the $150,000? It transfers to us the whole right of property in its unsold lands, and the whole of its general revenue. In 1862, it had a gross revenue of $480,000, only $5,000 of which was from local sources, and it is calculated that the colony will bring a revenue of

$430,000 per annum to the Confederate purse, while the total amount it will receive will be $369,200 per annum out of which to defray its local expenses. Is there anything so marvellously outrageous in that? In addition to the fact that Newfoundland will pay the Confederation $430,000, and receive $369,000, we have a complete yielding to the Federal Government of all her territorial sources of revenue. And so it is with all the provinces. Each of them will contribute to the general revenue, or to the Confederate purse, more than they will receive from it, so that the revenue of the whole country will show a surplus. The honourable gentleman from Niagara evidently contemplates much more by his amendment than my honourable friend opposite, who has so ably supported it, contemplates. My honourable friend who supported the amendment contemplates a delay until there shall be an expression of the people taken, through a dissolution of Parliament. Well, now, how can a dissolution of Parliament be brought about in a constitutional manner? Suppose this scheme to receive the support of an immense majority of the Lower House, as it plainly does, and also of a large majority in this House, how, I would ask, under our system of government can a dissolution be brought about? A dissolution is unknown to the British Constitution, as carried out in this province, except when a measure, originated by the Government, does not receive the support of Parliament. Receiving the support of more than two-thirds of the representatives of the people, as the present Government does, how is it possible that Parliament could be dissolved to suit the views of a small minority? That is asking quite too much, even if it were possible to grant it. (Hear, hear!) What, therefore, do honourable gentlemen ask, when they ask that the scheme be submitted to the people? They ask us as a Government to leave that which we consider the safe, sound, British constitutional mode of procedure, and resort to the American system of obtaining assent to constitutional alterations by taking the votes, yea and nay, of the individual members of the whole community. What sort of a conclusion could be arrived at by that mode of procedure? Is it possible that any honourable member of this House desires that the people should have the opportunity of saying yea or nay to each clause of these resolutions? I am satisfied that that is not what my honourable friend from Niagara desires, because he only asks for a delay of a month; and my honourable friend opposite does not desire it, because he knows the British constitution and loves it too well to contemplate such a course for a moment. What conclusion, then, can we arrive at, but that those who oppose the passage of the scheme through this House, by moving and supporting amendments to it, are desirous of defeating it, and make those amendments for that purpose? (Hear, hear!) I am satisfied, from the best information I can obtain, that the passage of the amendment would have a very great tendency towards defeating the measure. It has to be agreed to in both branches of all the legislatures, and then in the Imperial Parliament. All the

other legislatures are now waiting upon the action of this House. They are waiting to know whether honourable gentlemen of the Legislative Council of Canada concur in the scheme—whether you are satisfied to put on one side small objections to minor matters of detail —to put to one side your individual opinions on this point and on that point, and give it your support as a whole. Every person who reflects upon the subject must be satisfied that that would have to be done under any circumstances. Do you desire to have a union of all the British American Provinces, or do you desire to remain as you are? That is the issue. For myself, I feel that our connection with the Mother Country cannot be maintained for any great length of time without such a union. What have we found in the utterances of the public men of England from year to year? Have we not found them asserting, with more and more vehemence every year, that we were not doing our duty on this side of the water in relation to our defences? If Great Britain should get into a war with the United States from circumstances over which we had no control, still our destinies are linked in with those of the great empire of which we form a part, and it is our duty, under all circumstances, to do something more than we have yet done, to prepare for events that may happen from one cause or another. But, suppose that during the past summer armed forces from the United States had entered Canada in pursuit of raiders escaping into this province from the other side of the border, as they might have done had not General Dix's order been withdrawn; and had we found that our integrity as a member of the great Empire was not respected, and Great Britain had coincided with the views of our Government and declared war against the United States, because that country had exercised liberties in one of her provinces to which no foreign power was entitled, where then would have been the cause of the war? It would have lain in the assertion of the right of the people of this province to maintain the position of an integral portion of the British Empire. Well, supposing the cause of a war with that nation to have been elsewhere, still we must partake with the Empire in upholding its integrity, and must stand or fall with that Empire. Shall we say that we will contribute nothing towards our defence except to keep up the Volunteers, and depend entirely upon what the Mother Country, for prudential reasons, may do for us? Is that a feeling that any honourable member of this House ought to be actuated by in relation to this or any other question? I am sure no honourable gentleman would be willing to sit down and fold his arms under the protection which the money and arms of Great Britain give us; and I am sure my honourable friend from Niagara himself would not unite in such a view plainly expressed. Still, my honourable friend thinks these resolutions ought not to pass this House, but ought to be postponed indefinitely, leaving the colonies in the divided condition in which they now are. I believe, on the contrary, that the interests and destiny of this country are bound up in the union, now contemplated, taking place. Suppose, as

many believe, the end of that unfortunate fratricidal strife in the United States is at hand, and a reconciliation takes place at any reasonable time between the Northern and Southern States, I am quite sure the maintenance of the integrity of these provinces will depend upon this union having been consummated If the scheme is postponed now, it is postponed indefinitely. For years past the effort has been making to get the Lower Provinces to assent to a union with Canada, and, if the question is now postponed, there is no knowing whether we shall ever be able to get their assent to it again or not. Action in the parliaments of Nova Scotia, Newfoundland and Prince Edward Island is now hanging upon the proceedings of this House. If you pass an amendment it will indicate to them that the people of Canada are not warmly in favour of the scheme. Honourable gentlemen, are you ready to take the responsibility of declaring that the people of Canada are opposed to confederation? There is no knowing when circumstances will allow of its being brought to this forward stage again. Those of you who know what difficulties and objections were met with—the selfish interests of the various sections of this and of the other provinces, which we had to overcome—must feel that a very great advance was made when the measure was brought to the present forward stage. When again will it be likely to happen that the representatives of the various provinces will be brought together to consider the question? When will it again happen that the governments of the several provinces concerned will be able to lay upon the tables of their respective legislatures a scheme so complete in all its details as this is? It is impossible to say when that happy coincidence of circumstances will again occur. Then, my honourable friend from Niagara says, "You have not given us the scheme in detail. You have not given the whole of it. The House has not before it the proposed constitution under which Upper and Lower Canada are hereafter to meet. You have not told us what are to be the rights and the powers of the local legislatures." Well, honourable gentlemen, all I can say is, that it would be impossible, and not only impossible, it would be useless for the Government to have brought down this scheme at the same time that they submitted the scheme now before the House. Until this scheme passes, until it shall be adopted in the other provinces, until we know whether or not we are to form portions of a Confederate Government, there is no occasion for introducing the scheme relating to the local legislatures. But, honourable gentlemen, is it likely, or can it be possible, for such a scheme to be adopted without the sanction of both branches of the Legislature? The plan, whatever it may be, for the constitution of Upper and Lower Canada, is it a matter which the Ministers of the Crown can carry in their pockets, and put in force without the sanction of Parliament? No, it is a measure which must hereafter be laid on the table of this House, which must be debated, and upon which we shall all have an opportunity of pronouncing an opinion before it comes in force. At the proper time, a full opportunity will be afforded to those who dissent

from the views of the Government in regard to the constitutions of these provinces of expressing their opinions, and of seeking to give effect to them. The same may be said in regard to the objections taken to the Intercolonial Railway. It is asserted that the Intercolonial Railway is something that we ought never to have agreed to. But honourable gentlemen will acknowledge, as a general proposition, that union is impossible without the railway, and such as believe that union is important and necessary must be content to take the railway as a condition which is indispensable. But, honourable gentlemen, the Government cannot of itself build the Intercolonial Railway. There is no power either in this Government or the Governments of the other provinces to build it. We must come down to Parliament for the sanction—not to this Parliament, but to the Confederate Parliament, and the Confederate Parliament will have an opportunity of saying upon what terms we shall build the Intercolonial Railway. The fullest opportunity will be afforded for discussion before either the Intercolonial Railway is built, or the constitutions are adopted for Upper and Lower Canada. The former will be submitted to the Confederate Parliament; the latter, should the resolutions now before the House pass, to the present Parliament of Canada; for that must necessarily be a matter for the disposal of the Legislature of Canada. I am not one of those who would, as suggested, desire to take shelter behind the resolutions before the House for any unworthy purpose; but this I will say, that the amendment now before the House ought not to receive its sanction. I am quite satisfied that no honourable member of this House who is really and truly an advocate of this scheme, and who believes that confederation of all the provinces is important and desirable, will be found voting for this amendment, which would place a barrier in the way of Confederation, such as, perhaps, we could not overcome. Fancy the number of years during which this matter has been contemplated. As my honourable friend who sits near me pointed out, it is a measure which has long been agitated. He shewed you that for years and years it has engaged the attention of almost every person who took any kind of interest in the public affairs of this country. I have only one thing to add to my honourable friend's elaborate statement on this point, and that is to quote an extract from the resolutions proposed in this House many years ago by an honourable friend of mine, whom I am glad, and every one of his fellow members is glad, to find still occupying his accustomed place in this House—I refer to my honourable friend, Hon. Mr. Matheson. In 1855, my honourable friend proposed a series of resolutions in this House against the elective principle, the last of which is in language prophetic of the result which now we are testing by actual experience. The resolution is in these words:

8. *Resolved*,—That, as the subject of a union of the whole of the British North American Provinces has for years occupied the public attention, it would manifestly be unwise to complicate future arrangements by a change in

the constitution of one of those provinces, which has not been sought for, and which this House believes would not be acceptable to the others. It is, therefore, the opinion of this Council, that any proceedings on the subject at the present juncture would be premature, unwise, and inexpedient.

My honourable friend at that time looked forward to that which we now see about to take place—a union of these provinces, and he anticipated also that the elective system, if introduced into this branch of the Legislature, would be fraught with difficulty. It has been fraught with difficulty, and it is a difficulty which we must surmount—a barrier which we must strive to overcome. The personal objections which my honourable friend from Niagara division has started are the poorest kind of objections. It is not what my honourable friend near me, or my honourable friend opposite, possibly thought or said at some remote period that we have now to consider. We are all more or less exposed to this sort of attack; but, fortunately, the time during which I have had the honour of being in public life has been so short, and the position I have since occupied has been so obscure, that I am not so much exposed as many others to these accusations; but I am well aware that this is owing to my comparative insignificance. I must say that for my part I am disposed to put aside all these things. I am disposed to put aside all reference to what an honourable member may have done under other circumstances and in other times, and I would merely ask myself this: "Is this Confederation desirable? Do I wish for it as a lover of monarchical institutions? Do I desire it as a subject of the British Empire? Do I wish for the perpetuation of the connection between this country and Great Britain?" If I do, I shall waive my objections on this point and the other in my desire for the success of the principle. This Confederation has been sought after for years, but never until now has it approached so near a consummation—never was it a possibility as it is now a possibility. After years of anxiety, after years of difficulty, after troubles here and divisions there, the scheme is found possible, and I will not put it away from me because I object to this point or to that. If this harness of the confederation of the country is to be put on, we cannot but expect that it will chafe here and chafe there; but time will give relief and provide the remedy, as it has done in other circumstances before. It was so in regard to the Union of 1840. The Lower Canadians had a grievance in the French language being excluded from the Provincial Parliament. That chafed, as was to be expected, and provoked remonstrance. And what was the result? The injustice complained of was done away with, and both languages were thereafter permitted to be used. Then it was the desire of the people that the elective system should be introduced into this House I believe myself that it was a mistake, but a change was desired, and a change was brought about. And so it will be in this case. If change is seriously desired, it will be had. It would be unwise and unstatesmanlike, in my opinion, to declare that because we cannot have our way on this point or on that point—that because the

scheme in all its features is not exactly what we would like it to be—we will not have it at all. Where, honourable gentlemen, is the union effected between any two countries, or any two individuals even, which has lasted for any length of time without mutual forbearance and mutual concessions? Let those honourable gentlemen who have had the good fortune of forming unions, and who can, therefore, speak from experience, say whether any union can be formed, either happy or lasting, without forbearance on both sides. (Hear, hear, and laughter.) You must give up all thoughts of union unless you are willing to give and take, and cease persisting for everything you think best. Nobody ever did effect a union upon such terms, and nobody ever will. You must forbear here and give way there. I trust and believe that in the present instance this will be the opinion of the Legislature of this country. I trust and believe we are satisfied that Federation is desirable in itself, and that, without insisting on this point or on that point, we will be looking confidently forward to the future, when we shall witness in this country a population of four millions, with a valuable commerce and, in point of naval power and supremacy, ranking fourth in the world. (Applause.) Particularly am I surprised that any honourable gentleman from Lower Canada should oppose himself to this union, for by union the people of Lower Canada will regain possession of those countries which once belonged to their race, and in which their language continues to be spoken. I believe that for them, as well as for us, there is a future in store of great promise, to which we can all look forward with the most confident expectations. And shall we set aside all these promising prospects because we cannot obtain this little point or that little point? I hope honourable gentlemen who favour the scheme see, as I see, that there is imminent danger in postponing the measure, and I ask them not to pass this amendment, which is brought forward in the poorest of all spirits, which is based on the assumption that honourable gentlemen are not ready to give the country the benefit of their minds and their judgments, but which asks us to wait and go knocking about from door to door, asking what is thought about the scheme upon which we are now called to legislate. Federation is the future safety and salvation of the country. Let us then waive our small objections and vote for Federation. (Applause.)

FISHERIES BILL.

LEGISLATIVE COUNCIL, QUEBEC, 9th MARCH, 1865:

HON. MR. CAMPBELL moved the second reading of the bill to make better provision for the protection of the Fisheries. This bill, said the honourable Commissioner, has been deferred from time to time to afford opportunities to persons interested in the subject to make such suggestions as they might deem expedient for rendering the measure more perfect; and now, in rising to move for its second reading, I do not do so with the expectation that it will pass in the current session, but I think it would be wise to have it discussed and printed, so that the people may have the means during the recess of acquainting themselves with its provisions; then at the next session honourable members can come prepared to deal with it to greater advantage. Several important modifications have indeed been made in the bill since it was introduced, and it is not improbable that others will be made to good purpose before it becomes law. It is hardly possible to overrate the importance of the Fisheries to this country, and hence it is necessary that the subject should receive the best attention the House can give it. This very valuable interest has been confided to the supervision of the Crown Lands Department, but it does not yet seem to have received the attention which it deserves. In proof of the value of this source of industrial products, the notice of the House is called to the returns made in past years, and to the satisfactory increase those returns exhibit.

CANADIAN FISHERIES.

The value of the fish caught in 1850 was $146,084; 1852, $297,848; 1859, $1,406 288. The report of 1859 shows that Canada West caught the value of $380,000 worth; and the official reports for 1861 and 1862 show the value of the fish caught in Lower Canada, in these years, to be respectively $730,919 and $703,895,

The census reports of Canada for 1861 show the quantities caught to be :—

In Canada East.	In Canada West.
230,453 quintals.	2,517 quintals.
139,558 barrels.	10,013 barrels.
413,482 pounds.	175,744 pounds.

The following statistics are for Lower Canada for 1862 :—

Number of fishing boats	2,535
Value	$75,959
Number of fishermen	5,044

Quantity of cod taken 169,463
" Haddock taken 1,066
" Brill taken 509
Barrels herrings 6,721
" Mackerel 1,065½
" Salmon 2,331½
Gallons cod oil 97,832

The next table shows the number of sea going vessels, &c., with their products obtained for Canada East :—

Number of vessels 176
Tonnage 11,676
Number of seamen 1,165
Quintals of codfish 14,168
Gallons of oil 63,753
Seals 23,389

The Magdalen Islands (which belong to Canada) in 1861 owned 38 schooners and 232 fishing boats. The products of their fisheries were 104,000 barrels of pickled fish, 16,000 quintals of dried fish, and 30,000 gallons of oil. Their population in the latter year was only 2,651 souls. These statements are taken from the Blue Books. I have just said that this important subject has not secured all the attention to which it is entitled, and this is no doubt due to the other multifarious duties which the Commissioner of Crown Lands is required to attend to. Yet I am happy to say that the subject is now in charge of a gentleman managing the Fisheries Branch of this Department, whose special efforts are directed to the best modes of dealing with it, and I feel much pleasure in bearing testimony to the great zeal, intelligence and efficiency of that officer, as well as to his thorough acquaintance with the duties of the office under his management. In order to enable the House to judge fairly in the case, it seems necessary that it should be made aware of the rights of parties whose fisheries are likely to be affected by the bill. Some misconceptions exist in relation to these rights, but it is in no wise the intention of the Government to interfere with them. This is stated at the outset because my honourable friend opposite (Hon. Mr. DeBeaujeu) has manifested some apprehensions that the bill might in some way invade the rights of the Seigniors and Censitaires, and, in order to effectually quiet such fears, it is proposed to make a further slight alteration which will entirely remove any such danger. This alteration is noted in the third clause, and provides that only where no exclusive rights of fishing exist by law in favour of private persons shall the Commissioner of Crown Lands issue leases.

Hon. Mr. Letellier De St. Just—This does not now appear in the bill.

Hon. Mr. Campbell—No, I have just said that I propose making the alteration in Committee as already noted in the bill. I believe that there is some misapprehension abroad as to the position of the Seigniors in regard of fishing rights, which it would be well to dissipate. Upon

referring to the patents or grants issued to the Seigniors, or to the parties from whom the Seigniories have been purchased, it is found that there has been a conveyance of fishing rights which ought not to be disregarded; and, to enable the House to judge of the unquestionable character of these rights, I will quote from a few of the patents or grants. Among numerous other deeds, more or less similar, may be instanced those of the seigniories of the Islet du Portage, Verbois, Riviére du Loup, Isle Verte, Grand Pabos, Soulanges, St. Sulpice, Boucherville, Isles Bouchard, Kamouraska, Sillery, Gaudarville, &c., &c. In some of these grants there is conveyed, besides the express and exclusive right of fishing, the liberty to fish "with all sorts of tackle on the beach as far as low water mark," or in any manner the grantee "may deem convenient," or "as he may think fit." Others grant "a sedentary (or fixed) fishery." Many convey the right of soil in beaches, islands, battures and shoals, some with and some without fishing. Not a few grants stipulate the right of exclusive fishery "as far as the middle of the St. Lawrence," opposite the lands described. Judicial decisions have been had confirming certain fishing rights. The action also of the Commission appointed under the Seigniorial Act has further established many such claims. This shows sufficiently clearly that not only was the right to fish fully conveyed, but also the privilege of fishing in any way that seemed best to the grantees I am strongly pressed by parties who take an active and praiseworthy interest in the fisheries, but more in the character of amateurs than as traders or parties who pursue fishing for a livelihood, to interfere in such a way as to abolish in Lower Canada the practice of catching fish by means of brush weirs run out some distance on the beach towards deep water. These gentlemen maintain that this mode of fishing is destructive of the fisheries, and that, moreover, it interferes with the rights of persons higher up the streams, but the extracts quoted from the patents clearly prove that there was no restriction as to the appliances to be used by the persons owning these fishing rights. Quite a number of other references to the same effect from like documents might be adduced, but these will probably suffice to show the intentions of the French Crown to have been a full and perfect conveyance of a proprietary right in these fisheries to be used as the owners thought fit, or in accordance with the practice of the times. The precise practice would be a question of fact.

HON. MR. BULL—Is there anything to show that the fishing might be prosecuted by means of fixtures in the streams? And does not the word "tackle" imply a moveable gear?

HON. MR. CAMPBELL—Between Quebec and Cacouna and in some other places it seems that fishing was then carried on by means of brush weirs. It has been seen from the words of a patent I have quoted that it might be done by means of any kind of tackle or appliances whatsoever, and though the word rendered "tackle" in English might be presumed to mean some other mode, yet it does not appear what that mode was, although it is sufficiently evident that the brush weirs were

then in common use. Moreover, the language of the original grants is as follows: "*avec droit de toute pêche, a toutes sortes d' engins.*"

HON. MR. DEBEAUJEU—The manner of fishing is determined by law just as the manner of mining, and can be easily ascertained.

HON. MR. CAMPBELL—The question of positive ownership in these fisheries was raised when the former Administration was in power, and the then Attorney General for Canada East, the Hon. Mr. Dorion, delivered an opinion on the subject. This question arose in consequence of an advertisement of the Sheriff that he would proceed on a certain day to sell a certain fishing right at Riviére Ouelle, taken under execution. The official conducting the fishing affairs finding that no express grant of fisheries was made by the main grant was anxious to establish that the supplementary deed could not supply such omission. It was then suggested that the right to the fishery resided in the Crown and that it could not be sold, but the opinion of the Attorney General was adverse to such a view. It was as follows:—

On the Commissioner of Crown Lands' letter respecting the right of fishery in the Seigniory of La Bouteillerie.

Quebec, 13th February, 1864.

On the 29th October, 1672, the Sieur de la Bouteillerie was granted, *à titre de fief*, two leagues of land in front by one and a half in depth, to be taken on the River St. Lawrence, to wit: one league above and one league below the River Ouelle, including the same.

On the 20th October, 1750, another grant was made to Mde. De-Ramezay, widow of Sieur Boishebert, of two leagues in front by two leagues in depth; to be taken at the depth of the league and a half of land formerly contained in the Seigniory of La Bouteillerie, to form, together with the former concessions of 1672, one and and the same seigniory.

This last grant appears to have been ratified on the 24th June, 1751, and in the deed of ratification it is said that "His Majesty has ratified "and confirmed the said grant, wishes, in consequence, that the said "Widow DeBoishebert, her heirs or assigns, enjoy in perpetuity the said "land, to be one and the same seigniory, *à titre de fief* with the old grant, "with high, middle and low justice, *right of fishing*, hunting and trading "with the Indians, in the whole extent of the said grant; without being "bound for all that, to pay to His Majesty or successors, any money or "indemnity," of which remittance, "with the stipulation to leave the "beach free for all fishermen, with the exception of those necessary to "the said Dame De Boishebert for her fishery."

This deed of ratification has given to the Seigniors of La Bouteillerie the right of fishing, not only in the augmentation of the seigniory, but also on the whole extent of the first grant, comprising thereinto this part of the River St. Lawrence where it is bounded.

This right is not restricted by the charge or reserve "to leave the beach free to every fisherman," this reserve not applying to the fisheries,

but only to those parts of the beach not being occupied by the fisheries of the proprietors of the Seigniory; up to the time of the abolition of the Seigniorial Tenure, this right of fishery could be conceded, and the grantees have a right to enjoy it conformably to the grants made, and in the parts of the Seigniory where it shall not have been granted it belongs, since the abolition of the Seigniorial Tenure, to the riparian owners.

I am, therefore, of opinion that the Crown has no right of fishery in this Seigniory, and that no opposition can be made to the sale of the proprietry known under the name of Great Porpoise Fishery of River Ouelle Point, and of the fishery rights attached to it, seized on Messrs. Casgrain and Tétu, at the suit of the Trinity House of Quebec.

(Signed), A. A. DORION,
Attorney-General, L. C.

That opinion has further confirmed me in the view taken of the matter, and I was glad to find myself so supported, not professing to be intimately conversant with Lower Canada law. The subject also came in a special manner before the Seigniorial Tenure Commissioners, and there my honourable friend (Hon. Mr. De Beaujeu) presented a claim for indemnification for the loss of his fishing rights, when the Commissioners decided he had not lost them, but that they continued to vest in him as fully and perfectly as ever, and that consequently he had no claim to compensation. Such being the case with that honourable member's rights, it of course followed that it was likewise the case with all other persons similarly situated—at least with all seigniors who had not been compensated for the surrender of rights of this kind. I believe that in some cases compensation was made, and the Commissioners determined the amount, the effect of which, however, was simply to confirm the *censitaires* in the cession of fishing rights made to them by the Seigniors by virtue of their special grants. But the rights thus paid for have not reverted to the Crown, and it is not proposed by the bill to interfere with them otherwise than to regulate the manner in which they should be exercised, so that they will not prejudice those of other parties who have obtained grants from the Crown, nor injure the public.

HON. MR. RYAN—I beg to ask if the patents indicate the times or seasons when the rights to fish may be exercised, for, if not, and the Government desires to protect a most valuable branch of our industry, they will find it necessary to interfere in this particular.

HON. MR. LETELLIER—It will be necessary in such a case to compensate the parties.

Hon. MR. CAMPBELL—There is no purpose or intention whatever to take away any right really owned, but to regulate its use, and that only to subserve the general interest. The Legislature has, on one or two occasions, interfered with such rights, but the law passed with that view was found not to be practicable, and, not being observed, has been repealed. The act in question was that of 18 Vict., which forbad the use of self acting machines, and made some special provisions respecting the

salmon, trout, and maskinonge fisheries. The brush weirs mentioned are fixed engines, but the bill now before the House does not propose to interfere with them to the extent of putting them aside, but to bring them under wholesome regulations, so as to prevent their injuring the rights of other parties and the public. In every such case the question will be one of fact, to be dealt with on its merits, and, if it be found that the original patent authorised the use of a brush weir, and that the fishery has been pursued in that way, the right will be continued to the possessor. I apprehend that, as regards the fisheries of other localities which belong undoubtedly to the Crown, no difficulty can arise. The Government may not merely regulate and restrict them, but also prescribe the mode of fishing. Should certain engines be found injurious, the Government may even deny their use. This will be governed almost entirely by the absolute need of doing so, and the position of the occupiers under licenses and leases. Such contingency seems to be provided for by stipulation in these contracts, binding the holders to conform to whatever requirements should be at any time made. It would, I conceive, more particularly apply to the salmon and trout fisheries. So far for Lower Canada.

In Upper Canada the right of fishing is altogether in the hands of the Crown, or held by the Crown for the public or for the Indians, and Parliament is therefore at liberty to make such laws on the subject as may be considered desirable. With these views, I now desire to ask the House to assist in framing a bill which will prevent the use of fixed engines in a way destructive of the fisheries, and calculated to make them more lucrative to the patentees and more beneficial to the country. The next stage of the inquiry is as to the actual means now employed in the Province for catching fish. In Lower Canada there are several kinds of nets used, especially for the taking of salmon, which has been a fishery of considerable importance, since, in the year 1863, the value of this fish caught is estimated at $30,000, though this falls far short of the actual value, for the sum only includes the salmon cured and packed, not those caught fresh and consumed, or sold in the markets. The nets used in catching salmon appear to be of three kinds, the chandelier or barrier net, the stake net and the float net. Now the gentlemen, to whom I have before referred as desiring to abolish all fixed engines for the catching of fish, maintain that this has been done in England, but in this respect they are not quite correct, as will be presently shown. What seems to be desirable is that the engines, of whatever kind, shall be so arranged as to permit the fish to pass up to the breeding grounds. Honourable members will call to mind that this subject attracted the attention of Parliament not long since, and that a Committee was struck to examine closely into it: that the amateur fishermen strongly pressed their views, but that another class of witnesses, being practical men, perfectly competent to give reliable opinions, were also heard. Among these witnesses there was a decided opinion that seining for salmon as a substitute for other modes of fishing is impracticable in the main St. Lawrence, and that it

would be destructive to allow seines in the fresh waters as is done in Britain. Other persons also engaged in the trade have been heard and have deposed to the same effect. It is clear then that salmon are chiefly caught in this manner, the brush weirs being used also for taking other kinds of fish. In Upper Canada they use three kinds of nets, seines, gill nets, and pound nets. These last, it appears, are sometimes stretched the whole way across the mouths of creeks or rivers, and so prevent the fish from going up, and this practice is regarded as very injurious; but gill nets, set at proper times, do not seem to be more objectionable than other nets. As to the accounts which have been published in the newspapers of the immense increase in the catch of fish in Great Britain, consequent, as is alleged, upon the abolishment of fixed engines, they should be taken with some allowance, for, although many fixed engines have been abolished by law, they have not all been, but the use of those that remain has been regulated, as is proposed to be done in Canada by this bill. It is well known that in England, in former times the means used to catch fish was even much more objectionable than those employed in Canada, but the recent enactment, which set aside the modern objectionable engines, respected the old and ancient modes as vested rights, and confined itself to regulating them. The manner and extent of this alteration are fully detailed in the reports made to the Imperial Parliament on the subject in respect of the salmon fisheries of the United Kingdom. Now, the enacting clause in the law of England which has been appealed to so confidently by the amateurs in this country as abolishing all fixed engines has, on the contrary, expressly reserved existing rights. I will read it for the information of the House.

It is section 11 of 24 and 25 Vic., cap. 109:

"No fixed engine of any description shall be placed or used for catching salmon in any inland or tidal waters; and any engine placed or used in contravention of this section may be taken possession of or destroyed; and any engine so placed or used, and any salmon taken by such engine, shall be forfeited, and, in addition thereto, the owner of any engine placed or used in contravention of this section shall, for each day of so placing or using the same, incur a penalty not exceeding ten pounds, and, for the purposes of this section, a net that is secured by anchors, or otherwise temporarily fixed to the soil, shall be deemed to be a fixed engine, but this section shall not affect any ancient right or mode of fishing as lawfully exercised at the time of the passing of this act by any person, by virtue of any grant or charter or immemorial usage: provided always, that nothing in this section contained shall be deemed to apply to fishing weirs or fishing mill-dams." This clause establishes conclusively, I think, that even in Britain, where so many and such advanced improvements have been make in respect of salmon fishery legislation, they have not yet gone to the extent of abolishing fixed methods of fishing. Indeed, I find that in a very recent number of the London *Field* particular reference is made to this question. I will read the extract from the editorial columns, because it has a peculiar

bearing on this discussion and comes from a journal devoted to the advancement of protective measures affecting the fisheries. I read from *The Field* of 11th February, 1865 :—"A letter from 'A Salmon-fisher for the last Fifty years,' which we publish below, proposes some very sweeping measures of legislation. No doubt they would solve the salmon question, though the process would be the well-known Gordian one.

* * * * * * * * * * * *

"To abolish all fixed nets, weirs, cruives, &c., much as we dislike them, would in many instances be to abolish property of a thousand years' title, and would be wholesale confiscation. We cannot agree with our correspondent in thinking that these details would be found at all 'easy to arrange,' and we doubt if any such bill would be likely to obtain even a hearing from Parliament. We are going full fast in our career of salmon legislation as it is, but the measures proposed by our correspondent, though doubtless effective in the highest degree, are much too strong meat for the weak stomachs which would be called on to digest it."

HON. MR. LETELLIER DE ST. JUST—Who were the parties that pressed for the abolition of the fixed engines, the amateur fishermen, or the fishermen who pursued fishing as a business?

HON. MR. CAMPBELL—The former chiefly, but, as has been shown, the very English law to which they appealed does not bear them out, since it recognizes old rights and merely regulates the manner of exercising them in future. It will be seen, however, that the English law provides one important change in the mill dams which extend right across the streams. There is to be a gate in such dams for the express purpose of allowing the fish to pass up the streams. This pass is required to be of dimensions suited to the size of the stream, the kinds of fish, the construction of the dam, and the demand of water power for the mill. Instead of being, as it has been in Canada under the old law, an arbitrary structure, open at all times, and such as in many places was ineffectual, and in some impossible to build, it will be simply such as shall serve a practical purpose. It is therefore desirable, in this respect, to make the law as easy and as little burdensome as possible. Instead of having one fixed size for fishways, involving in many cases a great waste of water and a large outlay of money, without being practically effective, it is provided in this bill that they shall not be of one invariable pattern—nor is it intended that they shall be kept open at all times; but that they shall be kept open at essential periods only, and that even then they shall not waste an unnecessary quantity of water. When the salmon or other fish are running up, these passes of course will have to be opened, at other times there is no reason whatever why they should not be closed. (Hear.) The proper times will be fixed by the local overseer. It is also proposed that, as the public are interested in these fishways, which are not for the benefit of any single individual, and, as it would be somewhat unfair to impose on the owners of the mill-dams the sole expense of making them, the public, through the Commissioner of Crown Lands, shall bear half the expense of constructing them. This expense cannot be considerable at any of the mill-dams, and it is proposed to share it between the Government and

the proprietors. This seems to be the plan which observation has shown to be the most likely to attain the required end. The rule in England is not that which has hitherto been in force in this country —it does not say with respect to all streams that there shall be a fish-way so many yards wide and so long or deep, but that there shall be a fish-way of the size which will answer the purpose for which it is built—wide enough and large enough to allow the fish to pass, and that the proprietor of every mill-dam shall attach to it a fish-pass of such dimensions as the Home Office may prescribe. This is made imperative by the 23rd clause of the English Salmon Fisheries Act, but no arbitrary model is prescribed, and the passage of fish is thus accomodated without injury to the milling power. This plan has been found by experience to be the best in England for accomplishing a much desired purpose without doing unnecessary injury to the owner of the mill, and this is the plan now intended to be adopted by the present bill. (Hear.) Doubtless in this, as in many other respects, the old law has been very defective; but, being the first essay, so much could not be expected as from a newer measure. I desire to mention here that the then Fishery Superintendent is entitled to every praise as the author of the old Act. It is in the next place proposed to change to a considerable extent the close seasons, that is, the seasons when no fishing shall be carried on. I am, of course, aware that difference of opinion exists on this point, and that views differ as to the best periods for prohibiting fishing. During the preparation of this bill I have heard a number of different opinions expressed by persons from various parts of the country —it being nevertheless almost impossible to get any very strong expression of opinion from any considerable number of persons in any one direction. Although there are diverse opinions upon the exact close time, there is a general concurrence in the need of some close periods. We have thought it best to make the close time a moderate one—not to give it any undue extension, but to go so far only as is absolutely necessary for the protection of fish when spawning; and I will read to the House a table showing in contrast the close periods under the old bill and those which it is proposed to adopt under the new one.

Table Shewing Relative Close Seasons for Fish Under the old Fisheries Act and the new Fishery Bill.

LOWER CANADA.

KINDS OF FISH.	DATES UNDER OLD LAW.	DATES UNDER NEW BILL.	REMARKS.
Salmon, (with nets.)	From 1st Aug. to 1st March	24th July to 1st May	An important prohibition is made by clause 12, sub-sec. 4, to prevent killing of small salmon and fry. Bag and trap nets prohibited.
Salmon, (with angle)	From 31st Aug. to 1st March	24th Aug. to 1st May	
Trout, (nets only in tidal waters)	From 20th Oct. to 1st Feby	1st Sept. to 1st Dec	Allows winter fishing after chief part of spawning is over. Can also set apart waters for breeding, and disallow fishing at all times.
Bass, Pickerel, & Maskinonge	From 15th March to 15th May	1st May to 1st June	There is no harm in catching them before the hot weather, and then they are in best condition.
Bar Fish or Sea Bass	None	None	But meshes enlarged do not destroy small fish.
White Fish	None	1st Aug. to 1st Dec	Do.
Fresh water Herring	None	10th May to 10th July	Applies only to the inland lakes.

NOTE.—The fry of these fish not to be killed at any time.

In Upper Canada the white fish is most valuable. During the last few years great destruction has been going on, and it is now proposed to stop summer seining——

HON. MR. SIMPSON—That won't do.

HON. MR. CAMPBELL—My honourable friend will pardon me for a moment. We propose to allow fish to be caught in gill nets at any period before November 15th——

HON. MR. SIMPSON—That will do.

HON. MR. CAMPBELL—So that they get the whole summer free from seine fishing, but are not to be protected against fishing with gill nets, which takes place in deeper and colder water, where the fish are in good condition, until after the 15th November, which comprises about one-half the average spawning season.

HON. MR. SIMPSON—That will do. I would even be willing to have the date fixed at 1st November. Without any question whatever, the white fish, which is one of the finest fish we get, breeds in November, at the same time as the salmon. They go to the lower part of the lake then and get upon the sand banks, where they spawn. I think my honourable friend is right now.

HON. MR. CAMPBELL—I am very glad my honourable friend from Bowmanville is of that opinion. The honourable member from Victoria (Hon. Mr. Ryan) thinks that, with reference to trout, the close season mentioned is not sufficient. Well, I only wish to inform the House of the character of the bill, and it will be referred to a Committee of the House, composed of those honourable gentlemen who, I think, have most acquaintance with the subject. I have, however, great reliance on the experience which has led me to the fixing of the periods given, for it is not that of a single person only, or even of a single class of persons engaged or interested in fishing, but has been gathered from the various opinions and views of all persons and classes, and I am disposed to think we had better not depart from it except on evidence much stronger than any this House has yet had before it. (Hear.) I will proceed to that part of the table which relates to the different fishings of Upper Canada :—

UPPER CANADA.

KINDS OF FISH.	DATES UNDER OLD LAW.	DATES UNDER NEW BILL.	REMARKS.
Salmon.....	From 1st Aug. to 1st March.. ...	24th July to 1st May.....	See sub-sec. 4 of sec. 12. No nets within 200 yards of any creek. Bag and trap nets prohibited.
Speckled Trout.	From 20th Oct. to 1st April..... .	1st Sept. to 1st Dec.....	No close season specifically, but makes a large sized mesh to nets, and prohibits setting on spawning shoals, &c.
Salmon Trout...	From 15th Nov. to 1st Feb..... Lakes Huron and Superior were excepted.....		
White Fish.....	None.....	15th Nov. to 30th Nov.....	Prohibits seining in June, July and Aug. Also disallows gill nets within two miles of seine grounds, and on spawning shoals. Limits length of seines, but does not alter meshes of nets now in use.
Bass, Pike, Pickerel and Maskinonge.....	15th March to 15th May.....	1st March to 15th April.....	Makes a fair average season.

The fry of these fishes not to be killed at any time.

HON. MR. LETELLIER—Now I ask, and the question, I think, deserves great consideration on the part of the Hon. Commissioner of Crown Lands, whose measure, as far as I can judge, is very much better than that we now have, is the killing of salmon in the fisheries to be a punishable offence? I know the facts and feel that the law cannot be applied in this respect without gross injustice to the section of

country between, I may say, Berthier or Beaumont and the District of Rimouski, and further, that of Bonaventure, for in all parts of that coast line the fisheries are fixed in the spring and stand until the fall, during all which time there is a chance that salmon may come into them.

HON. MR. CAMPBELL—In such cases it will be the duty of the owners of the fisheries to set the salmon that may accidentally come into the net at liberty, as is provided for by one of the clauses of the bill. I know of no other course. If the fish should be killed, it will be for the overseer to take the facts into consideration when complaint is made. It is, however, impossible to say, on the one hand, that there shall be a close season for salmon, during which they shall not be taken, and, on the other, that, in certain cases they may nevertheless be caught. I suppose any man who might kill fish in the way described by my honourable friend might, under this bill, plead the facts and practice of *bona fides* in extenuation.

Then I propose to introduce a system I find in use in England and Scotland, which is attended there with the most satisfactory results. It is new to this country, but I hope it will receive the assent of this House and of the Legislature. We propose that there shall be a weekly close season. (Hear.) In England and Scotland, for 36 hours commencing on Saturday night and terminating on Monday morning, the salmon nets are lifted, or some measure taken to allow the fish to pass the nets. I think it is desirable, in the interest of the fisheries, that there should occasionally be a free run for the fish, and I believe the restriction now proposed will be a wholesome one and be beneficial as well to the fishermen themselves as to the public. It will not do to put the fishermen to any great inconvenience to observe such a restriction, but I apprehend that by the means suggested in the bill it can be done without much inconvenience. In most instances the stake nets for salmon are connected with the shore by a "leader" or "guide," and the fish on their way up the stream meeting with this obstruction, finding it bars their passage, swim down along the "leader" and get into the "pound," where they are captured, or are meshed in the gill or float nets. A free run can consequently be given them by simply lifting the "guides," and the bill provides that they shall be lifted or lowered for 36 hours, from low tide on Saturday to low tide on Monday.

HON. MR. LETELLIER—So the fishermen will not be able to work on Sunday.

HON. MR. CAMPBELL—I take Sunday as probably the most convenient, because many people do not fish on that day, but what I want is the 36 hours free run, whether on Sunday or any other day of the week. (Hear, hear.)

HON. MR. MOORE—In small streams it should be provided that they be fixed across half the width of the stream only.

HON. MR. CAMPBELL—Provision is made in the bill against the main channel of streams being obstructed, and the clause is as follows :—

"The main channel or course of any stream shall not be obstructed by any nets or other fishing apparatus; and one third of the course of any river or stream, and not less than two thirds of the main channel at low tide, in every tidal stream, shall be always left open: Provided that weirs used exclusively for catching eels, and the usage of mill-dams for catching eels, shall be subject to interference only in cases where, and at times when, they injure other fisheries, or by completely barring any passage, shall deprive other weirs of a share in the run of eels; and such place, time and circumstance may be determined by any fishery officer."

I speak now, however, in reference to those nets which are connected with the shore. In large streams, as my honourable friend well knows, the fish do not to any great extent go up the middle—they go up at the sides, and, if you desire to do what is fair to those who have fishing rights up the rivers, it is only reasonable to give 36 hours of an open period during which the fish can run up. (Hear.) A further alteration I propose to make affecting the stationary fisheries for salmon is to prohibit gill or float nets being placed as extension of the chandelier nets outside of the pound.

Hon. Mr. Moore—I would give them even more than that, I would give them half the time open: would have the nets lifted either by night or day.

Hon. Mr. Campbell—The nets, it will be observed, are not to be lifted altogether, but a part is to be removed or drawn aside like a curtain, to give the fish free way. An objection seems to have been taken that this would be impossible in practice, but that is met by the Fishery Commisssioners in England, in language sufficiently strong to show that these nets, which are connected with the shore by "guides," can very easily be lifted in this partial manner. It is said in their report:—

"Many witnesses contended that, if fixed nets and engines are not to "be wholly prohibited, there is no sound reason why the weekly close time "shall not be extended to them. Indeed, some contend not only that the "weekly close time should be applied to all fishing, but that it should "be enlarged so as to last 48 hours instead of 36. It has been said that "there would be great difficulty in the observance of a weekly close time "with regard to bag nets, which are entirely in the sea below low water "mark, on account of storms, in which it would be impossible to take up "the chamber of the net, but such occasions would probably not be of "frequent occurrence, and no great difficulty is now found in enforcing "a weekly close time in the case of bag nets in Ireland, although it was "not observed when first established. In the case of stake nets, which "are placed on the shore between high and low water marks, and are "dry at low water, it is not suggested that there would be any difficulty "in the observance of a weekly close time."

There is thus no difficulty there, although it is quite as stormy on the British and Irish coasts as it is in the St Lawrence, and I do not apprehend that after a fair trial any difficulty would be found either. I look

on this restriction as a point of very great importance and likely to enhance the value of the fisheries to a great extent. (Hear, hear.) I have also heard an objection made to the clause of the bill under which the pounds of brush weirs must be closed for 36 hours. It is proposed to close them in this way: that there shall be gates at the entrances of these pounds, made of the same kind of wicker work as the rest of the weir, which are to be closed for the 36 hours mentioned, to prevent the fish from entering the enclosure, and thus allow them to pass up the streams. This can be done without much expense, and is a very desirable measure. As to the difficulty in enforcing the closing of these gates, we must depend, to a great extent, on the overseers, but to a greater extent on the spread of the impression that to give the fish this free period will enhance the value of the fisheries to every body. I hope and trust that, when the people become impressed with this belief, they will willingly obey the law. (Hear.) The Indians on the Restigouche river sent up a deputation on this subject. They lay very great stress on this point. It seems that the boundary between New Brunswick and Canada is almost everywhere very near our shore, and the New Brunswick people stretch their nets almost across their part of the river, while the Canadians cannot place any nets at all, without undue encroachment on the small portion which belongs to Canada. Thus the fish cannot get up at all, the stream being so barred by nets.

HON. MR. LETELLIER—It is a fine river, and they are quite destroying it.

HON. MR. CAMPBELL Well, it was suggested by the deputation that it would be of great advantage to the Indians to at least mitigate the evil by allowing the salmon to pass freely along our shore during the time provided for by this bill. Before leaving the Restigouche, I ought to mention that arrangements are being made with the Government of New Brunswick to adopt the same law there, and I hope the New Brunswick Legislature will pass a measure of a similar kind, so that partly through their endeavours, and partly through our own, we may prevent the total destruction of salmon there. In a very interesting *brochure*, published last year by the Lieutenant Governor of New Brunswick, the abuses practised in the salmon fisheries of the Restigouche are described, in the hope that attention may be directed towards correcting them. It has been proposed that we should do away with the system of using other kinds of nets, known as trap and pound nets, and also of fishing with gill nets, which is said to be an unfair way with reference to other proprietors who catch fish. In Upper Canada it is found that in some localities the practice has crept up of stretching nets entirely across certain open spaces. In the Bay of Quinte, for instance, there are certain guts opening into the lake, a mile or two miles in width, and nets are stretched absolutely the whole way across them, thus preventing altogether the passage of fish into the bay. One case has come before me from Lake Huron, where, between Drummond Island and Cockburn Island, and near St. Joseph's Island, nets were stretched across the

entire channel, in this instance by an American from Cleveland, thus barring every passage, and the people complain grievously of the total destruction of their fisheries. The Indians of the Manitoulin Islands are especially aggrieved at this. I believe some difficulty of a similar kind has been experienced in that part of the country represented by my honourable friend from Burlington (Hon. Mr. Bull), that nets are stretched across some passage there so as to prevent the ingress of fish into Burlington Bay. It is proposed also to prevent the spearing of bass only at certain periods of the year, and this is another point on which my honourable friend from Burlington takes great interest; and indeed the clause was added to the bill at his suggestion. (Hear.) I now revert to the subject of white fish. The owners of the gill nets say the fish are being destroyed by the use of the seine: the owners of seines say the fish are being destroyed by the use of the gill nets. I will read to the House some of the opinions bearing on this branch of the subject. Mr. Joseph Pierson, of the township of Hillier, and many others in Prince Edward county, where the very extensive and highly remunerative white fish fisheries, once carried on, are now nearly destroyed, say that the gill nets cause this destruction. Mr. Edward Brady, of Consecon, and others, on the other hand, attribute the injuries done to the white fish fisheries to seining. The same view is expressed by Mr. Leslie of Brighton, and also by the honourable Mr. Wilkins of Carrying Place. These opinions will demonstrate to the House that, so far as the expression of individual opinion goes, persons are influenced, as is natural, some by their own interest and others by local views, each one (when the parties are actual fishermen) desiring to abolish that mode of fishing which his neighbour or his opponent carries on. (Hear.) I propose in the bill to allow seine fishing to be continued, but not during the summer months, while the fish are along shore on their proper feeding grounds accompanied by innumerable fry, which drawing the seine destroys, when, if caught, they cannot be cured, and when they are flabby and soft. During these summer months, however, we propose to allow them to be caught, with gill nets, which are set in deeper and colder water, when the fish are in a better state, so that they can be sent to market either in ice or some other way. (Hear.) During this time also the salmon and salmon trout fisheries are being carried on. These, honourable gentlemen, are the principal changes we propose in this bill. The system of fishing bounties we propose to continue, allowing it to remain as it is. After the bill shall have been read a second time I propose to refer it to a Special Committee on which I shall endeavour to name those who will take most interest in the matter, who will go through the measure carefully and suggest such alterations as may be found expedient or necessary. The House is aware that I have another bill on the table, intended to provide for the proper curing, packing and inspecting of fish. I have hoped by these two measures to effect what is most desirable in reference to the whole subject, both as to the catching of fish and the preparation of them for market after being caught. I have,

in my own mind, always laid much stress on this valuable trade, and have recently taken pains to inform myself fully in reference to it. And, although we cannot legislate on the subject this session, I hope the remarks I have made will remove some misapprehensions that existed in the public mind—that the impression will be removed that in England, Scotland and Ireland they have gone to the extent of doing away with fixed engines—and that, if we desire the36 hours free run, it is in the interest of those who used such fixed engines, as well as the public at large. I hope the ultimate result will be that this important trade will be much augmented, and that we shall eventually have the fisheries ranked among the most valuable resources of the Province. (Hear, hear.)

Hon. Mr. McCrea—Has my honourable friend considered a difficulty which exists in the Detroit River, where the Americans fish with seines with smaller meshes than those mentioned in this bill? It is plain that, if they are allowed to use nets with smaller meshes than Canadians can use, our fishermen will be working at a disadvantage.

Hon. Mr. Campbell—The section which relates to this subject is as follows :—"Seines for catching white fish shall have meshes of not less than three inches extension measure, and shall not exceed 165 feet in length : provided that in the rivers Niagara, Detroit and St. Clair seines may be used not exceeding 300 feet in length." Of course we can only regulate our own law—not that of a foreign country—but it will not be impossible to bring public opinion to bear in the State of Michigan, and so procure the adoption there of a law found beneficial here.

On the 10th March, in reply to honourable members who had on that and the previous day addressed the House on the subject, Honourable Mr. Campbell said :—My honourable friend who first commented upon my remarks (Sir N. F. Belleau) has overlooked a provision of the bill which meets his objection in respect of the protection to the cod fishery, and that honourable member has read to the House portions of the Report of a Committee to the other branch of the Legislature to the following effect :—

"Hand fishing-lines are the principal means made use of to catch cod in Canadian waters. On the North Shore the seine is sometimes, but seldom, employed, and at the Magdalen Islands set lines were formerly used. Practical men maintain that the use of the seine is ruinous, as it destroys a quantity of very small cod, and, on the other hand, they assert that set lines cause irreparable damage, by catching large fish supposed to be mother-fish.

"Your Committee, therefore, suggest the abolition of these two latter modes of fishing."

Now, if the honourable member will refer to the 9th section of the bill before the House, he will find that the suggestions of the Committee have received every attention, and the very provision for which he contended is made, it being there stipulated that the nets to be employed shall have meshes of not less than four inches in the arms and

three in the bottom. And so on with regard to mackerel. There are regulations more or less stringent regulating that fishery. There is also a regulation prohibiting "bultow" lines within three miles of the Magdalen Islands. The total prohibition of codfish seines and of set lines, although so decidedly recommended by the Committee, was not carried out, because it was not deemed advisable, and in deference to the express opinion of Captain Fortin, who says that to do so would very seriously and unnecessarily injure the fishermen. The honourable member also alluded to the herring fishery, but there were no recommendations on the subject in the report quoted by me. I believe that herrings have been injured by the fixed engines, which destroy the fry, and I have therefore provided that the gaps shall be covered with net work, which will allow them to escape. Then, the character and competency of the overseers to be employed in carrying out the law has been adverted to, as not offering sufficient guarantees for its proper execution; but honourable members ought to remember that the amount placed at the disposal of the Commissioner of Crown Lands for this special service is not such as to warrant a large expenditure. There is a vast extent of country to be looked after, and a great number of rivers to oversee, running some thousands of miles, and, if the work of overseeing has to be done by largely paid agents, no amount of money which could be appropriated by Parliament for this purpose would defray the expense. Then, as it was impossible to employ largely paid officers, I have done the next best thing in my power. I found that the services of intelligent practical men interested in the protection of the fisheries, and who are willing, more from a love of the occupation than because of the reward, to co-operate in carrying out the law, can be secured for a very moderate remuneration, and I have therefore decided on availing myself of their help. So far as I can see, this is the only practicable way open at present of dealing with this branch of the subject. The honourable member for Grandville complained that the Superintendent of the Gulf Fisheries, Captain Fortin, has not received that countenance and support from the Crown Lands Department necessary to enable him effectually to discharge his duties. Now this is an absolute mistake, and I am perfectly assured that there is no such impression on the mind of Captain Fortin, but that, on the contrary, that gentleman will be ready to declare he has received all due aid and countenance from the Department in this respect. Captain Fortin is an administrative officer, and I have great pleasure in stating that he has discharged the duties appertaining to his particular service with the greatest energy and intelligence. But this does not render it necessary to institute comparisons between him and other officers. The other officers are Departmental officers whose business it is to carry out the instructions of the head of the Department, and, as occasion renders it necessary, to communicate them to the Captain, or to others, as the case may be. The instructions are not theirs, but those of the Department, and, of course, all such instructions have to pass through the

head of the Fisheries Branch (Mr. Whitcher) who, as I have already stated, also discharges the duties of his office with rare ability, and I feel sure that Captain Fortin has always received the most cordial assistance of that officer in his particular line of service. Indeed, I now learn it for the first time if such be not the case, and I will be extremely surprised if Captain Fortin has any knowledge of, or has acquiesced in, the complaints here made apparently in his behalf. Objection has been made to the accumulation of arrears of rent for fishery privileges, which could not readily be collected owing to defects in the law ; the loss, however, if any, must be comparatively small ; forbearance has been exercised towards the parties, but means are being used to call in these debts, and I am satisfied there will be no extensive loss. The honourable member for Saugeen (Hon. Mr. Macpherson) has referred to a change in the law in respect of the fisheries on Lakes Huron and Superior, alleging that there is no provision at present for close seasons, but in this he is mistaken, for, in respect of one kind of fish, white fish, there is a close season on those lakes from the 15th of November to the 30th of November, during which time that description of fish is not to be caught. There is certainly no distinct provision in respect of a close season in the old act ; but I think there should be one, and can see no reason why white fish, one of the most highly prized of our lake fish, should not be equally protected. In June, July and August, when this fish is soft and almost unfit for food, it is caught in large quantities and left to rot on the beaches, and in this way there is a great destruction and waste of this very superior fish. I cannot well see why the restriction should not apply to Lakes Huron and Superior, as well as to the other Lakes, providing always that the proper time is chosen, as it is possible that the season in one place may not be the exact season in another. If there is such a distinction, it can be ascertained and provided for in the bill before it becomes law. But, in my opinion, there should be a close season on all the lakes for all kinds of fish, whereas in the old law there was a general close season only for speckled trout. The honourable member has also alluded to the distance from the shore at which gill nets may be placed. It is now five miles, and I have reduced it to two miles, making this distance only where seining grounds exist, and, from all I can learn from parties engaged in this industry, this will be about fair for all the interests involved. The honourable member for Victoria (Hon. Mr. Ryan) stated that there is no provision in the bill for the disposal of saw-dust, which he mentioned should not be thrown into the water, but that honourable member is also mistaken, and, if he will refer to the 2nd paragraph of the 18th clause, he will find it there enacted that the saw-dust is not to be thrown into the water. This, I hope, will relieve the honourable member's anxiety. In reply to another remark of his, I may also say that the bill imposes fines of not less than $8, nor more than $20, and imprisonment, when the fine is not forthcoming, of from eight days to one month. Section 20 makes offences daily and separate.

HON. MR. RYAN—That is not sufficient.

HON. MR. CAMPBELL—Well, the honourable member behind me said it was too severe, (laughter), so between conflicting opinions I think the medium has been about ascertained, and at any rate such details might be changed in Committee. The bill has been prepared with great care and after patient consultation with practical men, and I think it deserves the assent of the House. I at first proposed to refer it to a large Special Committee, and had selected members from both sections of the Province, who, I thought, would be able to give the subject due consideration, but, upon reflection, and at the suggestion of the honourable Speaker, I have decided to bring it into Committee of the Whole on Monday, when I will move the adoption of my own amendments. The Committee will then rise and report progress, and the bill will be printed as then amended, and so placed before the country. The Government propose to make arrangements by which the unfinished business shall be taken up next session at the stage at which it is left this session, and, if this is agreed to, then the bill can be put in Committee again at the commencement of the next session, and, if necessary, after that sent to a Special Committee. This, I think, would be the most effectual way of dealing with it. [Hear, hear.]

HON. MR. BOSSE having suggested that, as regarded Cap des Monts and Blanc Sablon, and other places in their neighbourhood, where there were no Justices of the Peace, Commander Fortin should have authority to try persons charged with offences against the fishery law, instead of their being brought up to Quebec and removed from their families for an indefinite term, with perhaps disastrous consequences to hemselves, and that the Government schooner should, for the purposes of the Act, be used as a jail for the detention of the offenders ; and further that the municipalities of the Magdalen Islands should be empowered under the bill to make such regulations as they might deem necessary for the protection of their fisheries :

HON. MR. CAMPBELL said :—I concur in the suggestion of the honourable member, and am obliged to him for making it. When the bill comes up again I think it would be well to embody such a provision in it respecting the Magdalen Islands as the honourable member has pointed out. As to making the schooner *Canadienne* a jail, I fear that would not meet the difficulty, as she could not always wait in the place where the offender was convicted until the term of imprisonment had expired, and so the unfortunate man, taken from Moisie, or elsewhere, might be landed at Restigouche, or some other equally distant place, which would be just as bad as to bring him up to Quebec or send him to another prison. There are, no doubt, difficulties in the way, but the offences have usually been visited with fines, and, if these were not paid, by confiscation of the nets. As to the want of magistrates, it will not be so great as the honourable member seems to fear, since all ordinary magistrates are to be authorized to act ; then the overseers will be clothed with the same power, and, with the stipendiary magistrates it is hoped the law may be reasonably well executed.

CROWN LAND POLICY.

LEGISLATIVE COUNCIL, QUEBEC, 31st AUGUST, 1865 :

HON. MR. CAMPBELL, Commissioner of Crown Lands, said he thought few subjects could possess greater importance to the country than that which the honourable member for Saugeen (Hon. Mr. Macpherson) had brought under the notice of the House, and there could be no doubt that every honourable member would concur in the general objects which he had in view the increase of our population, and the settlement of our unoccupied lands. And no one would deny the general proposition that it was better to have thrifty occupants, than to make sales of lots. He, therefore, concurred in the general view, but he doubted whether the House would be prepared to subscribe to the modes of relief which the honourable member had suggested. For his part, after having given the subject his best attention, he was not prepared to give an opinion in their favour. He could not agree with the honourable member that the remedies he proposed would bring about the great and beneficial changes he had anticipated from them. Nor did he regard his arguments as convincing, in regard to the great results said to have been produced in the United States by the means suggested for our adoption in this country. The honourable member had traced the stream of emigration as diverted, he alleged, from our shore as far back as 1833. If there had been such a diversion then, certainly it could not have been caused by the homestead exemption law, of which he had spoken, since that law was first passed in the United States in 1861, or 1862. That the stream of emigration had been diverted from Canada might be true, and, while he deplored the fact, he was desirous of doing all in his power to bring it back again. The honourable member must perceive, on reflection, that the causes to which he had ascribed that diversion were not the real ones in operation. In his (Mr. Campbell's) opinion, it was a great mistake to decry our country for the purpose of lauding the United States. (Hear, hear.) He did not say that the honourable member had done this, but it was too much the custom of some people to do so; just as if there was a great difference in the legislation or government of this country, or, in fact, in anything else in this country, unfavourable to the happiness and prosperity of its inhabitants, as compared with those of the States. The causes of superiority in the extent of immigration and increase of population, if there were such, must be sought for in other directions. In a very large and populous country like the United States the correspondence with the Old World was, of course, proportionally greater than in a country like Canada. Then, it occupied a larger share of attention

in the public mind. In public discussions of any kind, through the press and in the various legislatures, and in all sorts of ways, such a country would have a prominence which we could not hope to have. It was to these general causes, rather than to any defect in our legislation, that the greater stream of emigration to the United States might be traced, and, at any rate, it was not correct to ascribe the difference to the homestead exemption law, as the honourable member had endeavoured to do. Then, again, as to the honourable member's remarks in relation to the greater general prosperity of the United States, he must be permitted to question his accuracy. Had there really been such increase in the progress and prosperity of the United States as to give us grounds of envy? It was not correct that in any one of the States, as in the aggregate, there had been greater improvement, in proportion, than in Canada. He had no hesitation in saying that, within the last two decades, we had advanced as rapidly, if not more rapidly, than that great country, whether in population or in wealth.

Hon. Mr. Moore—Or in productiveness.

Hon. Mr. Campbell—Yes, or in the multiplication of our live stock, the quantity of grain, or the increase of articles of luxury. In nothing that he knew of had Canada fallen behind the United States, if the progress were judged by the respective proportions of both countries. Thus, notwithstanding the defects in our means of attracting emigration or capital, all things considered, he did not see anything to envy or be jealous of in the neighbouring country. Anticipating the line of discussion which this motion would occasion, he had furnished himself with certain statistics which he would submit to the House, and he thought it would be seen that, in lieu of causes of complaint, we had good cause of congratulating ourselves on our freedom from the almost unbearable taxation to which the people of the United States had to submit, consequent upon the expenses of the late lamentable war. Let our system of land administration be what it might, it was clear that it had not the effect of attracting a greater population than had been attracted in any State of the Union. He would now read extracts from two articles which had appeared in the *Globe* in June last, by which the relative progress of the two countries in population and material wealth was fairly seen. He would not trouble the House with very long extracts, for he believed the remarkable articles in question had been very generally read. The first related to the increase of population, and the portion to which he desired to call attention was as follows:

"Excepting Indiana, the increase in Upper Canada in ten years "was more than double the rate of increase maintained during the same "period by any State having a population equal to or exceeding its own. "Upper Canada in ten years increased its population from 952,004 to "1,456,681, an increase of 53·01 per cent: New York (including the "metropolis of the Union, whose rapid growth in population has been "considered almost unprecedented) from 3,097,394 to 3,880,735, an "increase of only 25·29 per cent: Pennsylvania, from 2,311,786 to

" 2,906,115, an increase of 25·66 per cent: Ohio, from 1,980,329 to " 2,339,511, an increase of 18·15 per cent: Virginia, from 1,421,661 to " 1,597,318, an increase of 12·28 per cent: Tennessee, from 1,002,717 " to 1,109,801, an increase of 10·68 per cent: Massachussetts, from " 994,514 to 1,231,066, an increase of 23·78 per cent: Kentucky, from " 982,405 to 1,155,684, an increase of 17·64 per cent.

"At the census before the last there were nine States in the Union " which had a greater population than Lower Canada; New York, " Pennsylvania, Ohio, Virginia, Tennessee, Massachussetts, Indiana, " Kentucky and Georgia. At the last census Lower Canada was headed " by only eight States, having, in nine years against their ten, outstripped " Georgia and Tennessee, and been passed only by Illinois. At the " census before last, Tennessee was ahead of Lower Canada in popula- " tion by 112,456, and Georgia by 15,924. At the last census Lower " Canada was ahead of Tennessee by 863 and of Georgia by 53,378"

The foregoing extract showed that, in respect of this increase of population, Canada stood at the head of every one of the States.

Now, in regard to the increase of wealth, he would read from another article in the same paper. It was as follows:—

"It thus appears that, labouring under all the disadvantages of a worse " public land system, Canada, and especially Upper Canada, made in " nine years a much greater advance, in proportion to her population, " than the whole of the United States and Territories did in ten years. " In Canada, except in certain limited districts not advantageously situ- " ated, no one can enter on the public lands without paying from half a " dollar to two dollars, or more, per acre, and yet, we find that, while " Upper Canada in nine years added nearly 64 cultivated acres to every " 100 acres under cultivation in 1852, the United States and Terri- " tories in ten years added only a little over 44 acres to every 100 acres " under cultivation at the date of the previous census; that Upper Can- " ada subdued her wild lands more rapidly than even the growth of her " population at a rate almost double that in the United States (the pro- " portion being as 17.10 to 8 72), and that even Lower Canada brought " her wild lands into cultivation at a rate exceeding her growth in popu- " lation, which equalled within a fraction the rate in the United States " (the proportion being as 8.50 to 8.72); and that the whole of Canada " brought her wild lands into cultivation at a rate, in nine years, exceed- " ing the rate of increase of cultivated lands in the United States in ten " years, by over five per cent, and at a rate, too, exceeding her growth " in population largely in advance of that of the United States (the pro- " portion being as 13.70 to 8.72). Ohio, the second wheat-growing " State of the Union in 1850, and being a State approximating to Can- " ada in population and other important respects, was selected by Mr. " Hutton, in his report on the census of 1852, for the purpose of drawing " a variety of instructive comparisons between its progress and that of Can- " ada during the previous decade between 1850 and 1860. We find that ' Ohio increased the number of its cultivated acres only 28.16 per cent,

"against an increase in nine years in Lower Canada of 33.26 per cent, "in all Canada of 49.77 per cent, and in Upper Canada of 63.75 per "cent. and that in 1860 she had fallen from the second to the fourth place "in the list of wheat-growing States, while, as a grower of wheat, Upper "Canada was still ahead of the very first in the list, the great grain "growing State of Illinois."

Now, when he found this to be the relative progress of the two countries, he certainly did not perceive anything to excite envy or cause apprehension. The honourable member had said also that of all the immigrants who passed through Canada only one-sixth remained in it; but did he suppose it was because of the protection that the homestead law afforded the settlers in the United States? Supposing that the homestead were excepted in that country from seizure during five years, the same law, or one equivalent thereto, existed in this country.

HON. MR. MACPHERSON—That was only one of the features of the homestead law to which he had called attention.

HON. MR. CAMPBELL—Well, that feature was found in our law. The settler had five years to pay for his land, and during that period it could not be sold, for it remained the property of the Crown (hear, hear); hence the positions of the two occupants were alike. Then, the honourable member had said the land was free or given gratuitously to the settler on condition of occupation and culture, but did he suppose that the hundreds of thousands of emigrants who came to the States knew that they could get land free? He (Mr. Campbell) doubted it. Indeed, it was not the new comers who went and settled upon the free lands of the West, but old residents who had hung and always hung upon the outskirts of civilization, and who were ever passing away into the new openings. These were the people who availed themselves of the homestead law, and he was persuaded that enquiry would show that few English, Irish or other Europeans went into those new countries. These clustered about the older settled districts and towns, and in fact they were ill prepared to go at once into the wilderness. It was for the hardy and well accustomed natives to do this, and they were the persons who did so. It was not the free homestead that attracted the emigrants, but the letters of their friends giving glowing accounts of the wealth and the resources of the country. Then, it was not an easy thing, when once it had set in any given direction, to direct a scheme of this magnitude, and it would continue to flow on irrespective of the many obstacles which might seem sufficient to interrupt it. Again, the bulk of the lands remaining for sale in Canada was not in many respects very attractive. They were situate beyond the peninsula north and west of the garden of the Province. The larger proportion of these lands were on the shores of Lakes Huron and Superior, or north of the settled portions towards the Ottawa. These lands were now to be bought for 1s. the acre, and all that had been sold were sold at that price. It was clear that, when land could be had for so little, it was not the price that prevented its being taken up, but the remoteness of the places, and perhaps the

roughness of the soil, so different from the portions now settled, and which having been seen could not but make the others appear so unpromising. Such were most of the lands we had still to dispose of, and, as we could not make them better, or bring them nearer to the settlements, we had to do the best we could with them. Under the American homestead law the occupiers of the lands had to perform certain settlement duties just as under our own law. The honourable member had frankly admitted the encouraging increase in our population, but he was desirous to see a quicker and larger increase, and so was he (Mr. Campbell), but did the honourable member imagine that the homestead exemption law would ensure that?

HON. MR. MACPHERSON did not mean the exemption law at all, but the free homestead law which secured to the settler a homestead free of cost.

HON. MR. CAMPBELL—And even then all the difference was 1s. per acre, and not even that, for, under the United States law, the occupier had to pay $10 for the survey, whereas with us the occupier paid nothing for his. The Government paid 6d. for survey, and sold the lands for 1s., or, deducting the survey, for 6d. per acre. The honourable member held that, if we had a homestead law, we would succeed in attracting emigrants, and in another breath stated that the system of free grants had failed. He said, too, that one of the advantages of the homestead act was that the creditor could not seize it for five years.

HON. MR. MACPHERSON—That was not the main feature of the Act. That which most attracted emigration was free lands for actual occupiers.

HON. MR. CAMPBELL had not mistaken the honourable member at all. He wanted free lands, and he (Mr. Campbell) replied that we had tried the system of free grants without realizing all the advantages which the honourable member anticipated. But then it was true that he contended that the settlers should not be restricted in their choice to lots on the roads opened out, but should be at liberty to choose for themselves where they would dwell, to go back or not as they pleased. Now, he (Mr. Campbell) thought it much more convenient for them to settle on the front lots, where they would have the advantage of the road. It seemed evident to him that, if we could not get them to take lots free on the roads ready made, they would hardly be induced to take them in the rear with all the disadvantages and hardships incident to such isolated positions. The only reason he could discover why the free grant system had not worked as well as could have been desired was that he had already assigned, viz., the roughness of the lands when compared with those on the peninsula and other favourite localities. In these remote places they were far from churches, markets and schools, and for the first few years life there would be solitary and toilsome. These were the causes why people, who had come from countries where the land was rich and fine, disliked to settle on the free grants, but then there were emigrants from less favoured places in Europe to whom even

such lands would be very acceptable, and we had still large tracts which could compare favourably with the homes left by such settlers. Now, as to the suggestion of a homestead law, which the honourable member desired the House to adopt, it would be well to enquire, before doing so, what result might be expected. He (Mr. Campbell) had shewn that the decision of the stream of emigration was not due to the homestead law of the United States, since it was only passed in 1862, and we had now one of our own substantially the same. He doubted very much whether we should receive the increase anticipated if we adopted an exactly similar measure, and indeed he thought we ought not to be discontented with our rate of progress when it was found that we had actually kept ahead of the United States in this respect. Then, what would we lose if we adopted that system? He would show by the results of the lands sold and the money received what that loss would be. From 1 July 1863 to 30 June 1864 the receipts of the Crown Lands Department for lands sold amounted to $1,358,636.74, and from the same date in 1864 to the same date in 1865 to $1,374,517.58. For the nine years, commencing with 1857 and ending 1865, the gross sum so received amounted to $10,202,000. Now, by adopting the honourable member's plan these vast sums of money would be lost to the country, with all the advantages which would flow from their profitable employment, for, if the land must be free, it must, according to his argument, be free alike all over; but what should be said to the parties who owed money for lands bought in the past? Could we, in the face of such a system, tell such persons that they must pay to the last farthing? We could not do that. If we changed the present plan of conserving lands for that recommended by the honourable member, we must remit all that was now due; and how much did honourable members suppose was now due for lands? Why, almost $7,000,000 in Upper Canada and $2,000,000 in Lower Canada. Was the House prepared to give up this sum, and, with it, to unhinge the sound morals which taught people to discharge their honest obligations? For his part, he thought it would be a most unsafe proceeding. It was not prudent or fair to ask the House to surrender the large amount involved. The honourable member had complained also of the large grants made to companies, but there had been no such grants of later years. Some years ago a large quantity of land was sold to the Canada Land and Emigration Company, but it was on terms which the then Commissioner believed would be advantageous to the country. That gentleman thought it would promote immigration, and there were annexed certain conditions of settlement which had been strictly enforced. This settlement condition devolved upon the Company, whose business it was, at stated times, to produce evidence that it had been duly observed. The land so sold had been surveyed, and all but the swamps had been included in the tract. The Company was required to pay the whole price within a certain time, and had done so. It was true they had endeavoured to parcel out the lands into five different classes or qualities,

assuming that they ought only to pay the full price agreed upon in respect only of the first class, and that the price of the others should be in proportion; but he (Mr. Campbell) thought they had got full value for their money, and would not agree to any such conditions. He only deducted such portions as were proved to be wholly unfit for settlement, and the rest was paid for at the price agreed upon, half a dollar per acre, the sum of $195,000, received in June of this year, having been the final payment upon the purchase. Now, it was well known that the value of land consisted in great part, often in the greater part, in the timber which grew upon it, and he (Mr. Campbell) well knew that the company would probably get more for the wood on lands not fit for cultivation than they would from the better lands. Over a large extent of the Ottawa country the Crown got from $1 to $1½ for the timber, and after that the land itself remained its property. The honourable member wanted all this thrown open, but he (Mr. Campbell), while believing it would not promote immigration, felt very sure that it would seriously diminish the income of the country. Then, was it reasonable to ask that a system of giving lands away so indiscriminately should be adopted, while, at the same time, it must issue in the certain destruction of our immense lumber business? Then, again, the honourable member had complained of the means used for the recovery of the moneys due on the lands sold; but he (Mr. Campbell) thought that the fact of the large outstanding debt he had named was sufficient proof that, whatever steps might have been taken to induce payment, there had at least been no oppression, but, contrariwise, the greatest lenity and indulgence. In no single instance that he was aware of had the settler forfeited his land. Indeed, he believed that all the Commissioners of Crown Lands had evinced the same regard for the interests of the settlers, and that the greatest care and caution had been used—he might say had been studiously employed—to preserve to them the possession of their lots.

Hon. Mr. Macpherson—They should not then have been threatened.

Hon. Mr. Campbell—The only threat he was aware of having been used was a notice that a payment was required. The honourable member alleged that, in consequence of this demand, some of them had borrowed money at from 15 to 25 per cent. interest, and that this money was dearly bought by the Government. He did not know how this might be, but perhaps something in relation to the payments to be made might throw light on the subject. The call was made on the 2nd September, 1861, and during the ensuing six months $125,000 over and above the amount paid in the corresponding period of the previous year had been received. The honourable member had stated that these payments distressed the settlers, but he (Mr. Campbell) hardly thought so, for it seemed to him that, when people owed money for years to a creditor who never had sued them, they were more likely to rely upon his continued indulgence than upon that of more pressing creditors. The collections

by the three agents, Messrs. Jackson, Widder and McNab, for Huron, Grey and Bruce, for five and a half years, were as follows :—

JACKSON—1860, $71,446 ; 1861, $68,324 ; 1862, $117,437 ; 1863, $40,352 ; 1864, $68.280 ; 1865, (half of) $25,156.

WIDDER—1860, $45,359 ; 1861 $45,225 ; 1862, $81,048 ; 1863, $56,924 ; 1864, $38,292 ; 1865, (half of) $14,757.

McNAB—1860, $57,839 ; 1861, $63,837 ; 1862, $83,862 ; 1863, $77,365 ; 1864, $70,034; 1865, (half of) $29,553.

These receipts, he thought, did not show much suffering on the part of the country. The receipts from the mineral lands in Upper Canada were in 1863 $1,640, in 1864 $29,365, and in 1865, to 30th June, $12,777. In Lower Canada in 1864 they were $4,370—this from the gold mining land. Now, the uniform rate at which the lands were sold in the Huron, Superior and Nipissing countries was 1s. per acre, and in the rest of Canada 7s. 6d., and yet the honourable member stated they were sold in the named localities at an inflated price. He did not know how the honourable member arrived at this conclusion, but he knew that, if this rate were compared with the prices at which lands were sold by private companies, it would compare very well indeed. Before the Union the Crown lands were held at 8s. per acre, cash. Now they were sold in the more favoured places at 7s. 6d., and at almost as long credit as the purchasers chose to take. One would have almost imagined from the honourable member's remarks that the spirit of inflation had seized upon the Crown Lands Department, as it had done at a certain period upon the people, but, as he had stated, there never had been a change in the price. The Indian lands had sold at higher rates, but these lands did not belong to the Crown, which was simply a trustee for the aborigines, and therefore bound to get as much as it could for the property. In pursuance of this those lands were sold by auction, but it had not been so with the Crown lands. Possibly, with respect to the Indian lands the purchasers might have paid too high, and he himself had bought some, under the spirit of speculation which then prevailed, at $3 to $4 an acre, which he would be glad to dispose of now at the same price. (Laughter). These were the only lands so disposed of, and all the rest were sold in the normal way. So much in answer to the general statement of the honourable member. The honourable member had then alluded to his own division, and he (Mr. Campbell) would be quite ready to listen to any representation which that honourable gentleman might have to make. The honourable member had stated that, in consequence of the difficulties in connection with the lands, some hundreds of young men had left that part of the country and gone over to the United States. Well, he (Mr. Campbell) thought the Saugeen district was not singular in this respect. It was said that there were some 30,000 or 40,000 Canadians in the Northern armies, chiefly French Canadians, with a great many others employed in the States in other capacities; and it was also known that many had joined the Southern cause

These young men were probably more inspired by the grand glories of war, or the prospect of large gains and rapid fortunes in connection with the war, than disgusted with their own country; but he was happy to say that many had come back, and he expected many others would follow. He, then, did not think the honourable member could safely ask for action on these grounds. Then, the honourable member had stated there were neither roads, bridges nor harbours in his division; but in this also he (Mr. Campbell) thought the honourable member was mistaken.

HON. MR. MACPHERSON only wished the honourable Commissioner had to travel those roads.

HON. MR. CAMPBELL—Well, if he had, he would like to do so in company with the honourable member, who, he was sure, would make him quite comfortable. Now, in 1860-1-2, $19,000 were expended in opening the Owen Sound road from Garafraxa to the Sound. In 1848 the Toronto, Sydenham and Durham roads were constructed at a cost of $40,000. Between 1854 and 1863 there were expended on the Woolwich and Huron, the Elora and Saugeen, the Sydenham and Southampton and Goderich, the Durham, the Collingwood and Meaford, the Elma, the Sydenham and Toronto, and several minor roads, $170,242. Making a grand total of $229,342, which certainly was something. But the honourable member had also said there had been no free grants in his part of the country; whereas there had been about 4,000 locations so granted of 50 acres each, of which 3,040 were already patented. Now, if these expenditures and grants were not sufficient, he regretted it; but, at any rate, there had been some money expended upon the roads, and some free grants made. (Hear, hear). Then, as to harbours, an engineer had been sent some time ago to examine and report upon the subject, and his estimate was daily expected. The honourable member would thus see that, in respect of free locations, roads and harbours, his case had really received some consideration; and he thought he had satisfied the House that there had been no system of forfeiture or ejectment in question. He would now proceed to show the receipts upon a million acres of school lands, which had been set apart in Huron, Bruce, Grey and Perth, as he conceived this would aid in indicating the really prosperous condition of the counties in question. The total quantity sold from 1851 to 1864 was 992,819 acres for a gross sum of $2,169,533, of which had been received as principal $1,009,140, and as interest $239,708. He had also to state on the testimony of the three gentlemen—the collectors in Huron, Grey and Bruce, whom he had named, who had been directed to make special enquiries into the alleged distress, and for that purpose to travel through the counties, that there was nothing to indicate the amount of distress alleged. There had been two or three bad crops, and some farmers were in business difficulties, but not in difficulties which appealed to public charity. There were a few instances of actual poverty, but only such as might be found in all other localities. The

debtors to the Government got all the time to pay they desired, and what more could be asked? He thought it would be unwise for the House to take immediate action upon the recommendation of the honourable member, for the subject was one which, to be considered properly, would require months of thought on the part of two or three men of experience; and, when it was considered that the proposed action would place the very large sum he had mentioned in jeopardy, he believed the House would pause before taking such action. (Hear, hear.) He might mention here that there was constant embarrassment in the Crown Lands Department from the conflicting claims of the lumberers and settlers, as many of the latter, under the pretence of occupying the lands, went upon them in effect for the sole purpose of receiving the value of the timber. The Department agreed to pay the settlers the value of the said timber; and it often amounted to more than the cost of the land. In this roundabout way the revenue suffered. These people did not go upon good hardwood lands, where the soil was superior; but upon the pine lands, where they could be sure of working up claims for the timber. He was not quite satisfied as to the best course to adopt in the circumstances, but, certainly, some change of system in this particular was needed. He thought, however, that it would be better to reduce the price of the lands to the value or cost of the survey, and to impose dues in perpetuity upon the timber, which could be collected when it came to market. In this way three or four persons in Quebec would be sufficient, and a great deal of time, trouble and expense would be saved. In closing, he thought it not out of place to give the House some idea of the total revenues of the Crown Lands Department, which he might state were derived chiefly from the timber dues:—1857, $911,118; 1858, $627,042; 1859, $869,286; 1860, $1,338,136; 1861, $1,190,078; 1862, $1,276,409; 1863, $1,255,837; 1864, $1,358.636; and 1865, $1,374,517. He hoped the House would be satisfied that the honourable member for Saugeen had not made out a case requiring immediate action, and also trusted the honourable member would not press his resolutions. (Hear, hear.)

THE SUPPLY BILL.

LEGISLATIVE COUNCIL, QUEBEC, 16TH SEPTEMBER, 1865:

HON. MR. CAMPBELL said that at the commencement of the debate ground of accusation had been found against the Government by the honourable members for Grandville, Wellington and Niagara* for the lateness of the hour at which the Supply bill had been brought in, and for the hurry necessary to be used in its passage.

HON. MR. CURRIE did not make it a ground of accusation.

HON. MR. CAMPBELL thought the honourable member had; at any rate the two other honourable members he had designated had certainly done so. Now, with respect to the honourable member for Grandville (hon. Mr. Letellier), he (Mr. Campbell) could not understand how that honourable member could feel surprise, for he had been in the Government and knew that the course pursued on this occasion was identical with that pursued by his own Government and all former Governments of the country. It was in the nature of things that a Supply bill should come late in the session to this House, and it could not be otherwise. The items of this measure were laid before the other branch early in the session, for that House could change them if it chose, while this House could not do so. In that House it had happened this session that the Supply bill was introduced at an unusually early period, in fact at an earlier period than ever before since the union of the Provinces. On the 14th of August, or a week after the opening of Parliament, the estimates were laid on the table, so that all parties had had abundance of time to consider them, and thus for more than a month they were in debate. Where then was the ground for the charge of haste? It was trifling with the House to make such assertions, and he must express surprise, on his part, that those honourable members should have made a charge of that kind. (Hear, hear). He quite agreed of course with the honourable member for Wellington that, as a general thing, important measures should be brought down as early as possible. This was a reform that was wanted; but no one could ever contemplate that under our system the Supply bill would be one of them. With respect to other bills, what could be mended ought to be, and every proper effort would be made to bring about the improvement. The same difficulty had long existed in England; and the House of Lords had tried means to effect reform, but hitherto had not succeeded, in fact it was extremely difficult to control measures in that way. It would, however, rest with

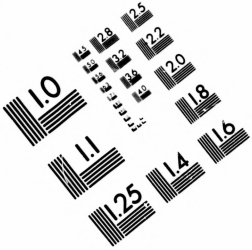
*Messrs. Letellier, Sanborn and Currie.

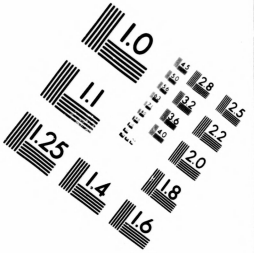
this House to make a stand, and to indicate the amount of reform that was needed. When the honourable member for Grandville was in the Government, the Supply bills were brought in at the two sessions late in the evening before prorogation (for he perceived from the journals that they were among the last items) and the next morning they were passed through all their stages. Knowing this, as he could not fail to know it, he wondered that the honourable gentleman should attempt to make capital out of the lateness of this particular bill. The debate on the measure had been initiated by the honourable member for Tecumseth* yesterday afternoon, and it had been debated again in the evening, this being in fact the third sitting, equal to three days, that the bill had been before the House, and he was sure that all should be satisfied. There was no ground whatever for the accusation that the Government had attempted unduly to press the question. Then, the honourable member for Grandville had talked of broken promises, but it would be instructive to contrast the promises of his Government, and their performances, with those of the Government now in power. They came down with a string of twelve or thirteen great measures they were going to pass, but that was the first and last of them, for the Legislature never heard of them again. That was the mode in which they redeemed the promises they had made to the country through the mouth of His Excellency. Now, let the opening speech of this session be examined, and what would it be found to contain? It contained the promise of a renewal of the measures stayed at the end of last session, and a report of the mission of the delegates to England—nothing more. The honourable member, in fact, spoke unadvisedly, without authority, and contrary to fact. He would again refer to all that related to the business of the session, in the speech of His Excellency, and would ask the honourable member for Grandville where were the measures which he alleged had been disregarded.

Hon. Mr. Letellier enquired why they had not completed the session, and passed the bills which had been deferred.

Hon. Mr. Campbell said the answer to the question of the honourable member had been supplied in the report of the delegates, and it was not just, now, because the evils which were then apprehended did not happen, to turn round and assail the Government for having used the means to meet them if they had. No human being possessed the gift of prescience, and it was the province of wisdom, when danger threatened, to prepare for it. There were at that time grave causes of apprehension, and they were, probably, better known to the Government than to the general public, but the Imperial Government itself was much more impressed with them, because of their greater experience, no doubt, and, probably, also, because of their more certain means of information than the Canadian Administration. It was well known that strong ground had been taken at Washington about the transactions on the frontier and the results which appeared likely to that

* Mr. Donald McDonald.





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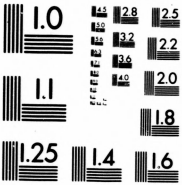

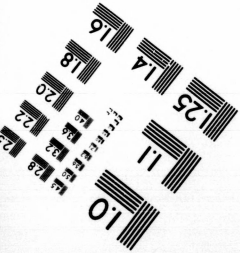

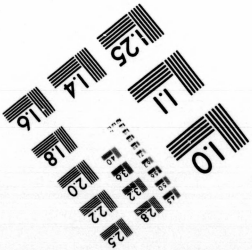

Government to follow what they regarded as want of adequate action on our part to suppress them. If honourable members had a proper view of the critical position of affairs at that time, they would not find any difficulty in accounting for the course the Government had pursued. Mail after mail, the representations of the Imperial Government impressing upon us the necessity of immediate action had been received. The honourable member for Niagara (Hon. Mr. Currie) had asked whether these opinions could not as well be urged by correspondence, but he knew very well, as everybody knew, that in all important and pressing affairs, involving a great many considerations, and requiring much conference and communication, there was nothing like free personal intercourse; and in the grave mattters, then, apparently, at issue, it was deemed essential by the Home authorities, as well as by those of this country, that there should be personal interviews between the Ministers of both countries. (Here the honourable member quoted an extract from the report of the delegates, presenting the advantages of the meeting on both sides.) It was well known to the House that a Conference of Commissioners from the two belligerent parties in the States had taken place at Fortress Monroe to consider the means of averting the war and again uniting the hostile sections; but it might not be so well known that at that conference sentiments hostile to Canada had been expressed, and a suggestion made by some of the parties tending to an invasion of this country. The negotiations failed to re-establish peace; but the fact that turning the tide of war on Canada had been even the subject of discussion was sufficiently calculated to create alarm, and the British Government felt not a little alarmed. And no wonder, for they felt the responsibility which, under the circumstances, would devolve upon them. The honour of the Kingdom was at stake, for, if they undertook to defend us, they must defend us to the last. Under the circumstances, it was most essential, most important, in order to have a proper understanding of the position, that there should be a personal conference of Ministers from both countries, who in full confidence could communicate with each other as to the best means to be employed in the event of active measures being required. But it was asked what had the Canadian delegates accomplished, and were we not in the same position now, as then, towards the United States? Well, he thought they had accomplished a great deal, and he had the satisfaction of knowing that the position we occupied to-day towards the United States was a very different one indeed from that of six or eight months ago. The mission of the delegates had changed distrust of us into confidence, and on our side it had solved the question, concerning which there had been many painful doubts, as to whether England would, in case of need, defend us, as she was of old disposed to do, with all the resources of the Empire. The mission further had set at rest in the British mind the question of a supposed disposition on the part of a portion of the people of this Province towards annexation to the United States. Honourable members all knew well the strong

feeling which had been created in England by the rejection of the Militia Bill in the Canadian Parliament in the early part of 1862. They ought not to have felt the act so strongly, and they would probably not have felt it as they did had they been properly aware of all the facts of the case. If they had known, as we in Canada knew, that the rejection of the measure was more a party political act than an indication of active aversion to the conditions it embodied, they would not have attached such importance to it as they had done, but they did not and could not be supposed to understand these things. They judged from the act itself, as they had a right to do, and the conclusions they drew were extremely unfavourable to our disposition towards the Mother country. Those who asked what the delegates had accomplished, and who replied to their own questions by answering "nothing," would do well to reflect upon the change which had taken place in public opinion and in that of the Parliament and Government of England with reference to Canada and Canadian affairs, as evidenced by the rise in the price of our securities, the course of Government, and the wonderfully altered tone of of the press. (In illustration of the effect of the mission of the Ministers to England, the honourable Commissioner read to the House a portion of an article from the *Star* of London, one of the leading newspapers there, which was to the effect that the mission had been in the highest sense fruitful of good, and had in every respect answered the ends proposed). The Duke of Wellington had since made a speech upon the defenceless condition of the coasts of England, which had caused an extraordinary anxiety in the country, but it had led to the erection of fortifications, which quieted the public mind. Well, the report of Colonel Jervois upon the exposed frontier of Canada, and the rejection of the Militia bill of 1862 had together produced a like influence upon the British mind, so that the people of England became doubtful of us, and that was the state of public opinion in England when the delegates from Canada reached that country. He must of course give credit for candour and sincerity to honourable members when they questioned the usefulness of that mission, but he thought they must have forgotten the feelings which occupied the mind of the Nation towards us, and he was sure that any person in the habit of reading the English papers would recollect the evidences of that fact as constantly exhibited in articles written to our disadvantage. The burden of those articles was that we were indisposed to exert ourselves even for our own defence, and similar language was used in both Houses of Parliament. The visit of the delegates had completely changed all that and restored to us the hearty confidence of the Government and the Nation. Any one having friends at home could bear witness to these things, for the private correspondence of the country was at first filled with complaints of the action of our Legislature in rejecting the Militia Bill, and of inferences not at all flattering to the loyalty of our people. Now, the correspondence told another tale. Then the visitors from Canada to England also told of the indignation which was felt against us, and such was the

state of feeling that he had been told by gentlemen who went to England shortly afterwards that they felt actually ashamed to acknowledge themselves Canadians. Other honourable members besides himself could refer to these things, perhaps from personal knowledge. But, when it became known that we were willing to do all we could for ourselves, and that the Government of England was satisfied that such was the case, the current was entirely changed. But some honourable members would perhaps estimate this at a very trifling value. True, the delegates brought back no gold, or bonds, or other treasures wherewith to enrich the country, but, notwithstanding that, he and, he was happy to believe, the vast majority of the people of the country regarded the mission as abundantly successful. There were a few persons, however, so constituted that they were never happy except in contemplation of distress and calamities, and were ever prophesying ruin and decay, and, if they could but detect what they considered symptoms of trouble, they rejoiced exceedingly. With them the cry was always "dow. down, down." Well, he had no sympathy with such persons, and he was happy to think that their number was after all very small. He would now quote a passage from the *Pall Mall Gazette*, showing what was the opinion of the English press on the subject of the mission and of the bargain the delegates had made. It formed part of a letter, and the writer, after giving the extract, added a few words of his own :—

"The *Pall Mall Gazette* began an article on the defences of "British America in this fashion :

"'If the British Government will build one-third of our fortifications, "and guarantee the loan with which we will build the other two-thirds, "and give us an Intercolonial Railway, and make us a present of a "million or so square miles of territory, we will allow it the privilege of "defending us with the whole forces of the empire. That would really "not be an unfair description of the bargain which the Canadian envoys "have succeeded in driving with Mr. Cardwell.'

"The whole article is written in this spirit. I may say that the "impression prevails that the Canadian Ministers made an extremely "good bargain, and that Mr. Cardwell was no match for them. 'So "much the worse for England,' say our grumblers ; 'so much the better "for Canada,' say you."

Here, then, we had the opinion of an influential English journal, which would serve as a fair specimen of hundreds of others, and its view of the mission was unquestionably the correct one. This, however, was not the view of the honourable member for Niagara. No, his view was a jaundiced view ; he saw everything through a gloomy and distorted medium, and he seemed absolutely to revel in the gradual impoverishment and prospective downfall of the country. (Hear, hear.) That honourable member never seemed content but when contemplating coming evils and prognosticating certain approaching destruction. Well, he would leave to the honourable member the enjoyments he loved so well, but he must take the liberty of questioning his taste.

HON. MR. CURRIE complained that the honourable Commissioner of Crown Lands was misrepresenting him very much.

HON. MR. CAMPBELL had not interrupted the honourable member when he was speaking, and would be obliged if he would let him proceed. As to the ability with which the delegates had performed their task, the British press seemed as if they could not sufficiently admire it. They were praised and applauded in an extraordinary manner for their skill and success. [The honourable gentleman again read from the *London Star* an article in the highest degree eulogistic of the talents exhibited by the Canadian delegates.] The honourable member for Ni gara, in pursuance of his determination to censure and damage the Government, was not content with the deficiency of $540,000 in the revenue as compared with the public expenditure of the Province. To be sure, the honourable member allowed that $540,000 was the deficiency at the end of the present fiscal year, but stated that at the end of the last it had been $897,000.

HON. MR. CURRIE had given as his authority the honourable Minister of Finance

HON. MR. CAMPBELL—The honourable gentleman had not been content to take the general result of the eighteen months which were embraced in the report of the Finance Minister, but had taken the antecedent portion of the same period when the deficiency appeared larger. But supposing that he [Mr. Campbell] granted that the deficiency was, as stated by the honourable member, $897,000, it might not be amiss to see if there were not items charged to the current expenditure which were of an abnormal character, and, as such, should be deducted from the totals, if it was desired to have a correct view of the relations between the income and the expenditure of the Province. The expenses for the frontier service of the Volunteers, during the period embraced in the returns, were $393,000, and surely the honourable member would not say that this sum was an ordinary item. But, though an extraordinary item, it was one of which everybody approved; one which was attended with extremely gratifying success, for its immediate result was the abolition of the vexatious passport system which had been attended with so much inconvenience and expense. [Hear, hear.] The action of the Government in despatching the volunteers to the frontier had been viewed by the American Government with the greatest satisfaction and interest. There was another item which ought not to be treated as current expenditure, that of $557,683, expended upon the public buildings at Ottawa, which, like the other he had mentioned, was unusual, and would never, he hoped, again occur. Now, these two items alone would balance even the largest sum claimed to be deficient by the honourable member, and over which he gloated with so much apparent delight.

HON. MR. CURRIE—These two items were not in one year.

HON. MR. CAMPBELL—Yes—in one year. Then there were the $50,000 to the St. Alban's Bank, and $49,120 for the administration of

justice in Lower Canada consequent upon tne frontier troubles—two other abnormal amounts. In this way honourable members who were willing to see the rights of the matter would at once observe that, instead of a deficit of the income as compared with the ordinary expenditure, there was in fact a balance over of some $50,000. But the honourable member for Niagara, who was now so severe in his censures of over expenditure, had actually complained in the early part of the session that the Government had not expended enough upon the Volunteers. (Hear, hear).

HON. MR. CURRIE only wanted them to pay what they had agreed to pay them.

HON. MR. CAMPBELL—But, as if the picture which the honourable member had drawn were not dark enough to satisfy him, he had gone on to remark upon what he represented as a deception practised upon the people of England, because the Government had not proceeded at once to the erection of costly fortifications. According to him this engagement on our part was altogether a sham. In fact everything done was wrong. One might have thought that he might possibly have discovered some one good thing to whiten the dark and foreboding catalogue; but no, his criticism had failed to detect the slightest trace of anything of this kind. If the expenditure was large, it was wastefulness and extravagance; if not made at all, still wrong had been done. Then he must also impugn the motives of the Government. According to the honourable member, the delegates did not go Home for the objects stated, but for the purpose of inducing the Imperial Government, if possible, to adopt coercive measures towards the Lower Provinces, and against their will to force them into the Confederation. To be sure there had never been any such purpose, and he (Mr. Campbell) defied the honourable member to point to a single word or act of the delegates which would justify such a charge: but, doubtless, the honourable member had a purpose to serve, and probably thought his words would have some effect in Nova Scotia and New Brunswick. Was that the course that a truly patriotic man would pursue? He (Mr. Campbell) understood that the honourable member was in favour of some kind of union, and he could hardly conceive it possible he should deny that the result of union would be increased strength, the strength which unity always imparted. If he did favour a union of some kind, was it proper, was it generous, was it patriotic to endeavour to sow the seeds of distrust in these Provinces against Canada, which, if effectual, would militate against any scheme of union which could be proposed? (Hear, hear). Then, the honourable member had spoken of an imaginary immense majority in the Province of New Brunswick against Confederation, which he said had swept away every hope of its ever being adopted; but, in so speaking, he had exhibited his ignorance of the facts of the case; for, although there was a large majority in the Legislature opposed to the measure, the electors opposed to it amounted over the whole Province to only some 400 or 500. How many electors in Canada were there in

favour of the project? Why, more than a million, and then there were millions upon millions in England, and not only were the people, as such, favourable, but the men who directed the public mind, the men who thought for the people, approved of the measure; and surely these vast numbers and these commanding minds at least ought to weigh something against the 400 adverse votes in New Brunswick. But, even in New Brunswick itself, he was well advised that the objections to the project were fast passing away, and he trusted that, when they had signified their change of opinion, even the honourable member would rejoice that by means of this Union we were likely as a people to perfect and hand down to our children the privileges and honours of a connection with the British Empire. (Hear, hear). As to the Nova Scotia resolutions, they were not adverse to the scheme, but only deferred its consideration for the present, and, so far as he knew, the people there were now ready to accept the measure. But New Brunswick was between Canada and Nova Scotia, and we could not therefore have Union with the latter until the former had come into the agreement.

MANAGEMENT OF THE CROWN LANDS DEPARTMENT.

LEGISLATIVE COUNCIL, QUEBEC, 27th JULY, 1866.

HON. MR. CAMPBELL said that, before proceeding with the orders, he begged permission to make certain explanations which seemed to be rendered necessary in consequence of certain remarks alleged to have been made in the other branch of the Legislature relative to the administration of the Crown Lands Department, over which he, as honourable members knew, had the honour to preside; and to which remarks he had no other means of replying. The statements to which he alluded, as reported in the paper he held in his hands—the *Montreal Gazette*—were as follows:

"Mr. Francis Jones, member for North Leeds, on motion for a "statement of the expenditure of the Civil Service Board of Examiners, "referred to the voluminous and extravagant departmental expenses. "The cost of the Crown Lands Department last year had exceeded by "$126,000 the whole proceeds of sales. Looking at the colonization of "the country, it was lamentable to see the way in which money had "been squandered. Nearly every contract let out for these roads had "been abandoned, and much of the money had gone to land agents. "The member for Cornwall had certainly effected a considerable re-"trenchment, and he (Mr. Jones) regretted there had been no further "retrenchment since. In no department was extravagance manifested "as in the Crown Lands. The expenses of that department had in-"creased six times since 1841. He thought if ever there was a time for "retrenchment this was it."

Now, he (Mr. Campbell) thought it quite possible that the remarks of Mr. Jones upon the occasion in question might have been imperfectly reported, and that it was due in part to that circumstance that the unqualified statements he had just read to the House had appeared in the respectable paper from which he had read them; and perhaps, if he (Mr. Campbell) had been present when they were made and had heard all that gentleman had said, he might not have deemed it neccessary to comment upon them. But, as these remarks had gone to the country uncontradicted, he had thought, and his colleagues had thought with him, that it was proper he should make such explanations as would show how much reliance was to be placed upon them. He was quite conscious from experience that the Crown Lands was a department difficult to manage; it was very large, in fact by far the largest of all the departments, and there was a great amount of business done in it. There

was a great deal of work done there of which the public in the very nature of things could not become cognizant, and persons disposed to look at things in a loose way without enquiry might come to conclusions very different from those they would arrive at if they were better acquainted with the real facts. Mr. Jones had undertaken to assert that the expenses of the department were $126,000 in excess of the land sales, and had put the matter in such a light as to lead to the conclusion that the expenses he spoke of were all in connection with such land sales. In other words that the cost of making sales exceeded by $126,000 the proceeds of the sales themselves. The impression might also be created that the only or chief results of the proceedings of the Crown Lands Department were the effecting of the land sales spoken of. The statement of Mr. Jones was evidently based upon the Crown Lands Department report of 1865, when the gross expenses of the whole department were $475,000, leaving, as that gentleman had stated, an excess of expenses over the receipts from land sales of $126,000. The figures of expense and of land sales were correct, but, as he had stated, they were so put as to create the impression that this sum of $475,000 was disbursed for no other purpose or object than managing the land sales in question. Now, nothing could be more unfair or more incorrect than such a statement, for the $475,000 expended in the management of the department included the cost of surveys—$26,000 in Canada West, $32,573 in Canada East; the colonization and other public roads, some $52,000; the woods and forests, $30,000; fisheries and bounties, $17,000; the cullers' office at Quebec, $85,000; deposits refunded during the year, $140,000; the 10 per cent. paid back to the Canadian Land Emigration Company (limited) for roads as agreed upon, $18,000, for it had been thought better not to deduct the 10 per cent. from the price of the lands sold that company, but to make them pay in full, and to return them the percentage as the roads they were required to make progressed. Then, there were expenses for the gold mines, for the management of the Jesuits' estates, and a variety of other items which honourable members would find set forth in detail in the report of the department itself. But from the sums he had already enumerated, none of which were connected with the land sales, it would be seen that by far the largest expenses of the department were for totally different objects than land sales. He had only given the principal items, but they already footed up over $406,000, and the whole disbursements amounted only to $69,000 more, being altogether $475,025. In view of these facts, he submitted to the House that it was extremely unfair for anyone to say that the cost of effecting the land sales had exceeded the revenue by $126,000. It was unfair in another point of view, since the statement was calculated to create an impression in the public mind that the effecting of land sales was the whole or chief business of the Department, and constituted the only or principal results of its administration. Nor was it fair to charge upon any particular year the cost even of the expenses which were incurred

for some of the services stated, since some of these services, such, for instance, as the surveys, could only produce results in years to come. So of the refunds, for which large sums were charged as they arose from transactions of previous years, and which, it happened, were only made in the year 1865. But, aside from all this, if Mr. Jones had desired to place the whole case fairly before the country, he would have given the full amount of the collections of the year and not simply those arising from the sales of land. Now, the whole collections for 1865 amounted to $1,351,344.60. Instead of charging the whole cost of the management upon the land sales, he should have shown what proportion of it rightly belonged to that particular service, and on the other hand given credit for the receipts, when it would have been seen that the results were entirely different from those he had stated. He had exhibited unfairness by suppressing part of the truth, and also by suggesting what was not true. Then, again, that gentleman had alleged that "nearly every "contract let out for making roads had been abandoned, and much of the "money had gone to land agents." Now, in this also he had stated what was entirely incorrect and contrary to the fact. No money whatever was given to land agents for the purpose of road-making. The land agents received a commission upon their sales, and when engaged in superintending the construction of roads, 12s. 6d. per day or so, but they had nothing whatever to do with the expenditure of the money appropriated for that purpose, so it was not true that much of the money had gone into their pockets. There was no foundation whatever for the statement, and no Crown Lands Agent whatever had the opportunity of diverting the money to his own use. Then, as to the alleged abandonment of every, or almost every, contract, the statement was at variance with the facts. During the three years he had been in charge of the Department only one such contract had been made at all. He had adopted quite another plan, and he believed his predecessor in office, the Hon. Mr. McDougall, had also abandoned the system of contracts. He (Mr. Campbell) had thought it better to employ labourers to construct the roads, and to have overseers to see that a fair day's work was given for the wages paid. In this way the settlers on the lines of the roads had the opportunity of earning a little money, and the encouragement thus afforded them had been found productive of the best results. Only once in three years had a contract been let out, and that was under peculiar circumstances. This was the road from Parry Sound to Muskoka Lake, and the person employed having great facilities for doing the work and finishing it early, it was given to him. The road was made and opened agreeably to the contract and had proved a great advantage to the settlers. This was the only contract given out, and so far from being abandoned had been satisfactorily executed. Then, the gentleman in question had further stated that "there "was no public department where the extravagance was so manifest "as in the Crown Lands; that the expenses of that Department had "increased six times since 1841." The expenses of the Department

were no doubt large, but there was an immense amount of work done in it, and he thought it would be found extremely difficult to carry on that work at less expense. The Department was possibly not managed as well as it might be, but he (Mr. Campbell) had done his best, and, on the whole, he believed the work was performed with fair efficiency and economy. The statement that the expenses were sixfold those of 1841, however, was entirely incorrect. The expenses had increased, to be sure, but the work to be done had increased in a much greater ratio. To show how unfair the charge was, he would refer to the expenses of the year 1842, for there were no reports for 1841, as that was the year the union of the Provinces had been effected, and of course there had been no accounts for the whole country before. Well, in 1842 the gross expenses were $54,582, and in 1865, $110,412, shewing that, instead of a sixfold increase, they had been just doubled. In 1842 the gross amount collected had been $333,954.37; in 1865, $1,351,344.60. The rate of expenses upon the collections in 1842 was therefore 16 per cent., while in 1865 it was only 8 per cent., so that, instead of having increased six times, the expenses had been diminished by one-half. The business had increased with the increase of population, and, as he had shown, besides the making of sales, there were a great many services performed of which the outside public knew little or nothing. To show the relative amount of work done in 1842 and in 1865, he would state that in the former year 3,448 letters had been received, and in 1865 18,222, or nearly sixfold more. In 1842 the number of employés was 20, in 1865 it was 65. From this it would appear that the business of the office had increased nearly sixfold, the receipts more than fourfold, and the number of the employés only threefold, while the cost of management had decreased from 16 per cent. on the collections to 8 per cent., or by one-half. He thought it very proper that these facts should go to the public, so that any prejudice which might have been created by the erroneous statements he had been reviewing might be removed. When he assumed the charge of the Department, he found that his predecessor had made certain retrenchments to the extent of between $7,000 and $8,000, and since then there had been no increase other than what was consequent upon the provisions of the Civil Service Act. By that Act employés in the Department were guaranteed at certain specified periods a small increase in their salaries—£10 per annum until the maximum pay of the class to which they belonged was reached, when they were eligible for promotion into the next higher class. Well, he found that, for some reason or other, the operation of this law had been suspended, and that there were arrears due to these clerks for several years. Why these parties should continue to be deprived of the remuneration guaranteed them by law, and which was as truly and really their property as the property of any other class of citizens acquired in business could be said to belong to them, he could not understand; and, believing it to be his duty to protect them in their rights, and their right to claim from him, as their chief, that he should

interfere to see them paid, he had done so, and the said arrears had accordingly been cleared off. By reference to the June pay sheets of the last five years it would be seen that there had been no augmentation beyond those of which he had spoken as consequent upon the law of the land, which he did not conceive himself at liberty to disregard. For if, setting aside the injustice of such a proceeding, the employés felt that they could be deprived of their earnings contrary to law, or that the law with respect to them might be broken with impunity in one sense, they might not unnaturally think it might be in another sense, and so their respect for the obligations of law would necessarily be impaired, and possibly with disadvantage to the public interests. With regard to the management of the Department, he was free to admit it was not perfect, nor was it so good perhaps as it might have been if in the hands of some other and abler man. Still, he thought that on the whole the affairs of the Department had been administered with a tolerable degree of correctness and efficiency, and at any rate he had the consciousness of having at least tried to do his duty to the best of his ability. (Hear, hear.) What he wished the House and the public clearly to understand was that the statements of Mr. Jones, in the other branch of the Legislature, as reported in the paper from which he had read them, were erroneous and contrary to fact. As he had said at the commencement, the report might possibly not do justice to that gentleman, but, as it had gone to the country, and no doubt had excited prejudice against the Crown Lands Department, he had deemed it only an act of justice to himself and the Government generally, as well as to the country at large, to review his allegations, and this he hoped he had done to the satisfaction of the House. (Hear, hear.)

Hon. Mr. Letellier thought the vindication should have been made in the Assembly by one of the honourable member's colleagues.

Hon. Mr. Campbell did not see that there was anything improper in bringing up the subject before this Chamber. This was the place where he could properly make explanations relating to the management of his office, and this House had a right to hear how he could vindicate himself from the charges brought against him anywhere. Then it was impossible for any one Minister satisfactorily to meet accusations brought against the Department of another, since he could not be supposed to know the merits, or be able to devote the time necessary to acquire the information which would enable him to do so fairly and effectually. (Hear, hear.)

POSTAL SERVICE REGULATION BILL.

THE SENATE—OTTAWA, 3RD DECEMBER, 1867.

HON. MR. CAMPBELL, in rising to move the second reading of this bill, proposed to ask the House to consider several clauses in the measure concerning which they could come to no absolute decision, as they only came properly in the first instance under the control of the other branch of Parliament, but, should the bill pass that House, then these clauses would become parts of it, and would be submitted again to the Senate. Notwithstanding this slight embarrassment, he had deemed it best, in the interests of the public service, to submit the measure as it was, and to afford the House an opportunity of going into the whole subject. He proposed to make a somewhat full statement in reference to the various matters treated of, including the clauses to which he had referred, and which honourable members would find enclosed in brackets. In bringing up this bill, he need hardly say that he had, and could have, no other object in view than the public convenience and benefit by rendering the Postal Service, if possible, more perfect and useful. If, in the course of the examination to which the bill would be submitted by the House, any defects were discovered, he begged to say he would most readily consider any suggestions honourable members might feel at liberty to offer. Before, however, proceeding to the contents of the bill, he would take the opportunity of reviewing the present position of the Postal Service, not in Canada only, but also in the Provinces of Nova Scotia and New Brunswick. As Parliament was about to legislate on this subject for all the Provinces in the Confederation, it was reasonable that the members should be put, as nearly as possible, in possession of all the facts connected with the working of the system throughout the Dominion. Up to the year 1851 the Post Office services of the several colonies in question had been under the control of the Imperial Post Office, but during that year, in consequence of negotiations with the parent State, this important business had been transferred to the care of the several provinces, under certain conditions, however, as to the rates to be charged, which were to be the same in them all, and, also, as to the Imperial Packet Service. The Postal Service had then formed the subject of legislation in the several Provinces, and in some particulars there had been a divergence between them in the legislation enacted. In certain respects he thought the results would prove that the system pursued by Canada would commend itself as the most satisfactory. In all the colonies the Postmasters were Crown appointments. In Canada and New Brunswick the Postmasters-

General had always been political officers, but it had not been so in Nova Scotia. In the cities of Canada, such as Quebec, Montreal, Ottawa, Kingston, Toronto, Hamilton and London, the Postmasters were paid by salaries, but in all other places by commissions on the amount of their transactions. In the Lower Provinces the offices were divided into Post Offices and Way Offices, the keepers of the Post Offices being paid by salaries, the others by commissions. This sufficiently described the system, so far as it related to the appointment and remuneration of the postmasters. As to the rate of postage, it had been fixed in 1857 at 5 cents for prepayment, and 7 cents when not prepaid. In Canada there was besides a system of drop letters, that was, of letters posted in a locality to be delivered in the same, and for this service 2 cents per letter were charged, and he understood that in New Brunswick the same system had been extended to frontier towns, so that a letter dropped in a frontier town in that Province was delivered in an adjoining frontier town in Maine for 2 cents. In Nova Scotia it was carried still further, as a letter would be delivered in any part of the country in which it was mailed for the same sum. The 5 cent and the 7 cent rates were general throughout the British Provinces. Thus, for 5 cents prepaid a letter could be sent from any part of Ontario to any part of Nova Scotia. With reference to the postage of Great Britain, it was 12½ cents by the Allan line of steamers, which sailed from Montreal and Quebec in summer and from Portland in winter. In two of the Provinces which chiefly used the Cunard line the same rate was paid on mails by Halifax, but in Canada, if the correspondents availed themselves of the Cunard line, the rate was 17 cents, or 12½ cents and 2d sterling for United States transit rate, fixed by an agreement between the United States and Great Britain. In Nova Scotia correspondents using the Allan line paid 5 cents extra to cover the postage to Portland. In Canada books and samples were brought by the ocean steamers for 3d sterling per 4 ounces.

Hon. Mr. Odell said that the system of drop letters in New Brunswick did not extend to American frontier towns; this was a misapprehension.

Hon. Mr. Campbell must have been misinformed, but he thought he had learned it from official reports. In Nova Scotia letters from Halifax were sent by the Cunard steamers to Boston for 10 cents, and from the interior for 13½ cents. In all the colonies the postage on books and printed matter was paid to the frontiers of the United States, and the United States paid their own to the British frontiers in the same way. He now came to the important part of the measure, and one concerning which probably some difference of opinion would be found to exist in the minds of honourable members from the Lower Provinces —he alluded to the postage on newspapers. In the Lower Provinces this service was free. In New Brunswick, whether the papers were sent from the office of publication or were mailed by individuals, there was no charge for postage. In Nova Scotia British and colonial papers, as

well as religious periodicals, were carried without charge; the others paid one cent. In Canada papers sent from the publishing office were charged one half cent, and the amount was collected from the subscribers quarterly in advance, but, if the postage was only paid at the time the papers were delivered, the charge was one cent per paper. In all the Provinces exchanges were carried free of charge. The rate in Canada on periodicals was one cent per 4 ounces, in New Brunswick 2. In Nova Scotia, when sent from the office of publication, they were free, when sent otherwise, 2 cents. In Canada books were carried at one cent per ounce; in New Brunswick there was no mail book system, and, as far as he had ascertained, none in Nova Scotia.

Hon. Mr. McCully said yes, they had that privilege.

Hon. Mr. Campbell—Notwithstanding the general principle in Canada, there were exceptions, as papers and small periodicals relating to education, temperance and science were free, but in New Brunswick all were free. In Nova Scotia one cent an ounce was charged on each periodical. In Canada there was a parcel post which carried packages up to 3 lbs. for 25 cents; in the Lower Provinces there was not any.

Hon. Mr. McCully said yes, a parcel post had lately been established in Nova Scotia.

Hon. Mr. Campbell—In Canada, patterns and samples were also carried by mail, but he was not aware that any arrangement of this kind existed in the Lower Provinces. In Canada the correspondence of all the Public Departments was free; in New Brunswick only Post Office Department letters were free.

Hon. Mr. McCully said in the Lower Provinces all the official correspondence was charged, and the Post Office Department credited with the amount.

Hon. Mr. Campbell—Then the registration system differed in the several Provinces. In Canada the registration fee was 2 cents, always prepaid; in New Brunswick 5 cents, when prepaid, and 10 cents when not; in Nova Scotia it was 10 cents, and must be always prepaid. With respect to dead letters, the systems were very much the same. They were kept three months, and, if not applied for, were opened to find the owners. Then the modes of entering into mail contracts were different. In Canada the Post Office Department was obliged to accept the lowest tenders, unless there were strong reasons for refusing, but those reasons had to be reported to Parliament. In the Lower Provinces there was no statutory provision on that subject, and the arrangements were left to the decision of the Postmaster-General. These divergencies had all supervened since the transfer of the postal service to the several Provinces by the Imperial Government in 1851. The results would best be understood probably by exhibiting the receipts and expenditure of the Postal Departments in these Provinces for five or six years. He had not deemed it necessary to go so far back as 1851, as that would have entailed an unnecessary labour upon the officers, but he had commenced the comparison with the year 1860, and

taken the revenues and expenses in the several Provinces. The results would probably appear somewhat favourable to Canada, and he thought the principal reason would be found in the collection of newspaper postage. The postal revenue in Canada in 1861 was $683,034, and the expenditure $719,056, showing a deficit of $36,022, or 5½ per cent. on revenue. In New Brunswick for the same year the revenue was $46,658, and the expenditure $71,187, showing a deficit of $24,529, or 52½ per cent. In Nova Scotia for the same year the revenue was $40,052, and the expenditure $69,444, showing a deficit of $29,392, or 73 per cent. In 1862 in Canada the revenue was $723,052, and the expenditure $750,514, showing a deficit of $27,462, or 4 per cent. In New Brunswick the revenue for the same year was $46,489, and the expenditure $69,625, showing a deficit of $23,136, or 50 per cent. In Nova Scotia for the same year the revenue was $45,100, and the expenditure $68,305, showing a deficit of $23,205, or 52 per cent. In Canada in 1863 the revenue was $759,475, and the expenditure $753,057, showing a surplus of $6,418, or nearly one per cent. In New Brunswick for the same year the revenue was $46,146, and the expenditure $67,387, showing a deficit of $21,241, or 46 per cent. In Nova Scotia for the same year the revenue was $48,174, and the expenditure $70,389, showing a deficit of $22,215, or 46 per cent. In Canada for the year 1864, the revenue was $829,805, and the expenditure $803,962, showing a surplus of $25,843, or 3 per cent. In New Brunswick for the same year the revenue was $51,184, and the expenditure $71,974, showing a deficit of $20,790, or 39 per cent. In Nova Scotia for the same year the revenue was $56,207, and the expenditure $73,163, showing a deficit of $16,956, or 30 per cent. In Canada for the year 1865 the revenue was $834,096, and the expenditure $851,870, showing a deficit of $17,773, or about 2⅛ per cent. In New Brunswick for the same year the revenue was $51,278, and the expenditure $71,906, showing a deficit of $20,627, or 40 per cent. In Nova Scotia for the same year the revenue was $62,371, and the expenditure $80,947, showing a deficit of $18,576, or 30 per cent. In Canada for the year 1866 the revenue was $878,413, and the expenditure $894,561, showing a deficit of $16,147, or nearly 2 per cent. In New Brunswick the revenue for the same year was $56,509, and the expenditure $72,546, showing a deficit of $16,036, or 30 per cent. In Nova Scotia for the same year the revenue was $69,010, and the expenditure $86,127, showing a deficit of $17,116, or 25 per cent. In Canada for the year 1867 the revenue was $914,783, and the expenditure $924,319, showing a deficit of $9,536, or 1 per cent. The results for the Lower Provinces for last year could not be stated, as no returns had yet reached the Department. It was also proper to state that the expenditure of Canada embraced a sum of $60,000 charged to the Department as part contribution to the subsidy paid by the Government for the ocean mail steamers.

HON. MR. FERRIER—That was not the whole subsidy.

HON. MR. CAMPBELL—No, only part of it. Anterior to 1861 several contracts had been made for the ocean mail service. The first was with the firm of McLarty & Co., of Liverpool, which broke down within less than a year. The next was with the Messrs. Allan, of Montreal, who were paid £24,000 per annum for a fortnightly service. The next was with the same firm for a weekly service, and they received $220,000. The next was entered into in Aprii 1860, again with the same house, and the Government agreed to pay them $416,000 per annum. That year the line had suffered several grave mishaps, and it fell somewhat into disrepute; the result was, that the contract was abrogated. The fifth contract had been made in 1864 for a weekly service, and at the rate of $218,000 per annum. Of this sum, as he had stated, the Post Office Department was charged with $60,000 as their share of the services rendered by the line to the country, the balance being regarded as payment for the general advantages the country received from the enterprise. This payment of $60,000 by the Post Office Department should be borne in mind in estimating the relative results of postal operations in the Provinces, for, as he understood, the other Provinces were subject to no charge of this kind.

HON. MR. MCCULLY said, no; but the Imperial Government received the whole of the Ocean Mail Postage to and from those Provinces, whereas Canada received the postage on the mail matter carried by its steamers.

HON. MR. CAMPBELL—Then there were other large differences against Canada. For instance, it paid large sums for Railway Service, but it did not appear from any reports he had ever seen that the Post Office Departments in the Lower Provinces were charged anything for this service, although they had considerable lines of railway.

HON. MR. MCCULLY could speak for Nova Scotia, and happened to know that in that Province the railways were paid at a certain rate per mile for carrying the mails. The Railway Commissioners debited the Post Office and the Government recredited the Department.

HON. MR. CAMPBELL—Well, there was no trace of such arrangement that he had seen in the Public Accounts of that Province. The payments in Canada by the Post Office Department to the railways were very large, and had been causes of serious disputes, which, however, had been finally and satisfactorily settled.

HON. MR. BOTSFORD—Were these claims over and above the sums stated for the service?

HON. MR. CAMPBELL—No; but they had formed large accumulations over what the Government had deemed themselves bound to pay. The difficulties had been arranged by an arbitration composed of Mr. Chancellor Blake, Hon. Judge Day and Mr. Wicksteed. The claims had been adjusted and the awards paid, and, on the recommendations of the arbitrators, certain rates of remuneration for the future had been adopted. The Grand Trunk was paid $150 per mile per annum, which last year had amounted to $150,275; the Great Western, $124 per mile per annum,

being less of an artery than the Grand Trunk, and the gross sum paid the company last year had been $44,237. Other and smaller railways serving as collateral lines were paid 8 cents per train per mile on passenger trains, on mixed trains with a post office car 6 cents, and on ordinary trains 2 cents. Now, he was under the impression that there were no equivalent payments for Postal Service in the Lower Provinces, but, as the honourable member (Hon. Mr. McCully) had stated there were in Nova Scotia at least, it must, of course, be so. The honourable Minister of Marine had just informed him that there were no railway mail charges made in New Brunswick. Now, taking these facts into consideration, he thought he was entitled to say that, after the statements he had produced, the results of the postal system in Canada were very strongly marked in its favour.

HON. MR. MCCULLY repeated that the Government in Nova Scotia paid the railways for the Postal Service, for he himself had been in charge of the railways and knew that some difficulty had arisen as to the amount which should be allowed them therefor.

HON. MR. MITCHELL held in his hand the accounts, and no such charge appeared in them.

HON. MR. CAMPBELL—Well, the results were doubtless strongly shown by the larger revenues in Canada. As to the extent of the services rendered by the Postal System of Canada, he begged to state a few figures. The number of post offices in Canada in 1866 was 2,333; the number of miles of mail travel 6,500,000; the number of letters 14,000,000, and newspapers 14,200,000. In New Brunswick the same year there were 46 post offices and 392 way offices, the number of miles of mail travel 779,000, and letters carried 1,738,000. In Nova Scotia in 1865 there were 81 post offices and 513 way offices; the number of miles of mail travel 1,005,000, and of letters carried 1,725,000. He had seen no official record of the number of newspapers carried in either of the Lower Provinces, but from a newspaper article copied into the Ottawa *Times* he learned that in New Brunswick in 1865 they amounted to 3,729,000, exclusive of those brought by the Ocean Steamships, which might make 50,000 more. As to postage stamps sold in Canada in 1866, they amounted to $480,000; in New Brunswick to $38,000, and in Nova Scotia in 1865 to $54,000. The next item was the money order business. In Canada in 1866 the issues were $1,720,000; in New Brunswick $280,000, and in Nova Scotia in 1865 $378,000. The charges upon money orders were the same in all the Provinces, For sterling orders drawn on Great Britain the commissions were: for £2 and under, 25 cents; for £5 and under, 50 cents; for £7 and under, 75 cents; and for £10 and under, $1. The local orders were issued at ½ per cent. on the amount. In Canada they were graduated by steps of $20, and in the Lower Provinces of $10, the Departments having the benefit of the fractional differences of commission between the smaller and larger sums. He repeated his conviction that the results were in favour of the Canadian system,

and that on the whole it might be considered as highly satisfactory.

HON. MR. WILMOT did not see in the Canada Postal accounts the charge of $60,000 for Ocean Mail Service.

HON. MR. CAMPBELL—It was charged with other sums under the head of payment for Steamboat Service. There were several other items coming under the same head; for instance, $1,000 per trip was paid to a line which went to the Lower Ports, £1,000 for Steamboat Service on the Ottawa, and another sum to the steamers between Quebec and Montreal, and others besides.

HON. MR. ANDERSON—Perhaps the postage collected by Canada on the letters carried by its Ocean Mail Line might more than defray this sum of $60,000, whereas the Imperial Government had the benefit of all the Ocean postage to and from the Lower Provinces.

HON. MR. CAMPBELL asked if all the sea postage on such letters in the Lower Provinces was paid to the Imperial Government.

HON. MR. ANDERSON—It was all paid into the Commissariat for the Imperial Post Office.

HON. MR. MCCULLY—The arrangement, he thought, operated against the Lower Provinces, for, while Canada might collect more than the $60,000 it paid for the service, the Imperial Government received all that was collected in those Provinces for the same kind of service, except a very small fraction.

HON. MR. CAMPBELL—Well, the facts mentioned by the honourable member, subject to correction, no doubt modified in some degree the conclusions he had drawn as to the comparative results of the Postal systems in the several Provinces. Now, it was with reference to the Postal service and Postage charges in these Provinces, in the stage which he had described, that the present bill was prepared and submitted. The main changes proposed to be made by the measure related to the charge on local letters, to newspaper postage, to the time for payment of the latter and to the establishment of Savings Banks. He was somewhat embarrassed as to which subject he should treat of first. He did not suppose, however, that any objection would be made to the reduction on the rate of letter postage. Everybody seemed disposed to pronounce this at least a good measure, though some newspapers had said the bill did not go far enough, and that the rate should have been reduced to two cents. They saw some charm in the figure 2 which they did not see in the figure 3, but he himself could not discover it. In Great Britain, to be sure, the rate was twopence, but it was only after a long time that it had succeeded. When the rate was reduced to that charge the Postal revenue showed a surplus of a million and a half of pounds sterling, but it was only within two or three years that the Department had reached the position as to surplus revenue it had twenty years ago. Then England was a very different country from Canada. Here we had long distances to carry the mails, and through a sparse population, whereas there the reverse was the case. The analogy was greater in respect to the United States, and yet even

there the advantages were greater than in this country, and there the rate was 3 cents. Yet, after much careful consideration and counsel with the Deputy-Postmaster-General, who, he had no hesitation in saying, was one of the most valuable officers this or any other country ever had, he had resolved to recommend a prepaid letter rate of 3 cents in future, and this he thought was as low as it was possible to go. In doing this the country would have to meet a considerable deficiency, but it was done under circumstances which made him sanguine that in a short time it would be overcome and a surplus be again attained. In his opinion it was desirable that the Postal service should be expected to yield a revenue. The service should be performed as low as possible, and, if it paid its way, that was all that could be desired. But, judging by the experience of the past and the prospect of increased correspondence, he did not think it would be more than two years before the income and expenses were equalized. The calculations he had made would probably enable the House to see whether his expectations were well founded. The revenue for the whole Dominion in 1867 was estimated at $1,050,000. From this gross sum there were to be deducted certain items which would not be influenced by the change proposed. The ocean postage, the parcel postage, the newspaper postage and the United States postage fell within this category, and, deducting these, the sum of $600,000 derived from the 5 cent rate only would be affected by the reduction. On this sum a reduction of two-fifths, or $240,000, would take place. But, assuming that, in consequence of the change, there should be an increase of 25 per cent. in the correspondence (as was the case in the United States when in 1851 they reduced the rates 22 per cent. and increased the correspondence by 30), a considerable part of the deficit would already be made up. Then, supposing the newspaper postage was agreed to—a proposition which he knew did not meet with favour on the part of the Lower Province members—and applied to the whole Dominion, and, moreover, that the exemptions in favour of religious, educational and temperance publications were abolished, there would be other considerable offsets to the deficiency. These items, he thought, would yield an increase of $40,000, and the dead letters $10,000 more. Altogether, the increase, the newspaper postage, the withdrawal of exemptions and the dead letters were expected to give $140,000, which, put against the estimated deficit of $240,000, would leave only $100,000 to be provided for at the end of the first year. Now, if his expectations were realized, he hoped that in two years the Department would again be self-sustaining. He was persuaded that the more honourable members reflected upon the subject the more they would be satisfied that it would be injudicious to reduce the letter rate below three cents. Then, as to the charge on newpapers, he must take it for granted that, whatever course was pursued, all parts of the Dominion in this respect must be placed upon terms of equality. It could not be supposed that any difference should be made in favour of any one or two Provinces. If all parts of the

Dominion were to be placed upon terms of equality in all respects, and the Lower Provinces must be exempted from the payment of newspaper postage, then both Ontario and Quebec must be so too, and this would involve the surrender of at least $90,000 yearly, of which $40,000 would be from papers published and despatched from the publishing offices in the Provinces, and the rest from foreign papers and papers mailed by private parties. Now, in his opinion the large postal deficiencies in the Lower Provinces had arisen from the relinquishment of the newspaper charge. He had now before him the report of Mr. Odell, Postmaster-General for New Brunswick, and he stated the newspapers carried in that Province as 3,629,000, exclusive of those which were brought by the Ocean steamers, his whole estimate being about 4,000,000. He had no official statement for Nova Scotia, but it was said they would reach there about 5,000,000, upon all of which 9,000,000 there was no postage. Now the question for the House to consider was whether these 9,000,000, with the 14,200,000 carried in Canada, would henceforth be free of charge.

HON. MR. WILMOT—Supposing a newspaper from Canada had a stamp, could it not be carried through New Brunswick free?

HON. MR. CAMPBELL—It was not much use arguing that question. One argument used against the newspaper postage was that it was a tax upon knowledge, since it was said to hinder its dissemination by means of such newspapers. This argument had, no doubt, a specious sound. It was one of the principal ones contained in a series of resolutions of the press of New Brunswick, which he would now read:

1st. That the press being a prominent means of enlightening and educating the people, it is unwise to circumscribe the sphere of its influence by the imposition of a tax, which must in most cases have this effect, and which, being novel in the Maritime Provinces, would be the more severely felt, and especially in the rural districts, and would be appealed to as an evidence of the injurious effects of Confederation.

2nd. That the principle of exempting the press from postage, on the ground of its being a means of promoting education and diffusing scientific and general knowledge, is now recognized in the Consolidated States of Canada.

3rd. That the imposition of newspaper postage would involve additional labour, risk and expense on the part of publishers, to an extent at least equal to the amount of revenue derived from this source, and would therefore place additional burden on a class of persons who pay their fair share of taxation otherwise.

4th. That the collection of newspaper postage, if made effective, and accompanied by proper checks and rigid surveillance over publishers' issue lists, must involve so much additional expenditure on the part of the Post Office as would tend materially to decrease the revenue derived from this source.

5th. That the carrying of newspapers imposes very little expense on the Post Office Department in addition to what is incurred by the

carrying of letters; all other legitimate means of raising a revenue should for this and other reasons already stated be exhausted before this mode of doing so should be adopted.

6th. That the representatives of New Brunswick in Parliament, who concur in the sentiment expressed in these resolutions, be respectfully requested to use their influence to prevent the imposition of newspaper postage. The other journals published in our Province have been communicated with by telegraph, and their concurrence in the above resolutions has been received.

Well, as to the tax on knowledge, he must confess he did not see much force in the argument. A tax was an impost levied for the benefit of the State. The argument of a tax on knowledge could not be sustained. This was not a tax, but a charge for a service rendered. Surely it could not be said with truth that the agent who carried an article at the very lowest possible cost imposed a tax upon it. The reverse was rather the case, and, instead of the Post Office hindering the circulation of papers, it facilitated it in an extraordinary degree. All that was asked in return was the bare cost of the service. And what after all was the meaning of the objection? Why, that the wares of certain persons should be exempted from the cost of carriage while everybody else paid. They did not ask to be put upon an equal footing with their neighbours, but upon a better one. If the Post Office must carry newspapers free, why might not other merchandize be carried on the same terms and, moreover, delivered at the expense of the Department? If newspapers must be carried free, why should not the types and forms and implements of the printers be carried free too? If the argument was good in respect of the newspapers, it was, he maintained, equally good in regard of all the printers' belongings. This he conceived would be a most exceptional kind of legislation—class legislation in fact. This was neither more nor less than saying that this order of men was not willing to pay for an important service rendered them. In the Lower Provinces they had apparently succeeded, and so they had in the United States, where the press had an undue influence, but he could not help thinking that too much deference had been paid to their demands, and that the exemption was unfair to a large part of the community. Why should the man who does not read and does not want a newspaper be required to pay for the man who does? And why should newspaper publishers, above all the classes engaged in business, claim such a privilege? The other arguments of the New Brunswick press were less open to reprobation, yet he would ask whether these newspapers—the educational and scientific—were established from motives of patriotism or philanthropy? Were they not, on the contrary, mere business enterprises with the view to gain, like all other industrial concerns? It was his desire to abolish the exemptions, and he believed that many, if not all, of the ordinary newspapers were found to inculcate as effectually lessons of morality and virtue as those which claimed to pass free on educational, religious, or temperance

grounds. If a man invested $10,000 in an agricultural or temperance publication, he did it because he hoped it would pay, and he could not understand why he should be entitled to greater consideration or indulgence than other publishers. The resolutions also assumed that it cost the Post Office nothing to carry newspapers, but the argument would do quite as well in respect of letters. The newspaper man said, "You have to send the mail with letters whether or no, and you may as well take my paper along," but the man wishing to have letters carried could turn round and allege that, as the Post Office had to send papers along, it might just as well take his letters for nothing. The argument was of equal force in both cases. Large sums were paid for the transport, for servants and appliances, and the whole receipts were expended in the service. What more could be asked? The next resolution did not contain the vestige of an argument. The difficulties alluded to had been overcome in Canada, and could no doubt be elsewhere. Now, as to the prepayment of the charge, he admitted that here there might be some room for difference of opinion. If prepayment was exacted, it would have a tendency to make the newspaper business more compact, and the publishers would be more careful to send them only to persons who they would have good reason to believe would pay. The allegation that prepayment would absorb too much capital and that it would enhance the losses already too frequent seemed particularly to be relied upon, and there were other reasons urged besides. Well, he had been informed that publishers often sent papers when they had no expectation of payment, in fact distributed a great many *gratis*, but that they did this with the view of increasing their advertising patronage. If this was true, might he not ask which should pay the postage, the party who indirectly got back his money by means of advertisements, or the public who received no advantage whatever from the transactions? Now, under the present system, for the purpose of collecting the $40,000 which accrued to the Department from the newspapers sent from the publishing offices for regular subscribers, the Department had to open accounts at every Post Office in the country. Some of the large papers went to over one thousand offices, and accounts had to be kept for the ten, twenty, thirty, or forty subscribers at each place, and the postmasters were thus forced to act as agents for the printers. He had now an ordinary quarterly account before him, taken up casually, just because it happened to be on his table. He might have got others that would have served his purpose much better. It was that of the Postmaster of St. Hyacinthe, a town east of Montreal, containing a few thousand inhabitants, and he found that the office had to collect the postage upon forty different newspapers and from three hundred and forty-two persons, while the whole sum received amounted to $11.17½c., and this was a sample of the labour entailed upon over two thousand postmasters by the present system, all of which would be avoided by prepayment. Why should the postmasters have this trouble? But it was said that the postage being in broken sums it would be

exceedingly difficult to remit it. Well, he thought that instead of the 17 cents, which would be the postage for a year on a weekly paper, the publishers could easily substitute 25 cents, and add that to the subscription price; and so on for other classes of papers. The system of prepayment would induce the adoption of the cash system more extensively, which he was persuaded would be an advantage to all parties. It might possibly diminish the subscription lists a little, but this would be counterbalanced by greater advantages. He had, however, already admitted that this particular point left room for argument, and he would therefore leave it for the present. He had now touched upon all the postal changes proposed, and came to the essentially new feature of the bill—the creation of Post Office Savings Banks. These institutions had now been established in Great Britain for some years, and had been attended with the most satisfactory results. It had been thought of late years in Canada that it would be proper to invest the savings of the working classes with greater security than Savings Banks actually possessed. He rather thought that, on the whole, the Savings Banks of the Lower Provinces had been better in this respect than those of Canada. It was true that there had been but few disasters in connection with these institutions even in this country, yet many honourable members would recall some painful instances of this kind, and, if the system could be successfully grafted in Canada, it would be a great boon to the people. The provisions embodied in the bill were taken *verbatim* from those of the Imperial Act. It was proposed to open such Savings Bank offices in sixty or seventy of the principal cities and towns, and, as the system became established, the number could be increased. Any one depositing would receive a pass-book, in which the sum lodged would be entered by the postmaster, to which he would sign his name and affix the stamp of the office. He would then advise the receipt of the amount to the Department by means of a printed letter for the purpose, and, on receipt of it, the Postmaster-General would write back acknowledging the receipt of the money. The entry in the book would be good for ten days, and, if within that period the receipt had not reached the depositor, an application for it would give further validity to the transaction for ten days more. The account would not be kept at the Post Office receiving the money, but at the Head Office in this city. Then, if the depositor wanted to draw out his money, or any part of it, by the production of his pass-book and the acknowledgment of the Postmaster-General in his hands he could do so at any Post Office empowered to do this kind of business. He would apply to the postmaster, and his application would be immediately sent to the Postmaster-General, who by the next mail would transmit the necessary authority to pay. This was the English system, and, as it would be seen, it afforded perfect checks and entire safety. It was proposed to limit the minimum deposits to one dollar, upon which, when three dollars had been lodged, interest at the rate of four per cent. would be allowed. This would be equal to one cent a month, and the

matter would be so simple that the depositor, however uneducated, could keep the account himself. The figure 3 and its multiple were adopted because of the convenience it afforded in the calculation of interest. The management of the business would cost between one and two per cent., so that the money would cost the Government about six, which was as much as they should pay. The money order office required about the same amount of labour to carry it on, and the charge came to about the same thing. The matter had been carefully calculated in England, and similar results arrived at, viz. : between one and two for management. Where sums of more than $100 were deposited by the same person, power was taken by the bill to give a receipt bearing five per cent., subject, however, as in the case of interest deposits in banks, to a certain notice before withdrawal. When cash deposits exceeded $500,000, the Minister of Finance would be authorized to invest such excess in Provincial debentures. The object of this was two-fold. As interest would have to be paid, the money should be so employed as to earn it, but the investments should be of a character which, in case of sudden calls, could be realized. The Minister of Finance would, of course, buy the debentures at the market value, and, if at a discount, it would be so much profit. He (Mr. Campbell) had, however, thought, after the bill had been printed, that authority might be given to the Minister of Finance to substitute new debentures in the event of his requiring to realize, instead of selling any he might have in his hands with only short times to run, as the latter would not be so likely to command good prices as those of longer periods. This amendment could be made in Committee of the Whole. These were the provisions for the establishment of the Savings Banks. The bill contained other clauses, but they had respect to matters of detail, which could be gone into in Committee. He would just say in conclusion, that the bill, instead of conferring upon the Governor-in-Council certain powers of appointment and internal government, etc., as in the old Act, conferred them directly upon the Postmaster-General. This had been done, not to give a greater influence to that Minister, but for the sake of convenience. The honourable member then moved, seconded by Hon. Mr. Blair, that the bill be now read a second time.

NORTH-WEST TERRITORY RESOLUTIONS.

THE SENATE—OTTAWA, 31ST MAY, 1869 :

HON. MR. CAMPBELL, in moving the adoption of the resolutions before the House respecting the North-West Territory, said : The subject has become rather stale in consequence of the late adjournment of the Senate ; nevertheless, it is one involving interests so large that the House will be glad to give attention to its consideration. The resolutions have been fully discussed in the other branch of the Legislature, and it was due to this House, had it been in session, that they should have been presented here at the same time, but that could not be done for the reason I have just stated. It is impossible to fail to regard with very great interest this question, involving, as it does, the acquisition, as a part of Canada, of a country so extensive as that embraced in the terms of the resolutions. I do not think anyone familiar with the history of nations can point to any instance where the transfer of so large a tract of country has been made, as is contemplated by the resolutions before the Houses. Though a large portion of that territory is sterile, and not of an attractive character, another large portion of it is quite the reverse, and the land is as fertile as any we have in Upper Canada, and another portion of it as good as any land in Lower Canada. The country to be acquired embraces all the land north of the 49th parallel of latitude, and is 3,000 miles from east to west, 1,400 from north to south, and contains 2,210,000 superficial miles. This is the extent of the whole country to be acquired under these resolutions. It gives to this Dominion the whole country north of the United States, except the portion which they obtained from Russia. Though a large portion of this territory is sterile, there is a large portion of it described as being eminently fertile, and this extends from the United States boundary as far north as 60° latitude. To confine it to that section of the country bounded by the north branch of the Saskatchewan, we have a length of country of 880 miles, by a breadth of 760 miles, and this country is equal to any part of Ontario. Leaving out a considerable portion of what is described by all as the fertile belt, and taking the country running up to the 60th parallel of latitude, which may be described as bounded on the south by the line of latitude 49° N (the northern boundary of the United States), on the west by the Rocky Mountains, on the east by Lake Winnipeg, with its tributary waters—the River Winnipeg and the Lake of the Woods—and from the north end of Lake Winnipeg by a line drawn northwest through the west end of Lake Athabasca to the line of latitude 60° N., and you have in those limits a country containing

an area of 480,000 square miles. This country is situated in much the same degree of latitude as Russia, although a considerable portion of Russia runs into a more southern latitude, but, judging by what we know of Russia, and what we know of this territory and its fertility, a comparison may be made between the two countries. In a book recently published by Mr. Alexander Russell, of the Crown Lands Department, which is spoken of by Mr. Dawson as containing in a short compass all that is accurately known of the North-West Territory, a comparison of the capabilities of the two countries is made. It is there stated that in Russia the whole cultivated lands and meadows taken together are but one-sixth of the surface of the country, and the average yield of the crop sown is nearly four to one of wheat. If the fertility of the North-West Territory is anything like the average fertility of Ontario and Quebec, instead of having a return of four to one, there will be a return of twelve or thirteen to one. It is more fertile twice told than Russia. Though not so fertile as this territory, and not so capable of maintaining a population of seventy millions, Russia occupies a position which we all recognize. The power of that country before the Crimean war was so great that it formed the subject of consideration by all European powers, to prevent its further aggrandisement and its becoming the terror of the world. In this North-West Territory we have at the outset, without reference to the sterile lands, but only including lands such as have been described as more fertile twice told than Russia, a territory capable of maintaining a population of 30,000,000. This is the opinion of those who have travelled there and who have been high in authority in the service of the Hudson's Bay Company. If it is true that we have a country as large as, and much more fertile than Russia, is it not in accordance with common sense to suppose it capable of sustaining a population of equal magnitude? The Dominion, when this new territory is added, will embrace as large an area as two-thirds of Europe. With this new territory we will have an advantage which Russia never has had. Russia has always laboured under difficulties for want of sea ports. It was the desire for a sea frontage and other causes which made Russia desire to get possession of Constantinople, in Turkey. This want of a sea frontage has been felt in Russia from the time of Peter the Great to the present time. The new Dominion will start under the advantageous circumstance of having an extensive sea coast and excellent harbours, and, if British Columbia joins the Confederation, which is very probable, we will have in addition 1,250 miles of sea coast on the Pacific, with a harbour open at all seasons of the year. This harbour is well sheltered, and is in a climate which will compare favourably with the climate of Great Britain, and is much more favourable than our own climate in Canada. Then, on the Atlantic and Gulf we have 3,750 miles of sea coast south of latitude 60, and abounding with harbours of the best description in the world. In addition to these advantages on both sides of the continent, we have a Lake coast of 1,800 miles in Canada proper. These are advantages

which Russia never has had. Looking at all the facts mentioned, and taking into account our fisheries, it is quite reasonable to look forward to a future when the country will be as populous as the one to which I have compared it. We have also the advantage of having coal and iron existing in proximity to each other. This has been the cause of the prosperity of the Mother Country, and it will cause us to prosper. We have in the Maritime Provinces coal of a very superior quality, and iron of superior quality, and these being near the sea coast are the elements of great prosperity and should lead us to look forward to a future of success. In addition to these advantages with which the Dominion starts, we have another in the large tonnage we already possess. According to the statistics given, our tonnage will compare favourably with the tonnage of nations much older than we are. The tonnage of Great Britain is stated to be 5,452,862. The United States owned the next largest amount of tonnage in the world before their war, but now it is much less. France has a tonnage of 1,008,862; Italy, 660,662; Russia, 365,000; Canada proper, 812,343; Newfoundland, 83,204; Prince Edward Island, 30,349, which gives a total for the Dominion of 926,096, if those Provinces come in. Making allowance for errors, this is a tonnage which will give the Dominion an exceedingly fair and promising start in the shipping interests of the world. It gives us a larger tonnage per head on our population than any country in the world. The statistics of tonnage, I am told by the Minister of Marine, are correct, but, as I do not wish to say anything which can not be borne out by facts, I will only say that, though ours may not be quite so large as these figures show, still, we rank, in regard to tonnage, as the third or fourth nation in the world. According to the statistics given, the percentage of the tonnage of Canada to population is 20, and in Great Britain 18. This percentage of tonnage is calculated to impress us with the hope of a prosperous future for a country which begins its career under aspects so favourable. In reference to the territory to be acquired, this fertile belt south of the Saskatchewan is about ten times the size of the State of New York. It has an area equal to that of France, Germany, Belgium and Switzerland added together—being 480,000 square miles. In this territory you have a very great advantage which does not exist in Canada proper. You have coal fields from two to eight feet thick, running over a distance of 200 miles. Unless we believe that Sir George Simpson, Professor Hinds and others have written what is absolutely untrue about this country, we certainly must look forward to the possession of such a territory, not only without misgiving, but with a great deal of hope for its future. We will now consider the terms under which this new terrritory has been acquired. The negotiations for its acquisition were commenced in 1858 by the Hon. Mr. Ross, Sir George Cartier and the Hon. Mr. Galt, who then brought it under the notice of the Imperial authorities. These negotiations were at that time unsuccessful, but now, after eleven years have passed away, they have

resulted in the arrangement now submitted for your approval. The terms of that arrangement are so reasonable that I cannot but believe that every member of the House will concur in them. It is proposed that, by our paying £300,000, we will acquire all the country north of us, except British Columbia and Alaska, which latter was recently acquired by the United States. The mother country, with that consideration which she has ever shown to us, gives us the Imperial guarantee for the sum we require to complete this arrangement, thus enabling us to get it at about four per cent. This will make a charge upon our assets of about $12,000 per annum. While our delegates were still in London an offer was made them by the Hudson's Bay Company to compound their custom dues, extending over a series of years, for £10,000 a year. This offer was made by them in their own interest, expecting it to be an advantage to them, and it would nearly cover the interest on the capital which we will have to pay. The offer was rejected, because it was believed that the custom duties would come to a larger sum. The fact that such an offer was made by that company shows that we need not look forward to any loss, but rather a gain upon the interest we have to pay for the capital sum expended for that country. The company have reserved certain rights around their several posts; they are to retain 50,000 acres of land in the shape defined in the resolutions. There cannot be any objection to their retaining that quantity of land around their posts. These posts may in future form the seats of towns or villages, as it is natural to suppose they are placed in advantageous positions for towns. But it does not always follow, as railways, improvements in navigation and other causes often deviate the trade and leave such places very far indeed from attaining the population expected for them. This was the case in Canada, and it is difficult to say whether or not such will be the case there. The five per cent. of the land the company are to retain may seem to be an objection to the arrangement; but it appears to me to be an advantage to have the company in that new territory with us as partners; they will have experience and knowledge of the capabilities of the country, and will foster immigration. They will have an interest in the advancement of the country, the same as we have, and will join with us in settling the country. These are substantially the terms upon which that territory has been acquired, and which it is the duty of this House, in conjunction with the other branch of the Legislature, to pronounce upon. That House has already pronounced upon it, declaring that in their opinion the terms agreed upon are reasonable and such as should be acquiesced in by the country. I hope we will all heartily unite in adopting these resolutions, sanctioning the arrangements which have been made with the Company.

ADMISSION OF BRITISH COLUMBIA INTO THE UNION.

THE SENATE—OTTAWA, 3RD APRIL, 1871:

HON. MR. CAMPBELL, in proposing the resolutions for the admission of British Columbia into the Union, said: In bringing the subject before the House, I am quite aware that honourable gentlemen have not only studied it, but have had an opportunity of hearing a great deal of the discussion on the question in the House of Commons, and of reading many articles in the public press. Still, I think we may very well consider, before going into details, the general importance of the question and the magnitude of the interests involved in the passage of the resolutions. I do not for one moment shut my eyes to the amount of the undertaking which the Dominion will necessarily have to perform. But all those who took part in the original framing of Confederation—all those who have since given their acquiescence to the project—have constantly had before them this ulterior object, they have desired to see the Provinces and Colonies constituting British America united into one great country stretching from the Atlantic to the Pacific. This is shown not only by the debates which took place at the Conference at Quebec, but also in a direct and authoritative way by the resolutions which were the result of that conference. It is shown also by the language which is used in the British North America Act of 1867—the constitutional Act of this country at this time. From these facts it will be seen that the idea of developing Her Majesty's dominions on this continent, by the union of all British America, has been certainly kept in view. Both those who advocated Union originally, and those who have now on account of its adoption given their assent to it, have been, and are still, of the opinion that we should stretch our dominions across to the Pacific and endeavour to form one country under one Parliament, as the only way of maintaining on the continent those institutions and that form of government which we believe to be the best calculated to promote our happiness and prosperity. It cannot, then, be denied that the admission of British Columbia is an essential part of the scheme of Confederation, and, without it, we could not look for the full development of the political, material and industrial advantages which are expected to result from the consolidation of the whole of the British American possessions under one Parliament and Government. I have noticed on several occasions that even those who occupy a very prominent position in another place and have taken grounds against these

resolutions have generally admitted that a railway is an essential part of the scheme and that it should be built as soon as the resources of the country will permit. More than that, I have not read anywhere in the public press, in the last three months during which the subject has been before the country, the statement of the proposition, that a union with British Columbia is undesirable. Therefore, we may be allowed to assume that there is a prevalent sentiment throughout British America that the union of all British America is desirable. Now, leaving the general question—the importance of the interests involved, and the necessity of union as respects the development of the resources of Confederation—I may proceed to consider the terms on which the Union is to be effected. The general scheme involves three propositions which form the chief subjects of discussion. These propositions, on which grave doubts appear to have arisen in the minds of some gentlemen, refer to the representation of British Columbia, the nature of the financial arrangements apart from the railway, and the question of the railway itself. As respects the first, the question of representation, it has been objected that the scheme provides for a representation in Parliament beyond what we now enjoy in Canada. I suppose that almost every one, whatever his views may be, will agree that the rule of representation by population cannot be fairly applied to a new territory. If we applied that rule to Manitoba, it would be left without any Parliamentary representation: and, therefore, it must be admitted that, in considering the case of a sparsely settled country, we must provide arbitrarily for the representation, as was done in the case of the new province in the North-West. We gave to Manitoba, with its population of 12,000, a representation of four members in the House of Commons and of two representatives in the Senate; for we had to consider not merely the existing state of the country, but to look forward to the time, not far distant, when there would be a large and energetic population settled within its borders. This principle was affirmed by both Houses of the Parliament of Canada, as well as by the Government and Parliament of England. It was also affirmed with respect to Newfoundland, to whom we would have given a representation in advance of their population at the time; and, therefore, it is only just that we should apply the same rule to British Columbia. The population of that colony —supposing it to be as I stated it the other day—is composed of some 15,000 or 16,000 whites, some 1,000 Chinese, and 40,000 or 45,000 Indians. It is, however, a mistake to suppose that the Indian population is always left out in the consideration of the representation for the several provinces. In the census which is now being taken, the Indian population will be counted in every part of the Dominion, and will likely form an element in the adjustment of the representation. In the case of British Columbia, the ordinary rule respecting representation would have given her only one representative at the most, and no one can say that would satisfy her people. I think, too, we should bear in mind that that representation of six members will be the maximum until

the next census. We look forward to the time—as I am sure all must do—when there will be a large population in British Columbia This representation will be found ten years hence to have been based on equitable principles. I now come to the second proposition, and that is the money arrangements outside of the railway. I do not apprehend, so far as I have been able to follow public opinion, that there has been any serious objection urged to these arrangements. It is certainly noteworthy that these resolutions were published in the newspapers three months ago, without evoking any opposition, or showing that they were framed contrary to public feeling. Honourable gentlemen, in considering the financial terms, must remember that it is not only necessary to take into account the amount granted, but also the sum necessary to meet the necessities of British Columbia. It is proposed in these resolutions to take from British Columbia the revenue which she now derives from Customs, Excise, and port and harbour dues, which amounted, during the last year, to $323,500; then, there is the amount of postage, which I put down at $14,000: also the sum which is now derived from steamers, $26,000. Upon the calculation which has been placed in my hand, and which I believe to be correct, the revenue derived from British Columbia will be $363,500. The item on page 9 of the return refers to the amount received for passenger traffic by a vessel called the *Douglas*, which is now being run for mail purposes, and which amount would, to a certain extent, accrue to the Dominion. In taking the customs duties, we must bear in mind that we obtain the most available and certain source of revenue to a new and sparsely settled country. On the other side of the account we find the interest on the debt, $100,000; the subsidy in support of the Government, $35,000; and the amount of 80 cents per head of a population of 60,000—or $48,000. An attempt has been made by an honourable friend of mine, who is in a position to form a good opinion, to fix the probable charges of Governor, Judiciary, and Pensions list, and he puts them down at $30,000. The expenses connected with the collection of customs may be estimated at $15,000; mail, steam and telegraph department, $63,800; light houses, $9,500; militia and geological surveys, $25,000; hospitals, $10,000. The total of these amounts would give $336,300, as the sum of the various charges against the Dominion. My honourable friend from St. John (Hon. Mr. Hazen), the other day, called attention to the guarantee for the dock at Esquimalt. The amount which we are asked to guarantee is $100,000, which would be, at five per cent., $25,000 for ten years. Adding this sum to the $336,300, we have $361,000. I have already shown you that the amount we are to derive from British Columbia is $363,500, and the amount we are to pay her is $361,000—a very insignificant difference certainly. In the latter amount, too, I have included the interest on the dock guarantee, which cannot remain long a liability—that public work must pay at least the interest on the cost of construction, sooner or later. Now, I come to that item which provides that the Dominion Government agree to pay

British Columbia the sum of $100,000, in consideration of the land alongside the railway. It will be remembered that, in case of Newfoundland entering the Union, we agreed to give her $150,000 per annum for land for ever. It was not believed in that case, nor is it in this, that the land would yield any revenue equal to that sum, but it was valuable in many respects, and it was felt necessary to assist Newfoundland beyond the 80 cents per head of population. Looking at the statement of the sums the local Government of British Columbia will have to provide for, we find that they amount to $212,000—every item appears to have been very carefully, even frugally, considered. Then they have a British local revenue left them by the Dominion, put down at $151,000. Assuming that the calculation of their expenses is very moderate, then we come to what they have to meet them. The 80 cents per head would be $48,000; the subsidy would be $35,000; the balance of interest on debt not incurred, $25,000. These, with the $151,000, would give a total of $259,000, against an actual existing expenditure of $212,000, which is quite irrespective of the new legislation and other kindred expenses which will in their new state devolve upon them. It must be remembered that, in making an arrangement with a country like this, sparsely populated and with large boundaries, provision mus be made for internal development, and in any union we must make it satisfactory to the people of that country as well as to ourselves Looking, therefore, at the whole state of the case, there would only remain to British Columbia $100,000, which we propose to give her for the land she agrees to cede to the Dominion on the line of railway. Surely that cannot be considered an unreasonable arrangement; in fact, I have not heard anyone say so. In Ontario it is expected that alternate sections of 20 miles will be given for the construction of the road, whereas British Columbia gives a continuous grant of 20 miles on each side. The quantity of land given by that colony is thus twofold that to be given by Ontario and Manitoba. Therefore, the item respecting the land can be defended successfully with respect to the necessities and requirements of the country, and in a lesser degree by the cession of the land itself which the Dominion is to receive. We now come to the portion of the arrangement which the House, no doubt, considers the most serious feature, and that is the proposition for the construction of the railway. Reference has been made to the resolution of which notice has been given in another place. Now, I desire at the outset to call the attention of the House to the language of the resolutions before us, and show that it fully bears the interpretation which the notice in question gives to it. The language of these resolutions is not that the Government will build the railway themselves, but that Canada will *secure* the construction of it. We are not in any way bound to the mode of constrcting the road, which some gentlemen are so desirous of fastening upon us.

HON. MR. STEEVES—It points to the building of the road.

HON. MR. CAMPBELL— It points to the best mode of constructing the road.

HON. MR. SANBORN—Perhaps the honourable gentleman will agree to incorporate the notice in question with the resolutions.

HON. MR. CAMPBELL—It is impossible to do so, as I shall presently show; but in any case it is unnecessary. The resolutions, as originally framed, point to precisely the same thing as the Government have always had in contemplation. The proposition to construct the road within a certain period has attracted a great deal of attention, but I may explain that we have mentioned that time as most likely to be occupied in the construction of the work. It was not intended that we should proceed in the face of insuperable obstacles, or jeopardize or injure the resources of the country. It must be remembered, too, that the people of British Columbia will stand hereafter precisely in the same position as we ourselves—their representatives will be here and in the other branch, equally interested in the prosperity and economical administration of public affairs. We mentioned the time of 10 years as a guarantee that we were in earnest, and the intention has been always the same—the construction of the road by private enterprize, and such aid as we could give without injuriously burthening the resources of Canada. Suppose a war arose in Europe to-morrow, and England became involved, would it be expected that we would nevertheless go on with the undertaking?

HON. MR. SEYMOUR—It would only put off the evil day.

HON. MR. CAMPBELL—It would only put off the fortunate day (hear). Every gentleman who has discussed this question has admitted that the road must be built sooner or later, and that British Columbia must come into the Union. Does any one hesitate to acknowledge the advantages which that colony will derive from the opening up of communication with this country? Not only will she be benefitted, but also the whole Dominion, by the opening up of rich territories which otherwise must be waste for many years to come. We cannot be, ten years hence, in a better condition to deal with this question than we are now. Will the country be more fertile or our resources more capable of meeting the exigency? Never can it be in a better position to make a commencement in this matter. We all know the great interest that is taken by Great Britain in the progress of the Confederation, and the importance which the statesmen and people of that country attach to the extension of the system. It will not be denied—no one has attempted to do so—that until the railway is accomplished, no union will be perfect. In the plan proposed, certainly, there can be nothing to alarm honourable gentlemen.

HON. MR. LETELLIER DE ST. JUST—What will be the cost?

HON. MR. CAMPBELL—I cannot tell my honourable friend, but I can tell him what will be the cost to this country, and that is the point for us to consider. What does my honourable friend know of the cost of railways heretofore?

HON. MR. LETELLIER DE ST. JUST—I know that, when any similar scheme was laid before the country, we had reports of surveys and estimates of competent men to guide us, but we have no such facts before us in the present case.

HON. MR. CAMPBELL—There will be a survey. I believe the expenditure for railways up to this time in this country has gone up as high as $160,000,000. But that is not a burthen imposed upon this country. If it had been said in 1854, when our railway system was commenced, that such a sum was to be expended in the construction of railways, the country might have been alarmed ; but who now speaks of a very unnecessary burthen having been imposed upon the country in connection with these public works, which have proved so very beneficial to the country? Let us look back for a moment to the circumstances in which Canada stood at the time she incurred some of the large claims which have resulted so satisfactorily, and have placed us, in connection with other causes, in our present condition of prosperity. When we undertook our present Canal system, which has been very advantageous to the country, we had (in Ontario and Quebec) only a population of 1,100,000, and yet we entered upon the construction of public works which have cost $16,000,000. Then, we had a debt of $5,312,000, with a revenue of only $1,280,000. Then, some years later, we embarked in the railway system, when we only had a population in the Canadas of 1,842,000, with a revenue of $6,000,000, and a debt of $20,000,000. At that time we entered upon the construction of an expensive system of railways, and assistance was given to some of these enterprises in various shapes. The result has been the construction of 3,000 miles of railway, involving an expenditure of $160,000,000.

HON. MR. TESSIER—Was the prospectus of the Government promising ten per cent. realized?

HON. MR. CAMPBELL—That prospectus was put forward by members of the then Government amongst others, but its statements have been more than realized as respects the earnings. The expenses of construction, however, were so much increased by the occurrence of the Russian War and from other causes that the shareholders have sustained heavy losses. There can be no question, however, as to the soundness of the views which were then held by those who were dealing with public questions, with respect to the advantages which the road would confer upon the country at large. Similar results may reasonably be expected to accrue from the construction of the railway to the Pacific, on the terms on which we expect to have it accomplished. Now with respect to the mode in which this railway must be constructed. The resolutions say that "the Government of the Dominion undertake to secure the commencement simultaneously, within two years," and "to secure its completion within ten years from the date of the Union." Now, supposing that plan to be pursued, as proposed in the resolutions, the information we have been able to get from men competent to speak on the subject leads us to believe that the road can be built with the free grants and the aid of a small subsidy. We believe, besides the land grant, the Dominion need only give a subsidy ranging from $7,000 to $10,000 a mile, to accomplish the construction of the road. In the case of the Central Pacific, the Government of the United States gave a

larger subsidy, some $16,000 a mile, and in the mountain country $48,000 a mile. The Northern Pacific Railway, however, is being built without any money subsidy at all, and it runs through a country which, on the whole, is not so fertile as that which the Canadian Pacific will pass through. The sum I have mentioned will not bear hardly on the resources of the country, and should not cause us to be alarmed, especially when we come to review our past history. It will probably take from the present time to 1873 to survey the line. Then, suppose we built 100 miles the first year, we would only have to pay $50,000 interest on the subsidy; 290 miles the next would be $100,000; 400 miles, the interest on subsidy would be $200,000, and so on until completion. The road is not to be built in a year, and our resources will not be burthened in any injurious or serious way. But, it is urged why not include the resolution, of which notice has been given elsewhere, in the present arrangement. It is unnecessary, in my opinion, but more than that, it would force us to send the whole scheme back to British Columbia, and open the door for other changes. Everybody who knows anything about the proceedings in that colony is aware that there were persons who required other stipulations than those embodied in the resolutions. They were told that the measure was in the nature of a treaty—I use that term for convenience—and they could not make changes in its details without sending it back here. We must endeavour to avoid all unnecessary delays in the accomplishment of this Union. And what possible benefit would be derived from the course proposed? It is not necessary to make things really, but only apparently, clearer than they are now.

HON. MR. DICKSON—We must put that construction on the words which appear here.

HON. MR. CAMPBELL—My honourable friend is probably right as to the literal construction to be put on the resolutions.

HON. MR. STEEVES—Does my honourable friend wish to argue that hereafter the interpretation will not be given according to the words of the written document?

HON. MR. CAMPBELL—I do not think the literal meaning of the resolutions will be as honourable gentlemen desire to insist on, especially when they are coupled with the one to be passed in the other House—asking the authority of Parliament to construct the road by private enterprise, and not by the Dominion. Nothing can be plainer than the language of this resolution: "Resolved that the railway referred to in the address to Her Majesty concerning the Union of British Columbia with Canada, adopted by this House on Saturday the 1st April instant, *should be constructed and worked by private enterprise, and not by the Dominion Government;* and that the public aid to be given to secure that undertaking should consist of such liberal grants of land and such subsidy in money, or other aid, not unduly pressing on the industry and resources of the Dominion, as the Parliament of Canada shall hereafter determine."

HON. MR. LETELLIER DE ST. JUST—That is not in your treaty.

HON. MR. CAMPBELL—It makes no difference whether it is in the treaty or not—it gives the real interpretation to the resolutions before us.

HON. MR. CHRISTIE—If that be the case, why not send the matter back to British Columbia and ask the Legislature to place the same interpretation upon it?

HON. MR. CAMPBELL—I have already shown you why that cannot be safely done. It must be remembered, too, that there are other interests besides those of British connection—interests which would carry British Columbia in another direction.

HON. MR. LETELLIER DE ST. JUST—What are they?

HON. MR. CAMPBELL—Every one knows perfectly well. The large sum of $7,000,000 was readily given for the territory of Alaska, a country to the north of British Columbia, and by no means so rich in resources. Therefore, it is necessary for the consolidation of British interests on this continent that we should not unnecessarily jeapordize the union of Canada with the colony on the Pacific shores. It is not as if we were making an arrangement with a foreign country. The people of British Columbia will form a part of our population, and take the same interest in the affairs of the Dominion that we do ourselves; and it is not likely, when she comes into the Union, she will wish to push this enterprize forward to the injury of the Dominion, with whose prosperity she will be so closely identified. This railway is not necessarily a British Columbia project—even if the colony were not to be united to Canada, we should have to open up a speedy communication with Manitoba and the North-West. An ordinary road would not answer the purpose, but a railway would have to be built as soon as practicable—it was a part of our policy in annexing the North-West. That fertile country would be little useful to the Dominion unless it had speedy access to the markets of Canada and the United States. We must, therefore, consider the question in a Canadian point of view—in relation to the North-West as well as to the Pacific colony. Without a railway no population will flow into the North-West, and we shall receive no advantages from our large territorial acquisition. I believe that this great work can be built with the grants of land and a money subsidy of about $10,000 a mile. Every one agrees that the Union is necessary, and that the railway is an inevitable part of the scheme of the Union; and all that is in dispute is the best mode of constructing the road. I doubt if a more satisfactory mode could be proposed. I have not heard of any other having been suggested. If, then, we believe that the admission of British Columbia into the Union with Canada is necessary, and that the Railway is an essential feature of that Union; if we believe that the whole arrangement is necessary to the preservation of that British connection which has tended to make this country happy and prosperous, we should have no hesitation in passing the measure in its present shape. Our experience in the past shows us that we need not be apprehensive of the results that accrue from the construction of useful public works. In the present case the plan is so adjusted as to bear lightly on the resources of the country, which are in such rapid process of development from year to year (cheers.)

THE TREATY OF WASHINGTON.

THE SENATE—OTTAWA, 28TH MAY, 1872:

HON. MR. CAMPBELL said: The bill which is now submitted for the consideration of the House is for the purpose of enacting those laws in Canada which are necessary to give effect to those portions of the treaty of Washington that affect the Dominion. The provisions of the bill are of a very simple character. They provide for the suspension of all acts which prevent the inhabitants of the United States from taking fish on the coasts of the Provinces of Quebec, New Brunswick, and Nova Scotia; for the free importation of fish oil and fish of all kinds, except fish of the inland lakes, into Canada; for the transmission of goods, wares and merchandize from one part of Canada to another, while in transit to the United States, under such rules as the Governor in Council may prescribe; also, for the admission of United States vessels into the advantages of the Canadian coasting trade, provided the articles to be carried pass over certain portions of the United States by land. The whole bill is, by the last clause, to come into force only after the Proclamation of His Excellency the Governor-General to that effect. It is impossible to approach the discussion of the Washington Treaty without being alive to the consciousness that everything which relates to it has been discussed at great length and with great ability, almost, if not quite, in the hearing of every gentleman present. Undoubtedly, by reason of these discussions, very much interest has been taken in this subject; but, nevertheless, it is my duty, on behalf of the Government, in submitting the bill to the consideration of this branch of the Legislature, to give an outline of the circumstances which have led to the Treaty, and the legislation which is sought to be passed by this House. Honourable gentlemen are aware that, on the termination of reciprocity, it became the policy and duty of the Government to go back to the exclusive rights of fishery which Canadians enjoyed within three miles of their coast. It was at the time doubtful whether it was advisable to do that absolutely, or whether, in order to avoid disputes, we should limit the absolute use of our undoubted rights with respect to those fisheries. The counsels which tended in the direction of giving the Americans admission to our waters under some restrictions prevailed, partly on the advice of the Imperial Government, and partly through the sense which the Canadian Government felt of the responsibility involved in seeking to press extreme rights. In consequence of these considerations the system of licensing was adopted for two or three years. That system had these two merits, it involved a complete ac-

knowledgment of the right of Canada to the three miles' limit; and, secondly, it prevented the danger of collision between the fishermen of the two countries. During the first two years the American fishermen took out licenses very generally. The license fee was small, and the Americans did not attempt to any large extent to evade it. Subsequently we found that the licenses were not asked for, and that the American fishermen did come within the three miles' limit of our shore. Considerable feeling was excited among our people by the disregard of our undoubted rights, and it became the duty of the Government to consider what was best to be done. It was desirable that, if possible, we should arrive at some satisfactory decision between ourselves and the United States with respect to the limit of exclusive fishing rights. It was believed that, were the whole question submitted to an arbitration, and a decision arrived at on the subject, there would be no difficulty in enforcing, by means of our own police schooners and vessels of the Imperial Government, these enactments so far as they were applicable to the fishing rights of Canada within the three miles' limits. We approached the British Government with the view of obtaining that end. We thought our object might be attained by referring the question to a commission mutually named by the two countries. The British Governments were at that time ready to make representations to the United States on the subject, and promised to do so. Before those representations were made, other difficulties which existed between the two countries presented themselves to the Imperial Government, and demanded also consideration at their hands. These new difficulties were those which grew out of the Alabama claims, and had become of Imperial interest, and it so happened, after the Canadian Government made their request for the settlement of these fishing rights, a proposition was made for the arrangement of these and other matters between the two countries. Up to this time the Government of Canada had desired simply the settlement of the rights for exclusive fishing. We had also made strong representations as to the losses which had been inflicted upon this country by the Fenian invasions. Those representations had also met with attention at the hands of Her Majesty's Government, and it was, moreover, understood that representations would be made to the American Government upon that point. That subject accordingly passed, at the time I have mentioned, into the consideration of the Imperial authorities, and was included among the matters which they proposed submitting to the Government at Washington. During the negotiations at Washington an effort was made to separate those questions which more immediately affected Canada from those of Imperial interest, but that was found impossible; and then the general result followed of the adoption, by the Commissioners, of the Treaty, to which this bill gives effect, so far as it concerns Canada. It will be seen, from the whole course of the proceedings, that the Government of Canada had distinct objects in view which they attempted to have settled without reference to other disputes. They attempted to obtain

these objects by having a separate decision in the first instance on the limits of exclusive fishing, and on the Fenian claims, and secondly on those questions whilst the Joint High Commission was sitting at Washington, by dealing separately with those which immediately affected Canada. I do not understand from anything that has transpired elsewhere, or from the newspapers, that up to this stage of the matter any adverse criticism had arisen with reference to the conduct of the Government. After the results of the Treaty became known very serious objections were taken to the course pursued by the Government. These objections were of a three-fold character. In the first place, objections were taken as to the inconsistency of the Government, as developed in the minutes of Council which were sent to England with respect to the Treaty. Another objection was taken with reference to the direct responsibility of the gentleman who was a member of the Commission, and also a member of this Government. The objection was urged that his responsibility was to the people of this country, and that under these circumstances he was not justified in signing the Treaty. The third class of objections was as to the merits of the Treaty. With respect to the objection—regarding the responsibility of Sir John Macdonald—I think that has lost all its interest, and need not be discussed, inasmuch as the Government of which he is the head has asked both branches of the Legislature to adopt the Treaty which he signed. At present there is no use in discussing what is merely a theoretical question. As respects the charge of inconsistency against the Government, because in the first place we objected to the Treaty in such strong terms, and afterwards suggested the mode by which it might be made more acceptable to the people of this country, I think that can be easily refuted. That objection is susceptible of easy explanation when one bears in mind the change which took place in the feelings of the country from one period to another. When the Treaty was originally signed there was a considerable feeling excited against it, arising out of several causes. In the first place there was a feeling that the right of common fishing had been given away over our heads—that the Parliament of Canada had not been asked beforehand whether they would or would not give up their fishing rights within the three miles' limits. The Government, representing the confidence of this Parliament and country, had not been consulted, and consequently there was considerable feeling on the subject in every section. Again, the people of Canada felt that they had been unjustly treated with respect to the Fenian claims. Everybody knows that each of the Fenian invasions had been rendered abortive, not by the exertions of the United States, but by the patriotic efforts of the people of this country. (Cheers.) If England appeared to give more credit to the United States than was their due, it arose in a great measure from the fact that the telegraph wires are in the possession of the Americans, and the news of the invasion and the movement of the United States Government to arrest the Fenians reached England simultaneously, and created the impression that their interference was

really more prompt than it was. Under those circumstances, knowing the great losses which had been inflicted upon the country, we were anxious that the Fenian claims should be dealt with at Washington, and indeed we had the promise of the Imperial Government that they would be considered. When we found that the letters which had passed between Lord Kimberley and Sir Edward Thornton were not sufficiently comprehensive to include these claims, the people of Canada were exceedingly dissatisfied. They were dissatisfied also because they believed the consideration which was given for the fisheries was inadequate. They had been desirous of obtaining reciprocity, but that was not given in its entirety by the Treaty; and I think when the first Minutes of Council were written they represented the feelings of the people very correctly. Time passed on, and opportunity was given for that sober second thought which often leads to the safest conclusions on questions. In the first place we supposed that those engaged in the fishing trade were against the Treaty, but we found in the course of time that the Maritime Provinces were decidedly in favour of the measure; and that has now been conclusively proved by the vote given in the other branch by the representatives of those provinces. When we found that the feeling of dissatisfaction was disappearing, that those most affected by the Treaty were ready to accept it, a new view of the case was presented to the Government, and justification afforded for the language used in the second of these despatches to which reference has been made with the view of showing the inconsistency of the Government. There remained, however, the Fenian claims, and we submitted a proposition with respect to those claims which we hoped would enable us to satisfy Parliament. It has been said by some English newspapers that the British Government should either have enforced those claims, or refrained from giving us any consideration for them. I am not prepared to say that I concur in that view. It is, of course, the bold and magnanimous view; but at the same time there is a great deal of consideration due to those great topics which affect the peace of nations. If it was believed that those Fenian claims could not be enforced without endangering the peace of the two countries, it was a wise, although it may not have been a bold thing, not to have pressed them. I do not think the people of this country are open to any accusations or imputations because they accept this guarantee. We had a fair claim for compensation for the damage we suffered from the Fenian invasion. We had discharged our obligations towards the United States—we were living quiet, peaceable lives—showing no disposition whatever to be aggressive, when from time to time these Fenian raids took place, and the country was put to a large loss of life and property. When Great Britain, for Imperial reasons, refused to press the claims of Canada, there was no reason either in morals or good sense why the people of the country should not ask the Imperial Government to give such compensation as would satisfy us in some measure for the losses we had sustained. In the next place, as to the merits of the Treaty, I appre

hend, when we look at the vote elsewhere, we have a strong indication as to the feeling of the country at large. The merits of the measure were there discussed at length, but I think this is remarkable, that those members of Parliament who come from the Maritime Provinces, and who are best able to form opinions upon that part of the Treaty which affects the Fisheries, are for the most part—particularly those representing fishing counties—favourable to it. Amongst others I was particularly struck with the speech of one of the members for Halifax, who spoke with a great knowledge of the subject—engaged as he has been for many years in the fisheries—knowing all the circumstances of the trade before 1854 down to the present time; and his arguments were particularly strong in favour of the adoption of the Treaty. I may say here at once that there is no giving away of Sovereign rights. We have admitted the United States to a common fishery for a certain period and upon certain conditions, but when that period expires we can, if we wish, have our rights restored. Under the old Reciprocity Treaty and the licensing system, the American fishermen were giving away our Sovereign rights. It must be borne in mind that there is in the Treaty an acknowledgement of the right of fishing within the three miles' limit to be exclusively our own. And this right will revert to us exclusively at the expiration of the period of twelve years allotted for the duration of the Treaty. A good deal has been said with respect to the navigation of the St. Lawrence. By the comity of nations the St. Lawrence is open to the world as far as Montreal, and the United States, in consequence of owning the country alongside of us, have the right of navigating the great lakes as far as St. Regis. What has been done under the treaty is to give them the right of navigating the river between St. Regis and Montreal; they cannot well use it unless they pass through our canals, and we do wish to see their ships pass through the St. Lawrence and our canals, and the wealth and prosperity of Canada in that way enhanced. In giving up our fisheries we acquire from the United States advantages of very considerable moment. In the first place, they do not pretend that the fishing rights which they give us are equal in value to those which we give to them. An arbitration accordingly is arranged by which the difference between the respective concessions may be ascertained and paid to this country. I have no doubt in my own mind that the Minister of Marine and Fisheries will be able to make out a very strong case with respect to the value of these fisheries. Then, there is the bonding system, which is of great value to both countries, and, if it had not been continued by the Treaty, Canada would have been seriously inconvenienced. Irrespective of these advantages, the feelings of the people of this country changed very much on account of the knowledge that great importance was attached by the Parliament and people of England to a solution of the difficulties between Great Britain and the United States. We felt that the people of England were actuated in a great measure by the consideration that no part of Her Majesty's empire had a deeper interest in the peaceable adjustment of

the difficulties than Canada herself. We knew that the people of England were making some sacrifices of national pride, which Englishmen feel as much as any other people, when they agreed to accept the Treaty for the sake of peace, and above all for the sake of this part of the Empire. (Applause.) Then, there grew up in this country a desire that we should reciprocate the sentiments displayed by Great Britain, and make any reasonable sacrifice in order to carry out a Treaty which was matured in the interests of the whole Empire. Since these transactions took place we have had remarkable evidence of the importance attached to the preservation of the Treaty both by Great Britain and the United States. The history of the indirect or consequential claims is pretty well known to us all, and we have witnessed the earnest desire of the people and of the statesmen of both countries, that the ill-considered advancement of these claims should not be allowed to break up the Treaty. We have seen the anxiety of the Government of England, whilst refusing absolutely to admit that these claims could be considered by the Geneva tribunal, to arrive at some arrangement by which they could be withdrawn without offence to the sensitiveness of the people of the United States. We have seen also the forbearance which the Opposition in England has shown during the whole course of the negotiations which we believe are now drawing to a satisfactory close. All parties have acted calmly and patiently, and there has been a sacrifice of some national pride on both sides. It has undoubtedly been very difficult for the United States to recede from the position which the case submitted on their behalf took up with reference to the consequential damages: and so on the part of both these nations sacrifices have been made with the sole object of giving this Treaty effect, and, as to the course that Great Britain has taken, I think it beyond doubt that it has been very much actuated by regard to the position which she occupies on this continent. I am quite sure that this House fully understands the magnitude of the interests involved in the satisfactory adjustment of all differences between the United States and England, and I hope honourable gentlemen will unanimously agree to pass this bill, the second reading of which I now beg leave to move.

THE CANADIAN PACIFIC RAILWAY

THE SENATE—OTTAWA, 18TH APRIL, 1873:

HON. MR. CAMPBELL resumed the debate on Hon. Mr. Macpherson's Pacific Railway resolutions. He said: In rising to reply to the speech of my honourable friend, the Senator from Toronto, made last evening, I do not propose to occupy the House for any considerable time. The remarks that honourable gentleman made in proposing the motion extended to a very considerable length, and were necessarily, I do not say it in a spirit of adverse criticism, somewhat discursive in their character. I felt, at the time and afterwards, that it was somewhat difficult to group his arguments together so as to answer them tersely, and not too much to occupy the time of the House in so doing. I shall endeavour, so far as possible, not to prolong unnecessarily the answer which I deem it my duty to give to the criticisms which have been made by the honourable gentleman on the course pursued by the Government with regard to the Canadian Pacific Railway. My honourable friend's position in the House and country eminently demands these explanations at my hands, no less than the position he occupies in reference to the Government, and which we are very anxious he shall always continue to occupy. (Hear, hear.) In discussing the resolutions he certainly laid many sins at the door of the Government as to the course which they have pursued with regard to this railway. I hope he and the House will bear in mind that it is much more easy to criticise after the fact than to make up one's mind beforehand as to what is best to be done. I do not doubt that any one could now sit down and find fault, with a great deal of force in many points, as to the course pursued by the Government, or by a great company, or any individual, with reference to any large transaction. The iniquities, laid at our door in the ten or eleven resolutions which have been on the paper for a long time, relate to the original inception of this matter, the manner in which we overlooked the claims of the Interoceanic Company, with which he was connected, the way in which we formed a new company, the charter given to it, the character of that charter, the various provisions with regard to the raising of money, the land grant upon which the money was to be borrowed in England, and several other points upon which he has enlarged. These are the weighty sins set forth in this indictment at great length, longer than the decalogue; they are set forth in eleven counts instead of ten. We have been guilty of the breach of the ten commandments, and of the eleventh, of which we sometimes read in United States productions, in addition. (Laughter.) But I apprehend that, after all, if we all knew

the truth, the greatest sin has not been mentioned yet, and it is that we did not give the contract to the Interoceanic company. (Renewed laughter.) If we had taken that course—if we had been fortunate enough to have received the assistance of my honourable friend from Toronto—and we should have considered ourselves very fortunate, for we recognize his high position and his great influence in Ontario and elsewhere, for he is a man of wealth and high social standing—we should not have heard of these resolutions in all their portentous length. I do not desire to criticise unfavourably, but we should have escaped the exceedingly long speech of my honourable friend in support of them also, as well as the suggestion that this House should, by resolution, depart from the policy laid down in a previous Parliament, by the Commons in 1871, and, during the session of 1872, by the act of both Houses, with the assent of the Crown. That policy was that this road should not be built by the Government, but by private enterprise, aided by a liberal grant of money and land. There was no member of the House more earnest in impressing the necessity of this course on the Government, and in endeavouring to make sure that the work should not be conducted by the Government, that there should not be, as it was called, a repetition of the Intercolonial Railway matter, but that the enterprise should be conducted by private hands. No persons were more earnest in insisting upon this policy than the Opposition, with whom my honourable friend is now taking sweet, though unaccustomed, counsel. (Laughter.) Now, I do not apprehend that the House is anxious to go into a long detail of the various objections which may, by ingenuity, be raised against every particular feature, or a great many features, of the Pacific Railway charter. I imagine the House will be disposed to look on it as a whole, to see if there has been any departure from the principle settled in Parliament in the terms in which it was granted. I conceive there has been no departure in any essential. Now, if we had had the advantage of the honourable gentleman's assistance, we should have this charter precisely as it is, almost word for word. Had he yielded to the suggestions made to him by the Government, and amalgamated his company with the Allan Company, the work would not have gone on under the charter of either company, but a new company would have been formed. He would not have been anxious to take terms less favourable, but to get more favourable, and in all human probability, he would have been now, instead of finding fault with our charter and criticising everything done under it, and instead of saying there should be no private company, and the work should be done by the Government, he would have been in England with Sir Hugh Allan endeavouring to raise money for the construction of the road; and I hope he will, without offence, allow me to say he would have been more usefully employed than endeavouring here to do what he can to prevent the success of those so occupied in England. There are others who can speak with more certainty than I can on the subject, but I take leave to doubt whether he is now speaking as

he has a right to speak for the Interoceanic Company. (Hear, hear.) I believe there are many, including some within the sound of my voice and belonging to that company, who would express the opinion I do that he is not not now speaking for the large number of respectable and wealthy persons who once gathered round him as members of the company, but chiefly for himself, or, at most, one or two besides—for one, particularly, who holds an important position in the commercial world, and who is said to be a gentleman of great talent, of bright prospects, and who is supposed to have great influence in the counsels of my honourable friend. He stated that, in his judgment, the very object with which the two charters were granted last session has been defeated; that the object of Parliament really was to produce a competition between the Canada Pacific and Interoceanic companies, and that it was only in the event of this competition not being successful that the powers of the Government were to be exercised, and a charter granted under the authority of the Act. In order to satisfy us he quoted from the speech of Sir George Cartier. No doubt the language was uttered by that gentleman. I take it this House will be guided in its opinion as to what was intended by the legislature, not by the speech of any member, but by the proceedings and legislation of Parliament, and I say that the Act passed last session in the most clear and decided terms, in language as clear and explicit as it is possible for any Englishman to use, leaves this matter in the hands of the Government, and does not point to competition as the precursor of action by the Government, but to all the considerations which are to influence it. The Act says, in language which it would be hard to stretch or give any extended meaning to:

Clause 15, Canadian Pacific Railway.—"If there be no company, either incorporated originally for the construction of the whole line of railway, or formed out of two or more companies, as aforesaid, for that purpose, or if the Government cannot, or does not, deem it advisable to agree with any such company for the construction and working of the railway under this Act, or is of opinion that it will be more advantageous for the Dominion, and will better insure the attainment of the purposes of this Act, that a company should be incorporated—then, if there be persons able and willing to form such company, and having subscribed capital of at least ten millions of dollars, the Government may grant a charter," etc., etc.

Can anything be stronger than this? Is there any suggestion of competition here? and should a large enterprise of this kind, involving a vast amount of money and land, require competition and huckstering for its prosecution and completion? No object of this kind was desired. The design was to bring about the strongest combination possible; a union of the greatest and most influential men; and not to dwindle or cause to degenerate a great object by means of a petty rivalry and peddling, to ascertain whether they would build it for a dollar or an acre of land less. If that was the idea of the honourable gentleman,

why did he not express it last session? The act of last session gave the Government, in the most distinct and positive terms, the power I have claimed. The charter granted says :—"We were unable to induce these companies to amalgamate, and that we deemed it more advantageous to the Dominion to make the present contract to be framed in conformity with the intentions and object of the Legislature, and without going beyond them in any substantial manner." I may refer to a paper on this subject which many honourable gentlemen may have seen in the *Canadian Monthly*, the production of a writer who stands outside of Canadian politics, and who has examined the subject with the eye of a critic and bystander; he uses the very language I do, that the charter does not in any way exceed the powers conferred by the Legislature. My honourable friend opposite argues that, competition having taken place, we should have granted the charter or contract to the lowest tenderer.

HON. MR. MACPHERSON—To any association.

HON. MR. CAMPBELL—Yes, if such an association as Mr. Koersterman's had been formed, and its offer had been lower than such a company as Sir Hugh Allan's, combined with that of the Senator from Toronto, would have made, we should, according to him, have given the contract to the lowest. That would have been a sad bargain for the country. Such a transaction was not the object of the bill. Everyone felt that union and co-operation were necessary, and it is on record here in eloquent language by the honourable Senator from Toronto that every exertion should be made to secure the best combination of Canadian energy, skill and capital that could be brought about for the construction of this great road. Does the honourable gentleman pretend that, if by competition this subsidy of thirty millions had been cut down, he was prepared to undertake the construction of the road? Would he have been content to take any less sum? I see evidence pointing to a very different conclusion—that he thought it was impossible to go on and complete the work. His company, or he, in its behalf, said that "the subsidy in money, although large, is still insignificant "relatively to the enormous outlay that must attend the construction of "the work." This appears in one of the last letters the honourable gentleman wrote on the subject. It shows no indication that there was to be any competition, or that he was prepared to embark in this undertaking for a smaller subsidy. It is folly to say so, and it is surprising that a gentleman of such good sense and large experience should urge that there was any suggestion or idea as to the propriety of competition. When looking at the amount of capital for the road, let us bear in mind that it is not a question of constructing this railway by share capital. My honourable friend opposite boasted with great justice of the strength of his company, and contrasted it, I thought, somewhat unfairly with the Canada Pacific. Beyond all question the gentlemen of the Interoceanic Company deserve to be spoken of with every respect. I quite agree that they are entitled to the credit he gave them. I apprehend,

however, that not only in the commercial but in the political world—if that is a point—and in the social world also—in every way, in fact—many gentlemen of the Canada Pacific Railway stand quite as high as members in the Interoceanic. I find in the Canada Pacific my honourable friend from the Erie Division, Hon. Mr. Skead, of the Ottawa, my honourable friends from Inkerman and Belleville, and other Senators; and yet the honourable gentleman from Toronto says the principal object of this company, its *raison d'etre*, was to prevent this road falling into the hands of the Americans? Why should he suppose those influential members of the Pacific Company, Canadians like himself, who occupy a position the same as his own, are not entitled to the same respect and credit as himself, for love of country and patriotism? Why are they not entitled to be also credited with a desire to preserve this great land grant to Canadians? Why should he doubt them and plume himself upon the reason that he desires to make this enterprise Canadian? (Hear, hear!) He is, and has been, fighting a shadow for months—fighting with the idea that everybody but himself is anxious to make this road American. I believe nobody wishes to keep out Americans who may wish to invest capital in the undertaking, but that is a different matter from the road falling under American management; because it might lead to the delay of the enterprise and the conversion of it to purposes not Canadian, and the settlement of our lands for the benefit of others. Why should he assume that all the virtues centre in himself? I admit he is full of them. (Laughter.) "Because my honourable friend is virtuous, shall there be no more cakes and ale?" (Renewed laughter.) He seems to think that nobody else but himself can be good. I don't think there was the slightest danger of this Canada Pacific Company changing the charter and turning it into the hands of the Northern Pacific Company. My honourable friend pointed out in moderate, gentle language, which I fully appreciate, that there still might be a danger—that in London, where the field was larger than in New York, there might be still some slipping away of the interest confided to these gentlemen entrusted with the raising of the money, and about the probabilities of whose success the reports spread abroad are untrue. I am happy to say the reports we have received lead us to a different conclusion. Their prospects have advanced, and they are looking to a favourable result. (Cheers.) My honourable friend opposite apprehended this stock might be turned over to the Americans. Let us assume he had some grounds for the original belief that Sir Hugh Allan might do so, why should he assume the present members of this company would lend themselves to a transaction which he describes as unpatriotic and puts so far from himself? The gentlemen in England are known to members of this House, those who come from Quebec, Ontario, the Maritime Provinces and elsewhere, are all well known; are they going to become traitors to their country? are they going to give up the money and land to promote the interests of the American Northern Pacific Road? Another objection the Senator

from Toronto makes is that the capital to be subscribed is altogether inadequate. I find the Interoceanic Company was to have had just the same amount—ten millions—and the amount at first call, the same, one million. The directors reserved the power of making future calls.

HON. MR. MACPHERSON—They don't in this case.

HON. MR. CAMPBELL—I think I can explain the matter satisfactorily. The difference is one in favour of this company. First, as to the amount of share capital—the ten millions—the honourable gentleman was forced to admit that it was not contemplated that this road should be built on share capital, or that money could be borrowed in England on the strength of it. It was on the strength of the thirty millions subscribed by the Parliament, and the fifty million acres sanctioned equally by the Legislature, representing the people, that gentlemen were to go to England to raise the needed capital, and not on the strength of the ten millions share capital. What road has been built with the share capital subscribed here? There is no stock held in this country. My honourable friend will pardon me for intruding into his private affairs, by asking—has he any stock in the Grand Trunk.

HON. MR. MACPHERSON—He has had a very large amount.

HON. MR. CAMPBELL—I should suppose, from what I have heard, that, if any gentleman was under an obligation to hold stock in that railway, it was my honourable friend, since, if tradition be correct, he derived great advantage from its construction. (Hear, hear! and laughter.) But nobody here holds stock in it, nor in the Great Western. Perhaps one or two do hold stock to qualify themselves as directors. Was the Northern Railway built on share capital? Was the Brockville and Ottawa? No. There has been none such.

HON. MR. MACPHERSON—Share capital has formed the basis.

HON. MR. CAMPBELL—What share capital formed the basis as to the Grand Trunk or Great Western? None. My honourable friend has had the advantage of many of us as to means. The truth is we are not rich enough to subscribe capital to build railways, therefore the community as a whole aids them, and we, in the same way, have offered to aid the Canadian Pacific Railway by the subscription of thirty million dollars, and the grant of 50,000,000 acres of land. Our municipalities, in default of individual ability, have subscribed share capitals to build some of our railways which could not otherwise have been constructed. Does my honourable friend think he can impose on the House and country by the suggestion that this share capital was one of the most important elements in the construction of the Canadian Pacific road? If the capital was subscribed twice over, it would make but a slight impression on this road. My honourable friend from Grandville appeared perfectly sincere in holding that the road would cost $150,000,000. If so, what impression could the $10,000,000, subscribed by the Interoceanic Company, not paid up, and the million called up, have made on that enterprise? This capital subscribed and called up was not for the purpose of constructing the road, or for making progress with it,

but for forming a company possessing sufficient pecuniary interest and standing in the country to guarantee that good men, vigourous, experienced, who could devote their energies, abilities and time to the building of the railway, should take hold of the enterprise. This idea of a combination of strong men is alluded to in the correspondence and in the letters of both companies. The memorandum of the Canada Pacific Company alludes to it in strong, almost eloquent, terms. I will read this portion :

"They regard with regret the decision of the Interoceanic Company, but, as they conceive that it has been brought about chiefly by errors upon matters of fact, they are not without hopes that it may be reconsidered.

"In making the proposal of amalgamation, the Canada Company felt that so vast an enterprise required all the strength that could be enlisted in it. They believed that the Government aid, with all the advantages which the Government are empowered to grant, would not be in excess of the requirements of the undertaking, and that there was no room for attempting to diminish such aid or advantages by competition. They considered that the Government had adopted a wise policy in endeavouring to create by consolidation the strongest company possible, rather than to attempt to effect some insignificant saving by placing the two companies in competition with each other; and they felt that the only public spirited and patriotic course was to meet the desire of the Government frankly, and to consent to amalgamation, without undue solicitude as to the terms of it. They believed that the gentlemen who represented the Interoceanic Company would be prepared, as they themselves were, to lay aside any feeling of rivalry that may have existed, and to act vigourously in concert with them for the benefit of the undertaking. But, at the same time, they were and are fully prepared to undertake and carry out the enterprise alone; as they have already ascertained by negotiation with English capitalists, that the plans they have formed for the requisite financial arrangements can in all probability be carried out.

"With respect to the propositions which the Interoceanic company seek to establish, by the first portion of their statement, namely, that the organization should be pre-eminently national in its character, and that its means must be drawn first from Canadian, and second and chiefly from British sources; the undersigned have simply to say that any argument for the purpose of sustaining such proposition was quite superfluous, although possibly European capital may require to be sought for, outside of Great Britain—no one will dispute the advantages of committing the construction and running of the Pacific Railroad to a company of Canadian origin, and composed of British subjects; nor the disastrous results that might be expected from placing the enterprise under the control of the American Northern Pacific Railway Company. The Canada Company have always entertained the opinions enunciated in their statement on this subject."

I will cite a piece of evidence which I think my honourable friend will not gainsay. I ask him to remember the language he himself uttered last night. He said, urging upon the House the abrogation of the charter and the construction of the road by the Government or the country, that "no experienced man would put his money into the road, "that the Government would have to provide the money."

HON. MR. MACPHERSON—I did not mean it in that sense. I said, "with the information now in the possession of Sir Hugh Allan it is impossible he can induce any man to put his capital into it."

HON. MR. CAMPBELL—I caught the language in the way I have given it. My honourable friend was not talking of Sir Hugh Allan at the time; he was discussing the resolutions pointing to the abrogation of the charter and the construction of the road by the Government, and it was with reference to that contingency he made the remark.

HON. MR. MACPHERSON—If the charter was abrogated, as a matter of course the Government would have to do the work, and, in view of that, I stated what the expenditure and subscriptions might amount to.

HON. MR. CAMPBELL—There was no connection between the subjects in the remarks of my honourable friend. He said plainly no man would put his capital in the work, so the Government would have to supply the funds. I know he would not invest in it, and had no idea of such a thing. He thought of contributing his experience and influence, but not his capital. He contemplated getting that in England. Then, among our other sins was mentioned the greatness of the borrowing power, $40,000 a mile, to be increased as the Government may require it. This power is, in its force, precisely the same as was granted to the Interoceanic Company.

HON. MR. MACPHERSON—There is no elasticity.

HON. MR. CAMPBELL—If we had only had the honourable gentleman a member of this company, associated with Sir Hugh Allan, it would have been as elastic as possible. (Laughter.) He might have saved his own capital, borrowed and built the road. He said the borrowing power was not only too extensive in itself, but the terms of the land-grant would involve this country in negotiations and difficulties, and, under any circumstances, we should be allowed fair time to remedy mistakes and secure protection. If we had not known the history of the whole matter and the nature of the act, I should have been alarmed, but I happen to remember the exact phrase of the honourable gentleman's act on the land subject. He used the phrase that "the bonds to be granted should be a lien on the lands of the company, possessed or hereafter to be possessed." The two things are precisely the same, only put in different language. This shows what a hard position a Government one is. In attempting to do one's duty one is criticised by both friends and foes. In a recent number of the *Globe* newspaper, which now is pleased with the course of my honourable friend, though it was not always so, the Government is charged with dereliction of duty for not making this land-grant sufficiently large in the other direction. It

prophesied Sir Hugh Allan's mission would result in failure, for the reason the land-grant was not sufficiently plain, and that in defining it we had not gone further. My honourable friend, on the other hand, says we have gone too far. Now, the language of this charter has been most carefully studied, and, if it does not deal carefully with the circumstances, and carefully describe every feature which it purports to do, it has not been for the want of close attention on the part of those interested, and who may be assumed to have some knowledge and experience in regard to such subjects. The moment the land to be acquired by the Company becomes its property, it comes under the lien of the bonds. The charter points out in what way and under what circumstances it shall become the company's property. The Act says the money and land shall be granted as the work proceeds, in proportion to the results accomplished, and the cost of construction. We were not sufficiently disregardful of the language of the Legislature to depart from this provision. We used the very terms of the Act in this particular. Thus, if the whole line of road is 2,700 miles, a large portion will be in a fine, level country, and another in a rocky and mountainous one. It is not proposed we should give the same amount of land and money per mile for every mile of the work. But the cost of the whole, and the character of the country, all will be considered, and the proportion the cost of the work done bears to the probable cost of the whole, will govern the grant of the money and land. This is perfectly clear. Nobody about to take these bonds in England can by any possibility make a mistake. Everyone may have the charter itself before him. Then, we say, properly, the land as it from time to time becomes the property of the company shall come under the lien the company has granted to secure their bonds. This is precisely the course pursued by the companies which my honourable friend from Toronto and Sir Hugh Allan belong to.

Hon. Mr. Macpherson—Why is not the same language used as is in the Act?

Hon Mr. Campbell—The words of my honourable friend's charter are not as accurate—not such as would be considered secure by a lawyer.

Hon. Mr. Macpherson—They were prepared by the same lawyer who framed the other.

Hon. Mr. Campbell—The language in the honourable gentleman's Act is that the bonds shall be charged upon the land in possession of the company, or which shall come into its possession.

Hon. Mr. Macpherson—The words are the same in the two acts of last session.

Hon. Mr. Campbell—The phrase runs "they shall be chargeable "upon the lands in the company's possession, or which shall come into "its possession." The words in our bill are more accurate. The difference will commend itself to anyone desirous of using the English language accurately. Men describing the loan would rather say it shall

be a loan upon lands "acquired and to be acquired" than upon lands "possessed and to be possessed." A question might arise as to what constitutes possession; there might be people or nobody on certain lands, and the question would be who the possessors are? Desiring to be accurate, we would rather say "acquired," or "to be acquired, and then show in another clause how those lands were to be acquired. As to the borrowing power taken, first, we had forty millions, with power to increase it, and my honourable friend fears that the land will be liable whether we get themoney or not. It puzzles me to understand how my honourable friend, with his good sense and large experience, can bring his mind to believethat men in England can be deceived into supposing they are going to get land as security for bonds in advance and in defiance of the terms of the charter. I doubt very much if my honourable friend could be so deceived. He would find out whether the land was acquired or not before he lent his money. The next point he takes against us is the price of the land; $2.50 an acre he thinks enormous, and enough to prevent the settlement of the country. He apparently overlooks the fact that this is spoken of as the average price. There must, no doubt, be a great deal sold for even $1.00 and $1.50, and below. Much of the land contains coal and other minerals including gold. Some places would be valuable for their water power, others for their timber and such like advantages. We are speaking of an enormous tract; who is to say what the value of any portionof it will be ten or fifteen years hence at the rate of settlement and progress which we hope for? Is he right in blaming us for putting such an average value on these lands in face of the magnificent prospects of this country? Has anyone spoken to the Lieutenant Governor of this North-West country since he came down here, with his extensive knowledge of Quebec and Ontario, and heard his account of their fertility and other resources? Has anyone heard his estimate of the capabilities and prospects of the North-West? Certain it is if we fully cultivate its resources, if we succeed in carrying a railway through the country, we shall witness amazing strides of settlement and civilization. We shall have everything immensely enhanced in value in a decade, when $2.50 will be considered but a trifling average price for the land. The country is spoken of as much more fertile than that to the South.

HON. MR. MACPHERSON—The honourable gentleman does not state the provision fairly. What I complain of is that the whole control of the land, the Government's as well as the company's, should be in the hands of the company.

HON. MR. CAMPBELL—I am surprised that my honourable friend wraps himself up in a series of delusions which everybody else sees through. It isplain that the Government says what the average price shall be, and that the company may sell its land at any price it pleases, so long as the average is kept at $2.50; and the same with us. Some of the company's will be placed at more than $2.50, no doubt, but other portions at less. Will not the company be as much interested in selling

its land as the Government theirs? Will not the whole life of the company depend upon its success in selling the land? What does the honourable gentleman himself say in his letter on this subject? That "the subsidy money is, in itself, insignificant relative to the large outlay necessary, and the fact that the company will have to rely on the disposal of the lands for the greater portion of the expenditure," renders it expedient they should be disposed of. Is not that likely to be the result? Is the company likely to keep lands locked up when its very life depends on their sale? Everybody can see this point but my honourable friend. The provisions in our act are copied from those of the Northern Pacific, except that it contains none of the safeguards we have introduced. It is plain the alternate sections belonging to the United States Government cannot be sold at less than an average of $2.50, and they are in a region that, from all we know, is infinitely inferior to our country. Ask our friends from Manitoba what the character of the Northern Pacific country is, compared with our route, a thousand miles of which, from the Red River to the Rocky Mountains, are through a fine prairie country. See if the American can compete with this region; and yet in the Northern Pacific Railroad charter this was the price fixed for the land. Another part of my friend's argument was against a railway altogether, that physically the country was not fit for a railway at all. Mr. Fleming was reported as much disappointed with it —that he had said that many of the lakes and streams were salt. The honourable gentleman also entered into a calculation showing the area of cultivated land in the Dominion, and in the United States, and he argued that, as it had taken Canada 100 years, and the United States 200 years, to settle those areas, respectively, we never should get our land settled to the extent anticipated, and that we were entering upon a railway era that must result disastrously. Well, the area of cultivated land in each country was about the same last year as at present. Why did he not point out these facts to us, then, before the faith and honour of the country had been committed to this enterprise—before we held ourselves out to the world to do this work? We are in no worse position now than we occupied then. He points out our difficulty and danger now when it is too late. But he is entirely mistaken as to Mr. Fleming. There can be no stronger evidence of his opinions—those of a man of cautious temperament, who has travelled through the country, and is qualified more than most men to form an idea of its true capability—than the fact, not that he has made a professional report or estimate, but subscribed for a large amount of stock in the country. He has shown his readiness to enter it and run some risks. I happen to know he believes there is a great future before this country, and has a high opinion of its fertility and mineral resources, and does not doubt the capacity of the Dominion to build this road; that he thinks there will be no real difficulty if we are united and if we attack the work with energy and caution, such as we have so effectually displayed in days gone by.

HON. MR. MACPHERSON—The rumours we have heard with regard to the character of the country were not before us last year. What I complain of is that the information obtained by the officers of the Government who crossed this country was not placed on our table.

HON. MR. CAMPBELL—My honourable friend's criticism, looking from the past, points out that he would have reserved 25 per cent. of the land, and he states our reservation of nine millions of money is illusory. Supposing the road finished in ten or fifteen years, it would be impossible that this large tract of country could be half settled. Who would be interested most in its settlement? Why, the bondholders, the men who hold the land. You have a security there beyond all other kinds. The bondholders, for their own sake, to realize their own money by the sale of the remaining lands, will, with the nine millions which are reserved by the charter, afford ample security for the completion and running of the road. The honourable gentleman's plan would have diminished the borrowing powers of the company to the extent of 25 per cent., thus abstracted from the security of the bonds. Then, he goes on to say he would abrogate the charter and have the road built by the Government, notwithstanding the resolution of the other branch of the Legislature of 1871, and the Act of Parliament of 1872, just the other way. He says we were all wrong the last two sessions, including himself. He did not get the contract—therefore, let it be swept away, and the Government build the road. I do not believe either that the country desires or that Parliament will sanction this proposal. He asks us to do, moreover, what we can't do. This House should not be asked to arrive at any conclusion it cannot carry out. This course would be contrary to its dignity and usefulness. Instead of asking this House to resolve the railway should be built by Government, he should have brought in a bill to repeal the regulations of last year. So long as there is an Act of the Legislature enacting this road shall not be built by the Government, these resolutions cannot pass. He speaks of his disposition to keep faith with private parties and satisfy their rights; shall his motion succeed—a motion absurd and contrary to common sense? Would the adoption of these resolutions be dealing in good faith with the gentlemen negotiating the securities at present? A large sum of money may now be about to be invested in this road, or arrrangements may be in progress for that object. The abrogation asked would be contrary to good faith with all parties, including Manitoba and British Columbia, which stipulated the road should be begun and completed with the least possible delay. This is not merely a charter, but a charter-contract—a charter, to have the effect of a contract. We should have heard not a word of all this dissatisfaction, or about the abrogation of the contract, if we had been fortunate enough to have secured the assistance of the honourable gentleman. I acknowledge fully and freely our responsibility in this whole matter. We acted for the best throughout. We endeavoured to combine the two companies, so as to secure the assistance of the best men in the country. We should have been

glad of the honourable gentleman's help, but did not deem it advisable to deal with one company in preference to the other. One had more or less the character of an Ontario, and the other of a Quebec Company. We desired men of character, means and talent from all the provinces, believing that to be the wisest policy for the country. I asked my honourable friend last evening if he was content to put the resolutions as a whole, but to this he objected. I, therefore, propose to take a course which, I think, will enable the House to arrive at a satisfactory conclusion as a whole. I think every member will agree that these resolutions ought to have been put as a whole and ought so to be voted upon. Why resolve about one or two clauses, such as the first and second, respecting a certain act of Parliament having existence, if they are to lead to no conclusion? These resolutions are a series of steps pointing to the various stages the honourable gentleman's mind was in till he arrived at the conclusion embraced in the three last paragraphs, that the charter should be abrogated and the work done by the Government; and, therefore, to give the honourable gentleman an opportunity of passing upon these resolutions as a whole, I will move in amendment, seconded by the honourable Mr. Aikins:

"To *Resolve*, That, under the powers conferred by the Parliament at its last session, the Governor in Council, having granted a charter-contract to a company to construct the Pacific Railway, which charter-contract is in full force, it is inexpedient with a view to the early commencement of the railway, and the keeping of faith with British Columbia as regards the terms upon which that province united itself with the Dominion, to consider any of the resolutions now on the table of the House, and that the House, therefore, proceed to the Order of the Day next after the said resolutions."

RECIPROCITY NEGOTIATIONS.

THE SENATE—OTTAWA, 2ND MARCH, 1875:

HON. MR. CAMPBELL—I think it very desirable that the House should be informed how the Government stand in reference to this treaty. In the debate immediately after the Speech from the Throne language was used by the Premier indicating that the negotiations for a treaty were in such a state as would make it extremely inconvenient if the House were to press for any remarks in reference to it and he hoped they would not do so. Language, though not precisely so distinct, was held in this House by the honourable Minister of Agriculture. All of a sudden my honourable friend arrives on the scene—the difficulties vanish, and appear indeed to have been only imaginary. The position of the honourable gentleman who made the explanations is rather a peculiar one. He is immediately responsible to the Queen and Her Majesty's Government for what happened at Washington, yet the explanations he has given to the House, for which we are extremely indebted to him, were given as from a private member of Parliament. Involving such large interests as does this treaty, it should be treated, as it was treated by the honourable gentleman yesterday, with great gravity; we ought to understand the position of the Government in this matter, what instructions they gave and what were their plans.

HON. MR. LETELLIER explained that at the commencement of the session they were precluded from discussing this question, owing to the fact that the proposal was being submitted to the Senate of the United States. Now the situation was changed. The Senate had since declined to form the treaty with Canada, and the honourable gentleman was now, therefore, at perfect liberty to express his views on the question.

HON. MR. CAMPBELL—I do not think that these reasons are sufficient. For my own part I do not know that any decision has been arrived at, either before or since the opening of Parliament. The question, I believe, has been before a Committee, but what has been done by that Committee is a matter of profound secrecy. I do not understand how my honourable friend (Mr. Letellier) has been able to learn the decision of that Committee, nor why he should give this as the reason for the departure from the original view held by the Government. I think the House is entitled to have some account of the origin of the embassy, and of the instructions which were given. We are entitled to know, from some one responsible to the country, what has been done—we ought not to be put off by an explanation

given by a private member of this House. This is an important State matter, and it is not right that a discussion of this kind should go on without any authoritative information as to the position the Government has taken in the matter. Is the Government the instrument of my honourable friend, or what is their position? We are certainly entitled to know the instructions given, so that we may understand how the treaty originated, and what really is the position of the Government relative to this matter.

HON. MR. LETELLIER said the Government had readily agreed to bring down the papers, and this would show that they were in possession of information, but they were not now compelled to give any verbal information to the House. It would be far better for the honourable gentleman to criticise the action of the Government when he had the papers in his possession.

HON. MR. CAMPBELL—The inconvenience of going on is very great; (hear, hear, from the Government benches)—perhaps the honourable gentlemen will allow me to finish—the inconvenience of going on is very great, because there has been no statement from the Government as to what has been done. The honourable gentleman who made this explanation, and who was plenipotentiary to Her Majesty, no doubt did the duty entrusted him by the Government. But we are placed in a peculiar position. What has the Government done? The honourable gentleman has doubtless made his report. Let the House be informed as to the particulars, or let us adjourn the debate.

HON. MR. BUREAU said the best plan would be to let the address pass, and when the papers were brought down the honourable gentleman could bring up his debate in any way he chose. During the whole course of his parliamentary experience he never knew of an address to the Crown, on which such large interest depended, being refused, and he apprehended his honourable friend would not insist on such a course as that.

HON. MR. CAMPBELL—I do not wish to oppose the address, but am anxious to see the papers. What I want to understand is the position occupied by the Government and by the honourable gentleman. Something of that position may have been understood from the account which the honourable gentleman has given of the origin of this effort to procure reciprocity. So far as one could judge from the narrative of the honourable gentleman, this did not so much result from the Government as from his (Mr. Brown's) sudden inspiration in the course of his conversation with Mr. Rothery.

HON. MR. BROWN said the honourable gentleman was mistaken; he knew nothing at all of the course taken previous to that time.

HON. MR. CAMPBELL—It only shows how right I am in asking information as to the course pursued by the Government; these explanations, if they were before us, would enable us to understand the position better than we now do. If the Government had taken the

course which they ought to have taken, they would have explained to the House the instructions which the honourable gentleman received. The account which has been given is that the honourable gentleman opposite and Mr. Rothery met at Toronto, and, Mr. Rothery informing him what he was about to do, Mr. Brown remarked that the giving up of the fisheries for a money consideration would be distasteful to the people of Canada, and suggested instead that he should endeavour to obtain some reciprocal arrangement. Mr. Rothery went to Washington and adopted that idea. Mr. Brown himself was then asked to go down to Washington and ascertain what the prospects of negotiation were. Leaving that part of the subject, and the question of the origin of this negotiation, which I suppose was adopted by the Government on the suggestion of the honourable gentleman, the course which has been pursued throughout, both in this House and at Washington, shows that the honourable gentleman was really the person who controlled the negotiations, and who, to some extent, I will not say instructed, but suggested, what should be done by the Government. (Hear, hear.) Apart from the origin of the negotiation, apart from the control which the honourable gentleman exercised, and which he still continues to exercise over the management of this treaty, it is impossible to listen to his narrative without considerable interest. I am anxious to give the honourable gentleman credit for the greatest anxiety to accomplish the object for which he was sent to Washington. I have no doubt that the efforts he made were persevering and such as he thought likely to accomplish the object in view. Everyone who knows the career of the honourable gentleman will give him credit for a very sincere love of country, and I am quite persuaded that anything he could do, in the light in which he viewed this matter, would be done by him to bring about a result which he believed would be of essential service to the country. But the course pursued by the honourable gentleman, although characterized by great earnestness and perseverance, was lacking, I think, in judgment. I hope my honourable friend will allow me to use such an expression without offence. I quite recognize also the spirit in which the honourable gentleman introduced the subject in this House, which was, I think, one of anxiety, not to reflect upon any person or party in this country, but simply to be able to place before the country a narrative of all that occurred, in order that they might see how matters stood ; and that, if any negotiations were entered into in the future, they might be taken up at the stage where they were left off. But I must express my doubts as to the judgment exercised by the honourable gentleman in carrying on the negotiations in the manner in which they have been carried on. The honourable gentleman observed in the course of his speech that the way to obtain the treaty was not to approach the United States cap in hand, but, if we are to judge from his printed arguments, from the memoranda signed by Sir Edward Thornton and himself, from the proceedings at Washington, and from the calm sort of indifference and reticence with which the

negotiation was met by the United States Government, we cannot but come to the conclusion that the honourable gentleman has done just that very thing which he thought it was not necessary to do; that, although he thought it so unbecoming to approach the American Government cap in hand, yet we see that he did approach them in that manner. This was manifested by the argument used in the paper, by the fact, in the first place, of a paper being presented at all, and in the next by his visit to Washington. To have been successful we should have started on the true basis that each country was interested in reciprocity. A suggestion to that effect might have been made to the American Government, and, if satisfactorily answered, then some one might have been sent down to Washington. But, when we find the honourable gentleman going down so promptly, and urging upon the Washington authorities the granting of this treaty—urging it and presenting reasons which, to my mind, rather indicated that this country did not want the treaty—and then, instead of being met by some advance on the part of the United States, finding a disposition not to make any step in the direction desired, I certainly think that he went the wrong way to work, and not in the spirit in which the people of the country would like the Americans to be approached. It would have been better to have approached the Americans on more equal terms than were actually carried out. I admit that the way in which he proposed to carry on the negotiation was the right way; but I contend at the same time that it was not the plan which he adopted. I think that the general feeling of the country is that Canada has as much to give as America. And I think, when my honourable friend approached the Government at Washington as he did and urged upon them in his vigourous and earnest manner, and with all the arguments in this book, that he showed his anxiety too much, that he fell into the error mentioned in the speech which he quoted, made by the right honourable gentleman (the leader of the Opposition), as a not impossible event. I think that what he (Mr. Brown) has said to the House, and what is said in this pamphlet, both combine to show that he pursued at Washington a course which was too eager, and which did not truly and clearly reflect the disposition of the people of Canada, which is to approach the Government of the United States as on a matter of fair business and on equal terms, and not in any way to beg a favour at their hands. When the honourable gentleman went beyond that, he went beyond what was the feeling of the people of this Dominion. The arguments, too, that were used by the honourable gentleman in order to induce our neighbours to look favourably on the treaty, were not, in my opinion, likely to succeed. In them he endeavoured to show that the Americans would have by far the best of a new treaty, but I hardly think that was the way to influence them in favour of the negotiation, for the Americans would certainly think that the advantages of the treaty to Canada must have been very great if we took so much trouble for its renewal. Since the abrogation of the Treaty of 1854, the trade returns,

which a little before that time had fallen off, have increased to a large extent with other countries, and in the course of a few years Canada stands in a better position than ever. A large portion of the joint memorandum of Sir Edward Thornton and the honourable gentleman was devoted apparently to showing that Canada did not want the treaty at all, and how the honourable gentleman expected the Americans to swallow that line of argument and act upon it I am somewhat at a loss to conceive ; but it hardly seems to me to be an argument which should be addressed to a Government so intelligent and so keen as that of the Americans. Objections are taken to this treaty by many persons and many parties in Canada, notably by the Dominion Board of Trade, objections which the honourable gentleman has answered more or less. Those objections, however, seem more grave to me than they appear to the honourable mover of the Address. I think, probably, that the answer which he gave to the first objection, as to the reduction of scale duties, was, if his facts were correct, fairly sufficient, and rendered that objection of less importance. The average duty, he said, on goods going from Canada to the United States was, he believed, 25 per cent., while the duty paid by products of the United States coming here was 17½ per cent. I do not think, on the whole, that the objection to the gradual reduction of these rates is so serious a one as has been supposed ; but there was another objection of a more grave character, which does not seem to have been sufficiently understood, nor does it seem to have been sufficiently impressed on the mind of the honourable gentleman ; I refer to the construction of the Caughnawaga Canal. In the first place, it was very unwise to have been bound to complete the canal in as short a time as possible. Grave objection was taken to the fixing of the period for the completion of the Pacific Railway. It was argued at the time that it was a very unwise proceeding, but there, at all events, we were dealing with ourselves. It was one part of the country dealing with another, the representatives of that one Province in our Legislature would have been willing to have listened to any reasonable excuses that might be advanced; but in this case it is different. Here we are binding ourselves to do something in 1880, which we may find ourselves unable to perform within the time specified. If it be not done within the period specified, I suppose the treaty will fall to the ground. The fact of the possibility of the treaty being nullified by failure in the conditions is enough to deter manufacturers in Canada from speculating as they otherwise would. I do not think that this objection was sufficiently answered by my honourable friend. He said it was necessary to fix some period, and therefore he fixed this ; but, even then, it would have been wiser and safer not to have made that a condition of the treaty, to have named a longer period, or the earliest possible day. The other objection is that it is not coupled with a stipulation on the part of the United States that they will continue it to the Hudson river. They promise to recommend it to the State of New York Legislature, which is a very uncertain method of procedure. A recommendation of a

similar nature was made to the same legislature on the occasion of a former treaty, which has never been carried out, and I do not see why in the present instance the honourable gentleman should have expected better success. As to the permission to go through the canal in that State, I believe they might have done that before, but that is a matter of much less importance than would be the continuation of this canal from Whitehead Fall to the waters of the Hudson. It is quite equal in importance to the construction of that portion of it which is in Canada, and why the honourable gentleman should have proposed to bind Canada to construct one portion of the canal in a certain period, and not the Americans to construct theirs as well, I am at a loss to understand. The only explanation that I can see is in assuming that he displayed over-eagerness for the obtaining of the treaty. The suggestion of the Board of Trade seems to me a good one, that the undertaking from the State of New York to construct their portion of the canal should have been made the condition of our constructing our portion. No obligation to commence our work should have been undertaken until this was responded to. In answer to this objection, the honourable gentleman replied that the canal itself was a most important one, and, irrespective of its being carried out as a part of the treaty, was of itself so valuable that we might venture to undertake its construction for ourselves. I apprehend, however, that this country would not undertake the construction of this canal simply as a local work, and certainly not on the scale mentioned, as a twelve feet canal. If the country undertook the construction of this canal at all, it would be with the intention of having a continuous communication with the Hudson River, and not for any local purposes alone. In answer to another question, with reference to the coasting trade, the honourable gentleman said very truly that we could not expect a treaty to be altogether such as we wanted; it was very easy to say we would have this and we would have that, and we might very easily make treaties to suit ourselves, but in reality we could only get what both parties agreed to. I agree with the honourable gentleman's observations, but, had he not displayed that eagerness about the matter, had he held himself a little more aloof, and taken, if not a high and mighty, at any rate a proper, fair, and independent attitude, willing to make a treaty, but not willing to go a-begging for it, and had he been a little more reticent, the authorities at Washington would probably have shown a far stronger disposition to advance. I hope that some of the other objections taken by the Board of Trade will be cleared up. Some of them might easily be arranged with a little more time and attention, and a little less eagerness, such as discharging of cargoes on Lake Champlain, the bonding system, and a few other similar points. Then the honourable gentleman said that the schedules were somewhat hastily prepared and not put in clear phraseology. The eagerness and anxiety of the honourable gentleman to obtain the treaty was not in accordance with the feeling of the people of Canada, who are satisfied with their own

business and prosperity, anxious to be good neighbours, and desirous of increasing their trade by any fair means—willing to make reciprocal terms with the United States, and believing that they can give as many advantages as they can hope to obtain. I repeat that, so far as we are able to judge, though the honourable member for Toronto holds the language of independence—which is the language of the country—yet in his actual conduct he went beyond that and showed an over eagerness and desire to obtain this treaty, which tended to defeat its object, and which was not the reflex of the feeling or wishes of the people of the Dominion.

SENATORIAL APPOINTMENTS.

THE SENATE—OTTAWA, 19TH MARCH, 1877:

HON. MR. CAMPBELL moved:

To *Resolve*,—1. That by the 26th clause of the British North America Act, 1867, Her Majesty the Queen is empowered at any time in her discretion, and upon the recommendation of the Governor-General, to direct that three or six members be added to this House, provided that the persons so summoned to a seat therein represent equally the three divisions of Canada.

2. That in the opinion of this House this power was only intended to be exercised upon the occurrence of some grave political emergency, and with a view to the removal of serious differences which should actually have arisen between the Senate and the other House of Parliament, and are not susceptible of satisfactory adjustment by any other means.

3. That it appears, by papers laid before this House during the present session, that on the 23rd December, 1873, the advisers of the Crown in this Dominion moved His Excellency the Governor-General to apply to Her Majesty to direct that six members should be added to the Senate, pursuant to the above-mentioned clause of the British North America Act.

4. That by a despatch from Her Majesty's Secretary of State for the Colonies, dated the 18th February, 1874, it appears that, inasmuch as no sufficient reason has been alleged to justify such an interference with the constitution of this House, Her Majesty's Imperial advisers declined to recommend a compliance with this request.

5. The House desires to express its high appreciation of the conduct of Her Majesty's Government in refusing to advise an act for which no constitutional reason could be offered; and to record their opinion that any addition to the Senate under the provisions of the 26th clause of the British North America Act which is not absolutely necessary for the purpose of bringing this House into accord with the House of Commons, in the event of an actual collision of a serious and permanent character, would be an infringement of the constitutional independence of the Senate and lead to a depreciation of its utility as a constituent part of the Legislature.

He said:—Whatever differences of opinion may be entertained by honourable gentlemen on the subject which the resolutions now on the table are intended to bring under the consideration of the House, everyone will admit, I think, that it is one eminently deserving the attention of the Senate. Members of this House are, of course, interested with all other classes of Her Majesty's subjects in the preservation of the constitution, but it would seem to be particularly the duty of the Senate to be prompt to notice any attempt at an infringement aimed at its own rights as an integral part of the Legislature. It is, I think, our duty to deal with the subject, lest our silence may hereafter be misconstrued and deductions be drawn from it inimical to the constitutional position of the Senate and to the public weal. Years hence, I think

what is now done by the Parliament of Canada, while it still numbers amongst its members gentlemen who took part in the framing of the Constitution, will be looked upon as authority and quoted in support of steps which may be sought to be taken, or against changes which are being opposed. In times to come it will naturally be said (supposing that nothing be now done on this subject in this House, and a similar question were to come up under the Constitution) that, with the information before the Senate contained in the papers on the table, of the attempt recently made to augment its numbers under the 26th section of the British North America Act of 1867, the Senate took no notice of the subject, and could not have deemed it an effort to infringe the Constitution, and that, therefore, it is clear that it was not so considered and understood by those in the best position to form a judgment at a time when there were members in the House who had assisted in the framing of the British North America Act. And, as years pass on, the weight of the argument will increase, until at the end of 25 or 30 years it will be considered as almost conclusive that the Constitution did contemplate that an augmentation, such as has been attempted, should be made whenever it suited the convenience of the Ministry of the day; and that the course pursued by the Government in December, 1873, was legitimate, and might be repeated. I think it is the duty, therefore, of the House to take some action on this subject, and to take it at the earliest possible moment, and the present resolutions will enable the House to do so; for, although these events occurred in December, 1873, it is only within a week or two that the Senate or public has had any knowledge of them. I desire to impress this upon the House, because I think it is important that the records of the Chamber should show that the Senate has taken the earliest opportunity to deal with and, I trust, to repudiate what I consider an unjustifiable attempt at an infringement of the Constitution. I desire to approach the subject in that spirit which shall be the most remote from partisan feeling, or from any desire to turn it into one of attack against the Government. The resolutions, it will be found, are framed in this spirit. The facts are recapitulated in order to place them on the record and to make perfectly clear the scope of the final resolution. I will endeavour to avoid, in the course of the remarks which I feel it my duty to make to the House, anything tending in the least to excite feeling; all that I aim at is to place the subject clearly before the House, and to ask them to pronounce upon it in language which I believe will express the opinions which I think they will hold upon so grave a subject—and nothing more. To understand the scope of the resolutions, it is necessary to go back to the state of things before the 26th section of the British North America Act, 1867, became part of the Constitution. This clause did not form part of the original resolutions. At Quebec there were gathered representatives from all the provinces which united to form the Dominion, and at this conference great fears were expressed that in the working of the Constitution the smaller provinces might

find themselves overwhelmed by the numerical preponderance and strength of the larger ones, and, to counterbalance the representation according to population which was to obtain in the House of Commons, the Senate was constructed on the territorial principle, equal rights and numbers being given to three great sections of the Dominion, without reference to their respective populations. It will be remembered by those who were present at Quebec, amongst whom was my honourable friend from Toronto (Mr. Brown), the only member of this House besides myself, I think, who was a member of the Quebec Conference, that the representatives of the smaller provinces there clung with great tenacity to the principle of having in the Senate a fixed number of Senators from each division, and that the plan ultimately arrived at, of allotting twenty-four Senators from Ontario, twenty-four from Quebec and twenty-four from the Maritime Provinces, was one which the members of the Quebec Conference believed to be vital and insisted upon as a part of the scheme of Confederation. It was felt then and afterwards that, when the scheme came to be submitted to the Legislature of the old Province of Canada, this feature in the Constitution needed special defence from its want of elasticity, and, when the scheme came to be presented to the Legislative Assembly of the then Province of Canada, and, also, when it was presented to the Legislative Council of that Province, the gentlemen in both Houses who had charge of the measure on behalf of the then Government addressed themselves at length to this point. I will quote from the speeches of the then Attorney General, now Sir John A. Macdonald, who introduced the resolutions into the House of Assembly, and from the speech of my honourable friend, Mr. Brown, then a member of the Government, and aiding the Attorney General in the advocacy of the scheme before that House. I beg to offer an apology to the members of the Senate from the Maritime Provinces for directing attention exclusively to the reception of the confederation scheme in the Parliament of Canada. I would gladly have dwelt upon the reception of the scheme in the Legislatures of Nova Scotia and New Brunswick, but I have not been able to lay my hands on the debates which occurred in those bodies. In Canada proper, Mr. Attorney General Macdonald, on the 6th of February, 1865, amongst other remarks in introducing the Quebec resolutions in the Lower House, made the following observations with reference to the constitution of this branch of the Legislature :

"The provision in the Constitution, that the Legislative Council shall consist of a limited number of members, that each of the great sections shall appoint twenty-four members, and no more, will prevent the Upper House from being swamped from time to time by the ministry of the day for the purpose of carrying out their own schemes, or pleasing their partisans. The fact of the Government being prevented from exceeding a limited number will preserve the independence of the Upper House, and make it in reality a separate and distinct chamber, having a legitimate and controlling influence in the legislation of the country. The objection has been taken that, in consequence of the Crown being deprived of the right of unlimited appointment, there is a

chance of a dead lock arising between the two branches of the Legislature; a chance that the Upper House, being altogether independent of the Sovereign, of the Lower House and of the advisers of the Crown, may act independently, and so independently as to produce a dead lock. I do not anticipate any such result. In the first place we know that in England it does not arise. There would be no use of an Upper House if it did not exercise, when it thought proper, the right of opposing or amending or postponing the legislation of the Lower House. It would be of no value whatever were it a mere Chamber for registering the decrees of the Lower House. It must be an independent House, having a free action of its own, for it is only valuable as being a regulating body, calmly considering the legislation initiated by the popular branch, and preventing any hasty and ill-considered legislation which may come from that body, but it will never set itself in opposition against the deliberate and understood wishes of the people." * * * *

"The members of our Upper House will be, like those of the Lower, men of the people, and from the people. The man put into the Upper House is as much a man of the people the day after, as the day before, his elevation. Springing from the people, and one of them, he takes his seat in the Council with all the sympathies and feelings of a man of the people, and, when he returns home at the end of the session, he mingles with them on equal terms, and is influenced by the same feelings and associations and events as those which affect the mass around him. And is it then to be supposed that the members of the upper branch of the Legislature will set themselves deliberately to work to oppose what they know to be the settled opinions and wishes of the people of the country? They will not do it. There is no fear of a dead lock between the two Houses."

I will now quote from the honourable Senator from Toronto (Mr. Brown), to whose patriotic efforts and great influence with his friends Canada is indebted for having been able to carry Confederation at all. In speaking on the resolutions in the House of Commons on the 8th February, 1865, that gentleman said:

"The desire is to render the Upper House a thoroughly independent body —one that will be in the best position to canvass dispassionately the measures of this House and stand up for the public interests in opposition to hasty or partisan legislation. It is contended that there is no fear of a dead lock. We are reminded how the system of appointing for life has worked in past years, since Responsible Government was introduced; we are told that the complaint was not then that the Upper Chamber was too obstructive a body—not that it sought to restrain the popular will, but that it too faithfully reflected the popular will. Undoubtedly that was the complaint formerly pressed upon us, and I readily admit that, if ever there was a body to whom we could safely entrust the power, which by this measure we propose to confer on the members of the Upper Chamber, it is the body of gentlemen who at this moment compose the Legislative Council of Canada." * * *

"And after all is it not an imaginary fear—that of a dead lock? Is it at all probable that any body of gentlemen who may compose the Upper House, appointed, as they will be, for life, acting, as they will do, on personal and not on party responsibility, possessing, as they must, a deep stake in the welfare of the country, and desirous, as they must be, of holding the esteem of their fellow subjects, would take so unreasonable a course as to imperil the whole political fabric? The British House of Peers itself does not venture, *à l'outrance*, to resist the popular will, and can it be anticipated that our Upper Chamber would set itself rashly against the popular will? If any fear is to be entertained in the matter, is it not rather that the councillors will be found too thoroughly in harmony with the popular feeling of the day?"

At a long interval as regards authority, and, in fact, excusable only because of my having been charged, in conjunction with my late lamented friend, Sir Etienne Taché, with the introduction of the Quebec resolutions into the Legislative Council of Canada, I will venture to quote from a speech of my own, made before that body on the 6th of February, 1865:

"I do not say that it will bow to every breeze and instantly yield to every demand, nor do I think that any Legislative Upper Chamber should do so, and be content merely to reflect the temper and complexion of the other branch. On the contrary, I hold that when it has good and sufficient reasons, sufficient to satisfy itself that a proposed measure is unjust, it is bound to resist, and public opinion, which generally comes out right in the end, will sustain it in such an attitude. But there is very much less danger in countries like this that permanent collision of opinion will arise between the Legislative Chambers than between the Lords and Commons in England, and the reason is clear; our Legislative Councillors will not come from a class of society so different to the bulk of the population as the peers of the British nation compared with the mass of the people of that country. The Lords have ideas of caste and privileges which none of our people are imbued with, and the common sympathy existing between all classes here will be felt equally by the Legislative Councillors and the members of the Assembly. Both will be equally subjected to popular influences, and be more or less controlled by them. The interests of the Legislative Councillor, though a nominee of the Crown, will be the same as those of the mass. He will have no ancestral estates, privileges, immunities or titles to protect, like the peers of England. He will be affected by the social changes which affect others, and will be moved by the same aims and aspirations as his friends around him. This being the case, it is not probable that his opinions will be so persistently set in opposition to those of other men as to make it likely that, as a House, the Council will be in danger of serious and permanent collision with the Assembly. Then the changes which time will inevitably bring about in a body like the proposed Legislative Council will be sufficiently great to prevent the possibility of a continued antagonism between it and the other branch, if unhappily it should at any time arise. The demise, the resignation and the loss of seats from other causes will do this, and afford the Government of the day an opportunity of so reconstructing the House as to bring it more in harmony with public sentiment. I do not say that it is desirable that at all times the Legislative Council shall be a reflection of such opinion, though it is, of course, desirable that it shall not continue violently to shock it. I would have that House conservative, calm, considerate and watchful to prevent the enactment of measures which, in its deliberate judgment, are not calculated to advance the common weal."

Honourable gentlemen will be able to form a strong opinion from these extracts how tenaciously the original plan of having a fixed num-

ber in the Senate was adhered to and pressed in the debates which followed the introduction of the Quebec resolutions into the two branches of the Legislature of Canada. It was never intended by those resolutions, nor is it by the British North America Act, 1867, enacted that the Senate or its construction shall be made a part of the machinery, so to speak, of party Government. It is not necessary for the Government of the day to possess what is spoken of as "the confidence" of the Senate. It was not contemplated by the Constitution that every successive Government should necessarily have a majority in this branch of the Legislature. It is manifestly impossible that such a result shall follow the system which has been adopted. Governments may come and go in quick succession, but this House will remain permanent. How then can successive Governments possess, each of them, a majority in this branch of the Legislature? It is not necessary that the Government have a majority here, nor was it ever expected that they should, for merely party reasons, seek to add to this House when there was no existing collision or difference between the two branches of the Legislature. That was the shape in which the resolutions passed the Legislatures of the original provinces of the Dominion. At the London conference, where all the provinces were again represented, these resolutions were a second time considered before being put in the draft of the bill which was ultimately laid before the Imperial Parliament. The necessity of a provision to guard against what is called a "dead lock" between the two branches of the Legislature was again discussed, and the necessity for some such provision as that now to be found in the 26th section of the British North America Act, 1867, was ultimately admitted. It was in London, then, that this section was framed, and the honourable Senator from York, the only member of this House present at that conference, will be able, with singular advantage, to explain the circumstances which preceded and attended the introduction of that provision into the bill. The language of the section and the necessity of appealing to Her Majesty for action under it show clearly that it is intended to be used only in the event of some serious difficulty. It is a provision analogous (so far as the circumstances of this country will allow any provision here to be analogous) to a similar provision in England, to the reserve power subsisting in the Crown to create Peers of Great Britain, a power to be used only in the event of an actual difficulty occurring in the administration of public affairs insoluble by other means. How reluctant they have always in England shown themselves to be to use this reserve power even under circumstances of the most grave character, when the country was on the apparent eve of serious troubles, is best shown by what happened during the agitation for the Reform Bill in 1832. It was with the greatest reluctance that Earl Grey, even at the very last, was prepared to advise the Crown to add to the number of the peerage. Very fortunately we have at this day biographical and other works which enable us to form a more accurate opinion of the motives and conduct of public men in

those times than their contemporaries could possibly have done. From Lord Grey's "Correspondence of King William IV." I will read some extracts which give a very clear insight into the feelings with which the Government of that day looked upon the creation of peers. The first extract is from a minute of a conversation with the King, had by Lord Grey, on the 4th January, 1832, in which he informed the king as follows :—

"Contemplating this danger, which all the accounts from the best informed and most trustworthy persons from all parts of the country represented in the strongest light, the next point to be considered was the possibility of averting it; and for this purpose I saw nothing left but a creation of Peers; that I considered this in itself as a great evil, exposed to great and weighty objections, and which nothing could have induced me to think of resorting to, except the danger, or I should rather say, the certainty, of incurring one infinitely greater; that it was painful to me to propose to His Majesty a measure to which I knew that His Majesty objected, and to which I myself had originally had the greatest objections; that I still saw them in their full force; but that, in looking at the alternative with which we were threatened, the danger of adopting such a measure seemed to me so infinitely less in the comparison that I could no longer hesitate in stating my deliberate conviction that it was become necessary for the safety of the country; that I had stated this view of our present situation to the Cabinet; that several of my colleagues concurred with me, and perhaps went further than I did in this opinion, and that others still appeared to entertain a strong sense of the objections which they had felt from the beginning to a measure which they considered as so injurious to the character and independence of the House of Lords as not to be thought of whilst there remained any hope of averting the danger by other measures."

The other passage is from a still more official paper which, from the names of those who were present and assenting to it, will command universal respect. It is a minute of council of January 13th, 1832, at which were present—The Lord Chancellor, the Lord Privy Seal, the Duke of Richmond, the Earl of Carlisle, the Earl Grey, the Viscount Melbourne, the Viscount Palmerston, the Viscount Goderich, the Viscount Althorp, Lord John Russell, Sir James Graham, Mr. Stanley, Mr. Grant.

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And the minute says in the course of a long paper on the subject :—"But it must be admitted that cases may occur in which, the House of Lords continuing to place itself in opposition to the general wishes of the nation, and to the declared sense of the House of Commons, the greatest danger might arise, if no means existed of putting an end to the collision which such circumstances would produce, and which while it continued must unavoidably occasion the greatest evils, and in its final issue might involve consequences fatal on the one hand to public liberty, and to the power and security of the Government on the other. It is with a view to a danger of this nature that the Constitution has given to the Crown the power of dissolving, or of making an addition to the House of Lords, by the exercise of the high prerogative

of creating peers, which has been vested in the King for this as well as for other important purposes. By the first of these, if, in a difference between the two Houses, the House of Commons should not be supported by the constituent body, a return of representatives in unison with the public opinion may restore that harmony and agreement which are so essential to the general security. The second can only be resorted to for the purpose of producing a change of conduct in the House of Lords, when the opinion of the people, strongly and generally expressed and identified with that of their representatives, leaves no other hope of terminating the existing division. It is in such an extreme case alone that, in the opinion of your Majesty's servants, this exercise of your Majesty's prerogative of creating Peers for such a purpose could be justified. They are fully aware of the insuperable objections which would be opposed to it in less urgent circumstances. Even when called for by an imperious necessity, its evil as a precedent has not been overlooked by them; and nothing but the alternative in which they now find themselves placed, of resorting to it to prevent a collision which they see no other certain means of averting, or of leaving the public peace and the security of the Government exposed to all the dangers which are to be apprehended from a second rejection of the proposed Reform by the House of Lords, could have induced them to recommend it."

It will be readily perceived by these extracts how serious a state of things existed in England at that time, and how slow the English Government were, even under the pressure of the alarming facts which existed, to recommend the Crown to add to the House of Peers members sufficient to carry the Reform Bill. If, as I believe, the provision in our constitution, to be found in section 26, is intended to be used only in the emergency occurring here of as grave a character as that which occurred in England in 1832, so far as there can be a similarity between such events occurring in a colony such as Canada and in Great Britain, it becomes of the first consequence to enquire whether any such circumstances existed in December, 1873, when the recommendation was made by the Government of this country to increase the number of the Senate. Parliament, it will be remembered, had not at that time met. Indeed, the elections had not at that time, if I remember rightly, taken place, and therefore there was no possible existing difference of opinion of any kind between the two branches of the legislature. The recommendation, therefore, to add to the numbers of this House, under the 26th section of the British North America Act, can only have been made from the apprehension that there was in this House a majority of gentlemen of Conservative tendencies, and with a view to redressing this and adding to the strength of the Liberal party here, without reference to any actual existing or threatened constitutional difficulty between the two Houses. There certainly can have been no practical necessity for making such appointment. It is nothing new for the Government of the day to be in the minority in the House of

Lords in England; in fact it has been the chronic state of things there during the Whig administration for forty years past, yet no suggestions have ever been made to alter in any way the constitution of the Upper House of Parliament, or to add to the number of Peers. In all Whig administrations which have occurred from Lord Melbourne's first Ministry, in 1835, down to the resignation of the Gladstone Government, in February, 1874, the Ministry have been in a minority in the House of Lords. There was Lord Melbourne's, from April, 1835, to August, 1841; Lord John Russell's, from July, 1846, to February, 1852; Lord Palmerston's first Ministry, from February, 1855, to February, 1858; his second Ministry, from June, 1859, to October, 1865; Lord John Russell's second Ministry, from the latter date to June, 1866, and Mr. Gladstone's Ministry, from December, 1868, to February, 1874. During all these periods the same state of things exactly existed between the two Houses in England as existed here at the time the present Government assumed power and made the recommendation which is now being criticised. So late as 1873 Mr. Gladstone, in a speech in the House of Commons, used the following language :—

"The only argument in favour of the present mode of election was that just used by the honourable gentleman opposite. It is the mode provided in the "Act of Union," but, inasmuch as Parliament has altered the Act of Union in other points, it may alter the act in this point. The evil, however, has been borne for some generations, and we must probably be content to bear it for some time longer. My honourable friend suggested that the Government should propose in the House of Lords the change which he thought was necessary. I cannot, however, pledge myself to act upon this suggestion. The Government are in a decided minority in the House of Lords, and cannot, therefore, with any advantage take the initiative upon a question of considerable importance bearing on the constitution of the House of Lords. It is difficult for this, as for all Liberal Governments, to conduct the ordinary business of this country in the House of Lords, and I do not think it would be right on the part of the Government to endeavour to effect a change going beyond the ordinary course of business, unless there was reason to suppose, from declarations made by the members of the Opposition in the House of Lords, that they were inclined to give it a favourable reception."

The condition of things is acknowledged, and the difficulty of the Government in conducting the business of the country in the House of Lords referred to. and the same difficulty which had been found in all preceding Whig administrations stated, but no suggestion to add to the number of Peers in consequence was ever so much as dreamt of by any English statesman. The measures of the Government receive fair consideration in the House of Lords. The members composing that House exercise reasonable political forbearance, and evince the desire constantly to do that which is best for the country, irrespective of mere party bias. In order to show the spirit which actuated the House of Lords during the period referred to, and which spirit I claim exists equally in this Senate, I will read from a letter written by the Duke of Wellington to Lord Stanley, the late Earl of Derby, on the 19th February, 1846:

"I have invariably objected to all violent and extreme measures, which is not exactly the mode of acquiring influence in a political party in England, particularly one in opposition to Government. I have invariably supported Government in Parliament upon important occasions, and have always exercised my personal influence to prevent the mischief of anything like a difference or division between the two Houses, of which there are some remarkable instances, to which I will advert here. Upon finding the difficulties in which the late King William was involved by a promise made to create peers, the number, I believe, indefinite, I determined myself, and I prevailed upon others, the number very large, to be absent from the House in the discussion of the last stages of the Reform Bill, after the negotiations had failed for the formation of a new administration. This course gave at the time great dissatisfaction to the party. Notwithstanding that, I believe it saved the existence of the House of Lords at the time, and the constitution of the country. Subsequently, throughout the period from 1835 to 1841, I prevailed upon the House of Lords to depart from many principles and systems which they, as well as I, had adopted and voted for: on Irish tithes, Irish corporations, and other measures, much to the vexation and annoyance of many. But I recollect one particular measure, the union of the Provinces of Upper and Lower Canada, in the early stages of which I had spoken in opposition to the measure, and had protested against it, and in the last stages of which I prevailed upon the House to agree to and pass it, in order to avoid the injury to the public interests of a dispute between the Houses upon a question of such importance."

This letter shows strongly, in terms which will command the admiration of the House, the course which enables the Government to be carried on in England in the face of the majority in the House of Lords opposed to the Administration of the day. I contend that this House has shown from the time of Confederation, and particularly from the time of the formation of the present Administration, equal moderation, and that through the wisdom and forbearance of the House there has not been any practical difficulty in carrying on the Government in the face of a majority in this branch of the Legislature. In the session of 1868 the late Government sustained a defeat in the Senate on the bills to introduce and make uniform throughout the Dominion the criminal law. These bills were numerous and of great length, but with some inconsiderable changes were the laws which were in force in the same provinces of the Dominion, and were more or less familiar to all legal men in the Senate; but it was urged that sufficient time for their consideration had not been given, and, in spite of such poor exertions as I was able to use, the Government were defeated on those bills, and their consideration was postponed until another session of Parliament. This was the deliberate judgment of the Senate, and, looking back upon it, I have little doubt that the House was right. The same bills were brought down in the following session, again submitted to the consideration of the Senate, thoroughly considered and passed without difficulty. When the present Ministry came into power, they found themselves, undoubtedly, in a very different position as regards this House from that which their predecessors occupied, but, in making the recommendation to augment the members of the House, they should not have been governed simply by the knowledge that they were in the minority here.

They seem not to have given the Senate credit for any desire to treat such Government measures as might be submitted to them with fair consideration. In order to show how much they have misconceived the spirit in which the House is prepared to act, I will quote from a speech delivered by myself at the opening of the session of 1874. I would not venture to do so were it not that at that time I filled the position on this side of the House which I still unworthily occupy, the duties of which, I am perfectly conscious, I very insufficiently discharge; but, occupying this position at that time, I took the earliest opportunity of stating to the House the course which the Opposition here would pursue. The language which I used on the 31st March, 1874, was as follows:—

"Since the last Parliament the party to which I belong has sustained an overthrow so complete that it will form a remarkable feature in the history of the country. I allude to the fact only for the purpose of drawing attention to what I conceive will be the duty of my friends and myself in this House. The expression of public opinion at the late elections put all doubt and cavil on one side, and I think the duty of the Senate will be to aid in giving, in all reasonable ways, effect to the wishes of the country as they may be indicated in the other branch of the legislature. I may say for those who act with me, and for myself, that we will be anxious to receive with every consideration and fairness all measures which the Government may bring forward. (Hear, hear.) They will meet with no factious opposition, nor any conceived in the spirit of party warfare. My friends and myself will, on the contrary, be glad to assist the Government in perfecting those measures which may be submitted for the consideration of the Senate."

The assurance which I thus gave was received by the honourable gentleman, the Secretary of State, in the spirit in which it was given, in the following language:—

"It is exceedingly gratifying to hear the observations of the honourable gentleman from Kingston. I cannot but recollect that I was long in sympathy with the party for which the honourable gentleman speaks. I am satisfied from the kindly remarks that have been made by my honourable friend that all measures which the Government may lay before the Senate will be fairly considered, and that honourable gentlemen opposite will give a kindly aid in perfecting such measures as may be brought before them."

I submit to the House that, from that time to this, the course I then said would be pursued by members on this side of the House has been followed. The Senate has given the most fair and even favourable consideration to all measures which have been submitted to the House by the Government. There has been no factious opposition shown at any time. The measures which have been rejected by the Senate have been few in number, and not of vital importance, nor have any been sent up a second time from the Commons. There has been nothing whatever to justify the opinion which was formed in December, 1873, of the probable course which would be pursued in this House by the

majority here. Of the measures which were rejected, having once passed the Commons, the first was a bill relative to the elective franchise; each province on the occasion of the Union adhered, for the time, to the franchise which obtained in it immediately before Confederation. Prince Edward Island, when it joined us, claimed to be allowed to do the same thing. The House of Commons, led by local politicians from that Island, changed the rule, and the bill as it was presented here would have excluded from the franchise the bulk of the population of the Island. It was amended here and sent back to the House of Commons, and the very amendment proposed here was adopted by that House. There was, therefore, no collision on that occasion. The next measure rejected in this House was that providing for a re-adjustment of the representation of the County of Huron in the Province of Ontario. A bill was introduced in the other Chamber by the member whose constituency was to be immediately and largely affected by the provision which the bill proposed to enact. That member had been returned to the House of Commons by one of the ridings of that county, and his seat was at the moment contested and in imminent danger. Foreseeing another election to be at hand, he introduced a bill to take away from the adjoining riding a township with 200 vot[illegible]aid to be on his side in politics, and to add it to his own riding. [illegible]ownship is called Tuckersmith, and the bill provided that it should be detached from another riding of Huron and added to the one which the gentleman in question then represented in the House of Commons. The people who resided in this township were already represented in the Commons: had already voted in the riding of which they formed part; and could anything have been more unfair than the proposition to detach them arbitrarily from the riding to which they belonged, and in which they had already voted, and transfer them so as to give a majority to the member whose seat was in jeopardy? And this was carried, though a private bill, with the approbation of the Government, through the House of Commons. That bill, introduced here as a Government measure, was rejected in this House, and rejected, I believe, with the universal approbation of the country. I may add that the seat in the Lower House was lost, and that a new election did take place, and the unseated candidate was defeated, making perfectly clear the unjust character of the legislation which passed the lower branch of the Legislature, but which was defeated in this House. These were the only two measures rejected during the session of 1874. In the session of 1875 the first measure from the other branch of the Legislature which was rejected in this House was the Esquimalt and Nanaimo Railway Bill. This was to carry out a part of what was known as "Lord Carnarvon's Terms." It was a proposal to build a totally unnecessary road on Vancouver Island, on the ground that the country was thought by the Ministry to be unable to go on with the Pacific Railway. The line of railway on the Island had not been surveyed, the country was known to be exceedingly difficult. There

was neither survey nor estimate of the cost of the railway. It was a plunge into an unknown sea of expense to construct a road through a country where there were no inhabitants, alongside of water communication of the first character, open all the year round, and sheltered from the sea ; the very place of all others where a railway was least necessary and least likely to be of advantage, or at all likely to compensate for the outlay of the enormous sum of money which it would cost. The Government on that occasion were defeated by a small majority. They never again presented the bill here. There was no second effort made on their part to carry the measure, but, it having been once rejected here, and rejected by a small majority, they took into the Administration one of the most distinguished opponents of the measure, and never again presented it for the consideration of the House. The next measure defeated was that for the payment of County Court Judges in Nova Scotia. That was rejected for the time being, because it was stated that the Legislature of that Province, which had created the necessity for these judges, was moribund, that their appointment was unnecessary, and that there was strong reason to believe that the new House which was then about to be returned in Nova Scotia would take a different view as to the necessity of appointing these judges, and that consequently it was perhaps premature to vote their salaries. As it turned out, the new Legislature did not take the view which it was supposed in this House they would take, and the following session on the bill with reference to the salaries of these judges passed the Senate as a matter of course. The other measures rejected in the Senate were of still less importance. The common carriers bill was withdrawn.

Hon. Mr. Scott—No, the House refused to let it go to the second reading.

Hon. Mr. Campbell—Well, certainly, the honourable gentleman admitted himself, in debate, that more time should have been given to the preparation of the bill, and that it would be better, probably, to allow it to remain over and go to the country and be reconsidered at some subsequent session. I have thus given a slight, but, I believe, an accurate *resumé* of the occasions upon which the Senate has differed from the House of Commons during the time of the present administration, and of the reasons which have actuated us in so doing, and I venture to say that on these occasions the Senate has differed from the House of Commons for sound and sufficient reasons, and that public opinion has sustained this House. The actual course, therefore, which we have pursued, has completely belied the anticipations which were formed of our conduct by the Government when they made their recommendation of December, 1873, for the augmentation of the members of this House. The Senate has not been factious, but has shown a spirit of great moderation, entitling it to, as I believe it has received, the approbation of all thoughtful men in the country ; and my honourable friends on this side of the House have completely justified and warranted the language which I used in speaking for them in

March, 1874. If the Senate has erred at all, I believe it has rather been in having been too reluctant to assert its views where they differed from those which the House of Commons has expressed, but we have followed the constitutional practice, and I ask whether, under such circumstances, it is not due to ourselves to pronounce upon the action of the Government, as proposed in the resolutions now upon the table, and whether, if we do not, it will not hereafter be urged that we did not regard this attempt to use the 26th section of the British North America Act as a serious infringement of the constitution which deserved the reprobation of this House. It is for the reasons which I have thus imperfectly given that I ask the House to vote for the resolutions which I now propose for their adoption.

THE MINISTERIAL CHANGE IN QUEBEC.

THE SENATE—OTTAWA, 15TH APRIL, 1878 :

HON. MR. CAMPBELL moved :

"To *Resolve*,—That the Messages of His Excellency the Governor-General of the 26th March and 8th April be now read, and that it be resolved that the course adopted by the Lieutenant-Governor of the Province of Quebec towards his late Ministry was at variance with the constitutional principles upon which Responsible Government should be conducted."

He said :—It is not without a good deal of reflection that I have taken upon myself the responsibility of offering to the House a resolution upon the subject of the recent ministerial change in the Province of Quebec. Great consideration seems to me to be necessary before any member of this House should ask the Senate to take action in this matter at this time ; but I am myself convinced, for reasons which will develop themselves as I go on, that it is better to ask the House to come to a decision on the question even now, and close as we are to where the contest is going on between the rival parties in Quebec, rather than to postpone action. Of course, in dealing with the subject I am not at all forgetful of the fact that the gentleman who fills the position of Lieutenant-Governor of Quebec was formerly a colleague of ours ; that he is known to us personally, and is held in high esteem by those with whom he acted in this House. I also, for myself and for those gentlemen who act with me, must say I approach the subject with a good deal of reluctance in the direction in which I am about to speak, because the natural leaning of my mind would be to support authority, and that is the natural tendency of the Conservative party, but the case in point is so peculiar that I feel it necessary to ask the House to consider the circumstances which attended the recent dismissal of the Quebec Cabinet. Another reason which makes me think it expedient to move as I am now doing is the fact that two messages from His Excellency with papers on the subject have been transmitted to this House, not at our request, but on the mere motion and grace of His Excellency. In my judgment some action ought to be taken by us lest our silence be misunderstood, and that is still more strongly the case from the fact of a resolution having been moved in the other branch of the Legislature. If, under these circumstances, we were to take no action on this question, the natural inference would be that we approved of the course pursued by the Lieutenant-Governor of Quebec. I do not think it would be wise to allow such an impression to go abroad,

unless such is the feeling of the House. My impression is, the House disapproves of the course of the Lieutenant-Governor, and therefore I move this resolution to give expression to the views of the Senate. I think it right here to express my regret that no authoritative statement of facts was agreed upon by the Lieutenant-Governor of Quebec and the late Government of that Province, a statement conveying fully the reasons for the dismissal of the Ministry. Such a statement should have been agreed upon and submitted, I think, to the Legislature of that Province; it is certainly undignified and injurious, in a public point of view, that contradictions should appear between the statements of the Lieutenant-Governor and those of his late advisers on so important an action as that taken recently by Mr. Letellier. No such joint statement has, however, been made. A statement was submitted to the Legislature of Quebec, which the Lieutenant-Governor, in one of the papers on the table, says exceeded his permission, and that he did not concur in the facts as stated. I desire to approach the subject with a perfectly fair mind, without prejudice on either side, and without any other feeling than a desire to discharge the duty devolving upon me in that spirit which shall most conduce to the public interest. I do not think we can or should shut our eyes to the fact that the Lieutenant-Governor of the Province of Quebec had, for a long time, taken an active part in politics, first in the other branch of the Legislature in the former Province of Canada, and afterwards in the Legislative Council and in the Senate. We had the advantage of his assistance in the proceedings of this House, and we cannot forget that he was, during the time we knew him, a gentleman of very strong bias, and very active on his side of politics. I think it is a matter of regret that a gentleman in that position, with those strong party feelings, should have been sent to his native Province as Lieutenant-Governor. That was not the plan originally contemplated by the framers of the British North America Act. I do not mean that there was anything in the Act to prevent it, but that the intention at the time was that a Lieutenant-Governor should not be sent to his own Province.

HON. MR. SCOTT—Mr. Tilley, Mr. Crawford and Mr. Archibald all illustrate the view held by the late Government.

HON. MR. CAMPBELL—I was going to say it had been departed from, but that was not the original view taken by the framers of the Act. Their view was that it would be more convenient to send gentlemen to govern other provinces than their own. That, as the honourable Secretary of State says, was departed from on the very first occasion, but I think it is none the less to be regretted. The consequence is that you will have sometimes a gentleman of very strong party feelings, who has been active in the politics of his own Province, as was the case in this instance, sent to govern his own Province at a time when it happens those whom he had been fighting all his life are in power. I admit the example was set by the late Government from the first, but I think it would be a wise thing if we were to fall back upon the plan which was

originally contemplated; if the intended Lieutenant-Governor has been engaged in politics, he is almost certain to have been a strong and active party man, and it is placing him and those who are to be his advisers in a very unfair position. That was particularly the case in the appointment of the Lieutenant-Governor of the Province of Quebec. He had been engaged with great earnestness in party warfare, and was a Minister of the Crown at the time of his appointment. He was sent to govern his native Province, and found the Ministry in power composed of the very men to whom he had been bitterly opposed all his life. Some doubt has been apparently felt upon the right and duty of Parliament to take cognizance of a matter of this kind. I do not think that ground will be taken in this House. It seems to me it has been sufficiently answered in the other branch of the Legislature. It must be clear that we occupy in relation to the Lieutenant-Governor the same position as the British Parliament occupies in relation to the Governor-General.

Hon. Gentlemen—Hear, hear.

HON. MR. CAMPBELL—When the occasion arises for us to interfere, it is our right to do so in the same way as the British Parliament has interfered in many instances when the acts of governors of British provinces have called for it. We know that, from time to time, the Parliaments of Great Britain, when they have had occasion to interfere with the colonial governors, have not hesitated to speak, and their conduct in the discharge of their duties has been the subject of debate in both Houses. I do not think there is any doubt about the legitimate right of Parliament to interfere, if it sees occasion to do so. I do not think anyone will contend, on reflection, that this Parliament should not interfere, if it see fit, and express its opinion with reference to the action of any Lieutenant-Governor in the Dominion. But it has been contended further—and that has been really the reply to a motion similar to this in another place—that this is not the proper time to interfere; that it would be better in the interest of the public that we should wait until some subsequent session, and until the results of the course taken by the Lieutenant-Governor shall have developed themselves; and further that, if in the meantime the Province of Quebec shall have pronounced, by the election which is pending, in favour of the new Ministry, that would be a complete answer to all the complaints made against the course pursued by the Lieutenant-Governor—that is, if a Lieutenant-Governor, do what he will, is able to get a Ministry who will go to the country and be returned with a majority, the fact must be held to condone all his faults, and is a sufficient answer to all complaints. I do not agree in that. It seems to me, if that is the rule of Parliament, any malfeasance of office may be committed by the Governor, provided that a majority is returned to support the side he favours. I think that would be a bad rule to adopt, because of its effect on other provinces.

HON. MR. PENNY—How is it in England?

HON. MR. CAMPBELL—I will discuss that in a moment. It would be an exceedingly bad rule to follow as respects other Provinces. Any Lieutenant-Governor might feel that he was at liberty to follow a course, however arbitrary and erroneous, interpose his views and ideas of what was politic on the country, and pursue the same course that has been taken in the Province of Quebec. I think that would be very injurious to the future welfare of the Provinces, and to the system of responsible government under which we are all so happily living, and which we believe to be the system most likely to conduce to the general weal, and one we desire to see carried out in its integrity and in all fairness. The honourable Senator from Alma asks how it is in England. One great advantage colonies have over England is on that very point, that the conduct of our governors can be reviewed by higher authority than their own, whilst, of course, Her Majesty is supreme and responsible only to the English people; but I will show presently what was thought in England, at all events, by very eminent statesmen. Lord Metcalfe took a very strong course in the late Province of Canada. In 1843 he forced a resignation, and formed a new Ministry who went to the people and were elected, and who commanded a small majority when they returned to Parliament. The situation was the same as if, in this instance, Mr. Joly should come back with a small majority. The language held by an eminent statesman in England in that case was not such as the question asked by the honourable Senator from Alma would lead the House to suppose would be used. Honourable gentlemen opposite contend that, if the result of the election now pending in the Province of Quebec should be favourable to the new Ministry, it would condone the offence of the Lieutenant-Governor. I do not think that is a sound doctrine. So far as the people of that Province are concerned, it would; but, if it be true that the Lieutenant-Governor has not carried out the high trusts reposed in him in a constitutional manner, I think he is still subject to be censured by the power from whom he derived his authority, no matter what may be the result of the election in his own Province. The success of the new Ministry would leave his responsibility to the Governor-General and this Parliament untouched. We will suppose a case as an illustration. The honourable Secretary of State has mentioned the appointment of Mr. Crawford as the Lieutenant-Governor of Ontario. Suppose he had taken upon himself to dismiss, under any circumstances, the Government of Mr. Mowat, who had a large majority at the time Mr. Crawford was Lieutenant-Governor of the Province; I apprehend Mr. Crawford would have been recalled very quickly, no matter what might have been the result of an election in Ontario. Take another instance: the Governor-General dismissing the Federal Government now in power. There have been several elections in the different Provinces which have given an indication that there has been a change of public opinion. Suppose His Excellency had been very much impressed with that, and had dismissed his Ministry with their immense majority in the Commons, and sent for Sir John

Macdonald to form a new Administration; suppose an election to have taken place, and a majority to have been returned to support the new Government, would that have condoned the offence of His Excellency towards the Imperial Government? They would have found fault with His Excellency's conduct, as a departure from the principles on which he was sent to carry out the Government of the country, as much, probably, as if the elections had gone the other way. He would have been condemned for having taken out of the hands of the Ministry representing the majority the control of public affairs, to run the risk of another election, and would probably have been told that, in so doing, he had departed from the principles which should have governed him in carrying out the powers entrusted to him by Her Majesty. I will read an extract which will show the view taken in England of Lord Metcalfe's action in the case to which I have referred.

HON. MR. PENNY—Is it expressed by his official superior?

HON. MR. CAMPBELL—It is not. Lord Grey, in expressing an opinion on the interference of Lord Metcalfe in dismissing his Ministry in 1843, expressed himself as follows:

"The effect of this intervention was to place him in direct hostility with one of the great parties into which the colony was divided. Though the difficulty of carrying on the Government was thus obviated for the moment, as the party into whose hands he had thrown himself possessed a small majority in the Assembly, this advantage was dearly purchased by the circumstance that the Parliamentary Opposition was no longer directed merely against the advisers of the Governor, but against the Governor himself and the British Government of which he was the organ.

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"Nor was this all. The Governor, by his rupture with one party, was placed, to a far greater degree than was desirable, in the power of the other, by which he was supported, and lost the means of exercising his proper authority in checking any departure from moderation on the part of those by whose assistance he was compelled to carry on the Government."

That goes to show, I think, that the view taken by the honourable gentleman from Alma is not correct, and that it is not a sufficient answer—assuming for the moment that the Lieutenant-Governor was wrong—so far as the Governor-General and this Parliament are concerned, to say that the Province of Quebec may return a majority in favour of the new Ministry. For the purposes of other Provinces and of establishing a precedent, it is desirable that a rule should be laid down, whatever may be the result of the local election. I admit it is somewhat inconvenient to discuss this question now, so close to the scene of the elections which are going on, and it would be desirable if this authority which we are exercising were exercised at a greater distance.

Hon. Gentlemen—Hear, hear.

HON. MR. CAMPBELL—That is an inconvenience, but it is also an inconvenience to keep silence, because that would be construed into

approval of the conduct of the Lieutenant-Governor. I think it important that the Senate should pronounce upon the case, not with a view to the effect upon those immediately concerned, but because it is important we should arrive at a sound conclusion for the future. All those views, so far as I could weigh them in my mind, have been governing me in arriving at the conclusion to ask the House to come to a decision now upon the point. It will be seen, I hope, that I have not taken this course without considerable reflection as to the effect of taking action, and of refraining from taking action. It seems to me if we refrain from taking action we shall be misunderstood, and it is better for the House, if it believe the course pursued by the Lieutenant-Governor has not been such as to meet with its approval, to say so. I do not agree in the view that has been put forth that the rights and prerogatives of the Lieutenant-Governor as regards what has taken place in the Province of Quebec are limited by the British North America Act. I believe, so far as the affairs of that Province are concerned, his prerogatives are the same as those of the Governor-General The only way of carrying out responsible government is to admit that, and to place the Lieutenant-Governor in a similar position to that occupied by the Governor-General, and to see, so far as we can, that he carries out the duties that thus devolve upon him in the spirit of the Constitution. Having stated this much by way of introduction, and in order that the House may see that, so far as I have been able, I have not been hasty in asking the House to take action upon this question, I shall now proceed to enquire what the duties of a Lieutenant-Governor are, and how far Mr. Letellier has conformed to them, and, if he has gone astray, whether his mistake has been sufficient to justify us in expressing our opinion adversely to him. I do not propose to go into a history of the rise and progress of Parliamentary Government ; I think it would be presumptuous on my part to do so after the very learned and elaborate statement made on that subject elsewhere, and which must have been seen by every honourable gentleman of this House. Of course the opinion of the Senate should only be given with great care and after great deliberation, and only when the House is satisfied it is useful in the interests of the country that it should be expressed. In order to lay down some general rule as to what the course of the Lieutenant-Governor of a Province should be, I desire in the first place to read an extract from Freeman, in order to show the change which has taken place in the administration of Government in late years, and to place an outline before the House of the general course of conduct which should govern the administration of our affairs under the present system, modified and relaxed as it has been of late years by constitutional usage. The following extract is from "The Growth of the English Constitution" by Freeman :—

"Since the 17th century things have in this respect greatly altered. The work of legislation, of strictly constitutional legislation, has never ceased. A long succession of legislative enactments stand out as landmarks of political

progress, no less in more recent than in earlier times. But, alongside of it, there has been a series of political changes, changes of no less moment than those which are recorded in the Statute Book, which have been made without any legislative enactment whatever. A whole code of political maxims, universally acknowledged in theory, universally carried out in practice, has grown up, without leaving among the formal Acts of our Legislature any steps by which it grew. Up to the end of the 17th century we may fairly say that no distinction could be discerned between the constitution and the law. The prerogative of the Crown, the privilege of Parliament, the liberty of the subject might not always be clearly defined on every point. It has indeed been said that those three things were all of them things to which, in their own nature, no limit could be set. But all three were supposed to rest, if not on the direct words of the Statute law, yet at least on that somewhat shadowy, yet very practical creation, that mixture of genuine ancient traditions and of recent devices of lawyers which is known to Englishmen as common law. Any breach, either of the right of the Sovereign or of the right of the subject, was a legal offence, capable of legal definition, and subjecting the offender to legal penalties. An act which could not be brought within the letter either of the statute or of the common law would not then have been looked upon as an offence at all. If Lower Courts were too weak to do justice, the High Court of Parliament stood ready to do justice, even against the mightiest offenders. It was armed with weapons fearful and rarely used, but none the less regular and legal. It could smite by impeachment, by attainder, by the exercise of the greatest power of all—the deposition of the reigning King. But men had not yet reached the more subtile doctrine, that there may be offences against the Constitution which are no offences against the law; they had not learned that men in high office may have a responsibility, practically felt and acted on, but which no legal enactment has defined and which no legal tribunal will enforce; it had not been found out that Parliament itself has a power, now practically the highest of its powers, in which it acts neither as a Legislature nor as a Court of Justice, but in which it pronounces sentences which have none the less practical force because they carry with them none of the legal consequences of death, bonds, banishment, or confiscation. We now have a whole system of political morality, a whole code of precepts for the guidance of public men, which will not be found in any page of either the statute or the common law, but which are, in practice, held barely less sacred than any principle embodied in the Great Charter or in the Petition of Right. In short, by the side of our written law there has grown up an unwritten or conventional constitution. When an Englishman speaks of the conduct of a public man being constitutional or unconstitutional, he means something wholly different from what he means by conduct being legal or illegal. A famous vote of the House of Commons, passed on the motion of a great statesman, once declared that the then Ministers of the Crown did not possess the confidence of the House of Commons, and that their continuance in office was therefore at variance with the spirit of the Constitution. The truth of such a position, according to the traditional principles upon which public men have acted for some generations, cannot be disputed, but it would be in vain to seek for any trace of such doctrines in any page of our written law. The proposer of that motion did not mean to charge the existing Ministry with any illegal act, with any act which could be made the subject either of a prosecution in a Lower Court, or of impeachment in the High Court of Parliament itself. He did not mean that the Ministers of the Crown committed any breach of the law, of which the law could take cognizance, by retaining possession of their offices till such time as the Crown should think good to dismiss them from these offices; what he meant was that the general course of their policy was one which, to a majority of the House of Commons, did not seem to be wise or beneficial to the nation, and that therefore, according to a conventional code, as

well understood and as effectual as the written law itself, they were bound to resign offices of which the House of Commons no longer held them to be worthy. The House made no claim to dismiss these Ministers from their offices by any act of its own; it did not even petition the Crown to remove them from their offices; it simply spoke its mind on their general conduct, and it was held that when the House had so spoken it was their duty to give way without any formal petition, without any formal command on the part of either the House or the Sovereign. The passing by the House of Commons of such a resolution as this may perhaps be set down as the formal declaration of a constitutional principle, but, though a formal declaration, it was not a legal declaration; it created a point for the practical guidance of future Ministers and future Parliaments, but it neither changed the law nor declared it. It asserted a principle which might be appealed to in future debates in the House of Commons, but it asserted no principle which could be taken any notice of by a Judge in any Court of law. It stands, therefore, on a wholly different ground from those enactments which, whether they changed the law or simply declared the law, have a legal force capable of being enforced by a legal tribunal. If any officer of the Crown should levy a tax without the authority of Parliament, he would be guilty of a legal crime, but, if he merely continues to hold an office conferred by the Crown, and from which the Crown has not removed him, though he hold it in the teeth of any number of votes of censure passed by both Houses of Parliament, he is in no way a breaker of the written law, but the man who would so act would be universally held to have trampled under foot one of the most undoubted principles of the unwritten but universally accepted constitution."

I think that gives more tersely and better than any work I have seen the changes which have come over the administration of our system of government in the last sixty or seventy years. I thought I would read this passage in the House as a proper introduction to the general view which should be taken of the conduct of those who are entrusted with the administration of responsible government under which we are now living. Now, as to the duties which may fairly be exacted from the Lieutenant-Governor, I desire to read some instructions which were given from two colonial secretaries to the officers entrusted with the government of some of the old provinces of the Dominion. The first is an extract from Lord Grey's instructions to Lord Elgin. Lord Grey is as high an authority on this class of subjects as any one in the Imperial Parliament, and certainly Lord Elgin was not an officer who was likely to let himself go astray. He was as likely to maintain the system of government which he was instructed to carry out as any officer who could have been sent out, and the instructions given to him were not called for by any want of knowledge or disposition on his part, so they may be taken as essential to the guidance of any officer entrusted with the position. He was instructed:

"The object with which I recommend to you this course is that of making it apparent that any transfer which may take place of political power from the hands of one party in the Provinces to those of another is the result, not of any act of yours, but by the wishes of the people themselves, as shown by the difficulty experienced by the retiring party to carry on the government of the Provinces according to the form of the Constitution. To this I attach great importance. I have, therefore, to instruct you to abstain

from changing your Executive Council, until it shall become perfectly clear that they are unable, with such fair support from yourself"

Mind you, that even then, although Lord Elgin was of opinion that for the good of Canada a new Administration should be formed, in which the French element and the English element should equally, or nearly equally predominate, yet even then the instructions to Lord Elgin were:—

"I have, therefore, to instruct you to abstain from changing your Executive Council, until it shall become perfectly clear that they are unable, with such fair support from yourself as they have a right to expect, to carry on the government of the Provinces satisfactorily, and to command the confidence of the Legislature."

These are the instructions from one eminent statesman to another, directing him, in almost peremptory terms, to take care not to transfer power from one party to another, except when called for by the course pursued in the Legislature of the Province, when it had been shown not to possess the confidence of a majority of the people's representatives. It is only necessary to look at the facts which have taken place in the Province of Quebec to show how far Mr. Leteilier has deviated from this course. In his case the party in power, so far from being in a minority, possessed a strong majority in both branches of the Legislature. There was not the slightest indication of weakness; the circumstances, therefore, were diametrically opposed to those under which only Lord Grey supposed it was possible for an officer of the Crown to change his Government. Now, that is a great authority on the Whig side. The other authority, which I am going to read, is on the Conservative side, and is contained in the instructions from Lord Derby to an officer of the Crown in one of the Provinces now forming part of the Dominion. Lord Derby, writing to a Governor of Nova Scotia, advised him to keep strictly neutral in the political struggles of that Province, and said:—

"The object with which I recommend to you this course is that of making it apparent that any transfer which may take place of political power from the hands of one party in the Province to those of another is the result, not of any act of yours, but of the wishes of the people themselves, as shown by the difficulty experienced by the retiring party in carrying on the Government of the Province according to the forms of the Constitution. To this I attach great importance. I have, therefore, to instruct you to abstain from changing your Executive Council, until it shall become perfectly clear that they are unable, with such fair support from yourself as they have a right to expect, to carry on the government of the Province satisfactorily, and command the confidence of the Legislature."

HON. MR. PENNY—That is a repetition of what you have just read.

HON. MR. SCOTT—I fancy it is part of the printed instructions.

HON. MR. CAMPBELL—I do not know, but I should think it very unlikely to be part of our printed instructions, but, if it were, it would be all the stronger, as it would serve to show that it was the received doctrine of the Colonial Office, no matter what party might be in power. Certainly that view has been departed from by the Lieutenant-Governor

of the Province of Quebec. He has changed his Government under circumstances diametrically opposed to the instructions laid down by the two authorities I have cited as being the only circumstances in which a Governor should allow his Ministry to be changed. I desire to read now what Lord Dufferin said in his speech at Halifax as to the duties of a Governor-General. It was during the crisis in 1873, and what he said is in exact conformity to the instructions of Lord Grey and Lord Derby and of other statesmen in England. Lord Dufferin said :—

"My only guiding star in the conduct and maintenance of my official relations with your public men is the Parliament of Canada. * * * * * I believe in Parliament no matter which way it votes, and to those men alone whom the deliberate will of the confederated Parliament of Canada may assign me as my responsible advisers can I give my confidence. Whether they are the heads of this Party or of that Party must be a matter of indifference to the Governor-General. So long as they are maintained in Parliament in their positions, so long is he bound to give them his unreserved confidence, to defer to their advice, and loyally assist them with his counsels. As a reasonable being he cannot help having convictions upon the merits of different policies; but these considerations are abstract, speculative, and devoid of practical effect in his official relations. As the head of a constitutional State, as engaged in the administration of Parliamentary government, he (the Governor-General) has no political friends, still less need he have political enemies. The possession, or even the being suspected of possessing such, destroys his usefulness."

The House will see how clearly and earnestly it is laid down that, so long as a Ministry is sustained in Parliament, so long is a Governor bound to give the Ministry his confidence. It seems to me that it is very clear that this doctrine has not been observed by Mr. Letellier. Mr. DeBoucherville was sustained by a very large majority in both Houses. I will cite a case in which the Lieutenant-Governor of the colony of Victoria was placed in a very embarrassing position by a dispute between the two branches of the Legislature—a dispute which was carried so far that the Upper House refused to pass the Supply Bill, and the Government, in retaliation, dismissed a number of Judges of County Courts and other officers connected with the preservation of the public peace. Even under those circumstances, exceptional as they were, the Governor was directed by the Secretary for the Colonies—Sir Michael Hicks Beach latterly, and Lord Carnarvon in the first place—to support his Government because they had a majority in the House of Assembly. It is put very strongly in the following extract published in the *Saturday Review* :—

"In a memorandum submitted to the Cabinet, Sir George Bowen, while admitting the necessity of retrenchment, owing to the stoppage of supplies, records his grave objections to the particular mode in which it was proposed to carry out the reductions in the Civil Service, and especially in the judicial departments. He had grave misgivings in particular concerning the even temporarily dispensing with the services of County Court Judges, Coroners and Police Magistrates.

"The course he hereby recommended to the Cabinet was to suspend the salaries of the officers instead of dispensing with their services, by which

means the public would have retained the services of such of them as were willing and ready to serve for a time without pay. With regard to further reductions, he strongly recommended the Ministers to take measures for contradicting the false rumors that had been circulated to the effect that the Government contemplated some interference with the currency and the banks, and reminded the Cabinet that he was precluded by the Queen's instructions from sanctioning any measure establishing a paper currency or prejudicing the trade and shipping in the United Kingdom and its dependencies. The Cabinet rejected this wise advice, and Sir George Bowen determined that, as the proposed reduction in the public service only affected persons holding office during pleasure, as he had been assured that a sufficient number of officers would be retained to keep the machinery of justice at work in the district Courts and Courts of Petty Sessions, and as the unpaid Justices of the Peace had everywhere undertaken to perform the duties of Coroners and Police Magistrates during the Parliamentary deadlock, he would not be justified in causing a Ministerial crisis by interfering authoritatively with the policy of his constitutional advisers."

There was a very strong case—one in which the Governor, for strong reasons, was opposed to the course pursued by his Ministers—one in which the two Houses occupied antagonistic positions, and where, one would suppose, if a Governor ever should interfere with a Cabinet commanding a majority in Parliament, he had reason to do so; yet, because he was administering a system of responsible government, Sir George Bowen, who was in constant communication by cable with the Colonial Office, did not dismiss his Ministers, but sustained them, though they were acting contrary to his views and disregarding his advice, and the administration of justice was being seriously interfered with.

HON. MR. SCOTT—Does the *Saturday Review* uphold that?

HON. MR. CAMPBELL—I have merely quoted from the *Saturday Review* to place the facts before the House; however, I will read on and see:

"At this point the first instalment of papers leaves us. That Mr. Berry was wrong in the course he adopted seems to be clear. But it is equally clear that the statements relative to his policy which reached this country in anticipation of the official despatches were greatly, though perhaps excusably, exaggerated, and that in assenting to that policy, in spite of his personal disapproval of it, Sir George Bowen did not go beyond the limits of his official discretion."

HON. MR. PENNY—Sir George Bowen had a discretion to take the other side.

HON. MR. CAMPBELL—His discretion was exercised in supporting the Ministry who had the confidence of the House of Assembly, and he is supported by the authorities in England, and by this paper.

HON. MR. SCOTT—It is a negative support.

HON. MR. CAMPBELL—I do not think of quoting the *Saturday Review* as an authority, but merely as giving the facts. I will now read an extract or two from some high authorities upon the duties of the Executive—the duties of the Sovereign—which are analogous to those

of the Lieutenant-Governor. I read from Bagehot's "English Constitution":—

"* * * * * * * * * The Queen can hardly now refuse a defeated Minister the chance of a dissolution any more than she can dissolve in the time of an undefeated one, and without his consent.

"An English monarch should not dissolve Parliament against the will and interest of the Ministry which is in power. No doubt the King can dismiss such a Ministry and replace it by another Administration, whose advice to dissolve Parliament he could take. But even with this precaution, to act thus towards a Ministry which had a strong majority in Parliament would be to strike a blow which it is almost impossible to suppose. We do not believe that Queen Victoria herself, in spite of the popularity and respect by which she is surrounded, to a greater extent perhaps than any of her predecessors, would ever have recourse to such a measure. What would be thought if she should reason thus?—'The Whigs are in a majority in the existing Parliament, but I think the country would favour a Tory Administration. Let us, therefore, dissolve Parliament, and see whether the country will not elect a Parliament of opposite opinions to those which prevail in the present Parliament.' What would be thought? No Englishman can dream even of a catastrophe of this nature, and which to him appears to belong to the phenomena of a world altogether different from that which he inhabits. In practice, in England the Sovereign considers himself obliged to follow the advice of the Ministry which the House of Commons desires to maintain in power. All prerogatives at variance with this principle have fallen into disuse, but the Sovereign may accord to the Ministry the opportunity of procuring, by an appeal to the people, a majority which is denied it in the House of Commons, but to strike from behind, so to speak, and strangle, by means of an appeal to the country, a Ministry sustained by Parliament, would be an event which no longer enters into the calculation, although in former times instances of this occurred in our annals.

"Principle shows that the power of dismissing a Government with which Parliament is satisfied, and of dissolving that Parliament upon an appeal to the people, is not a power which a common hereditary monarch will be able beneficially to exercise. Accordingly this power has almost, if not quite, dropped out of the reality of our constitution. Nothing, perhaps, would more surprise the English people than if the Queen, by a *coup d'état*, and on a sudden, destroyed a Ministry firm in the allegiance and secure of a majority in Parliament. That power indisputably, in theory, belongs to her; but it has passed so far away from the minds of men, that it would terrify them, if she used it, like a volcanic eruption from Primrose Hill."

Now, I venture to suggest, that is exactly what happened in the Province of Quebec. There was a Ministry strong in power, and it was struck from behind by the Lieutenant-Governor. The extract I have read places, as strongly as the English language can place it, the position which Mr. Letellier should have occupied, and shows also in a very glaring way the extreme departure which took place in the Province of Quebec from the rule laid down by those eminent authorities as to the course pursued in England. I read also, with the same view, the following from May:—

"The Governor, like the Sovereign whom he represents, holds himself aloof from and superior to parties; and governs through constitutional advisers, who have acquired an ascendancy in the Legislature. He leaves contending parties to fight out their own battles, and by admitting the stronger party to

his councils brings the executive authority into harmony with popular sentiments."

I think I have shown sufficiently clearly the spirit in which the constitution requires the head of the Executive to carry on responsible government, and that it is one which requires him to submit himself and his views to the Ministry which commands the confidence of the majority in the Lower House of the Legislature, and that he should give the Ministry a loyal support; he should sink for the moment his own views and adopt theirs, and assist them in carrying out their policy. It is quite competent for him to advise them, as the Lieutenant-Governor of Victoria advised his Ministers, but ultimately their policy, and not his, is to prevail. Now, I will point out the course pursued by the Lieutenant-Governor of the Province of Quebec. In so doing, I shall be guided entirely by the language of Mr. Letellier himself, and shall only adopt any information derived from Mr. DeBoucherville where it is necessary to supplement the deficient statement of the Lieutenant-Governor; because I think in speaking of the Lieutenant-Governor, we ought, as far as possible, to be guided by the papers which he has submitted for the consideration of His Excellency the Governor-General. With this view, I turn, in the first place, to his own statement and explanations. They are to be found in the message of His Excellency of the 28th of March. They seem to me from the beginning to indicate on the part of the Lieutenant-Governor a spirit completely at variance with that which, from the authorities I have read, should govern the action of the representative of the Sovereign. He did not go there with a mind free and open, and desirous of carrying on the Government according to the well understood wishes of the people, as expressed in Parliament, but, I think, to impose his own views on the people he was sent to govern. He states in his despatch of the 18th of March :—

"From the day that I was, by your Excellency, raised to the position I occupy at present, all my private relations with the members of my Cabinet, up to the time of their dismissal from office, were, I must admit, generally of an agreeable nature: but in those of an official character with the Premier I almost invariably felt that I did not enjoy that entire confidence on his part, which is the chief element of a cordial understanding between the Representative of the Crown and his advisers.

After having studied the general state of affairs of our Province, after having become convinced that legislative and administrative changes were becoming more and more necessary, I decided upon using with moderation, and with the greatest possible discretion, the influence attached to my position, in order to obtain the realization of that which I deemed to be of the greatest advantage to the Province."

I think that completely reverses the relative position of the Lieutenant-Governor and his Ministers. It was not for the Lieutenant-Governor to make up his mind what changes, legislative and administrative, were necessary. It was his duty to have remained and seen what legislative and administrative changes his Ministry thought proper, and to

have adopted them or not, as they advised. But, on the contrary, he seems to have been anxious himself to take the initiative. I do not think anything can illustrate more strongly the different spirit in which Mr. Letellier sat down to discharge his duties from that which should have governed him, judging from the authorities I have read, than the language used by the statesmen whose names I have mentioned. Then he goes on to say :—

"I regret to state to Your Excellency that, although Mr. DeBoucherville did, on most occasions, take my advice in good part, and generally approved of it, he, nevertheless, almost always acted as though he had never received it."

It was not for the Governor to advise Mr. DeBoucherville at all. If he did thrust his views on Mr. DeBoucherville and wanted him to adopt them, the Premier, as a matter of courtesy, would have to listen, and as those views were not his views, or the views of his Cabinet, or of a majority of the country, and he did not wish to carry them out ; what could he do but bow and be silent, and carry out his own views, and not those of the Lieutenant-Governor? I will read, to show further the spirit with which the Lieutenant-Governor thought it was his duty to act, a passage from a letter which he writes to Mr. DeBoucherville about an appointment in Montmagny, in which the Governor took one view and the Ministry took another. It is as follows :—

"(Private and Confidential.)

"QUEBEC, 14th March, 1877.

"MY DEAR DEBOUCHERVILLE,—I have not received any answer on the subject of the appointment of a Councillor at Montmagny.

"Those who deceived the Government, in order to induce me to perform an Executive act in connection with a question which they then knew to be within the Judicial power, do not, in my opinion, deserve consideration, which cannot but be injurious to the Government and myself.

"The remedy is very simple—rescind the appointment—allow the parties interested to fight it out before the Courts.

"Yours very truly,

"(Signed) L. LETELLIER."

I fancy that this is not the sort of letter which the Lieutenant-Governor should send to his Ministry. It was not the persons who deceived the Government he had any right to complain of ; if he had the advice of his Cabinet to do any act, he need not have gone behind that. In the letter to His Excellency, he says :

"It was easy for the Premier to understand, from my remarks and the frequent conversations which I had with him, that I could not consent to see Her Majesty's subjects despoiled of the rights guaranteed to them by Magna Charta, that their property should not be interfered with, except in virtue of a judgment rendered by the tribunals of the country."

That also shows the spirit in which he was acting—that he was to be the ruler, and not his Ministry, who were responsible to the Legislature. With reference to the Quebec, Montreal, Ottawa & Occidental Railway, the Lieutenant-Governor says :

"The Lieutenant-Governor expressed, at that time, to the Premier, how much he regretted that legislation; he represented to him that he considered it contrary to the principles of law and justice; notwithstanding that, the measure was carried through both Houses until adopted."

Evidently he thought that his policy was entitled to prevail. Supposing the Lieutenant Governor was of the opinion it was contrary to law and justice if it was carried through both Houses, it was for him to have supposed he was wrong, and not to have taken the view that the Legislature and the Ministry were to submit themselves to him. Then, I read for the same purpose the summary with which he closed his letter to the Governor-General:

"It therefore results: 1st, That, although the Lieutenant-Governor has made many recommendations in his position as Representative of the Crown, to the Premier, on these different subjects of public interest, his advisers have undertaken a course of administrative and legislative acts, contrary to these recommendations, and without having previously advised with him."

The question of advising with him I will speak of presently, but as to their taking a course of administrative and legislative acts contrary to his advice, if they thought it was in the interest of the country, it was their bounden duty to do so. It is not the province of the Lieutenant-Governor to make a complaint that the Government had taken a course upon subjects of public interest and legislative and administrative acts contrary to his recommendations. It is his duty not only to submit to their advice, but to loyally assist them to carry out their views, whether opposed to his own ideas or not. Then I will read from the same despatch the mode in which the Lieutenant-Governor seeks to satisfy the Governor-General that the Ministry were wrong and he was right. The complaints which he preferred against them serve to show the spirit in which he thought to carry out his Government. They appear to have been of a very minute character, and, in one or two respects, not to be sustained by the facts when the facts are known. One complaint is that a bill which was read three times in one Chamber, and only twice in the other, was brought to him for his signature. The explanation was that this was an accident, and the moment it was discovered, which was the very day he gave his consent to the bill, a despatch was sent to Ottawa pointing it out, and asking that it might be disallowed. A reply came from the Minister of Justice stating that, as it had not received all its stages in both Houses, it was mere waste paper, and it was omitted from the Statute Book. Under the circumstances was it worth saying anything more about? Another complaint was that a bill had gone through the House with a blank. It was a bill respecting the destruction of thistles, and had originated in the Upper House. They refrained from filling up the blank, which they might have done, as it was imposing a penalty. It was sent to the Lower House in that shape, and through some neglect the blank was not filled up there. The mistake was subsequently corrected by passing another bill imposing the penalty, and the second bill appears on the very next

page after the original measure. It seems to me that the Lieutenant-Governor did not act in a spirit of fairness when he made a mistake, which was remedied at once, the subject of a complaint against his Ministers. Then, his statement about the absence of his signature to proclamations does not seem to be true in fact. In his despatch to the Governor-General great stress is laid on the appointment in Montmagny. It was made on the advice of the Ministry, in consequence of the illegality of the election in the village of Montmagny. Further facts having been brought to light, they were laid before the Ministry by the Lieutenant-Governor, and, though the Attorney-General still held that the appointment was perfectly legal, Mr DeBoucherville gave way, and rescinded the appointment. An informal election was allowed, and the man elected was permitted to retain his seat. When all this was done, it seems to me the Lieutenant Governor was actuated by a spirit of unfairness in bringing up this matter, as a justification for the dismissal of his Ministry, a year after it had occurred. I venture to ask the House if, from those extracts which I have read, one cannot safely and without any straining arrive at this conclusion—that Mr. Letellier, being a man of very strong political convictions, went down to the Province of Quebec to impose his own policy upon that Province, expecting to be able to do so either through the weakness of the Ministry, or through their dismissal and the substitution of a Government which would carry out his views. I think that deduction is not an unreasonable one ; on the contrary it is not only a reasonable one, but, in my judgment, one from which we cannot escape. He was actuated by a desire to control the course pursued by his Ministers in the same way that Governors of colonies did forty or fifty years ago. The Governor defends the course pursued with reference to the dismissal of his Ministry by stating that certain measures of finance had not received his assent, and that he had given no authority for the introduction of the South Shore Railway Bill and the North Shore Bill. I dismiss the measures of finance, because they are satisfactorily explained by the course pursued by the Lieutenant-Governor in sending up a blank for the Government to fill in and by the subsequent conversation with Mr. DeBoucherville. These show the disposition of the Governor to give them the usual sanction for the introduction of measures of finance. The power given to the Executive respecting the introduction of measures of finance is not a power given to the Executive for his own sake, or for him to exercise personal discretion about. The Lieutenant-Governor assents to any measure of finance that the Ministry advises. So long as they have a majority he is bound to act upon their advice. The will of Parliament should be carried out, and his assenting to measures of finance is really done for the purpose of preventing such measures from being introduced save by the Government, so that a private member may not introduce such legislation. It is perfectly clear that the Lieutenant-Governor in giving a blank, and in his conversation with his Ministers, authorized them to initiate measures of finance. I will read the conversation detailed by Mr. DeBoucherville to which I refer. He says :

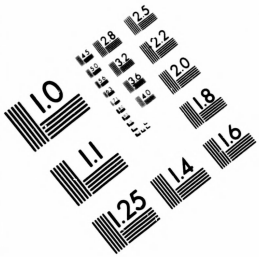
"Later I had the honour to ask Your Excellency for a general permission to submit to the House measures concerning many matters, which Your Excellency gave me with your ordinary courtesy. The permission, I may say, had always been granted me by your predecessor, the lamented M. Caron."

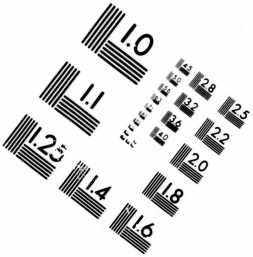
This was after the receipt of what is called "the blank authorization." Mr. Letellier does not deny the conversation at all, but he says it had no reference to the North Shore Railway Bill, but only to matters of finance. I only contend that the sending of a blank and the conversations go to show there was no disagreement between the Ministry and the Lieutenant-Governor on matters of finance, at all events. The course pursued by the Treasurer in submitting his measures to Parliament was, the Lieutenant-Governor admitted, consistent with his duty, and did not in any way contravene the rights and privileges of the Lieutenant-Governor. I say nothing about the South Shore Railway Bill, because that afterwards seems to have been assented to on the advice of the Ministry. I dismiss all the minor complaints because they certainly do not justify the Lieutenant-Governor's action. On the contrary, they seem to indicate a desire—I do not say this without having, I think, ample grounds—to find out causes of dissatisfaction with the Ministers. He gathered up, as it were, from time to time, such facts as would eventually warrant him in taking extreme measures with them. There remains nothing but the North Shore Railway Bill. With reference to that, the Lieutenant-Governor says it was introduced without his authority. Before discussing the question of authority, I desire to state to the House accurately what the facts were with reference to that measure. The resolutions were introduced on the 29th of January, after the receipt of the message from the Lieutenant-Governor from Rivière Ouelle with the blank asked for as to the measures of finance. Why the DeBoucherville Government connected that telegram with the North Shore Railway resolutions I do not understand. It may have been some misconception on the part of the Government, and a belief that the resolutions related to money. Whether it was on that account, or whether it was a pure mistake, I do not know, these resolutions not being specifically on subjects of finance, but involving the expenditure of money in reference to stations and repairing shops in the City of Montreal for the North Shore Railway. At any rate, after the receipt of that telegram, saying a blank was coming up, the resolutions were introduced. It may well be that I am right in saying that Mr. DeBoucherville believed those resolutions were authorized by the telegram, because the other resolutions respecting the Railway Bill were not introduced at the same time—not until some days afterwards. Day by day the Votes and Proceedings of the Legislature were sent to the Lieutenant-Governor, and he must have known the progress the measure was making. He was well informed personally, of course, but not officially, of the various stages of the measure; but, on the 19th an interview took place, when the bill had passed through the Lower House. On that occasion the bill formed

the subject of the conversation that is mentioned in Mr. Letellier's own paper, as well as Mr. DeBoucherville's. Although the Lieutenant-Governor had been informed from day to day of the progress of the measure, because the Votes and Proceedings were sent to him, and although it was the subject of conversation between him and the Premier on the 19th of February, they separated without the Lieutenant-Governor letting the Premier know he was dissatisfied with what was being done. Does not this indicate the spirit in which the Lieutenant-Governor was administering his high duties? If he had any intention then to interfere, or any really grave complaint to make of having been treated without sufficient consideration and respect, or in violation of the prerogatives of the Crown, should he have allowed the Premier to leave him without making him aware of it? A number of days elapsed —the difference between the 19th and the 26th—before any intimation was conveyed to the Premier that the Lieutenant-Governor was dissatisfied with what had been done. These are the facts with reference to the bill concerning the North Shore Railway. It seems to me that under the circumstances the Premier had a right to suppose that he had the approbation of the Lieutenant-Governor, even supposing his approbation was necessary. Mr. Letellier knew, on the 19th at all events, the interpretation which had been put upon his message sending a blank. He knew it had been looked upon as an approval of the introduction of the resolutions respecting the North Shore Railway, as well as of measures of finance strictly, still he allowed the Premier to leave him without stating there was anything erroneous in that belief, or that he would interfere with the carrying out of the legislation. I think the Lieutenant-Governor took an exaggerated view of the necessity of having authority from him to introduce legislation. I do not think any position of that kind can be maintained, and I will explain to honourable gentlemen why. To show that he took an exaggerated view I need only quote from his letter to His Excellency, as follows :

"It was easy for the Premier to understand, from my remarks and the frequent conversations which I had with him, that I could not consent to see Her Majesty's subjects despoiled of the right guaranteed to them by Magna Charta that their property should never be interfered with, except in virtue of a judgment rendered by the tribunals of the country."

That was directed against the North Shore Railway Bill. Supposing Mr. DeBoucherville had gone to the Lieutenant-Governor with this bill formally and said, "I propose introducing this measure," the Lieutenant-Governor had no constitutional right to interfere, or say, "I cannot permit you to introduce such legislation." He might have said "I think you should not for this and that reason, but the responsibility is with you." But, instead of that, he took the exaggerated view that direct and absolute authority must be got from him to introduce it in Parliament. I think the true doctrine was enunciated by the Premier of this country. In another place, upon the discussion of this matter there, he said :—"Every bill introduced by the Ministry has the as ent





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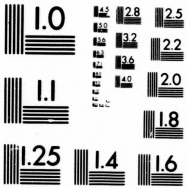

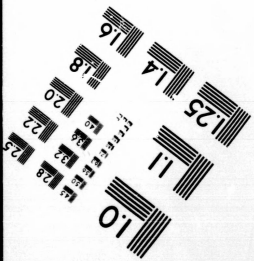

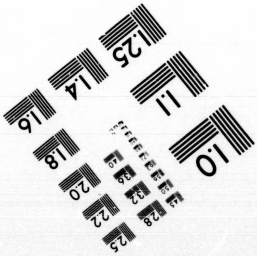

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of the Crown." I take it, he did not mean that every bill was laid before the Governor and his authority asked for its introduction, but that they being advisers of the Crown had constitutionally the assent of the Crown for their measures. The legislation of the country goes on in that way, and the direct formal authority of the Governor for the introduction of measures is not sought for in the way Mr. Letellier supposed. Nobody in England imagines that the Ministry go with every bill they introduce for the sanction of the Sovereign. It was stated in the other House by a right honourable member who has served under five Governors that the practice in Canada has not been so. The honourable Secretary of State knows it has not been the practice with the present Government. Take the two important bills introduced in this House. Neither of them, I will venture to say, received the sanction of His Excellency in advance of their being introduced, and he probably knew nothing about them until he read the discussions on them. The true doctrine is that, when the Ministry introduce a bill, the fact of their being the advisers of the Crown is the only authority necessary for the introduction of it on the part of the Crown. This is one great reason why the power of vetoing bills has fallen into disuetude, because really Her Majesty gives assent to bills before they are introduced; the Ministry are responsible for them. My honourable friend from Alma division interrupted me a few minutes ago with an allusion to Lord Palmerston's case, as though that were at variance with this doctrine. But what were the facts? Lord Palmerston had wilfully, and without informing his colleagues, departed from the policy of the Government of which he was a member, and was dismissed by the Premier. In conversation with the French Ambassador, Lord Palmerston had showed a leaning towards Napoleon, and a disposition to condone the *coup d'état* of the 2nd of December in a way which exceeded the decisions and views of the Cabinet, and he was dismissed on the advice of his colleagues. But that does not affect the question whether or not the absolute authority of the Lieutenant-Governor is necessary to introduce legislation. Supposing such authority were necessary, Mr. Letellier would be in a position to control everybody. But there is no such doctrine. The difference between measures of administration and measures of legislation is perfectly clear. Those gentlemen who have followed the debates in another place will know it was demonstrated there at great length that the difference is of a very vital character. Any member of Parliament can bring in any bill save a money one, but measures of administration can only proceed from the executive authority. The House will see that I have restricted myself to the course which a Lieutenant-Governor should lay down for himself with reference to the government of a province entrusted to his charge, and it seems to me that Mr. Letellier has departed from the constitutional spirit and that rule. I think it a clear deduction from what has happened that he went down to his native province determined to impose his own policy upon the country,

and not to carry out that of his Ministry. That is a course which no Lieutenant-Governor should be allowed to suppose he can pursue, and, whatever may be the result of the elections in Quebec, I think we shall but discharge our duties by pronouncing it here and now to be a departure from the principles of responsible government. I confess, under the circumstances, it might have been wiser for the DeBoucherville Government to have taken unusual precautions, and to have gone to the Lieutenant-Governor with the railway bills beforehand, but I hold it was no dereliction of duty on their part that they did not take that precaution, and, if they had, Mr. Letellier could only have said: "I do not like it, but you have got Parliament at your back, and you must take the course you think best." That would have been done in England, or here. On all these grounds, it seems to me, the course pursued by Mr. Letellier, in trying to force his views on his Ministers and on the country, was a departure from constitutional usage and principle. The resolution before the House points not only to the dismissal, but to the course pursued before the dismissal. If we do not adopt this resolution, our silence will be construed into an approval of conduct which I think deserves condemnation; and greater danger will result to the state than from our speaking now, even in view of the proximity of the elections. I ask this House, with some confidence, to pronounce in the words of this resolution that "the course adopted by the Lieutenant-Governor of the Province of Quebec was at variance with the constitutional principles upon which responsible government should be conducted."

CONTINGENT ACCOUNTS OF THE SENATE.

THE SENATE—OTTAWA, 5TH MAY, 1880 :

SIR ALEXANDER CAMPBELL—I cannot refrain from saying a few words upon the occasion of the presenting of this report. I think that something more and different should have fallen from the honourable Senator from Woodstock than an expression that he protested against the report. We should have had from him, I think, some expression of regret for the language which he used on several occasions, when we thought he was ill-informed on the law and the usage in this and the other House in reference to this subject. The Senate will remember that from time to time when this question has been brought up, not only have the honourable gentleman from York and myself been assailed, in language which I will not repeat, but towards all the members of this House who have acted under the law, and who have taken no more than the Indemnity Act authorizes them to receive, has been applied the language to which attention has just been drawn by the honourable Senator from Sarnia (Mr. Vidal). After addressing such language to members of this House and after an investigation has been held, and it is amply established that not only was the explanation which I gave the other day perfectly correct, but that there are as many as thirty or forty cases since Confederation, in this House alone of the application of the undoubted rule of law—the honourable gentleman offers no apology for his vile attacks upon members of this House—but protests against the report of the committee, and, in effect, repeats his original, untrue and injurious accusations.

HON. MR. MILLER—There is a misapprehension with regard to that. A number of cases included in the thirty or forty referred to are made up in this way—for instance, supposing the House to sit forty days, and a member to have attended the full forty days from the opening to the close of the House, he may or may not have made his thirty or thirty-one sitting days, there may be only twenty-nine sitting days, but he receives his indemnity. The law is clear with regard to such cases.

SIR ALEXANDER CAMPBELL—It includes those cases, but there are many others affecting members on both sides of this House. It was with reference to a member of this House, whose illness we now deeply deplore, that the honourable Senator first used this language, and it is within my knowledge, and within the knowledge of friends who have told me, that newspapers have been constantly brought to the bedside

of that honourable gentleman, and within human probability that these attacks of the Senator from Woodstock have increased the pain of his illness; and not only has he spoken thus of the honourable gentleman to whom I refer and of the honourable member for Rigaud, not now in his place, but with reference to all those referred to in the report under consideration, some thirty or forty, who acted on the principle which the report under consideration declares to be correct and legal and of invariable usage in both Houses. The statement which the Clerk makes out is in the due and proper exercise of his functions, which he is obliged to make out under the law, and which has been universally acted upon in both Houses; and because thirty or forty members of this House have acted under the law and adopted the returns made out for them by the Clerk and accepted the indemnity they were entitled to, they and our colleague who is ill have been stigmatized in this offensive manner, and the honourable Senator from Woodstock, now that, even to his comprehension, all is made clear, instead of telling us that he is sorry and regretting the error into which he fell, re-iterates his accusations. He should hide his head as a slanderer.

HON. MR. ALEXANDER—I rise to a point of order. The honourable gentleman is using unparliamentary language.

SIR ALEXANDER CAMPBELL—Who can apply parliamentary language to conduct such as that of the honourable gentleman, who has almost put himself outside the pale of propriety of language? But I will endeavour not to overstep its bounds. We have been told that in the corridors of the House and on the streets the honourable gentleman has been repeating the slanders which he has had the assurance to make in the House. These stories have been told in the lobbies of this House and in the Russell House, and to everybody in the streets whom the honourable gentleman could get to listen to him. He has gone about making it his business to revile me and those honourable gentlemen in this House who have done nothing except comply with the law. It is well known, and I have heard it mentioned by members on both sides of me, that the story has been re-iterated again and again, to members of this House and to everybody who could be "buttoned-holed" by the honourable member to listen to them, and an unceasing attempt has been made to persuade them that some great wrong and offence has been done with reference to indemnities. When this very report was brought in, saying in concise and plain language, that nobody has done anything improper or illegal, what did we hear? Those honourable gentlemen who sit near me, and who are annoyed by the neighbourhood of the honourable Senator froom Woodstock, heard him state that it was a "whitewashing report."

HON. MR. ALEXANDER—Hear, hear.

SIR ALEXANDER CAMPBELL—Is that language which should be held here by a member when a report such as this is brought in? when, if he had any right feeling the honourable member would have taken the

first occasion to express his regret and would have said, "I am sorry; I have misinterpreted the law and said, inside and outside of the House, injurious things of my colleagues which I will say no more." This is the language that he should have used, instead of pursuing the slanderous course which he has taken during the session, making, as the House knows he has done, this House uncomfortable and himself a nuisance.

HON. MR. ALEXANDER—I rise to a point of order. I ask that the words of the honourable gentleman be taken down.

SIR ALEXANDER CAMPBELL—My words need not be taken down; I retract them. Instead of saying "a nuisance," I will say, making himself exceedingly disagreeable. That is parliamentary enough. His course has been not only disagreeable, but it has been silly from the very beginning of the session. What have we seen here from day to day? The very first measure that came up this session was the Militia Bill, the object of which was to give to the guard of honour which attends the representative of our Sovereign the legal powers necessary to preserve order in case of any difficulty. What did the honourable gentleman do? Opposed the bill and characterized it—in his poverty of language and poverty of thought—as "such a bill!" He was unable to find any objection.

HON. MR. ALEXANDER—I rise to a point of order. The honourable gentleman is not speaking to the question: he is dragging in outside issues.

SIR ALEXANDER CAMPBELL—I am describing the course that the honourable gentleman has pursued from the beginning of the session. When his attention was drawn to the object of the bill by the honourable Senator from Amherst, he even then seemed incapable of understanding it, and came in with explanations which were foolish and inappropriate, as his explanations always are. The next occasion was the resolution acceding to the request of the House of Commons for a return of the indemnities paid to members for the year 1879, taking the very words of the request just as the House of Commons made it. What did the honourable gentleman do but rise and say that he took "the responsibility of opposing the course pursued by the Minister of Militia." He take the responsibility! What is his responsibility, mentally or any other way? He opposed what? He opposed our sending down to the House of Commons the very information which he has been dragging up again and again to the annoyance and discomfort of every member of the House; that is what he took the responsibility of opposing. What did we next hear? With reference to the reporting of our debates, when the honourable Senator from Richmond drew attention to the manner in which they were reported, and I said something in furtherance of his wish that they should be more condensed, the honourable gentleman (Mr. Alexander) comes in and, in his blatant way, roars at me: "Has the honourable gentleman anything to conceal?" What could I have to

conceal with reference to the debates or anything else? God knows if the honourable member was as free from having anything to conceal as I am, he would be exceedingly well off! And so it has been from the beginning of the session until now. He talks of indemnity not having been earned by members. What in Heaven has he ever done for his indemnity? Has he ever uttered in this House a sensible idea or a suggestion of value—anything that anybody has profited by? Honourable gentlemen have served on committees with him; does anybody know that he has ever been anything on a committee but an annoyance and a drawback to the proceedings? Did he ever make a suggestion that was worthy of adoption? He has been as useless in committees as he has been in the House, and, as the honourable Senator opposite (Mr. Trudel) remarked, a member may serve here from hour to hour and day to day for his whole lifetime, and his services will not be worth his indemnity. Such is the case with the honourable Senator. And so it has been from the beginning of the honourable gentleman's career in Parliament. He told us the other day that he had been twenty-two years in public life. He should have said minus the six or seven years during which he was not in Parliament. He first came here in 1873. That he is here now to vex and annoy the House he owes to me more than anybody. Do I not recollect the Assembly at Quebec when it was left to Mr. Brown—the gentleman he has been attacking now, and whom he said last session he "would kill" with reference to this very indemnity.

HON. MR. ALEXANDER—I rise to a point of order—let the honourable gentleman prove his statement.

SIR ALEXANDER CAMPBELL—I heard it last session; let the honourable gentleman deny it if he dare!

HON. MR. ALEXANDER—I do deny it. Let the honourable gentleman verify his statement or withdraw it.

SIR ALEXANDER CAMPBELL—I was told that he said so, and I believe that he did, and I think I could readily establish it. I remember the name of the honourable gentleman coming up. It was left to Mr. Brown, leading one side, Sir John A. Macdonald leading the other, and myself as representing the Legislative Council at the time, to select the members of the Council who should be appointed to the Senate.

[After some discussion raised on a point of order by Hon. Mr. Alexander.]

SIR ALEXANDER CAMPBELL proceeded:—I propose to go on with my remarks until I have rebuked the honourable member as far as it may be in my power. His name, because it begins with "A," stood at the head of the list. It was incontinently placed at the bottom of it by common consent, and he was left out at Confederation. It was simply because I had sat here in the Legislative Council some years with him that I asked my colleagues to be allowed to write letters to him and others who were in a similar position, to assure them that we would give

them seats in the House as soon as opportunities presented themselves. It was out of good feeling and because I had sat with him before that I wrote to him.

Hon. MR. ALEXANDER—Thank you.

SIR ALEXANDER CAMPBELL—He says "thank you!" and he ought to say it. One reason which he gave me why he was exceedingly anxious to come back to the House was, I remember well, that he might have more influence with certain classes of persons, but particularly with railway managers, and, will the House believe it? be able to procure railway passes from them! This was the exalted ambition with which the honourable member desired to enter the Senate.

HON. MR. ALEXANDER—I rise to a question of order. Is this House to be disgraced by the leader of the Government? He is dragging private conversations into this debate, and inventing statements besides. It is disgraceful!

SIR ALEXANDER CAMPBELL—The House knows that I have shewn every forbearance since the beginning of the session; that, if I have erred, it has been on the side of forbearance, that again and again I have sat silently here when the honourable member has been attacking me in the vilest and most insulting manner. He did urge these reasons upon me when he was asking me, as he did scores of times, to have him appointed to the Senate.

[A further interruption here took place on a point of order raised by Hon. Mr. Alexander.]

SIR ALEXANDER CAMPBELL proceeded: I have but little more to add. I have already expressed very fully my opinions on this matter. When I was interrupted, I was telling the House the circumstances under which the honourable gentleman came back to the Senate; and, as I have told him, he owes it very much to me that he is here now to vex and annoy us by his malignant folly; he owes to me too—whom he has been slandering during the whole session, without cause, untruthfully, and without provocation—that he was made the Postmaster of the town in which he lives. I should never have troubled the House if the honourable Senator had offered any expression of regret for the language he used on a former occasion, and which anyone of good feeling could not have refrained from doing when this most clear report, unanimously adopted by the Committee on Contingencies, was presented to the House. I repeat that the honourable gentleman is much indebted to me for his seat in this House and in the other respect to which I have alluded, and has repaid me, as honourable gentlemen have witnessed, by slanders in-doors and out of doors. Many members will suppose, from the persistent and insulting attacks he has made upon me from the beginning of the session up to this time, that some ill-will had arisen between us before Parliament met. I have taxed my memory to find if anything has occurred to cause it, and I declare to this House, and everyone who hears me, I am sure, will be surprised to know, that nothing unpleasant has ever occurred between us, much less a quarrel.

When the honourable gentleman came down to Parliament this year, I met him, just as in former sessions, without the slightest dream of the existence of any ill-feeling. I am perfectly at a loss to understand his animosity, and what has he done ever since the beginning of the session but attack me, in season and out of season? Up to this moment I have never replied to him, not a single word; and yet he says, most untruthfully, that I have been the cause of scenes; to this moment I have said not a word. If any member of this House is free from such an accusation, I am. It is wholly foreign to my disposition and habits of thought and action to create scenes. It has always been my endeavour, as far as lay in my power, to promote good and kindly feeling in the House, and to endeavour to get on with the business of the country without any departure to irritating side issues, and without discussing anything but the business before the House. Every member of the House knows that I have never attacked a single member of it; it is habitual with me to avoid giving offence, and I am happy to think, and I believe I justly may, that if I left Parliament tomorrow, I should leave without the enmity of a single member, on either side of politics, in this House or the other, except this poor man, whom I have never wronged, nor ever provoked.

HON. MR. ALEXANDER—I rise to a point of order. The honourable gentleman has lost his self-respect completely.

SIR ALEXANDER CAMPBELL—"This honourable member," I should have said; but one, in the heat of debate, sometimes forgets himself.

HON. MR. HAYTHORNE—If I understand the rules of this House it is incumbent on members to avoid sharp and taxing speeches, and I call upon you, Mr. Speaker, to decide whether the language used by the honourable the Minister of Militia is sharp and taxing.

SIR ALEXANDER CAMPBELL—I dare say it was sharp and taxing. I hope it was, but I retract the expression as it is out of order.

HON. MR. HAYTHORNE—I rise to a point of order. The honourable gentleman, in his explanation, has stated that he hoped it was a taxing speech.

SIR ALEXANDER CAMPBELL—Yes, and I retract it. The fact is, honourable gentlemen, the House gives me great latitude, because the honourable Senator I am replying to has abused its patience again and again by his malignant attacks upon me ever since the session began—the language which he has held out of doors and behind my back—but I say again, that, after many years spent in the front ranks of Parliamentary life (in office and in opposition), save himself, I do not think I have the enmity or ill-will of any gentleman in this or the other House, on either side of politics. There are honourable gentlemen all around me who have known me for ten, twenty, and some, thirty years, and they can say whether I have ever been open to the insolent and vile attacks made upon me by the honourable Senator from Woodstock;

but I leave him now. His course, in regard to this matter was spoken of in this House a few weeks ago by an honourable friend opposite in language at once forcible and true. I adopt and re-affirm what was then said and pronounce the Senator from Woodstock to be a slanderer.

BILL TO INCORPORATE THE CANADIAN PACIFIC RAILWAY.

THE SENATE—OTTAWA, 3RD FEBRUARY, 1881:

SIR ALEXANDER CAMPBELL, in moving the second reading of the bill to incorporate the Canadian Pacific Railway Company, said:—The measure which this bill presents for the first time for the consideration of the Senate is one which has been discussed for so many days and nights elsewhere, within the hearing of most of those gentlemen who are present to-day, and discussed by so many able men, from so many different points of view—those who favour it, and those who have found serious objections to it—that I am afraid I shall not be able to present it to this House in any new aspect, or offer to you many arguments or reflections which have not already occurred to you; but, representing, with my colleagues, the Government in this House, we feel that I should be wanting in that duty and respect which we owe to the Senate if I did not offer such observations as seem to me necessary to a separate and distinct and complete consideration of the measure in this branch of the Legislature. The facts are well known to the House. I will not enter into any lengthy historical *resumé* of them. They are to be found recorded in Acts of Parliament, in treaties, in official correspondence and in the speeches of different members of three successive governments, sustained in parliament for different periods since the union with British Columbia. I will almost take it for granted that it will be admitted in this House, and, so far as regards this discussion, that the country is pledged—pledged in every way which can impose obligations on public men—to the construction of the Canadian Pacific Railway from some point upon the existing system of Canadian railways to the Pacific Ocean. It was not to be done with prejudicial haste; it was not to be done so as to unduly strain the resources of the country, but it was to be done. The resolution in the House of Commons on this point, framed at the request of Sir George Cartier, and offered to the House by him, in the absence of the Premier, was:—

"That the railway referred to in the Address to Her Majesty concerning the agreement made with British Columbia, and adopted by this House, on Saturday, 1st April, should be constructed and worked by private enterprise, and not by the Dominion Government; and that the public aid to be given to secure the undertaking should consist of such liberal grants of land and such subsidy in money, or other aid, not unduly pressing on the industry and resources of the Dominion, as the Parliament of Canada shall hereafter determine."

To which were afterwards added the words, "nor increase the rate of taxation." I do not apprehend that they will be at all controverted by any gentleman in this House who desires to oppose the present measure. Successive governments—the Government which made this engagement, the Government which succeeded it, and which remained in power until September, 1878, and the present Government—have each in their turn recognized this obligation, and have each in their turn striven, with more or less success, to carry it out, and redeem the pledged faith of the country. I need not, I think, therefore, detain the House in discussing the obligation which rests on the country, as far as is consistent with the terms which we recognized as modifying the obligation when it was entered into; I say, as far as consistent with those terms, I do not think I need detain the House by arguing that the country is pledged to the construction of this railway. The undertaking is one of a very gigantic character—the construction of a railway from a point not 250 miles from where we are now sitting to Port Moody on the Pacific Ocean, a distance of 2,627 miles. I do not think we quite realize the character of the undertaking unless we compare it with some spaces which are more familiar to the imagination. It is a greater distance than from the north to the south of Europe; farther than from St. Petersburg to Gibraltar; farther than from the east to the west of Europe; farther than from Calais to the Caspian Sea. It is longer than the Mediterranean Sea. These distances, perhaps, enable us to realize the immense character of the task which we have undertaken to carry out. To compare it with other railways: it is longer than any single line of railway that I know of. The longest line of railway probably in the world is the Grand Trunk of Canada, which is now, with its Chicago connection, 1,734 miles long. The Union Pacific, from Omaha to Ogden, is 1,037 miles long. The Central Pacific, from Ogden to San Francisco, is 813 miles long, or, with its branches, 1,213 miles; and these are the longest railways in the world. The road which we are about to undertake to construct will be, when completed, 2,627 miles, so that it is a great deal longer—two-thirds longer—than any railway in existence. We propose to construct it from Lake Nipissing to the Pacific Ocean. Running through our own country, the route presents some great national advantages which have not failed to attract the notice of eminent men in the United States. I shall read, although it has been noticed elsewhere, a passage from a speech of the late Mr. Seward, one of the most distinguished American statesmen, who said, with reference to this road, in a speech delivered by him some years ago:—

"The route through British America is in some respects preferable to that through our own territory. By the former the distance from Europe to Asia is some thousand miles shorter than by the latter. Passing close to Lake Superior, traversing the water-bed which divides the streams flowing towards the Arctic Sea from those which have their exit southward, crossing the Rocky Mountains at an elevation of over 3,000 feet less than at the South Pass, the road could be here constructed with comparative cheapness, and

would open up a region abounding in valuable timber and other natural products, and admirably suited to the growth of grain and grazing. Having its Atlantic seaboard at Halifax and its Pacific near Vancouver Island, it would undoubtedly draw to it the commerce of Europe, Asia and the United States. Thus British America, from a mere colonial dependency, would assume a controlling rank in the world. To her, other nations would be tributary, and in vain would the United States attempt to be her rival, for she never could dispute with her the possessions of the Asiatic commerce, nor the power which that commerce confers."

I have said, honourable gentlemen, that the project is to construct a railway from a point not 250 miles from where we stand to the Pacific Ocean. For 650 miles of that distance it would run on the north shores of Georgian Bay and of Lake Superior, and would reach a point at Thunder Bay on the distant shore of Lake Superior; from Thunder Bay it would run 410 miles to Selkirk on the Red River; from Selkirk it would run 900 miles across the prairies to the foot of the Rocky Mountains; from the foot of the Rocky Mountains it would run 450 miles to Kamloops; from Kamloops it would run 127 miles to Emory's Bar; and from Emory's Bar it would run 90 miles to the Pacific Ocean, Port Moody. Of this whole distance the Government has constructed, or is constructing, two links; one being the 410 miles between Prince Arthur's Landing and Selkirk, and the other being 127 miles between Kamloops and Emory's Bar, known as the Onderdonk contract; and it has undertaken, by the terms of the contract now before us, to construct the additional 90 miles which separate Emory's Bar from Port Moody. Of the total distance of 2,627 miles, the Government has constructed, is constructing or will construct 627 miles, and the company agree to construct the other 2,000.

MR. SCOTT—What about the Pembina Branch?

SIR ALEXANDER CAMPBELL—That is constructed already; it does not enter into this contract. The Pembina Branch is 85 miles long, running from the boundary of the United States to Selkirk. This enormous work, honourable gentlemen, has formed the subject of a survey, the minuteness of which one may justly characterize as being unequalled in any work of the kind—a survey which has occupied a number of years, and has cost the country something like three and a half millions of money—so that the topography of the country is well known; and, upon the information at different stages which the engineers engaged on it have sent in to the Government, various estimates have been made of the probable cost of the construction of this road. The first estimate which I have met with is the estimate of Mr. Fleming, who was for a long time the engineer in charge of the railway—a gentleman of high professional and private character. His estimate was that the road would cost, between Lake Superior and the Pacific Ocean, $100,000,000, to which we must add the cost of the road between Lake Superior and Callander Station; this can be added, according to the different estimates. Adding it according to the estimate of 1873—that is, the plan which was formed by the Govern-

ment of Sir John Macdonald—and under the contract which was entered into with the Allans and others, of this additional piece, according to the prices and terms laid down in the contract, the further cost would be some $20,294,000. Adding that to Mr. Fleming's estimate, the total cost of the road, according to Mr. Fleming's estimate, with this addition, would be $120,000,000. Adding the cost of the same 650 miles, according to the next subsequent plan, that of 1874, the whole railway would cost $122,000,000. Adding it to the estimate upon the prices and the terms arranged under the present contract, it would cost $116,250,000. These three estimates are all based upon, and all include, Mr. Fleming's estimate of what it would cost from Lake Superior to the Pacific Ocean. That estimate of Mr. Fleming's was made at a time when the information which he had, though tolerably complete, was not perfectly so. Afterwards, when the information which he had was more complete and more ample, he estimated that the total cost of the whole road, instead of being $122,000,000, as I have made it, would be $84,869,000. A gentleman who holds a distinguished position in the other branch of the Legislature, in a speech made last session, estimated that the road would cost $120,000,000, and he based it on these details: Callander Station to Fort William, $32,000,000; Fort William to Edmonton, $42,000,000, and Edmonton to Burrard Inlet, $45,000,000—making a total of $120,000,000. Another gentleman, who occupies a hardly less distinguished position in the House, estimated it last year, and spoke of his estimate as being the result of "more mature consideration by gentlemen best qualified to judge," he reduced the estimated cost from Lake Superior to the Pacific Ocean to $89,000,000. These are the several estimates which have been made of the cost of this work. They have been put forward by men in authority, by engineers, and by distinguished statesmen, beginning, as you will see, at $120,000,000, then $122,000,000, then $116,000,000, then $84,000,000, to which sum must be added the cost of construction from Callander Station to Fort William, and then rising again under the estimate made by the gentleman to whom I have alluded, and whose name I may mention (Mr. Blake), to $120,000,000, and falling again, under Mr. Mackenzie's final estimate, made by "gentlemen best qualified to judge," to $89,000,000, extra the cost from Callander Station to Thunder Bay. These are the several estimates which have been formed as to the cost of the construction of this work. I said in the early part of my remarks that I would have occasion to refer to the efforts put forth by the respective governments in power in Canada since the union with British Columbia to accomplish the great work to which the country has been pledged. I do so in no spirit of party warfare, still less for the purpose of raking up the ashes of extinguished feuds, but for the legitimate purpose of establishing that the contract which the Government has made, and by this bill asks the Senate to ratify, is, by comparison (as I hope to establish presently that it is absolutely), a good and advantageous contract for the country, and

far better, in every way, than the one into which our predecessors were willing and anxious to have entered, and (though in a less degree) better than the contract made in 1873 by the previous Government of Sir John Macdonald. I will mention the efforts which were made by the Government of 1873, and the engagements entered into by the Government which succeeded it—a Government of which my honourable friend opposite (Mr. Scott) was a member—and I will also refer to the terms which have been arranged under the present contract. Under the contract of 1873, known as the Allan contract, it was proposed to give a cash subsidy of $30,000,000 and a land grant upon the line proper of 50,000,000 of acres, and upon the branches of 4,700,000 acres, making a total land grant of 54,700,000. I may say now, so that I may not expose myself to any adverse criticism hereafter, and so that I may be thoroughly understood during the progress of the remarks which I feel it my duty to offer to the House, I shall, for the purposes of my argument, constantly treat the land as worth $1 an acre, and shall so state the calculations. Adhering to that view, then, the contract of 1873 proposed to complete this road for $84,700,000. Under the Act of 1874 it was proposed to give a cash subsidy of $10,000 per mile, making on the distance of 2,797 miles, which was then contemplated (including the Georgian Bay branch and the Pembina branch), $27,970,000. But to this is to be added another sum, which the Parliament of that day contemplated giving in addition to the expressed cash subsidy; they proposed, in addition, to guarantee a certain sum at four per cent., and tenders were invited upon the basis of an absolute subsidy of $10,000 per mile, and an absolute land grant of 20,000 acres per mile, and those who were invited to tender were asked to state for what further sum, at four per cent. for 25 years, they would undertake to construct the road. The only actual contract which took place under that proposition was a contract with Mr. Foster, formerly one of our colleagues, whom I dare say we all remember. His own tender was for a higher sum, but he acquired a contract from some person who offered to do it for a guarantee of four per cent. for 25 years on $7,500 per mile. Taking that as the basis on which they would have gone on, if they had had the opportunity, and constructed the whole road, we would have an express cash subsidy of $27,970,000, and $20,977,500 under the four per cent. guarantee, making a total cash subsidy, under the plan of 1874, of $48,947,500, and a land subsidy of 55,940,000 acres. Valuing the land, as I have said, at $1 per acre, this would give the total cost, under the Act of 1874, $104,887,500. Now, under the contract of 1880, the one on the table, which the Government asks the House to sanction, we are in the first place to estimate the cost of those portions of the road which we are constructing, and which we have agreed to construct, and the Pembina Branch. The Fort William and Selkirk section, the Pembina Branch and the Kamloops and Burrard Inlet section form 712 miles of road, and are estimated to cost $27,700,000,

nearly $28,000,000. In addition to this, we propose by this contract to give to the company $25,000,000 and 25,000,000 acres of land—a total of $77,700,000. So that, speaking in round figures, under the contract of 1873 the road would have been completed for $85,000,000; under the arrangement of 1874 for $105,000,000, and under this contract for $78,000,000. I have estimates of the cost, valuing the land at $1.50 and $2 per acre; but it really does not make any difference in the comparison, because it tells both ways, and only increases the comparative advantage of the present contract by augmenting the value of land which we save under this contract over the preceding plans, and I think the real question will be preserved more distinctly in the minds of honourable gentlemen by adhering to the value of $1 per acre rather than by mentioning these various valuations as the cost of the road under the several propositions to which I have referred. I have no doubt honourable gentlemen have studied the contract and know well its provisions, and I should be exceedingly sorry to detain the House one moment more than is necessary for a clear exposition of the subject which is brought under their notice by the bill for which I am asking the second reading. The provisions of the contract divide the road into three sections, give security for construction, mention the standard which is to be adopted, refer to the various portions which the Government is constructing, stipulate the mode in which the subsidy is to be paid, exempt the railway for a thousand miles where it runs through the territory of the Dominion, as distinguished from organized provinces, from taxation for all time, and its lands in that territory for twenty years, or until they shall be sold or occupied, admit certain articles to be used in the construction of the railway free from customs duties, make sundry provisions as to the mode in which land is to be granted, by which the country will retain alternate sections, and regarding branches and working and modes of raising money on bonds, and as regards the distribution of the money. The subsidy, as honourable gentlemen know, is to be paid on the central section of 900 miles across the prairie at the rate of $10,000 per mile; on the western section, from the Rocky Mountains to Kamloops, at the rate of $13,333 per mile; and on the eastern section, between Callander Station and Thunder Bay, 650 miles, at $15,384 per mile. The land grant is divided as follows:—

Central Section	12,500 acres per mile.
Western Section	16,666 "
Eastern Section	9,615 "

The object being to secure in every way the construction of these various sections by reserving in the hands of the Government sufficient land and money to guarantee it, and I may here point out that a similar provision as regards the section on which criticism has been most close was to be found in the Act of 1874. By that Act $10,000 were appropriated to each mile of the whole road, including the prairie section, and it was provided that each section might be taken up and

executed by itself as any other section might, so that, in this respect, the two projects are upon the same footing. It will be observed that under the present arrangement, which the House is now asked to sanction, we should be giving the company $26,000,000 less than under the plan of 1874, and something like $7,000,000 less than under the contract of 1873. But, in addition to getting our railway for less than under either of these plans, we get other advantages upon which I think a greal deal of stress should be laid: we get rid of the management and sale of the lands which, under the arrangement of 1874, the Government continued to assume the charge and expense of.

MR. SCOTT—Two-thirds were retained; the other one-third was given to the contractors.

SIR ALEXANDER CAMPBELL—Well, as regards two-thirds of the land grant, that makes a difference of a very serious and important character. I do not think that anybody can make an approximate estimate of the expense which will be saved by the management and sale of the lands being given to the company instead of being retained in the hands of the Government, but I can say this, that we have read and heard it vehemently urged by leading gentlemen in the Opposition that the cost and expense of managing the lands would swallow up the whole value of them. But I think we get a further advantage on which a great deal of stress should be laid. With the control of these lands placed in the hands of the railway company and the necessities which their enormous undertaking imposes upon them, it must follow that they will settle that country. I should rather be disposed to consider that the construction of the railway was not the greatest part of their undertaking. They have undertaken, in addition to constructing a railway, to people a continent. If they did not send settlers in very large numbers into the North-West, it is impossible that the lands could be of any value, and the railway would be less than valueless; it would be an unsupportable burthen. The success of their scheme depends upon their being able to send a large number of settlers into the North-West. The expense of so doing, which has not been dwelt upon, will entail a very great burden upon this company. To send settlers into that country in such numbers as will give traffic to the railway will require an enormous expenditure of money and of intellect. It will require the establishment of agencies all through Europe, extensive advertising, subsidies to the papers, subsidized passages, arrangements for conveying emigrants from Europe to the North-West, and a thousand details which must involve great anxiety and an immense expenditure of money. It will be an enormous tax upon the resources of those who have entered upon this undertaking. Look at the number of emigrants we have been able to secure in this country by the expenditure of the Government in former years, an expenditure which has attracted the notice of this House (attention having been called to it by the honourable gentleman who is now in the chair) for the purpose of procuring immigrants to this country. During the five years preceding last year

it amounted in the aggregate to something like $1,600,000, and during that time we procured 97,000 settlers, showing that the cost to the Government was at the rate of nearly $18 per head. With all the exertion used by the Government and the expenditure of this large amount of money, with the agencies that we had in Great Britain and Ireland, Germany and Norway, and with all the machinery which was put in operation, during these five years the immigration only arrived here at the rate of 20,000 persons per annum. But this company, if their railway is to succeed, if they are to secure traffic for it, must have immigration on a much larger scale than this. They must, I should say, settle in the North-West every year after next year 100,000 persons, and this will be the crucial point of the success of the whole undertaking which they have assumed, and should be considered and weighed earnestly when reflections are made upon the money and lands which it has been said have been given to them with a profusion which has been characterized, I am told, as profligate. In addition to this, it must be borne in mind also that they cannot settle one of their sections without assisting the settlement of the adjoining section; so the country may expect to have the settlement of our country greatly facilitated. It must be remembered that the company gets but 25,000,000 acres out of some 200,000,000 or 250,000,000 of cultivable land in the North-West, and the rest, which remains the patrimony of the country, will be settled, in all human probability, mainly by the exertions put forth by this company to settle their own lands. In addition to the settlement of the lands we get the operation of the railway. It has been looked upon as an additional instance of the extreme recklessness of the Government that they have given this railway to the company. True, they have given it to the company, and the arrangement of 1874 proposed the same thing, but is not the true view that the company undertakes the burden? It is a gift which will tax them considerably. They undertake the burden of running the road forever, and security is given for the running of it for ten years, because it is well known that the running of the railway in the earlier part of the history of the country will be a great tax upon the resources of the company. Estimates have been put forward of the cost of running railways, and I have before me the cost of running for some years the road which connects Quebec and Halifax. The expenditure will surprise some honourable gentlemen when they hear it—$2,960 per mile. Multiplying the length of the Canadian Pacific Railway, 2,712 miles, by this rate, we get the enormous sum of $8,031,000—in round numbers 8,000,000. Mr. Mackenzie estimates it at $6,750,000, a sum which is supposed to be based on the ordinary working expenses of the Intercolonial Railway in 1874-5, the cost per mile that year having been $2,420. These two amounts are the estimates put forward as the probable expense of working the Pacific Railway. I say that, in addition, therefore, to constructing the road and managing the lands, and the advantage we have in the prospective settlement of the country,

this company undertakes a very burdensome task in agreeing to operate the railway from the time it shall be finished, and having to do so during a long period when perhaps the traffic will be small and the returns light. Evidently, the cost, under the best circumstances, must be five or six millions per annum, and the receipts during the early history of the road, for ten or twelve years, must be comparatively small, so there will be a serious loss which must be considered before honourable gentlemen can fairly say that the sum given by the Government to the contractors is excessive or more than it should be. Then, in addition to that, they undertake to equip that portion of the road which the Government will construct The cost of equipping a road is estimated at $2,000 per mile, which would give for 712 miles a million and a half of money. All this the company undertakes to do in addition to building the road, and yet the comments are for the most part on the cost of the line as a work of construction, and no stress is laid upon the other burdens and expenses which the company assumes. Now, I have tried to describe the contract as it is, I have tried to describe to you the undertaking which the company has entered into—to draw a distinction between what they have to do and what the Government has to do, and to portray to the House what further responsibilities, in addition to the construction of the railway, are imposed upon the company. To this plan of ours, which you will observe is a cheaper one than any that has ever before been proposed to Parliament, which is $26,000,000 less than the proposition of Mr. Mackenzie's Government in 1874, and $6,000,000 or $7,000,000 less than the proposition of Sir John Macdonald's Government in 1873—to this proposition, which involves so many advantages to the country, some of which I have attempted to describe, and imposes so many burdens upon the company which I have endeavoured to describe shortly—to this proposition a great many objections have been taken. It would be impossible for me, and I should feel that I was trespassing upon the patience of honourable gentlemen if I should attempt it, to reply to and meet the various objections which have been made. They have been urged at great length, and reiterated with a pertinacity, and in various shapes, in a way which I am sure honourable gentlemen have noticed, and I am satisfied that the honourable members in this House who are opposed to this contract will admit that nothing more in the way of contention could have been desired than has already been shown elsewhere by gentlemen who are opposed to the measure. I shall take up some of the more important of those objections, because I think it should be done in the discharge of my duty, representing the Government in this House and presenting this measure for your consideration. It has been said in the first place that we have given the company a great deal too much money—that we are giving them $25,000,000, and that we have spent, or are committed to an expenditure upon the railway of $28,000,000, making a total of $53,000,000. In considering this point let us look for a moment at the assistance which has been given to railways in the United States.

MR. SCOTT--Does the honourable gentleman include in this $28,000,000 the cost of surveys?

SIR ALEXANDER CAMPBELL—I include the cost of those portions of the survey which relate to the line of railway, a little over $1,000,000, I am told. It is not necessary to include the $3,500,000, which is the cost of the exploratory survey of the territories, from east to west and from north to south, but only the portion of the cost of the survey for the sections of the road as now adopted, amounting, as I have said, to $1,000,000, which sum is, I am informed, properly applicable to this work. Very opportunely for the purpose which I have mentioned, of ascertaining what has been done in the United States on this subject, I came upon a speech the other day in Congress made by Senator Blaine, of Maine, who said :—

"It was a remarkable fact that Congress, though they had not done anything in the interests of the United States on the Ocean, had passed 92 Acts for the aid of transmission by rail; it had given 200,000,000 acres of land, worth now about $1,000,000,000, and $70,000,000 in cash."

I desire to draw attention to this statement as showing that in other countries, situated as we are, a similar course has been pursued to that which we are adopting in Canada. I also desire to draw attention to this fact, that of the $53,000,000, which under this arrangement the country will expend for the purpose of constructing this railway, more than $24,000,000 are involved in the works already under contract, or absolutely constructed. For a portion of the works included in this latter sum the contracts were let by the Government of which my honourable friend was a member; and a considerable portion has been placed under contract by the present Administration. But what I wish to call attention to is the fact that the country is at present, without this bill, committed to the expenditure of $24,693,700, made up as follows :

Lake Superior to Selkirk	$14,705,000
Pembina Branch	1,556,900
Kamloops to Emory's Bar	8,431,800
Total constructed or under contract	$24,693,700

Which will leave the amount of money dealt with by the present bill, and which Parliament is now asked to commit the country to, $28,306,300, of which $25,000,000 go to this company and $3,306,300 to construct the railway from Emory's Bar to Port Moody. The total expenditure in money, however, from beginning to end, will be, as I have said, $53,000,000. The interest, at 4 per cent., upon this sum, amounts to $2,120,000, but take the expenditure to which we are committing ourselves by the present bill, and which, as I have shown, is less than $29,000,000 (the other $24,000,000 representing contracts already entered into, and the Pembina branch already constructed), the interest upon this amount, which, for the purpose of this calculation, I will put at $30,000,000, would be, $1,200,000 per annum. Against this let me

suggest for a moment the probable result of the peopling of that country by immigrants, and the probable result to the revenue of its settlement, even in its infancy. I have before me a statement of the revenue per capita of the country. It amounts in some of the provinces to $3.06 per capita; in some to $3.05; and in Manitoba and British Columbia, where the consumption of goods is more in proportion to the population, the amount is larger, being $9.14 in Manitoba, and $10.32 in British Columbia. Suppose we divide that by half, and say the revenue from settlers in the North-West would be $5 per head, 100,000 settlers would yield $500,000 to the revenue, and 500,000 would yield $2,500,000, which would be more than the interest on the whole cost of the railway—$53,000,000. Supposing that through the exertions of this company which they are obliged to put forward, because the success of the enterprise depends upon the rapidity with which they settle their lands, suppose through their exertions that in three years 500,000 people were settled in the North-West, we would get a revenue from them of $2,500,000 per annum. Of course there will be a great many other charges, but still a considerable proportion of that revenue may be very properly considered in the hands of the country for the purpose of assisting in bearing the burden which this measure will impose upon it; but we are told not only have we given too much to the company for constructing this line, but that the price per mile is too large. It is pointed out that the prairie section will not cost more than $10,000 per mile. *En passant*, I may remark that by a statement laid upon the table by the Minister of Railways the other day it appears the first hundred miles west of Winnipeg cost $13,500 per mile. But let us look at the cost of other railways in other parts of the country, and not only in Canada, but in the United States. I have had a statement prepared of the average cost per mile of Canadian railways. I will give the amounts in round figures. The Grand Trunk Railway cost $106,000 per mile; the Great Western, $42,000 per mile; the Intercolonial, $50,000 per mile; the eastern division of the Quebec, Montreal, Ottawa and Occidental, about $28,000.

MR. SCOTT—It cost about $30,000 a mile.

SIR ALEXANDER CAMPBELL—Then the Prince Edward Island Railway, which runs through a level country, and would represent not unfairly some of the country through which the Pacific Railway is to pass, cost $17,424 a mile. I have had a statement prepared of the cost per mile of the various railways in the United States—of those in Minnesota and Dakotah, and in the whole group of Western and South-Western States, which present very much the same topographical peculiarities as our own western country. Some of those roads are very much like the one we have now under consideration. Those in Minnesota and Dakotah, especially, are very similar to our own. In Minnesota there are 2,724 miles of railway, which cost $65,000 per mile.

MR. SCOTT—Watered stock.

SIR ALEXANDER CAMPBELL—No, it is the actual cost of construction per mile as given in Poor's book. In Dakotah there are 138 miles of railway, which cost $24,000 a mile. The average cost of railways in the Western and South-Western States is $46,000 per mile. The total of all the railways of the United States is 84,715 miles, which cost $4,416,510,867, or $52,000 a mile. In Canada the cost per mile, leaving the Grand Trunk Railway out of the question, varies from $14,428 to $50,000, and in the group of States which I have named from $23,000 to $65,000. I do not think it is an unfair thing to conclude, as gentlemen speaking in the other branch of the Legislature did a few days ago, that our road might reasonably and fairly be calculated to cost, for 1,000 miles of it west of Winnipeg, $10,000 per mile, and for other portions, amounting in all to another 1,000 miles, $40,000 per mile; or a total of ten millions for the one, and forty millions for the other, and for this the company gets $25,000,000 and 25,000,000 of acres of land I do not think that it is at all an unfair calculation. I think from the statistics given honourable gentlemen will admit it is not an unfair calculation in comparison with the cost of railways in the United States and the cost of existing lines in Canada. Then, it is said that we give too much land—that the 25,000,000 of acres is an enormous amount of land to give. In the first place, before we discuss that, I desire to present to the House the amount both in land and money which Parliament has repeatedly placed at the disposal of the Government—the Government of 1873, and the Government of 1874. I quote from a speech of the Minister of Railways delivered elsewhere. In 1873 the cash subsidy authorized by Parliament was $30,000,000, and the land grant 54,700,000 acres. In 1874, at the instance of the Government of which my honourable friend (Mr. Scott) was a member, Parliament placed in the hands of the Government a subsidy of $10,000 and 20,000 acres of land per mile for a road 2,797 miles in length—equal to $27,970,000 in cash and 55,940,000 acres of land, and that is over and above a distance of forty miles from Callander Station to what at that time was intended to be the point where the eastern end of the Pacific Railway was to commence, so that Parliament has again and again placed in the hands of the Executive for the time being a very large amount more of land and money than we propose to expend. In speaking of this land I desire to present this consideration to the House: the land is not given to this company in the same sense that money is given. When you give $25,000,000 in money, that money is gone; it is of no more use to the country. But give them 25,000,000 acres of land, and that land is not gone, but in many senses remains and becomes of much more value to the country than ever it was before. These lands are not poured into the St. Lawrence as you pour water. They remain ours as Ontario is ours, and Quebec is ours, and, when they come to be peopled with prosperous settlers and afford comfortable homes to immigrants, we shall find them a hundred times more valuable to us than they have been in their existing state. I have said as much

as I desire to say about the land and money, my suggestion being, in general terms, that the expenditure in cash involved in this measure is $29,000,000, which will impose a tax of $1,160,000 per annum, and the revenue yielded by settlers upon the lands, which must be settled in order to make the undertaking prosperous, will amply repay the country for that expenditure. I say, with reference to the land, that we are not giving it away in the sense of its being lost to us, but placing it in a position in which it will be more valuable to us than it has ever been before. It is said that we have adopted an improper standard in taking the Union Pacific Railway, as it was in 1873, as that upon which our railway is to be formed. When the debate began in another place, it was supposed that we had taken as a standard the Union Pacific Railway at a period prior to 1873. That error, if it was an error, was immediately rectified by a letter from the contractors, who stated that they understood, as the Government did, that the Union Pacific Railway, as it was in 1873, was to be the standard.

MR. SCOTT—Is that mentioned in the bill?

SIR ALEXANDER CAMPBELL—No; but it has been mentioned in a letter written by the contractors to the Government, which has been read in another place.

MR. SCOTT—Why not amend the bill in that sense?

SIR ALEXANDER CAMPBEEL—It would be inconvenient, and I do not think it is necessary.

MR. MILLER—It is a declaration by the parties as to the construction of the clause.

SIR ALEXANDER CAMPBELL—I have looked into the state of the Union Pacific Railway in 1873, and find that in August of that year the Government Inspectors of the United States were sent over that road to examine it, and in the December following they made the following report to the Secretary of the Interior:—

EXTRACTS *from a report made by the Government Directors of the Union Pacific Railroad to the Secretary of the Interior, in December*, 1873.

"A visitation of the line of the road was made by three of the Government Directors during the month of August last. The entire line was passed over by daylight, and the examination made suggested some subjects of interest, upon which we deem it advisable to report."

* * * * * * *

"The Government Directors found the road, its equipments and the appointments necessary to the maintenance thereof in a condition highly satisfactory. Probably no equal number of consecutive miles of railway in the United States can be found in better condition."

Nothing can be stronger than that; nothing more, I think, is required to show clearly that the standard we have chosen is a good and safe standard. It has been chosen because the Union Pacific runs in the same direction over the same obstacles, meeting the same prairies and mountains as our railway meets and overcomes.

MR. MILLER—It was the same standard in the second Syndicate

SIR ALEXANDER CAMPBELL—And, as my honourable friend from Richmond says, the same standard was adopted in the second offer. I have looked at the business done by this road in 1873, because you can infer from that whether the road was in a good or a bad condition. I find that it carried 174,894 passengers more than 95,000,000 of miles, and 487,484 tons of freight over 223,000,000 miles ; the net earnings, over and above working expenses, amounted to $5,291,000. A road that can carry that number of passengers and that amount of freight over so many miles, pay all expenses and net to the good $5,-791,000, is a road in good order. Then, another objection is that it is a gigantic monopoly. It was necessary to make it a monopoly in a certain sense, but that it is a gigantic monopoly in any sense prejudicial to the country I entirely deny. In the first place, it must be borne in mind that the road will run west not far from the parallel of Winnipeg. We will suppose that it runs on that parallel—it does for the first hundred miles, and I believe for the second hundred also—it may afterwards run a little south, but it turns to the north again. There is no monopoly of any description north of the line. The country on the north side of the Pacific Railway is left perfectly free to anybody and everybody, and no provision whatever is contained in the charter making a limitation of any kind. The greater part of the country is to be found to the north of the line, not to the south of it : to the north an immense territory stretches out towards the Peace River, containing the bulk of the valuable country. To the south there is a monopoly in this way : that all railways must run in a westerly or southwesterly direction, and only the Pacific Railway Company itself is allowed to run lines in a southerly or southeasterly direction.

MR. SCOTT—Hear, hear !

SIR ALEXANDER CAMPBELL—My honourable friend says, " Hear, hear." The object of that is to prevent other people—I will show presently why there is no danger to be apprehended from the Pacific Railway Company—from constructing railways which would carry off business to the south by lines through Minnesota and Dakotah. But there is no occasion for such a restriction as against the Pacific Railway Company, because they will own the whole line of railway running from Selkirk to Thunder Bay and eastward, north of Lakes Superior and Huron. Fifty millions of money will be involved on their part in the maintaining of business on the line of the Pacific Railway. What danger, therefore, so far as they are concerned, is there that they will build lines elsewhere to take business from it? They can have no other object but to get traffic for their road. Other people are not cut out. It is not said that other lines shall not be built south-westerly, but they must come to Parliament for authority, and the difference between the Pacific Railway Company and the others is this : they are allowed to build anywhere, while others only build in a certain direction, and must come to Parliament for the right to build. This company is interested in preserving the business on the Pacific Railway. They must, in order

to make their undertaking a success, bring all the business they can to the Pacific Railway, and, therefore, they are allowed to build branches. The very name "branches" conveys the idea of roads which will be feeders, tributaries to the trunk line. The moment they construct a line to carry traffic away from the Pacific Railway it ceases to be a branch line; so I do not think there is any danger there. This view, which seems to me a very just one, is strongly put forward by a paper published in St. Paul. It is said by some gentlemen who are opposed to this measure that the syndicate will carry off business to the south, because they are interested in a road running to St. Paul; but it must be borne in mind St. Paul is not a terminus. The freight must go to Chicago and New York. Therefore, they are supposing this: that this company, owning a line of railway through Canada which cost them $50,000,000, will, for the purpose of getting business for a comparatively short line of 480 miles, carry off freight from the longer line and run it to the States. They have nothing to do with the lines connecting St. Paul with New York, and is it not unreasonable to suppose that they will carry off business to the line in which they have a comparatively small interest? It must also be borne in mind that, by giving them the right to build branches running to the south, it will enable them to carry business to the Pacific Railway. In the future it is confidently believed by gentlemen who have given attention to the subject that the business of Dakotah and Minnesota will come to us and pass over the Pacific Railway to Montreal and down the St. Lawrence. That is the result which is contemplated, and which seems very probable—one much more probable than the other suggestion—and which is the view put forward by the writer in the St. Paul paper to which I have alluded, and which I shall detain the House a moment to read. It is as follows:—

"If they owned and controlled that portion of the Canada Central or Canada Pacific east of Sault Ste. Marie, it would be obviously for their interest to make it the outlet for their Minnesota system by a connection between St. Paul and Sault Ste. Marie. They would thus carry their freights to the seaboard for the greater part of the distance over their own lines, instead of being dependent, as they now are wholly, on the Chicago lines terminating at St. Paul and Minneapolis. They do not own a mile or a foot of railroad between St. Paul and Chicago, and they have, therefore, no interest whatever in feeding those lines, or in diverting to them the traffic either of their Minnesota lines or of the Canada Pacific. On the contrary, it is plain that if they owned the Canadian Pacific eastward from the Sault Ste. Marie they would have a vital interest in making it the outlet not only of their Canadian Pacific business, but of all their Minnesota and Dakotah business which might be destined to the seaboard. A connection between St. Paul and Sault Ste. Marie would be to the St. Paul, Minneapolis and Manitoba an imperative business necessity, because in no other way could they make the eastern section of the Canadian Pacific pay.

"We suppose it is a plain business proposition that their earnings depend upon the amount of business they do on their own lines, and not on those of some other corporation; that, therefore, they will necessarily make every effort to secure all the business they can for their own lines, and especially to see that their own business shall, if possible, go over their own lines. It is

not at all probable that the eastern section of the Canadian Pacific could for many years be made to pay its running expenses, except through a connection with the Minnesota and Dakotah system of railroads. In order to make it pay enough to render it worth their while to invest their money in building it, they must find means to throw all the traffic, not only of the Canadian Pacific, but of their Minnesota and Dakotah roads, upon it. Its whole commercial value to them depends on their making it the eastern outlet of their Minnesota system, which they can only do by connecting it with Sault Ste. Marie. The idea that they would deliberately divert the traffic of the Canada Pacific and of their Minnesota and Dakotah lines to the Chicago and New York railroads, in which they have not a dollar's interest, from the eastern outlet built and owned by themselves at a cost of many millions of money, is the most preposterous absurdity which was ever hatched by a partisan extravagance."

Another objection which was taken to the arrangement was that the company might impose any rate of freight they pleased upon the future inhabitants of the country, and the rates charged by the St. Paul, Minneapolis & Manitoba Railway were quoted. Since that objection was taken we know that it has been mentioned in the other House by the Minister of Railways that an amendment to the Consolidated Railway Act will be introduced which will clear up any difficulty on that point. I do not myself think that there was any real ground for apprehension in the contract as it stood. It was urged that the Government could not reduce the freights below a sum which would pay ten per cent. on the capital of the company. It was contended by those who were opposed to the bill that the meaning of this was the amount of money used in constructing the road whether furnished by the company or by Government subsidies. The charter fixed the capital at $25,000,000, and we thought it was clear that it was upon this sum, or so much of it as might be paid up, that the 10 per cent. applied. It was argued on the other hand that the rates could not be controlled until the company earned ten per cent. upon what the road cost, whether in subsidy or in money. I do not think that construction was the true one, but, even if it was, it has since been remedied, in the way mentioned in the other branch of the Legislature, by the Minister of Railways. The bill to which he referred will be introduced this session, and will apply to this railway and to all other railways in the country. Then it has been objected to this measure that there is an exemption from taxation, which is altogether an anomaly, and which will have the effect of putting a great many millions into the pocket of this company and depriving the country of the same amount of money. I do not think that I can explain that more clearly or in better terms than was used in another place by a gentleman whose attention had been directed to it. In the first place, it was urged by an honourable gentleman in that House that the amount involved in this question was $21,000,000—that this exemption from taxation was equivalent to giving the company $21,000,000. He had arrived at that by a process which I shall speak of presently. It was urged by another gentleman that the exemption was worth $40,000,000. These are expressions and exaggerations which

I had thought would have been retracted when the explanation was given. They may have been ; I do not know ; but the mistake was one which had been arrived at in the manner which I shall explain. The true amount involved was stated, upon a calculation which I think every one will concur in, to be $6,481 per annum. To arrive at that calculation 1,000 miles must be taken as the distance to which the exemption applies. It does not apply to any land in Ontario or Manitoba or British Columbia, but simply to the prairie section, which is in the North-West Territories, and for those 1,000 miles, making a calculation that the lands are worth even as much as lands are rated at in Ontario, and estimating 12 acres to the mile, which is more than sufficient, and allowing 3,000 acres for sidings and buildings, which is also much more than sufficient, and estimating that land is worth $12.14 an acre, as is done in many counties in Ontario—making the calculation upon the total distance on this estimate, $432,000 is the value of the exempted land on which the railway is built ; and assessing it at a rate above the average rate in Ontario, a cent and a half, gives $6,481, which is the amount, or more than the amount of exemption from taxation, so far as regards the railway itself. Now, let us see whether there is anything unusual in exempting railways from taxation. We all know how ready in this part of Canada people are to give aid to railways ; how ready municipalities are to assist them, and how constantly it is done. I have before me a statement of the various amounts which have been given in aid of railways by municipalities, by the different provinces and by the Dominion. The amounts are as follows :

By the Dominion	$66,166,539
Ontario	3,915,517
Quebec	10,877,016
Nova Scotia	1,894,350
New Brunswick	3,308,000
Total	$86,161,422

And by municipalities in :—

Ontario	$8,120,000
Quebec	3,809,000
Nova Scotia	275,000
New Brunswick	296,000
Total	$12,500,000

Altogether a total of $98,000,000 from the Dominion, the provinces and the municipalities. I should think, in the face of that, that it will hardly be contended there was anything unusual or extraordinary in our conceding that point. It must be borne in mind, also, that municipalities are constantly ready to aid railway enterprises. Take the town of Winnipeg, for instance. The other day it offered to give thirty acres of land in the heart of the town for the shops of this Pacific Railway, and to

exempt them from taxation for ever. We all know that municipalities are constantly anxious to get railways to establish works and shops within their limits, and always ready to exempt them from taxation, and, after all, this is the amount of this clause. We have been told, also, that we should not have exempted the lands from taxation. I should like to know what company would consider this land grant of value, if it was to be taxed the moment they got it. The exemption is for twenty years, or until the lands are sold or occupied. If the lands were taxed immediately, instead of being an advantage to the company they would be a great burden, because almost as soon as settlers get in there the lands might be seriously taxed, and the belief that they might be would militate very much against the use which the company might make of them as a security to borrow money upon. This exemption has been spoken of elsewhere as worth an enormous sum of money, and my honourable friend the Minister of Railways was charged with throwing away $23,000,000 of money by it, and the Union Pacific was quoted as paying $835,000 a year in taxes, whereas it turned out that they paid that sum in seventeen years. It is difficult to say what the exemption may be worth, but certainly more than twenty millions less than the estimate I refer to. But it must be borne in mind that, if the lands are to be exempted for twenty years, unless sold or occupied, the effect of that exemption on the volume of taxation of the country is the only contribution the future population of the North-West is making to the cost of constructing of the railway. We in this part of the Dominion have contributed to the construction of railways in all directions at a cost of $98,000,000. The population of the North-West will come partly from these provinces, it is true, but chiefly from Europe. Immigrants will settle there and have all the advantages of railway communication, with all the increased value it gives to their property and crops, and the chief contribution which they will make is the additional taxation which the fact of the exemption of these lands will swell the gross burden of the country to. I do not think that can be considered in the least unfair; on the contrary, it seems to me a proposition which is reasonable and right in itself. Then, we find also that it has been the custom in the United States. We find that taxation is not imposed on the lands of the Union Pacific Railway. We find in the various States of the Union—Minnesota, Dakotah, and in other States, Texas particularly, the lands which have been given to railways are exempt from taxation. That system may possibly have been pushed too far, and it may be said about the United States that, although the lands of the railways are exempt from taxation, yet, in consideration of having these lands, the companies pay a certain State tax. In most of the States they pay a State tax, but not in all, but that would not affect the actual settlers, or help them in their local wants. Suppose there was a State or Dominion tax imposed on this Railway, that would not assist the settlers, but would come to the Dominion revenue here. It would not aid the settlers to build roads and bridges, and would have no direct

effect on their finances in any way, but would impose a burden on the company for the benefit of the Government, and not for the benefit of the settlers of the country. And it must also be borne in mind that we have made the most liberal arrangements as regards education for them, by which their children and descendants will have lesser and higher education without the expense of a farthing. Then, honourable gentlemen, another objection has been taken, that there is an immunity from customs duties. The immunity from customs sounded very badly at first, apparently. There was a good deal said about it, and our friends were very anxious about it, while the opponents of the measure were highly elated to think they had found such a strong point, as they thought, against the scheme itself. But, when it comes to be debated, it does not seem to be a serious thing at all, and certainly not one which has attracted latterly as much attention as it did at first. I have had a statement prepared of the probable amount of exemptions from duty under the Syndicate contract. In the first place we have had the steel rails mentioned, but steel rails are free from duty now, and will be for two years; then there is the duty on fish-plates, they are also free. The Minister of Finance, who introduced that measure which took off the duty, said last year that the exemption on rails and fish plates would be maintained until the country is able to produce its own steel rails, but if it had been for two years certain what would be the result? The company could and would probably have imported all the steel rails required for the construction of the Pacific Railway during the next two years, and they could have at once obtained an advance from the Government for the purpose of paying for them. The result of this measure may be the construction of steel rails in the North-West. It is very likely, indeed, that, with this enormous enterprise before them, the company may find it to their advantage to utilize the iron and coal of the North-West, and construct their own steel rails. The duty on the steel rails for the whole distance would be $362,934, and on spikes $17,438, but the whole of the duties which are affected by this clause will not, under any circumstances, amount to over $120,000; and it has been announced in another place that part of the project which will yet be submitted to Parliament will include the making of an allowance to manufacturers in this country to balance this exemption from duty, and put them in the same position of advantage which they now hold towards foreign manufacturers as regards those items that may be imported duty free; so that those who manufacture similar articles in Canada going into the construction of the Pacific Railway will have the same relative advantage over those who are importing into this country as they have now. I have now gone over, I think, the principal objections. I did not intend to refer to every objection, nor do I intend to bring under the notice of the House the second offer which was made and which was referred to just now in a remark made by my honourable friend from Richmond. I do not propose to discuss that offer or to draw the attention of the House to it at present. It does

not seem to me to be an offer necessarily involved in the discussion of the scheme on the table, so far as I am concerned, and so far as the duty I am now discharging is concerned, and I desire to present the present scheme without reference to it. Nor do I desire to go further into the other objections which have been raised. I am content to have endeavoured to place before the House a clear statement of the project itself, and to have answered the more serious objections which have been taken to it. Let us pause one moment to reflect what will probably follow if this contract should go into execution, as I hope and trust it will; what a stimulus it will give to all the industries and trade of the country; what ships it will bring to our ports with immigrants; what stimulus it will give to our manufactures by the expenditure of enormous sums of money for the construction of the railway, involving all kinds of articles of trade, supplies and imports; what a stimulus it will give to trade, commerce and manufactures of every description! What a stimulus it will give to immigration and the settlement of the country; how it will increase the population of the North-West; what advantages it will afford to those of our fellow subjects in England, Ireland and Scotland who may be anxious to leave their native land and still settle under the British flag! I do not wish to draw invidious comparisons. I did not refer to what was done by the late Government in any spirit of party warfare, but I adverted to it for the legitimate purpose of drawing a comparison between the efforts put forth by the two Governments, and I think I have established that the effort we are now making is one far more entitled to the approval of Parliament and of the country than the one which they made. I think I have also established that the arrangement itself, and by itself, is an advantageous contract for the country. I am afraid that I have detained the House by a speech of intolerable length, but I was very anxious to submit a clear statement of this great scheme, and, if I have done that, I have accomplished the full purpose for which I rose. I trust that the measure will meet with the approbation of the House. The Government look forward with assured hope to its proving of advantage to the country. Its execution has been placed in the hands of men who are eminent in the practical work of railway construction, sufficiently skilled and sufficiently experienced, and who have financial resources sufficiently strong for the project which they have undertaken. I trust they will succeed in their great enterprise, and that those of us who may survive until 1892 will find this work completed and, through its means, the settlement of many hundreds of thousands of people in the great North-West; people who will be enjoying happy and prosperous homes, with prospects as bright as those of the denizens of any part of the world, and who will in the future maintain with us the British flag on this continent and feel with us that freedom and order are more fully secured under its folds than under any form of government which human ingenuity has yet invented.

REAL PROPERTY IN NORTH-WEST TERRITORIES.

THE SENATE—OTTAWA, 23RD FEBRUARY, 1885:

SIR ALEXANDER CAMPBELL moved the second reading of Bill (A), "An Act respecting Real Property in the North-West Territories." He said: It is a pleasure to get away from such discussions as we have been engaged in since the House met to one which I hope will be of some use to the country. The bill which is now upon the table proposes to introduce into the North-West Territories what is called the Torrens system of land titles registration. Introducing such a system, or any system, into the North-West Territories, of course, has a very large meaning. It will change what has hitherto been the law over a very large territory, over the territory extending from the western boundary of Manitoba to the eastern boundary of British Columbia, and all of us look forward to there being in that country at some future period a very large population; so that we are about to legislate, if the House shall see fit to adopt this proposition, for what will be the home of a great people. The country to which I have referred has, up to the present time, had for its system that which prevails in the province of Ontario and, with some little variation, prevails also in the English-speaking provinces of the Dominion, and more or less in the province of Quebec. That system was borrowed, I think, in Ontario and in that portion of the Dominion which we call the Maritime Provinces from the United States of America. I believe in Ontario we borrowed our system of registration from the State of New York, and in New Brunswick and Nova Scotia they probably were led by the same example to adopt their system of registering titles. In Quebec they had their origin in a different source, to which I will refer presently. The laws in force in Ontario were introduced into the North-West Territories, and are the laws which govern the disposition of land at this moment in that part of the Dominion of Canada. We propose to change them in a very important respect, and I think, therefore, before I inform the House of the change which this bill will introduce, it will be desirable that I should, for a few moments, refer to the exact system of registration laws which prevails in the other provinces of the Dominion at this moment. In all the provinces of the old Dominion of Canada—that is, in Nova Scotia, New Brunswick and Ontario, all the English-speaking provinces—the same system exists, varied somewhat by statutory regulations, and varied somewhat perhaps by judicial decisions, but substantially the same; and the same remark can be made with

reference to the Province of Prince Edward Island. In the two first provinces I have mentioned, Nova Scotia and New Brunswick, the ordinary form of conveyance which we adopt, and which honourable gentlemen are familiar with, stands good if registered. It stands good, if not registered, as against any person save a subsequent grantee who has first registered his deed; and judicial decisions have grafted upon that law in Nova Scotia and New Brunswick the additional condition that the new grantee has not had notice of the first deed. That is the state of the law with reference to registration in Nova Scotia and New Brunswick. In Prince Edward Island they have adopted a different rule, and have said that the first registered deed shall take priority of the previous non-registered deed, even if the grantee had express notice. In Ontario the law has also distinctly enacted, in so many words, that the grantee in the second deed must be without notice of the previous one in order to give him the preference. So that the judicial decisions in New Brunswick and Nova Scotia have made the law parallel to what express enactments have made it in Prince Edward Island and in Ontario. In the province of Quebec they have gone more in the direction of the system which is called the Torrens system than we have done in any of the English-speaking provinces, because there they have decided that a non-registered deed is cut out by the subsequent registered deed, even if the party has had express notice, and they have gone so far as to decide that a Sheriff's deed registered will cut out a previous non-registered deed made by the execution-debtor. Some of the American cases in which the same point has come up raise this question: How can an execution have any effect against a man's land if the man has already conveyed it away? Although the deed is not registered, there is nothing you can sell. There is strong reasoning in its favour but in a case in Lower Canada which has been given to me they decided that a deed is not really operative so far as concerns the execution-creditor until it has been registered, and that the title so far remains in the original grantor that it can be sold by the sheriff in the face of a non-registered deed; so that they have gone further than even the English-speaking provinces have gone in the direction in which this bill points. Now that is the state of the law with reference to the registration of deeds in the provinces in this part of Canada. The title is conveyed by the execution of the deed, by its being sealed and delivered. The registration is a necessary precaution to take against a subsequent grantee, but it does not affect the question of the title being conveyed, save when the two titles come into collision, the one that of the grantee of the deed not registered, the other that of the grantee of the deed registered. In British Columbia the general belief has been, and that belief is shown in many works which I have on my table, amongst others the work of Mr. à Becket on the Torrens system, a lecture by Mr. Torrens who afterwards became Sir Robert Torrens, that the Torrens system is in force in British Columbia; but such is not the case. I have a report from the Registrar-General, which shows that the

system in British Columbia is not the Torrens system, and I will explain the difference: The Torrens system hinges on this, that a title does not pass until registration, and that the registration is the critical moment at which the title passes from the grantor to the grantee. That is not the system which is in force in British Columbia. In that province the title passes by the execution of the deed, and there, as in this province, the registration is only adopted for the purpose of securing the grantee against subsequent deeds; but the Torrens system is not followed there in that essential particular upon which Sir Robert Torrens dwells more strongly than any other—that is, that the title passes, not by the execution of the deed, but by the registration. In British Columbia the title passes by the deed, and the registration is a secondary matter, for the purpose of taking precaution only. Those who advocate the Torrens system lay great stress upon the fact that the Torrens system does not recognize trusts in any way. Now, the British Columbia system does recognize trusts. The Registrar-General takes great credit to the system in British Columbia, because it does recognize trusts Then, the system in British Columbia does not adopt the Torrens short forms of conveyance, and the Registrar-General takes credit for that. He says there is no necessity of adopting short forms, because they have men there who are skilled in conveyancing, and they adopt the English forms with great safety. I do not see, therefore, that the Torrens system is in force in British Columbia, and Sir Robert Torrens himself and Mr. à Becket, and Mr. Maxwell, who makes a report on the subject for the Government of the Straits Settlements, are all wrong in giving the Torrens system credit for the good results which are claimed to have flowed from it in British Columbia. The good results in that province are not to be attributed to the Torrens system, but to one which is much more akin to that which we have ourselves in this part of the Dominion: that is, a system of registration based on what was originally the American system, or the system in force in the original States of the Union, and now adopted in all of them, I believe. That is the state of the law in the different provinces of the Dominion. In the North-West Territories the law of Ontario was introduced almost verbatim, but the law of Ontario is also the law of the other provinces of which I have spoken—Nova Scotia, New Brunswick and Prince Edward Island, and almost the law of Quebec—the only difference being with respect to the points to which I have attempted to draw attention, so that really the law which exists in the North-West Territories may be said to be that law which is common to the English-speaking provinces, and which is almost the same as the law of the Province of Quebec. In the North-West Territories they have introduced the condition that a deed to be good in the hands of a registered grantee must be a deed without notice of the previous grant. Such being the state of the law, it is proposed to introduce into the North-West Territories the Torrens system as one more simple and cheap in its working than that which now obtains. There are some advantages

no doubt in the Torrens system, to which I will allude presently; but I am unable to concede to it the surpassing credit which the books I have alluded to give it, and which its author attributes to it. I think if anybody in Ontario or Quebec, New Brunswick or Nova Scotia had been visiting New South Wales or any of the Australian colonies, or New Zealand, and had been asked what system we had at home, he would have described with considerable praise our system of registration, our short forms of conveyancing and the implied covenants and those points which have been introduced by statute from time to time in the several provinces, and which have made our system of conveyancing and registration much more easy, convenient, short and economical than any system which these gentlemen in Australia and other colonies have ever had to deal with. Having had experience of the English law, and finding what difficulties, expense and inconvenience that system entailed, these colonies were naturally delighted with the Torrens system, because of its simplicity and cheapness. They contrasted it, not with such a system as ours, but with the English system, and in the treatises to which I have referred the writers speak constantly, not of such a system, but of the English system with its elaborate and antique conveyances and the great expense which the English law entails. They say, "Here is a piece of land worth £100, and it costs £50 to convey it from A to B." Happily, our forms of conveyance are much simpler. Our registration, however complicated the title may have become, is fairly safe and convenient, and on the whole very easily worked. I think, if I had been travelling in any of the Australian colonies, that is about the statement and explanation I would have made of our system in Canada. They were dealing with difficulties arising from the English law, and they were delighted with the suggestion of Sir Robert Torrens that there was no occasion for these long forms, and that the passage of land from one person to another might be made as simple as a transfer of bank stock or the transfer of a ship from one person to another: and he said the way to do that is to allow every person who has land, if the land has already been patented—that is if a patent from the Crown is already existing—to put his land under the Torrens system if he pleases, but, as to those titles which come out after the passing of the bill, to insist upon their being placed under the Torrens system. If you want to sell land under the Torrens system, you make a short memorandum of the sale. You go to the Registry office and surrender your certificate of title and memorandum of sale, and the Registrar issues a new certificate to the vendee, and he has the title, and this certificate is made good by statute against all the world. That is the way the title passes from hand to hand. If the vendee wishes to sell he goes back to the Registrar, surrenders his certificate, and a new certificate is granted, so that the title passes from person to person, very much in the same way as a bill of sale of a ship; the certificate of ownership being produced, the sale is endorsed on the certificate of ownership, only in the case of land the certificate of ownership, if the land is sold, is given up, and a new cer-

tificate is granted. That is the Torrens system, and it is the system which has been introduced into all the colonies in Australia, New Zealand, in the Singapore Settlements in the Straits of Malacca, and the evidence in the works I have referred to is strongly in favour of it. It has worked well in regard to cheapness, in regard to security of title which has resulted from it, and in every respect it has given satisfaction to the people, and has made land more valuable by diminishing the difficulties of transfer, and has made it more useful as being a subject with which any one can deal, though not a man learned in the law, very safely and securely. The objection seems to me with reference to titles which have been patented anterior to the Act; they do not come under the system unless the owners desire it, and the two systems are there running on parallel lines, the ordinary system of conveyancing under the English law, more or less tempered by local enactments, and the Torrens system. So, if you have to do with land granted prior to 1857, which was about the time Mr. Torrens began his agitation (although his Act was not passed until 1859 or 1860), you find yourself with the English law and all the difficulties about title which you would expect to accompany their system of conveyancing; and, if you are dealing with lands patented after the passing of the Act, you are dealing with the Torrens system, making everything plain. I hear that the Attorney General of Ontario, my friend Mr. Mowat, proposes to introduce the Torrens system into some parts of Ontario, and not into the whole province—that he proposes to introduce it into the County of York and into the City of Toronto, but not elsewhere in the Province of Ontario, and he proposes there to allow both systems to run along on parallel lines. It is difficult to know how to deal with such a subject where the titles which are outstanding are numerous, and I do not venture to pronounce an opinion upon the course which Mr. Mowat has taken. I have the greatest possible respect for his judgment and for his knowledge of the law and for his earnest disposition to endeavour to do that which in his judgment is best for the country. Happily, so far as this bill is concerned, and so far as the North-West Territories are concerned, we are not driven to the dilemma in which he is placed. There are so few titles outstanding now in the North-West Territories that I have, without hesitation, adopted the plan of making it compulsory that all titles are to be placed under the Torrens system. I have obtained returns from the Minister of the Interior showing that up to the 31st July last only three hundred titles had been issued in the North-West Territories. Of course there were a great many more in Manitoba, but in the Territories there were up to the 31st July last only 300 issued. It is manifestly the best course to pursue to place all the titles under the Torrens system, and that this bill proposes to do. There are other points in this measure which will necessarily engage the attention particularly of the legal men of the House when the bill is in committee. Amongst them, and which struck me with considerable doubt—but which doubt has given way, and I am prepared to argue in

support of it—is the non-recognition of trusts. The Torrens system does not recognize trusts at all. The idea I gather from the book which I have read is that the title must pass absolutely from the person whose name appears on the book, and, if he is under any obligations to other persons in respect of it, they must rely upon his character and a special provision for changing trustees which is provided by the Torrens system; so that, if I have a trustee and I am not satisfied with his character in any way, I can apply to the courts and have him changed as often and whenever I like. The system to which Mr. Torrens has given his name does not in any way recognize a trust. It provides simply that a memorandum shall appear upon the registry book to the effect that there shall be no survivorship—I have forgotten the phrase exactly, but that is the meaning—if there are two trustees one shall not succeed to the whole property on the death of the other. That is the meaning which is intended and which is given to it in the books of registry by a simple entry. The deed we will suppose to be to two persons, Smith and Jones. The registry would say "no survivorship." That would prevent any person from buying except from the two of them, because he would know that one could not succeed to the title in the case of the death of the other, and it would occur to him then to ascertain whether those persons were trustees. If they should be trustees, and there is any difficulty about it, or any other question arises, application can be made to the court for a caveat, and this caveat will stop the conveyance for a month, subject to the decree of the court; so if any doubt arises regarding a trust, or the *bona fides* of the persons who hold the title in their name on the books of the registry office and propose to sell, a delay of a month can be obtained, by any one having an interest to inquire into the circumstances, by filing a caveat which the Judge is authorized to give him. At the end of that time, if the Judge does not grant some writ prohibiting it, the sale goes on. That point of abolishing all trusteeships and all necessity for the purchaser to look after the trust or the trustees is one on which Mr. Torrens and those who advocate this system lay great stress. They think it better to let those who trust and the trustee fight out their own matters, but to say, as regards the title, the course shall be clear and it shall go from person to person as shown by the certificate of ownership without any necessity for the purchaser to look after the trust or the trustees.

Then there are two or three other points to which I shall allude which are not essential parts of the Torrens system, but which appear in this bill and constitute very important parts of the change which it is proposed to introduce into the North-West Territories. These are parts which have been engrafted, as it were, on the Torrens system. One is—and it appears a startling one at first, although after becoming accustomed to it we lose that feeling—changing the name and character of real estate altogether. The bill proposes to convert real estate into what lawyers call "chattels real." This would have startled our forefathers very much, but we are accustomed to changes, and on

reflection it does not make much difference whether you call land "real estate" or "chattel real." The effect is to do away with a great deal of the law which affects real property and which is not consistent with the Torrens system. I am very conservative myself, and it is only by slow degrees that I have come to think favourably of this change, as I am now endeavouring to explain to the House. Real estate being converted into a chattel, various things follow. For instance, when a man dies his land under the existing law goes to his heirs. Under the Torrens system it would not. It would go to his executors, and then the person entitled by will or by heirship is obliged to go to the executors or administrators and get his title from them. They deal with the chattels real just the same as with other chattels. If there is a devise, it is to be followed; if there is no devise, the property is to be distributed according to the Statute of Distributions. I have abstained from reading to the House any of the papers I have before me, but I have ample information on this point. The chattel real comes to the executors or administrators, and then the heir or devisee gets the property from them. The law provides, if there is a will that the chattels go to the executor and the executor gets the certificate of ownership in his turn. The title would appear first as Mr. Walker's, then Mr. Walker's executor comes with a probate of will and the certificate of ownership which Mr. Walker held, and asks to be registered. On giving up Mr. Walker's certificate of ownership and showing letters of probate, the executor's name is put down as the owner of the land. The heir goes to the executor and gets a conveyance; he then goes in his turn to the registry office, gives up his certificate and gets a new one. Then, if there is no will, the chattel administrator is bound by the Statute of Distributions, which is much the same in all the provinces, and which we propose to introduce into the North-West Territories, and the executor will be bound to distribute the land according to that statute. These are important points and points of very considerable interest, especially to lawyers, one of the first ones I have mentioned being part of the common system, that of the abolition of trusts. The land, instead of going absolutely to the heir or to the devisee, would go of necessity through the executor or administrator, but the executor or administrator would be obliged to carry out the provisions of the will, and would be obliged to convey to the heir, or to the devisee or other persons entitled. Then another point which is introduced into the bill, and which is not a part of the common system at all, is the short form of conveyance. We have had these short forms of conveyance for years. Perhaps before I leave the point about "chattels real," I might refer to a very strong opinion which has been expressed on the subject by Chief Justice Hoyles, of Newfoundland, who writes a letter to Mr. George S. Holmstead, a gentleman in Toronto, who has taken an interest in this subject, on that feature of the "Real Chattels Act" of Newfoundland. It seems they have taken this step in Newfoundland and in some of the Australian Provinces. I

do not gather that they have taken it in all those provinces, though they have in some, and it is very much praised by Mr. à Becket, who writes a work on the common system generally. In Newfoundland they have adopted the system since 1832. They there passed an Act in accordance with public opinion and feeling on the subject, and Judge Hoyles says of it :

> "By one stroke it swept away primogeniture, entails, curtesy dower and numerous other incidents of land in England, reduced to the condition of a literary curiosity a large body of real property law, and, by the substitution of a single and simple tenure for the complex titles by which land is held in the Mother Country, it lessened litigation and rendered simple and easy the proof of title and the construction of deeds and wills."

I may perhaps trouble the House by reading some of those papers in committee, but I will not do it now to embarrass the consideration of the larger features of the subject. The bill also does away with dower and tenancy by curtesy. All these things follow the general principle which the bill lays down, that real estate shall be no longer real estate, but shall be "chattels," and then all the rest follow. I think, myself, that the chief result, so far as the improvement goes, is in this : that on each occasion of a transfer the title will be made clear. As it is now in all the provinces, I may sell a lot to-day to Mr. Walker, and a lawyer investigates the title, and it may cost a considerable sum of money. If Mr. Walker wants to sell it next year to somebody else the title is again investigated, at further expense, and so on from transfer to transfer. Under the Torrens system that investigation is done by the officer, and the new grantee gets a certificate at once that he is the sole owner, and that is good against all the world. Then if he wants to sell he goes to the person who wants to buy who asks, "Are you the owner?" He says "Yes, that is my certificate of ownership." He produces his certificate, and that is the end of all litigation and dispute; the title is perfect and good. Many of the advantages which the bill otherwise offers, I think, exist in the older provinces of Canada already. Great stress is laid, in works before me, on the advantages of short forms of conveyance, which are quite common with us : that a few words shall have a meaning given to them, by statute, of a very enlarged character. If you say, for instance, "and the grantor undertakes to produce all deeds," or if you say, "and the grantor covenants there are no encumbrances," then by a statute in force in Ontario, and in some of the lower provinces, a large meaning is given to them which includes all kinds of circumstances which might possibly happen to render the covenant useful; and that advantage we already possess, and it is one which those who write upon the Torrens system laud it for very much indeed. I think that the system being once in force in the North-West Territories, it will be found simple and easily worked; but I would not have ventured to ask the House to take my assertion had I not verified my own view by very considerable discussion with a gentleman who has resided in that part of the world for some years as

Stipendiary Magistrate, and who is himself a very good lawyer. I refer to Mr. Richardson, who was formerly in the Department of Justice. Before taking the responsibility of presenting this measure to the House for consideration, I summoned that gentleman down from that part of the country, and we talked over the whole subject, and he quite satisfied me that the system could be worked, and worked easily, in the North-West Territories; and he said not only was he persuaded of that, but that the Council who governed the North-West Territories were of that opinion also. There is, as honourable gentlemen know, a Council, composed partly of gentlemen nominated by the Crown and partly of elected members, who enact laws for the North-West. A project of this kind was submitted to them last year, but they were not able to make any great progress with it for want of time and for want of legal members in the Council, although Mr. Richardson was there, and the consideration of it was postponed; but it elicited a strong expression of opinion from the Council that a measure of this kind could easily be worked in the North-West Territories. I have endeavoured to describe the change which it would produce. Now, with reference to the working of the system in the North-West Territories, we propose to divide the country into four registration districts, Assiniboia, Alberta and two districts in Saskatchewan. The country further to the north, towards Peace River, has not now any white population, and no patents and no transactions in land, and we do not propose at present to make any disposition with regard to it. But we propose to take these four registration districts and deal with them. These districts have been formed by Order-in-Council, and their boundaries have been established by Order-in-Council with the force of law. They are called now "districts," but they are intended to and will no doubt be eventually provinces, and the system which we are introducing in those districts which are to become provinces will, we think, be that which is likely to be adopted, and must of necessity be adopted (in the first instance at all events), by the inhabitants of those districts when they do become provinces. We propose to make each of these districts a registration district. There are registrars there now who are quite competent to discharge the duties which this bill will impose upon them. Three of them are lawyers, who are quite competent to discharge the duty of registering titles, inspecting and giving certificates of ownership. We have provided for an appeal from them to the collective body of Stipendiary Magistrates of the North-West, who are, three of them, gentlemen of the legal profession, and who will constitute for practical purposes a very fair Court of Appeal for such titles as are likely to come in question for the next few years. Of course in that new country the titles are not likely to be very complex for some time. The gentlemen of whom I speak as forming the Court of Appeal would be Mr. Richardson, formerly a barrister of Ontario of good standing, very well known to many honourable gentlemen in this House, and who was once in the Department of Justice, and I think those gentlemen

who came in contact with him there will have formed a high opinion of his ability, as I have done; another is Mr. MacLeod, a gentleman from Ontario, and of large experience in the North-West, and also a very fair lawyer. The other is a Mr. Rouleau, a gentleman from Quebec, and who also enjoys a fair reputation as a lawyer in that province. The titles not being very complicated, for some time to come at all events, I think a court so constituted would be, for practical purposes, sufficient, and an appeal to them, so far as this bill is concerned, we propose to make final. Another feature of the Torrens bill is this: that a small fine is paid into the treasury in the Provinces of Australia and New Zealand on each transaction, the money going to make an assurance fund, so that if the registrar—those officers I have described in the first instance—or the Court of Appeal which I have described in the second instance—if either of them should make a mistake and give a certificate of ownership to the wrong man, and the right man should be able to establish that fact, he should have a claim on that fund. Under the Torrens system the man to whom the certificate is issued acquires the title whether a mistake is made or not, but if a wrong certificate is given the person wronged has a claim on this fund, and in some of the Australian colonies this fund is a very large one and the claims upon it have been small, and one would infer from that fact that the system has worked so admirably there that the fund would be hardly necessary; but the transactions have been very large and numerous, involving large sums of money. I will only detain the House for a moment to mention what the growth of the fund has been. By reference to Maxwell's report on the Torrens system of conveyancing by registration of title, at pages 21 and 23, you will find a statement of the staff of the lands-titles and general registry office at Adelaide, and an estimate of the total expenditure and total revenue, the expenditure being stated at £13,211 and the revenue at £23,000. The total number of transactions at the office, as appears by reference to page 19 of the same report, was 7,334 in 1872 and 21,494 in 1881. The amount of business done under transfer of land, statute of Vic. (29 Vic. No. 301), in 1881 as compared with 1880 was as follows:—

	1880.	1881.
Applications to bring land under the Act	865	1256
Extent of land included, acres	50,764	64,990
Value of land included	£1,015,150	£1,451,193
Certificates of title issued	10,066	13,977
Transfers, Mortgages, Leases, Releases, Surrenders, &c	18,015	23,993
Registering Proprietors	311	36
Other transactions (not including copies of documents supplied)	20,234	22,310
Forms sold	226	369
Fees received	£26,579	£34,570

The following statement shews the number of dealings registered under the Real Property Act of New South Wales during the years 1876 to 1881, inclusive :

Year.	Numbers.	Value.
1876	4,557	£2,272,170
1877	5,428	3,563,576
1878	6,238	4,358,326
1879	6,788	5,844,311
1880	8,725	8,658,149
1881	11,008	9,305,286

HON. MR. BOTSFORD.—Who pays the fine, the grantee or the grantor ?

SIR ALEXANDER CAMPBELL.—The grantor.

HON. MR. KAULBACH.—How do they propose to treat leases ?

SIR ALEXANDER CAMPBELL.—The certificate of ownership is made conclusive against all leases of more than three years. A lease of three years will be held valid. The transactions in one of the provinces of Australia are of a very large character.

The following is a statement showing the sums received on account of registration fees in the North-West Territories, from 1st October 1878 to 3rd December 1884 :—

NAMES.	1878 — 1879	1879 — 1880	1880 — 1881	1881 — 1882	1882 — 1883	1883 — 1884	1884 — 1885
W. J. Scott.....	$13 25	$190 00	$245 00	....	$393 75	$16 50	....
E. A. Brisbois....	....	....	....	$558 25	....	....	....
Alex. Sproat	....	....	....	....	198 00	....	$5 75
Dr. A. Jukes	....	....	....	....	....	181 95	273 50
Totals	$13 25	$190 00	$245 00	$558 25	$591 75	$198 45	$279 25

SUMMARY.

Total received by	W. J. Scott.....	$858	50
do do	E. A. Brisbois.....	558	25
do do	Alex. Sproat.....	203	75
do do	Dr. A. Jukes.....	455	45
	Total Receipts.....	$2,075	95

I merely give this statement to show that the transactions are very small thus far in the North-West Territories, and that they have been very great in New Zealand and the Australian colonies. Then I have to

point out to the House also, as regards sheriff's titles, that the certificate of ownership will be good as against any sheriff's claim ; but the sheriff is obliged, immediately on receipt of the execution, to file a notice of it with the Registrar, and then it comes in and makes an incumbrance, which hinders or encumbers selling ; leases over three years are excepted. Then in the bill there are also exceptions with reference to certain kinds of transactions which people are necessarily obliged to embark in, and these last are Canadian in their origin. These are the exceptions as found in the 57th clause :

The land mentioned in any certificate of title granted under this Act shall, by implication, and without any special mention in the certificate of title, unless the contrary is expressly declared, be subject to—

(*a*) Any subsisting reservations contained in the original grant of said land from the Crown ;

(*b*) Any municipal charges, rates or assessments for the year current at the date of such certificate, or which are thereafter imposed on the said land, or which have theretofore been imposed for local improvements, and which are not then due and payable;

(*c*) Any subsisting right of way or other easement, howsoever created upon, over or in respect of said land ;

(*d*) Any subsisting lease or agreement for a lease, for a period not exceeding three years, where there is actual occupation of said land under the same ;

(*e*) Any decrees, order or executions against or affecting the interest of the registered owner in such land, which may be registered and maintained in force against such registered owner whilst he so continues the registered owner ;

(*f*) All public highways embraced in the description of the lands included in any certificate shall be deemed to be excluded from the certificate;

(*g*) And any right of appropriation which may by statute be vested in any person or body corporate.

The House will see that although they are very important, yet that great care is taken to make clear and not to extend the exceptions. They are confined to short periods, to charges which are disposed of within a very short time, and in that way the matter is made as secure as possible. I should mention to the House, before asking for the second reading of the measure, that the draft of the bill is very much taken from the bill introduced by Mr. McCarthy at the last sesssion of parliament in the other branch of the Legislature. I have caused to be circulated amongst the members of the House an index showing and giving easy reference to the various clauses, and to that I have had appended a table showing the origin of the different clauses which the bill contains, and in that honourable gentlemen will perceive that the principal part of this measure is from Mr. McCarthy's bill. That bill was not, I am informed, prepared by Mr. McCarthy himself, but by Mr. Beverley Jones and Mr. Herbert Jones, of Toronto. Mr. Beverley Jones is a gentleman occupying a distinguished position in the conveyancing profession. It was one of these gentlemen who first gave attention to this subject of late, and from them Mr. McCarthy's bill was obtained, and they are entitled I believe to the credit of having drafted that bill. The original plan of introducing the Torrens system was, I believe, suggested by Mr.

Mills some years ago at a time when he was in the Government with my honourable friend opposite. I desire to give these gentlemen credit for the large share which they have taken in the preparation of many parts of the measure which is upon the table. Of course the main features of it are all taken from the work of Sir Robert Torrens, and his is the original merit of introducing the system, though the merit of that even is doubted, because the substance of the scheme was presented in a report to the English House of Commons in 1857. It was in May, 1857, that Sir Robert Torrens first proposed his system to the Government of New South Wales. He published a work in which he disclaimed all knowledge of the report of the Committee of the British House of Commons at the time he introduced his system, and it would seem therefore that the idea occurred at the same time to the Committee of the House of Commons and Sir Robert Torrens himself, because the recommendation of the committee and the main features of the Torrens system are much the same. I think I have explained to you, as far as is reasonable, the general features and scope of the bill, and I trust that it will engage the attention of the gentlemen of the legal profession in the House, and that we shall hear a good deal about it before we pass it to its next stage. I will in the mean-time move the second reading of the bill.

THE CANADIAN PACIFIC RAILWAY.

THE SENATE—OTTAWA, 3RD MARCH, 1884:

SIR ALEXANDER CAMPBELL moved the second reading of the bill to amend the Act intituled "An Act respecting the Canadian Pacific Railway." He said: This bill presents to the House, in its last stage, a measure which has been before the other branch of the legislature for some days, or almost some weeks. It has there been presented in different phases in the shape of resolutions, and afterwards in the shape of a bill, which bill has had three distinct readings. During the course of these several phases of the bill in the other Chamber, the principle of the measure and the terms of it have been discussed at such length, and from such a variety of aspects, that I quite despair of being able to present it to this House in any new light, or offering any arguments which have not occurred to honourable members, many of whom were present when the debates were going on in the other branch of Parliament. Nevertheless it is a duty which my colleagues and myself owe to this House that we should present the measure to you, and suggest to you the reasons which have induced the Government to propose the legislation which this bill seeks to carry out. I will confine myself strictly to what seems to me necessary to present this measure to the House in the light of a business transaction, and to offer only such arguments as I think would satisfy business men that the measure itself is one which should receive the sanction of the Senate. The amount which the bill proposes to grant is certainly a very large one—is one which is almost startling in its magnitude; nevertheless I think I shall be able to satisfy the House that the security offered is equally large, and that the necessity for the step is very great, and that no alternative offers which is better or cheaper, or more advantageous to the country than the measure proposed for adoption by Parliament. I think in presenting it to the House I should confine myself to four or five of the most salient points. These, I think, are: first, the extent of the work which has already been accomplished by the Canadian Pacific Railway Company; then the resources which they have had at their control, and which they have applied to the work so far completed; then, the necessity for the subvention, and then the security which the measure proposes to offer for the very large loan which it proposes to give.

Now with reference to the first of these points, the extent of the work which has been accomplished, if honourable gentlemen will lend me their attention for a few moments I will take them over the road from Montreal to Port Moody, and state to them in precise language

what work has been accomplished from one side of the continent to the other. The line from Montreal to this place was the property of the Province of Quebec, and has been purchased by the Canadian Pacific Railway Company; the line from here to Carleton Place was the property of a private company, and has also been purchased; from Carleton Place to Pembroke the line was also, part of it, the property of a private company, which has been acquired and completed by the Canadian Pacific Railway Company. Beginning at Montreal, on the main line from Montreal and Brockville to Callander Station, the road is completed and under traffic, 391 miles. From Callander Station, going west to near Sudbury Junction, is so far completed as to admit of the running of trains, 103 miles. From near Sudbury Junction to 33 miles west it is so far completed as to admit of the trains running. From thence west 315 miles, to near Pic, the road-bed is nearly ready to receive the track. From near Pic to within 32 miles of Nipegon no work has been done, but the trial location has been made. From 32 miles east of Nipegon to Nipegon about one-third of the grading has been done—very heavy work. From Nipegon to Prince Arthur's Landing, 67 miles, the road-bed is ready to receive the track. From Prince Arthur's Landing to Red River, 423 miles, is so far completed as to admit of the running of trains. From Red River to the summit of the Rocky Mountains, 964 miles, is so far completed as to admit of the running of trains; of this distance 840 miles (to Calgary) is under traffic. From the summit of the Rocky Mountains to Kamloops the road has been partially located. From Kamloops to 12 miles west the road has been partially located, but no work has been done. From that point to six miles west of Lytton the road is located, but no work has been done. From Lytton to Port Moody, 135 miles, grading has been nearly completed, and the track will be laid next summer, so as to admit of the running of trains. The whole distance from Montreal and Brockville to Port Moody so far completed as to admit of trains running thereon is 2,932 miles.

In addition to the part which is completed, the mileage of which I have mentioned, there are 400 miles of branch lines completed and 61 miles remaining to be completed. To sum up that statement, there are complete and under traffic 1,659 miles, counting the mileage from Montreal to Callander; or, leaving out the mileage from Montreal to Callander, there are 1,268 miles complete and under traffic. But I may, for the purpose of my present argument, say that from Montreal to Callander, 391 miles, should be included as well as the section from Prince Arthur's Landing to Red River. Then that portion which is in running order, but not complete for traffic, is as follows:—

	Miles.
From Callander to near Sudbury Junction.....	103
" Nipegon to Prince Arthur's Landing.....	67
" Calgary to summit of Rocky Mountains.....	124
" 6 miles west of Port Lytton to Port Moody.....	135

Making 429 miles where the trains are running, but the road is not complete for traffic. Then the distance over which the road is nearly ready to receive the traffic is :

	Miles.
From Sudbury Junction to 33 miles west thereof.....	30
" 32 miles east of Nipegon to Nipegon.....	32
	62

Then the sections on which no work has been done are :

From 33 miles west of Sudbury to near Pic.....	315
" Summit of Rocky Mountains to Kamloops.....	286
" Kamloops to 12 miles west thereof.....	12
	613

And on the following a considerable portion of the grading is done :

	Miles,
From Pic to within 32 miles of Nipegon.....	103
" 12 miles west of Kamloops to six miles west of Lytton	66
	169

Now, that is the extent of the work which has been accomplished by this company, and accomplished in the marvellously short space of three years. It was only in February, 1881, that the contract which the Government had taken the responsibility of making with the Canadian Pacific Railway Company was ratified by Parliament, and it was shortly after that date that the work was commenced, so that in those three years the company has constructed or acquired the main line of the Pacific Railway over the distances I have mentioned, 1659 miles, and accomplished the work which I have described over the remainder of the 2,932 miles which constitute the whole distance, and in addition to that, completed 400 miles of branches, and performed a considerable amount of work on 61 miles. I think everyone will acknowledge that the work which has been accomplished is marvellous, and to an extent and of a character which none of us contemplated when we gave our sanction to the Canadian Pacific Railway Bill in 1881. I will not go back to the discussions anterior to that time, nor over the different views that were entertained and expressed in this House and elsewhere as to the possibility of accomplishing this work, not within three or four years, but within 20, 30, 40, or as I think one honourable gentleman said in this House in my hearing—who is unhappily now no longer among us—100 years. That was the time which he said would be required to do the work which has already been accomplished ; but men of more sober judgment than, perhaps, his was, conceived that perhaps 20 or 40 years would be required to accomplish the work which this

company has done between February, 1881, and the hour at which I am now speaking. It is a marvellous thing that any company should have done so much, and I think, without assuming any undue credit to the Government, it shows what sound judgment was exercised in selecting the men and in framing the measure by which they were able to accomplish this gigantic task. Now, I think we are bound to discuss the resources by which the company has accomplished so much, and I shall endeavour to present them to the House in as clear a light as I can, although perhaps it may be thought by some that it is entering into a private matter: still when a company asks, as the Canadian Pacific Railway does, for assistance, we are bound to consider the resources which they possess, and are justified in enquiring as closely as we please into the manner in which they have applied them. The resources which they had for the task before them were three-fold. In the first place the possibility of issuing a large amount of stock; in the second place, the possibility of obtaining from the Government, under the bill, subsidies at a very handsome rate as the work progressed, and the possibility of issuing land grant bonds. The company availed themselves of all those resources, and in addition they have sold a considerable quantity of land for town sites, on which they have realised a large sum of money, and a large sum, I am glad to say, as net revenue from the working of the road. To take up these resources in their turn, I will submit to the House in the first place a statement of the stock which they had at their disposal, and will show the amount of money which they derived from it. They had the power of issuing one hundred millions of stock. In truth they issued the whole of that, but it was not disposed of to the public, but was disposed of in a way which I shall describe to the House. The total issue of the company's stock, as I have said, was $100,000,000. Of this amount there were taken by the original syndicate and paid up in full at par, as subscribed stock of the company, $5,000,000. There were taken by the same syndicate, the gentlemen originally concerned in the enterprise, at 25 cents on the dollar, $20,000,000, from which $5,000,000 were derived, making $10,000,000, besides money contributed in other ways, which I will mention, to this great enterprise. They then pledged with certain persons in New York a large block of this stock, $10,000,000, to secure a loan of $4,950,000. They sold to the general public $30,000,000, on which they received $15,356,828. They deposited with the Government the balance of the stock, $35,000,000. These figures make up the whole $100,000,000. It will be observed that of this amount the original syndicate—if we may call them a syndicate—the gentlemen engaged in the enterprise originally, took and disposed of, either by depositing it with the Government or holding it themselves, $25,000,000; that they borrowed money on $10,000,000, and sold to the general public $30,000,000, of which they got $15,000,000, and that they deposited with the Government $35,000,000. The next resource which they had was the possibility of obtaining from the Government subsidies

on their work as it proceeded. They did so, and from that source they obtained, as the work went on, $12,289,000. They also had the possibility of borrowing money on land grant bonds, and they did borrow to the extent of $9,029,000. The proceeds of the land grant bonds are as follows: the total issue was $25,000,000; the sum deposited to secure the running of the railway, under the original contract of 1881, was $5,000,000; the company sold $10,000,000, and placed the proceeds in the hands of the Government. These $10,000,000 they earned from time to time, and the money was paid back to them as the work progressed. Of these $10,000,000 the company retired and cancelled $6,667,000. These two sums, the $5,000,000 which they deposited with the Government as security for the running of the railway and the $10,000,000 which they also deposited with the Government, are actually in the hands of the Government now. So of the whole $25,000,000 which was the limit of their issue, they deposited with the Government $15,000,000, and they have sold to outsiders $10,000,000.

HON. MR. SCOTT—$10,000,000 in value?

SIR ALEXANDER CAMPBELL—Yes, the proceeds of the sale amounted to $9,029,000; the face value was $10,000,000. Of that amount in the hands of the Government, when the money came to be paid to them as the work progressed, from time to time the bonds were retired by the company. Of the $10,000,000, the company retired and cancelled $6,667,000, leaving in the hands of the public $3,333,000. This constitutes the whole amount of the land grant bonds now held by the public. Of these $846,000 are held by companies having payments to make to the Canadian Pacific Railway Company, and who will make those payments by means of these bonds, so that the liability of the company to the public on those land grant bonds is reduced to something like $1,200,000. I stated that there were in the hands of the Government the $5,000,000 deposited originally to secure the running of the railway, and also the $10,000,000 never taken from the hands of the Government, making $15,000,000; of these $10,000,000, $3,420,000 are held by an agreement with the company to secure payment of $2,853,912, for which day of payment is given to 1888. Another amount, $1,830,000, is held to secure $1,527,000, a further portion of the same payment due in 1888. The balance, $5,000,000, is not appropriated, and is charged generally with the whole indebtedness of the company. That is the state of the land grant bonds, and the state of the account of the stock. As to the subsidies, they have received the amount which I mentioned, $12,289,212, so that out of the subsidy they have had that amount and the sale of the land grant bonds, $9,029,000, and they have sold some town sites for which they got nearly half a million of dollars, $477,000. These figures make $21,795,000. Then they received upon the road for the net revenue $892,000, making a total received as subsidy, from the proceeds of the sale of land grant bonds, from the sale of town sites and from the net revenue from the working of the road of $22,687,874. In addition to that, they

have received from sales of stock to outsiders $15,356,828. Calling the first amount $23,000,000, and the last $15,000,000, they have received altogether $38,000,000 from the sources which I have mentioned, and which constitute the only sources from which they have derived revenue or income, irrespective of running into debt, which they have done. The House will see that the sum contributed by the Government to this enterprise so far has been, including the sale of the land grant bonds, only $22,687,000. I have described now the extent of the work which has been done, and the resources out of which it has been done. As to the application of these resources I have a statement in my hand showing the cost of the work from one side of the continent to the other, so far as the work has been done. It is as follows:—

Work of construction on the main line west of Callander station, eastern and central sections	$23,000,000
Improvements on the Government lines west of Cross Lake —that is, a point beyond Prince Arthur's Landing.	353,000
Rolling Stock at the time this paper was framed ..... (It seems now by another statement which I have in my hand to have been increased by $2,000,000.)	6,130,000
Spent on Lake Steamers to run to and from Port Arthur	552,000
Spent on materials, rails and supplies	4,000,000
Plant, tools and outfit for construction	187,000
Dividends on Stock: 5 per cent dividend on the Stock until the work shall be completed.....	2,128,000
Deposited with the Government, on the guarantee of interest (which I shall allude to presently).....	8,700,000
Interest, &c., on land grant bonds.....	372,000
These sums make altogether an expenditure on the main line west of Callander amounting to	$45,540,000

Some honourable gentlemen think it necessary to draw a distinction between some portions of this outlay and other portions, as for instance the work of actual construction on the lines, and the contribution by interest on the stock, but it is fair and just to place it down as an amount which the company had to pay in order to get on with the work. They had, as they thought, to guarantee this interest on the stock, and, therefore, it constitutes a charge just as much in some respects as the expenditure on the construction of the road. Including the interest and the charges which I have mentioned, the character of which is open to discussion, they have spent $45,500,000 on the main line west of Callander. In addition to that, they have spent on the branch lines west of Callander $3,759,000. A distinction is drawn between the branch lines west of Callander and those east of Callander, because the most of those east of Callander were in existence before the Canadian Pacific Railway began its operations. They were lines which existed here, and which were used, the most of them, by the Canada Central Railway and the Quebec Government. The St. Lin branch and St. Jerome branch, the Perth branch and other portions of those lines were

established before the Canadian Pacific Railway Company came into existence, so that there is a distinction drawn in this paper between branches of that kind and those which have been constructed with the object—an object which they are happily accomplishing—of increasing the traffic of the main line. The latter have been constructed by the company without subsidy and out of their own resources, and they very much increase the value of the main line, so I think it is fair to include them in the estimate of the cost of constructing the main line, although we do not do so in granting a subsidy. The amount spent on the main line and branches west of Callander is $49,300,000. Including all that and the expenditure between Callander and Montreal and Brockville, the amount is $54,728,000. Then come several items about which, no doubt, very different opinions are entertained as to the necessity of the purchases and the character of them. These are the South Eastern Railway, the St. Lawrence & Ottawa Railway, the Atlantic & North Western Railway, the Canada North-West Land Company, advances to contractors on construction, sundry advances on other matters incidental to the work, amounting to $473,000, and paid in respect of securities deposited with the Government, in lieu of $1,000,000 cash, $484,000—these additional items, about which I say there may be some difference of opinion, amount, with the others I have mentioned, to $58,695,000, and that is the gross amount which this company has expended, from the time it undertook this work three years ago to the time that this paper was made out, about a month ago, on the whole work from the Atlantic to the Pacific, including the purchase of the South Eastern Railway, the St. Lawrence & Ottawa, and so on. But, omitting work about which some difference of opinion may exist, and confining the expenditure to the main line and the branches between Montreal and Kamloops, the amount is $54,728,000. Confining still more closely the expenditure to the main line and branches west of Callander, the amount is $49,299,000. The House will see that the resources which I have mentioned, derivable from stock, from subsidies and from the sales of land grant bonds amount altogether to $38,000,000, and the company has spent on the direct line alone and branches west of Callander over $49,000,000, and including all kinds of expenditures $58,000,000. Now, I enquire naturally in my own mind, and honourable gentlemen will, no doubt, all enquire in their own minds, how this large additional sum was raised. Putting down the whole expenditure at $58,000,000, the amount is made up as follows :—

Original Paid-up Stock	$ 5,000,000
From Government Subsidies	12,289,000
From Land Grant Bonds	9,029,000
Proceeds Town Sites	477,000
Stock Loan by Syndicate, at 25 cts.—20,000,000	5,000,000
Proceeds, Sale of Stock to Outsiders	15,356,000
Net Traffic Revenue	892,000
	$48,043,000

Those seem to be the figures, including the resources from which the company derives its capital for the purposes of the large expenditure which I have mentioned, and they have, it would seem, in addition to that, borrowed upon a deposit of stock in New York $4,050,000. All these sums I have mentioned come to $53,000,000, against a total expenditure of $58,000,000; but the company has a floating debt of $7,500,000, and they have, in addition to the sums which I have mentioned, made a great many other payments, amounting to nearly $2,000,000, which do not come directly under the heads that I have mentioned on the construction of the road. These other items appear in their accounts, and I will read them to the House that honourable gentlemen may see their character. The paper from which I shall now read is the balance sheet of the Canadian Pacific Railway Company, made up by officers of the Government. When this matter was in its earliest stage it was thought wise by the Government to despatch two of our own officers—an accountant and the Chief Engineer of Government railways—to Montreal to examine the books of this company, to ascertain their expenditure and to classify it. The result was that, in addition to the sums which I have mentioned, there would appear upon this account to be a number of other items; in the first place the equipment of the road is put down at $8,000,000, instead of $6,000,000 as I have given it from this other paper to which I have previously referred; and in the next place the interest on stock and bonds which has been paid by the company is put down—interest on stock is mentioned in the statement which I have already read to the House, but interest on the bonds is not mentioned—so there is another large sum there. I apprehend, therefore, that in addition to the $58,000,000 there is another large sum, amounting to something in the neighbourhood of $2,000,000, expended by the company for a variety of purposes, which are not strictly construction, but incidental, and which could not have been avoided, but which one can readily believe arose naturally and unavoidably in connection with so large a transaction. These sums, in addition to those I have mentioned, would make a very large expenditure, perhaps in the neighbourhood of $60,000,000—which has been made in the way referred to. As to the floating debt, that is one of the items which this bill proposes to enable the company to pay. I have grouped together and presented to the House such a statement as I have been able to furnish with reference to two, if not three points, which I thought it was desirable to illustrate. I have shown the amount of work which has been done, the cost of that work, and the resources which the company had for the purpose of completing it. Now, with reference to the necessity for this loan: undoubtedly the loan is of a character sufficiently great almost to startle the country; but we are to consider what is the character of the security offered (of which I shall speak presently), and also the circumstances under which this loan is made, as well as whether any better or more economical mode exists of going on with the work. I remember when

this matter was incidentally brought up, a short time ago, the honourable gentleman from Halifax (Mr. Power) asked "Where is the necessity of going on with the work—why not allow the contract to run on to its full length, and let the work be completed in 1891? It will then be completed as soon as was originally contemplated." Well, I think there are several answers to that; one is, that when the whole energy and resources of this country are applied for the purpose of completing a great national work such as this, the advantages to be derived are all the greater if derived quickly. If this work is to be of great national benefit in 1891, it will be a great advantage, surely, to have it completed in 1886. Then, again, there is every reason to believe, more particularly from advices we have received within the last week or so, that a very large population will at once go into the mountains, where valuable silver deposits have been discovered, and there are also large coal deposits in the neighbourhood of the mountains, which will likewise attract a population anxious to benefit from this mineral wealth.

HON. MR. POWER—That could not have influenced the Government in making the loan, as it had not taken place.

SIR ALEXANDER CAMPBELL—It influences the Government in this way: that it shows the necessity for expedition in prosecuting the work. Then, again, we are to consider that the country has already invested in the work—on different sections—as large a sum as nearly $28,000,000, being the cost of that portion of the railway which the country has constructed or will have to construct, and there will be a large loss of interest upon that, amounting to something like $1,250,000. Further, it must not be lost sight of that the stoppage of such a work as this would have a bad, not to say disastrous, effect upon the country; in fact just how disastrous those effects would be cannot be fully depicted; in the banking world, in commerce, in fact in every branch of industry great loss would arise, and had this company gone to the wall, general depression would have fallen on the country. I think therefore, as the circumstances would have been most grave, even if there was nothing more than the apprehension of these disastrous circumstances, the Government were sufficiently justified in going on with this measure—if, as we believe, the character of the security is ample, and the money is not thrown away, or likely to be lost to the country. The Government had to choose between the utter destruction of this company, and going on with the road in the way which is proposed by this bill. The company had exhausted their resources for the purpose of raising money. It will be seen how gigantic their resources were by the fact that they themselves had purchased stock to the extent of $5,000,000, and deposited that amount at par, as well as having purchased another quantity of stock at 25 cents on the dollar, making an expenditure, on their part altogether of $25,000,000, at 42 cents on the dollar, and in that way they have contributed from their own resources $10,000,000 to construct this road. In addition to that they have borrowed in New York, upon a deposit of ten million dollars of stock, the sum of $5,000,000, and

further they have contracted a floating debt in Montreal, New York and elsewhere amounting to $7,500,000. So that the position was most serious, and it would seem as though nothing but failure could be expected by the company, unless the Government came to their assistance, and in view of the evils which would have resulted had aid been refused them, and of the advantages to the country to be derived from the completion of the road in 1886 instead of 1891, as well as the likelihood of a large population being attracted to the Rocky Mountains, in connection with the mineral wealth of that district, I think the Government were justified in believing that Parliament would sanction the very large amount of assistance which is asked by this bill to be given to this company,—more especially if the security was sufficient and such as business men would consider ample to secure the repayment of the loan. Now, the security offered by the bill is as complete and perfect as any security can be; complete in its universal character over all their property, and complete in the convenience by which it can be used should occasion arise. There are two things in connection with security which all commercial men calculate very closely—one is the character of it, and the other is the feasibility of using it. I may say that the Government have taken special care with reference to both of these points. We believe we have received ample security, and that it is in such shape that it can be used without difficulty or delay, should occasion demand. The security is best described by the language in the body of the bill, which, if the House will allow me, I will read. It is as follows:—

"As security for the repayment of the said loan, with interest as aforesaid, and as additional security for the payment of the said sum of seven millions three hundred and eighty thousand nine hundred and twelve dollars ($7,380,912) and interest, falling due on the seventh day of November, one thousand eight hundred and eighty-eight (1888), the Government shall have a first lien and charge upon the entire property of the company, real and personal, now owned or hereafter to be acquired or owned by them, including their main line of railway, the extensions thereof, their branch lines of railway, the whole of their equipment, rolling stock and plant, and all their steamers and vessels; and also upon the land grant of the company, earned and to be hereafter earned; saving always, however, the rights of the holders of the existing mortgages on the extensions of the line of the railway from Callandar to Brockville and Montreal, as security for the unpaid balances of the purchase money of the lines constituting the said extensions, and subject to the mortgage upon the land grant, executed by the company to secure their issue of land grant bonds."

The House will remember that, as far as this mortgage is concerned, from which I have just read, there is only due upon it something like $1,500,000. The bill goes on to state:—

"And the Government shall continue to hold and retain the entire amount of land grant bonds now in its custody or possession, subject to redemption under the terms of the said land grant mortgage, and with all remedies as to interest, voting power and all other matters in respect thereof, which would be held or possessed, or could be exercised by any purchaser of

the said bonds; and all moneys received by the Government from the trustees of the land grant bonds in redemption of such bonds shall be applied as follows, that is to say:—"

This is security upon all their property—their line of railway, their branches, their rolling stock, their steamships and all the property they possess. We have seen that the portion of their line between Montreal and Kamloops alone has cost them some $54,000,000, in which rolling stock is included, and upon all that, as well as their steamboats, which I do not think are included, the security of the Government is complete. Then as to the remedy, which I say is also a very important point, and carefully examined by commercial people in advancing money—we find it described in the second sub-section of section 6, in the following language:—

"That upon default for twelve months in the payment of any half-yearly instalment of interest upon the said loan, or any part thereof, or of interest upon the said sum of seven million three hundred and eighty thousand nine hundred and twelve dollars, or any part thereof, or in the payment of the principal of either of the said sums or any part of either of them when the same shall become due, in accordance with the provisions hereof, the right of the company, under their contract hereinbefore mentioned, to demand or receive any further cash or land subsidy shall cease and determine, and the said railway and extensions thereof, branches, equipment, rolling stock, plant, including steamers, and all lands and property of the company, and all land grant bonds then in the possession of the Government shall, upon the occurrence and continuance for the said period of twelve months of such default, *ipso facto*, and without any notice or proceeding whatsoever, vest in Her Majesty, and shall forthwith, thereupon, be taken possession of by the Minister of Railways and Canals, on behalf of the Government of Canada, and each and every employé of the company shall, from and after the expiry of the said period of twelve months, become and be the employé of the Government during pleasure, and shall hold and possess any matter or thing appertaining to the said company then in his custody as and for the Government; and the rates of interest, and the terms of payment hereby fixed shall not be disturbed or altered by the terms of such agreement."

In addition to that, by another clause in the bill it is provided that, if the road cannot be completed within the time mentioned, the sum which may be advanced under this loan shall be charged against the subsidy—in the event of the company going on and finishing the road under their original charter. So that in every possible way—by taking security upon all their property, their railway, rolling stock, steamboats, land grant bonds, the land which they have and have not earned—it has been secured that this money shall be repaid. There has been no omission of any kind, and both the Government and company believe that the people are given under this bill complete and ample security for the money which is to be loaned. I think, therefore, that neither in the character of the security nor in the value of it, nor in the remedies which the country will have to use in case of default has anything been omitted; but, on the contrary, so far as we can judge, there is nothing left unprovided. Then as to the guarantee by the country of three per cent. dividend upon the stock of the company for ten years:

when first the company became aware of the difficulties which were likely to come upon them—caused by the great depression of railway stocks in the United States—particularly transcontinental stocks—they thought that they could overcome that difficulty by getting from the Government a guarantee of three per cent. for ten years upon $65,000,000 of their stock—in the first place upon $100,000,000, and afterwards upon $65,000,000. That guarantee, which was ultimately given upon $65,000,000, at three per cent. amounted, I believe, to something like $14,000,000 or $15,000,000, but against that undertaking the company placed in our hands $8,751,000 in cash, and they gave us of land grant bonds something like $5,250,000, while we also took from them an agreement with reference to what they might earn from the country for postal transport service, which was estimated at about $3,000,000. They placed these things in our hands as security against this guarantee of three per cent. for ten years—the cash amounted to $8,700,000, and the land grant bonds to $5,250,000, and the postal subsidy and transport service to about $3,000,000. This large deposit with us was to meet the expenditure going over ten years. The expenditure for the next three or four years is already met by the money which is deposited in our hands, irrespective of the time which is given for the sums which are mentioned in this bill, so that, although we are giving time for payment until 1888 for a portion of this money, it is not for any portion that will be needed by us for the purpose of paying the three per cent. dividend. We have sufficient in our hands to pay the three per cent dividend up to 1888, besides the amount which it is proposed by this bill to give them time to pay for. In that way we are helping their resources; we are doing them to that extent a service, without injuring the country in any way, if the security which they propose to give is sufficient, as I think it is. The time of payment for a portion is from the first of February, 1884, until November of 1888. Up to 1888 we have, irrespective of this sum of $2,800,000, money enough in our hands to pay the interest at three per cent. upon the stock, and we shall not want that sum until 1888, when it will be repayable to us in accordance with this bill, and no harm will be done to anybody, and it will be of great service to the company if the security is sufficient, as I think it is, to assure us that the money will be repaid. The whole of the mortgage we have taken meets not only the $22,000,000 we propose to lend, but is also for these $2,000,000, and also for the balance of $7,380,000, which will also fall due in 1888. In addition to this, we are proposing to give to the company the $1,000,000 which they deposited with us originally as security for the construction of the road. We think there is no object, and, therefore it is not right, in view of the difficulties with which the company has been surrounded, for us to retain the $1,000,000 unnecessarily. The fact that the company has expended the large sums I have mentioned, amounting to $49,000,000 on the main line—$58,000,000 including everything—we think, is a guarantee that they will go on with the work—a guarantee for the construction of

the road much more to be relied upon than a deposit with us of a $1,000,000. Therefore, we give it up. The other security which they deposit with us of $5,000,000, as security for the working of the road for ten years, the House will observe, we have not given up.

I have not said anything as to the clause forbidding amalgamation. I dare say that clause has attracted the attention of the House; it was introduced by the Minister of Railways in the other Chamber when the committee came to report. It is to prevent an amalgamation of the two great railway companies of the country, the Grand Trunk Railway and the Canadian Pacific Railway. The clause is framed in the interest of the Dominion, and will, I hope, have the effect of preventing an amalgamation, although we do not intend it to prevent the procuring of traffic or running arrangements. These can always be made, with the assent of the Government, and we do not propose at all to hinder the acquisition by the Canadian Pacific Railway Company of the road between Quebec and Montreal, should that company conceive it to be to their interest to acquire that line. Then, we propose that the Supreme Court of Canada shall have jurisdiction to enforce the provisions of this section. They have not such power at present, as the Supreme Court is a court of appeal; but we propose by this bill to give them original jurisdiction, and give it the ordinary powers which courts of common law and equity possess to enforce this jurisdiction. The Supreme Court has been chosen, because of its general jurisdiction all over the Dominion, and because some difficulty might arise in reference to one province or two provinces, and it might be embarrassing to take legal proceedings in both provinces, and legal proceedings in one province might not be sufficient to remedy the injury which might be going on in one or more provinces; therefore, it was thought desirable, and it still strikes me as the best course to adopt, to give the jurisdiction to the Supreme Court or the Exchequer Court, these courts having jurisdiction all over the Dominion. I have gone through nearly all the provisions of the bill. My only object has been to lay before the House the transaction which this bill involves—the loan of a very large sum of money, $22,500,000, under very unusual and extraordinary circumstances, for a very large purpose, and with, I think, a very adequate security. I hope and trust the bill will receive the sanction of the House, and that honourable gentlemen will not feel that I have detained them too long in offering these explanations of its character and object.

THE CONSOLIDATION OF THE LAWS.

THE SENATE—OTTAWA, 16TH MARCH, 1885:

SIR ALEXANDER CAMPBELL moved:—

That a message be sent to the House of Commons requesting that House to unite with the Senate in the formation of a Joint Committee of both Houses to examine and report upon the Report of the Commissioners appointed to consolidate and revise the Statutes of Canada, and to inform that House that the Honourable Messieurs Carvell, Dickey, Girard, Gowan, Lacoste, Macdonald (B.C.), Odell, Pelletier, Power, Scott, Trudel and the mover will act on behalf of this House as members of the said Joint Committee, should the House of Commons agree to the creation of such Joint Committee.

He said:—In making the motion, of which notice was given, for the reference to a committee of the report of the commission appointed to consolidate the statutes of Canada since Confederation, I think it desirable to endeavour to present to the House some statement of the previous position of matters in regard to consolidation in each of the different provinces of the Dominion, and also some account of the labours of this commission, and, if in doing this I detain the House somewhat longer than I would like to do, I hope honourable members will excuse me because of the importance, as it seems to me, of preserving some record of what has been accomplished by the commission, and also of placing a statement before the House concerning the labours of previous commissions upon the same subject. The thought of adding a part of this history, that is, giving an account of what had been done by previous commissions, was suggested to me by finding, as I did, the difficulty of ascertaining by the debates in the local legislatures of the time anything concerning the history of the work of those gentlemen who, in the different provinces from time to time in years gone by, were constituted commissioners upon subjects such as that which we have laboured to accomplish, and the results of which are now upon the table of the House. I am happy to know that in the House I shall have the advantage of the assistance of two gentlemen who have taken part in similar work—my honourable friend from Barrie (Mr. Gowan), who took a most distinguished part, extending over many years, in the revision and consolidation of the statutes of Ontario, and the honourable gentleman, the senior member from Halifax (Mr. Power), who took part in one of the commissions for the revision of the statutes of Nova Scotia. I think, perhaps, the most convenient way for me to state the history of the efforts to consolidate the laws in the different provinces will be to commence at Nova Scotia, as I did with reference to another matter on a previous occasion, and then to

follow up the statement as to that province by coming gradually west to the other provinces, and noticing, or endeavouring to notice, what has been done in each province in that respect. With reference to Nova Scotia, I find that there were four commissions at different times engaged in the work of consolidating the statutes. The first was in 1851, when the work was done by William Young—the present Sir William Young—J. W. Ritchie, formerly a Judge in Equity, Jonathan McCully, whom many of us remember as our colleague in this House, and J. Whidden ; the second was in 1858, when it was done by Martin J. Wilkins, William A. Henry (the present Justice Henry) and James R. Smith. Mr. Wilkins I believe is still alive.

HON. MR. POWER—No, he died some three years ago.

SIR ALEXANDER CAMPBELL—The third commission in Nova Scotia was in 1873, when the work was done by Alonzo J. White, Henry C. D. Twining, James W. Johnston, and Lawrence G. Power, our colleague in the House, whom I am very glad to meet here, and I am glad to believe that we shall have his assistance in the revision of the work now before us. In 1884 the work was done by J. W. Johnston, Otto S. Weeks and J. W. Longley, with B. Russell as secretary. That is the state of the matter in Nova Scotia, and these are the successive commissions which have been appointed there for the purpose of consolidating the statutes.

In New Brunswick part of the public laws of that province were revised in 1854 by W. B. Kinnear, J. W. Chandler and Charles Fisher, all of whom are deceased ; and the remaining acts were published in a second volume called the Public Statutes of New Brunswick, and a third volume of local and private statutes of New Brunswick up to that date was published in 1855. The work of consolidating and revising the laws of New Brunswick was completed in 1877, the work being done by C. N. Skinner, Frederick E. Barker, E. L. Wetmore and George W. Burbidge, who was secretary of the commission, now Deputy Minister of Justice, and who has taken an active and very useful and important part in the commission whose work we are now considering. Frederick A. Morrison was one of the commissioners as at first constituted ; but he died during the progress of the work.

Then, coming to Prince Edward Island ; there seems to have never been a consolidation of the laws there.

HON. MR. HOWLAN—Oh, yes.

SIR ALEXANDER CAMPBELL—My honourable friend from Prince Edward Island says yes, but I think I shall satisfy my honourable friend in a moment that it is not so—that the Acts of Prince Edward Island have never been revised and consolidated, but all the Acts up to 1878 have been re-published and printed in four volumes.

HON. MR. HOWLAN—No, they have been consolidated under three commissioners.

SIR ALEXANDER CAMPBELL—I shall pass over Prince Edward Island for the present, as I thought otherwise.

HON. MR. HOWLAN—They were consolidated under three commissioners.

SIR ALEXANDER CAMPBELL—I will read what is said about that :—

The first volume of the Local and Private Acts from 1773 to 1862, and the second volume of the Local and Private Acts containing those from 1863 to 1868. The three volumes first mentioned were published under the authority of the Acts of that Province, 23rd Victoria, chapter 10, and 24th Victoria, chapter 3rd, by Edward Palmer, John Longworth, and W. H. Pope, Commissioners, and the second volume of the Local and Private Statutes was published by Edward Palmer and Joseph Hensley, Commissioners.

There was no consolidation in the sense that we mean. They simply took the laws that they found on the statute book and eliminated those that were no longer in force, and published the remainder. There was no revision, no placing of the statutes that had been passed on one subject together and forming a chapter of it, and going on from that and forming another chapter on another subject.

HON. MR. HOWLAN— No, there was not.

SIR ALEXANDER CAMPBELL—That completes the history of the work done in the three lower provinces. Then coming to Quebec, I find that the union of these provinces in 1842 rendered the labours in this consolidation of the statutes in the two provinces identical. They took place at the same time, and, although entrusted to different individuals, were reported upon together, and constituted a joint labour ; and after 1842 the history of the labours of these gentlemen who undertook to consolidate the statutes of Upper and Lower Canada and of the then Province of Canada can be told at the same time. There was some work done anterior to the union with Upper Canada, which took place in 1841. A revision of the Acts and Ordinances in force in Lower Canada at the Union was begun in 1842 and completed in 1845 by a commission consisting of Messrs. A. Buchanan, H. Heney, and G. W. Wicksteed. The commissioners made two reports, which, as well as a prefatory notice, were printed with the volume of Revised Statutes compiled by them.

Now that is what was done in the Province of Quebec anterior to the Union with Upper Canada. In the Province of Upper Canada anterior to that union :—

The first revision of the statutes in the new Province of Upper Canada was published in 1818. It consisted merely of a collection of the Acts of the Province of Upper Canada in force at that date, together with such Acts of the Imperial Parliament and Ordinances of the former Province of Quebec as affected Upper Canada.

In 1831, a collection of the statutes of Upper Canada, in force at that date, was published in Kingston by Messrs. Hugh C. Thomson and James Macfarlane, which, though a private enterprise, long supplied the place of a revision by authority.

I dare say the honourable member from Belleville can remember when the laws were collected in a large octavo volume published in Kingston. For many years it was the *vade mecum* for judges and law-

yers, doing away with the necessity of having a large number of volumes of acts which had been passed anterior to that date. That was the state of things with reference to the two provinces which now constitute Ontario and Quebec anterior to their union. There was published, as I have said, in Lower Canada a revision of the Acts and Ordinances of Lower Canada, by Messrs. Buchanan, Heney and Wicksteed, and in Ontario a revision of the statutes, apparently without authority, and in 1831, again without authority, as a private enterprise, by Messrs. Hugh C. Thomson and James Macfarlane. In 1840 the union took place between Upper and Lower Canada, and from that time up to 1867 the labours for the revision of the statutes, as regards those two provinces, were joint. In the preface to the work which was accomplished in those provinces there is a note as to the state of the Statute law in the Province of Upper Canada, of very great interest, which I am sure honourable gentlemen will allow me to read to the House :

> The history of the Statute Law applicable to the territory now comprised in the Province of Ontario dates from 1791.
>
> After the treaty of Paris, 1763, by which the French possessions in North America were ceded to Great Britain, a Royal Proclamation was issued on the 7th October, 1763, introducing the law of England, both civil and criminal, into the whole of the ceded territory, and forming a portion of it, lying towards the east, into the Province of Quebec. The Governor of the new colony received power and direction "so soon as the state and circumstances of the colony would admit thereof, to summon and call a General Assembly," but until this was done, the Governor and Council were invested with "authority to make such rules and regulations as should appear to be necessary for the peace, order and good government of the province." In 1774, the Quebec Act, 14 Geo. III. c. 83, was passed, by which French law was re-introduced in civil matters, and the limits of the Province of Quebec were enlarged, so as to include the whole of the territory afterwards formed into Upper Canada. The Quebec Act produced dissatisfaction, especially among the British colonists, and, in 1791, the Imperial Act, 31 Geo. III. c. 31, was passed, by which the Province of Quebec, as it then existed, was divided into the two Provinces of Upper and Lower Canada; the powers of legislation by the Governor in Council were taken away, and a legislature granted to each province, consisting of the Governor, a legislative council and a legislative assembly. The first Parliament of Upper Canada met at Newark, now Niagara, on the 18th September, 1792.

In 1840 was passed the Imperial Act 3 & 4 V. c. 35, to reunite the Provinces of Upper and Lower Canada; and the Union took effect by proclamation on the 10th of February, 1841. A revision was soon after begun of the Statutes of Upper Canada in force at the date of the Union. A commission for the purpose, dated 25th July, 1840, was issued to the Hon. John Beverley Robinson, the Hon. James B. Macaulay, the Hon. William Henry Draper and John Hillyard Cameron, Esq., and directed the commissioners "diligently and carefully to examine and revise the several statutes from time to time "passed and enacted by the Parliament of Upper Canada, and then in "force and effect; and to make such report upon the premises as in "their opinion should be most for the interest, welfare and good

"government of the province." The result of the labours of the commission was embodied in two volumes, the first containing Public Acts, the second, Local and Private Acts. The report to the Governor-General, in which the commissioners announced the completion of the work, is dated the 8th March, 1843, and was printed as a preface to the first volume. In this, as in former revisions, no consolidation, strictly speaking, of the statutes was attempted. The various acts in force were printed as they had been passed, omitting only such portions as had expired, or had been repealed, with notes stating the reasons for omissions, and giving the provisions, if any, which the legislature had substituted for repealed clauses; errors in the text were left uncorrected except by way of a note directing attention to them; and the revision did not receive authority by legislative adoption, but was nevertheless, by general use, practically substituted for the preceding volumes of statutes.

A revision of the Acts and Ordinances in force in Lower Canada at the date of the union of Upper and Lower Canada was begun in 1842, and completed in 1845, by a commission composed of Messrs. A. Buchanan, H. Heney and G. W. Wicksteed. The commissioners made two reports, which, as well as a prefatory notice, were printed with the volume of Revised Statutes compiled by them.

In 1856 was begun the first consolidation, properly so called, of the Statute Law. Two commissions were then issued, one on the 7th February, 1856, appointing Messrs. John Hillyard Cameron, Joseph C. Morrison, Adam Wilson, Skeffington Connor, Oliver Mowat and David B. Read to examine, revise, consolidate and classify the Public General Statutes affecting Upper Canada only; and a second, dated 28th March, 1856, appointing Messrs. A. Polette, Gustavus W. Wicksteed, Andrew Stuart, T. J. J. Loranger, Robert Mackay and George de Boucherville to examine, revise, consolidate and classify the Public General Statutes applying exclusively to Lower Canada: and each commission directed the commissioners therein named, jointly with the members of the other commission, to examine, revise, consolidate and classify the Public General Statutes which applied equally to both sections of the province.

Subsequently, the Messrs. Cameron and Morrison resigned, and in their stead, respectively, the Hon. J. B. Macaulay and S. H. Strong, Esq. were appointed. Afterwards Dr. Connor and Mr. Mowat also resigned, preparatory to their becoming candidates for election as members of the Legislative Assembly. The commissioners were in a later stage of the work, and especially during its final revision, assisted by his Honour Judge Gowan, County Court Judge of the County of Simcoe.

The first report of the commission was made on the 19th April, 1858, and drafts of the Consolidated Statutes of Upper Canada and the Consolidated Statutes of Canada were in 1859 submitted to the Governor-General, accompanied respectively by a report, dated January, 1859, by Sir J. B. Macaulay, the chairman of the Upper Canada Com-

mission, and a joint report dated 3rd March, 1859, by Sir J. B. Macaulay and Mr. Wicksteed, the acting commissioner of the Commission for Lower Canada. *(See Sess. Papers, 1859, No. 9.)* At the session of 1859 these two volumes were laid before the Legislative Assembly, and Acts were passed to provide for their coming into force by proclamation. Pursuant to the provisions of the last mentioned Acts, the enactments of the then session were incorporated with the consolidation; and the two volumes were by proclamation declared to come into force upon the 5th December, 1859.

On the 1st July 1867, by proclamation issued under the Imperial Act, 30 and 31 V., c. 3, the Province of Canada was, with the Provinces of Nova Scotia and New Brunswick, formed into the present Dominion of Canada. By that Act, known as "The British North America Act, 1867," the two divisions of the Province of Canada were once more constituted separate provinces, Upper Canada being called the Province of Ontario, and Lower Canada the Province of Quebec, and the power of legislation was divided between the Parliament of the Dominion and the legislatures of the provinces in the manner defined by the Act.

"The Revised Statutes of Ontario" were prepared by a commission appointed 24th July, 1874, composed in the first instance of the late Hon. William Henry Draper, Chief Justice of Appeal, the Hon. Samuel Henry Strong, Hon. George William Burton and Hon. Christopher Salmon Patterson, Justices of Appeal, the Hon. Attorney-General Mowat and Messrs. Thomas Langton, Charles R. W. Biggar and Rupert Etherege Kingsford, barrister-at-law. The Hon. Thomas Moss, upon his appointment as Justice of Appeal, the Hon. Samuel Hume Blake, Vice Chancellor, and His Honour Judge Gowan, County Court Judge of the County of Simcoe, were subsequently added to the commission. The work of the commission was three-fold :

First. To examine, revise, consolidate and classify such of the Public General Statutes, passed by the Parliament of the Province of Canada and applying to Ontario, as were within the legislative authority of the Legislature of Ontario.

Secondly. To examine and arrange in the manner most convenient for reference such of the Public General Statutes, passed by the Parliament of the Province of Canada and applying to Ontario, as were not within the legislative authority of the Legislature of Ontario ; and also the Statutes passed by the Parliament of the Dominion of Canada and affecting Ontario ;

Thirdly. To examine and arrange in the manner most convenient for reference the Statutes of the Imperial Parliament, printed with the Consolidated Statutes of Canada in 1859, as well as all Statutes since passed by the Imperial Parliament.

This commission made three reports dated respectively 12th December, 1874; 11th December, 1875, and 30th December, 1876. The first report was accompanied by tables showing the consolidation in outline. The second report announced the completion of the collec-

tion of Imperial Acts, and contained suggestions for legislation to remove discrepancies discovered in the course of the work, and otherwise to facilitate consolidation. Specimens of the work done were also submitted with this report. With the third report was submitted a draft of the Revised Statutes, which was laid before the Legislature at its session in 1877. A volume of 633 pages, being a portion of the collection of enactments of the Dominion of Canada and of the Province of Canada which were not within the legislative authority of the Legislature of Ontario, was presented with the second report; but the completion of this portion of the work of the commission was afterwards abandoned, in view of the preliminary steps which had been taken by the Dominion Government for a consolidation of statutes that would include the Acts of which the Ontario collection would have been composed. The enactments of the session of 1877 were, pursuant to the Ontario Act 40 V., c. 6, incorporated in the Draft Consolidation above mentioned by a commission appointed by the Lieutenant-Governor, composed of the following members: Hon. Chief Justice Draper, Hon. Mr. Justice Strong, Hon. Mr. Justice Burton, Hon. Mr. Justice Patterson, Hon. Mr. Justice Moss, Hon. Vice-Chancellor Blake, His Honour Judge Gowan, Hon. Attorney-General Mowat and Thomas Langton, Esq., Barrister-at-Law. The completion of their work was reported by the commissioners on the 20th November, 1877, to the Lieutenant-Governor, and the revision being approved of by him, a proclamation was, on the 7th December, 1877, issued, declaring the Revised Statutes to be in force on, from and after the 31st December, 1877.

Now, that brings the history of the consolidation in the old Province of Canada, now Ontario and Quebec, down to the time of the union. I therefore leave it there and take the next province going westward. In the Province of Manitoba the statutes were consolidated in 1880, and the Act authorizing the preparation of the work is the 41st Vic. cap. 43. It provided that any judge of the Court of Queen's Bench for the Province of Manitoba with his consent might be appointed a commissioner. I believe that the work was done by the late Chief Justice Wood, but I am not absolutely sure on this point.

HON. MR. GIRARD—It was so.

SIR ALEXANDER CAMPBELL—In British Columbia the laws were revised in 1871, the commissioners being Henry Peering Pellew Crease, George Phillopo and Edward Graham Alston. There was a further consolidation in 1877, when the commissioners were Henry Peering Pellew Crease, Andrew Charles Elliott and John Foster McCreight. There is a note here that this consolidation has never been considered authentic and having the force of law in British Columbia—not yet at all events. I have gone over slightly the efforts made in the different provinces of the Dominion to consolidate their laws anterior to Confederation as regards them all, and anterior to their coming into the Union as regards British Columbia and Prince Edward Island. Now,

the first effort that was made after the union of all the provinces to consolidate the various statute laws affecting the Dominion was on the 15th November, 1881. A commission was issued to the late Mr. Cockburn, formerly Speaker of the House of Commons, a gentleman well known and highly esteemed by all who knew him, and well known to every member of this House. He was appointed a commissioner to perform the preliminary work necessary for the revision and consolidation of the laws of Canada, and Mr. Fergusor, a barrister of this town, who was a member of the last commission, was his secretary. Between them they did a great deal of work which was afterwards used by the Commission who consolidated the statutes and by whom it was found to be of the greatest possible value. I was Minister of Justice at the time, and I had from Mr. Cockburn a report showing the labour which had been done by himself and Mr. Ferguson during the time that they were employed in getting together the materials for the work which was afterwards to be done by the Commission. I will venture to trouble the House with reading a passage or two from this report. It is dated the 30th September, 1882, and is addressed to myself as Minister of Justice:

Sir,—The Commissioner appointed by a commission issued under the Great Seal of Canada on the fifteenth day of November, in the year of Our Lord one thousand eight hundred and eighty-one, to collect, examine and classify in the manner set forth in said Commission the statutes passed by the Parliament of the Dominion of Canada since the first day of July, one thousand eight hundred and sixty-seven, and unrepealed, and the statutes in force in the several provinces of Canada at the time of their respectively becoming members of Confederation, relating to subjects which under the British North America Act of 1867 are within the exclusive jurisdiction of the Parliament of Canada, has the honour to report as follows:—

The Commission recites in substance "that whereas it has become necessary to revise and consolidate the statutes of Canada, and whereas, each of the provinces of Canada before Confederation possessed legislative authority over and passed laws in respect to matters now within the exclusive legislative control of the Parliament of Canada;"

"And, whereas, the British North America Act continues these laws in force until repealed and altered by the Parliament of Canada, some of which have been so repealed or altered, some remain still laws of the province in which they were enacted, some are local in their nature, not capable of being extended to the whole of the Dominion of Canada, while others might properly be extended to the whole or other parts of Canada, and it is probable that some of them should be entirely repealed;"

"And whereas, certain schedules of Acts requiring examination have already been prepared, and, whereas, for the proper revision and consolidation of the laws of the Dominion of Canada it is necessary that further examination, collection and classification of the several statutes of Canada should be made;"

The Commission then proceeds to define substantially, in the language following, what is required to be done by the commissioner, that is to say:—

1. "He is to complete the schedules already prepared as above mentioned.'

2. "To examine the statutes passed by the Parliament of Canada since the first day of July, in the year of our Lord one thousand eight hundred and sixty-seven."

3. "To collect therefrom all those enactments which are still in force."

4. "To note the enactments of the old provincial statutes which have been repealed or altered."

5. "To classify all unrepealed enactments according to subjects, care being taken to distinguish those applying to the whole Dominion from those applying to one or more of the provinces only."

6. "And generally to make such examinations, classifications and collections of the said statutes as may be necessary and preliminary to the proper revision and consolidation thereof, and in accordance with such instructions as may be given from time to time in that behalf by the Honourable the Minister of Justice of Canada."

The schedules referred to as having been prepared before the issue of the Commission, and which were received by the commissioner from your department, were nine in number, eight of them containing lists of the Public General Statutes of each of the provinces passed before the dates of their respectively entering Confederation, except as regards the provinces where consolidation of the provincial statutes had taken place, in which case the consolidated enactments and the statutes passed subsequent to such consolidation only are set forth in said schedules, and the ninth schedule containing a list of all the Public General Statutes of the Dominion of Canada, from the first day of July, one thousand eight hundred and sixty-seven down to and inclusive of, the Parliamentary Session of one thousand eight hundred and seventy-seven.

The lists of the statutes of the several provinces are contained in the first eight schedules as follows:—

1. The Consolidated Statutes of Canada.
2. The Consolidated Statutes of Upper Canada.
3. The Consolidated Statutes of Lower Canada.
4. The Statutes of the Province of Canada.
5. The Revised Statutes of Nova Scotia (3rd edition), and subsequent statutes of that province down to the first July, one thousand eight hundred and sixty-seven.
6. The Revised Statutes of New Brunswick of the year 1854, and subsequent statutes of that province down to the first day of July, 1867.
7. The Revised Statutes of British Columbia of 1871, when that province entered Confederation.
8. The Statutes of the Province of Prince Edward Island down to the year 1873, when that province entered Confederation.

In each province of the Dominion except one there had been at least one general consolidation of the provincial statutes prior to such province becoming a portion of the Dominion, but in the Province of Prince Edward Island there never appears to have been any such consolidation, although the statutes of that province have at different times prior to the entry thereof into Confederation been revised, classified and re-printed.

The first eight schedules already mentioned, in addition to containing lists of the consolidated and subsequent provincial statutes passed prior to the Confederation of the provinces respectively, purported to show which of these statutes were of a purely provincial character, and which of them related wholly or partially to subjects now within the jurisdiction of the Parliament of Canada, and also which of them had been repealed, superseded or amended either by subsequent enactments of the same provinces passed prior to Confederation or by legislation of the Parliament of Canada in any Session thereof between the 1st day of July, 1867, and the first day of July, 1877.

So that the House will see that up to that time a list had been prepared of the general statutes passed by the province before Confederation on subjects which after the Confederation fell within the genera

power of the Parliament of Canada. These, together with the Consolidated Statutes of Canada, the Consolidated Statutes of Upper Canada, the Consolidated Statutes of Lower Canada, the Revised Statutes of Nova Scotia, New Brunswick and British Columbia, and the Statutes of Prince Edward Island down to 1873 were all transferred to Mr. Cockburn, as a commissioner, for the purpose of his work.

Then he recites his work :—

In order to carry out the requirements of the Commission the first work devolving upon the commissioner was the completion of the schedule already mentioned as the ninth, containing a list of all the Public General Statutes of Canada down to and inclusive of the last Session of Parliament, which he accordingly completed.

The commissioner, as the second branch of the work required under said Commission to be done, then examined the statutes set forth in the last mentioned schedule so completed, and prepared as the result of such examination a new schedule indicating in the proper columns thereof (in addition to its being a list of all the statutes passed in each year between 1867 and 1882 inclusive):

1. Those which were of a public general character.
2. Those which had been repealed, and the statutes by which they had been repealed.
3. Those which had become effete.
4. Those which had been passed for only a temporary purpose.
5. Those which had been amended, and by what statutes the amendments were made.
6. And, lastly, the provinces of the Dominion to which the said statutes were respectively applicable.

The third requirement of the Commission was complied with as incidental to the preparation of the schedule last mentioned, indicating as it does which of the statutes so examined remain in force.

The schedule last mentioned, containing what has just been described and complying with the second and third requirements of the Commission, involved necessarily the examination of over seven hundred Acts of Parliament, or, in other words, of all the legislation of a public general character passed by the several Parliaments of the Dominion of Canada which have existed at any time between the 1st day of July, 1867, and the dissolution of the last Parliament.

The fourth branch of the work to be done under the Commission was carried out by the commissioner concurrently with the examination of Dominion Statutes directed to be made as the second requirement, consisting as said fourth branch did of annotations made in the proper columns of each of the eight schedules first mentioned, indicating which (if any) of said Provincial Statutes therein-mentioned had been repealed, superseded or amended by Dominion legislation, and by which of such statutes they were so repealed, superseded or amended.

The first, second, and fourth branches of the work having been so dealt with, they formed the basis or material for "the collection and classification of all unrepealed enactments" required as the third and fifth branches of the commissioner's work, and these latter requirements, as well as the one last mentioned in the Commission, were partially complied with by the commissioner in the following manner:—

1. By the preparation of an analytical digest or "classification of all unrepealed Acts of a public general character, passed by the Parliament of Canada, and of Acts of the Provinces of Canada, Nova Scotia, New Brunswick, British Columbia and Prince Edward Island, passed by the legislatures of

these provinces prior to their respectively joining the Confederation, and relating to matters subject under the British North America Act to the legislative authority of the Dominion of Canada," arranged so far as the order of subjects therein is concerned as nearly as practicable in accordance with the plan of arrangement or classification adopted in the Consolidated Statutes of Canada.

This collection, classification or digest contains eleven chief titles and two hundred and fifty-seven subjects or titles of chapters, indicating all the subjects of legislation which, in the commissioner's opinion, should be consolidated in order to form the Consolidated Statutes of the Dominion of Canada, and each and every statute or portion of a statute affecting these subjects necessary to be considered and taken into account in carrying out the said consolidation.

In respect of some subjects of Dominion legislation, the Provincial statutes passed before Confederation have not been repealed, no laws having been passed by the Parliament of Canada in respect of such subjects, and as a result according to the British North America Act of 1867 the Provincial laws remain in force.

In respect of other subjects, although Acts have been passed by the Parliament of Canada, the old Provincial laws have not been expressly repealed, the enactments either superseding in effect such Provincial laws, or enacting that said Provincial laws are thereby repealed only so far as inconsistent with the new enactments.

In some of the Provincial statutes passed before Confederation, the main subjects of which are still within Provincial legislative jurisdiction, clauses were enacted constituting felonies or misdemeanors, or otherwise affecting the criminal law, or affecting some other subject, which is now exclusively one of Dominion legislation, and although the statutes themselves may have since Confederation been repealed by other Provincial enactments, as in some cases is the fact, so far as could thereby be done, these particular sections or clauses still remain law in these Provinces, and should be dealt with in carrying out the general consolidation.

In preparing, therefore, the said classification or digest, and in order to call attention to all the enactments required to be considered in carrying out the consolidation, the plan adopted by the commissioner was to indicate in the digest opposite to each subject therein and on the same page thereof,—

First, in black ink, all the statutes or portions thereof which clearly had to be consolidated under that particular subject, and when they applied to only one or more provinces that also was indicated in the same coloured ink.

Second, in red ink, all those statutes or portions of statutes relating to the subject, but as to which it was uncertain whether they had been impliedly repealed or superseded, and which the commissioner considered should be carefully examined in the course of the actual consolidation, mentioning also the provinces to which the same were applicable.

Second, after making the collection and classification in the form of an analytical digest of the unrepealed statutes of the Dominion of Canada and the provinces before their respectively entering Confederation, on subjects now under the legislative control of the Parliament of Canada, under their respective subjects, as already at length described, the commissioner, having been provided by your Department with the requisite number of the printed volumes of the Statutes, and also with suitable blank books for that purpose, took from the printed volumes all the statutes and portions of statutes in each particular object, and indicated opposite to each subject in the classification or digest, and placed them in the blank books, so as to exhibit in these books not only the subjects of legislation to be consolidated and the chronological order and description of the statutes relating thereto, but also the actual statutes as amended from time to time, omitting, where any repeal had

taken place, any clauses so repealed, and inserting the new clauses substituted therefor, or, when the original clauses were amended only by subsequent legislation, then leaving the original clauses in the body of the statute so transferred to the blank book, and placing in the opposite or subsequent pages thereof the amending clauses or enactments with a reference in the margin of each page of the book identifying the amendments with the original Act, in the margin; also, of the page at the beginning of each statute so embodied in said books, the names of the provinces to which these statutes apply are annotated, as well as the amendments thereto, and the extension thereof, by any statute, to other provinces.

The statutes, or portions of statutes, indicated in red ink, in the classification or digest which require to be considered in the course of the consolidation, are also either taken bodily from the printed volumes containing the same and placed on the pages of these blank books opposite to those showing the statutes to be consolidated, or else only the caption, chronological description and province to which these statutes requiring to be investigated relate are so placed on the opposite pages already described, when as was the case in respect to some of the provincial statutes it was impossible to procure any copies of the said printed volumes.

The books just described are thirteen in number, of about three hundred and fifty pages each, containing "in extenso," as already set forth, all the legislative enactments indicated in the digest or classification on the subjects mentioned therein which constitute the matter of consolidation and consideration in the course of such consolidation.

Each of said books is properly indexed by subjects and pages, so as to afford a ready means of reference to the statutes relating to each subject contained in the said books respectively.

The British North America Act of 1876 and the amendments thereto are placed on the first pages of the first of said books, as these Acts will doubtless be frequently referred to in the course of the consolidation, and will, no doubt, be published in the opening portion of the first volume of the Consolidated Statutes of the Dominion.

In consequence of the impossibility already referred to of procuring any copies of the printed volumes containing some of the Provincial statutes requiring to be referred to, with the exception of the volumes in the Parliamentary Library, the commissioner, in accordance with authority received from your Department, procured written copies to be made of some of said Provincial Statutes, which are required for reference or otherwise in the course of said consolidation.

The commissioner has the honour, therefore, to submit the above as the result of his labours up to this date under the Commission, to him directed, as before mentioned, that is to say:

1. The nine schedules completed as directed by the Commission.
2. The new schedule, already described, of the statutes of the Dominion of Canada.
3. The classification or analytical digest, also fully described.
4. And lastly, the thirteen books containing the material to be consolidated as the statutes of the Dominion of Canada, or which requires to be referred to in the course of such consolidation.

There remains still to be performed a very important portion of the work directed to be done under the Commission before the contemplated revision and consolidation takes place, that is to say, the preparation and arrangement of the actual Statute law so collected and placed in the said books into the form of new chapters as nearly as possible, as the same will appear in the complete volumes of the proposed Consolidated Statutes.

This last branch of the work, which will require great care and consideration, is just being entered upon, but when it is completed the actual revision

and consolidation can then proceed without delay and with all the material therefor in a complete state of preparation.

That indicates, in an insufficient manner, the great work done by Mr. Cockburn. I desire to dwell upon it, because Mr. Cockburn, I think, gave a great deal of time and industry and ability to the work, and because I think at the time the extent of his work and the merit of it and the results which he had accomplished were not generally appreciated, and therefore I desire and have endeavoured to dwell at some length upon the value of the work which Mr. Cockburn rendered to the country during the time that he was the sole commissioner. He was not appointed for the purpose of consolidating the statutes, but to perform the preliminary work necessary for the revision and consolidation of the laws of Canada. His commission ran:—

"To complete the said schedules already prepared and to examine the statutes passed by the Parliament of Canada since the first day of July, in the year of our Lord one thousand eight hundred and sixty-seven, and to collect therefrom all those enactments which are still in force, and to note the enactments of the old Provincial statutes which have been repealed or altered; also to classify all unrepealed enactments according to subjects, care being taken to distinguish those applying to the whole Dominion from those applying to one or more of the provinces only, and generally to make such examinations, classifications and collections of the said statutes as may be necessary, preliminary to the proper revision and consolidation thereof, and in accordance with such instructions as may be given you from time to time in that behalf by our Minister of Justice of Canada."

The House will see by the statement I have made that he performed his work with great industry, and I am sure that anyone who examines the work will say with great ability. The results of his labours form thirteen volumes of matter which were afterwards the basis on which the commission, whose work is now on the table, framed their work. On the 16th June, 1883, a Commission for the revision and consolidation of the laws of Canada was constituted, consisting of myself, the Hon. James Cockburn, Q.C., and Messrs. J. L. Ouimet, Wallace Graham, Q.C., George W. Burbidge, Alexander Ferguson and William Wilson; Sir Alexander Campbell being chairman, and William Wilson, secretary. I may observe that the part which I took in the Commission was not of an active character, and I am free to speak of the work which they did in the terms of praise which it deserves. My name was placed on the Commission simply that there might be some means of intercourse between the Commission and the Government, and that we might keep control, so far as necessary, of the Commission, and not that I could myself give time to assist them in their labours. The Commission was constituted with the names I have mentioned. Not long afterwards we unfortunately lost Mr. Cockburn. The Hon. Mr. O'Connor, who has since been appointed a Justice of the Queen's Bench Division of the High Court of Justice of Ontario, was named to succeed Mr. Cockburn. Shortly before his appointment, and before he became a member, the Commission met in Ottawa and divided the

work amongst them. I was present at that meeting, and we thought then that the better way would be to divide the work—each commissioner taking so many chapters. They were divided in such a way as to give, as far as possible, groups of subjects to the same person, so that those matters with which his mind had become familiarized might be more or less those which would constitute the whole of his labours, and with that view, at our first meeting, the work was divided and each commissioner took certain subjects and all the statutes relating to those subjects. The commissioners then separated, and the work of each commissioner, or the individual labour which he had assumed to discharge for himself, was afterwards submitted to the general commission and revised by them—gone over in detail by them—each chapter and each line of each person's work gone over by the Commission at large. This was repeated twice.

Therefore each chapter represents the individual labours of one commissioner in its preparation and the labour of all the members of the Commission in going over the whole of the work on two different occasions. It was thought necessary to do this to avoid, as far as we could, mistakes and omissions. Our first report was presented to Parliament in the Session of 1884. We had then arrived at the 62nd chapter, and the report that was presented to Parliament that year contained 62 chapters out of 178, of which the work now consists. Great pains were taken to distribute these 62 chapters throughout the Dominion. They were sent to all the judges of all the courts, to the professional men, to the recorders and to the stipendiary magistrates—in fact to everybody we could think of who was at all likely to take an interest in this subject. I had hoped that we should have been favoured with some advice as to the then result of our endeavours, and that we might have had the opportunity, perhaps, of having the opinions of others, and of being assisted by them in the final revision of our work ; but men are so busy with their own affairs and their own duties and labours that we were disappointed, and we received no comments upon the subject whatever. The work was finally finished, as it is now laid upon the table, shortly before the beginning of the present session of Parliament. Some delay occurred in the printing, and I believe that the second volume is not yet complete in French, though it is nearly ready. Two volumes are prepared in English, as honourable gentlemen have seen, and one of the volumes in French is ready. That is the state of the work which has been accomplished by the Commission. That it is absolutely correct I cannot for a moment contend ; that it is approximately correct I earnestly trust and believe. I know that very great pains were taken by the commissioners, who were men eminently qualified for the work which they undertook, and they applied themselves with wonderful industry and continuous exertion and attention to the task which was placed before them. I may say to the House that, in addition to the labour which each individual commissioner undertook in the revision of

particular statutes which were set apart for him, and which was very great, and which occupied his time very much during the interval between the meetings of the Commission, there were 256 meetings of the Commission itself, each of which meetings lasted—for we counted the meetings—upwards of five hours, for the purpose of going over the work of the individual commissioners. I hope the result may be, if errors are found to exist, that they will not be very numerous, and that no public inconvenience may result. I may say confidently that every effort has been made by the commissioners to avoid errors.

Then, the House will be glad to know what the expense of the Commission has been as compared with the expense of former commissions upon the same subject. It is very difficult to get at the expense of the former Commissions accurately, apart from the cost of printing. Such information as I have been enabled to obtain I will give to the House. The House will of course understand that the cost of printing varies very much according to the size of the volumes. The cost of consolidating the statutes of Canada and of Upper and of Lower Canada amounted to $40,714, chiefly, I apprehend, in salaries, because I see the total votes for the purpose amounted to $128,400. That revision in which my honourable friend from Barrie (Mr. Gowan) took part ran over, apparently by the sums voted, the years from 1856 to 1865, and during those years the sum voted for the consolidation of the statutes, as I before stated, amounted to $128,400, while the apparent sum paid for salaries—I do not assert it positively, but the apparent sum paid for salaries was $40,714, leaving the difference between that and $128,400 for printing contingencies or other purposes, but it may also be that the whole of the sum may not have been expended; it may have been a surplus vote. The last vote seems to have been in 1864-65, $6,000. I have no information as to the cost of this service in the Maritime Provinces. I am obliged therefore to confine myself to the cost of what has been done in Upper and Lower Canada. Now, as to the cost of the revision of the statutes in Ontario which has been accomplished (I did not mention that in my little historical account of the statutes, because it has been done since Confederation), and which are contained in two large volumes, it amounts to $74,788, as appears in the accounts of Ontario. The gentlemen who were upon that Commission were not paid. The commissioners were Justices Strong, Burton, Patterson, Moss, Gowan, Vice-Chancellor Blake and Attorney General Mowat. And they gave their services without remuneration. The gentlemen who were remunerated and who did the work were Messrs. T. Langton, C. R. W. Biggar and R. E. Kingsford. The cost of the work which is now under consideration will be about $70,000. The amount which has been already voted is about $58,000, but there is the printing of the statutes and the completion of the translation, which, it is estimated, will cost $12,000 more. The votes for this sum were taken in the years 1881-82-83-84. Included in this is a large sum, $11,-

000, for the type. The type upon which the statutes were printed was purchased by the Queen's Printer—I cannot explain to the House why that was thought best, but the type was purchased by the Government and belongs to the Government. The expenses of Mr. Cockburn, whose name I have mentioned, amounted to $8,483, and of Mr. Ferguson, the secretary of Mr. Cockburn, $1,666, and of Mr. O'Connor during the time he was appointed on the Commission, $3,973—making a total of $14,122. To this is to be added the expense of the present Commission, and which swells it up to, as I said before, $58,000, and the further sum which it will cost to publish these statutes, and the numbers which we desire to see published, $12,000, making the total expense of consolidating the laws of the Dominion some $70,000, so that the House will see that, while the work, we hope, has been done well, we have not spent apparently out of proportion to the expenditure which has taken place on similar and previous occassions. If our expenditure is put down at $70,000—the whole expenditure in consolidating our laws ; the statutes of the two provinces, Upper and Lower Canada, and the Province of Canada amounted to $128,000, and the expense of consolidating the statutes of Ontario, done since Confederation, amounted to $74,788, I think we have not exceeded much in regard to expense. Then it must be borne in mind that in consolidating the statutes of Ontario my honourable friend from Barrie and his colleagues on that Commission did not receive any pay. As we in Ontario have had the statutes of this province revised since Confederation, so, in the province of Quebec, they have had their statutes revised since Confederation, the revision there having, I believe, been entrusted to Mr. Justice Loranger. I believe he has been going on with the work for some time, and is still engaged at it, so that we will have before long a complete consolidation of the Statutes of Quebec, as we now have of Ontario. I have alluded to what has been accomplished in other provinces. With reference to the character of the work that has been done by the present Commission, I desire in the first place before alluding to the work itself to read to the House the commission under which they acted, or some passages from it, to show exactly what they were to do. They were constituted and appointed a Commission to examine the statutes passed by the Parliament of Canada since the 1st July, 1867, "and to collect therefrom all those enactments which are still in force, and to note the enactments of the old Provincial statutes which have been repealed or altered ; also to classify all unrepealed enactments according to subjects, care being taken to distinguish those applying to the whole Dominion from those applying to one or more of the provinces only, and generally to make such examinations, classifications and collections of the said statutes as might be necessary, preliminary to the proper revision and consolidation thereof" and they were "to revise and consolidate them." Acting upon that Commission several very serious questions at once presented themselves—questions with which the commissioners had at once to deal, and I trust that the mode in which they dealt with them will meet with the

approbation of Parliament. In the first place a difficulty presented itself almost immediately with reference to the course which was to be pursued in regard to the code of Lower Canada, which has the force of a statute. It was put into operation by a statute passed in the 29th year of Her Majesty's reign. The code, as honourable gentlemen know, embraces laws of all kinds and descriptions and with reference to every possible subject, not of Statute law only or principally, but what may be called the common law of the Province of Quebec—the whole of the laws which govern the Province of Quebec are supposed to be found in the code, save those which have been enacted by Parliament since. These laws most of them, were in force in the Province of Quebec without reference to the Statute which gave the code effect—that is, the laws upon all kinds of subjects existed in Quebec previous to 29th Victoria; laws relating to marriage; laws relating to commercial matters; laws relating to land matters; and governing the relations between parent and children—all these were in force by the common law of the province, derived partly from the old Roman law, partly from the *Coutume de Paris*, and partly from the decisions of the judges at different times in Lower Canada. It all existed there, and the code only placed it in a convenient way for the purpose of being studied and followed, and the question came before the commissioners, what are we to do with the code of the Province of Quebec? We thought it related to so many matters as to which it did not derive force as a statute that we should not include it in our revision. We thought it should be treated as the common law in other provinces. One subject which pressed very much on us was the law with respect to bills of exchange and promissory notes. There is a law in Quebec found in the code, dealing with that subject from its foundation,—fundamentally, and also practically, saying what constitutes a promissory note, and what constitutes a bill of exchange, and what are its necessary features, what are the things that may be dispensed with, and what cannot be conclusions, which we in other provinces have arrived at by common law and by the result of judicial decisions. It seemed to us to be an unwise thing to seek to enact for the Province of Quebec alone a law with reference to bills of exchange, and that as we had no power of codifying or legislating it would not be a wise thing for us to try to deal in this consolidation of the statutes with laws on bills of exchange at large or with the commercial code—that we should leave them aside. On such subjects the Parliament of Canada will no doubt, in due time, pass laws which will affect every province of the Dominion, which will be general, and which will be identical in all the provinces; and therefore we thought we were relieved from the necessity of endeavouring to deal with the law of Quebec as affecting promissory notes or bills of exchange and commercial subjects generally, unless we found these were subjects touched upon by statute law. Wherever we found them touched upon by statute law we dealt with them as with the laws of other provinces; but when they were not touched upon by statute law we left them as

standing in the same position as the common law of other provinces. Then there is the measurement of lumber in the Provinces of Nova Scotia and New Brunswick. This matter was referred to counsel by the Commission, and the counsel decided that it was a matter for legislation and not for consolidation. Then we found laws which it would be very difficult to re-enact, and which some honourable gentlemen might have conscientious scruples against re-enacting, and these laws we thought should therefore be omitted. I refer now to the law of divorce which exists in Nova Scotia, New Brunswick and Prince Edward Island, and on which no statute of this Parliament exists; but we thought it would be very inconvenient to propose to Parliament to legislate with regard to, and to re-enact by Dominion legislation, laws which exist now in those provinces upon so delicate and complicated a subject, and therefore we have left those laws as they are. We propose to publish them as they are—laws originated in those provinces anterior to Confederation and on subjects over which they had then control, and which it is not desirable to incorporate with our work, because our work, we hope, is about to receive the endorsation of this Parliament. The course we have pursued is the ordinary one which has been taken in every case where the statutes have been consolidated. Those statutes which we did not touch for reasons such as I have mentioned, or for other reasons which we thought good, are classified and put in schedules—schedules at the end of the second volume of statutes. Honourable gentlemen will find them in the second volume of the consolidated Statutes which were laid on the table. Schedule B. contains all the Acts which for such reasons as I have mentioned, or for other kindred reasons, it was thought best not to include in the consolidated work. It would have been very difficult—impossible—for us to have sought the legislative sanction of Parliament had we introduced into our work any legislation on such subjects as these that I have mentioned; and with reference to commercial subjects, so far as any legislation has dealt with them, we have inserted them. Where no legislation has dealt with them, and in the case of bills of exchange and promissory notes, we hope to have presented to Parliament hereafter some general law which shall touch on that subject and be universal for the whole Dominion. In the meantime the work which we offer to Parliament will include the whole of the Statute law of the Dominion with the exceptions that I have mentioned and those exceptions, which all appear in these schedules and the reason for them, and these reasons are the same in substance as the reasons I have mentioned, and which have been given in every consolidation for the omission from the work of certain Acts, save that I think in the case of a consolidation of this kind of the laws of the different provinces the reasons are stronger than they can have been for omissions from the consolidation of the laws of any one particular province. These were the reasons which actuated us in omitting from the work certain statutes from the Code of Lower Canada, where it has not been affected by legislation, and certain statutes of the different pro-

vinces which will be found in the schedule to which I have referred. It is not expected that the two volumes of the Consolidation which are on the table will be the end of the matter. We propose to publish another volume which shall contain :—

1. The Imperial Statutes affecting Canada ;

2. Imperial treaties and Imperial Orders of Council affecting Canada ;

3. Proclamations and Orders of Council in Canada having the force of law ;

4. The Acts and parts of Acts mentioned in Schedule B in the second volume of the Consolidation on the table.

It would follow that any of the Acts in this schedule, as the subjects come to be dealt with by general legislation applicable to all parts of Canada, would be repealed, so that in course of time we should have, as we ought to have as far as possible, general laws applicable to the whole of Canada. Now I will read to the House some notes which have been given to me showing the manner in which the work was discharged with reference to a few chapters, and giving the information which I propose to place before the committee to whom I hope the work will be referred, which will be of great use in guiding them as to the course which was pursued by the Commission. I will take chapter 1, "An Act respecting the form and interpretation of laws."

This chapter is a consolidation of sections 1 to 8, and [illegible] the Interpretation Act, 31st Vic., chap. 1, and the several Acts in amendment of those sections. A few provisions from 35th Vic., chap. 27, relating to quarantine; 37th Vic., chap. 9, relating to elections; 37th Vic., chap. 10, relating to controverted elections, and 42nd Vic., chap. 47, relating to Dominion Day, have been incorporated with the chapter. The 13th, 14th and 15th paragraphs of section 7 are new, and are introduced for the purpose of making the statutes applicable to the North-West Territories.

The 20th and 21st clauses of section 7 of the "Interpretation Act" have been omitted from the Interpretation Act, and incorporated in their proper place in the criminal law.

Clause 35 of section 7, which makes provision for limitation of actions for penalties and forfeitures, is consolidated from the several Provincial Acts relating to that subject in force at the time of the Union.

Then Chap. 5.—An Act respecting representation in the House of Commons.

This draft chapter is made up of Acts of the Parliament of Canada, of the late Province of Canada and of Lower Canada, which, with the provisions of the British North America Act, constitute the present law on this subject. The provisions of the British North America Act are proposed to be taken in the draft as a re-enactment, with a reference in each case to the section of the British North America Act with which they correspond, it being, of course, beyond the power of Parliament to consolidate, as such, any provisions of the British North America Act. A considerable amount of re-drafting and re-arrangement had to be done, as is apparent in the drafting of this chapter. The order in which the districts are taken in the draft is, as far as possible, the geographical one. The legislation as to the electoral districts in the Province of Quebec is given in the original Acts respecting them, and

owing to the numerous amendments made in the metes and bounds of these districts rendering it impossible for the Commission to give effect to them otherwise than by re-enacting the provisions as to the boundaries by reference to the original Acts and amendments thereto. It was found to be impracticable to describe the present boundaries of the constituencies of Quebec wherever they had, as was very frequently the case, been amended by having portions of counties, townships, parishes or lots taken away from or added to them. The draft chapter, however, re-enacts, by reference as already described, the existing provisions in the statutes on the subject.

Chap. 7.—An Act respecting elections of members of the House of Commons.

This chapter is the result of a very considerable re-drafting and re-arrangement of the present legislative provisions on the subject. It is thought that the arrangement submitted in the draft will be found much more natural and convenient than that of the original chapters. Attention is drawn by the aid of italics to a few additions and changes throughout the Act, which are submitted as necessary to carry out the evident intention of Parliament in the original Acts, although not therein fully expressed; such as, for example, in section 65, where we have distinctly provided for the carrying out of "a final addition" by the judge of the votes as shown in the statements of the deputy returning officers, instead of a recount of the ballots, if the applicant so desires, which final addition it is quite apparent by line 19 of section 14, of 41 Vic., chap. 6, was intended to be provided for as well as a recount of the ballots, although the further necessary provisions to carry out the final addition by the judge are omitted in the present law. There did not appear to the Commission to be any good reason for the distinction in the penalties provided for in sections 97, 98, and 99 of this chapter, and it is therefore suggested, as appears in the note to section 98, that the penalties should be made the same. If this suggestion is adopted, sections 98 and 99, as they appear in the draft, must be amended accordingly. In section 131 power is given to the commissioner for taking affidavits in any provincial court to administer oaths requisite under this Act.

Chap. 27.—Consolidated Revenue and Audit.

This is the principal financial Act of the consolidation. After preliminary matter, the several charges upon the Consolidated Revenue Fund, in the order of their priority, are set forth. These have been collected from the Acts creating them, and the authority is given in each instance. Then follow provisions respecting the public debt and the raising of loans. The remainder of the Act directs how the public revenue is to be dealt with, and is almost entirely from the Audit Act, 41 Vic., chap. 7. In sections 25 and 28, the Minister of Finance is substituted for the Governor-in-Council; this is done for uniformity. See note at the end of sec. 25. Section 71 of the draft requires amendment; see note at the end of that section. The Acts and sections taken are mentioned in the table at the end.

On every occasion where there was any change, it is either printed in italics, or there is a note calling attention to it, so that when the committee go through the volumes they will find at once where a change is made. Now we take the chapter on Customs. Chap. 30:

The Act respecting the Department, 31 Vic., chap. 43, is taken, except s. 4 (superseded) and s. 6 (repealing clause). The Customs Act of 1883, as amended by 47 Vic., chap. 29, forms the greater part of the chapter. This has been entirely re-arranged, so as to obtain a more convenient sequence.

The various branches of the subject have been grouped under sub-titles. Certain sections hitherto placed in the several Tariff Acts have also been consolidated here, as more properly belonging to the subject of this chapter. These are 31 Vic., chap. 7, s. 8 (importation of arms); 35 Vic., chap. 2, ss 3, 4 and 5 (Treaty of Washington); 37 Vic., chap. 6, s. 9 (value for duty of certain articles); 42 Vic., chap. 15, ss 9, 10, 11 and part of schedule (valuation for duty); 43 Vic., chap. 18, s. 1, part (valuation for duty); and 47 Vic., chap. 30, s. 4 (allowance for deterioration).

Section 5 of draft; canal tolls were transferred to the Department of Inland Revenue by Order-in-Council of 31st December, 1869.

Section 141 of draft was re-drafted so that the provisions respecting writs of assistance might be the same in the Customs and Inland Revenue Acts.

Section 159. The term "incorporated company," instead of "unincorporated company" appears to have been inserted in the consolidation of 1883 by a clerical error. It has been changed back to what it was in the Act 40 Vic., chap. 10, s. 142.

Section 218, "two justices" is recommended instead of "one or more justices," so that this section may be uniform with the rest, there appearing to be no reason for a differing provision in this case.

Section 245. An appeal from the Circuit Court in the Province of Quebec to the Court of Queen's Bench should be provided for. This has been done, and the new matter printed in italics.

Take Chap. 34.—Railways and Canals.

The division of the Department of Public Works, the special legislation respecting Government railways, and the extension of the powers of the official arbitrators to subjects other than those under the control of the Departments of Public Works and Railways, rendered it necessary to prepare a consolidation of the provisions relating respectively to the Department of Railways and Canals, to Government Railways, to Public Works, to eminent domain and to the official arbitrators, in separate Acts.

The first of these is c. 34, respecting the Department of Railways and Canals. The portions of the Public Works Acts, 31 Vic., c. 12, and 35 V., c. 24 (see table at end of chapter), consolidated here, are made to apply to the Department of Railways by 42 V., c. 7, s. 5. They, therefore, appear both here and in the following chapter respecting Public Works, the necessary changes being made. The parts of 42 V., c. 7, which relate to the Department, are also taken, together with several sections (see table at end of chapter) of the Government Railways Act, 44 V., c. 25, which are more appropriately placed here, 46 V., c. 5, relating to certain powers of the Minister, is also consolidated.

Then we come to Chapter 38.—An Act respecting Indians.

The present laws respecting the Department of Indian Affairs, the government of the Indians, and respecting their rights and property, have, except in so far as contained in Chapter 20 of the draft, been consolidated in this chapter. A great deal of re-drafting and re-arrangement had to be done in preparing this chapter. The sections in the original acts were, in many cases, very long and involved, and, although some of the draft sections are also lengthy, a great deal has been done to make them more easily understood and convenient for purpose of reference, by dividing them into new sections and sub-sections, as far as practicable, and by arranging them under sub-heads and re-arranging the order of them.

I will not detain the House by reading the whole of this paper, as it goes into each particular chapter, but I desire to read a passage here and there in order to show what has been done. Take chapter 103.—An Act respecting Railways.

The note in the draft to sub-section 4 of section 3 describes the plan upon which this draft has been prepared. The Consolidated Railway Act of 1879, as subsequently amended, has been completely re-arranged and to a considerable extent re-drafted in this chapter. Part one of the draft applies to railways constructed, or to be constructed, under acts of incorporation obtained from the Parliament of Canada, and to all companies incorporated for that purpose by the Parliament of Canada, and includes provisions as to the powers of such companies, the expropriation of property by them, tolls, organization of the companies, their stock, calls on stock, officers of the company, and the general working of the railway. Part two of the draft applies to all companies under the legislative authority of the Parliament of Canada, including in its application, of course, those to which part one is applicable, as well as many others built under provincial or other charters. It relates to powers for the acquiring of additional lands, the construction of snow fences and bridges, and to highways and crossings, traffic arrangements, railway constables, the constitution and powers of the Railway Committee of the Privy Council, the investigation of accidents, and the railway fund, etc. Part three applies to all railways and all companies incorporated for the purpose of building railways, and includes provisions as to railway statistics, crossing other railways, penalties, etc. Various changes throughout the Act are suggested in Italics and in notes to sections. As the draft now appears, many of the sections of part three will be made applicable to companies and railways to which they are not, under the existing law, applicable. The arrangement in the Consolidated Railway Act of 1879 was very complicated, and it is believed that the present arrangement, with the sub-headings which are inserted throughout the draft, will make the Act more easily understood and more easy of reference. The commissioners could see no reason why all of the provisions now constituting part two of the Act should not be made applicable to all railways and companies incorporated for the construction thereof under the legislative authority of Canada. The chief distinction between part one and part two is, that part one contains only provisions necessary for the organization of the company and the construction of the railway, whilst part two contains provisions for the working of the railway and for the public safety after the railway has been put in operation, the latter provisions being of course equally applicable to railways constructed either under the authority of an Act of Parliament of Canada, or otherwise, so long as they are subject to the legislative authority of Canada. Part three applies to the railways and companies included in the first two parts, and to all other railways, whether otherwise under the legislative authority of Canada or not.

Another to which I may refer is Chapter 117.—Bills of Exchange and Promissory Notes.

This is one of the least satisfactory of the chapters prepared. Althongh care has been taken to bring the several provisions which could be made to apply to all Canada together, the greater part of the Act is taken up with provisions applying to single provinces. In addition to this there are sixty-nine articles of the Civil Code of Lower Canada (chiefly enunciative of the common law) which relate to this subject, as respects the province of Quebec. These have not been introduced into the consolidation, as the code in question, though prepared under a statute, is not found in the Statute Book. The provisions consolidated are as set forth in the table at the end. As to the sections recommended for repeal, s. 3 of 38 Vic., c. 19, refers to pending cases and is effete; s. 1 of 46 V., c. 22, is an extending section and now unnecessary; s. 4 of C. S. C., c. 57, is superseded by the Civil Code of Lower Canada, and s. 5 by 38 V., c. 8, and 42 V., c. 47. Of C. S. U. C., c. 42, sections 2, 3 and 4 are considered unnecessary; sections 9 and 10 are superseded by 38 V., c. 19;

sections 17, 18 and 20 are superseded by 35 V., c. 8, 42 V., c. 47, and 46 V., c. 20 In addition to s. 14, set down as provincial, sections 23 to 36, both inclusive, should have been so classified. S. 1 of R. S. N. B. is superseded by 38 V., c. 19; s. 2 is unnecessary and s. 3 is already repealed. Of 22 V. (N. B.), c. 22, s. 1 is superseded by 38 V., c. 19; s. 2 is a repealing clause, and s. 3 is superseded by 38 V., c. 8, s. 8, 42 V., c. 47, s. 3, and 46 V., c. 20, s. 11. S. 4 of the draft; so far as relates to New Brunswick and Prince Edward Island, the provisions of this section are extended to foreign as well as inland bills of exchange. S. 11 of the draft; it is suggested that this provision should be made applicable to all the provinces.

Then Chap. 118.—An Act respecting Insurance. Table, p. 1638.

Two Acts have been consolidated in this chapter, 38 V., c. 20, relating to fire and marine insurance, and 40 V., c. 42, relating to life and other kinds of insurance.

Certain sections providing for winding up insurance companies formerly in these Acts before there was a "Winding-up Act," or an insolvent Act relating to companies, have been transferred to the "Winding-up Act," in which there were already certain sections relating to insurance companies.

S. 2. Certain clauses indicated have been added. An attempt to define inland marine insurance has been made. P (*i*) is taken from a former Insurance Act of Canada.

S. 3. Contains changes suggested by the Superintendent of Insurance. It is now more apparent that the Act applies to life companies incorporated in a province effecting insurance on lives in other provinces.

S. 6. Upon the report of the Superintendent inserted.

S. 8. See note at foot of sub-s. 3.

S. 11. Amended.

S. 16. Sub-s. 2. This we added to obviate difficulties as to service which might arise. Such a difficulty had arisen.

S. 19. Re-drafted and broken up into paragraphs, in consequence of consolidating sections which were different in respect to different companies.

S. 22. Sub-s. 2. In order to enable the penalties to be recovered summarily, words are inserted in this section. See note at foot of section.

S. 24. is re-drafted, to make it more easily comprehended. Important words added to sub-s. 12, to enforce its provisions.

Ss. 25 and 33 are new.

S. 38, re-drafted. Power is given to enable the Minister to apply to companies other than life, fire or inland marine insurance companies the provisions of this Act. This only indicates the mode in which he will carry out powers he had under the original section.

38 V., c. 20, ss. 16 and 17.

40 V., c. 42, ss. 15 and 16.

These sections have been transposed to the "Winding-up Act."

Chap. 133.—An Act respecting evidence.

This chapter is taken principally from the Documentary Evidence Act, 1881. Of that Act, section 4 is omitted from this chapter and included in the Act respecting forgery.

To the provisions of the Documentary Evidence Act are added the following:

Section 5, taken from 41st Vic., chap. 7, section 6, by which it is provided that an order in writing, signed by the Secretary of State of Canada, and purporting to be written by command of the Governor-General, shall be received as the order of the Governor-General.

Section 6, a provision from 32-33 Vic., chap. 7, sec. 4, whereby copies or official and other notices in the "Canada Gazette" are made *prima facie* evidence of the originals.

Section 8 is new, and makes provision that in all proceedings over which the Parliament of Canada has legislative authority the laws of evidence in force in the province in which such proceedings are taken shall apply to such proceedings, subject to the provisions of any Act of the Parliament of Canada in that respect. This provision is, in respect of evidence, similar to the provision contained in the Procedure Act with respect to juries, whereby the provincial jury laws are adopted as the jury laws in criminal cases, except so far as the Parliament of Canada may make special provision. It was thought advisable to add this provision so as to remove any doubt upon questions arising in matters of evidence.

Chap. 148.—An Act repecting Perjury.

This chapter is a consolidation of sections 1, 2, 6 and 7 of 32-33 Vic., chap. 23, and part of 33 Vic., chap. 26, section 1. Section 4 of 32-33 Vic., chap. 23, will be found with the chapter respecting Extra-Judicial Oaths, 33 and sections 8 to 11 and part of section 1 of 33 Vic., chap. 26, will be found in the chapter relating to Procedure in criminal cases. Section 5 of 32-33 Vic., chap. 23, provides that anyone who wilfully and corruptly makes a false affirmation, affidavit or declaration required by any fire, life or marine insurance company shall be guilty of wilful and corrupt perjury. This provision, as well as a great number of similar provisions, occurring in different places in the Statutes, it is thought could be properly left for repeal as being really covered by section 2, chap. 148, of the consolidation, that section providing for the punishment for taking any false oath, affirmation, declaration or affidavit in any case in which by any Act or Law of Canada, or of a province of Canada, it is required or authorized that any matter be verified, assured or ascertained upon oath, affirmation, declaration or affidavit.

Chap. 150—An Act respecting offences against Religion.

Sections 1 and 2 of this chapter are taken from sections 36 and 37 of 32-33 Vic., chap. 20, intituled: "An Act respecting offences against the person." Section 3, respecting the desecration of the Lord's Day, is taken from the Revised Statutes of Nova Scotia and New Brunswick, with the addition of a clause from the Consolidated Statutes of Upper Canada, chap. 104, relating to the conveyance of travellers and of Her Majesty's mails by land or by water and to the selling of drugs and medicines. The section covers the more important provisions contained in the Imperial Statutes, 29th Charles II., chap. 7, which is in force in British Columbia, and possibly in force in the Province of Quebec. To the extent to which this provision goes it was thought that this section might be made to have general application throughout the whole of Canada.

Chap. 158.—An Act respecting Larceny and similar offences.

The principal Act upon which this chapter is founded is chap. 21 of 32-33 Vic., intituled: "An Act respecting Larceny and similar offences." From that chapter have been omitted the provisions respecting procedure, threats, wrecks and salvage, accessories, punishments and summary convictions. By reference to the table it will be seen, too, that a number of other provisions of the Statute law have been incorporated with the chapter. Section 91 is taken from the Statutes of the late Province of Canada. Sections 93, 94 and 95 it is proposed to continue as applicable only to the Province of Quebec, and sections 97 and 98 are continued as applicable only to the Province of British Columbia.

Chap. 167.—An Act respecting Threats, Intimidation and other offences.

Sections 1 to 8 relate to threats and the sending of threatening letters, and are taken from chaps. 20, 21 and 22 of 32-33 Vic.

Sections 9 to 14 relate to intimidation, and are taken from 32-33 Vic., chap. 20, 35 Vic., chap 31, and 39 Vic., chap 37, and also from 23 Vic. (Canada) chap. 2, section 33, and 43 Vic., chap. 28, section 55.

Sections 15 to 19 relate to criminal breaches of contract, and constitute the consolidation of 40 Vic., chap. 35.

Sections 20 to 24 relate to frauds with respect to contracts and business with the Government, and constitute a consolidation of 46 Vic., chap. 32.

Section 25 relates to the wilful violation of statutes, and is taken from 31 Vic., chap. 1, section 7, paragraphs 20 and 21, and from 31 Vic, chap. 71, section 3.

Section 26 is the general provision now contained in the Procedure Act with respect to frauds, cheating and conspiracies.

Sections 27 and 28 are at present in force only in Ontario. They make provision for the punishment of any one who destroys or alters his books or makes away with his property with intent to defraud his creditors.

Section 29 relates to the punishment for misconduct by sheriffs and other officers in the execution of legal processes. This provision is taken from 27-28 Vic. (Canada), chap 28, section 31.

Section 30 relates to embracery, and is taken from the Consolidated Statutes of Upper Canada, chap. 31, section 166.

Section 31 provides for the punishment of private prosecutors, who, in Quebec, discontinue *qui tam* actions without the permission of the Crown. It is taken from 27-28 Vic. (Canada) chap. 43, section 2.

Chap. 174.—An Act respecting Punishments, Pardons and Commutations of sentences.

Sections 1 to 3 relate to punishment generally. Sections 4 to 22 relate to capital punishment, and are the provisions on that subject contained in chap. 29 of 32-33 Vic., as amended by 36 Vic., chap. 3.

Sections 23 to 28 relate to imprisonment. Section 23 is a part of section 88 of 32-33 Vic., chap. 29. Section 24 is the remainder of section 88, and to the extent marked in italics is new. By section 26 it is provided that:—

"Every one who is liable to imprisonment for life or for any term of years or other term may be sentenced to imprisonment for any shorter term; provided, that no one shall be sentenced to any shorter term of imprisonment than the minimum term, if any, prescribed, for the offence of which he is convicted."

By section 28 it is provided that:

"1. Every one who is sentenced to imprisonment for life, or for a term of years, not less than two, shall be sentenced to imprisonment in the penitentiary for the Province in which the conviction takes place:

"2. Every one who is sentenced to imprisonment for a term less than two years shall, if no other place is expressly mentioned, be sentenced to imprisonment in the common goal of the district, county or place in which the sentence is pronounced, or if there is no common gaol there, then in that common gaol which is nearest to such locality, or in some lawful prison or place of confinement other than a penitentiary, in which the sentence of imprisonment may be lawfully executed:

"3. Provided, that any prisoner sentenced for any term by any military, naval or militia court-martial, or by any military or naval authority under any Mutiny Act, may be sentenced to imprisonment in a penitentiary:

"4. Imprisonment in a penitentiary, in the Central Prison for the Province of Ontario, in the Andrew Mercer Reformatory for females, and in any reformatory prison for females in the Province of Quebec, shall be with hard labour, whether so directed in the sentence or not:

"5. Imprisonment in a common gaol, or a public prison, other than those last mentioned, shall be with or without hard labour, in the discretion of

the court or person passing sentence, if the offender is convicted on indictment or under the 'The Speedy Trials Act,' and if convicted summarily may be with hard labour, if hard labour is part of the punishment for the offence of which such offender is convicted, and, if such imprisonment is to be with hard labour, the sentence shall so direct:

"6. The term of imprisonment in pursuance of any sentence shall commence on and from the day of passing such sentence, but no time during which the convict is out on bail shall be reckoned as part of the term of imprisonment to which he is sentenced:

"7. Every one who is sentenced to imprisonment in any penitentiary, gaol or other public or reformatory prison, shall be subject to the provisions of the statutes relating to such penitentiary, gaol or prison, and to all rules and regulations lawfully made with respect thereto."

By putting these provisions in this form the Commissioners have been able to omit from the concluding clause of almost every section of the criminal law the provision with respect to imprisonment in the penitentiary and in the common gaols, thereby lessening to a very great extent the volume of the criminal law. It is thought, however, that the effect of the law is substantially the same as it was previously. The remainder of the chapter relates to imprisonment in reformatories, to whipping, to sureties for keeping the peace and fines, to solitary confinement, pillory, deodands, attainder, pardons and the commutation of sentences. By reference to section 34, it will be seen that an amendment is proposed, whereby the punishment of solitary confinement will, if the amendment is adopted, be abolished. This punishment is seldom, if ever, in practice inflicted, and while it is a convenient punishment for prison offences it is not thought desirable to continue it with respect to the general criminal law.

Chap. 176.—An Act respecting Public and Reformatory Prisons.

This chapter is a consolidation of a number of Acts with respect to provincial prisons.

Part 1 deals with the subject of insecure prisons, the employment of prisoners and the improvement of prison discipline.

Part 2 is a consolidation of the provisions of the Dominion Acts relating to the Central Prison for the Province of Ontario, the Ontario Reformatory for boys, the Andrew Mercer (Ontario) Reformatory for females and Industrial Refuge for girls.

Part 3 is a consolidation of the provisions of the Dominion Acts relating to the reformatory schools in Quebec, to reformatory prisons for females in Quebec, to the employment of prisoners and to the common gaols in that province.

Part 4 is a consolidation of the provisions of the Dominion Acts relating to the Halifax Industrial School and to the Halifax Reformatory School for boys of the Roman Catholic faith.

Part 5 is a consolidation of the Acts of the Dominion, relating to the proposed Reformatory Prison in Prince Edward Island, and also of 17 Vic., chap. 13 (P.E.I.) section 1, relating to the removal of prisoners to the gaol of Queen's county.

I will not detain the House by reading any more of it. I propose to enclose to each member of the committee—I hope it will be a joint committee ultimately—at an early day a copy of the paper from which I have been reading, which will convey the fullest information as to the course pursued with reference to each chapter of these two volumes from the beginning to the end. I perhaps ought to say that there has been also a consolidation of the whole body of the Criminal Law. This

was effected by Sir John Macdonald in one of the earlier sessions after Confederation. Many of those members of the House who were here then will remember that that work was introduced by myself. I was then, as I am now, by the favour of the House leading the Senate, and the work was placed in my hands. It was late in the Session and a complaint arose that there was not time to consider it properly. That complaint was strongly enforced in an eloquent speech by an able friend of ours, now deceased—whose voice, as I mention it, many of us will hear again ringing in our ears, Mr. Sanborn, from Wellington Division—who enforced with great earnestness the necessity of further delay. The bill was postponed, and it was not until the following session that the acts were passed consolidating as they stand now (very much) the whole of the Criminal Law of the Dominion into one series of acts, which I think, for the most part, still remain in force. To allude for a moment to another point which we often hear mentioned in the Senate; that was one instance, at all events, where the majority of the Senate were not with the Ministry of the day. Although the Government was exceedingly strong in both Houses, yet here on the suggestion that there was not sufficient time, and notwithstanding such humble exertions as I could use, we were defeated and the work was laid over until the following session. It was then passed, and as I say constitutes now one of the Criminal Laws of the country. It was a work in which Sir John Macdonald took the deepest interest.

I have now given you a fair outline of all the work which has been done concerning consolidation anterior to and since Confederation in the several provinces which came into the Union, and all the work which has been done since the Union in the Dominion. Certainly the work which I now present to the House, if it is correctly done, as I hope and believe it to be, will be of the greatest possible value to all professional men, and also to laymen, because it presents in two volumes, not too bulky, the whole statute law of the country. That it may be found correct and that we may come out of the great task entrusted to us with some credit is my earnest hope.

PACIFIC RAILWAY AID BILL.

THE SENATE—OTTAWA, 14TH JULY, 1885:

SIR ALEXANDER CAMPBELL moved the second reading of Bill (153), "An Act further to amend the Acts respecting the Canadian Pacific Railway, and to provide for the completion and successful operation thereof." He said:—This is a bill which provides for certain assistance being given to the Canadian Pacific Railway to enable them to complete their great enterprise. The House is no doubt aware that the company now owes the public some $30,000,000. The whole of the money has not yet been paid to them, but they have got most of it, and they will get the rest of it as the work goes on, so that the company may be said to owe the country $30,000,000. For this sum the Government hold a first security on their property. It is proposed that the company shall issue a new mortgage with bonds, the bonds amounting to $35,000,000, out of which they shall pay the country $20,000,000, being a portion of these $30,000,000 that I speak of; and that the remaining $15,000,000 shall be theirs to be dealt with by them. The House will see that, if this is carried out, the debt, which is now $30,000,000, will be reduced from $30,000,000 to $10,000,000; for those $10,000,000 the security of the country hereafter will consist in the first place of the unsold lands of the company, amounting to 21,000,000 acres, which are to be dealt with and exhausted if necessary, and should any balance remain due to the Government by the company after the lands have been exhausted, that balance shall be a second lien upon the railway itself. So that the debt due the Government, which is now $30,000,000, will be divided into two. For the $20,000,000 we shall have the security which we have now, coupled with this fact, that other $15,000,000 will be allowed to come in and rank *pari passu* with our $20,000,000, leaving a balance of $10,000,000, for which balance we shall have the security of the land, and if the lands fail we shall have a second mortgage on the railway itself. In speaking of this proposed change I desire, in the first place, to point out to the House the position which the $20,000,000 will occupy. That amount will still be, as it is now, a first claim on the railway: it will still be, as it is now, a first mortgage on the property, but we shall have allowed $15,000,000 to come in and rank with it. Those $15,000,000, however, will be expended on the railway itself, so that the property will be increased in value by the expenditure of $15,000,000, and although we admit the $15,000,000 to rank with our $20,000,000, we shall have thereafter a better security for the $20,000,000 than we have now, although it now

stands as a first lien. That, I think, is the position which the $20,000,000 will occupy. It has been urged that we are weakening our security to the extent of allowing the other $15,000,000 to come in and rank with us. It does not seem to be a just argument, inasmuch as the $15,000,000 to be raised are to be expended on the railway itself, increasing its value, and therefore augmenting the value of the security to the extent of the expenditure. Then, as to the $10,000,000, we certainly are taking that out of the position of a first lien and ranking it solely upon the land, in the first instance, with a provision that, if the land should be exhausted, then we shall have a second mortgage on the railway itself; but the land which is given as security amounts to something like 21,000,000 acres. I take it there is no danger, or very little danger, that that land will be exhausted without paying the $10,000,000, but if, by any peradventure, that should be the case, we shall have a second mortgage on the railway itself, and by the change we shall have opened the door for the railway to provide for itself out of its own resources the $15,000,000 for carrying on the works of the company. The bill does not propose any assistance to the company in the way of a permanent loan, or giving an increased price in any way, but it proposes to open the door so that they may themselves borrow on their own security these $15,000,000. That is the first *prima facie* view of the transaction which the House is now asked to sanction.

The second is this: that out of the $35,000,000 of these bonds which are to be issued in pursuance of the mortgage which this bill is to make legal, and out of the $15,000,000 which are given to the company of the $35,000,000, they are to lodge with the Government $8,000,000, and upon lodging with us $8,000,000 bonds, we advance them temporarily, up to the 1st of July next, the sum of $5,000,000. It will be a temporary loan for which there is most ample reason to believe full security will be put up. The only doubt which anybody could possibly throw upon that expectation would be drawn from the fact that the issue of that portion of the $35,000,000 to the public which is to be placed in the market—that is the $15,000,000—may possibly not be taken up. I do not think that it is an appreciable risk. I have no doubt—and I have strong reason for expressing that opinion—that the $15,000,000 of bonds which are to be offered to the public will be taken up, and the first appropriation of any part of the $15,000,000 will be to reimburse the Government the $5,000,000 they are advancing. That will be done for a double reason. In the first place, the company will be naturally anxious to redeem their undertaking to pay us by the time mentioned, the 1st of July, 1886, and, in the second place, that they are depositing with us $8,000,000 of bonds to secure to us the repayment of the $5,000,000 on the 1st of July next year. I do not, therefore, feel any doubt that that money will be repaid. Should my expectations be realized, then after the 1st of July, 1886, the company will be in full possession of its $15,000,000 of bonds; they may have sold them, but in that case the proceeds will have passed

into the hands of the Government, to be expended for the purpose of strengthening the security, and the Government will be in possession of its twenty million acres of land which are to be devoted to paying the balance of the debt. That is the proposal which this bill lays down. I hope that I have made it clear to the House. One cannot be sure that he makes himself understood when speaking of figures—at least I cannot, and I feel a distrust whether I am making them as clear as I desire to make them, and whether I am succeeding in placing others in the position mentally which I feel myself in, in regard to the figures and the transactions which I am trying to describe. I hope that the House sees that our present position as to the $30,000,000 will be altered ; that we shall have security the same as we have now—the first security, for $20,000,000, although other $15,000,000 will rank *pari passu* with it. For the remainder we shall have the land, with the ultimate power of resorting to the railway if the land fails, and I should add that $35,000,000 of stock are to be cancelled, reducing the capital upon which dividends are to be paid to $65,000,000. It does not seem to be a proposition very onerous to the country. It does not to me seem one that should call forth the very strong animadversion made upon it, because, as I view it, it is not a very extraordinary help to give to a company embarked in so gigantic a transaction as is this company. But the objections which have been taken are numerous, and I think that perhaps it will be best that I should endeavour to reply to some of them, even at this stage of the debate, because I hope that it may not be necessary for me to speak again, and because I think the explanation which I shall give now will perhaps assist honourable gentlemen to understand fully the position of the matter as it is presented to the House and to consider the weight which they think is due to the objections which have been raised. I state those objections on my own authority, having read the debates elsewhere, and having followed in a general way the newspaper discussions on the subject. I may not state them all, but I intend to state them all, and believe that I shall do so. The first objection taken is that the company has not spent its money on the Pacific Railway proper ; that is, that they have misappropriated their money, not to speak offensively—that they have not spent it on the work which the country entrusted to them to perform, and that, therefore, they are not entitled to any further consideration on the part of Parliament. Those taking that objection say " Show us fully all the money that you have spent from the Government on the line of railway, and we will show you that that money would have completed it, equipped it, and started the running of it." I think there are two modes of answering that objection, either of which seems to be complete. The first answer I propose to give is this, that the whole of the money which the railway company has ever got from the Government, from the beginning up to this time, has always been obtained upon an engineer's certificate.

Hon. Mr. Power—Hear, hear.

Sir Alexander Campbell—The form of the engineer's certificate

I have with me, and it certifies that so much work has been done; that so much remains to be done, and that the proportion which has been done is so and so to the proportion which remains to be done. I thought that the House would perhaps desire to see the exact *modus operandi*, and it may be satisfactory to honourable gentlemen to see the kind of certificate which was required by the Government before any money was paid; and I have taken from the copies of the minutes of the Privy Council the last certificate or last memorandum of Council upon which the certificate was issued. This Order-in-Council is on a memorandum dated 9th July, 1885, and is as follows:

Certified Copy of a Report of a Committee of the Honourable the Privy Council, approved by His Excellency the Governor General in Council, on the 9th July, 1885.

On a memorandum dated 9th July, 1885, from the Acting Minister of Railways and Canals, submitting a certificate, No. 47, dated 7th July, instant, from the Chief Engineer of the Canadian Pacific Railway with respect to the Eastern Station of the road, of which the following are the details:

Total value of work done and material delivered up to the Ist of July, 1885.....$19,551,797
West of Callander 100 miles
East of Port Arthur 67 "

167 @$15,384.61=$2,569,229
Proportion of value of work done under the Act of 1884 to that of work remaining to be done....16,982,568
That of this amount the books of the Department show that there has already been paid the sum of.....$19,497,039

Leaving the balance now payable $54,758

Of which balance the portions chargeable to the "Loan" and "Subsidy" accounts severally are as follows.

Loan.....$31,700
Subsidy.... 28,058

$54,758

The Minister recommends that authority be given for the payment to the Canadian Pacific Railway Company of the said balance of $54,758 accordingly.

The Committee advise that authority be given as recommended.

Now, that has been the course pursued by the Government uniformly throughout, and the company has drawn no money from the country except on a certificate of that kind, with the single exception of the $7,500,000 advanced them under the loan of last session for the purpose of paying off their floating debt. Parliament was pleased to authorize the payment of that sum of money for the purpose of paying off the floating debt, the company satisfying the Government that that floating debt had been incurred for the purpose of the railway, and this was the language used on that occasion by Parliament:—

"The Government may, out of any appropriated moneys forming part of the Consolidated Revenue Fund of Canada, make a loan to the said company of any amount in money, not exceeding $22,500,000, to be repaid to the Government on or before the first day of May, 1891, with interest at the rate of five per centum, payable half-yearly until full payment of the principal; and out of the said loan the Government may advance to the company forthwith such amount, not exceeding $7,500,000, as shall be required by the company

to extinguish its present floating debt, the amount and character of the items of such debt to be established to the satisfaction of the Government."

The Government asked for information in accordance with the language I have read. They asked for information as to the amount and character of the items of these $7,500,000. The company gave the character and items of their floating debt, which amounted to $8,144,000—I leave out the hundreds for the sake of convenience—and it was thus composed:—

CANADIAN PACIFIC RAILWAY.

Overdraft at Bank of Montreal (see certificate of Bank attached) mainly for supplies and labour furnished north of Lake Superior	$3,494,280 55
Loans for purposes of Company:	
Demand loan, Bank of Montreal, N.Y., interest added	814,271 54
Demand loan, C. Unger & Co., N.Y., interest added	2,521,666 66
Loan due March 13th, F.W. Gilley & Co., N.Y., interest added	404,000 00
Demand loan, G. S. Scott & Co., interest added	402,000 00
Demand loan, J. Kennedy, Tod & Co., interest added	402,000 00
1883 accounts unpaid	75,918 76
	$8,114,137 51

I, Isaac G. Ogden, of the City of Montreal, auditor of the Canadian Pacific Railway Company, do solemnly declare that the foregoing is a correct statement of indebtedness of the Canadian Pacific Railway Company, and that the said Company have received a full cash equivalent for the same, which has been used for material, supplies and labor furnished on the line of the said Company's railway and for other purposes of the Company in connection therewith.

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the Act passed in the thirty-seventh year of Her Majesty's reign, intituled, "An Act for the Suppression of Voluntary and extra-Judicial Oaths."

(Signed) ISAAC G. OGDEN.

Solemnly declared before me at the City of Montreal, this 26th day of February, 1884, in pursuance of the said Act.

(Signed) R. T. HENEKER,
Commissioner for receiving affidavits for the Province of Quebec.

That we did not consider thoroughly satisfactory, and we asked for further information from the accountant, and this additional paper was sent in:—

THE CANADIAN PACIFIC RAILWAY COMPANY.

I, Isaac G. Ogden, of the City of Montreal, auditor of the Canadian Pacific Railway Company, do solemnly declare:—

That the statement of floating debt of the Canadian Pacific Railway Company, being the sum of $8,114,137.51, declared by me on the twenty-sixth day of February, 1884, to be a correct statement of indebtedness of said Company, is composed of indebtedness accrued from the amount deposited with the Government on account of guarantee of dividend, to wit, the sum of $3,781,797.49; and that the balance, to wit, the sum of $4,332,340.02, accrued on account of expenditure on the main line of the Canadian Pacific Railway Company, west of Callander, and [illegible] till due.

And I make this solemn declaration, conscientiously believing the same

to be true, and by virtue of the Act passed in the thirty-seventh year of Her Majesty's reign, intituled "An Act for the suppression of Voluntary and extra-Judicial Oaths."

(Signed) ISAAC G. OGDEN.

Solemnly declared before me, at the City of Montreal, this sixth day of March, 1884, under and by virtue of the said Act.

(Signed) R. T. HENEKER,
Commissioner for taking affidavits for the Province of Quebec.

There, honourable gentlemen, is an account which I think is satisfactory and complete, as far as anything of that kind can be, of the mode in which the $7,500,000 were expended. Now if it be true that every dollar of the money which the company ever got from the Government was composed either of money paid under a certificate such as I have read, from the engineer, and an Order-in-Council passed on that certificate— if it be true that no money was paid to them except under a certificate, save these $7,500,000, and, if the House is satisfied with the statement of Mr. Ogden, the accountant, as to the mode of the expenditure of these $7,500,000, then it is established as clearly as anything can be established, that the company has not diverted the money from the purposes of the Canadian Pacific Railway. It has not diverted the money which the country gave it. The country gave the company a large sum of money for these purposes, and it is perfectly proper that they should be called upon to establish to the satisfaction of Parliament that they have expended all the money which they got from the country for the purpose which the country had in view when they appropriated it for the company. I think that is established clearly by the proof which I have offered to the House of the mode in which they obtained money— the only mode in which they obtained it. But there is another way to establish it, and I have, with a view to make it certain, taken that other plan also. It is to show exactly what money they have spent in works of construction, and where it has gone. The question comes, in the first place, what is the main line, and what is its extent? Are they to go beyond the terminal points mentioned in the original bill? The only question is upon the terminal point at Callander station. The House will keep in mind that they were to construct a railway from Callander station to Port Moody, and *operate* it—they were to maintain and run it, and they were authorized by the bill to establish connections with Montreal and Brockville. I take it—where you ask a company to *operate* such a railway—that everyone, who thinks at all about it, will admit that it could not have been intended that the road was to begin at Callander, that there must be connection with Montreal. You cannot begin a road in the middle of the woods, and *operate* it from there; although I separate the sections afterwards into that West of Callander and that East of Callander, so that the House may see the separate view of it as well as the view which I myself take, yet I think for the purpose of my argument it is just and proper to say that the road

begins at Montreal, because the contract which they made with the country rendered it absolutely necessary that they should run down to Montreal. It was impossible and no business man would dream of commencing to *operate* the road from Callander, and it was a consequence which was unavoidable, and foreseen and mentioned, and which may, therefore, be fairly considered, and the eastern section is in fact, by the terms of the charter made part of the Canadian Pacific Railway. I will give the figures. Honourable gentlemen may desire to verify them. I have verified them myself by going over them with Mr. Miall, who was the accountant sent by the Government to Montreal for the purpose of inspecting the company's books, and who had the most ample opportunity of examining the books. I will read to the House his figures, the correctness of which I have no doubt of whatever. They are as follows :—

COST OF MAIN LINE.

West of Callander.

Construction of main line.....	$43,776,912
Improvements on Government sections	1,241,780
Materials on hand there.....	3,687,729
	$48,706,421

The House knows, of course, that the company got the works which the Government had constructed between Port Arthur and Red River, and these works, at the time they were handed over, had been used for some time for contractors' purposes and were not in very good repair. They put them in good order, and expended on those sections to do so $1,200,000. Then, of course, there was the equipment. That is a very expensive part of operating the railway, and some doubt, I know, has been felt by those who have taken a keen interest in this matter, whether the equipment which is charged in the accounts was all for the Canadian Pacific Railway, or whether part of it was not for other railways in which the same persons are mixed up ; as, for instance, the Ontario and Quebec, and the Credit Valley and others. That was a point upon which the most careful enquiry was made by Mr. Miall, and by Mr. Schreiber, the Government engineer, and the figures which I shall give as the cost of equipment are confined absolutely to the equipment of the main line. I divide them in two, so that the House may see how much of this equipment is chargeable to the railway west of Callander, and how much is properly chargeable to the railway east of Callander. The figures are as follows :—

Equipment of entire main line.....	$9,168,755	
Proportion at a mileage rate East of Callander, 350 to 2,950 miles, say 7·59, 52·59 for portion West of Callander	1,087,801	$8,080,954

Interest and financial expenses, and on entire main line 52·59th of total....	1,389,474	
Proportion East of Callander	164,853	
		1,224,621
		9,305,575
Cost of main line		48,706,421
Expended under contract		$58,011,996

East of Callander they did not build a road ; they acquired existing roads ; they acquired the Canada Central Railway, running from this city via Carleton Place to Callander, and they acquired the Brockville & Ottawa.

EAST OF CALLANDER.

Acquisition of main line	$4,213,758	
Proportion of equipment 7|59.....	1,087,801	
Proportion of expenses 7|59.....	164,853	
		5,466,412
Total cost of entire main line.....		$63,478,408
BRANCHES—		
Algoma branch ; branches at Winnipeg.....		4,605,172
CONNECTIONS—		
S. E. Ry., Manitoba S. W., St. L. & O., Atlantic & N. W. &c.....		5,857,224
Dividends.....		5,378,000
Deposit as security for dividend...		6,907,377
Total expenditure.....		$86,226,181

Gentlemen may quarrel with the items for connections and dividends, and with the item deposited as security, but these are the absolute expenditures of the company, and it is necessary that they should be recorded in order to show where the company's money went, and satisfy the House that as far as the public money went it was expended upon the main line from Montreal to Port Moody. This total expenditure, $86,226,000, was provided in this way :

Government subsidy	$20,240,317	
Proceeds of land	8,702,086	
Town sites.....	504,675	
Total aid from Government.....	$29,447,078	
Government loan.....	18,626,600	
		48,073,678
Amount provided by Company from these sources:		
Capital stock.....	$29,568,123	
Bonuses.....	232,600	
Earnings (net).....	1,456,318	
Floating debt	6,895,462	
		38,152,503
		$86,226,181

People are disposed, and I have been too apt myself in the past, to confound the loan and the subsidy together. I do not think we should in any way grudge this company the subsidy. It is part of their contract. We speak of it as though they were indebted to the country for the subsidy as well as the loan. For the loan they are indebted to the country. That was a matter of grace and favour, but the subsidy is theirs: they earned it and have given value for it, and it is as much theirs as the price of a house would be if they had built it under contract. The following is a resumé of the figures I have given:

The Company expended on the main line west of Callander.....		$48,706,421
It received subsidies.....		29,447,078
Surplus above subsidies.....		$19,259,343
It received as a loan from the Government for which it has given security.....		$18,626,600
Expended on contract portion above both loan and subsidies.....		$ 632,743
The Company expended on the main line proper, Montreal to the Pacific		$58,011,996
It received from the Government subsidies.....	$29,447,078	
Government loan secured.....	$18,626,600	$48,073,678
Surplus provided by the Company on entire main line.....		$9,938,318

In the face of the statements which I have submitted it seems to me clear that no one can justly or truly say that the company has not expended on the main line, between Montreal and Port Moody, all the money which they received from the Government. They have expended all of that and more too, and it seems to me that is the point with which we have to deal. I do not think we have the same right to criticise the course which they pursue with reference to their stock. It was their own, and they raised money on it and expended it partly on the main line and partly for extending their line to the sea-board, but that is a transaction which they had a right to enter into. All we can properly ask of them is to demonstrate that the money which we gave them has been spent on the Canadian Pacific Railway and to finish that work, and that I submit to the House, with great confidence, has been shown by both the modes which I have adopted, the one by showing that they got no money from us, except by certificate, with the exception of $7,500,000, and showing that that sum was spent on the main line: and the other by showing exactly what the cost of construction has been, and that it has exceeded considerably the amount they got from the country. So in both ways I think it is established that the company has kept faith with the country, and that it has expended all the money it got from us by subsidy or loan on the road itself.

Another argument which is made use of is that the company has

not kept faith with the country in the character of the work which they have done on the road, and particularly as regards curves and gradients. Now, with reference to the character of the work, everyone who has gone over it speaks in strong terms of its character. Some of my honourable friends in this House have gone over it—I know the honourable member from Amherst has—and I have heard the Minister of Railways and others speak of it, and I think I am right and justified in saying that the concensus of opinion of those who have gone over the road—those who are skilled and those who are not—is that the road has been well built and is an excellent road, a better road than the one which was taken as a pattern; a road which in all respects commends itself to engineers as a better road than any which crosses the continent, and a road which any engineer would pronounce as a first-class road. As regards the particular objection as to grades and curves, I will read to the House a very admirable and clear statement made by Mr. Van Horne, the vice-president of the road, which establishes to my mind that the road which has been constructed by the Canadian Pacific Railway Company is a better line than the one which was taken as a pattern for it—that is the Union Pacific. I cannot possibly put the argument in clearer terms than it is stated by Mr. Van Horne. He says:—

CANADIAN PACIFIC RAILWAY COMPANY,
MONTREAL, 19th June, 1885.

The contract between the Government and the Canadian Pacific Railway Company provides that the Union Pacific Railway shall be taken as an "approximate standard, whereby the character and quality of the railway, and of the materials used in construction thereof, and of the equipment thereof may be regulated;" and this clause was interpreted by a subsequent letter as meaning the Union Pacific Railway as it was when accepted by the United States Government in 1873.

It is claimed by the parties to the contract on the part of the Company that, in referring to the Union Pacific Railway, they, and the Government as well, had in mind the entire line between Omaha and San Francisco—the entire line being commonly known in Canada and the east as the Union Pacific, and the technical difference between the sections east and west of Ogden being little understood by the public.

However this may have been, the clause in the contract fixing the standard has always been understood by the company as referring to the general character of the railway in respect of gradients, curvature, track, bridges, rolling stock and appurtenances, but not as providing that the maximum grades or curves should in no cases and under no circumstances exceed the maximum of the Union Pacific, and the Company confidently assert that in all respects the Canadian Pacific is superior to the standard named, *and particularly in the matter of gradients*.

While it is no doubt true that the maximum gradients on the Union Pacific Railway at the present time do not exceed 90 feet to the mile, it is also true that gradients of 116 feet to the mile were used in the original construction of that railway, and that curves of 10 degrees or more were also used.

To what extent these had been reduced in 1873 I have no data at hand to show, but for this comparison we are willing to take the Union Pacific as it exists to-day.

That Railway from Omaha to Cheyenne, 515 miles, has light gradients, corresponding to those on our line for 957 miles west of Winnipeg. From

Cheyenne to Ogden, the remaining 517 miles of the Union Pacific, or 50 per cent. of its entire length, gradients of 90 feet per mile are scattered throughout.

On that part of the Canadian Pacific Railway constructed by the Company, the maximum permanent gradient from Callander to Port Arthur, 653 miles, and for 957 miles west from Winnipeg, is $52\frac{8}{10}$ feet to the mile. Then comes a section of 120 miles, with several permanent gradients of 116 feet to the mile; beyond this a section of 113 miles, with several gradients of 66 feet, and finally 65 miles, with the minimum gradients $52\frac{8}{10}$ feet to the mile.

The maximum grade section on the Canadian Pacific is therefore embraced within a distance equal to only 6 per cent. of the main line built by the company, while the maximum grade section of the Union Pacific covers 50 per cent. of its entire distance. And even if the Canadian Pacific maximum grade section is made to include the section embracing the 66 feet grades, or all above $52\frac{8}{10}$ feet to the mile, it will amount only to 12 per cent. of the main line built by the Company.

Assuming that double the power is required to move a given load over a grade of 116 feet that is required over a grade of 90 feet (and the difference is not nearly so great), it will readily be seen that the advantage is largely in favour of the Canadian Pacific Railway, by reason of its concentration of grades on a short section, and that a given average expenditure of power per mile of railway will move a much greater load over the entire length of the Canadian Pacific Railway than over the Union Pacific; and, even if we take for the purpose of comparison a section of the Canadian Pacific extending eastwards from Savona's Ferry 1,032 miles (the Union Pacific distance) and including the heavy grade section, the comparison will still be largely in favour of the Canadian Pacific, whose maximum grade section would be 12 per cent. of the 1,032 miles, and the section embracing grades exceeding $52\frac{8}{10}$ feet to the mile less than 24 per cent.; and although such a comparison would be decidedly unfair to the Canadian Pacific, it is clear that the same average expenditure of power would move more tons over this section than over the entire length of the Union Pacific.

A freight train starting from Montreal for the Pacific on the Canadian Pacific Railway will require assistance ascending but one grade, namely, that of the east slope of the Selkirks, and a freight train starting from the Pacific terminus for Montreal will require assistance in only two places; namely, the ascent of the west slope of the Selkirks, and the west slope of the Rocky Mountains; and the two grades coming eastwards are in the direction of the lightest trans-continental traffic.

The line over which the same expenditure of power will move the greatest tonnage is surely the superior line in respect of gradients, and this is governed not so much by the maximum gradients as by their distribution.

A line 100 miles in length with a single gradient of say 150 feet to the mile for five miles is far superior to a line of 100 miles with gradients of fifty feet to the mile, aggregating five miles in length, but scattered along at intervals. In the latter case an average locomotive could haul but twenty loaded cars over the entire line, while on the line with the single heavy grade an average locomotive could haul fifty cars over ninety-five miles of its length, but would require locomotive assistance up the heavy grade of five miles, and even if this assistance should be equivalent to the use of a locomotive for 100 miles on a level line, the advantage of the line with the single heavy grade is obvious, notwithstanding its maximum gradient is three times as great, and no engineer will deny that it is infinitely superior in the matter of gradients to the line with light but scattered grades. This is an extreme case, but it will serve to illustrate the theory upon which the company has proceeded—theory which is stated by an eminent engineer, Mr. Hermann Haupt, in the following words:—

"If the maximum resistance can be concentrated at one point, and over-

come at once with the aid of assistant engines, while lighter gradients in favour of the direction of the tonnage prevail on all the rest of the route, the line will be operated cheaply; but, if the maximum resistances are scattered over the whole line at intervals more or less remote, the operation will be expensive." And this theory is clearly demonstrated by Mr. Arthur Wellington, C. E., in his treatise "On the economical Theory of the Location of Railways," and is sustained by every modern railway engineer of any standing.

There can be no question as to the practicability of grades of 116 feet to the mile. Such grades may be found on the Baltimore and Ohio and other important American lines carrying a heavy traffic, and the Central Pacific, the most profitable of all the Pacific railways, has many such, combined with curvature up to 12 degrees; and there is no line between the Atlantic and the Pacific on which grades of 116 feet and upwards and curves of 10 degrees and upwards do not occur.

With reference to curvature, I beg to say, curves of 10 degrees only occur on the Canadian Pacific between the summit of the Rocky Mountains and the foot of the west slope of the Selkirks, all being embraced within a distance of 115 miles, except for a short distance at Kamloops Lake, and, wherever curves and grades occur together, the latter are equated to the curvature. On all the rest of the line built by the Company the curvature is very easy and it will compare favourably in this respect with any long line on this continent.

Curves of 10 degrees and upwards are not uncommon on some of the very best American Railways. They may be found on such lines as the Pennsylvania and the Baltimore and Ohio lines running the very fastest trains and carrying the heaviest tonnage of any on this Continent.

In considering the general character of the Canadian Pacific Railway as compared with the Union Pacific, it should be remembered that the former is laid with steel rails throughout, rails weighing 56, 60 and 70 pounds to the yard, while the Union Pacific was laid with 50 pound iron rails.

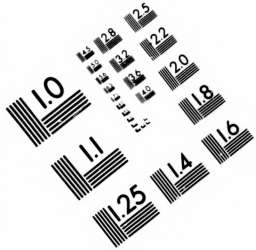
The embankments of the Canadian Pacific have not in any case been made less than 14 feet in width at formation level, and the earth cuttings 22 feet, while on the Union Pacific they were 12 and 20 feet respectively.

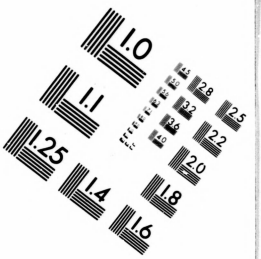
The rock cuttings of the Canadian Pacific are 22 feet wide, while those on the Union Pacific in 1873 were, and are yet, to a large extent, only 16 feet. The structures of all kinds on the Canadian Pacific are far superior to those on the Union Pacific. Not one iron bridge was used in the original construction of the Union Pacific, and I can state from my personal knowledge that not more than one had been built on that line up to July, 1874.

In a letter from the United States Commissioner of Railways it is stated that more than three-fourths of the whole length of truss bridging on the Union Pacific is constructed of iron of excellent design, &c. On the Canadian Pacific every truss bridge between Montreal and the summit of the Rocky Mountains is of iron or steel, except on the section built by the Government between Thunder Bay and Winnipeg, and the iron bridges built by the company are at least 50 per cent. heavier than are those of corresponding spans on the Union Pacific, and I do not hesitate to assert from the knowledge I have of the Union Pacific that there is more first-class bridge masonry on the two hundred miles of the Canadian Pacific between Port Arthur and the Pic River than on the entire line of the Union Pacific.

(Sgd) W. C. VAN HORNE,
Vice-President

Now, I think, although that comes from an officer of the Canadian Pacific Railway, there is a tone of certainty and truthfulness about it that impresses itself upon the mind, and I have no doubt the statements there are correct, and I say and know that they corroborate the





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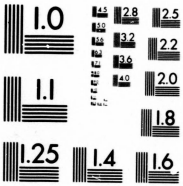

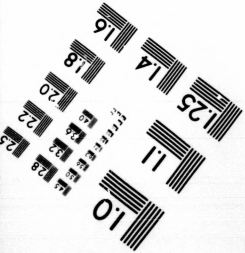

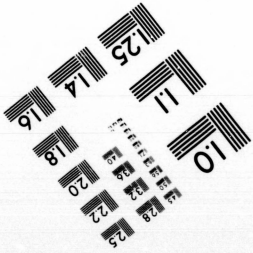

opinions of those who have traversed the line, and I am confident I can say with great accuracy and truthfulness that the road is superior to the line which was taken as a model—the Union Pacific—that we have got a better road than the Union Pacific by many degrees, and where fault is found with the grades and curves of the Canadian Pacific Railway, those who find fault do so without appreciating the argument I now produce to the House that the difference between two roads where the curves are scattered through the entire length, or a considerable portion of the length, and a road where the line runs straight for the best part of the whole length, with easy grades, and the curves and the heavy grades are all concentrated within a small percentage of the road at one end—the second road is better for many reasons than the first—better for the reasons given by Mr. Van Horne, because it is capable of being more economically worked and enables the company to earn more and pay better dividends.

HON. MR. DICKEY—Has my honourable friend's attention been directed to the fact that Sir Henry Tyler, the President of the rival Grand Trunk Railway Company, has given his opinion as to the character of the road, expressing it in the very highest terms? I notice that that has been the case since his return from the Rocky Mountains.

SIR ALEXANDER CAMPBELL—I had not noticed it, and I am very much obliged to my honourable friend for adding that to the evidence that I have submitted to the House as to the character of the Canadian Pacific Railway. That was the second objection—which I gathered from the discussions elsewhere, and from the papers—taken to the proposal which is now before the House. Another objection which is taken is that the Syndicate has made enormous gain on the stock transactions; that they have made such an arrangement that they have got the money deposited with the Government for the purpose of paying dividends for years to come; that they have taken large amounts of stock at a very small price themselves, and that the dividends which they have thus secured afford an enormous return for the money invested. I was sorry to see when that was being dealt with in another place the comparison, as it seems to me, was not made in a fair spirit, the whole of the facts were not brought out. The amount of stock which the Syndicate have acquired in this road, we all know, has cost them $10,000,000. For the first $5,000,000 they paid par; the other $20,000,000 stock they bought at 25 per cent. The whole cost of the $25,000,000 stock is $10,000,000.

HON. MR. WARK—Amounting to 40 cents on the dollar.

SIR ALEXANDER CAMPBELL—Forty cents on the dollar. That is what the stock cost them altogether. Now, in the comparison elsewhere the second item only is taken into consideration, and it has been pointed out that they have been making 12 per cent. on their money because they got $25,000,000 at 25 cts. on the dollar. That is true, but nothing is said about the other $5,000,000 for which they paid par, and it seems to me a very unfair mode of presenting the question for

consideration. It is true that if you confine yourself simply to the stock for which they paid 25 cts. on the dollar the dividends will give them 12 per cent., but if you add the $5,000,000 for which they paid par they would not get 12, but 7 1/3 per cent. It seems to me a spirit of fairness would have induced one to have laid it before the public in its full light, so that a fair estimate might have been formed of the result of the whole transaction, and not to have chosen one particular portion of their transactions, and then to have said that on the money they had invested they got 12 per cent. They have had seven per cent. upon the money—7 per cent., because the whole $25,000,000 cost them $10,000,000, and because the dividend which they have received amounted to only 7 per cent. and a fraction upon that. Why should they not get 7 per cent.? Surely no persons familiar with transactions of a similar kind would grudge for a moment that in an enterprise of this enormous risk the company should get 7 per cent. on their money?

HON. MR. TRUDEL—Could the honourable gentleman say whether the latter part of the stock that was taken at 25 cents on the dollar was on the market, and how long, and what amount has been offered, and if there were any offers on the part of the public to take it?

SIR ALEXANDER CAMPBELL—I do not know that there were offers on the part of the public to take those $20,000,000, I have not heard anything of it; but we all know this, that this stock taken together cost them 40 cents. They have bought some since, which the honourable gentleman from Niagara says has cost them 42 cents. We know this, however, that any person who has desired to get stock in the road up to within the last day or two could have got it at 42 cents.

HON. MR. PLUMB—And at one time they might have had it at 34 or 35 cents.

SIR ALEXANDER CAMPBELL—Nothing has been obtained by the company which the whole world could not have got, and why should there be that jealousy of the company getting that which anybody else could have got if they had chosen to go into the market for it? Why should they be abused for buying at 40 cents in the dollar that which you, or I, or anybody else could go into the market and buy on the same terms? The effect of such statements is to prejudice the company in a way that they ought not to be exposed to. Then after pointing out the enormous gains which the company had made out of this contract, and as to which, as I explained to the House, the assertion is made "you have got a large sum deposited at your credit for the purpose of paying interest, why not take that and finish the road without coming to Parliament for more money?" that was the suggestion used, and which was put in the shape of a resolution in the other House as follows:—

"Canada, in the contract with the Canadian Pacific Railway Company, gave the company vast aids, which were declared to be ample and final; Canada, in 1884, gave the company great additional aids, which were again declared to be ample and final; the shareholders of the company have already

divided among themselves about $7,000,000 in dividends, and have on deposit with the Government about $14,000,000 more, to provide future dividends for themselves for over eight years to come, while they affirm that the railway will be profitable from the day of its opening; in the opinion of this House, the shareholders, if they desire more money for their operations, should propose to utilize their deposit for future dividends instead of asking Canada to impair its existing securities to make large further advances, and to allow the enterprise to be charged with $15,000,000 additional capital, the interest upon which must be borne by the trade of this country."

There is a proposition which I am amazed to see presented to Parliament. It is a proposition to break faith with the persons to whom these $14,000,000 are pledged, not only by the faith of the country, but by a contract of the most formal kind—a contract not only between the parties concerned and the Government alone, but in which a third party comes in—the Bank of Montreal. Now whom are we dealing with? We are not dealing with two or three people. We are not dealing merely with the company in this respect; but we are dealing with the immense body of shareholders who hold the stock of the company—persons living in parts of this continent, in parts of England and Scotland, and in many parts of the continent—Germany and France. I have not counted the number of names, but I hold in my hand a list of the stockholders showing their names and amounts.

HON. MR. READ—They number 1200 persons.

SIR ALEXANDER CAMPBELL—I have the list of shareholders here at length.

HON. MR. POWER—Does the list show how much each shareholder holds?

SIR ALEXANDER CAMPBELL—Yes. The aggregate is that in England $40,000,000 of this stock are held; in the United States, $10,000,000, and in Canada, $15,000,000. Here is the faith of the country, not only the moral faith of the country, but the written obligation, signed and sealed, of the country and the Bank of Montreal to those people living all over the world to pay them their interest at the rate mentioned, 3 per cent.—a solemn contract binding not only in honour but in law, and yet this resolution which is proposed elsewhere suggests that this money which is deposited for the purpose of carrying out this obligation should be used for the purpose of finishing the railway. If that suggestion were carried out, where would the faith and honour of the country be? That is the second objection. Now, the third objection I alluded to for a moment in my earlier remarks was that we were weakening our security; that we now stand with a security which is first and alone for the $30,000,000; and by the change which the bill proposes we are agreeing to stand first with only part of our debt, that is, with $20,000,000, and that, therefore, we are weakening our security. I do not think so. If the $15,000,000 which we are admitting *pari passu* to come in with us were not to be expended on the road; if it were to be expended elsewhere, and put into some other investment, then it would be true that we are weakening our security; but if those

$15,000,000 are to be expended as this bill provides, on the railway, in improving the railway itself, then I say we do not weaken our security, but, on the contrary, we are strengthening our security by making it more valuable than it was before. We are not weakening it, but adding to it by the $15,000,000, although we are diminishing our claim upon it by $10,000,000. Then, as to the $10,000,000, we have the security of the land, and I do not think we are weakening that security in a way that could be objected to. The House will bear in mind that it is necessary to give some relief to this company. We do not want to stop now when we are within a few months of the completion of a gigantic enterprise of this kind, in which Canada is so much interested, and which promises a future of such grandeur to the country; and the question now is, how are we to give this assistance? Will anybody point out a better way of doing it? Can anybody point out any other mode of giving security which is better than this, or presents more advantageous features than this one? I do not know of any. Under this system we make no further advance of money except this loan of $5,000,000. There is no giving any additional sum. We do not propose to pay them anything more for the road than we agreed originally, and for the loan we take security. Can there be any doubt as to the security for the $5,000,000, when we have $8,000,000 of bonds? There are altogether $35,000,000 secured on 3,300 miles of railway now doing very well, and holding forth the strongest promise of doing better in the future. Even taking it at the mileage rate it is only $10,000 a mile, and everybody knows that is not a large sum to pledge a railway to pay, and looking at the prospect of this railway, I think any doubt on the subject will vanish. The prospects of the road, I think, are exceedingly good. If the House will bear with me a moment I will point out what have been the transactions of the company during the past year. In 1883, the earnings of the road were $5,423,000, and their expenses were $4,862,000, showing a net gain of $561,000. In 1884, their earnings were $5,750,000, and their expenses were $4,558,000, showing a net gain of $1,191,000 in round numbers. There was a step in one year of from half a million to $1,191,000. Now, we have a return, as it happens, of the earnings of the road for the first six months of the present year. As I have said, the gross earnings in 1884 were $5,750,000; the gross earnings between the 1st of January and the 30th June of the present year were $3,317,965. The gross earnings during the same period of last year were $2,098,000, showing an increase for the first six months of this year over the same period of last year of $1,219,920, or say about 60 per cent of an increase.

HON. MR. HAYTHORNE—Some part of that was for the transport of military stores and men.

SIR ALEXANDER CAMPBELL—It was; and although that was a source of profit, there is no reason to apprehend that there will not be other sources of profit in the future, as there will be immigrants to carry, as numerous and as profitable as the transport of the soldiers and

military stores this year. I do not know either whether the whole of the traffic for even those purposes has gone into these accounts, because a considerable portion of that earning is held over by the Government. However, it may have all gone in, but if all the earnings have gone in from that source, I do not think we should lay too much stress upon it. I am quite willing to attach a certain amount of importance to it, but not too much, because I think there is every reason to expect that business as profitable and of a more pleasant description, and more useful to the country, will follow in other years.

HON. MR. MCINNES (B.C.)—Does that return show what portions of the road gave that revenue?

SIR ALEXANDER CAMPBELL—No, it is over the whole road. This sixty per cent. of an increase in the earnings during the last six months over the previous year if continued through the year, added to the gross earnings of 1884, would make the gross earnings for 1885, $9,200,000. Taking the working expenses at seventy per cent., and the statements of this year show that they are running the road for seventy per cent. of its earnings, the net gain during this year would be $2,700,000. If I am right there, and seeing the strides that this road has made since 1883, if they go on in the same ratio as they have done up to now, the road is likely to be a very profitable investment.

HON. MR. KAULBACH—Do I understand my honourable friend to say that the traffic receipts he has mentioned were for the line and its branches, or merely for the main line?

SIR ALEXANDER CAMPBELL—From the whole system. It is taken from accounts published in the newspapers. From this statement it will be seen that there is no reasonable doubt that the security for the $35,000,000 is good and ample, and we run no risk whatever in advancing the company $5,000,000 on $8,000,000 of the bonds. It is certain that it will be repaid to us on the 1st of July next, and we will have rendered assistance to an enterprise which deserves our assistance and with which the interests and future of the country are deeply involved. We shall have rendered that assistance in the best possible way, with the least possible risk, and with the smallest expenditure of money. Now, supposing everything goes to the worst—and there are prophets of evil who always look at things in that light—supposing everything goes as they prophesy, and we are obliged to take the road, or it has to be dealt with for the purpose of realizing upon it the amount of obligations that has been incurred, where would we stand then? We stand with a complete and perfect security on a road of 3,300 miles at $10,000 a mile only, and yielding such returns as I speak of, and with the prospect of a future such as one would anticipate from the figures I have given. Supposing the whole cost of the road is $100,000,000, and that the revenue does not advance even so rapidly as I have pointed out in that statement, but that we have a revenue from it of $2,400,000, there would then be an annual deficit of $1,600,000, and we should be obliged to pay it. What should we have gained? We should have

gained for a deficit of $1,600,000 this great railway extending from ocean to ocean; we should have done a great deal towards settling up the North-West; we should have begun building up the country in a way that I do not think any other nation ever was built up, and we should have a strong probability of there flowing into our North-West Territories a very large population. Supposing that the population went in there at the rate of 50,000 persons per annum—it is not a very large calulation—supposing there were 50,000 persons went in there every year for five years, we should have at the end of that time a population of 250,000 in the North-West. Statistics show that every person in that country pays at the rate of $6 a head for taxation on customs and excise alone. At the end of five years we should have 250,000 people in there paying $6 a head for taxation, so that if you take it in that light you not only run no risk, but are certain not to lose. Ultimately if that population goes in you will have a gain, even if you have a large deficit in the running of the railway, a deficit which I have for the purpose of this argument put at $1,600,000 per annum. But you will have 250,000 of a population, and you will gain more by way of revenue than you have lost by having to make up that deficit in the running of the railway. However, the more likely result is that the road will pay. Why should we doubt, if it pays so well in its incipient stage, as more grain is produced in the west, and as more lumber is wanted, and all the animation and business and life of a new country increases—why should we doubt or mistrust that this road will pay? I think the probabilities are that the road will pay handsomely, but if it does not pay the interest on its cost, what will be the loss to the country then?

HON. MR. POWER—How about the loan?

SIR ALEXANDER CAMPBELL—The loan will be repaid if the enterprise is a success, which I hope and believe it will be. But I am supposing now that the road is not a success, if the loan is not repaid there will be this deficit; but if it is repaid we shall have acquired the road for $55,000,000 in cash, and we shall have built up a new country which in the future may be as populous, and perhaps as powerful as Russia. Why, in the far future, should we not have a country there as powerful and as wealthy as Russia? The land is in the same latitude as Russia; the country produces about the same cereals as Russia does. Russia has now a population of 80,000,000, and exports $40,000,000 in cereals alone, and what is there to make us believe that the North-West may not be as populous and wealthy, and do as much for its inhabitants as Russia, and more?

HON. MR. POWER—If it does no better than Russia it is a pretty poor thing.

SIR ALEXANDER CAMPBELL—I am astonished at the remark of the honourable gentleman. Russia has 80,000,000 inhabitants. If we get 80,000,000 inhabitants into our North-West, shall we not then have done a great work for this country? Will not those who succeed us say that

we were strong of purpose, resolute of heart, big enough in our ideas to take the steps which are necessary to build up a new country? I think it is as true in this as in everything, that a nerveless, hopeless arm will never build up a country.

HON. MR. PLUMB—Or decrying it either.

SIR ALEXANDER CAMPBELL—It requires a belief in the future of the country, and a vigour that has been shown by this administration, to accomplish a great national object such as this.

HON. MR. POWER—The administration has shown great energy in building up a public debt anyway.

SIR ALEXANDER CAMPBELL—And we have something to show for the debt, as I have endeavoured to point out to the House. There is one other statement which I desire to submit to honourable gentlemen, and it is with reference to the six and a half million dollars which is now the floating debt of the company. I desire to satisfy the House how these six and a half million of debt were incurred. A statement was prepared, which was used in the first place by Honourable Mr. Pope in the other branch of parliament, showing how the six and a half millions are made up. This statement, so that all may appear together, I will read to the House.

Statement showing the services which occasioned the floating debt contracted by the company in 1884, as shown by their accounts, books, &c.

	DETAILS.	TOTAL.
Expenditure not covered by estimates—		
Callander to Port Arthur, construction.....	$ 918,917 26	
Red River to Savona's Ferry, construction.....	1,117,040 63	
Rolling stock.....	71,737 77	
		$2,107,695 66
Port Arthur to Winnipeg, construction.....		758,769 67
		$2,866,465 33
Construction of branches west of Callander....	$ 705,772 28	
Improvements on Pembina Branch.....	130,435 80	
	$ 836,208 08	
Less bonus on South-Western branch.....	200,000 00	
		636,208 08
Lake steamers.....		145,118 24
		$3,647,791 65
Expenditure west of Callander.....		
Montreal to Callander (main line).....	$ 736,368 83	
Branch east of Callander.....	72,276 26	
		808,645 09
		$4,456,436 74
Expenditure on works, Montreal to Port Moody		
Administering land grant.....	109,437 59	
Expenses of London office, handling stores, &c.	230,096 63	
Fire insurance, premium 3 years in advance..	122,763 62	
	$ 462,297 84	
Less receipts on land sales.....	305,569 00	
		156,728 84
		$4,613,165 58

Interest and exchange	443,761 19	
do on land grant bonds	100,416 95	
Deposit on guarantee fund	147,136 87	
		691,315 01
Expended out of company's funds on connections, &c		1,890,334 90
		$7,194,815 49
Less receipts from town sites, municipal bonuses, and net earnings		299,353 00
		$6,895,462 49

This latter amount, $6,895,000, is the floating debt which is to be paid out of the proceeds of these bonds, I have now accomplished the task which I took upon myself, and I hope I have made tolerably clear the view I have taken of the position of this company and the character of the change which the bill proposes to make; and I think I can assure the House that that change will not diminish or lessen our security in any way, and it will accomplish great good to this country, by enabling us to finish this gigantic enterprise.

THE REBELLION IN THE NORTH-WEST.

THE SENATE,—OTTAWA, 17TH JULY, 1885:

The order of the day having been read,—

"That the thanks of this House be tendered to Major-General Middleton, C.B., commanding the field force of the militia of Canada, and the officers, non-commissioned officers and men of the militia and of the mounted police force, recently engaged in the suppression of the rebellion in the North-West Territories, for their eminent services whilst engaged on that duty, and to express the Senate's appreciation of the valour and conduct of those who have perished, and their sympathy with their relatives and friends."

SIR ALEXANDER CAMPBELL said: The duty which I rise to discharge is a novel one. No one in this generation of Canadians has ever had occasion to propose a vote of thanks to an army in the field, and although ours has not been a very large one, it has done effective service, amply vindicating the motion which I now offer for the consideration of the House. In the midst of profound peace the Minister of Militia was called upon, without a day's warning, to put into the field a considerable force of active militia. The news of the necessity of this step reached Ottawa on the 22nd of March. Under the vigourous administration of my honcurable friend the Minister of Militia, the Major-General commanding left for the scene of the disturbance on the following day. On the 24th orders were issued to several regiments to hold themselves in readiness to proceed to the North-West; on the 27th, the first detachment of troops left for Winnipeg, and they were followed up day by day by others until the force there had reached 4637 men, 473 horses and 8 guns. On the 3rd of April the first detatchment of troops reached Winnipeg; they had passed over 1305 miles of railway, and 80 or 90 miles of gaps over which they had to march in the most inclement weather and over the worst possible roads. On the 24th of April, after another railway journey and nearly 200 miles of marching, they encountered the enemy at Fish Creek. The engagement at Batoche followed in a few days. The quickness with which this force was put into the field, a distance of 1500 or 1600 miles from headquarters; the thoroughness of its equipment, the quickness of its movements reflect the greatest credit on all concerned. The Major-General commanding had been selected by my honourable friend from amongst many in Her Majesty's army well fitted to command her militia in this country. The wisdom of Mr. Caron's selection has been amply vindicated by the conduct of General Middleton in the field; by his

wisdom in forming his plans, his skilfulness in conducting them to execution, and the great care which he manifested regarding the lives of those citizen soldiers entrusted to his care. In the earliest engagement at Fish Creek, the Major-General felt, I do not doubt, that it was necessary to set an example to the force under his command, composed, as it was, altogether of civilians who had never seen a shot fired in anger. His two aides-de-camp were wounded, and one had two horses shot under him, and the Major-General himself received a bullet through his cap; all showing that he had put himself perhaps unduly forward, and for the purpose, as I have no doubt, of stimulating his men by his own example. The fact that our troops behaved so well in the North-West, and evinced such steady courage in the presence of the enemy, I dare say we owe much to General Middleton. From all that we know, it is impossible that troops could have been led with more judgment, or indeed with more gallantry. That they were able to take the field so quickly and so well equipped in every way, that their movements were so prompt and so complete, we owe chiefly, I believe, to the vigourous administration of my honourable friend, the Minister of Militia, whose zeal and thoroughness and assiduity in the discharge of the novel and arduous duties which the circumstances threw upon him deserve the highest praise. He is not included in this vote of thanks, because it would not be usual to do so, but the country well knows, I think, that it is greatly his debtor in the matters to which I have referred; and I have every reason to believe that he was effectively seconded by Colonel Powell, Deputy Adjutant-General, and Colonel Panet, Deputy Minister of Militia, and by the Director-General of Stores, Lieutenant-Colonel Macpherson. The precautions which were taken to keep up the stores and ammunition by despatching large quantities from Ottawa through the United States, the moment the troops left this part of the country, showed great foresight and good management, whilst the hospital arrangements were exceedingly complete and effective. That service was placed under the command of Surgeon-General Bergin, and any one who has studied the details will arrive at the conclusion that he discharged his duty with foresight and thoroughness and sound judgment. The courage of our men was undoubted, and the expectations of the country in this respect have been amply realized; but I don't think that anyone expected from the young recruits who formed the forces the powers of endurance which they displayed. They commenced the campaign at the worst possible period of the year as regards exposure to wet and the most trying kind of cold. In eight days they accomplished the distance from Ottawa to Winnipeg, including marches amounting to between 80 and 90 miles over very rough country, in snow and slush, one may safely say without roads. When they left Winnipeg early in April for the field the first detachment marched from Qu'Appelle and were engaged in the skirmish at Fish Creek, where they were two days, or three; they defeated the enemy with considerable loss both there and in the affair at Batoche on the 8th of May, and arrived at Prince Albert in ten days, a distance

of 196 miles, which was traversed by them, including the engagements I have spoken of, at the rate of 19 miles a day. The march of the column of Colonel Otter from Battleford to Poundmaker's Reserve, a distance of 35 miles, and the return over the same distance after having defeated the enemy in a skirmish of five or six hours' duration, was a wonderful achievement for young troops. I am confident that the marching powers of the force would have received the praise of the most experienced officers. The gallantry and spirit with which they made the rush at Batoche on an enemy of unknown strength, entrenched in a strong position, was strong evidence of the high courage of the men and of the spirit with which they were led by Colonels Williams and Grasett. Since that engagement the country has to mourn the loss of one of those who took the foremost part in it—Colonel Williams, of the Midland Battalion—a soldier of high courage and gallantry, whose name will live as one of the bravest and best soldiers who fought under General Middleton in the campaign. The Major-General, upon whom nothing seems to have been thrown away, relates in his dispatch a little anecdote which I will repeat to the House. It is in the account of the battle of Fish Creek. He says: "I cannot conclude without mentioning a little bugler of the 90th Regiment, who made himself particularly useful in carrying ammunition to the right flank when the fire was very hot. This he did with peculiar nonchalance, walking camly about, crying 'now boys, who's for cartridges?'" The little fellow's name is William Buchanan, and it will also have a place in the history of this campaign. The hospital service, under the charge of Dr. Roddick, Deputy Surgeon-General, and our colleague, Dr. Sullivan, as purveyor-general, was admirably conducted, and they were assisted in the most efficient manner by a number of ladies, most or all of whom were Sisters of Charity, or of the order of St. John the Divine; and that constant friend of Canada, Her Royal Highness Princess Louise, foremost as she has ever been when any good work was to be done for this country, sent out many hospital stores, and a surgeon of her own selection for the purpose of dispensing them. Nothing was wanting to the comfort of those who were wounded, or ill and in hospital from other causes, and it will be a source of pleasure to the House to learn that the recoveries were remarkable, owing chiefly, no doubt, to skilful medical attendance and good nursing, and partly perhaps to the climate where the operations were being conducted. The commissariat service was placed chiefly with the Hudson's Bay Company, and I observe that my honourable friend the Minister of Militia speaks of the officer who had charge of it, Mr. J. Wrigley, in the highest terms, and says that his activity and zeal and tact did him honour. While all behaved so well it would be invidious to mention individuals, nor is it usual, and, therefore, this vote of thanks is confined by name to General Middleton; and all the others deeply and justly entitled to the thanks of the country are grouped under the ordinary phrase of *officers and men*, including the North-West Mounted

Police, who did excellent service there, although the main body was for a long time obliged to remain inactive at Prince Albert, but a detachment did excellent service at Battleford and the advance upon Poundmaker and elsewhere in that and other sections of the country. This House, however, will, I am sure, grant me its pardon in so far departing from the rule I have adverted to as to do it as well as myself the pleasure of referring to the gallant services of Lieutenant Pelletier, the son of our colleague, the honourable member for Grandville (Mr. Pelletier), who was wounded in the advance under Colonel Otter upon Poundmaker. Happily he has recovered, and is now, I believe, on his way home with the Quebec *Voltigeurs*. I congratulate my honourable friend upon having a son who has so well discharged his duty, and of whom he has such just reason to be proud. I move with every confidence, honourable gentlemen :—

1. That the thanks of this House be given to Major-General Frederick D. Middleton, C. B., for the distinguished skill and ability with which he conducted the military operations in the North-West Territories, which resulted in the suppression of the rebellion against the authority of Her Majesty.

2. That this House doth acknowledge and highly approve the gallantry, discipline and good conduct displayed by the officers, non-commissioned officers and men of the Militia Force of Canada and of the North-West Mounted Police in the suppression of the said rebellion.

3. That this House doth acknowledge with admiration the distinguished valour and conduct of those who perished during the operations in the North-West in the service of their country, and desires to express its deep sympathy with their relatives and friends.

4. That Mr. Speaker do communicate said resolution to Major-General Frederick Middleton, and that he be requested by Mr. Speaker to signify the same to the several officers and men referred to therein.

ADDRESSES

WRITTEN BY

SIR ALEXANDER CAMPBELL

ON DIFFERENT OCCASIONS.

To the late Lord Lisgar on his Elevation to the Peerage.

MY DEAR LORD—

I am requested by my colleagues to convey to you their congratulations on your elevation to the Peerage. Personal regard for yourself enhances in our minds the value of the honour which in your person has thus been paid to Canada.

On several former occasions a similar mark of the favour of the Crown has been conferred on Governors of this country. In these instances the services which the Queen was pleased to honour were rendered to Canada; and although we are well aware of the various important posts which in different parts of Her Majesty's Dominions you have filled with such advantage to Her service, we hope we may assume that it is for the manner in which you have secured the confidence of all classes and parties in the discharge of your high functions here that this crowning honour of your career has been granted.

We offer to Lady Lisgar and to yourself our united and earnest congratulations; and trust that life and strength may long be granted to you, and that Canada may in after years derive many advantages from your being able in the Imperial Parliament to speak with knowledge of her wants and aspirations, and not without, we hope, affection for her people.

I am happy, my dear Lord, to be the means of conveying to you the good wishes and congratulations of my colleagues, which are most cordially my own—and beg to be

Your most faithful servant.

(Signed by the Honourable Charles Tupper as President, on behalf of the Privy Council of Canada.)

OTTAWA, 1871.

To Her Majesty the Queen on the Restoration to Health of His Royal Highness the Prince of Wales.

ADOPTED BY THE SENATE, 16th APRIL, 1872.

To the Queen's Most Excellent Majesty:

MOST GRACIOUS SOVEREIGN:

We, Your Majesty's dutiful and loyal subjects, the Senate of Canada, in Parliament assembled, humbly approach Your Majesty to offer You

our earnest congratulations on the restoration to health of His Royal Highness the Prince of Wales.

The visit of His Royal Highness to British North America and the acquaintance he then made with its people have served to render their sympathy during his illness the more keen, and we humbly assure Your Majesty that Your subjects in Canada are deeply thankful to Almighty God for the happy recovery of the Prince.

Your Majesty's Canadian subjects of all creeds and races participated in Your Majesty's affliction whilst His Royal Highness' life was in danger, and we humbly trust that Your Majesty will graciously suffer us to unite in the congratulations which, by acclamation from all parts of the Empire, have greeted Your Majesty on the passing away of the great calamity with which the nation was threatened.

We desire humbly to renew to Your Majesty the expression of our unswerving attachment to the Empire, and devotion to Your Majesty's Throne and Person.

To Her Majesty the Queen on the Death of the Princess Alice.

ADOPTED BY THE SENATE, 18th FEBRUARY, 1879.

To the Queen's Most Excellent Majesty :

MOST GRACIOUS SOVEREIGN :

We, Your Majesty's dutiful and loyal subjects, the Senate of Canada, in Parliament assembled, humbly approach Your Majesty with the renewed assurance of our devoted attachment to Your Majesty's Person and Government.

In common with Your Majesty's subjects in all parts of Your Empire, we have learned with profound grief of the great loss which Your Majesty has sustained in the early death of Her Royal Highness the Princess Alice, Grand Duchess of Hesse.

We take the first opportunity, which the assembling of the Parliament of Canada affords, to express, for ourselves and for the people whom we represent, our heartfelt sympathy with Your Majesty in your sorrow.

Though removed by distance from the scenes where the life of Her Royal Highness was passed ; the goodness and beauty of her character and her affectionate discharge of every duty, as daughter, wife

and mother were not unknown to us, and we have been inexpressibly touched by the narrative which has reached us of the loving self-sacrifice which marked her death.

We should fail, may it please Your Majesty, properly to convey to you the common sentiment of your Canadian subjects, did we not add the expression of our earnest hope that Your Majesty may find consolation in Divine aid and in the reflection that your illustrious daughter did not live in vain; but has bequeathed to her countrywomen all over the world an example which will nerve them to emulate her high sense of duty, and a memory which will be cherished wherever courage and devotion hold place in human affections.

To His Excellency the Marquess of Lorne on the Escape of Her Royal Highness the Princess Louise and Himself from an Accident when proceeding to hold a Drawing-Room in the Senate Chamber on the Opening of Parliament in 1880.

ADOPTED BY THE SENATE, 27th FEBRUARY, 1880.

To His Excellency the Right Honourable Sir John Douglas Sutherland Campbell (commonly called the Marquess of Lorne), Knight of the Most Ancient and Most Noble Order of St. Michael and St. George, Governor-General of Canada and Vice-Admiral of the same, &c:

MAY IT PLEASE YOUR EXCELLENCY:

We, Her Majesty's faithful subjects, the Senate of Canada, in Parliament assembled, desire to approach you with our hearty congratulations on the escape of Her Royal Highness the Princess Louise and yourself from the serious danger occasioned by the untoward accident which happened to you on the 14th instant.

Unwilling to increase the general alarm occasioned by the news of the injuries received by Her Royal Highness, we have forborne to address Your Excellency until, in the providence of God, we are happily permitted to do so in language of congratulation.

Her Royal Highness' life and health are dear to the Canadian people, and the intelligence of the danger in which she had been placed

and of her narrow escape was every where received with profound interest and sympathy. We but give utterance to the feeling of the country when we assure Your Excellency of the deep gratitude with which the intelligence of her gradual recovery is day by day received, and we earnestly trust that Her Royal Highness may shortly be restored to her wonted health and strength, and will hereafter only suffer the memory of the accident to recall to her the universal joy which hails her recovery.

To the late Honourable John Hamilton of Kingston, on the 50th Anniversary of his Entering Parliament.

DEAR MR. HAMILTON—

We, your colleagues in the Senate, desire to offer you our congratulations on this, the 50th, anniversary of your being summoned to the Upper House of the Legislature of your native province. During the eventful years which have since elapsed, and amidst the various territorial and constitutional changes incident to the growth of a new country, successive governments have renewed to you the honour conferred by His Majesty King William IV., and your colleagues in the Senate to-day rejoice in the pleasure of your presence and assistance in their deliberations. But it has not been in Parliament alone that you have served the country. The annals of Canada for the last fifty years will recount the important enterprises of commerce in which you have been engaged. To you, in early days, Upper Canada owed her predominance on Lake Ontario. The organization of the first line of steamers which plied on that lake, and which in good and ill-fortune you maintained for five-and-twenty years, the establishment of steam communication between Kingston and Montreal, the courage and perseverance which first directed large steamers to descend the rapids of the St. Lawrence, and the maintenance of lines of stage-coaches for autumn and winter communication between the provinces which are now Ontario and Quebec, all bear testimony to your vigourous and far-reaching enterprise.

We rejoice to have an opportunity of recording our appreciation of the value of these and other public services which have marked your career. Your well-spent life, it may be, is drawing to a close, but you are surrounded with "honour, love, obedience, troops of friends," and as "the father of the Senate" your colleagues congratulate you on the occurrence of this interesting anniversary, and heartily wish you a cheerful and happy old age.

OTTAWA, 29th January, 1881.

To Her Majesty the Queen on Her Escape from the Attempt made on Her Life on March the 2nd, 1882.

ADOPTED BY THE SENATE, 3rd MARCH, 1882.

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 honoured 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.

To the Marquess of Lorne by the Clan Campbell in Canada

The Most Honourable Sir John Douglas Sutherland Campbell, Marquess of Lorne, one of Her Majesty's Right Honourable Privy Council, Knight of the Thistle, and Knight Grand Cross of St. Michael and St. George:

MY LORD MARQUESS:

We, who, in Canada, have the honour of bearing the name of "CAMPBELL," desire to express to you the pride and satisfaction with which we have beheld the government of the country, wherein we have cast our lot, entrusted to the eldest son of our Chief.

No name could have afforded stronger guarantees for the maintenance of constitutional rule than that of a House famous in Scottish

history for the part which its Chiefs have taken in support of parliamentary government, liberty of conscience, and the Throne as established by law, and Your Lordship's course, in the discharge of the duties of your high office, has commanded general confidence, and amply vindicated the wisdom of our Sovereign's choice.

But it is to Your Lordship, as the eldest son of the Chief of our Clan, that we desire to address ourselves on this occasion. Most of us have never seen the land of our sires, and some amongst us have but the dimmest recollection of it—but neither lapse of time nor separation from Scotland has destroyed our respect and attachment to the House of Argyll. In this distant land, where we have all prospered, we still rejoice in the name we bear, and in the stirring memories which it recalls; and the clustering honours which your noble ancestors and other distinguished clansmen have heaped upon it will afford us, we hope, additional incentives to honourable life and action.

We may not tender you the expression of the fealty and devotion with which in times past our fathers served "MacChaillan More," but the motto on your arms is still our guide, and we have forgotten none of those traditions of our race which bind us to your illustrious House.

We wish the Princess and yourself health and happiness during your sojourn in Canada, and, to Your Lordship, a long and distinguished career in the service of the Empire.

Presented at Quebec on the 13th June, 1882.

To the Honourable A. E. Botsford on the 50th Anniversary of his Entering Parliament.

To the Honourable Amos Edwin Botsford, a member of the Senate of Canada for the Province of New Brunswick:

We, the undersigned members of the Senate, beg to offer you our hearty congratulations on your entering this, the fiftieth, year of your service as a member of the Legislature of your native land. The sentiments of attachment to the Throne and the British Institutions which have animated your exertions during a long Parliamentary life are, we are aware, a legitimate inheritance from ancestors who left home and country in assertion of their allegiance to the British Crown. The records of the Legislature of New Brunswick will show, in years to come, the active and useful part which from early manhood you have taken in all matters tending to promote the welfare and prosperity of that province and in the noble work, so happily consummated, of the Confed-

eration of Her Majesty's North American provinces. We ourselves can bear cordial testimony to the ability and assiduity which you have brought to the discharge of every duty devolving upon you in the Senate during the years that have elapsed since Confederation. Twice in that period we have seen you presiding over our deliberations as temporary Speaker, and discharging the duties of that high office not only with impartiality, but with a fulness of knowledge of Parliamentary rules and practice which commanded our respect and confidence. We desire to express to you our appreciation of those services, and heartily wish you health and strength to continue them for the benefit of our common country.

OTTAWA, 21st March, 1883.

To Lord Lorne on his Departure from Canada.

ADOPTED BY THE SENATE, 24th MAY, 1883.

To His Excellency the Right Honourable Sir John Douglas Sutherland Campbell (commonly called the Marquess 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.:

MAY IT PLEASE YOUR EXCELLENCY:

We, Her Majesty's dutiful subjects, the Senate and House of Commons of Canada, in Parliament assembled, desire on behalf of those whom we represent, as well as our own, to give expression to the general feeling of regret with which the country has learned that Your Excellency's official connection with Canada is soon about to cease.

We are happy, however, to believe that in the Councils of the Empire in the future, and wherever opportunity enables you to render her service, Canada will ever find in Your Excellency a steadfast friend, with knowledge of her wants and aspirations and an earnest desire to forward her interests.

Your Excellency's zealous endeavours to inform yourself by personal observation of the character, capabilities and requirements of every section of the Dominion have been highly appreciated by its people, and we feel that the country is under deep obligations to you for your untiring efforts to make its resources widely and favourably known.

The warm personal interest which Your Excellency has taken in everything calculated to stimulate and encourage intellectual energy among us and to advance Science and Art will long be gratefully remembered ; the success of Your Excellency's efforts has fortified us in the belief that a full development of our national life is perfectly consistent with the closest and most loyal connection with the Empire.

The presence of Your Illustrious Consort in Canada seems to have drawn us closer to our beloved Sovereign, and in saying farewell to Your Excellency and to Her Royal Highness, whose kindly and gracious sympathies, manifested upon so many occasions, have endeared her to all hearts, we humbly beg that you will personally convey to Her Majesty the declaration of our loyal attachment and of our determination to maintain firm and abiding our connection with the Great Empire over which She rules.

To Her Majesty the Queen on the death of His Royal Highness Prince Leopold.

ADOPTED BY THE SENATE, 2nd APRIL, 1884.

To the Queen's Most Excellent Majesty :

MOST GRACIOUS SOVEREIGN :

May it please Your Majesty : The intelligence of the further affliction which has befallen you, in the early and sudden death of His Roya l Highness the Duke of Albany, has deeply touched the hearts of Your Majesty's subjects in this part of your Empire. We speak in their name, as well as in our own, when we humbly tender you the expression of our respectful and earnest sympathy.

Your Illustrious Son had spent some time in Canada during the residence here of the Marquess of Lorne and Her Royal Highness the Princess Louise.

Our attention was thus naturally drawn to the high position he had so early in life attained in the world of Literature and Science, and we had looked forward with confidence and hope to the increasing usefulness of his already distinguished career.

Your Majesty's bereavements have indeed been many and grievous, and the interest which you have so often and so graciously shown in the afflictions of your subjects of low as well as of high degree has intensified our sympathy with your own. Your Majesty's sorrows, we say it with the respect of dutiful subjects, have been ours.

We pray that the God of Consolation may comfort Your Majesty, and long preserve you to your people.

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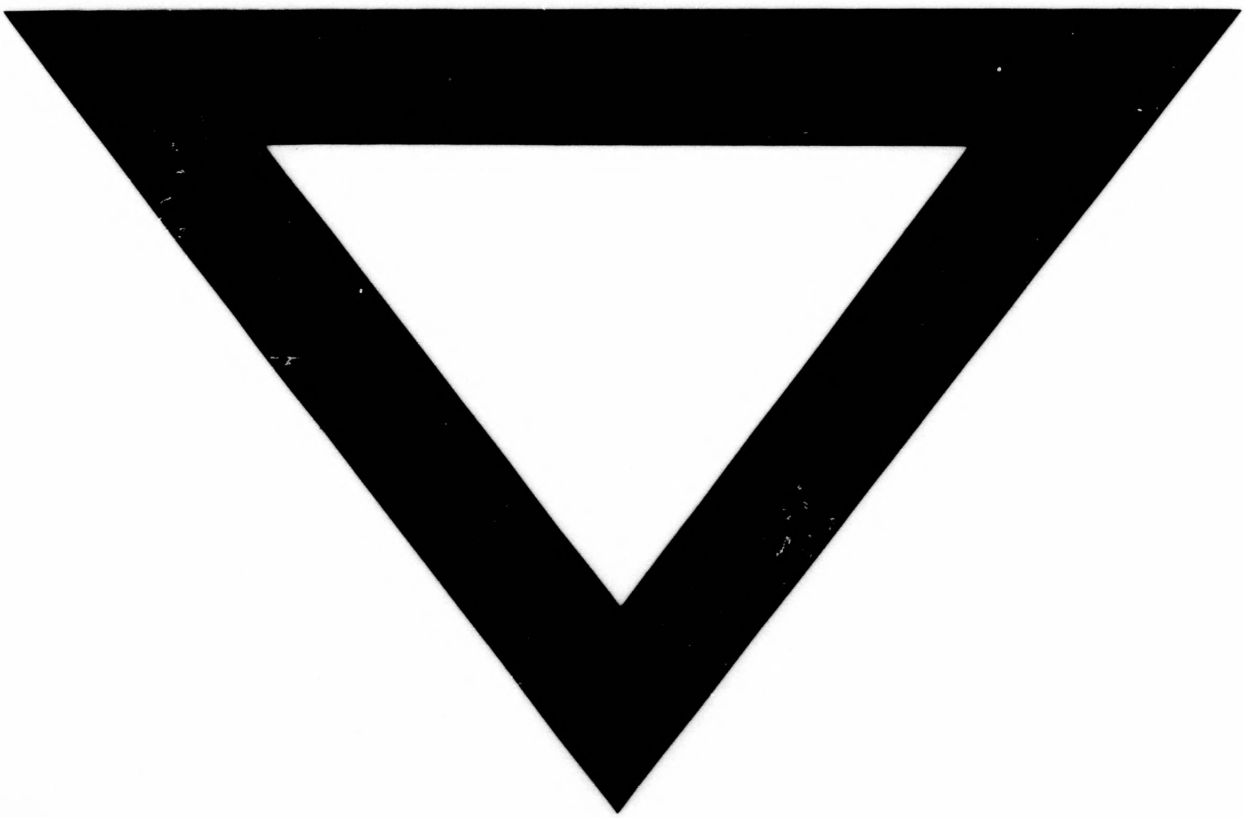
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